

PERSONNEL HANDBOOK



Board of Commission Approval October 18, 2016

Revision 3

WELCOME TO THE HOUSING AUTHORITY

Starting a new job is sometimes unsettling and a little confusing. This employee handbook has been developed to help you get acquainted and answer many of your questions.

As an employee of the Housing Authority, the importance of your contribution cannot be overstated. Our goal is to provide safe, sanitary, and affordable housing, in an environment that fosters an atmosphere of honesty, sincerity, and dedication to the residents and taxpayers we serve.

You are an important part of this process because your work directly influences the Authority's reputation and how the Authority is perceived by its residents, taxpayers and other branches and levels of government.

This employee handbook explains our human resources policies. To be responsive to the Authority's needs, changes or additions to this handbook may be made from time to time. You will be informed when these changes are made.

We are glad you have joined us and hope you will find your work to be both challenging and rewarding.

Sincerely,

Kelly S. Evans, PHM
Executive Director

MISSION STATEMENT

“It is the mission of the Housing Authority to provide safe, sanitary and affordable housing.”

EMPLOYEE MISSION STATEMENT

“It is the mission of the Employees of the Housing Authority to provide honest, sincere and dedicated service to the residents of the housing authority; to foster an atmosphere of commitment in assisting, aiding and implementing those services which benefit the residents as a whole; to show no partiality in providing any service; and to promote a spirit of cooperation in all departments, while protecting the investment of the taxpayer.”

Human Resources Policies

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Section I

General Provisions

Sub-Section 010.00 Purpose

It is the purpose of these policies and procedures to establish guidelines, which are intended to give employees information of what is expected of them and what they can expect from the Housing Authority. The Housing Authority is a Public Housing Agency (PHA) which was created by the local municipality under the laws of the United States and the State of Georgia. Operation of the agency falls under the rules and regulations of the United States Department of Housing and Urban Development (HUD).

All Housing Authority personnel serve at the pleasure and discretion of the Executive Director under applicable regulations and policy decisions of the Board of Commissioners. The Executive Director serves at the pleasure and discretion of the Board of Commissioners.

The policies contained in this handbook are not intended to and do not create a contract of employment, and may be added to, terminated or changed at any time by the Housing Authority. Your employment is at will and for no specific period of time. This handbook does not limit your right or the Housing Authority's right to terminate the employment relationship at any time.

They are intended to indicate the usual and most reasonable methods for carrying out the aims of the human resources program, consistent with the following merit principles:

- (1) Recruiting, screening, and selecting employees on the basis of their relative ability, knowledge, and skill, including open competition of qualified applicants for initial appointments;
- (2) Establishing pay rates consistent with the principles of providing comparable pay for comparable work;
- (3) Training employees, as needed and as practicable, to assure high-quality performance;
- (4) Retaining and advancing employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;
- (5) Assuring fair treatment of applicants and employees in all aspects of human resource administration without regard to political affiliation, race, color, creed, age, national origin or ancestry, sex, religion, or disability, and ensuring a work environment free of intimidation and harassment.
- (6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election.

Sub-Section 011.00 Positions Covered

These policies and procedures shall apply to all full-time and part-time employees receiving regular compensation from the Housing Authority except:

- Appointed Individuals including the Executive Director; and Contract employees.

Sub-Section 012.00 Administration

These policies and procedures shall be administered and enforced by the Executive Director, and the Housing Authority Board of Commissioners.

Sub-Section 013.00 Definitions

- 1) Adverse Action – an action taken by a supervisor or the Executive Director, for cause, that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.
- 2) Appointing Authority- The person who has, among other authorities, the authority to hire and discharge all covered employees. In respect to the Housing Authority, the appointing authority for personnel is the Executive Director.
- 3) Covered Employees – Employees who work for the appointing authority and whose positions are included in the classification plan.
- 4) Days – When the word day is used as a method of counting, it means calendar days unless stated otherwise.
- 5) Designee - The person or persons to whom the appointing authority delegates certain authority for the administration of the Housing Authority departments.
- 6) Disabled - Any person who has a physical or mental impairment that substantially limits one or more major life activities, who has a record of such impairment, or who is regarded as having such an impairment.
- 7) Extended Immediate Family – Included are spouse, parents, stepparents, son, stepson, daughter, stepdaughter, brother, sister, mother-in-law, father-in-law, and grandparents, whether by blood or by law.
- 8) Immediate Family - Included are the employee's spouse, parents, children, brothers and sisters, mother-in-law and father-in-law. The definition is extended to any other person who is domiciled in the employee's household and who is recognized by law as a dependant of the employee.
- 9) May- the word may is conditional, and implies that there is discretion as to

whether a condition exists or an act or action will take place.

- 10) Regular Full-time Employee - A full-time covered employee who has achieved regular status by successfully completing all requirements including the working test period.
- 11) Part-Time Employee – an employee who is not assigned to a temporary or working test status and who is scheduled to work less than 30 hours per week. They are not eligible for benefits.
- 12) Shall/Will/Must - These terms are unconditional and imply that a condition exists or an act or action will take place.
- 13) Working Test - A period of time, usually six months, during which a new employee or an employee who has been promoted to a higher position, is being tested on job capability and satisfactory job performance.
- 14) Zero Tolerance for Drugs and Alcohol – means that while you are working for (on the job) the Housing Authority, you are not allowed to use alcohol or controlled substances. If you are tested for drugs and/or alcohol and the result is confirmed positive, you will be terminated from employment.
- 15) Housing Authority – Refers to the Housing Authority under which you are employed. The term is inclusive of all four authorities whom operate under the Memorandum of Understanding: Crawfordville Housing Authority, Harlem Housing Authority, Thomson Housing Authority, and Warrenton Housing Authority.
- 16) Board of Commissioners – Refers to the duly appointed governing board of each Housing Authority.

Section II

Classification Plan

Sub-Section 020.00 Definition

The position classification plan provides a systematic arrangement of the positions into appropriate classes. The plan groups the various positions into classes with appropriate titles, description of duties and types of work performed. Each description lists the minimum requirements and qualifications needed to perform the job. By describing the job duties, responsibilities, and qualifications, the classification plan provides guidelines for establishing a pay plan based on these relationships.

(1) A position is a group of currently assigned duties and responsibilities requiring the full or part-time employment of (1) person. A position may be occupied or vacant.

(2) A class is a group of positions (or one (1) position) that:

(a) Has similar duties and responsibilities;

(b) Requires like qualifications; and

(c) Can be equitably compensated by the same range of pay.

Sub-Section 021.00 Use and Interpretation of Class Specifications

Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as full definition of a class. Specifications are descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed. The use of a particular description as to duties, qualifications, or other factors shall not be held to exclude others of similar kind or quality.

Periodically, after the adoption of these regulations, with the Board of Commissioner's approval, a general review of the classification plan shall be conducted. The Executive Director shall be responsible for the general maintenance and updates of the classification plan.

Sub-Section 022.00 Amendments to the Position Classification Plan

The Board of Commissioners shall determine whether the establishment and/or the abolition of a classification is in order. Such changes shall take the form of amendments to the plan and must be adopted by the Board of Commissioners.

When a new position is established or duties of an existing position change, the Executive Director shall submit, in writing, a position description stating the duties and responsibilities of the position. The Executive Director, shall investigate the actual or proposed duties, assure the availability of funds and recommend to the Board of Commissioners the appropriate class allocation or the establishment of a new class. The Board of Commissioners shall approve or change such recommendations and allocate the position to a class.

Sub-Section 023.00 **Official Copy of the Classification Plan**

The Executive Director or designee shall be responsible for maintaining the Housing Authority's official copy of the classification plan. The official copy shall include a schematic list of class titles and class specifications plus all amendments to the plan. A copy of the official plan shall be available for inspection by the public, under reasonable conditions, during regular business hours.

Sub-Section 024.00 **Classification Plan in Effect**

The classification plan shall be considered a part of this chapter and shall have the same force and effect as these Human Resources Policies.

Section III

Pay Plan

Sub-Section 030.00 Compensation

The pay plan includes the adopted salary schedule and the schedule of salary ranges consisting of rates of pay for all classes of positions included in the classification plan.

Sub-Section 031.00 New Appointees

In most cases, a new employee shall be paid the minimum rate of the pay grade. Exceptions may be granted where supported by sufficient written justification and prior approval of the Board of Commissioners in the following areas:

- (1) The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications required in the class specifications.

- (2) In the event no candidate who possesses the minimum qualifications is available at Entry level, a candidate who exceeds the minimum qualifications (and will not accept appointment at the minimum rate of the class) may be appointed at the second step in the pay range. The Executive Director may, upon receipt of written justification, approve up to the fifth (5th) step of the pay range based upon prior experience and education. In exceptional circumstances, a higher step may be approved by the formal approval of the Board of Commissioners. Circumstances should be thoroughly analyzed and evaluated using objective standards. For internal equity purposes, consideration should be given to a review of the salaries of the employees in the class along with how the decision will impact their salary.

Sub-Section 032.00 Promotion

An employee who is promoted to a higher grade (classification) shall receive a salary increase above the employee's current base pay to at least the minimum salary of the new pay grade for the classification of the new position, or a ten (10) percent salary increase, whichever is greater. The successful completion of the promotional working test period will not warrant a further salary increase.

Sub-Section 033.00 Demotion

When an employee is demoted, they shall have his/her salary reduced to the step of the new lower pay range that corresponds to the step he/she had attained in the higher class. Upon

written request from the Supervisor, the Executive Director may authorize an employee to retain the same salary after a demotion, provided the amount is not in excess of the maximum salary for positions in the new class. Other employees in the same class should be reviewed and considered prior to setting the demoted employee's salary.

Sub-Section 034.00 **Transfers**

A lateral transfer is an assignment from one position at a specified grade and step in a department to another position of similar responsibility and pay in the same or another department. An employee who is laterally transferred shall be paid the same salary that the employee received prior to the transfer.

Sub-Section 035.00 **Performance Salary Increases –Pay for Performance Increases**

It is the policy of the Housing Authority to reward its employees by establishing an equitable system of providing annual salary increases, when funding is available and approved by the Board of Commissioners. Salary increases are not automatic. If approved by the Board of Commissioners, a cost-of-living increase may be granted. Also, if approved by the Board of Commissioners, an increase based on formal performance evaluations by supervisors during the calendar year may be granted only to eligible employees when the quality of an employee's work performance is satisfactory or above. Where an employee is not eligible for a performance increase at the start of the calendar year, there will be no retroactive increase when the employee's performance improves to satisfactory or above. When a pay for performance increase is approved, the increase shall be to the next step within the range to which the position is allocated. A final performance rating reflecting unsatisfactory performance may subject the employee to a performance demotion and/or other disciplinary action up to and including termination from employment.

Sub-Section 036.00 **Time Reporting Accuracy**

Accurately recording time worked is the responsibility of every employee. Time will be reported and compensated on the basis of the nearest ¼ hour. Federal and state laws require the authority to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all of the time actually spent on the job performing assigned duties.

Tampering, altering, or falsifying time records or recording time on another employee's time record may result in disciplinary action, including termination of employment.

If corrections or modifications are made to the time record, both the employee and the Supervisor must verify the accuracy of the changes by initialing the time record.

Sub-Section 036.01 **Overtime Compensation**

All non-exempt employees may be required to work overtime upon the request of the immediate supervisor, or Executive Director. It is the policy of the Housing Authority to comply with the Fair Labor Standards Act (FLSA) with regard to overtime compensation for non-exempt employees.

The base work week or work cycle shall only include actual hours worked. The supervisor or Executive Director shall certify all time worked and recorded. Annual Leave, Sick Leave, Workers' Compensation Time, holidays and other leave will not count toward the hours worked in the work cycle for overtime purposes.

Overtime hours for most employees are defined as all hours worked over forty (40) during a normal workweek. Overtime should be avoided, if possible, but if it is required, it must be authorized by the employee's supervisor.

Overtime shall be accrued and compensated for in half-hour increments. When periods of less than fifteen (15) minutes are involved, no overtime is credited. For periods more than fifteen (15) minutes, one-half hour is credited.

Sub-Section 036.02 Compensatory Time

Compensatory time may be given for hours worked over the maximum number of hours permitted by the Fair Labor Standards Act provided that the employee and employer are in agreement with compensatory time being given in lieu of overtime pay.

1. Compensatory time will be earned at the rate of one and one-half (1-1/2) the actual overtime hours worked.
2. Compensatory time will not be allowed to accumulate. The time must be taken no later than the end of the pay period following the pay period in which the employee worked overtime (extra hours). If compensatory leave is not taken within this time frame, the employee will be automatically paid for the overtime hours. Exceptions to this policy require Executive Director approval.
3. Records concerning the use of compensatory time in lieu of paid overtime will be maintained by the payroll clerk.
4. Forms for use of compensatory time, which will include a section for the employee's consent, will be provided by the Executive Director or his/her designee.
5. If for some reason an employee terminates prior to use of accrued compensatory hours, he/she must be paid for those hours at the overtime rate.
6. Employees classified as "exempt" by the Fair Labor Standards Act shall not

accumulate compensatory leave.

Sub-Section 036.03 **Pay during inclement weather**

If the Housing Authority must be closed due to inclement weather, administrative leave pay shall be granted to employees scheduled to work during those hours of closing. Employees who report for duty in positions essential to the safety and comfort of residents will receive pay for all hours worked in addition to straight time for work performed during those hours when the Housing Authority is closed. If an employee reports to work and is excused from duty through circumstance beyond their control, such as a power failure or equipment breakdown, they may be granted administrative leave for the remainder of that workday only.

Sub-Section 037.00 **Reclassification**

An employee occupying a position that is reclassified to a higher grade shall receive a salary increase to the lowest step of the range in the higher grade or a five (5) percent salary increase, whichever is greater, provided the increase does not exceed the maximum salary rate of the new salary range. The reclassification of an employee's position to a class having a lower pay range shall not result in a reduction of the salary of the reclassified employee. Reclassification above the maximum of the lower pay range should be avoided if at all possible. Discrepancies of this type should be reviewed by the Executive Director and addressed by the Board of Commissioners.

Sub-Section 038.00 **Acting in a higher classification**

An employee required and appointed to act in a higher classification and who performs the actual duties normally performed by an employee assigned to the vacant position for a period of thirty (30) working days or up to a maximum of six (6) months, shall be compensated by a five (5) percent salary increase during this period of time the employee is serving in an acting capacity. Upon expiration of the six months period, the employee shall be considered for a reclassification or other appropriate adjustment. If that employee is moved back to their original position, the compensation shall be adjusted accordingly. A personnel action form shall be completed on all employees placed in an acting capacity and upon termination of that employee functioning in an acting capacity.

Sub-Section 039.00 **On-Call Policy**

The purpose of this policy is to establish a uniform and comprehensive policy governing the need for an "on call" policy for employees that are required to report to duty during off-duty hours.

The Housing Authority recognizes that departments, and/or offices may require non-exempt employees to be "on call" for the purpose of responding to emergency situations, maintenance calls, etc.

“On call” time is defined as time spent by an employee, after normal work hours, where the employee is required to wear a pager, cellular telephone, or leave word with the employer as to where he or she can be reached by telephone in the event the employee needs to return to work. According to the Fair Labor Standards Act (FLSA), the waiting time while on call is not compensable as long as the conditions placed on the employee’s activities are not so restrictive that they cannot use the time effectively for personal pursuits.

Eligible employees are defined as employees classified as “non-exempt” under the Fair Labor Standards Act (FLSA). This “on call” time does not apply to hold over or early call in hours in combination with the normal workday, or pre-scheduled overtime.

Departments will establish on call schedules for eligible employees and the employees will be compensated using the following guidelines:

1. The employee will receive pay for two (2) hours minimum if he/she is called out after hours.
2. The employee must respond within thirty (30) minutes unless otherwise approved by a supervisor. If an employee does not respond within the required time, no on-call pay will be applied and he/she will be subject to disciplinary action.
3. The Supervisor, in conjunction with the payroll clerk, will be responsible for maintaining records for on-call duty pay.

Section IV

Recruitment and Selection

Sub-Section 040.00 **Equal Employment Opportunities**

It is the practice of the Housing Authority to hire, train, and promote employees without discrimination because of race, religion, color, political affiliation, physical or mental disability, national origin, sex or age, except where physical or mental ability, sex, disability or age is a bona fide occupational qualification. This practice applies to all phases of human resources administration, including but not limited to, recruitment, recruitment advertising, testing, hiring, training, promotion, transfer, leave practices, rates of pay and benefits programs.

Sub-Section 041.00 **Filling Vacant Positions**

Supervisors shall be responsible for notifying the Executive Director of a vacancy, or soon to be vacant position in their department. The notification shall include the class, title, and salary range. All vacancies to be filled should be announced by the Executive Director to all Housing Authority employees, and a vacancy announcement shall be posted for at least five (5) workdays in a central location in each administration building.

Sub-Section 042.00 **Recruitment For Vacant Positions**

The Executive Director shall publicize all full-time and part-time vacancies by advertising same in the official organ of the County and other appropriate media and posting the vacancy in the administration building on a timely basis to ensure that individuals have the opportunity to apply and to be considered for such positions. Applicants will be recruited on the basis of meeting or exceeding the minimum qualifications established for the position.

Sub-Section 043.00 **Employment Application Forms**

All applications for positions in the Housing Authority shall be made on standard employment application forms. Such forms shall request details covering education, training, experience, and other pertinent information needed to assess qualified applicants. All applications shall be signed by the applicant attesting to the truth of all statements contained in the submitted application form.

To receive consideration, applications must be received before the job announcement is closed. Incomplete applications may be rejected; and where the applicant falsified statements of material fact in the employment application form will be sufficient cause for rejection of the application or dismissal.

Sub-Section 044.00 **Disqualification**

The Executive Director may reject from further consideration any application or applicant when the following determinations are made:

- (1) The applicant does not meet the minimum qualifications established for the position or has failed to submit a completed employment application form.
- (2) The applicant has failed to submit his/her application within the prescribed time limit.
- (3) The applicant has made false statements of material fact, or practices deception in his/her application.
- (4) The applicant has an unsatisfactory employment history of such a nature as to demonstrate unsuitability for employment by the Housing Authority.
- (5) Applicants who have been convicted of a felony involving a sex offense or violent crime such as assault with a deadly weapon, aggravated assault, or murder are ineligible for employment with the Housing Authority. Such applicants shall be automatically rejected.
- (6) Applicants convicted of any other felony (at least ten 10 years prior) will be considered on a case-by-case basis.
- (7) After a conditional offer of employment has been made, applicants that failed to pass a medical examination and/or drug test.
- (8) The applicant is not eligible for employment in the United States.

Sub-Section 045.00 **Selection**

The Executive Director shall review all applications for employment to determine whether the applicant meets the established qualifications for employment. Where appropriate, examinations or assessments may be used which may be written, oral or a combination of these exercises. In all cases, any examination or assessment shall be job related. Examination of employees may also consist of a review of education and experience necessary to perform the duties of the position.

The Executive Director shall select the most suitable applicant from the qualified applicants. Thereafter, the applicant may receive a conditional job offer by the Executive Director contingent upon the applicant successfully completing any other requirements such as a medical examination, drug test, and background check.

Sub-Section 046.00 **RESERVED**

Sub-Section 047.00 **Employment of Relatives (Nepotism)**

It is the policy of the Housing Authority not to employ relatives by blood or marriage in the same department. If a conflict of this policy should occur by the marriage of two employees of the Housing Authority, one spouse shall be transferred so as to comply with this policy. If there is no position available, then one must separate from employment. Where a request to transfer or promotion of an employee would violate this policy, such a transfer or promotional opportunity may be denied.

For this section, extended immediate family includes spouse, parents, stepparents, son, stepson, daughter, stepdaughter, brother, sister, mother-in-law, father-in-law, and grandparents, whether by blood or by law.

No family member of any Housing Authority Commissioner shall be hired into a position that violates the above policy for the duration of that Appointed Official's term of office.

Sub-Section 048.00 **Approved Exceptions from Vacancy Announcements**

While the substantial majority of job vacancies meet the criteria for posting, there are a few circumstances that do not warrant advertisement of positions. The following is the listing of special staffing situations that, with the approval of the Executive Director, may be exempted from the competitive job posting process:

- a. Appointed Positions (internal promotion)
- b. Reassignments or voluntary transfers at the same grade level
- c. Management directed reassignments at the same grade level
- d. Reorganizations and reductions in force that require reassignment of effected staff to newly created or existing vacancies
- e. Reclassifications of jobs that are currently encumbered that result in a higher or lower grade level

Section V

Methods of Appointment

Sub-Section 050.00 **Regular Appointments**

Regular appointment to full and part-time positions shall occur after the procedures outlined in Section IV have been completed. All employees appointed under this method shall serve a working test period as described in Section VI.

Sub-Section 050.01 **Full-time Regular Appointments**

Full-time regular appointments are those who are not in a temporary or working test status and who are regularly scheduled to work the Housing Authority's full-time schedule. Generally, they are eligible for the Housing Authority's benefit package, subject to the terms, conditions, and limitations of each benefit program.

Sub-Section 050.02 **Part-time Appointments**

Part-time appointments are those who are not assigned to a temporary or working test status and who are scheduled to work less than thirty (30) hours per week. These positions are not eligible for benefits. They will only receive all legally mandated benefits (such as worker's compensation and social security).

Sub-Section 051.00 **Temporary Appointments**

Temporary appointments may be made for special project(s) or other work of a temporary nature. The services to be rendered by an appointee for a temporary period are not to exceed six (6) months in any twelve month period. Temporary Appointments shall be made by the procedures outlined in Section IV. (The Executive Director may authorize an exception to the procedures outlined in Section IV, though the reason for the exception should be fully documented.) Temporary employees are ineligible for benefits and privileges provided to regular status employees. They will only receive all legally mandated benefits (such as worker's compensation and social security).

Sub-Section 052.00 **Emergency Appointments**

When an emergency involving serious impairment of the public business makes it impossible to fill a vacant position through the competitive process, the Executive Director, may appoint any qualified person to such a position on a temporary basis in order to continue public business and prevent serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not to exceed ninety (90) days, during which the normal selection procedures will be followed in order to fill the position under a regular appointment.

Section VI

Working Test Period

Sub-Section 060.00 Objectives

All appointments to regular positions shall be subject to satisfactory completion of a working test period. The working test period shall be regarded as a final stage of the selection process and shall be utilized for closely monitoring the employee's work performance, for obtaining the most effective assessment of a new employee to the position, and for rejecting any employee whose performance is unsatisfactory. Employees serving a working test period do not have appeal rights unless there is alleged discrimination because of race, age, color, creed, gender, national origin, or disability. Newly hired employees serving working test periods are not eligible to apply for other positions within the Housing Authority.

Sub-Section 061.00 Working Test Duration - Extensions

The working test period shall normally be six (6) months in duration. Supervisors may upon written request seek extension of the working test period, with approval of the Executive Director, up to an additional six (6) months maximum.

Sub-Section 062.00 Performance Evaluation (working test period)

After an employee has completed half (3 months) of the working test period, the Supervisor shall complete a performance appraisal using an authorized performance appraisal form and both the supervisor and the employee should review the documents prior to submitting the form to the Executive Director, to include a clearly written statement from the employee's supervisor regarding whether the employee's services have been satisfactory or unsatisfactory. During the working test period, the employee's supervisor will communicate regularly with the employee regarding whether they are meeting performance expectations. It is particularly important that an employee on working test be informed when performance is unsatisfactorily. At least fifteen (15) days prior to the expiration of an employee's working test period, the Supervisor shall notify the Executive Director in writing, whether or not an employee is expected to achieve regular status and therefore, satisfactorily complete his/her working test period.

Sub-Section 063.00 Dismissal (working test period)

At any time during the working test period, a Supervisor may remove an employee. The Supervisor shall immediately provide written notice of the removal to the Executive Director, as well as to the employee, which shall state the reason for removal. Employees serving a working test period do not have the right of appeal.

Sub-Section 064.00 **Promotion Working Test Period**

In the case of promotion, the working test period shall be used in the same manner as is used for initial appointments. However, an employee serving a working test period is still eligible for the rights and privileges provided regular employees. When an employee is removed during a working test period for failure to perform satisfactorily the duties of the new position documented by performance appraisals, the employee shall be returned to the position held prior to the promotion, or to a similar equivalent position. Should an appropriate vacancy not exist, the employee should be restored to the position held prior to promotion, and the provisions governing reduction in force should apply.

Sub-Section 065.00 **New Employee Orientations**

The Executive Director, or his/her designee, will provide a "New Employee Orientation" to the employee within the first thirty (30) days of employment. The Supervisor may also have an internal/departmental orientation for the new employee.

Section VII

Ethics and Conduct

Sub-Section 070.00 **Outside Employment**

Housing Authority employees may engage in outside employment which does not involve conflict of interest or interfere with their performance of duties for the Housing Authority. To ensure there is no conflict of interest, supervisors shall be made aware of any outside employment held by an employee. The Executive Director shall be made aware, in writing, of any supervisors' outside employment. Any conflict of interest or any job related performance inefficiency related to outside employment may be cause for disciplinary action or dismissal. Failure of any employee to notify his/her supervisor of outside employment may be cause for disciplinary action or dismissal.

Sub-Section 071.00 **Confidential Information**

An employee may not directly or indirectly make use of confidential information acquired by virtue of employment with the Housing Authority in any manner except in the performance of their official duties. An employee may not provide to anyone or permit others to use confidential information except in the performance of their official duties.

Sub-Section 072.00 **Gifts and Gratuities**

An employee shall not accept gifts, gratuities, or loans from organizations, business entities, or individuals with which they have official Housing Authority government business relationships. These limitations are not intended to prohibit the acceptance of any items which are distributed free of charge to the general public, nor to prohibit the acceptance of token gifts given during the holiday season (yearly dollar limit \$100.00).

Sub-Section 073.00 **Political Activity**

Employees of the Housing Authority are encouraged to exercise their right to vote; but Housing Authority employees may not:

1. Engage in any political campaign activities while on duty, while in the workplace, while in uniform, or while using a Housing Authority vehicle. This prohibited activity includes, but is not limited to, distributing information, or soliciting contributions or services for any political party, political candidate or organization.
2. Use their office to influence elections or nominations, or for other political purposes.

3. Solicit or receive political contributions from other employees or from residents.
4. Solicit or receive political contributions on the premises of the Housing Authority.
5. Require or advise other employees or residents to make political contributions.
6. Be a candidate for election to public office, to take an active part in political campaigns (except nonpartisan elections), or to be active in political management. All political candidacies by an employee are subject to Federal Law under the Hatch Act (Public Law 252, 76th Congress, as amended).
7. Use political influence in connection with their employment status.

Nothing contained herein shall be construed to restrict the right of employees to hold membership in and support a political party, to vote as he/she chooses, to express personal opinions on political subjects and candidates, to maintain political neutrality, or to attend political meetings during non-working hours.

Sub-Section 074.00 **Conflict of Interest**

It is particularly important that the employees of the Housing Authority refrain from relationships which might be construed or interpreted as evidence of favoritism, coercion, unfair advantage, collusion, or of financial benefit. Employees must communicate matters of conflict of interest, with his/her Supervisor, who may, in turn, refer the matter to the Executive Director.

Sub-Section 074.01 **Personal Employee Business**

The Housing Authority is public governmental entity and is subsidized by state and local funds. As such, employees are strongly encouraged to maintain a separation between their personal business and their professional employment. Employees are expected to use reasonable judgment in this regard, and are expected to communicate with fellow staff, supervisors, and the Executive Director when there are questions or concerns in this matter. Though the list is not intended to be inclusive of all instances, examples of personal business in the professional setting could be an employees sending or receiving personal mail at Authority offices, employees bringing personal bills and invoices to work, or employees leaving their personal legal or medical records at work.

Sub-Section 075.00 **Employee Concerns**

The Executive Director and supervisors are responsible for the day-to-day operations and activities in their respective departments. To that end, they should have the opportunity to act on concerns raised regarding Housing Authority policies and practices. Employees who have concerns about a Housing Authority policy and/or practice shall first bring those matters to the attention of Housing Authority supervisors continuing through the chain of command. Exception: This policy does not prohibit employees who feel that a violation of the Housing Authority's policy

regarding sexual harassment has occurred from skipping a level in the chain of command to immediately report a violation; however, this should only be done if the immediate next level of supervision is being accused of the violation.

Sub-Section 075.01 **Dress Code**

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our professional image is an important aspect of our organization. Whether or not your job responsibilities place you in direct contact with local officials, state officials, legislators, or the public, you represent the Housing Authority with your appearance as well as your actions. The properly attired employee helps to create a favorable image for the Housing Authority. Situations in which inappropriate attire is worn and/or any exceptions to the dress code will be addressed by the employee's Supervisor in consultation with the Executive Director. Employees who are improperly attired may be required to leave work to change their attire. Employees will not be compensated for the time they are away from work to change improper attire. Employees that are issued Housing Authority uniforms are not permitted to wear them unless they are on duty (at work) for the Housing Authority.

Sub-Section 075.02 **Smoking in the Workplace**

The Housing Authority is committed to providing a safe and healthy environment for its employees, residents, local officials, and visitors. For this reason, smoking is not permitted inside Housing Authority buildings or in Housing Authority vehicles.

Sub-Section 075.03 **General Safety Rules and Hazard Communication**

The Housing Authority makes every reasonable effort to provide and maintain safe working conditions and information regarding chemical hazards. You are expected to cooperate by working in a safe manner and encouraging others to work in a safe manner to prevent accidents. You have a special obligation to report immediately any unsafe condition that might result in an accident to you, your co-workers, residents, or the public. All such reports should be given to your Supervisor and they will provide a copy to the Executive Director.

Security of Housing Authority premises is a responsibility shared by all employees. Housing Authority property and personal property should be safeguarded by the exercise of prudence and caution at all times. When leaving work, check your work area to make sure that Housing Authority and personal property are appropriately secured.

You are to practice safety on the job, driving, or wherever you are. Injuries are not only painful but may mean loss of earnings.

General Safe Practices.

1. Smoke only in designated areas and nowhere else. There will be no smoking in Housing Authority owned buildings or vehicles.
2. Avoid all horseplay.
3. Practice good housekeeping. Each person is responsible for good housekeeping in his or her own work area.
4. Use, adjust and repair equipment only when authorized by your supervisor. Notify your supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair.
5. Bend your knees when lifting and get help for heavy loads.
6. Don't guess - when in doubt ask.
7. Never handle any chemical unless you are trained to do so.
8. Ensure that all containers of hazardous chemicals are properly labeled.
9. Report accidents, injuries, or unsafe conditions immediately.
10. All employees are to use safety equipment issued to them while performing various functions of their job. Wear protective clothing and high visibility reflective gear for your safety if applicable.
11. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

Fire Prevention. Fire is a common enemy. You have a personal responsibility to protect Housing Authority facilities from damage by fire. Preventing a fire by reducing hazards is much easier than putting out a fire. A fire could cause the Housing Authority serious financial loss and loss of work and pay for all employees. We need your cooperation to help eliminate any and all fire hazards. Report any fire promptly.

Sub-Section 075.04 Workplace Violence Policy

The Housing Authority Board of Commissioners does not allow an employee to use intimidation, verbal or implied threats, violence or the threat of violence against any individual during the course of their work.

Work disturbances caused by persons not employed by the Housing Authority, but occurring on the Housing Authority's work sites will be reported immediately to a supervisor, and the appropriate law enforcement agency. The appropriate law enforcement agency will conduct an investigation and make criminal charges when appropriate. If the disturbance is determined to be the result of a domestic or a personal situation, the Executive Director is to be notified.

Work disturbances resulting from domestic or personal situations can result in disciplinary action being taken against the employee, especially severe or ongoing disturbances that effect the Housing Authority's work environment. The employee will take all reasonable and precautionary steps to prevent these disturbances. These steps may include, but are not limited to, seeking counseling or a court order restraining the non-employee from coming to or being at the Housing Authority's work sites.

Violations of this policy will result in disciplinary action up to and including termination.

Sub-Section 075.05 Americans with Disabilities Act

If a Executive Director or supervisor believes that an employee may have a physical or mental condition which prevents them from performing an essential job function of the position, the Housing Authority may make reasonable accommodations that do not pose an undue hardship.

In order to comply with the Americans with Disabilities Act, the Housing Authority will make reasonable accommodations for employees with disabilities when such reasonable accommodations will permit those employees to perform the essential functions of their respective jobs. Employees, who believe they are disabled as defined by the ADA, and who require a reasonable accommodation, should inform their supervisor. (Also see Section XI, Sub-Section 115.00 ADA (Americans with Disabilities Act)).

Sub-Section 076.00 Drug and Alcohol Policy and Procedures

A. Alcohol and Controlled Substance Policy and Procedural Guide It is the position of The Housing Authority that alcohol and controlled substance abuse is a major health problem in the United States today. The costs involved with this problem include human costs such as lost jobs, morale problems, injuries, illnesses, and deaths, as well as economic costs such as property damage, absenteeism, tardiness, lost productivity, increased health insurance costs, and the costs involved in replacing and retraining new employees.

The use of alcohol or controlled substances by Housing Authority employees while on the job or on-call, constitutes a direct threat to property and the safety of others. The work involved in many positions is inherently dangerous, and the safety of residents and employees depend upon the ability of fellow employees to think without being impaired.

It is the objective of Housing Authority to provide safe and effective public service. To meet this objective, the problem of alcohol and controlled substance abuse must be identified, confronted,

and defeated. In order to achieve this, the Housing Authority has developed a comprehensive alcohol and controlled substance policy. This policy consists of three interlaced programs:

1. An Employee Education/Supervisor Training Program;
2. An Employee Referral System for Assessment Treatment;
3. An Alcohol and Controlled Substance Testing Program.

The responsibility for this policy lies with the Executive Director, or his/her designee.

The Housing Authority considers its employees to be its most valuable resources. In this policy, the term “controlled substance” shall have the meaning and include the substances defined as “controlled substances” in the Georgia Controlled Substances Act, O.C.G.A. Section 16-13-10, et seq., and especially O.C.G.A. Section 16-12-21 (4) as said section and said Act shall appear from time to time.

B. Zero Tolerance It is the position of the Housing Authority that it adopts a “Zero Tolerance” towards alcohol and/or illegal drug possession or usage by Housing Authority employees while on the job. This Zero Tolerance means that if you have a confirmed positive test for controlled substance drugs and/or alcohol while you are on the job working for the Housing Authority, you will be terminated from employment.

C. Prohibited Acts

1. The use or possession of alcohol or any controlled substance while on work time or work premises shall be prohibited.
2. The sale, distribution or provision of alcohol or any controlled substance while on work time or work premises shall be prohibited.
3. The inappropriate use of legally prescribed drugs and non-prescription medication is prohibited while working for the Housing Authority. However, the appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. The use of any substance which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected, must be reported by the employee to his/her supervisor. In addition, employees must obtain a written release from the attending physician releasing the person to perform their job duties anytime they obtain a performance altering prescription.
4. It should be noted that certain departments may have more restrictive regulation of prescription or over-the-counter medication than as provided herein. Employees are to be informed of such departmental policy upon initial employment.

5. Any employee convicted of violating a criminal drug or alcohol statute must inform his/her Supervisor of such conviction (including pleas of guilty and nolo contendere) within five (5) days of the conviction occurrence. Failure to inform the employer subjects the employee to disciplinary action up to and including termination for the first offense.

D. Alcohol or Controlled Substance Testing Individuals shall submit to alcohol and/or controlled substance testing at the following times:

- a. At a time set by the Supervisor/Elected Official during the final selection process prior to offering a position with the Housing Authority;
- b. As a part of any required physical examination;
- c. When, in the opinion of any supervisory or management employee there is a reasonable suspicion that an employee of the Housing Authority has violated any provision of the Alcohol and Controlled Substance Policy dealing with the use of alcohol or any controlled substance; or
- d. When involved in an accident, which results in property damage or personal injury involving Housing Authority equipment or while on duty, on standby duty, or in the process of reporting to or leaving work; or
- e. At any time an employee is on duty performing a safety-sensitive function, and is selected due to a random testing procedure. A safety-sensitive function is any duty related to the safe operation of mass transit service, security personnel who carry firearms, and any other employee who holds a Commercial Driver's license. Alcohol testing will only be conducted just before, during or just after the performing of a safety-sensitive function.

E. Procedural Guide for Violations If in the opinion of the supervisor, a reasonable suspicion exists that the employee is reporting to work, or is working, while under the influence of alcohol or controlled substances, or while impaired from the use of same, the procedures outlined below shall be followed. Please note that for the purposes of this policy, the term reasonable suspicion shall be based on objective and explainable indications of substance abuse. These include, but are not limited to erratic behavior, slurred speech, staggering gait, etc.

1. Procedures for Impairment Violations

- a. The supervisor shall arrange, if possible, for at least one other supervisor, or the Executive Director, to observe the conduct of the employee. The observing supervisor shall make a written report of the incident, including the responses to the information asked of the employee from the "Questions for Suspected Substance Abuse" form and the "Supervisor's Observation Checklist" form which includes a description of the conduct of the employee upon which such reasonable suspicion is based.

- b. If the employee fails to explain his/her condition to the satisfaction of the employee's supervisor, an alcohol and/or controlled substance screening test shall be administered to the suspected employee. The employee will be driven by the supervisor or other designated official to the designated testing facility. Refusal to submit to such tests shall be deemed as a positive drug test and will result in termination of employment. The employee who is tested will be placed on suspension with pay pending the results of the alcohol and/or controlled substance screen test. Tests for alcohol impairment may be administered by the use of the device known as Intox 3000 or Intox 5000 or any other similar device approved for use.
- c. The supervisor will make the necessary arrangements to have the employee taken home. Do not permit him/her to go home or drive by himself/herself. If the employee refuses any assistance, make sure that at least two (2) supervisory personnel can verify that the employee refused such circumstances should he/she be allowed to leave without assistance. Supervisor is to call the Sheriff's Office to warn them of the employee's condition and refusal of assistance before the employee is allowed to leave the work site. Tell the Sheriff's Office the employee's name and make of car. The reason for this action is for the safety of the employee and the general public. The Housing Authority has a duty to take such action as a reasonably prudent employer to prevent the employee from causing an unreasonable risk of harm to others or to himself/herself.
- d. If the confirmed results of such tests indicated the presence of alcohol or any illegal controlled substance in the system of the employee, it will be presumed that the employee is impaired. This presumption of impairment may result in the suspension with pay pending termination as set forth in Section XIV of these human resources policies.
- e. During the period the employee is suspended with pay, an investigation shall take place. This investigation will be completed within three(3) eight hour workdays (Saturday, Sunday and holidays excluded) unless extended by the Executive Director. During this investigation, the employee may, through his/her own attempt, rebut the presumption of impairment. For example, the employee may submit to a blood test for the presence of alcohol or controlled substances. If such blood test produces a negative result, the presumption of impairment may be considered rebutted, depending upon such factors as the timing of the blood test and other circumstances surrounding the impairment.

- f. If, after the investigation is completed, and it has been determined that a violation of the Alcohol and Drug Policy has occurred, said employee shall be terminated from employment, and the procedural guidelines set forth in Section XII of these human resources policies shall be followed.
- g. Should an employee seek assistance with a drug and/or alcohol abuse problem prior to any violations of the Alcohol and Controlled Substance Policy, it shall be the duty of the Housing Authority employee to communicate with the Executive Director or his/her designee to refer the employee for a rehabilitation assessment, if available, to determine if there is a significant chance that the employee can be rehabilitated.

This option is only available if the employee has not committed an act or omission which presented an immediate danger to the public, him/herself, or other employees, or if he/she has not committed any felony or misdemeanor, or has been determined to be under the influence of drugs or alcohol while on duty. The employee permitted to utilize this option will be required to sign an agreement accepting the conditions of the rehabilitation program in order to maintain employment relationship with the Housing Authority. This referral would be the employee's "last chance."

After successful completion of an alcohol and/or controlled substance program, at the employee's expense, the employee may return to work subject to random alcohol and drug screening tests for a minimum period of 12 months. If, at any time during this "last chance" testing period, a screening test indicates the presence of alcohol or drugs in the employee's system, the employee shall be immediately terminated. Any subsequent relapse after 12 months will be handled as in (f) above stated above.

2. Procedures for the Sales, Distribution, or Provision of Alcohol/Controlled Substances While at Work Violations

Violations of the above procedures will result in termination consistent with the procedural guidelines set forth in Section XII of these human resources policies.

F. Confidentiality At all times during an investigation of violations of the Alcohol and Controlled Substances Policy, the confidentiality of the case will be protected; subject to state law.

G. Alcohol/Controlled Substance Awareness Program The basic idea behind this program is that employee alcohol/controlled substance abuse can be prevented by supplying the employees with information about the problems which alcohol/controlled substances can create. The awareness program is divided into two sections, an Employee Education section to include all Housing Authority employees and a Supervisory Training section.

1. Employee Education – The Executive Director or his/her designee, with the assistance from the County Sheriff’s Office and/or the Health Department, will provide educational seminars at least annually. These seminars may include questionnaires at both the start and completion of the program (to chart belief/knowledge changes); audiovisual programs; group discussions; a presentation of what a treatment program is, what it does, and how to take advantage of one; insurance coverage of treatment (if any); and a description and discussion of the Housing Authority’s Alcohol and Controlled Substances Policy.
2. Supervisory Training – The Executive Director or his/her designee, with assistance from the local government and regional hospital offices, will provide training to supervisors on the important role supervisors have in preventing alcohol/controlled substance abuse. The program may include instruction in identifying warning signs of alcohol/controlled substance abuse by employees; role-playing scenarios of what to do if they suspect an employee; group discussions; and a thorough presentation of the Alcohol and Controlled Substances Policy.

H. Referral for Rehabilitation The Alcohol and Controlled Substance Policy allows a supervisor to refer an employee for assessment and rehabilitation as a process where an employee voluntarily seeks help with his or her drug and/or alcohol dependence problem prior to a violation of this Policy.

All referrals will be coordinated through the Executive Director or his/her designee. Factors to take into account when this decision is made include:

- a. The employee’s length of service;
- b. The employee’s position and performance in that position prior to and during impairment;
- c. The severity of the Policy violation;
- d. The publicity concerning the violation including the loss of credibility or believability of an employee who exercises discretionary judgment in the duties of his/her position;
- e. Whether the violation involved substance dependence or an incident(s) motivated by reasons other than substance dependency (for example, the sale of drugs to other employees).

After the decision to refer the employee for rehabilitation has been made, the employee will be counseled by the Supervisor and the Executive Director or his/her designee. At

this counseling session, the Policy shall be reviewed with the employee, and the employee shall sign the "Employee Consent and Referral" form. It must be made clear to the employee at this time that the referral is his/her last chance, and that he/she must make the firm choice between rehabilitation and termination.

If an employee must take time off to participate in a rehabilitation program, the absence will be treated as any leave appropriate pursuant to the Housing Authority Policies and Procedures Manual or should the employee qualify, leave pursuant to the Family Medical Leave Act.

Upon returning to work, the employee will be subject to unannounced alcohol/controlled substance screening tests for a minimum of 12 months, with an emphasis on post weekends (Mondays) test or after vacations. However, a fixed schedule will not be established. Unless circumstances clearly require more frequent testing, there shall be no more than one screening test per month.

I. Alcohol and Controlled Substance Screening Test Program

1. **Testing Quality and Techniques to be Utilized** The Housing Authority will establish a professional relationship with a professional laboratory that shall comply with all current National Institute of Drug Abuse standards. An assessment of the laboratory will be performed which will include a review of how samples are actually tested; all procedures involved (chain of custody of sample, notation of time and place sample was taken, the amount of turn around time that will elapse before a result is reached, etc.); qualification of the laboratory personnel; and a check of the internal quality control records of the laboratory.

All testing samples will be collected at the laboratory, hospital or other designated testing facility including but not limited to any law enforcement agency that has an Intox 3000 or Intox 5000 or similar device. The samples will be carefully checked and marked with the name of the employee, the date and time the sample was collected, and the location where the sample was collected. A chain of custody/control will be established so that samples are properly handled before testing occurs. Every effort must be made to assure that the sample being tested is the sample actually collected from the employee/applicant in question.

When testing for alcohol, a Breathalyzer, such as the Intox 3000 or Intox 5000 or other similar device used for DUI suspects is sufficient. Any measurable amount of alcohol found will be sufficient for a presumption of impairment, unless such measurement is the result of consumption of alcohol or an alcohol-related product that is prescribed by a licensed physician. Some departments may require more restrictive standards than those described herein. The employee has the right to request a blood test if he/she so desires. This test will be at the employee's expense.

The Housing Authority will use urine samples for controlled substance testing even though the presence of foreign metabolites in urine does not necessarily indicate impairment, but rather recent exposure to the substance. This reduces the reliability of such tests.

Although alternatives such as blood tests and hair analysis may be interpreted as more intrusive, these alternatives may be used if necessary.

The Housing Authority will utilize the testing standards of the Department of Transportation regulations as provided in 49CFR Part 40, as amended, and as may be hereafter amended. The following is a brief outline of the methods to be used. The County will utilize the technique known as immuno-assay technique of chemical testing. The immuno-assay technique has a high degree of reliability under “optimal” conditions, but can produce, in certain cases, 30% false/positive rates. Therefore, all positive immuno-assay tests on current employees shall be confirmed by methods including any one of the following techniques; thin layer chromatography, gas chromatography/mass spectrometry. All positive immuno-assay tests on samples from applicants will be confirmed with a repeat administration of the immuno-assay technique on the sample.

2. Testing Procedure The Alcohol and Controlled Substance Policy provides for testing in **four** different situations: the pre-employment test, the post accident test, the random test, and the “reasonable suspicion” test.
 - a. Pre-employment Test During the conditional offer of employment process, the applicant will be sent for a drug test. If the applicant being considered for the position has a test result that is negative, the applicant will continue with the hiring process. However, should the test result come back positive, the test must be confirmed. All applicants with a confirmed positive test will not be offered employment with the Housing Authority. All test results are confidential. All applicants with a confirmed positive result may reapply no earlier than one year from the date of the confirmed positive drug test.
 - b. Post Accident Test All covered employees must undergo urine and breath testing if they are involved in an accident while performing a safety-sensitive function. Covered employees whose performance could have contributed to the accident must be tested. A post-accident test will be conducted unless the employee’s actions can be completely ruled out as a contributing factor to the accident. Employees will be tested when they are involved in a vehicle accident, or a worker’s compensation accident, where the

employee is charged with the accident, which results in property damage or personal injury involving Housing Authority equipment or while on duty, on standby duty, or in the process of reporting to or leaving work.

- c. Random Test If the employee is in a safety-sensitive position or if their position requires a Commercial Driver's License, the employee is subject to random testing. These employees will be subject to random, unannounced testing. The selection of employees shall be made by a valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals twenty-five percent of the number of covered employees in the pool and random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool. Employees are required to proceed immediately to the collection site upon notification of their random selection.

- d. Reasonable Suspicion Test The test upon reasonable suspicion involves a great deal of discretion on the part of supervisory personnel. The supervisory training program will provide precise guidelines as to what is involved with identifying a potential alcohol or controlled substance abuser. The task of identifying potential abusers does not include diagnosing a worker. The fact that a problem exists is all that is to be discussed when dealing with an employee. It is not the position of the supervisor to act in the role of a diagnostician. When it is suspected that an employee has violated the Alcohol and Controlled Substance Policy, the employee will only be told that job related problems have developed and that it is suspected that these job related problems are the result of alcohol and/or controlled substance abuse.

The phrase "reasonable suspicion" means that a screening test should be administered if it is reasonable to suspect that an employee has violated this Policy.

A “suspicion” must be based upon objective indications of substance abuse or other Policy violations. Therefore, two forms have been developed to provide guidance to supervisors in assessing whether a “reasonable suspicion” exists as well as providing documentation of the basis of a decision to require an alcohol or controlled substance test. Thorough documentation of all steps of an investigation for a possible violation of this Policy is a must including the date and time of any discussion with the employee.

Disciplinary Actions: The suspension or termination of an employee will never be justified on the basis that the employee is an alcoholic or substance abuser. Instead, discipline will center around the employee’s failure to meet objective, job-related criteria; “Substandard performance,” “insubordination, violation of policy,” “failure to follow orders,” or “under the influence of alcohol while on duty” are examples of proper reasons for discipline including termination of employment.

Discriminatory enforcement will not be tolerated and any supervisor exhibiting such behavior will be disciplined accordingly.

Sub-Section 077.00 Unlawful Harassment (sexual harassment)

The Housing Authority is committed to a work environment that promotes equal employment opportunities and is free from discriminatory practices, including Unlawful Harassment. It is illegal and against the policy of the Housing Authority for any person to harass, threaten or intimidate another employee on the basis of their race, color, religion, age, sex, disability, or national origin. The Housing Authority will not tolerate conduct that constitutes Unlawful Harassment by its employees.

Employees who believe they have been subjected to sexual or other unlawful harassment or believe they have witnessed such conduct must report this immediately to their immediate supervisor, or the Executive Director. Any reported allegations of harassment or retaliation will be investigated by the Executive Director, or his/her designee, promptly and confidentially with consideration of those with a need to know. It is extremely important that any unlawful harassment be reported immediately. Failure to report conduct in violation of this policy, or delay in reporting the same, may impede the Housing Authority from taking preventive or corrective measures when appropriate. Any supervisor, agent, or employee who has harassed another employee on the basis of their race, color, religion, age, sex, disability, or national origin will be subject to appropriate disciplinary action up to and including termination.

The Housing Authority Board of Commissioners encourages any employee to raise questions he or she may have regarding discrimination, retaliation or harassment with the Executive Director.

Conduct in violation of this policy includes, but is not limited to the following definitions:

A. Unlawful Harassment

1. Unlawful harassment can include, but is not limited to, creating an intimidating, hostile or offensive working environment for another on the basis of one's race, color, religion, age, sex, disability, or national origin.
2. Unlawful harassment includes unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made, directly or indirectly, a term or condition of a person's employment, or
 - b. Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person.
3. Unlawful harassment can include, but is not limited to:
 - a. Verbal Harassment – Sexual innuendo, sexually suggestive comments, jokes and/or teasing of an unwelcome nature, discussing sexual exploits, or continued requests for social or sexual contact.
 - b. Physical Harassment – Unwelcome contact, touching or impeding movement.
 - c. Visual Harassment – Unwelcome, derogatory or sexually suggestive posters, videos, cartoons, drawings, pictures, photographs, documents, writings, electronic mail, staring or leering.
 - d. Sexual Favors – Unwanted sexual advances conditioning an employment benefit on an exchange of sexual favors.

B. Unwelcome – used in the sense that the offended employee did not solicit or incite the conduct and regarded as undesirable or offensive.

C. Hostile/Offensive Working Environment – determined based on the particular circumstances, but shall include severe or pervasive written, verbal, or physical

conduct directed toward an employee on the basis of one's race, color, religion, age, sex, disability or national origin.

- D. Reasonable Person/Victim Standard – based on the victim's perspective, as long as that perspective is reasonable. In determining whether sexually offensive or other unlawful harassing conduct has occurred, it is no defense that the alleged harasser did not intend to harass. It is the impact on the complainant, not the intent of the alleged harasser that must be evaluated. It is not a requirement that the complainant be the intended target of the offensive conduct. Witnessing offensive behavior between other employees may be grounds for complaint.

SUPERVISOR/MANAGEMENT RESPONSIBILITY

- A. Conduct of a harassing nature by a supervisor is particularly unacceptable and will not be tolerated. Supervisors are strictly prohibited from making any employment decision, directly or indirectly, based upon submission to, or rejection of, a request for a sexual favor. Supervisors are also strictly prohibited from engaging in any conduct that could reasonably be construed by another employee as threatening, offensive or intimidating so as to constitute a hostile working environment in violation of this policy. Any supervisor who engages in such conduct shall be subject to disciplinary action, up to and including termination.
- B. It is the responsibility of each supervisor, and the Executive Director of the Housing Authority to maintain a workplace free of sexual and other unlawful harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative sexual or unlawful harassing treatment in violation of this policy, and to immediately report perceived violations of the policy.
- C. Any supervisor or employee who retaliates against an individual or a witness for exercising their right to report sexual or other unlawful harassment shall be subject to severe disciplinary action, up to and including termination.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

- A. No employee who, in good faith, exercises their right to make a complaint of sexual or other unlawful harassment will be subjected to any retaliatory act or incur any penalty or adverse consequence. Unlawful harassment in the workplace will not be tolerated and employees, who believe they have experienced such harassment, or have witnessed the harassment of another, have an obligation to report such unlawful conduct immediately.

- B. Any employee who knowingly makes a false statement during a sexual or other unlawful harassment investigation will be subject to disciplinary action, up to and including termination.

EMPLOYEE REPORTING PROCEDURE

- A. Employees who believe they have been subjected to sexual or other unlawful harassment, or believe they have witnessed such conduct, must report this immediately to their immediate supervisor, or the Executive Director. The Executive Director, or his/her designee shall be responsible for administering and complying with this policy as it concerns employees.
- B. Any reported allegations of harassment or retaliation will be investigated promptly and thoroughly, and the ongoing investigation shall be confidential, with disclosure allowed by law.
- C. It is extremely important that any unlawful harassment be reported immediately. Failure to report conduct in violation of this policy, or a delay in the reporting of it, may impede the Housing Authority's ability to implement preventive or corrective measures when appropriate.
- D. Any employee who interferes with or intimidates an individual or witness for exercising their right to report sexual or other unlawful harassment shall be subject to severe disciplinary action, up to and including termination.

Sub-Section 078.00 Utilization of Technology

PURPOSE

The purpose of this policy is to establish guidelines regarding the appropriate utilization of technology in the workplace and to communicate to employees their limitations and/or responsibilities regarding the utilization of Housing Authority technology.

DEFINITIONS

For purposes of this policy, the term "technology" means computer hardware, software, systems and services (including e-mail and internet access), as well as all other forms of electronic communication but not limited to, telephones (including cellular), pagers, fax machines, copiers, etc. owned or provided by the Housing Authority . The term "data" means but is not limited to any form of information, stored or real-time, using technology devices provided or purchased by the Housing Authority.

OVERVIEW

It is the policy of the Housing Authority that the use of Authority technologies is for business related usage and will be subject to the limitations provided in this policy. This policy applies to all employees of the Housing Authority as well as a consultant or contractor doing business on behalf of the Housing Authority. These technologies are provided to employees to permit our organization to better provide service to our customers and to facilitate more efficient communications internally.

The Housing Authority's technologies and systems belong to the Housing Authority and should be used only for Housing Authority business. Confidential Housing Authority information shall be preserved and shall not be disclosed or disseminated to those who do not have a legitimate business need to know.

Employees' private E-mail, voicemail messages, and Internet access on Housing Authority technology and not related to Housing Authority business should be incidental and limited so as not to interfere with job performance. Under no circumstances will any of the "prohibited uses" be justified as an incidental personal use of Housing Authority technology.

1. Prohibited Use

Employees are prohibited from using Housing Authority's technology to:

- Solicit, convey, or recruit for any commercial ventures, religious or political causes, or other outside organizations where the Housing Authority prior to dissemination has not approved such communication.
- Create or send any offensive or disruptive messages, including but not limited to messages containing profanity, sexual references or innuendo, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, religious or political beliefs, national origin, race, color, sex, or disability.
- Create or send data for the purpose of entertainment, idle chat, or shared access/dissemination of data (e.g., chain e-mails, centrally storing entertainment files (e.g., music, video, etc.) for other employees to access, sending personal pictures contained in or attached to e-mails).
- Search for, visit, or receive (e.g., download or copy) any data containing any written, pictorial, audio, video, or other such data that might be considered pornographic, offensive or disruptive in nature. Included in this category of data would be data that one may reasonably construe to be sexual and/or offensive nature, or other data portraying information not reasonably considered to be of business use to Housing Authority operations.
- Disclose personal, confidential or proprietary information, copyrighted technology/data, intellectual property or trade secrets to unauthorized recipients.
- Retain and not properly dispose of personal, confidential or proprietary data where one used such data in a "work at home" task (e.g., using one's home computer to

store employee identity information in the performance of an authorized task and then fails to properly remove such information from the home computer once the task is complete).

- Disclosure of one's password(s) or other secure access mechanism(s) for the purpose of allowing another who is unauthorized to access Housing Authority systems and the data contained therein. Note: Under Georgia law this is a criminal act.
- Engage in the use of electronic systems for network surveillance purposes without authorization. Note: Under Georgia law this is a criminal act.
- Intercept or review electronic communications or access certain data without authorization. Note: Under Georgia law this is a criminal act.
- Create links to databases, bulletin boards and web pages at remote locations that are not owned or authorized by the Executive Director without first obtaining permission.
- Condone or facilitate any of the above-prohibited activities. An individual user of the Housing Authority's owned technologies who willfully receives prohibited data, or one who engages in facilitating dissemination of such data (forwarding files received from others, for example) will be equally in violation of this policy as one who engages in the initial creation of such prohibited data.

2. Monitoring and Privacy

All employees of the Housing Authority, including consultants or contractors doing work for the Housing Authority, are required, as a matter of policy, to immediately report any violations or alleged violations of this policy to their supervisor or elected official. Alleged violations of this policy shall be investigated thoroughly, and prompt corrective action shall be taken where deemed appropriate. It will be the responsibility of the Executive Director to assist in any and all investigations of alleged violations of this policy on Housing Authority technologies.

The Housing Authority has the legal right to access, review, copy, disclose and delete any messages sent, received or stored on the electronic and voice communication systems, and periodically, on an announced or unannounced basis, access, review, copy, disclose and/or delete data received or stored on Housing Authority technology systems to ensure that the systems are working properly, that no viruses have been introduced, and that all employees are abiding by this policy.

THERE SHOULD BE NO EXPECTATION OF PRIVACY ON THE PART OF HOUSING AUTHORITY EMPLOYEES USING AUTHORITY ISSUED TECHNOLOGIES, SYSTEMS AND EQUIPMENT. Employees should not use Housing Authority issued technology to send, receive or store any messages or data that they wish to keep private. All stored data are subject to the Georgia Open Records Act.

3. Disciplinary Consequences for Violation of this Policy

Violation of Housing Authority's Utilization of Technologies policy is prohibited and subject to disciplinary action, up to and including termination.

Sub-Section 078.01 Personal Cellular Phone Policy

The purpose of this policy is to establish the use of personal cell phones during work hours. Cell phones have become a very important and useful tool in today's world; however, care must be taken that conversations of a personal nature or regarding personal business not interfere with your assigned tasks. As handy as these communication devices are, they may also become a distraction from assigned tasks. You may continue to carry your phone with you during work hours; however, you shall only use your cell phone in the event of an emergency (placing or receiving calls) or for work related calls. Personal calls shall be placed or received during break times only. Please make your family members and others that call you regularly aware of this policy.

For those employees in an office or meeting environment, you are to always have your cell phone in the silent or vibrate setting so that it does not ring and disturb your co-workers.

Sub-Section 079.00 Travel Expense Guidelines

Business Use of Personal Vehicle

Travel mileage for any use of an employee's personal vehicle in the performance of his/her job related duties will be paid. It is the personal responsibility of the vehicle owner to carry adequate insurance coverage for their protection and for the protection of any passengers. Mileage will be reimbursed at the regular federal rate. This mileage allowance is in lieu of actual expenses for gasoline, oil, repairs, tags, insurance and depreciation. Therefore, actual expenses for those items will not be reimbursed when your personal vehicle is used for County business. Mileage will not be paid for an employee's daily commute to and from work unless otherwise specified by the Board of Commissioners. Mileage will be paid on a monthly basis and employees must file expense reports no later than 30 days following the completion of incurring the expense, or they will not be reimbursed.

To be reimbursed for the use of your personal vehicle for job related duties, employees must list on the Travel Expense Report:

- Date and purpose of the trip
- Locations traveled to and from
- Mileage

Meals and Lodging: Meals and lodging reimbursement will also follow the regular federal per diem rate method. If the city in the State of Georgia to which an employee is traveling is not included in the list provided, the reimbursement rate will be determined by the Executive Director.

The beginning day and ending day of an employee's travel may be prorated for reimbursement depending on the departure and arrival times.

Approval/Authorization Process

The employee's Supervisor must approve all Travel Expense Reports. No employee is authorized to approve his/her own, a peer's, or a manager's Travel Expense Report. The Executive Director when approving and signing the expense report is responsible for reviewing the report for compliance with the travel expense guidelines. The Executive Director is responsible for verifying:

- Business purpose
- Correct totals
- Supporting documentation and receipts

Travel expense guidelines are designed to facilitate successful and cost effective travel. Each employee is responsible for complying with the travel expense guidelines located in this section of the Human Resources Policies.

Section VIII

Attendance and Leave

Sub-Section 080.00 Hours of Work

The normal business hours of operation for each department are 8 a.m. to 5:00 p.m. with a one hour lunch period, Monday thru Friday. Alternative hours of operation may be established due to business needs by the Executive Director for the employees in their respective office. All exceptions will be approved by the Executive Director.

Sub-Section 080.01 Pay days

All employees are paid every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event that a regularly scheduled pay day falls on a day off (holiday), employees will receive pay on the last day of work before the regularly scheduled pay day.

Sub-Section 081.00 Holidays

The following days are designated as holidays:

1. New Year's Day
2. Martin Luther King's Birthday
3. Memorial Day (last Monday in May)
4. Independence Day
5. Labor Day
6. Veterans Day
7. Thanksgiving Day
8. The day after Thanksgiving
9. Christmas Eve
10. Christmas Day
11. The Employee's Birthday.

Employees may be required to work during the above holidays. Those employees who are required to work may be paid an additional eight (8) hours or may exchange eight (8) hours off at

another time as determined by the employee and the appointing authority. If a holiday falls on a Saturday, it will generally be observed on the preceding Friday. If the holiday falls on a Sunday, it will generally be observed on the following Monday.

In order to receive pay for an official holiday, the employee must be:

- At work on the work days immediately preceding and succeeding the holiday; or
- On approved paid leave on those days.

Sub-Section 081.01 Holidays for Part-Time Employees

Part-time employees shall not be paid for observed holidays.

Sub-Section 082.00 Annual Leave

Annual leave is leave that is earned to be used for vacation, personal business activities, and other personal activities. Taking annual leave is a privilege that must be approved by the Supervisor or Executive Director. All covered employees, both regular full-time and working test, shall accrue annual leave from the date of employment in a covered position. Employees must request the use of all annual leave, and the Supervisor or Executive Director must approve the leave before the leave is taken. Annual leave must be taken in one-hour increments.

Accumulation Rate Annual leave will be accumulated by pay period. The length of continuous service of the employee determines the accumulation rate for annual leave. The following is the accumulation schedule:

Years of Employment	Yearly Accumulation
0 – 5	80 hours
6 – 15	120 hours
16 and above	160 hours

Maximum Accumulation Annual leave may not be accrued in excess of 320 hours. Upon separation, the employee will be paid for all accumulated annual leave up to 320 hours if separated in good standing.

Negative Leave Balances Annual leave which creates a negative leave amount, leave that is more than the accrued leave balance, is only granted under extraordinary circumstances and must be approved by the Executive Director.

Scheduling of Leave It is the responsibility of each Supervisor or the Executive Director to approve and schedule the leave of their employees. When conflicts arise due to operational needs, and two employees have requested the same date and time, the employee with the most service within the department will have first option for approval.

Sub-Section 082.01 Administrative Leave

Administrative Leave is leave-with-pay that is ordered by the Executive Director to meet a need of the Housing Authority. An employee may be ordered to be absent from the work place, with pay, while internal investigations are being conducted, while awaiting further communications or hearings, or under any other conditions where the Executive Director considers administrative leave appropriate.

Sub-Section 083.00 Sick Leave

Sick leave is accumulated to be taken for a bona fide illness and/or injury, and other medical related necessities such as physician appointments, medical examination, and dental appointments. Sick leave is available for the employee's personal health care as well as for the care of members of the immediate family. Sick leave shall not be transferred, swapped or traded between employees. All covered employees, both regular full-time and working test, shall accrue sick leave from the date of employment in a covered position. The employee shall report any sick leave absence prior to his or her scheduled work shift if possible, and if not, the employee should see that his or her absence is reported within one (1) hour after the scheduled time for the employee to begin work. Sick leave requires the approval of the Supervisor or the Executive Director. Sick leave may be taken in 30-minute increments.

Accumulation Rate Sick leave will be accumulated by pay period. The annual accumulation rate for forty (40) hours per week employees shall be eighty (80) hours per year.

Accumulation of Sick Leave There shall be no maximum accrual of sick leave. Employees will not be paid for accumulated sick leave upon separation, except however; sick leave may be used upon retirement at a rate of two (2) days of sick leave for one day of regular pay, not to exceed credit for more than 240 hours of sick leave. (Based on 480 accrued hours of sick leave, an employee could be paid for 240 hours).

The Housing Authority is under no obligation to provide payment for sick leave accrued by employees, except as outlined above.

Physician's Certificate A medical statement signed by a licensed physician may be required to substantiate sick leave for:

- Absence of three (3) or more consecutive work days; or
- To support a request for sick leave during annual leave; or
- At any time when absence recurs frequently or habitually, provided the employee has been warned; or
- Whenever the supervisor has reasonable cause to believe that the absence policy has been abused.

Negative Leave Balances Sick leave which creates a negative leave amount, leave that is more than the accrued leave balance, is only granted under extraordinary circumstances and must be approved by the Executive Director.

Sub-Section 083.01 **Retirement**

An employee of the consortia or any member housing authority who reaches the status of retiree or career employee, who upon his/her separation of employment from the EGHAP as defined in the Personnel Manual, Section 9.110.00 shall remain eligible to continue as a member of the group health insurance, dental, vision, and basic life insurance plans with EGHAP participation in the cost of the health, dental, vision, and basic life insurance coverage for a period up to three (3) years. The retiree is responsible for the same division of premiums for any health, dental, vision, supplemental life and/or dependent life insurance coverage, as they would be if they continued to be an employee of the authority. Changes to the employment benefit structure, including pro rata share, will apply to the retiree as well. At the end of said three (3) year period of coverage, the employee shall be eligible for COBRA coverage as defined under the Health Insurance Portability and Accountability Act of 1996.

Sub-Section 084.00 **Family Medical Leave**

Employees who are eligible for family and medical leave may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period under the following circumstances:

- (1) the birth of a child to the employee;
- (2) the placement of a child with the employee for adoption or foster care;
- (3) in order to care for a family member of the employee with a serious health condition;
- (4) when the employee has a serious health condition which renders the employee unable to perform the functions of his or her job; or
- (5) for a qualifying exigency due to a spouse, child or parent’s active military duty. Covered exigencies include childcare and school activities; making financial and legal arrangements; counseling and recuperation; post-deployment activities; and other employer-approved events.

Note: For numbers 3 and 4 listed above, **Serious Health Condition** is when an employee is deemed to be receiving “continuing treatment” if there is a period of incapacity exceeding three consecutive days and the employee has twice visited a health care provider within 30 days of the beginning of the period of incapacity, or visited a provider once and is under a regimen of continuing treatment (the first in-person treatment must occur within seven days of the first day of incapacity). Serious health conditions do not include voluntary or cosmetic treatments which are not medically necessary.

Additionally, an eligible employee may take up to twenty-six (26) weeks of leave within a single twelve-month (12) period to care for a spouse, son, daughter, parent, or next of kin who is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This also includes caregiver leave to veterans with serious injuries or illnesses. More specifically, caregiver leave is available for veterans recuperating or receiving treatment for serious illnesses or injuries incurred or aggravated while on active duty in the Armed Forces, if they were members of the Armed Forces, National Guard, or Reserves at any time during the five (5)-year period before recuperation or treatment.

For the purposes of this policy the term “child” includes a biological child, an adopted or foster child, step child, or a legal ward, younger than 18 years of age, and shall also include a child 18 years of age or older who is incapable of self-care because of mental or physical disability. Further, a “parent” includes biological parents and persons standing in place of a biological parent (“in loco parentis”) – court documentation may be required.

The one year period is measured by looking at the twelve month period immediately prior to the date on which leave is requested. Reduced or intermittent leave is available for the serious health condition of the employee or a family member when it is medically necessary. Employees on approved family or medical leave who accept other employment without the Housing Authority's approval will be terminated. Upon a request for leave for one of the above reasons, the Housing Authority may furnish the employee with more information about conditions and procedures for utilizing Family and Medical Leave.

This policy is not a substitution for paid days off. You are required to use all accumulated paid days off (which may qualify for this type of leave) while you are on family or medical leave.

In addition to absences covered by accrued annual and sick leave, it is important to note that other types of paid absences may also be counted against an individual's FMLA leave entitlement. Paid absences under workers' compensation may also count against an individual's FMLA entitlement in certain circumstances. To be counted against an individual's FMLA entitlement, workers' compensation absences must be based on a reason that would qualify for FMLA leave (the definition of serious health condition must apply). Time spent by the employee working in a temporary alternative assignment does not count against an employee's leave entitlement.

Eligibility There are two conditions that must both be met to be eligible for Family Medical Leave.

- (1) To be eligible, you must meet the definition of “employee” for a public agency, for example a public housing authority; **AND**

(2) To be eligible, an employee must have been employed by the Housing Authority for at least twelve (12) months and must have worked a minimum of 1,250 hours during the previous 12-month period. If the employee meets these criteria, they are entitled to 12 weeks of leave within a “rolling” twelve month period.

Procedures If the leave is foreseeable then the employee must provide the Housing Authority with notice thirty (30) days in advance. If leave is not foreseeable, then notice should be given as soon as possible. Notice must be given to the Executive Director on the "Family and Medical Leave Request Form." An employee requesting leave for his or her own or a family member's serious health condition must provide the Housing Authority with proper medical certification. If you intend to take such leave, contact the Executive Director, or his/her designee, to get the appropriate request and certification forms. Within five (5) days of a leave request, the Housing Authority must notify employees if they are eligible for leave and give those eligible a written notice of their FMLA Rights and Responsibilities. After approving a leave, the Executive Director, or his/her designee, must notify employees within five (5) business days if the leave will be designated as FMLA leave.

Sub-Section 084.01 Leave Upon Birth or Adoption of a Child

In accordance with the Family Medical Leave Act of 1993, eligible employees shall be granted up to 12 weeks of leave for the birth or adoption of a child. Leave shall also be granted for the placement of a foster child with an employee.

A female employee who is incapacitated due to pregnancy and/or related symptoms may use accumulated sick and annual leave. When all paid leave is exhausted, the employee may request approval to be placed on leave without pay (LWOP).

Where the requested leave is not medically necessary, such as in the case of a father requesting leave for the birth or adoption of a child; the employee must use accumulated annual leave. The remainder of the 12-week period shall normally be granted as leave without pay (LWOP).

An employee requesting leave upon the birth or adoption of a child should give a minimum of 30 days written notice to his/her supervisor. If the employee is unable to provide such notice, they should provide such notice as soon as practicable.

Where both spouses are employed by the Housing Authority, the total amount of leave that may be taken under Family Medical Leave due to the birth or adoption of a child is 12 weeks (not 24 weeks). Documentation specifying how leave will be taken must be given to the executive Director by each employee with the certification form.

Sub-Section 084.02 **Medical Certification**

Certification for an employee's serious medical condition must include a statement that the employee is unable to perform the functions of his or her position. Certification for leave to care for a family member with a serious medical condition must include an estimate of the amount of time the employee is needed to care for that family member. Both types of certification must include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; and (c) the appropriate medical facts within the knowledge of the health care provider about the condition. The Housing Authority may require a second medical opinion, at its own expense. If the first and second opinions differ, the Housing Authority, again at its own expense, may require the binding opinion of a third health care provider, approved jointly by the employee and the Housing Authority. The Housing Authority may also require periodic recertification. Certification forms must be completed and returned to the Executive Director, or his/her designee, fifteen (15) days after the request unless circumstances make this impossible. The Housing Authority may directly contact an employee's health care providers to authenticate and clarify medical certification. Only a human resources professional or a management official may make this contact, not an employee's direct supervisor.

A medical statement from a certified physician releasing the employee to return to work must be provided by the employee to the Supervisor or Executive Director before authorizing the employee to return to work.

Sub-Section 084.03 **Benefits under Family Medical Leave**

Employees will not lose any employment benefits or seniority accrued before the date on which leave commenced. Employees who take family or medical leave will generally be restored to the same or an equivalent position upon their return to work. Employees who take family or medical leave will continue to be responsible for paying their portion of health insurance premiums. The Executive Director, or his/her designee will provide information on how this payment can be arranged. Failure to make timely payments may result in a cancellation of the insurance coverage. Generally, when an employee does not return to work within or at the end of any leave period and remain at work for at least 30 days, the employee will be required to repay the portion of the insurance premium which was paid by the Housing Authority during the unpaid portion of the leave. If the health insurance lapsed while the employee is on FMLA leave for failure to pay their premium, when the employee returns to work, the Housing Authority must reinstate the insurance.

An employee who fails to obtain approval for a leave without pay (LWOP) following the expiration of the 12-week period of family medical leave may be terminated. The Supervisor must submit a request to fill the position to the Executive Director. Upon notice by the Executive Director, the employee will be notified in writing of the expiration of the 12-week period of family medical leave and subsequent termination.

Sub-Section 085.00 **Worker's Compensation**

Employees are covered under the provisions of the Workers' Compensation Act of the State of Georgia. If an employee is injured while on the job, such injury must be reported to the supervisor immediately (First Report of Injury Form). The supervisor must report the injury to the Executive Director on the day of occurrence or as soon thereafter as possible. Employees, who have been injured on the job and cannot perform the essential functions of the job, may be offered a temporary alternative work assignment (where available) which they can perform in their own department or another department in the Housing Authority without loss of time or wages.

The Housing Authority believes in the importance of employees returning to work. Consequently, where practicable, those employees who have experienced an on-the-job injury which prevents them from performing the essential functions of their regular job duties, may, with the approval of the supervisor/elected official and with the availability of suitable duties, an employee certified for light duty (temporary alternative assignment) may be assigned tasks outside of their job description, at their regular rate of pay, for a temporary period of time.

Where an employee is injured on the job is unable to perform any work and this is substantiated by a doctor's certificate, they may draw Workers' Compensation, up to the limit stipulated by State Law, starting on the eighth day of disability; or they may receive full pay using accumulated sick leave and/or annual leave for the duration of the disability or until all accrued leave has been exhausted. Where an employee has filed for and begins collecting Workers' Compensation while receiving full pay from the Housing Authority using accumulated leave, Workers' Compensation checks must be endorsed and turned in to the Housing Authority.

In any case, no employee may receive/collect more compensation under any provision or combination of provisions of this section than they would have received had the employee continued to work at their regular job.

Sub-Section 086.00 **Military Leave**

1. Military leave is a period of unpaid leave due to any employee's service in the military forces of the United States. An employee who leaves the service of the Housing Authority to join the military forces of the United States shall be placed on military leave without pay in accordance with conditions set forth in Federal and State Law. Such leave shall extend through a date not to exceed 90 days after the employee is relieved from their military service. Such employees shall be guaranteed to be reinstated to their previously vacated position provided they report to work for the Housing Authority within 90 days of the date of the employee's honorable discharge (as indicated on U. S. Dept. of Defense Form DD-214) and that the employee is physically and mentally capable of performing the essential functions of the position.

Time so served shall be considered as continuous employment with the Housing Authority. The returning employee shall also be entitled to any increase in salary (including market adjustment increases) or any advancement in grade which would normally be accorded to the incumbent of the position. In essence, the employee should be treated as if they had been continuously employed with the Housing Authority.

2. In the event a position, vacated by a person entering the military service, as stated above, no longer exists at the time the qualified employee returns to work, such person shall be entitled to be re-employed in another position of the same status, class and pay in the Housing Authority service.
3. Employees will be given time off without loss of pay while on ordered State or Federal military duty including but not limited to attendance at a service school conducted by the military forces of the United States, and while going to or returning from such duty or school, for a total of 18 days or no more than 144 hours in any one calendar year. In the event the Governor of Georgia declares an emergency and orders an employee to State active duty as a member of the National Guard, such employee will be paid for a period not exceeding 30 days or 240 hours total in any one calendar year.

Whenever such an employee is ordered to be on military duty or to attend a service school in excess of the amount of time which will be paid, the employee may use accrued annual leave for such absence or may take a personal leave of absence.

Sub-Section 087.00 **Leave Without Pay (LWOP)**

Leave of absence without pay may be granted to an employee for a period normally not to exceed six (6) consecutive months for compelling personal reasons or continuing education. The employee must submit a written request to their Supervisor, who will then make their recommendation to the Executive Director for final approval. During a Leave of absence, the employee's benefits and salary are put on hold, and the job is not guaranteed to be saved. Benefits and seniority are, however, held in abeyance and upon return to work, to a position of like status and pay, full employee benefits are immediately reinstated where they left off at the time the leave of absence began. However, during this time the employee must personally pay insurance premiums at the group rate in order to maintain insurance benefits. The Housing Authority shall not pay insurance premiums for the employee during LWOP.

The operational needs of the Housing Authority will be the controlling factor in all considerations relating to approval or disapproval of LWOP. An employee who returns from approved LWOP within 30 calendar days of the approved effective date will be reinstated to the position previously held. However, an employee who returns from approved LWOP of greater than 30 calendar days is not guaranteed return to the position previously held. It shall be the employee's responsibility to apply for available positions within the Housing Authority for which they qualify. An employee who fails to return to work on the first scheduled workday following the exhaustion of their approved LWOP shall be deemed to have resigned due to job abandonment and shall

have effected a compulsory resignation.

Sub-Section 087.01 **Absence without Leave**

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and may result in disciplinary action, up to and including termination.

Sub-Section 088.00 **Civil Leave**

An employee shall be given the time off without loss of pay when performing jury duty or when subpoenaed to appear before a court, public body or commission in connection with County business. An employee who files a legal action against the Housing Authority is not entitled to take civil leave for the pursuit of such a lawsuit, but must instead make use of accrued annual leave.

Where an employee is released at least two and one half (2-1/2) hours prior to the end of their scheduled work period, they are required to return to work. Off-duty employees subpoenaed to appear for Housing Authority related issues shall, for all time required being in court, receive court appearance pay or minimum wage for hours served, whichever is greater. For the employee to receive their regular pay from the Housing Authority, they must remit the funds paid to them as jury duty fees to the Housing Authority Executive Director, or his/her designee.

Sub-Section 088.01 **Time off to Vote**

Employees are permitted time off to vote in any municipal, county, state, or federal political party primary or election for which such employee is qualified and registered to vote on the day on which such primary or election is held. The time taken off to vote must not exceed two hours, is unpaid leave and is permitted only if your supervisor is informed at least one (1) working day in advance that an individual plans to take time off to vote. The Housing Authority may specify the hours during which the employee may be absent from work to vote. If the polls open at least two hours before the employee is scheduled to arrive at work or the polls close two hours after the employee is scheduled to leave work, then time off to vote is not allowed.

Sub-Section 089.00 **Bereavement Leave**

Bereavement leave is for extended immediate family members. The length of leave is determined by the relationship of the deceased to the employee. If additional time is needed, and is approved by the supervisor, it will be deducted from annual leave or sick leave.

Relation to Employee	Bereavement Leave
Spouse/Child	Up to 5 days paid
Parent/Sibling	Up to 3 days paid
Stepparents or Stepchildren	Up to 3 days paid

Mother-in-law, Father-in-law	Up to 3 days paid
Brother or Sister-in-law	Up to 2 days paid
Grandparents	Up to 2 days paid

Bereavement leave is available for Housing Authority employees to attend the funeral, to attend to family matters, and to grieve privately. To that end, unused bereavement leave is not accumulated or paid for in any fashion other than as described above.

Section IX

Benefits

Sub-Section 090.00 RESERVED

Sub-Section 091.00 RESERVED

Sub-Section 092.00 RESERVED -Medical Insurance

Sub-Section 093.00 COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires employer-sponsored group medical and dental plans to allow covered employees and their dependents to elect to have their current medical coverage continued at the employee and dependents' expense, at group rates, for up to 36 months following a qualifying loss of coverage.

Qualified persons who must be permitted to continue group medical coverage are:

- (a) an employee whose coverage terminates due to a reduction in work hours or termination of employment, other than termination due to gross misconduct;
- (b) a spouse and dependent children who lose eligibility for coverage under the group plan as a result of: (1) divorce or legal separation; (2) the employee's death, termination of employment or reduction of work hours; (3) loss of dependent child status due to age or marriage.

Continuation is not available to persons who are covered under another group plan or eligible for Medicare.

Group health premium rates for individuals electing continuation are the same as for active employees and their dependents plus an administrative charge. Individuals electing continuation must pay the entire monthly premium amount in advance.

You will be notified by the Housing Authority upon employment and at the time of a qualifying event as explained above. It is the employee's responsibility to keep the Executive Director, or his/her designee, informed of any address changes or other pertinent information regarding themselves and their dependents.

Sub-Section 094.00 RESERVED – Life Insurance

Sub-Section 095.00 **Social Security**

Social Security is more than a pay check deduction. It offers financial security for you and your dependents. Although this is a federally established program, it is your contributions, and the Housing Authority's that pay for this benefit.

For the duration of your employment, you and the Housing Authority contribute funds to the federal government to support the Social Security Program. This program is intended to provide you with monthly checks and medical coverage once you approach/reach retirement age.

Section X

Performance Evaluation

Sub-Section 100.00 **Policy**

The Housing Authority may implement and maintain a system for assessing the work performance of all employees.

Sub-Section 101.00 **RESERVED**

Sub-Section 102.00 **RESERVED**

Sub-Section 103.00 **RESERVED**

Sub-Section 104.00 **RESERVED**

Sub-Section 105.00 **RESERVED**

Section XI

Separation

Sub-Section 110.00 **Types of Separation**

The following identifies the specific types of separations and conditions under which they occur for employees of the Housing Authority. They shall be designated as one of the following and shall be accomplished in the manner indicated: Resignation, compulsory resignation, layoff, disability, death, retirement, and dismissal.

Sub-Section 111.00 **Housing Authority Property**

At the time of separation, all records, assets and property of the Housing Authority held by the employee shall be submitted to their Supervisor or the Executive Director. The Supervisor or Executive Director will sign certification regarding receipt and clearance to this effect. Any amount due because of a shortage in the above shall be paid by the employee. In the case of a Supervisor terminating, all records, assets and property of the Housing Authority held by the employee shall be submitted to the Executive Director.

Sub-Section 111.10 **Final Pay Check to Separated Employees**

All separation paperwork and final paycheck shall be completed within thirty (30) days of separation.

Employees who separated in good standing shall receive payment for all earned salary, and those employees who have accrued annual leave shall be eligible to receive payment for unused annual leave.

Sub-Section 112.00 **Resignation**

In order to resign in good standing, an employee must give a two week written notice to their Supervisor or the Executive Director. Failure to comply with this policy shall be noted in the employee's official record. An employee who resigns in good standing shall be eligible for rehire as a new employee.

Sub-Section 113.00 **Compulsory Resignation- Job Abandonment**

An employee who is absent for three (3) consecutive workdays without obtaining supervisor approval shall be deemed to have resigned. It is each employee's responsibility to keep his/her address and telephone number current with the Housing Authority.

Sub-Section 114.00 **Lay-Off – Reduction in Force**

A lay-off or reduction in force is an involuntary separation of an employee from the service of the Housing Authority which has been made necessary due to shortage of funds or work, the abolition of the position or other material changes in the duties or organization or for related reasons which are outside the employee's control and are not related to fault, delinquency, or misconduct on the part of the employee. Any lay-off or reduction in force shall be conducted in accordance with the following rules:

(1) Employees shall be laid off on the basis of the following three (3) factors, to be weighed in descending order: Length of service with the Housing Authority, overall operational impact of skill set, and documented job performance of the employee. It is provided, however, that any deviation from the use of length of service with the Housing Authority as the sole determining factor will require written explanation to the Executive Director by the Supervisor with final approval by the Board of Commissioners.

(2) If a regular employee is scheduled to be laid off, a demotion to a lower class shall be offered if a vacancy exists, provided the regular employee meets minimum qualifications for the position or is able to be trained to fill the position in the lower class. If no such position is available, the employee shall be laid off without cause.

(3) Prior to a reduction in force, the Supervisor shall submit the names and job titles of all regular employees scheduled for layoff to the Executive Director for approval. Until the names submitted are approved and confirmed for layoff, no layoff shall be consummated.

(4) Regular employees to be laid off shall be notified in writing by the Executive Director at least fourteen (14) calendar days prior to the effective date of the layoff.

Sub-Section 115.00 **ADA (Americans with Disabilities Act)**

It is the policy of the Housing Authority to provide equitable treatment to persons having a physical or mental disability that substantially limits a major life activity and to individuals who have a record of, or who are regarded as, having a substantially limiting impairment. This policy includes providing reasonable accommodation(s) to permit a qualified person with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

An individual with a disability must satisfy job requirements for educational background, employment experience, skills, licenses and any other qualification standards that are job related and must be able to perform these tasks that are essential to the job with or without reasonable accommodation as outlined under the Americans with Disabilities Act of 1990 (ADA).

When an employee becomes totally or partially disabled to perform the essential job functions of their current position, with or without reasonable accommodations, efforts will be made to reassign the employee to an existing vacant position for which they qualify and can perform with or without accommodation in accordance with ADA policy guidelines.

The Housing Authority is not required to change the essential job functions of a position, create a vacancy or promote an employee with a disability as an accommodation to the employee. If a necessary reasonable accommodation is refused, the employee may be considered not qualified to perform the essential functions of the job. After exhausting these measures, a Supervisor can make a request to the Executive Director to fill the vacancy through a competitive process.

Sub-Section 116.00 **Loss of License, Certification or Other Job Requirements**

Any employee, who is unable to do their job because of a loss of a required license, certificate, or other job requirement, may be terminated.

Sub-Section 117.00 **Death**

If any regular status employee dies while in the service of the Housing Authority, all compensation due in accordance with Sub-Section 111.10 shall be paid to their named beneficiary, to the legal representative of the employee's estate, or any other legally designated individual.

Sub-Section 118.00 **Disciplinary Dismissals**

The following list includes some of the reasons for disciplinary action. This list is provided for information purposes, it is not exhaustive, and is not intended to cover all situations in which disciplinary actions may be taken. The Housing Authority retains the sole discretion to determine when disciplinary action, up to and including termination, is appropriate.

1. Failure to perform at an acceptable level of competence.
2. Violation of Housing Authority and/or HUD policies or departmental rules.
3. Excessive absenteeism.
4. Discourteous treatment of the public, residents, or other employees.
5. Leaving the job or work area without permission of his/her supervisor.
6. The use of abusive or threatening language toward subordinates, other employees, residents or the public.
7. Unauthorized use of Housing Authority property or vehicles.
8. Falsification of a job application or other Housing Authority records.
9. Insubordination – refusal to perform assigned work or comply with written or oral instructions by a supervisor or manager.

10. Misconduct – a forbidden act; a dereliction of duty; unlawful behavior or improper or wrong behavior.
11. Conviction of a felony or a crime involving moral turpitude.
12. Conduct reflecting discredit on the Housing Authority or department.
13. Falsification or destruction of official records or documents or use of official position for personal benefit, profit, or advantage, or for other improper reasons.
14. Violation of the Housing Authority's Drug and Alcohol policy.
15. Violation of the Housing Authority's Sexual Harassment policy.
16. Stealing – misappropriation of private or Housing Authority property.
17. Possession of firearms or other dangerous weapons by unauthorized personnel while on duty.
18. Using obscene language, engaging in obscene conduct.
19. Sleeping on the job.
20. Use, possession and/or distribution of a controlled substance.
21. Any action that is detrimental to the Housing Authority.
22. Failure to report an accident in which the employee was involved.
23. Theft, making false statements, or intentionally giving misleading information to supervisors, officials or the public.
24. Fighting or attempting to injure another employee.

A Supervisor may dismiss an employee as outlined in Sub-Section 121.00 (after reviewing such action with the Executive Director). The employee shall be furnished notice of dismissal in writing, stating the reason(s) for dismissal. Procedures for appeal are outlined in Sub-Section 142.00 – 146.00. It is recognized there will be occasions when immediate dismissal is necessary. A review of such action with the Executive Director must be completed as soon as possible.

Sub-Section 118.01 Disciplinary Dismissal- Executive Director

When an Executive Director is to be dismissed for any reason, the provisions of Georgia law

creating the Board of Commissioners, as amended, shall supersede the provisions of this section, and shall govern with regard to the special powers and authorities of the Board of Commissioners. Executive Directors, as part of management, are not eligible to use the appeal and grievance procedures contained in Section XIII and Section XIV.

Sub-Section 119.00 Definition of Retirement

Retirement, by definition, is the voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the Housing Authority. For retirement purposes, age shall be set at sixty-two (62) years. For retirement purposes, length of service is defined as 25 years, and may not be continuous. The Authority refers to Federal Social Security Law and Retirement Plan Documents for further definition of the terms.

Section XII

Disciplinary Action

Sub-Section 120.00 Types of Disciplinary Action

The Housing Authority advocates progressive discipline when applicable. Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The action taken will depend on the degree and the circumstances of the violation. An employee who failed to satisfactorily perform assigned duties or who violates established policies will be disciplined.

Sub-Section 121.00 Reasons for Disciplinary Action

Listed below are some of the reasons for which disciplinary action may be taken ranging from a verbal warning to discharge. The list is not intended to include all offenses for which disciplinary action may be taken, but does include many of the most commonly encountered actions:

1. Conviction of a crime involving moral turpitude, conviction of a felony or a misdemeanor that would adversely affect the performance of duties or any entry of a plea of no contest to either.
2. Being absent without leave and without approval from the immediate supervisor.
3. Excessive tardiness.
4. Abuse of leave.
5. Inefficiency, carelessness, negligence or incompetence in the performance of duties; insubordination.
6. Discrimination, harassment, retaliation or creating a hostile work environment against fellow Housing Authority employees or citizens in the performance of job duties.
7. Falsification of time sheets or expense reimbursement records or willfully giving false statements to supervisors, officials or the public.
8. Violation of local ordinances, administrative regulations or departmental rules.
9. Violation of the Housing Authority Drug and Alcohol Use Policy, by the manufacture, distribution, dispensing, using, consuming, possessing, purchasing, selling or otherwise transferring alcohol, controlled or illegal drugs while on the job, on Housing Authority property, operating Housing Authority equipment or vehicles or operating any other equipment or vehicles on Housing Authority

business. (It is the policy of the Housing Authority to maintain an alcohol and drug-free workplace.)

10. Soliciting of other employees or distributing literature to other employees during work hours, or otherwise interfering with the work of employees.
11. Misappropriation of property of employees or the Housing Authority.
12. Gross misconduct to include, but not limited to engaging in inappropriate relations or relationships with Housing Authority residents, fighting at any time, physical violence, threats of physical violence or engaging in offensive conduct or language toward the public, residents, supervisory personnel, or fellow employees.
13. Illegal possession of weapons or firearms on Housing Authority premises at any time.
14. Loan sharking, gambling, lottery or any other game of chance on Housing Authority premises at any time.
15. Disregard of safety rules or common safety practices.
16. Littering, or contributing to poor housekeeping, unsanitary, or unsafe conditions on Housing Authority property.
17. Smoking in designated "No Smoking" areas.
18. Wasting time or loitering during working hours.
19. Refusal to be examined by a Housing Authority authorized fully licensed physician when so directed.

Sub-Section 122.00 **Employee Files**

Official employee files are privileged information, and are only to be used for Housing Authority administrative actions. Any requests from outside agencies for such information will be forwarded to the Executive Director for action and consideration of the request and will be determined as provided by Georgia law. Employees and their supervisors are permitted to review their employee files during normal business hours as required. In addition, Housing Authority supervisors that have a legitimate business need to review an employee file may schedule a time for that purpose, with proper authorization from the Executive Director.

Sub-Section 123.00 **Reprimands**

Unless the incident, action or behavior of the employee is of such nature to initially warrant a

more severe type of disciplinary action, a reprimand is a formal means of communicating to the employee a warning that a problem exists and that it must be corrected. There are two (2) degrees of formality, the oral reprimand and the written reprimand.

- (1) In an oral reprimand, the Elected Official/Supervisor and/or Executive Director will verbally and privately explain to the employee that they are being reprimanded and describe the problem and what must be done to correct the problem.
- (2) In the written reprimand, the employee will receive a written statement describing the problem and what must be done to correct the problem. The reprimand will also contain a statement describing the consequences of not correcting the problem. A copy of the written statement will be provided to the employee in a private meeting. A copy of the written reprimand will be forwarded to the Executive Director, or his/her designee, to be placed in the employee's official file.

Sub-Section 124.00 Adverse Actions

Adverse Action: An adverse action is an action taken by a supervisor, the Executive Director, or the Board of Commissioners, for cause, that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.

Suspension Without Pay: An employee may be suspended without pay for a violation of Housing Authority policies governing performance and/or misconduct. The duration of the suspension shall be indicative of the severity of the offense; however, such suspensions without pay shall not exceed thirty (30) days. A written statement specifically setting forth the reason(s) for such suspension and the employee's appeal rights shall be provided to the affected employee and a copy forwarded to the Executive Director, or his/her designee, to be placed in the employee's official file.

Disciplinary Salary Reduction: An employee's salary may be reduced from one pay step to a lower step for disciplinary purposes. The salary reduction does not constitute a demotion in pay grade. A written statement specifically setting forth the reason for such salary reduction and the employee's appeal rights shall be furnished to the affected employee and a copy forwarded to the Executive Director, or his/her designee, to be placed in the employee's official file.

Disciplinary Demotion: An involuntary change of employment from a position of one class to a position of a class having a lower pay grade for disciplinary reasons if a lower position is vacant and if the employee meets the minimum qualifications to perform the work at the lower position. A disciplinary demotion must include a decrease in salary. A written statement specifically setting forth

the reason(s) for such demotion and the employee's appeal rights shall be provided to the affected employee and a copy forwarded to the Executive Director or his/her designee, to be placed in the employee's official file.

Disciplinary Dismissal: Dismissals are discharges made for delinquency, misconduct, inefficiency, and deliberate violation of policies, rules, orders, regulations or inability to perform the work of the position satisfactorily.

Dismissal of regular status employees shall be effective only after the employee to be discharged has been notified by written statement of the specific reason(s) for the separation, and has been given the opportunity to respond thereto. The employee's appeal rights shall be furnished to the affected employee at this time. However, when in the opinion of the Executive Director or supervisor circumstances require the immediate departure of the employee from the work place the separation may be made immediately. The reasons for the separation and the employee's response shall be forwarded to the Executive Director or his/her designee, to be placed in the employee's official file. The Executive Director must be notified before, or in more severe cases, immediately after the employee has been dismissed.

Sub-Section 125.00 **Notification and Response**

Once it has been determined that an adverse action should be taken, the following notification and response procedures will be observed:

1. Notice of Intent regarding the Proposed Adverse Action: The Supervisor and/or the Executive Director will give the employee a written Notice of Intent of the proposed adverse action, when possible, ten (10) business days prior to the effective date of the action. The notification shall contain the following:
 - (a) The effective date of the action.
 - (b) The specific charges or reasons for the action.
 - (c) A statement informing the employee that he or she may respond to the Executive Director within 5 business days of the notice of the proposed action.
 - (d) A notice that failure to respond to the Executive Director will result in a waiver of all further appeal rights.

Sub-Section 126.00 **Employee Response to Proposed Action**

The employee must respond in writing to the Executive Director within five (5) business days of receiving the notice of the proposed adverse action.

Sub-Section 127.00 **Notice of Final Action**

The Executive Director after considering the employee's response to the notice of intent of adverse action, will give the employee a written notification of the decision on the action to be taken within two (2) business days of the effective date of the action. In addition, this written notification will contain a statement informing the employee of their right to appeal the final action.

Sub-Section 128.00 **Postponement of Deadline for Further Investigation**

Where the employee responds to the Executive Director and provides new evidence, information or mitigating circumstances, the Executive Director may postpone the deadline for the final notice of adverse action by a specific number of days to conduct further investigation into the matter, with written consent from the employee. Where the deadline for the final notice of adverse action is postponed, the effective date of the final action will be postponed by as many days as needed.

Sub-Section 129.00 **Immediate Action – Emergency Conditions**

The Executive Director may take immediate action against an employee under emergency situations. The immediate action will be to place the employee on administrative leave with pay pending the outcome of an investigation. Where an employee is unable to communicate or respond, the employee will be placed on leave without pay until it is determined that the employee cannot return to work or until the employee can respond. Examples of emergency situations are: when crimes of moral turpitude are committed, when an employee may be a threat to themselves, a co-worker, the general public, or potential damage to public property.

Section XIII

Grievances

The most effective accomplishment of the work of Housing Authority requires prompt consideration and equitable adjudication of employee grievances. It is the desire of Housing Authority to resolve grievances informally. Both supervisors and employees are expected to resolve grievances informally, and to make every effort to resolve problems as they arise. To that end, the grievance procedure is an established communication process for hearing and resolving legitimate claims of employees.

Sub-Section 130.00 Purpose

The purpose of the employee grievance procedure is to provide an orderly process for hearing the grievable claims of eligible employees. The object of the process is to reach a fair and equitable decision in a timely manner. The employee and supervisor should make every effort to resolve any grievance informally before initiating a formal procedure.

Sub-Section 131.00 Definition

A grievance is a claim initiated by a covered employee alleging:

- a. That their employment or productivity has been adversely affected by unfair treatment;
- b. Unsafe and unhealthy working conditions;
- c. Erroneous or capricious application of Housing Authority policies and procedures, or
- d. Unlawful discrimination.

Sub-Section 132.00 Filing a Grievance

A covered employee must file a written grievance with their immediate supervisor within ten (10) days after the occurrence of the event being grieved, or within ten (10) days after becoming aware of the event. The grievance statement must:

1. Be submitted in writing to the supervisor,
2. Include a statement regarding the specific claim and/or the specific policy violation,
3. Identify the specific relief desired.

Sub-Section 133.00 **Procedural Steps**

The employee grievance procedure must provide for a minimum of two (2) steps for covered employees below the position of Executive Director. Normally, the supervisor will hear the grievance in the first step and the Executive Director will hear the grievance in the second step. *For employees reporting directly to the Executive Director, the sole grievance hearing will be conducted by the Executive Director. Every effort should be made to resolve the grievance at the lowest supervisory level.*

Sub-Section 134.00 **Notification and Scheduling**

In the case of employees within the jurisdiction of the Executive Director, if the claim is determined to be grievable, the meeting will be held with the Executive Director within twenty (20) days after the grievance is filed. The Executive Director must notify the grievant of his/her decision in writing within five (5) days of the hearing.

Sub-Section 135.00 **Hearing**

The grievance meeting is intended to create a formal means for the grievant to communicate their complaint in an informal setting. The Executive Director will listen to the grievant's presentation and question the grievant to obtain pertinent facts about the claim and the circumstances relevant to the claim. The employee will represent themselves, but may bring witnesses, as previously identified to the Executive Director, to the meeting to provide any additional facts/information. Both the grievant and the Executive Director may question the witnesses.

Sub-Section 136.00 **Review and Reporting – Final Decision**

In the case of employees within the jurisdiction of the Executive Director after the grievance meeting, the Executive Director will review the claim, facts, evidence, and requested relief, and will report his/her decision in writing to the grievant within five (5) days of the meeting. The decision of the Executive Director will be the final decision in the grievance process.

Sub-Section 137.00 **Non-Grievable Issues**

The following are not grievable:

- a. Issues which are pending or have been concluded by other administrative or judicial procedures.
- b. Work assignments including transfers that do not result in a demotion or salary reduction.
- c. Budget allocations and expectations, and organizational structure, including the persons or number of persons assigned to particular jobs.

- d. The content or rating of a performance appraisal.
- e. The selection of an individual by the Executive Director to fill a position through appointment, promotion or transfer except when the employee can provide evidence that he or she has been adversely impacted by unlawful discrimination.
- f. Disciplinary actions which result in no adverse action.
- g. Any matter which is not within the jurisdiction of the Executive Director and Board of Commissioners.
- h. Internal security practices established by the Executive Director and Board of Commissioners.

Sub-Section 138.00 **Posting Requirements**

A signed acknowledgement of receipt of the personnel handbook will be considered appropriate posting of the grievance procedure.

Section XIV

Appeals

An appeal is a formal review of an adverse action taken by the Executive Director.

Sub-Section 140.00 Purpose

The purpose of the appeal is to provide that further due process is available to employees, as appropriate. It is also intended to prevent violations of these policies and unlawful discrimination.

Sub-Section 141.00 Definition

An appeal to the Board of Commissioners may be filed as a result of:

1. disciplinary dismissal;
2. evidence of unlawful discrimination;
3. evidence of unlawful or unjust coercion or reprisal;

All reasons must be grieved before they can be appealed.

Sub-Section 142.00 Filing an Appeal

A covered employee (appellant) must file a written appeal with the Board of Commissioners by submitting it to the Executive Director within ten (10) business days of a final decision of an adverse action or grievance proceeding or discovering evidence of an unlawful discrimination action. The written appeal shall contain a statement describing what action is being appealed and the specific relief desired. The Executive Director will first determine if the case is appealable under the policy, filed properly and timely. If appealable, the Executive Director will notify the appellant in writing of the date, time and place of the hearing before the Board of Commission. The employee may be placed on administrative leave with pay during this period, if necessary.

Sub-Section 143.00 Hearing

In the case of employees within the jurisdiction of the Executive Director and the Board of Commissioners, the hearing process is intended to be less formal than a court hearing, but orderly. The Executive Director will compile evidence, prepare findings of facts, and issue a recommendation to the Board of Commission. The Board of Commission will hear the appeal within 10 (10) days and make a written decision within 5 days of the hearing to the employee.

Sub-Section 144.00 **Board of Commission Review**

The Board reserves the right to hear or not to hear the appeal.

Sub-Section 145.00 **Representation**

Both the Housing Authority and the Appellant may represent themselves at the appeal hearing, or either may choose to be represented by an Attorney.

Sub-Section 146.00 **The Decision**

All decisions by the Board of Commissioners are final. If the Board of Commission hears the appeal, the written decision will be provided to the employee within twenty (20) days after the hearing is conducted.

Section XV

Housing Authority Owned Vehicles

Sub-Section 150.00

Vehicle Use After Hours/Off Duty

A. Policy Statement:

1. The Housing Authority provides Authority-owned vehicles to Housing Authority employees enabling said employees to accomplish their assigned task during normal working hours. Except as specifically stated, Authority-owned vehicles shall be used for Housing Authority business only.
2. There are times when it is to the benefit of the Housing Authority for employees to have access to Authority-owned vehicles after normal work hours and/or while off duty. Vehicles may be used after normal work hours if it is determined by the Executive Director that the vehicle can be justified for work related responsibilities.

B. Policy Guidelines:

The following guidelines shall apply when determining whether an employee merits the use of a Authority-owned vehicle after normal work hours, and if so under what conditions.

1. **Work Responsibilities After Hours:** The provisions of a Authority-owned vehicle for use after normal work hours, if determined to be justified for work related responsibilities, shall be in accordance with the following guidelines:
 - I. The requesting department must have an identifiable need for an employee to have use of a county-owned vehicle either to perform frequent regular duties after hours or to provide emergency response after hours.
 - II. The Supervisor shall submit a written request to the Executive Director specifying the exact reason, duration and system (rotation of on call, etc.) for after hours use of the vehicle.
 - III. The Authority-owned vehicle shall not be taken out of the Housing Authority jurisdiction unless the employee is on official county business.

- IV. The Authority-owned vehicle should be primarily for Housing Authority business.
- V. Limited (de minimis) personal use incidental to Housing Authority business use for a Authority-owned vehicle may be permitted. Incidental use shall include, but not be limited to brief errands to and from work. Such personal use should be very limited.
- VI. No one other than the Housing Authority employee shall be permitted to operate or be a passenger in an Authority-owned vehicle after hours with the exception that an employee may use the vehicle to drop off or pick up their children from school on their way to and from home. If the employee has their family member(s) in the Authority vehicle, they must first have on file in the Housing Authority Office a statement from their personal vehicle insurance carrier stating that if the child is injured in the Authority vehicle that the employee's personal vehicle insurance will cover any medical claims that may arise.
- VII. Trips for personal use once an employee arrives at home shall not be permitted.
- VIII. Use of a Authority-owned vehicle shall be properly reported to the Internal Revenue Service by the Housing Authority.