

RESOLUTION NO. 2010-274

Adopted by the Sacramento City Council

May 25, 2010

REVISED SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY (SHRA) PERSONNEL RULES AND CHANGING THE SHRA SENIOR HUMAN RESOURCES ANALYST CLASSIFICATION FROM UNREPRESENTED TO EXEMPT STATUS.

BACKGROUND

- A. The SHRA Personnel Rules were last revised in 2002. Since that time the Agency has negotiated collective bargaining agreements with both AFSCME and SHRAEA. These rules incorporate changes that have been implemented in the labor agreements, Agency policies, and federal and state labor and employment laws.
- B. The proposed changes for SHRA's Personnel Rules are consistent with Agency policy and labor relations practices and have been reviewed by the City and County Labor Relations Directors.
- C. The change from Unrepresented to Exempt status for the SHRA Senior Human Resources Analyst classification will better reflect the current level of duties and responsibilities of the classification and will be more appropriately designated using the Fair Labor Standards Act's (FLSA) Administrative Exemption.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The attached SHRA Personnel Rules are hereby approved.
- Section 2. The change in designation and benefits of the SHRA Senior Human Resources Analyst classification from Unrepresented to Exempt is hereby approved.

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Exhibit A – Revised SHRA Personnel Rules

Adopted by the City of Sacramento City Council on May 25, 2010 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, and Mayor Johnson.

Noes: None.

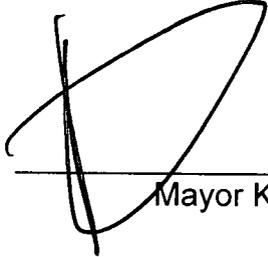
Abstain: None.

Absent: Councilmember Waters.

Attest:



Shirley Concolino, City Clerk



Mayor Kevin Johnson

Personnel Rules



February 5, 2002

May 18, 2010

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SECTION 1

GENERAL PROVISIONS

1.1 INTRODUCTION

These Rules set forth the practices and procedures that are to be followed by employees of the Housing Authority of the City of Sacramento, the Redevelopment Agency of the City of Sacramento, the Housing Authority of the County of Sacramento, the Redevelopment Agency of the County of Sacramento, and the Sacramento Housing and Redevelopment Agency (~~herein collectively called "Agency"~~); in the administration of its personnel program.

1.2 PURPOSE AND OBJECTIVES

These Personnel Rules ~~will apply to all aspects of the Agency's personnel administration and are administered by the Administrative Director. in all cases. In addition, However, these provisions also cover in recognized and current, duly adopted Collective Bargaining Agreements currently in effect, and or Resolutions of the Governing Boards that address which set forth terms and conditions of employment not covered by in these Rules also apply. The purpose of t~~These Rules have been adopted in order administered by the Human Resources Director, is for the Agency to achieve for the Agency the following objectives:

- A. Provide, implement, and maintain a system of personnel administration, including appointment of employees, appeal and dismissal procedures, ~~in which the appointment of persons in, and the dismissal of persons from,~~ Agency employment will be made shall be effected on the basis of merit and fitness. ~~However, Employees with exempt status serve at the pleasure of the Executive Director and may be terminated with or without cause.~~
- B. Establish and maintain a position classification plan in which ~~which shall group all Agency positions in Agency employment into~~ are arranged into classes based upon their duties, authorities and responsibilities.
- C. Provide for a compensation plan that ~~which shall includes~~ for each class a minimum and maximum rate and such intermediate rates as are considered necessary and equitable.
- D. Provide just and equitable incentives and conditions of employment to promote efficiency, economy and public responsiveness in the operation of the Agency.
- E. Provide that the tenure of employees covered by these Rules is shall be subject to good satisfactory professional work behavior, ~~the and~~ satisfactory work performance of work, necessity for the satisfactory completion of the work, and the availability of funds.
- F. These rules cannot cover every situation known or unknown, however they are intended to provide a culture of mutual respect for the employees and a professional work environment.

1.3 EQUAL EMPLOYMENT OPPORTUNITY

The Agency is an equal opportunity employer. We enthusiastically accept our responsibility to make employment decisions without regard to race, religious creed, color, age, sex, sexual orientation, gender identity, genetic information, national origin, religion, marital status, medical condition, disability, military service, pregnancy, childbirth and related medical conditions, or any other classification protected by federal, state, and local laws and ordinances.

Under the leadership of the Administrative Director, our management is dedicated to ensuring the fulfillment of this policy with respect to hiring, placement, promotion, transfer, demotion, layoff, termination, recruitment, advertising, pay, and other forms of compensation, training, and general treatment during employment.

No one will be subject to, and the Agency prohibits, any form of discipline or retaliation for reporting perceived violations of this policy, pursuing any such complaint, or cooperating in any way in the investigation of such complaints.

~~The Agency states as its policy a commitment to provide equal employment opportunity to all qualified persons in matters affecting, but not limited to, recruitment, employment, compensation, benefits, promotions, training, tuition assistance, Agency sponsored social and recreational programs, discipline, transfer, and layoff practices without regard to a person's race, color, religion, national origin, disability, sex, age, sexual orientation, pregnancy, marital status, or veteran status. Realizing that positive steps must be taken to achieve equal employment opportunity, under the responsibility of the Human Resources Director, the Agency's objectives are:~~

~~A. Provide equal opportunity and treatment to women, minorities, persons with disabilities, and all other persons who are employed by or are applying for employment with the Agency.~~

~~B. Provide opportunities for women, minorities and persons with disabilities at all levels and in all segments of the Agency's work force.~~

~~C. A. Provide that the Agency will enter contractual agreements only with Equal Opportunity Employers.~~

1.4 WORKPLACE HARASSMENT PREVENTION

The Sacramento Housing and Redevelopment Agency (SHRA or Agency) prohibits any form of harassment or any other inappropriate conduct toward any of our employees, independent contractors, customers, partners, vendors, suppliers, or other third party's based on an individual's "protected characteristic." Protected characteristics include an individual's race, religion, color, sex, sexual orientation, gender identity, national origin, ancestry, citizenship status, age, uniform-service member status, marital status, pregnancy, medical condition or disability, and any other characteristic protected by federal, state, or local law or ordinance.

A. The Agency prohibits:

1. Discourteous or offensive conduct or language toward the public, fellow employees or officials.
2. Any conduct related to employment which impairs, disrupts, or causes discredit to the Agency or Agency service.

These rules are intended to promote a policy that allow and promote employees to be treated with respect and dignity. To this end, the Agency will not condone or tolerate any form of harassment at the workplace. An Agency employee charged with any of the above misconduct will be subject to disciplinary action up to and including termination.

1.45 PERSONNEL MEMORANDA

~~Because these~~ ~~It is envisioned that these~~ Rules are inclusive but not exhaustive, ~~the~~ ~~and that~~ ~~the~~ need may arise from time-to-time for additional clarification, explanation or extension of these Rules.

The Executive Director is authorized to issue personnel memoranda ~~to~~ ~~as the need may arise~~ ~~and in such instances as deemed necessary and appropriate to~~ clarify, explain or extend these Rules ~~as circumstances warrant.~~

A. Such memoranda will be effective from the date of their issuance until they are revoked by the Executive Director or the Governing Board by the adoption or amendment of further Rules or memoranda.

~~A. in particular factual settings.~~

~~B.~~

B. Such ~~These~~ memoranda, ~~as they may be issued, shall will~~ serve as precedents to guide the implementation of these Rules in a consistent and fair manner.

~~D. The aforementioned memoranda shall be effective from the date of their issuance until they are revoked by the Executive Director or the Governing Board either explicitly or implicitly by the adoption or amendment of further Rules or memoranda.~~

C. These Rules and any personnel ~~the aforementioned~~ memoranda ~~will shall~~ be maintained by ~~the~~ Human Resources ~~Director~~ in their most current form and ~~shall be~~ implemented by the Human Resources Administrative Director after giving due consideration to the following ~~additional~~ policies:

1. Employer/Employee Relations Policy
2. Conflict of Interest Code
- ~~3. Travel and Expense Reimbursement Policy~~ Out of Town Travel Policy
4. Agency Safety Policy and other similar ~~P~~olicies
5. Insurance ~~R~~requirements

6. All federal, State, and local ~~Federal~~ laws and regulations

7. Collective Bargaining Agreements

~~8. Recruitment Plan, focusing on reaching women, disabled and underutilized populations.~~
8.

1.56 CONFLICT BETWEEN PERSONNEL RULES AND COLLECTIVE BARGAINING AGREEMENTS

In the event of conflict between the Personnel Rules and Collective Bargaining Agreements, the Collective Bargaining Agreements prevail.

1.567 ABBREVIATED REFERENCES

Throughout these Rules, the following abbreviated references are utilized solely to maintain clarity of expression and style.

A. "Governing Board" refers to any and all governing bodies of the constituent agencies and authorities, as they may from time-to-time be constituted.

B. "Agency" refers to the following entities:

1. Sacramento Housing and Redevelopment Agency
2. Housing Authority of the City of Sacramento
3. Housing Authority of the County of Sacramento
4. Redevelopment Agency of the City of Sacramento
5. Redevelopment Agency of the County of Sacramento

1.786 SAVING CLAUSE

If any parts of these Rules are found to be illegal, such illegality ~~will~~ shall not in any way invalidate any other parts of these Rules.

1.789 COMPENSATION ERRORS

A. The purpose of this section is to ensure the orderly administration of the Agency payroll by providing for 1) a fixed period of time within which the Agency or an employee may recover compensation, benefits, or credits for payroll errors, and 2) a procedure for correcting payroll errors.

~~B. With regard to payroll errors, reimbursement to the Agency by the employee or to the employee by the Agency will be determined by current labor law limits. shall be limited to those overpayments and over credits or under payments and under credits which~~

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~~occurred during the one-year period prior to the date of notice given by the party discovering the error.~~

B.

C. Where the Human Resources ~~Manager Director, as designee of the Executive Director,~~ has determined a payroll error ~~has been made (within the time allowance),~~ the Human Resources ~~Administrative Director, or his/her designee,~~ will shall take the following action:

1. Provide Give-written notice to the employee.
2. With regard to future payrolls, immediately correct the error to avoid overpayment and over crediting or underpayment and under crediting to the employee.
3. Ensure any ~~€~~compensation due to an employee from the Agency is shall be made in one lump sum as soon as practical, but no later than the second payroll following detection of the error.
4. If the employee owes the Agency, ensure the amount owed is repaid in increments of at the correction shall be made at least \$50 minimum per pay period for a period not to exceed twenty-four months or subject to a repayment schedule as agreed to by the employee and the Agency not exceeding 12 months.
5. Ensure any ~~A~~adjustments for integrating state disability or workers' compensation payments with accrued sick leave will be are made on a one-time lump sum basis, unless otherwise approved by the ~~Human Resources Administrative Director.~~ It is the employee's obligation to submit copies of state disability or workers' compensation payments to Human Resources immediately upon receipt of each payment.

1.9108 EMPLOYEE CONTACT AND OTHER INFORMATION RESPONSIBILITY

Every employee has a ~~It is each employee's~~ continuing obligation to provide the Human Resources Department with his/her current address, phone number, emergency contacts, and changes in dependent coverage/beneficiary.

SECTION 2

DEFINITIONS

The ~~Certain~~ terms below as used in these Rules are defined as follows:

2.1 ADMINISTRATIVE LEAVE

Paid leave with benefits. Administrative leave ~~may be is~~ granted or required by the Executive Director or designee; ~~generally reserved for circumstances involving on-going investigations, or the ve,~~ safety or health of employees. ~~reasons.~~ (See Section 2.56 for unpaid admin leave)

2.2 AGENCY-DESIGNATED GROUP INSURANCE CONTRIBUTION

The total monthly amount ~~that~~ the Agency contributes towards medical, dental and life insurance; ~~and~~ dependent care reimbursement for benefited employees.

2.3 ALLOCATION

The assignment of an individual position to its proper class in accordance with the duties performed and the authority and responsibility exercised.

2.4 ANNIVERSARY DATES

A. Salary Anniversary:

The day after successful completion of a probationary period (including an extension of a probationary period) or fifty-two (52) weeks after reallocation under the flexible staffing concept. The salary anniversary date may change as a result of a Leave of Absence.

~~Clerical, Maintenance, and Service~~ General Clerical and Service, and Operations and Maintenance employees' probationary period is twenty-six (26) weeks.

Administrative and Technical employees' probationary period is fifty-two (52) weeks.

Confidential employees' probationary period is twenty-six (26) weeks.

B. Agency Service Seniority:

~~The Date of appointment of date of an employee to regular or part-time employment, determines his/her Agency Service Seniority. Neither Time worked as a Temporary or Services Agencies nor Temporary Agency Service employee is not is~~ included in the determination of Agency Service Seniority.

C. Classification Seniority

The date an employee begins probation in a specific job classification or is reallocated/reclassified in that classification.

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2.5 APPEAL

A formal request in written form, by an employee to higher authority for redress or adjudication of a management decision in accordance with Section 12 of these Rules.

2.6 APPLICANT

A person who, under these Rules, has made formal application for employment.

2.7 APPOINTING AUTHORITY

The Appointing Authority in all instances, except for the Executive Director's position, is the Executive Director. The Executive Director may delegate this authority in writing to another employee of the Agency. Any such ~~Said~~ delegation will ~~shall~~ be in effect from date of the issuance of the delegation until such time as it is revoked or exercised directly by the Executive Director. The Appointing Authority for the Executive Director position is ~~shall~~ be the Governing Boards of the Agency.

2.8 APPOINTMENT

The offer to a person and the acceptance of a position in accordance with these Rules.

2.9 CANDIDATE

A person whose application or transfer request for employment has been accepted.

2.10 CERTIFICATION

The submission of names of eligible candidates from an appropriate list to the Appointing Authority by the ~~Human Resources~~ Administrative Director.

2.11 CLASS OR CLASSIFICATION

All positions sufficiently similar in duties, responsibilities, working conditions, and requirements, to permit grouping under a common title with equitable application of common standards of selection, transfer, promotion, and salary.

2.12 CLASS SPECIFICATION

~~An official~~ statement or guideline of the essential ~~functions~~ duties, responsibilities and qualification requirements of positions included in a particular class.

2.13 CLASSIFICATION PLAN

The arrangement of positions in classes, together with the titles and specifications describing each class.

2.14 CLASSIFIED SERVICE

All limited-term and part-time positions, and those regular positions ~~that~~ ~~which~~ typically require the successful completion of a probationary period to achieve regular permanent status.

2.15 COBRA

Consolidated Omnibus Budget Reconciliation Act (COBRA) allows terminated employees to extend participation in Agency group medical and dental plans (at the insured's own cost) for 18 months if they are terminated for any reason other than "gross misconduct." Eligible beneficiary(ies)/dependents can extend their participation (at the insured's own cost) in the plan for up to 36 months if, 1.a) the employee dies, 2.b) there is a divorce or legal separation, or 3.c) a dependent child ceases to be a dependent due to marriage, attainment of age 23, or change in custody.

2.16 COST OF LIVING ALLOWANCE (COLA)

~~Cost of Living Allowance (COLA) is a~~ A percentage increase of salary, generally based on the Consumers Price Index (CPI).

2.17 CONFLICT OF INTEREST

~~Statutorily defined~~ Conflict between an employee's interests and the Agency's interests. Employees in specific job classifications designated by the Agency may be required ~~by law~~ to complete Conflict of Interest, Gift Policy, and Disclosure Statements forms in which, they ~~which~~ declare any interests that may be in conflict with Agency policies or action. Conflict of Interest forms are filed with the Agency Clerk and are public information.

2.18 COMPENSATORY TIME OFF (CTO)

Authorized paid time off accrued by working more than eight (8) hours per day in a regular schedule or over eighty (80) hours per pay period in a flex work schedule. Exempt employees are not eligible for CTO.

2.19 DEMOTION

The movement of an employee from a position in one class to a position in another class having a lower salary range, either voluntarily or initiated by the Appointing Authority.

2.20 ELIGIBLE

A person who has passed all components ~~within~~ of the examination process and is certified as a candidate ~~qualified~~ for certification for employment. ~~An~~ certified eligible person candidate has no guarantee of employment.

2.21 ELIGIBLE LIST

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A list of ~~persons-candidates~~ who have passed all the components within of the examination process and have been ~~are qualified for certification certified as eligible for hiring. for~~ employment.

2.22 EXAMINATION

The process of testing to determine either basic qualification or rank order of merit, ~~and the establishment of an eligible list. If two oral exam panelists fail a candidate, the candidate is disqualified.~~

2.23 EXECUTIVE DIRECTOR

The chief executive officer of the Agency who serves at the pleasure of the Governing Bodies.

2.24 EXEMPT EMPLOYEES

They serve at the pleasure of the Executive Director. Accordingly, they are not subject to a probationary period, just cause if not required for discipline, and there are no appeal rights. Nothing in these Rules will ~~shall~~ be construed to be an express or implied covenant or contract, or to create a property right or tenure for any person appointed to Agency positions that, ~~which~~ are exempt from the classified service. ~~Exempt employees serve at the pleasure of the Executive Director. Consequently, Exempt employees do not serve a probationary period, just cause is not required for discipline, and there are no appeal rights.~~ Exempt employees ~~shall~~ include the following:

- A. The Executive Director and Deputy Executive Director.
- B. All executive, management and supervisory personnel in positions listed in Exhibit "A" who serve at the pleasure of the Executive Director; ~~within the Exempt category, "Executives" are noted with an asterisk.~~
- C. All temporary employees; and
- D. Volunteer personnel and personnel appointed to serve without pay.

2.25 EXEMPT MANAGEMENT

The Executive Director and the occupants of those managerial positions listed in Exhibit "A₂":

2.26 EXEMPT SERVICE

All positions to which exempt employees are appointed.

2.27 FLEXIBLE STAFFING

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A procedure by which certain positions may be reallocated to the next higher level with the supervisor's or committee's recommendation when permitted by provisions in the class specifications or approved procedures.

2.28 FLEXIBLE SCHEDULE

Hours of work other than 8:00 a.m. to 5:00 p.m., but totaling eighty (80) hours per pay period.

2.29 FLEX WORKWEEK (~~9/8/80 and 4/10 per pay period or other~~)

A. 9/8/80: A total of eighty (80) hours worked in nine (9) days over a two (2)-week pay period. Usually, the employee ~~will works~~ eight nine-hour (8/9) days and one eight-hour (8) day during the two (2) weeks, with one (1) workday off when compared to the traditional work schedule.

B. 4/10: A total of eighty (80) hours worked in four (4) ten (10)-hour days a week over a two (2)-week pay period. Usually, the employee ~~will works~~ eight (8) ten (10) hour days during the two (2) weeks, with ~~a one (1) work-day off every week.~~ when compared to the traditional work schedule.

C. Other: Other flex workweeks ~~An alternate flex schedule~~ may be established with the approval of the Executive Director or designee.

2.30 GREEN CIRCLED

An employee may be green circled for various reasons, a green circled employee receives pay at a rate that exceeds the maximum salary step of their classification-salary range for the employee's class; green circled employees ~~are~~ will be eligible for COLAs east of living increases only.

2.31 GRIEVANCE

~~A grievance is a claim by an employee who personally has been adversely affected in employment by the inequitable or unreasonable interpretation or application of these Rules or an applicable law. Labor agreements, exempt status or confidential status affect which grievance procedure, if any, must be followed. A grievance is any dispute between the (A) the parties, (B) the Agency and an employee or employees, or (C) between or among employees, with respect to the meaning, interpretation, application or enforcement of the collective bargaining agreement(s).~~

~~2.32 GROUP INSURANCE CONTRIBUTION~~ Section 2.2

~~For active employees, the Agency designates a monthly dollar amount towards medical, dental, life insurance, and dependent care.~~

2.33 HEALTH INSURANCE CONTRIBUTION

The maximum monthly amount ~~that~~ the Agency contributes towards health insurance only (applies to both active employees and retirees). Does not include dental or life insurance or, ~~nor~~ dependent care reimbursement.

Employees who retire under the Public Employees' Retirement System (PERS) law are eligible for a retiree health insurance contribution benefit allocation from the Agency. Such allocation is determined by the Agency and may be changed at any time subject to Government Code Section 2289225.

2.34 LAYOFF

A ~~layoff is the~~ separation of at least one (1) employee due to lack of work, lack of funds, abolishment of a position, or other reasons required to ensure in the the efficient operation of the Agency.

2.35 LEAD PAY

When the appointing authority designates a regular employee, in writing, as a lead worker, that employee shall receive five percent (5%) increase in base salary for each hour worked; for the first six (6) months, thereafter an additional five (5) percent. Employees designated as a lead worker shall be ~~when designated as a lead worker~~ for a specific project of ~~for a~~ limited duration.

2.36 LEAVE OF ABSENCE

Permission to be absent from duty with or without pay for a specified period and for a specified purpose, with the right to return to the same classification before or at the expiration of the period. Leave of absence shall be requested in writing to the Human Resources Manager and shall state specifically the reason(s) for the leave, the date when the leave is to begin and the probable date of return.

2.37 MANAGEMENT/SUPERVISORY LEAVE

Applicable to Exempt management/supervisory employees; ~~shall be eligible for up to forty (40) hours annually management/supervisory leave subject subject to the requirements of conditions in section 9.12 of these Rules.~~

2.38 OUTSIDE/SUPPLEMENTAL EMPLOYMENT

Employees requesting permission to accept employment outside the Agency are required to submit an Application for Permission for Outside Employment form as outlined in the Agency's Policy/Procedure Instructions manual. Any employee whose request for supplementary employment is denied by the Appointing Authority or designee will have the right to appeal to the General Counsel, whose decision will be final.

2.389 PERSONNEL ACTION

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Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting work status of employment.

2.3940 PERSONNEL FILE OR PERSONNEL RECORDS

Those confidential records maintained and controlled by the Human Resources Administrative Director regarding employees.

2.401 HUMAN RESOURCES ADMINISTRATIVE DIRECTOR

The individual assigned the responsibility of administering the Agency's personnel program and other related duties as may be required by the Executive Director.

2.412 POSITION

A combination of the duties regularly assigned to be performed by one person. ~~These re-~~ are the following types of positions in the Agency:

A. Regular:

A position in the classified service or the exempt service in which an ~~the~~ employee may be expected to be continuously employed on a full-time basis.

B. Limited-Term:

A position stipulated to be of limited duration, up to a maximum of eighteen (18) months, because of seasonal workloads, special projects or other reasons. A limited-term position must be of such duration as to require an employee to work within one year of each date of employment, at least 1,000 hours during a continuous period of employment of more than six (6) months. Limited-term positions ~~shall~~ automatically terminate on the date set forth in the appointment letter unless otherwise extended.

C. Part-Time:

A position in which an employee is expected to ~~where the work schedule calls for a work~~ a minimum of forty (40) hours but less than eighty (80) hours during a bi-weekly pay period, either on an intermittent or regular basis. A part-time position must be of such duration as to require an employee to work, within one calendar year, at least 1,000 hours during a continuous period of employment of more than six (6) months.

D. Temporary

A position in which an ~~where the~~ employee works less than 1,000 hours during a continuous period of more than six (6) months.

E. Temporary Services

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A temporary position where the employer is a temporary employment services agency with which the Agency has contracted.

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C.F. Volunteer:

Any position for which the employee is not compensated.

2.423 PROBATIONARY PERIOD

A working ~~test~~ period during which an employee is required to demonstrate an ability to satisfactorily perform fitness by actual performance of the duties of the position to which the employee is ~~has been~~ appointed.

2.434 PROMOTION

The movement of an employee from a position in one class to a position in another class having a higher salary range, other than when a position is reclassified.

2.445 RANDOM RANKING

Determining by lot the placement of candidates on the eligible list when the ~~Human Resources Administrative~~ Director determines that no ~~significantly~~ valid criteria exist for ranking candidates.

2.456 RANDOM SELECTION

Establishing by lot the number of invitees to an examination when the number of applicants exceeds the number practical to process in light of the Agency's staffing needs.

2.467 RECLASSIFICATION

A change in allocation of an individual position by raising it to a higher class, reducing it to a lower class or ~~by~~ moving it to another class at the same level due to a significant change in duties and responsibilities of the position.

2.478 REDUCED WORK SCHEDULE

Pay period during which less than 80 regular (not overtime) work hours are authorized.

2.489 SECTION 3

A section ~~Section 3~~ of HUD regulations requiring es that employment and other economic opportunities ~~shall~~ be directed to public housing residents, other low- and very low-income persons, and persons in eligible geographic locations.

2.4950 STATUS

The standing of an employee's present appointment. There are the following ~~following types~~ types of statuses in the Agency:

A. Regular:

~~(Commonly called Permanent)~~-The status of an employee who has been retained in a position in the classified service after completion of the probationary period.

B. Probationary:

The status of an employee who has been certified and appointed to a position in the classified service but who has not completed the probationary period.

C. Limited-Term:

The status of an employee hired for a limited duration, up to a maximum of eighteen (18) months, because of seasonal workloads, special projects or other reasons. Such employee may work within one year from each date of employment, at least 1,000 hours during a continuous period of at least six (6) months.

D. Exempt:

The status of an employee who has been appointed to a position in the exempt service.

~~2.50~~ — SUPPLEMENTARY EMPLOYMENT (Revised and moved to Section 2.38)

~~Employees requesting employment outside the Agency are required to submit a Request For Supplemental Employment form for review by the employee's department and the Legal Department for possible conflict of interest. No employee holding a position with the Agency shall accept any employment, position or service outside of Agency employment for which the employee is compensated in any form, including salary, wage, fee, or commission, except as hereinafter provided. Temporary employees shall not be subject to the provisions of this Rule.~~

~~A. Such persons who desire to accept other employment in addition to their regular Agency employment must obtain permission from their Appointing Authority or designee, on a Permission Request for Supplemental Employment form provided by the Human Resources Department.~~

~~B. The Appointing Authority or designee shall determine whether the performance of the duties of the other employment or service is without conflict with Agency employment and, therefore, is allowable.~~

~~C. On the basis of such investigation, the Appointing Authority or designee shall approve or deny such requests for supplementary employment. No request shall be granted which entails any duty whatsoever by the employee during regular hours of employment with the Agency.~~

~~D. A copy of all applications, whether approved or denied by the Appointing Authority or designee, shall be filed with the Human Resources Department.~~

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~~E.A. Any employee whose request for supplementary employment is denied by the Appointing Authority or designee shall have the right to appeal to the General Counsel, whose decision shall be final.~~

2.51 SUSPENSION

The temporary ~~postponement~~ ~~separation~~ of an employee's pay and dismissal from duty ~~without pay~~ as a means of discipline.

2.52 TEMPORARY EMPLOYEE

The status of an employee who is ineligible for benefits and has no transfer rights or appeal rights.

2.53 TERMINATION

The separation of an employee from Agency employment. Represented and Confidential employees may be terminated for just cause. Exempt employees serve at the pleasure of the Executive Director (i.e., they are "at will" and may be terminated by the Executive Director for any reason, at any time, with or without cause.

2.54 TRANSFER

The movement of an employee from one position to another position. ~~without change of status. The employee's merit eligibility date remains unchanged. Although the employee is not placed on probation, the employee is subject to performance evaluations.~~ There are three types of transfers:

A. Work Location Transfer. Same classification; transferring work location only.

B. ~~Lateral Step to Step Transfer.~~ Transfer to a comparable classification where the employee's current salary step is within five percent (5%) of the same step of the classification being transferred to. ~~The employee's current salary step must be within five percent (5%) of the same step of the classification transferring to.~~

~~D.C.~~ Promotional Transfer. Transfer to a higher classification where the employee's current salary step is more than 5% below the same step of the classification being transferred to. ~~Employee's current salary Step must be within five percent (5%) of the salary range of the classification transferring to.~~

D. Transfer requests are not accepted for exempt and confidential positions.

2.55 TRANSITION

The movement of an employee from a limited-term or part-time position to a regular position in the classified service.

2.56 UNPAID ADMINISTRATIVE LEAVE

Where an employee has made him/herself unavailable for work the employee will be placed on unpaid leave.

2.567 Y-RATE

A pay rate that, ~~which~~ is frozen because it exceeds the maximum step of the salary range for the employee's class. No COLA ~~cost of living increases~~ will ~~shall~~ apply.

SECTION 3

THE CLASSIFICATION PLAN

3.1 ADOPTION AND MAINTENANCE OF PLAN

The ~~Human Resources~~Administrative Director ~~will shall~~ establish and maintain a position classification plan ~~that which shall~~ groups all positions into classes based upon their duties, authority and responsibilities. The ~~Human Resources~~Administrative Director may allocate positions to the appropriate class. The position classification plan, and any revisions ~~that which~~ require the creation of a new class or title change, ~~will be shall be~~ recommended by the Executive Director to the Governing Boards for adoption.

3.2 PURPOSE

The purpose of the classification plan is to provide a complete and continuous inventory of all Agency positions and to provide accurate specifications for each class of employment. The plan ~~will shall~~ standardize titles, each of which ~~will shall~~ be indicative of the range of duties and responsibilities of the classification.

3.3 AMENDMENT OF PLAN

The ~~Human Resources~~Administrative Director ~~will shall~~ conduct classification studies upon the request of the Executive Director. If the ~~Human Resources~~Administrative Director finds that substantial change in organization, creation or change of position, or other pertinent conditions, make necessary the addition, abolishment, consolidation, division, or amendment of the classification plan, such recommendations may be submitted by the Executive Director for adoption by the Governing Boards ~~of the Agency~~. The Executive Director may approve revisions to the classification plan ~~that which~~ do not require the creation of a new salary range.

3.4 CLASS SPECIFICATIONS

A. Content of Specifications:

Each class specification ~~will shall~~ include, at a minimum, the class title, definition, essential job functions/physical requirements, technical requirements and/or licenses, examples of duties, a statement of qualifications, and a description of the combination of experience and education a person should possess to perform the work.

B. Interpretation of Specifications:

The definitions in class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions ~~that are~~ allocated to the classes, as determined by duties and responsibilities. The definitions ~~They~~ are not to be construed as declaring what the duties or responsibilities of any position may be, or as limiting or modifying the power of the Appointing Authority to assign, direct and control the work of employees.

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The use of a particular expression or illustration as to duties ~~will shall~~ not be held to exclude others not mentioned that are of similar kind or quality.

C. Use in Allocation:

In determining the class to which any position should be allocated, the specification describing each class ~~will shall~~ be considered as a whole. Consideration ~~will shall~~ be given to the general duties, specific tasks, responsibilities, qualification requirements and relationships to other classes, as a composite description of the kind of employment ~~which~~ the class is intended to embrace.

D. Qualification Statement:

The qualifications enumerated in a class specification ~~will shall~~ relate to the reasonable standards of experience and training required to perform all the duties of the classification.

3.5 USE OF CLASS TITLES

The class title ~~is the shall be the~~ official title of every position allocated to the class for the purpose of personnel actions and ~~will shall~~ be used on all payrolls, budget estimates, and official records and reports relating to the position. Any other working title desired and authorized by the Appointing Authority may be used as a designation of any position for purposes of internal administration or in contacts with the public.

3.6 APPEAL OF ALLOCATIONS

An employee disagreeing with the allocation of a position as a result of reclassification may file a written request for reconsideration, within thirty (30) days of when the reclassification takes effect with the Human Resources Administrative Director. In order for the request to be considered the employee's written request must outline the reasons for the disagreement. Failure to outline the reasons will remove the request from consideration. The ~~Human Resources Administrative Director~~ will shall review the reasons for reconsideration classification and the position and submit the findings to the department director and the employee concerned. If the employee is still dissatisfied with the ~~Human Resources Administrative Director's~~ findings, the employee may appeal in accordance with Section 12.4C of these Rules. (Represented employees may appeal in accordance with applicable Labor Agreement Grievance Procedure-Step 2).

3.7 FLEXIBLE STAFFING

~~Reallocations Provided by Class Specification.~~—When a position is reallocated as allowed in the class specification by action of the Executive Director, the incumbent ~~will shall~~ be granted ~~permanent regular~~ status in the new class. The anniversary date for subsequent in-grade salary increases ~~will shall~~ be one year from the effective date of reallocation. The Agency classes for which flexible staffing is provided ~~by the class specifications~~ are listed in Exhibit "B" attached to ~~hereto~~ and made a part of these Rules. hereof.

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SECTION 4

APPLICATIONS AND SCREENING

4.1 EXEMPT APPOINTMENTS

The Executive Director may appoint, with or without advertised recruitment, a candidate to an exempt position. ~~Nothing in these Rules shall be construed to be an express or implied covenant or contract, or to create a property right or tenure, for any person appointed to positions which are exempt from the classified service. Exempt employees are at will and serve at the pleasure of the Executive Director. Consequently, just cause is not required for termination, and there are no appeal rights.~~

4.2 RECRUITMENT

An active recruitment program will be conducted to meet current and projected workforce, Section 3 HUD requirements, and diversity needs as an Equal Opportunity Employer. Recruiting efforts will be coordinated by the Human Resources Department with the cooperation of other Agency departments ~~of the Agency~~. Depending on the needs of the Agency, recruiting information ~~publicity~~ will be distributed through appropriate media for a sufficient period of time to ~~assure ssure open opportunity for members of the public an~~ opportunity to be considered for Agency employment.

For eligibility for preference under Section 3 HUD requirements, applicants must complete a Section 3 eligibility form ~~that contains~~ with all requested information regarding family income, geographic location and residency in a public housing authority.

These Personnel Rules apply equally to Section 3 applicants and all other applicants.

4.3 ANNOUNCEMENTS

Public notice of Agency vacancies ~~shall~~ will be distributed to organizations, interested individuals and appropriate specialized groups as determined by the ~~Human Resources~~ Administrative Director. Announcements will ~~shall~~ be posted in conspicuous places in Agency buildings. In addition, information on position vacancies may be disseminated ~~shall be issued by other methods that facilitate contact with which will best assure its reaching~~ qualified prospective applicants.

4.4 ~~CRIMINAL BACKGROUND CHECKS~~

Prior to appointment, criminal background and reference checks will be conducted ~~made on~~ all applicants. ~~prospective employees~~. Exempt employees are subject to full background checks, including criminal, credit, and schools education and references.

4.5 HEPATITIS INOCULATION

The Agency will pay for ~~the~~ hepatitis inoculation ~~as required~~ for specific job classifications ~~that which~~ have been determined to be high risk for possible contact with the hepatitis virus. Employees have the right to refuse, in writing, the inoculation.

4.6 TYPES OF EXAMINATIONS

Eligible lists ~~will shall~~ be established as a result of open and/or promotional examinations. If necessary, open and promotional examinations may be given concurrently.

A. Open:

~~Open~~ ~~Open~~ examinations ~~are shall be~~ open to any person who meets the qualification standards as set forth ~~in on~~ the job announcement. Open continuous examinations may be announced by publishing a single announcement notice without a final filing date.

B. Promotional:

Promotional examinations ~~are shall be~~ open to all employees in the classified service who meet the ~~basic~~ qualifications standards set forth in the job announcement.

4.7 QUALIFICATIONS AND SCREENING OF APPLICANTS

Applicants for appointment, promotion or transfer to positions ~~must shall~~ possess the qualifications and other requirements for the class as stated in the job announcement.

The ~~Human Resources~~ Administrative Director will use one or more of the following techniques to determine whether applicants possess the knowledge, skill and ability requirements listed on the job announcement:

A. Review ~~information~~ the applicant supplies on the application form.

B. Conduct ~~W~~ written, performance, physical tests or examinations, or any combination of these.

C. Conduct ~~individual~~ or group interviews.

D. Review ~~information~~ and evaluation supplied by references and previous employers.

E. Use ~~O~~ other job-related screening techniques as may be necessary.

When provided for in the examination announcement, random selection may be utilized for establishing the number of invitees to an examination when the number of applicants exceeds the practical ability of staff to process applications in light of the Agency's staffing needs. Applicants who are Agency employees or Agency residents on the closing date of the application period ~~will shall~~ be exempt from random selection and ~~will shall~~ be invited to an examination if they meet the minimum qualifications.

When provided for in the examination announcement, random ranking may be utilized for placement of candidates on the eligible list when it is determined that no valid criteria exist

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for ranking candidates otherwise eligible for employment. Candidates who are Agency employees or Agency residents on the closing date of the application period ~~will~~ shall be randomly ranked on the eligible list prior to candidates who are not Agency employees or Agency residents.

4.8 WAIVER OF SELECTION PROCEDURE

When a selection procedure has been publicly announced and the number of applicants meeting the qualifications for the position is seven (7) or less, the ~~Human Resources~~ Administrative Director may waive further testing entirely and certify the names of applicants meeting the qualifications to the Appointing Authority.

All formal selection procedures may be waived for the appointment of persons to temporary positions, ~~or to limited-term positions in Federal, State, local~~ or Governing Board approved employment and training programs.

4.9 APPEALS FROM DISQUALIFICATION

A candidate may appeal disqualification (failure) in any phase of the examination or selection process through the ~~Human Resources~~ Administrative Director to the Executive Director. Appeal must be made within thirty (30) days after notice of examination results has been mailed. Appeal may be made for any of the following reasons:

- A. The Agency's erroneous interpretation or application of the qualification standards prescribed for the class.
- B. Improper procedure by the Agency in the administration of the test ~~that which~~ would materially affect the outcome.
- C. Discrimination by the Agency based on any characteristic listed in section 1.3 of these Rules. race, color, religion, national origin, age, disability, sexual orientation, sex, marital status, or veteran status.

Employees who apply for a promotion but do not meet minimum qualifications ~~will~~ shall be notified in writing within ~~three (3) working days of the end of posting or five (5) working days~~ prior to interviews.

If the disqualification is reversed on appeal, the Agency ~~will~~ shall rank the candidate at the place on the eligible list ~~that where~~ the candidate would have ranked if there had been no disqualification. However, certifications or appointments made from the eligible list prior to the reversal ~~will~~ shall not be affected.

4.10 ELIGIBLE LISTS

Eligible lists are established in rank order of names of those persons available for certification for employment to existing vacancies.

There are the following types of eligible lists in the Agency:

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A. Layoff List

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Employees with ~~permanent~~ regular status who were laid off due to lack of work or reduction in force. Appointment of qualified persons from this list is mandatory.

~~A.B.~~ Re-employment List:

Employees who have resigned in good standing with regular ~~permanent~~ status who have petitioned for re-employment in writing to the Administrative Director within one (1) year from the date of resignation. The former employee's ~~His or her~~ name will shall remain on the re-employment list for one year of date placed on the list. Appointment of persons from this list is optional with the Appointing Authority.

C. Promotional List

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Employees who have successfully completed all components within a promotional examination.

~~B.D.~~ Open List:

Persons qualifying for certification as a result of having successfully completed all components within an open examination.

In the event another eligibility list for a classification is established while a list is still valid, the employees on the first eligibility list will shall take precedence over employees on the second eligibility list, and so forth, regardless of any individual employee's numerical ranking.

4.11 DURATION OF ELIGIBLE LISTS

The life of eligible lists will shall be at least three (3) months but no longer than one (1) year from the date established, unless extended up to one (1) additional year by the ~~Human Resources~~ Administrative Director. However, names will shall remain on a layoff list for two (2) years from the date of layoff.

4.12 REMOVAL OF NAMES FROM ELIGIBLE LIST

Names of eligible persons may be removed from an eligible list by the ~~Human Resources~~ Administrative Director subject to the right of the eligible person to appeal to the Executive Director within thirty (30) days from notification, for any of the following reasons:

- A. False statement of material fact or actual or attempted deception, fraud, or misconduct in connection with the application or examination.
- B. Failure to accept appointment when certified from a layoff list.
- C. Failure to accept appointment when certified from an eligible list.
- D. Failure to respond to a mailed communication within a reasonable period of time.

- | E. Failure to report or communicate with the Appointing Authority to whom certification was made within five (5) working days from the date notice was mailed.
- | F. Declining an interview three (3) times.
- | G. Failure to pass the criminal background and reference checks and/or medical examination.
- | H. The one (1) year period of unpaid leave, in accordance with the MOU, has expired.

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SECTION 5

CERTIFICATIONS, APPOINTMENTS AND TRANSFERS

5.1 FILLING VACANT POSITIONS

All vacancies ~~will shall~~ be filled as provided in these Rules. The ~~Human Resources~~ ~~Administrative~~ Director ~~will shall~~ certify to the Executive Director or designee, candidates who have been screened in accordance with Section 4 of these Rules. Recruitment procedures ~~for the position of the~~ Executive Director ~~position will shall~~ be determined by the Governing Boards of the Agency.

In recruiting employees for ~~the~~ exempt service, the Executive Director ~~will shall~~ use such procedures and methods as deemed appropriate. The Executive Director may appoint a candidate to an exempt position without recruitment. The Executive Director may, but is not required to, use the same procedures as ~~those are~~ utilized for the classified service.

The Executive Director ~~will shall~~ make an appointment to all available exempt positions as soon as it is reasonably possible to do so; however, as an alternative, a classified employee may be designated to temporarily assume the duties of an exempt position until such time as the exempt position may be filled. During the period ~~during in~~ which the classified employee is performing the exempt duties, the employee ~~will shall~~ retain all of the rights of a classified employee.

Prior to appointment, candidates may be required to complete a declaration pertaining to ~~potential ssible~~ conflicts of interest or contractual relationships with the Agency.

5.2 EDUCATION REQUIREMENTS

- A. Agency employees ~~will shall~~ be ~~permitted allowed~~ to have completed ~~fifty~~ 50-percent (50%) of the education requirements when applying for Agency positions. However, the employee will be required to pursue and complete the education minimum within a specified time period.
- B. Experience in lieu of education may be allowed ~~by the Appointing Authority in recruitment~~ for positions where specific experience is a factor or ~~for positions where retention or recruitment difficulties exist, when appropriate in the opinion of the Appointing Authority.~~

5.3 CERTIFICATION

A. Classified Service

For each vacancy in the classified service, the ~~Human Resources~~ ~~Administrative~~ Director ~~will shall~~ certify the first seven (7) persons from the eligible list(s), except in those instances in which selective certification (see below) is employed. The names of employees who have submitted approved transfer requests for ~~the that~~ opening ~~will shall~~ also be given an interview for the vacancy. However, in no event ~~will shall~~ more than five (5) employees who are requesting transfer be given such interview, with the

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employees who submitted their transfer request on the earliest date being given preference.

When more than one vacancy exists, the next eligible person ~~will shall~~ be certified for each additional vacancy. If any certified eligible person is unavailable for appointment, the recruitment file ~~will shall be be~~ so annotated, and the ~~Administrative Human Resources~~ Director ~~will shall~~ certify an additional person. The Appointing Authority ~~will shall~~ have the discretion to choose from among those certified without regard to the individual ranking on the eligible list(s).

Within 30 calendar days from the date a vacant regular position is filled, an employee who was interviewed ~~may request to shall have the right to~~ meet with the hiring manager to discuss ~~the basis for not being selected. why he/she was not selected.~~

B. Exempt Service and Confidential Employees

The ~~Human Resources Administrative~~ Director ~~will shall~~ certify the number of candidates ~~that~~ the hiring department and Human Resources Department have determined ~~are~~ most qualified. Only applications are accepted for ~~E~~exempt and ~~C~~onfidential positions.

5.4 CERTIFICATION IN ABSENCE OF ELIGIBLE LIST

With exception of a layoff list, if an eligible list contains ~~fewer less~~ than five (5) available persons, or does not exist for the class in which requisition is made, the ~~Human Resources Administrative~~ Director may certify from a comparable eligible list of substantially the same or higher level.

5.5 SELECTIVE CERTIFICATION (SPECIAL QUALIFICATIONS)

The Appointing Authority may request a selective certification of eligible persons having specialized qualifications ~~such as language fluency~~ required by the nature of the job (i.e., language fluency) if such a request is made prior to certification. If the ~~Human Resources Administrative~~ Director ~~determines after review that, after investigation, determines that~~ the facts justify such selective certification, the highest-ranking eligible persons who possess the special qualifications ~~will shall~~ be certified.

5.6 MEDICAL STANDARDS - GENERAL

Upon appointment, re-employment, recall, or return from a medical leave of absence, the employee may, after a conditional offer of employment is made, be required to be examined by an Agency physician, who ~~will shall~~ submit, on forms provided by the ~~Human Resources Administrative~~ Director, a medical report certifying the medical fitness of the ~~said~~ employee for the type of work to be performed. The ~~Human Resources Administrative~~ Director may, upon recommendation of the Agency physician, grant a reasonable period in which to clear up, cure or remove any condition ~~that, which~~ is temporary in nature. If the employee cannot meet the medical requirements of the position, or perform the essential duties of the position ~~withn or without~~ reasonable accommodation, the conditional employment offer ~~will shall~~ be

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withdrawn.

5.7 TRANSITION FROM A LIMITED-TERM TO A REGULAR POSITION IN THE CLASSIFIED SERVICE ~~(LIMITED TERM)~~

Upon approval of the Appointing Authority, an employee in a limited-term or part-time position who has worked the equivalent of twenty-six (26) weeks of full-time service may be considered for appointment to a regular position. Qualifying employees ~~will shall~~ be subject to a performance appraisal or interview to determine ranking. Where skill, ability, training, experience, and performance of two (2) or more qualifying employees is equally satisfactory, the employee having the most Agency service ~~will shall~~ be selected. ~~Permanent-Regular~~ status ~~will shall~~ be granted without further examination. Such appointment may be made only to the employee's current class, a comparable class or to a lower class.

An employee with limited-term status, who has worked the maximum allowable term of eighteen (18) months, ~~will shall~~ either be granted ~~permanent~~ regular status without further examination in the job classification where limited-term status is held, ~~or shall be~~ terminated from employment with the Agency.

5.8 TEMPORARY WORK IN A HIGHER CLASSIFICATION

~~An employee may be temporarily assigned by the Appointing Authority to a position in a higher classification on an acting basis. When an employee is assigned to perform essentially all the duties of the higher class, the employee shall be paid on the basis of the wage range for the classification in which the work is being performed.~~

When an employee is assigned to perform more than seventy-five percent (75%) of the duties of a position in a higher classification, payment for such out-of-classification work will be five percent (5%) above the regular base pay of the employee, providing such pay will be a minimum of Step 1 of the higher classification, and no more than the maximum of Step 5 of the higher classification. The Executive Director may authorize payment in excess of five percent (5%) but no more than Step 5 of the higher classification.

When an employee is assigned to perform at least fifty percent (50%) of the duties of a higher classification, payment for such out-of-class work will be paid at three percent (3%) above their regular base pay.

~~The employee shall receive the greater of the minimum wage level of the higher classification or five percent (5%) above the regular base pay of the employee in the current classification, provided that in no event shall the wage rate paid the employee exceed the maximum wage of the higher classification. The Executive Director may authorize payment in excess of 5% but no more than Step "5" of the higher classification.~~

The Appointing Authority may at any time revoke or terminate the temporary assignment.

If at any time an employee who has filled a position on a temporary basis is promoted to the position through the selection process, the employee ~~will shall~~ serve a full probationary period in the new position from the date of the promotion unless in the sole judgment of the Appointing Authority such a probationary period is not required.

5.9 TRANSFERS

- A. The Agency may transfer an employee at any time to any other position within the same classification or to a comparable classification. Transfer requests are approved or denied by the Human Resources Department.
- B. A transfer may be made without the consent of the employee. ~~However,~~ ~~however,~~ the employee ~~will shall~~ be given ~~five (5)~~ ten (10) working days notice prior to a permanent involuntary transfer. Temporary involuntary transfers due to emergency situations and/or business necessity ~~are shall not be~~ subject to the ~~five (5)~~ ten (10) day notice requirement. The Agency will not intentionally use temporary involuntary transfers to circumvent the notice requirement.

5.10 RE-EMPLOYMENT AFTER RESIGNATION

Employees who have resigned in good standing with regular status may petition for re-employment in writing to the ~~Human Resources~~ Administrative Director within one (1) year from the date of resignation. The former employee's name will remain on the re-employment list for up to one (1) year after the date the name is placed on the list. Appointment of persons from this list is optional withfor the Appointing Authority.

~~A person who has resigned from Agency service in good standing with permanent status may petition for re-employment within one (1) year from the date of resignation. Persons qualifying under this rule may be placed on a re-employment list for one year from date placed on list for the classification where permanent status was held last and may be considered for appointment when openings occur in the classification. Appointment of said persons is optional with the Appointing Authority.~~

Upon re-employment the employee ~~will shall~~ return to the same step of the salary range occupied on the date of resignation. However, the employee ~~will shall~~ be required to serve a new probationary period.

5.11 NEPOTISM

It is the policy of the Agency to discourage the employment of relatives in the same department. No relatives ~~may shall~~ be employed where one is in a position to be supervised, directly or indirectly, by the other.

"Relative" is defined as husband, wife, brother, sister, mother, father, son, daughter, son-in-law, daughter-in-law, mother-in-law, father-in-law, or other person residing in the same household.

In the event of the marriage of two employees who work in the same department, neither will be required to transfer ~~nor~~ terminate unless one will supervise the other. If a transfer or termination is required, the employee and the Agency will jointly attempt to find similar work for one of the employees. If no transfer is affected within ninety (90) days, the Executive Director may terminate one of the employees. If the circumstances that which brought about the termination changes within a ~~one (1)~~ (1) year period, the previously terminated employee may petition for re-employment in accordance with Section 4.10B.

Revised SHRA Personnel Rules and classifying Sr. HR Analyst as Exempt

5.12 PERSONNEL RECORDS

The official personnel file for each individual employed by the Agency will be maintained in the Human Resources Department. ~~This confidential file will represent the total record of an individual's employment with the Agency. Employees may review their file in the Human Resources Department during regular Agency office hours. A supervisor will have access to the files of subordinates, and employees being considered for vacancies.~~

~~An employee shall be provided with a copy of a performance appraisal, disciplinary letter or letter of commendation within seven (7) calendar days after the document is placed in the employee's official personnel file.~~

Employee personnel records are be subject to inspection only by the employee for whom the file is maintained and authorized Agency personnel except as otherwise provided by law. A supervisor will be given access to the official personnel files of subordinates and employees considered for vacancies. Upon notification and approval of the employee's supervisor, an employee is entitled to make an appointment to review the official personnel file at the Human Resources Department for a reasonable time during regular hours. No persons other than those specifically referenced in this Section will be permitted to inspect an employee's official personnel file without the express written authorization of the employee.

An employee may submit a written rebuttal to be placed in the employee's official personnel file and attached to the detrimental or adverse document or material. The rebuttal will remain a part of the official personnel file for as long as the detrimental or adverse document or material remains in the employee's official personnel file. Rebuttals submitted by employees that contain profanity or discourteous/disrespectful language toward the supervisor and/or Agency, or that do not address the subject matter, shall not be allowed and will be returned to the employee with an explanation.

An employee will be provided with a copy of a performance appraisal, disciplinary letter, any adverse/detrimental document or materials, or letter of commendation within seven (7) calendar days after the employee makes a written request for a copy of such document or materials.

Information in official personnel files will be exempt from public disclosure to the extent allowed by law. ~~Certain information which cannot be treated as confidential, including includes: an employee's name, job title, salary range, and dates of employment.~~ All information in official personnel the files may be subject to public disclosure by court order.

If at any time it is determined that a previous personnel action (e.g., i.e., reprimand or performance appraisal), was unjustified or inaccurate, the appropriate correction will shall be made reduced to in writing and placed in the official personnel file, or the unjustified or inaccurate information will be removed withdrawn from the file at the direction authorization of the Human Resources Administrative Director or Executive Director.

5.13 TRANSITION FROM CITY OF SACRAMENTO TO SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY (SHRA)

Revised SHRA Personnel Rules and classifying Sr. HR Analyst as Exempt

Unrepresented ~~C~~classifications only:

~~A.a)~~ Employees who are transferred from employment at the City to SHRA as a result of restructuring or reorganizing shall be allowed to transfer the following accrued benefits from the City to SHRA:-

~~A.1.~~ Eighty percent (80%) of sick leave balances after cash-out pursuant to City policy.

~~B.2.~~ Vacation balances up to one (1) year of accrual at the employee's current rate, ~~on transition to the Agency.~~

5.14 TEMPORARY SERVICES WORKERS

The Human Resources Department is the liaison to all temporary services agencies who provide temporary services workers to the Agency. This includes the contracting agencies for all matters including: ordering the worker, resolving any work performance, logistical or issues, and notifying the agency to terminate the worker. Workers through the temporary service agencies are employees of the temporary service agency. Temporary services workers may be terminated from assignments at the Agency at any time and have no appeal rights.

Temporary Services workers are utilized by Agency Departments for backfilling during employee absences, as needed for special assignments or extra workload, to fill student intern assignments, and to fill the Agency's resident trainee program.

~~1. Before requesting temporary assistance, each department should:~~

~~A. have in place a plan to cover employee absences;~~

~~B. actively seek coverage within and from another department;~~

~~C. have a need for a replacement for more than three (3) days.~~

~~2. Temporary service workers will be designated in one of the following categories and conditions:~~

~~a) Backfill: When a regular employee is absent for longer than three (3) working days, a Backfill temporary employee may be requested. The Backfill assignment ends within two weeks of the return to work of the regular employee.~~

~~b) Resident Trainee: Trainees are selected from residents or Housing Choice Voucher participants for a six (6) month or grant specified duration. No later than two months before the end of the training period, the trainee's supervisor should connect the trainee with a job placement program.~~

~~c) Maintenance Trainee: This category is for workers in the building trades and maintenance field. Maintenance Trainees are selected from residents, EEOC, union, or other construction related programs and may work for up to two (2) years. The hiring department must have in place an established curriculum, testing and evaluation process. Two months prior to the end of the training period, the trainee's supervisor should connect the trainee with a job placement program.~~

~~d) Extra Workload Or Special Assignment: Temporary workers in the Workload or Special Assignment category may be grant funded for specific programs, requested to complete an assignment requiring special skills, or because of a temporary heavy workload. Workers may be hired through a temporary services agency for up to 960 hours in a calendar year.~~

~~e) Interns: Interns are temporary services employees under the following conditions:~~

~~A. must be enrolled in a school that awards AA, Bachelor or Masters degrees,~~

~~B. must have completed 30 units before applying,~~

~~C. may work 1,000 hours from date of hire per internship,~~

~~D. may work in a maximum of two internship programs,~~

~~E. may work a maximum of three months past graduation,~~

~~F. a) the hiring department determines the salary of the intern.~~

Revised SHRA Personnel Rules and classifying Sr. HR Analyst as Exempt

SECTION 6

PROBATIONARY PERIOD

6.1 PURPOSE

The probationary period is a continuation of the hiring process. ~~It is and shall be~~ utilized as an opportunity to observe the employee's work ~~and~~ adjustment to the position, and to reject an employee who fails to satisfactorily perform meet required standards of the duties of the job.

Exempt employees serve at the pleasure of the Executive Director and are not subject to a probationary period. ~~Exempt employees may be terminated from employment at the discretion of the Executive Director.~~

6.2 DURATION

All appointments to the classified service except flexible staffing reallocations ~~are shall be~~ subject to a probationary period as set forth the time periods stated in the Collective Bargaining Agreements. labor agreements.

In classified ~~clerical, maintenance and service~~ Operations and Maintenance, and General Clerical and Service positions, the probationary period ~~is shall be the equivalent~~ to twenty-six (26) weeks of full-time service, unless extended by action of the Appointing Authority for a period not to exceed an additional twelve (12) weeks of full-time service.

In classified Administrative and Technical positions the probationary period ~~is shall be one-year or the equivalent or fifty-two (52)~~ weeks of full-time service unless extended by action of the Appointing Authority for a period not to exceed an additional twelve (12) weeks of full-time service.

~~The probationary period shall be extended by the length of any interruption of service which exceeds one-half of the working days in any consecutive thirty (30) day period. The probationary period may be extended by reason of any absence that exceeds fifteen (15) working days that may occur during the during the probationary period equal to by the length of the absence.~~

A probationary employee may be extended or released from his/her position at the discretion of the appointing authority at any time during the probationary period with no right to file an appeal or a grievance.

Any regular employee who is promoted and subsequently released from the new job classification while serving the probationary period shall be reinstated to the job classification from which promoted where regular status was held or to a comparable position, unless the reason for the release would be just cause for dismissal.

6.3 ACTION AT END OF PROBATIONARY PERIOD

Prior to completion of an employee's probationary period, the Appointing Authority must take one of the following actions:

- | A. Grant the employee ~~permanent~~ regular status.
- | B. Extend the probationary period as outlined under Section 6.2.
- | C. Terminate the employee, or in the case of a promoted employee, return the employee to the previous classification, unless termination is warranted for disciplinary reasons.
- | ~~G. If terminated from employment during the probationary period, two (2) weeks or 80 hours severance pay will be included in the final payroll check.~~
- | E.D. If no action is taken, the employee will ~~shall~~ be granted ~~permanent~~ regular status.

6.4 FRINGE BENEFIT STATUS DURING ~~THE~~ PROBATIONARY PERIOD

The provisions of this Section apply to all employees during their probationary periods except those employees who are serving a period of probation in to a promotional position, ~~as a result of being promoted.~~

A. Leave:

Sick leave and vacation leave ~~will shall be~~ accrued during an employee's probationary period; however, the employee ~~may not shall not be allowed use of~~ accrued vacation leave ~~prior to six (6) months of service. during the first six months of the probationary period.~~

B. Health Insurance and Dental Insurance:

Probationary employees may enroll in the health and dental insurance programs (and other programs as applicable) at the time of their initial appointment. Part-time ~~as well as other benefit programs as applicable.~~ ~~Employees scheduled for part time positions appointed on or after August 15, 1995, will shall~~ receive health benefits on a pro-rata basis.

C. Retirement Program:

Regular and limited-term employees are enrolled in the retirement plan under the Public Employees' Retirement System (PERS) coordinated with Social Security from the date of hire.

SECTION 7

PERFORMANCE APPRAISAL SYSTEM

7.1 PERFORMANCE APPRAISAL

The ~~Human Resources~~ Administrative Director shall maintain a system for reporting and recording the job performance of Agency employees. This system shall have references to the quality and quantity of work done, the manner in which the work service is rendered and the responsibility of employees to their duties.

A significant ~~major~~ objective of every performance appraisal is to clarify job expectations in writing between supervisor and employee. Other objectives include:

- A. To identify the training and job experience needed to improve job-related abilities.
- B. To provide a basis for movement to ~~permanent~~ regular status and salary review decisions.
- C. To identify and develop employees having promotional potential.
- D. To discuss employer-employee concerns related to the job.

Employees may submit a written rebuttal to their performance appraisal to be placed in the official personnel file ~~his/her personnel record~~ pursuant to Section 5.12 of these rules.

7.2 MEASURING PERFORMANCE

Overall work performance of employees will ~~shall be~~ measured and described as follows:

- A. ~~Meets, Exceeds, or Outstanding~~ rating. These ratings indicate ~~that~~ the performance is consistently ~~meets or is above~~ the requirements of the position.
- B. Meets. This rating indicates the performance consistently meets all the requirements of the position.
- ~~B-C.~~ Needs Improvement. This ~~R~~ rating indicates ~~the~~ that performance is sometimes below the ~~standards~~ standards required for the position and ~~that~~ efforts to improve ~~should~~ need to be made.
- ~~C-D.~~ Unsatisfactory. This rating ~~An unsatisfactory rating~~ indicates inadequate, unacceptable work performance, inferior to the requirements of standards required for the position.

7.3 THE RATING PERIOD

- A. Probationary employees will ~~should be~~ evaluated ~~rated~~ twice (2) during the probationary period: at the mid-point and ~~the month~~ prior to the end of the probationary period. ~~final date.~~

- B. Exempt ~~employees~~ employees do ~~shall~~ not serve a probationary period and may be evaluated at any time. Normally the exempt employee will be evaluated annually from the date of hire or appointment to current position.
- C. Regular employees who have completed their probationary period are ~~to be~~ evaluated annually.
- D. Appraisals may be initiated, at any time, to document current performance. Out of cycle appraisals may be necessary if the employee is not meeting performance requirements.

7.4 SALARY STEP INCREASE/MERIT DETERMINATIONS

- ~~—A.~~ Salary Sstep/Merit increases will be approved or denied by an employee's supervisor. A request for an out of cycle or two (2) step increase must be accompanied by a performance appraisal that rates the employee as "Exceeds or Outstanding."
- ~~—B.~~ An overall evaluation rating of "needs improvement" "may be cause for withholding in-grade salary increases.
- ~~—C.~~ An overall rating of "unsatisfactory" will result in the denial of the ~~shall be deemed to be a determination that the regular in-grade salary increase shall not be granted.~~ The Appointing Authority ~~has~~ will have the discretion to make of making a further appraisal evaluation report at any stipulated period of time not to exceed one year from the previous appraisal.
- ~~—D.~~ Two consecutive overall ratings of "unsatisfactory" ~~reports will~~ shall be considered as cause for demotion to a lower class, reduction of salary to a lower step in the range, or termination.

7.5 RETURN TO FORMER CLASS

When an employee has been promoted and does not pass probation, the employee may be returned to the employee's his/her former classification (not necessarily former location), or be placed in a lower classification.

When an employee is returned to the employee's former classification, following promotion or transfer, the employee's salary will ~~shall~~ also be returned to the same step prior to leaving the classification.

7.6 APPEALS

Appeals may only be filed if an employee when action is taken to withhold is denied a merit salary step increase, or in the event of is demotion, is issued an in-grade salary reduction, or is terminated. discharge. The employee may appeal in accordance with Section 12 of these Rules or applicable Collective Bargaining Agreement. Labor Agreement.

SECTION 8

THE COMPENSATION PLAN

8.1 MAINTENANCE OF PLAN

The compensation plan for represented Agency employees ~~will shall~~ be developed through the collective bargaining process. The compensation plan for ~~C~~confidential and ~~E~~exempt employees ~~is shall be~~ established by the Governing Board. The compensation plan ~~will shall~~ include for each class a minimum and maximum rate and such intermediate rates as are considered necessary and equitable.

8.2 ADMINISTRATION OF PLAN

A. Rates of Pay:

Each employee ~~will shall~~ be paid a rate of pay within the salary range for the class in which ~~he/she the individual~~ is employed. Rates of pay are those steps designated in the compensation plan. An exception may ~~result occur~~ where a wage rate is Y-rated or Green Circled as a result of reclassification, transfer or demotion.

B. Entrance Salary:

An employee ~~will be shall be~~ appointed at the entry step for the class unless the Executive Director determines ~~the necessity to make~~ an appointment at a higher step ~~is appropriate~~. Consideration ~~will be shall be~~ given to the qualifications of the candidate, availability of applicants and ~~the resulting salary relationship the salary with of the~~ similar positions.

C. Eligibility for Merit and Salary Step Increases – Unrepresented Employees:

~~Merit s~~Salary ~~step~~ increases are not automatic. The Appointing Authority ~~shall may~~ recommend ~~merit salary step~~ increases only for those employees who ~~receive an overall work performance rating of Meets or better. have demonstrated appropriate standards of work performance.~~ Salary step increases shall not exceed ten percent (10%) annually without prior written approval by the Executive Director.

A new employee or promoted employee ~~will shall~~ be eligible for a ~~merit~~ at least a minimum salary step increase of no more than ten percent (10%) five percent (5%) following satisfactory completion of the probationary period. In all cases a recommended salary increase of ten percent (10%) must be accompanied by a copy of the written appraisal with an overall rating of "Exceeds" or "Outstanding." Employees thereafter are eligible for advancement to succeeding steps of the assigned salary range after completion of the equivalent of fifty-two (52) weeks of full-time service. ~~Merit increases shall not exceed 10% annually without written approval of the Executive Director.~~

Upon successful completion of 1040 hours of service, an exempt employee may be advanced to a higher step in the salary range if the employee's overall his/her performance rating is meets expectation or better. ~~warrants it or as needed for retention.~~

In certain circumstances, ~~w~~When necessary for the retention of an employee, a department head may request approval for an early or multiple step increase. The ~~approval must be request shall be~~ request shall be in writing and must be approved by with the Executive Director's approval and clearly demonstrate a retention problem. ~~No performance appraisal is necessary.~~ A performance appraisal in this circumstance may not be necessary.

D. Promotion:

An employee who is promoted ~~will shall~~ receive a pay increase of at least five percent (5%) provided that ~~the such employee is shall be~~ placed at the minimum step but not more than the maximum step of the new salary range. Represented and ~~C~~confidential employees (other than flexible staffing promotions) will be placed on probation in the new to the position. Upon satisfactory completion of the probationary period, the employee will be eligible for a salary step merit increase.

E. Reclassification:

An employee whose position is reclassified to a higher classification will receive a pay increase of at least five percent (5%) provided that ~~the such employee is shall be~~ placed at the lowest qualifying step and no more than the maximum step of the higher classification. The employee ~~will shall~~ not have to serve a be placed on probationary status period in the new position.

~~When a~~An employee whose 's position is reclassified to a lower classification will not have any change in salary. ~~, the employee's salary shall remain unchanged.~~ If the salary is above the maximum step of the lower classification, the employee's salary will shall be Y-rated and no further salary increases will shall be granted until such time as the current salary falls within the range of the new classification. ~~The employee's S~~ salary anniversary date will not shall not change, but the however, the classification date will change to the date of reclassification. ~~reallocation.~~ ~~Y-rated or G~~green ~~C~~circled salaries will be determined by collective bargaining for represented employees and by the Executive Director for unrepresented employees.

F. Transfer:

When an employee is transferred from one department to another department or from one classification to another classification, the employee's salary will shall remain within five percent of the original salary his or her step, and the employee will not be placed on probationary. ~~status;~~ However, however, the employee will receive a performance appraisal at shall be evaluated at three (3) and six (6) months. ~~The S~~ salary anniversary date will shall not change.

G. Demotion:

When an employee is demoted, the employee's salary will change to the ~~shall be at the~~ salary ~~range~~-step of the new classification equal to or immediately below the employee's salary step ~~monthly pay rate received~~ immediately prior to the demotion.

8.3 PARTIAL PAY – NON-EXEMPT EMPLOYEES

In computing the salary for any regular employee who works and/or is on paid leave for less than a total of eighty (80) hours in a pay period, the amount of pay will ~~shall~~ be calculated in the following manner:

$$\begin{array}{r} \text{Hours} \\ \text{Worked} \end{array} + \begin{array}{r} \text{Hours on paid leave (SL, Vac,} \\ \text{Floating Holiday, CTO} \end{array} \times \begin{array}{r} \text{Employee's} \\ \text{hourly rate of} \\ \text{pay} \end{array}$$

8.4 ELIGIBILITY FOR FRINGE BENEFITS

Employees in regular or limited-term positions are entitled to all fringe benefits. Employees in part-time and reduced work schedule positions are entitled to all fringe benefits on a pro-rata basis as follows: ~~S~~sick, vacation and holiday leave for all part-time and reduced work schedule employees will ~~shall~~ accrue on a pro-rata basis, and represented employees who work fewer less than 40 hours per week will also be entitled ~~receive a to a~~ prorated Agency group contribution toward health and dental insurance.

~~If an employee fails to meet the above criterion, the Agency shall deduct from the employee's paycheck the amount equal to the Agency contribution, in addition to any other employee deduction for health and dental insurance. If this deduction from the employee's paycheck cannot be made in its entirety, it is the responsibility of the individual employee to pay for the remaining amount. Failure to do so before the end of the calendar month, including such paycheck(s), shall automatically drop the employee from the health and dental insurance program until the next open enrollment period.~~

~~Temporary employees shall not be entitled to fringe benefits or leave accruals.~~

A. Retirement Plan and Contribution

1. ~~Benefited~~ Regular Agency employees are enrolled in the Public Employees Retirement System (PERS) plan that provides the following:

- ~~1.~~ 1. Modified 2% at age 55 (coordinated with Social Security)
- ~~2.~~ 2. One-year highest compensation
- ~~3.~~ 3. 2% COLA
- ~~4.~~ 4. Survivor continuation (25% of unmodified monthly allowance)
- ~~5.~~ 5. Sick leave credit

~~2.~~ 2. Retirees or survivor dependents

~~3.~~

~~4.~~ 4.2. Eligible Agency retirees or survivor dependents will ~~shall~~ receive Agency-paid health and dental insurance contributions in accordance with state law with respect to the ~~regarding~~ PERS medical policy and the Governing Board approved Agency

contribution limits. The Agency contribution limits toward retiree health benefits are subject to change at any time.

B. Life and Long-Term Disability Insurance

Regular ~~The Agency provides~~ employees are provided basic group life insurance coverage as listed below; ~~while employed at the Agency.~~ Retirees are not eligible for life insurance from the Agency.

~~A. Basic Group Life Insurance~~

~~B.1.~~ Represented employees \$5,000 \$10,000

~~C.2.~~ Confidential, Supervisor, Program Manager and Management Analyst \$15,000

~~D.3.~~ Executives \$50,000

Regular employees may purchase supplemental life insurance in the amount of one (1), two (2), or three (3) times their annual salary.

~~4. Long-Term Disability Insurance~~

Executive employees also shall receive Agency-paid long-term disability insurance.

~~E. Insurance over \$50,000~~

~~Employees may purchase out-of-pocket supplemental life insurance in the amount of one (1), two (2), or three (3) times annual salary.~~

C. Flexible Spending Accounts

The Agency has established ~~the following~~ Flexible Spending Accounts (FSA) as permitted by ~~the~~ Internal Revenue Services regulations. All regular, confidential, and exempt employees may participate FSA's may be used to pay for:

1. Out-of-pocket costs for Agency-sponsored health and dental insurance premiums.
2. Unreimbursed health care expenses up to \$5,000 per plan year effective each January 1st.
3. Dependent care reimbursement up to \$5,000 per plan year.
4. Supplemental cancer/accident/intensive care/specified health insurance premiums.

Administrative costs must shall be paid by ~~the~~ employees who choose to use FSAs for the purposes covered in participating in 2., 3., or 4. above. (2), (3), and (4).

D. Deferred Compensation Plan

Regular, Confidential, and Exempt Employees may participate in the Agency's Deferred Compensation 457 plan up to the maximum as long as the deferred compensation salary limit is not exceeded.

8.5 OVERTIME POLICY

A. Overtime Generally:

Represented and Confidential employees will be paid overtime when they are, when directed by their supervisors to work overtime. Such employees will, shall be compensated for such overtime pursuant to these Personnel Rules and in, or in accordance with the applicable Collective Bargaining Agreement, if any. Sick leave, Vacation leave and paid holidays will be, shall be considered as "time worked" for purposes of overtime compensation. For the purposes of computing overtime, sick leave shall not be considered as time worked unless the employee provides a physician's certification immediately upon returning to work.

Employees who work alternate schedules (i.e. 9/80 or 4/10 schedules) shall be paid overtime for hours worked in excess of nine (9) or ten (10) hours respectively per day or forty (40) hours per week

Exempt employees are shall not be not entitled to overtime compensation under any circumstances. and all time worked shall be considered part of the duties and responsibilities of the position.

B. Overtime Rates:

Approved overtime compensation shall be paid at the rate of time and one-half for time worked in excess of eight (8) hours per day or forty (40) hours per week as applicable with the exception of an approved flex work schedule.

A.1. _____ Compensatory time off instead of cash compensation for overtime will be granted for confidential employees. Overtime provisions in collective Bargaining Agreements shall apply ~~to~~for represented employees.

B.2. _____ Compensatory time off accrued over a maximum of eighty (80) hours in a calendar year will be paid to an employee. CTO accrued eighty (80) hours or less will be carried over as accrued CTO into the next calendar year.

C.3. _____ Work performed on a holiday shall be calculated at time and one-half for all hours worked. This compensation is in addition to the regular pay for the holiday.

D.4. _____ The Agency shall have the right to schedule and approve all use of compensatory time off. Employees shall be required no later than September 15th of each year to submit to their supervisor a schedule for proposed use of all accrued compensatory time off available for use through the last full pay period in December of that year.

C. Payment for Compensatory Time.

An employee who terminates employment for any reason or cause, including death, shall be entitled to cash compensation for accrued compensatory time.

D. Overtime for Employees Working Approved Flex Work Schedule Hours.

~~E.~~If overtime work is approved by the supervisor, employees working the nine-hour or ten-hour workday shall be compensated at time and one-half for hours worked over nine or ten respectively in a workday and employees working the eight-hour workday shall be compensated at time and one-half after eight hours.

During the work week, eligible employees shall be compensated at time and one-half for hours worked over forty (40) hours during that workweek. The 9/80 or 4/10 plan shall not result in additional overtime pay, holiday time, sick leave or vacation accruals. Employees on a Flex Work Schedule shall be paid no more than eight hours Holiday Pay.

E. Confidential Employees

~~Confidential employees who are required to work in excess of forty (40) hours per week or on a recognized holiday shall be compensated for such overtime with pay at one and one-half (1 1/2) times the applicable rate of pay in cash payment or compensating time off (CTO) as determined by the appointing authority.~~

~~Confidential employees who are on a Flexible Work Week (Flex Schedule) who work in excess of eighty (80) hours in a pay period shall be compensated for such overtime with pay at one and one-half (1 1/2) times the applicable rate of pay in cash payment or compensating time off (CTO) as determined by the appointing authority.~~

8.6 LONGEVITY PAY

~~Employees who have been employed by the Agency for a period of twenty (20) to twenty-five (25) years on as of January 1st of any year will shall receive longevity pay of \$100 on the second payday of that January. Employees who have been employed by the Agency for a period of twenty-five (25) or more years as of January 1st of any year will shall receive longevity pay of \$300 on the second payday of that January.~~

8.7 TERMINATION PAY

~~Termination (whether voluntary or involuntary) checks will shall be disbursed on regularly scheduled bi-weekly paydays unless otherwise requested by the employee.~~

8.8 SALARY CONTINUATION FOR ABSENCES LESS THAN ONE DAY

~~Exempt employees A salaried employee exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act who works for only a portion of the day will not shall not have their his/her salary reduced for that day.~~

8.9 BILINGUAL PAY

A. The Agency may authorize bilingual pay when ~~it is determined to be necessary for Agency operations. for the operation.~~ The Agency will shall determine what languages to which bilingual pay will apply and the are appropriate for such pay and the number of employees to be certified for such pay.

~~A.B.~~ To be eligible for bilingual pay, the an employee must be determined to be verbally proficient in the applicable language, and if necessary for the assignment, proficient in the written language as well. The Agency will determine the appropriate arrange the certification and testing process and authorize the bilingual pay.

~~B.~~ Bilingual pay shall be paid at the rate of \$20 bi-weekly for any pay period in which the employee is certified. An employee who is receiving bilingual pay may be required to provide assistance to any Agency operations.

Bilingual pay will be compensated at the rate of five percent (5%) above the regular base pay for any period in which the employee is certified. An employee who is receiving bilingual pay will provide bilingual assistance to any Agency operation as needed or directed.

Revised SHRA Personnel Rules and classifying Sr. HR Analyst as Exempt

SECTION 9

HOURS OF WORK, HOLIDAYS, VACATION,
SICK LEAVE, AND LEAVES OF ABSENCE

9.1 HOURS OF WORK

- A. The normal hours of work for employees in regular positions are from 8:00 a.m. to 5:00 p.m., Monday through Friday. ~~These Such-employees will shall~~ normally work a five-day, forty (40) hour workweek, or its equivalent. ~~Performing agency work outside of regular authorized work hours is prohibited. Overtime or compensatory time off (CTO) must be pre-approved in writing.~~
- B. Meal Lunch-periods of between 30 minutes and one hour will shall be scheduled by the Aappointing Aauthority or designee for all employees.
- C. Performing Agency work outside of regular authorized work hours is prohibited without pre-approval in writing.
- D. ~~and will normally be for one hour duration but not less than a half hour.~~ The AAppointing AAuthority may adjust the hours of work ~~(flexible schedule)~~, the work week and meal lunch-periods as necessary. ~~for employees which vary from the normal schedule.~~ Prior to a change the Agency shall provide notice to the employees in accordance with their applicable Collective Bargaining Agreement language.
- ~~D. The hours of work of Exempt employees work the hours required to perform the duties of their position. should be adaptable to their work requirements and they are expected to work whatever time is reasonably required to perform the duties of their position. Salaried employees exempt from minimum wage and overtime provisions of the Fair Labor Standards Act shall not be subject to deduction for absences of less than one day. Such employees are authorized, subject to approval of their immediate supervisors, to take reasonable time off for personal use during normal working hours without loss of compensation.~~

9.2 REST PERIODS/BREAKS

~~Subject to the discretion and control of the supervisor, a~~All employees will be provided ~~may be allowed~~ rest periods not to exceed fifteen (15) minutes during each four (4) consecutive hours of work to be scheduled in accordance with the requirements of the department. Rest periods may not be accumulated. In no case will, ~~but in no case shall~~ rest periods be scheduled within one (1) hour of the beginning or the ending of a work shift or meal lunch period.

9.3 ~~FLEXIBLE WORK SCHEDULE WEEK~~

- A. The aAppointing aAuthority may, with prior agreement of an employee, establish a Fflexible WWork Schedule ~~Week~~ consisting of more than an eight (8) hour day in a forty (40) hour work-week.

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B. A Flexible Work ~~Schedule~~ ~~Week~~ may be authorized, denied, or changed by the Department Manager and Director with 15 days notice to the employee.

~~C. Absence with pay shall be counted as time worked. Represented employees are eligible for overtime or CTO at time and a half for hours worked in excess of their 9/80 or 4/10 day, or other authorized flexed schedule.~~

9.4 REDUCED WORK-WEEK

A. Represented employees may voluntarily request a reduced work-week subject to Manager and Director approval. In accordance with applicable Collective Bargaining Agreements, ~~labor agreements~~, fringe benefits will be prorated.

B. Exempt and Confidential employees may request a reduced work-week subject to Director approval. The Agency contribution toward health and dental insurance of Exempt and Confidential eligible employees ~~will~~ shall not be reduced or prorated due to the reduced workweek. ~~by participation to such work reductions.~~

C. Reduced work schedules shall be defined as schedules that are reduced for a period of time due to lack of work, lack of funds, abolishment or reclassification of positions. The specific number of reduced work schedule days and hours per month and per year are outlined in the applicable Collective Bargaining Agreements.

9.5 TELECOMMUTING

The Executive Director or Department Director may approve an employee to telecommute in certain circumstances to the extent the telecommuting does not interfere with Agency operations. Employees may participate, at the discretion of the Executive Director or Department Director, in a Telecommuting program.

9.6 SCHEDULING TIME OFF

Use of ~~Vacation leave, CTO~~ compensating time off (CTO) earned or taken, overtime earned or taken, bereavement leave, floating holiday, management/supervisor leave, and sick leave for scheduled medical appointments, and ~~or other scheduled time off family leave~~ must be pre-approved in writing by the employee's supervisor, prior to using these hours, or accruing CTO or overtime. In order to obtain pre-approval the employee must submit the request in writing on an Agency form to their immediate supervisor at least five (5) working days prior to first day of absence.

9.7 HOLIDAYS

The following shall be considered holidays for employees:

- New Year's Eve (4 hours) _____ Labor Day
- New Year's Day _____ Veteran's Day
- Martin Luther King, Jr.'s Birthday _____ Thanksgiving Day
- President's Day _____ Day after Thanksgiving

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~~Memorial Day~~ ~~Christmas Eve Day (4 hours)~~
~~Independence Day~~ ~~Christmas Day~~

The Agency recognizes the following ~~shall be recognized holidays for~~ holidays for all regular employees covered by these Rules:

<u>Holiday</u>	<u>Date</u>
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
Washington's Birthday	Third Monday in February
Cesar Chavez's Birthday	Last Monday in March
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	First Friday after Thanksgiving
Christmas Eve Day (4 hours)	Last working day prior to observance of Christmas Day holiday
Christmas Day	December 25

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New Year's Eve Day (4 hours)

Last working day prior to observance of New
-Year's Day holiday

~~1. When one of these holidays falls on a Saturday, the employees shall be given the preceding Friday off. When one of these holidays falls on a Sunday, the employees shall be given the following Monday off.~~

~~2. When an employee is required to work on a recognized holiday, such work time shall be compensated as set forth in Section 8 of these Rules.~~

~~3.A. Employees shall work or be on paid leave the entire regularly scheduled shift before and after the holiday to be eligible for holiday pay.~~

~~A.A.~~ A.A. When one of these holidays falls on a Saturday, ~~the employees~~ will ~~shall~~ be given the preceding Friday off. When one of these holidays falls on a Sunday, ~~the employees~~ will ~~shall~~ be given the following Monday off.

~~B.B.~~ B.B. Employees ~~must shall~~ work their ~~entire~~ regularly scheduled shift, or have pre-approved time off, before and after the holiday to be eligible for holiday pay. An employee who is scheduled to work on a holiday and fails to report to work will not shall ~~not~~ be entitled to holiday pay. Employees who fail to report to work on the day before or after the holiday because they are sick must provide a physician's certification immediately upon reporting to work; ~~otherwise,~~ they will shall not be entitled to be paid for the holiday.

~~C.C.~~ C.C. A regular employee who works a holiday will shall be paid eight (8) hours for the holiday plus one and one-half (1 ½) times ~~of their base rate of regular rate of pay for all~~ hours worked on the holiday or the equivalent CTO, if applicable. If an employee reports to work on a holiday and does not work the entire scheduled shift, the employee will only be paid/receive CTO at one and one-half (1 ½) times the employee's base rate of pay for ~~for the actual hours worked and will shall~~ not receive holiday pay for the remaining ~~holiday hours not worked.~~

~~D.D.~~ D.D. Regular ~~P~~part-time employees receive shall receive the pro-rated holiday benefit on a pro rata basis pay when applicable.

9.8 FLOATING HOLIDAYS

~~In addition to the recognized holidays specified above, each employee shall receive the equivalent of two and one half (2 1/2) floating holidays per year on an accrual basis as follows:~~

~~A. Each full time regular or limited term employee shall accrue floating holiday credit at the rate of .77 hours per pay period. The employee shall accrue floating holiday credit for each pay period for which the employee is paid one (1) or more hours of salary.~~

~~B. Part time employees shall accrue floating holiday credit on a pro rata basis.~~

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~~C. The scheduling of floating holiday time off must be approved in advance by the immediate supervisor.~~

~~D. Floating holiday time earned but not taken may accrue to a maximum of two (2) times the employee's yearly accrual as of the end of the pay period which includes December 31, or 40.04 hours. Once the maximum accrual is reached, no further floating holiday benefits will accrue until the maximum balance is reduced.~~

~~E.1. Holidays are 8 hour days. Employees on a flex schedule (9/8/80, 4/10 or, other) shall use vacation, CTO, or floating holiday hours to make up the daily hours of the flex schedule.~~

In addition to the recognized holidays specified in Section 9.7, every regular employee earns two (2) floating holidays per fiscal year on an accrual basis as follows:

1. Full-time employees accrue floating holidays at the rate of .615 hours per pay period, assuming they are paid one or more hours in the pay period.
2. Part-time employees accrue floating holidays on a pro rata basis, assuming they are paid one or more hours in the pay period.
3. The use of floating holidays must be approved in advance by the Appointing Authority or designee.
4. Accrued but unused floating holidays may accrue up to a maximum of two (2) times the employee's annual accrual. Once an employee reaches this cap, the employee will not accrue any additional floating holidays until the employee uses a floating holiday such that the employee falls below the accrual cap.

9.89 VACATION

A. ~~Accrual of Vacation Leave (Annual Leave).~~

Regular full-time employees accrue paid vacation leave with pay shall accrue at the following rates-rates shown below:

1. 3.38 hours per bi-weekly pay period through three (3) years of service up to a maximum accrual of 220 hours.
2. 4.92 hours per bi-weekly pay period beginning with four (4) and through ten (10) years of service up to a maximum accrual of 320 hours.
3. 5.69 hours per bi-weekly pay period beginning with eleven (11) and through fifteen (15) years of service up to a maximum accrual of 370 hours.
4. 6.45 hours per bi-weekly pay period after fifteen (15) years of service up to a maximum accrual of 420 hours.

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Once an employee reaches the maximum accrual, the employee will not earn any further vacation until the employee uses sufficient vacation to fall below the maximum accrual.

~~1)A.~~ Regular part-time employees accrue paid vacation on a pro-rated basis.

~~A.~~ Probationary employees accrue vacation leave and are eligible to take vacation leave after the completion of six (6) months of service employment. Accrued sick leave, floating holiday, or CTO may be taken at any time.

~~2)B.~~ Vacation will not leave shall not be accrued for any bi-weekly pay period in which an employee is on unpaid status exceeding forty-one (41) or more hours per pay period.

~~3)C.~~ Employees must schedule vacation time in advance and obtain written approval of their supervisor. The time when vacation leave may be taken shall be determined by the immediate supervisor, and written approval of the immediate supervisor shall be obtained prior to taking such leave.

~~4)Once the maximum accrual is reached, no further vacation benefits will accrue until the maximum balance is reduced.~~

~~5)D.~~ Vacation Pay Option. Once during any year in which an exempt or confidential employee has an accrued vacation balance of 160 hours or more, in which an employee is accruing vacation leave at the rate of 6.45 hours per bi-weekly pay period, the employee may elect to take one (1) week of vacation accrual in equivalent pay rather than time by submitting a written request to the Human Resources Department.

~~6)E.~~ Vacation Pay Upon Termination. Employees who are terminate their employment with the Agency, whether voluntarily or involuntarily, and including in the case of death, will be paid for any accrued but unused vacation at their then base rate of pay. Those employees who have separated from the Agency shall be entitled to payment for unused vacation leave. In case of death, compensation for unused vacation leave shall be paid in the same manner that salary due to the decedent is paid.

~~7)F.~~ School Visits. Employees may use up to 40 hours accrued annual leave, per calendar year to attend parent teacher conferences for children in grades kindergarten through twelfth (K-12). (Labor Code Section 230.8) Moved to new section 9.17

9.910 SICK LEAVE

A. Accrual of Sick Leave:

All regular, confidential, and exempt employees Represented Employees in regular and limited term positions shall accrue sick leave at the rate of 3.69 hours per pay period, ten (10) hours of leave for each full calendar month of service, or straight percentage thereof (15 days per year). Regular Represented employees in part-time positions shall accrue sick leave on a pro-rata basis. Sick leave may be accumulated without limit.

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~~Confidential and Exempt employees shall accrue sick leave at the rate of 3.69 hours per pay period, eight hours of leave for each full calendar month of service or straight percentage of 12 days per year.~~

B. Use of Sick Leave:

1. General Use. Employees may use accrued ~~utilize their accumulated~~ sick leave when they are unable to perform their work duties by reason of illness, on or off-the-job injury, necessary medical or dental care, exposure to contagious disease under circumstances that may endanger the employee's health or the health of others in the workplace if the employee reports to work, by which the health of employees, or members of the public would be endangered by the attendance of the employee, or absences approved under the Family Medical Leave Act (FMLA) or by and the illness, injury or death of someone in the employee's immediate family, including a registered domestic partner or stepchild.
2. Bereavement. ~~Up to one (1) day~~ Eight (8) hours of accrued sick leave shall be allowed for the death of a friend or relative not in their immediate family and up to maximum of forty (40) accrued hours of sick leave shall be allowed ~~off~~ if a death occurs in the immediate family, unless additional time is approved in writing by the employee's supervisor. Twenty-four (24) hours shall be allowed off for the death of a relative not stated below who was a resident of the employee's household at the time of death.

"Immediate family" includes only ~~shall be defined as~~ the employee's mother, father, step-mother, step-father, grandparents, spouse, children, step-children, brother, sister, and persons bearing the same relation to the employee's spouse. Registered Domestic partner is defined according to Sacramento City Ordinance.

Unrepresented Employees may use up to sixty (60) hours of sick leave for family illnesses or medical appointments for family members.

Employees may be ~~An employee may be~~ required to present a certificate of the applicable health care provider ~~the attending physician or practitioner~~ to the Appointing Authority or supervisor to substantiate an illness or injury (whether the illness or injury relates to the employee or the employee's immediate family member).

When an employee's sick leave balance is exhausted, any additional time off will be charged to vacation, ~~has been depleted, annual leave, accrued CTO, floating holiday, and or management/supervisor leave shall automatically be utilized in lieu thereof in in that order, unless the employee notifies the Human Resources Department in writing.~~

C. Sick Leave Upon Termination:

~~Represented employees with less than ten (10) years of service who terminate employment with the Agency by other than retirement from active service shall forfeit any unused accumulated sick leave.~~

D.C. Sick Leave Credit/Cashout:

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Annually, employees with ~~accrued an accumulated~~ sick leave balance of 500 hours or more, and who have used ~~twenty-four (24)~~ hours or less of sick leave by December 1, of the current calendar year, may cash out up to ~~sixteen (16)~~ hours sick leave ~~in on-pay~~ period 26 ~~by submitting a written request to Human Resources~~. Sick leave used for any reason protected by law under the Family Leave Act is not considered in determining eligibility for this cashout.

D. Sick Leave Credit on Retirement

Represented, Confidential, and Exempt employees with fifteen (15) or more years of Agency service have the following options regarding accrued but unused sick leave at retirement:

1. Convert all accrued but unused sick leave to retirement service credit pursuant to Section 20965 of the Government Code; or
2. Cash out up to thirty-three and one third (33 1/3%) percent of 1040 hours of accrued but unused sick leave and convert the balance to retirement service credit.

E. Sick Leave on Termination

Employees who terminate their employment with the Agency, whether voluntarily or involuntarily, for any reason other than retirement will forfeit any accrued but unused sick leave.

E. Represented Employees

~~A. At retirement, represented employees may convert unused sick leave to retirement service credit, or cash out 20% of the accumulated sick leave hours.~~

~~7~~

~~B. Upon termination, in good standing after ten (10) years of continuous service, represented employees may cash out 20% of accumulated sick leave hours.~~

~~C. In the death of a represented employee, in active service, the employee's beneficiary will be paid 20% of the employee's accumulated sick leave hours unless the beneficiary is entitled to receive retirement benefits on account of the deceased employee.~~

F. Confidential and Exempt Employees

~~A. At retirement unrepresented employees may~~

~~A. convert all unused sick leave to retirement service credit, or~~

~~B. cash out 33 1/3 percent (33.3%) of the accumulated sick leave hours and convert the balance of unused sick leave to retirement service credits.~~

~~B.b) Upon termination in good standing after three (3) years of continuous service, unrepresented employees may cash out 33 1/3 percent (33.3%) of accumulated sick leave hours.~~

~~E. Early Return to Work – Modified Duty/Light Duty. Moved to Section 11.8~~

~~When released by a medical doctor to return to work with restrictions, an employee may be placed on modified/light duty (if applicable) for up to sixty (60) days or longer with supervisor's approval.~~

~~Modified duty/early return to work assignments are only temporary assignments designated for employees who were injured in the course of Agency employment and who can return to work within the physical restrictions set forth by their health care provider/doctor. These assignments are established for a period that is anticipated not to exceed three (3) months.~~

9.1011 WITNESS OR COURT LEAVE OR JURY DUTY

~~D.A.~~ An employee shall be granted a leave with pay, for actual service time with a jury including jury selection, and for appearance before a court as a witness in response to a subpoena in an Agency related matter ~~in which the employee is not a party.~~

B. ~~Any Proof of any~~ fee, other than for mileage, received by the employee for witness or jury such duty ~~will shall~~ be submitted to the Agency by the employee, or in the discretion of the Agency, deducted from the employee's salary, except that such fees collected and/or deducted shall not be in excess of the salary earned by the employee in the same period. ~~The employee may elect to take annual leave or leave without pay and retain any fees.~~

C. ~~Retiree Court Appearance Fees:~~ A retired Agency employee who is subpoenaed to appear in court or arbitration on behalf of the Agency ~~in his or her capacity as a former Agency will~~ employee shall receive receive a court appearance fee if the employee reports at the time specified for his or her particular testimony regardless of whether the employee is ultimately required to testify. The court appearance fee ~~is shall be~~ one hundred twenty-five dollars (\$125) for a full day, which is defined as over four (4) or more hours, or seventy-five dollars (\$75) for a half day, which is defined as four (4) hours or less. The payment of the court appearance fee in no way establishes ~~Nothing herein shall serve to establish~~ an employment relationship for any purpose between the retiree and the Agency. ~~, including, but not limited to, employee benefits, reimbursements, compensation, court cancellation fee, or any other rights.~~

9.142 MILITARY LEAVE

Military leave ~~will shall~~ be granted in accordance with the provisions of applicable law. ~~Federal and State statues.~~ All employees entitled to military leave ~~must shall~~ give the Appointing Authority an opportunity to determine when such leave shall be taken ~~(, within~~ the limits of applicable law military regulations and ~~shall~~ provide the Appointing Authority with a copy of the military orders as soon as they are available.

9.123 MANAGEMENT AND SUPERVISOR LEAVE

6A. General Policy:

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On January 1 of each year, Exempt employees will be credited with forty (40) hours of management/supervisory leave that may to be taken in addition to vacation leave. Management/supervisor leave will be available for immediate use.

~~Exempt employees shall not accrue CTO or earn OT for work in excess of 40 hours per week but shall be expected to devote as much time to their employment as may be necessary for the efficient operation of the Agency. Each year if for any reason an employee has not requested a payout or is unable to take all of the management/supervisor leave time by the end of pay period which includes December 31 of the same year, the employee will shall be paid for the unused leave time.~~

B. New Employees

For the first year of employment, eligible employees will be credited with a proration of forty (40) hours (rounded to the nearest full hour) on the basis of the number of full calendar months between the date of hire and the end of the calendar year.

~~7C. Terminating Employees-~~

~~Exempt employees who terminate their employment with the leaving Agency, whether voluntarily or involuntarily, -service for any reason will be paid for any accrued but unused hours of their management/supervisor leave.~~

~~8 Newly Hired Employees-~~

~~Eligible employees will be credited with a proration of forty (40) hours (rounded to the nearest full hour), on the basis of the number of full months between date of hire and following accrual date. However, an annual amount of hours per year may be added to the management/supervisor leave if authorized by the Executive Director during the hiring process. Such management/supervisor leave will be available for immediate use.~~

9.134 LEAVE OF ABSENCE (LOA) WITHOUT PAY

- A. Requests for leave of absence shall be submitted in writing to the Human Resources Department and shall state specifically the reasons for the leave, the date when the leave is to begin, and the probable date of return.
- B. Upon written request and approval by the Executive Director or designee, a leave of absence without pay may be granted to any employee with regular status for a period of not to exceed one year for the following reasons:
- 1) Illness or disability, including pregnancy-related disability, not covered by sick leave;
 - 2) Association business;
 - 3) Education or training which will materially benefit the Agency;
 - 4) Parental/child care;
 - 5) Other personal reasons which do not cause inconvenience to the Agency.

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- C. Any leave of absence granted under Section 8.5(a)(1) above shall be only for the actual period of illness, disability, or pregnancy-related disability. Any request for a leave of absence longer than the actual period of illness, disability, or pregnancy-related disability, up to the one year maximum from the date the initial leave began under Section 8.5(a)(1), must be approved by the Executive Director or designee, and will be considered a leave under Section 8.5(a)(5).
- D. An employee on leave of absence without pay necessitated by pregnancy, illness or disability, as verified by medical reports, is eligible to return to his/her position on request at the completion of such leave. In all other cases, if the leave of absence without pay has been granted for a period of time which would necessitate a permanent replacement, the employee on leave shall not be returned to the position he/she vacated unless that position is open at the time he/she reports for work. He/she shall, however, be granted preferential hiring rights for the first position of similar job classification which is open at a later date.
- E. If the leave of absence without pay necessitates a temporary replacement, the employee on leave shall be returned to the position he/she vacated upon his/her return to work.
- F. In the event an employee is transferred or promoted on a temporary basis for the duration of a leave of absence, such appointment shall have no effect on the status of the employee so promoted or transferred, and he/she shall be entitled to all rights and benefits that would be provided him/her had he/she not been temporarily promoted or transferred.
- G. Employees may not accrue annual or sick leave while on leave of absence without pay; however, employees returning to work following a leave shall retain their accumulated sick leave and annual leave.
- H. Approved leaves of absence shall count as service time for the purpose of determining seniority.
- I. All premiums required under the Agency's health and welfare program shall be paid by the employee while on leave of absence without pay.
- J. Accrued sick leave, vacation, CTO, floating holiday, and management/supervisor leave must be used prior to taking a leave without pay except as approved by the Executive Director.
- K. Program LOA: an unpaid leave of absence may be granted to an employee who voluntarily enters and participates in an alcohol or drug rehabilitation program.
- ~~A. LOA: Leaves of absence without pay may be granted by prior approval of the Executive Director to employees for a period of up to twelve (12) months, unless a shorter period is specified below.~~
- ~~B. Accrued sick leave when applicable, vacation leave, compensatory time off, and management/supervisor leave must be used prior to taking a leave without pay except as approved by the Executive Director.~~

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~~D.A. Health Benefits during FMLA and non-industrial injury/illness LOA will be paid by the Agency for three months after the employee's accrued leave is depleted. Thereafter, health benefits are the responsibility of the employee solely.~~

~~D. Health benefits during Worker's Compensation LOA will be paid by the Agency for 12 months after the employee's accrued leave is depleted. Thereafter, health benefits paid by the Agency will subject to repayment when the employee returns to work~~

~~E.B. Program LOA: An unpaid leave of absence may be granted to an employee who voluntarily enters and participates in an alcohol or drug rehabilitation program.~~

~~F. Family Medical Leave Act (FMLA): Any employee may request a leave of absence for the illness or injury of a family member. A leave of absence without pay up to twelve (12) weeks may be granted to regular, part time and limited term employees to care for a family member. The FMLA leave can be taken intermittently, in blocks of time, or at one time for a maximum of 12 weeks.~~

~~Medical Leave for a serious health condition may be taken by regular employees with one year of service and 1,250 work hours with the Agency in the 12 months preceding the date of the leave, if they need to care for their child, spouse, domestic partner or own parent who requires hospitalization or long term treatment for a serious, long term illness. Up to 12 weeks of such leave may be taken in a 12-month period and the 12 weeks shall include the required use of all vacation, compensatory, and holiday in lieu time off prior to the authorization of unpaid leave. All paid and unpaid time off to care for the family member shall be counted towards the 12-week leave.~~

~~During any unpaid portions of the 12-week leave, Agency enrollment in the health benefits program shall be consistent with the requirements of the FMLA.~~

~~The Agency may designate leave as FMLA and may request that the employee provide a medical verification of the illness.~~

9.15 FAMILY AND MEDICAL LEAVE

The federal Family Medical Leave Act (FMLA) and state California Family Rights Act (CFRA) are applicable to regular employees who have completed the required 1250 hours and 12 months of employment prior to the time requested. The Agency uses a 12-month rolling period to determine eligibility.

To apply for a leave the employee must complete the Agency leave request form available from Human Resources. The employee must provide a medical certification of the need and the duration or intermittent schedule which is anticipated, to allow for coverage.

The duration of FMLA/CFRA leave cannot exceed twelve weeks. The employee must use their accrued leave during the FMLA/CFRA leave.

To the extent allowed by law, FMLA/CFRA leaves shall be used concurrently.

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The Agency procedures covering FMLA/CFRA shall be applicable to all employees and may be obtained from Human Resources.

9.146 PARENTAL LEAVE POLICY

The following Parental Leave Policy shall apply to both male and female employees:

~~B. A full-time or part-time employee who has completed his/her probationary period from the most recent date of hire shall be eligible for a maximum Agency-paid parental leave of four (4) consecutive weeks consisting of up to 160 hours of paid time (regular part-time employees are eligible for 80 hours) off work beginning on the day of (1) or (2) below and completed within twelve (12) months of (1) or (2):~~

- ~~1. The birth of a child who resides with the employee and for whom the employee has physical and legal custody, or~~
- ~~2. The adoption of a child under the age of twelve (12) who resides with the employee and for whom the employee has physical and legal custody. Court appointed legal guardians and foster parents do not qualify under the policy.~~

~~a) An eligible employee is entitled to parental leave only once for each birth or adoption regardless of the number of children involved (e.g., twins) or a change in employment status such as from part-time permanent to full-time permanent. The employee who applies for parental leave in accordance with this policy shall have the right to a parental leave not to exceed six (6) months with return rights to the same department and classification. The eligible employee may be entitled to an additional leave (regular leave of absence) under the Personnel Rules due to the same birth or adoption.~~

~~1. The employee must utilize all paid leave at the beginning of his/her parental leave.~~

~~2. Paid parental leave shall be considered as time worked for purposes of eligibility for recognized holidays occurring during the leave.~~

~~b) The eligible employee shall have the right to combine unpaid leave and Agency-paid parental leave with other paid leave credits. Paid leave credits are defined as accrued and available hours of sick leave, annual leave, holiday time, management/supervisor leave, and compensatory time off (CTO).~~

~~In the event the employee desires an extension of Parental Leave beyond the originally approved period within the maximum six (6) month parental leave period limits, the employee must submit to the Human Resources Department a Leave of Absence request. The extension may not exceed six months. The total paid and/or unpaid leave (parental/regular leave) may not exceed one year. The return rights provided under the Parental Leave policy shall not apply to any leave of absence exceeding six (6) months.~~

A parental leave policy for both male and female regular full-time and regular part-time employees shall be implemented, with the following provisions:

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- L. Regular full-time employees who have completed 2080 hours of continuous service shall be eligible for a maximum Agency-paid parental leave of four (4) weeks consisting of up to one hundred-sixty (160) hours of continuous paid time off. Unused parental leave shall have no cash value.
- M. Regular part-time employees who have completed 1040 hours of continuous service shall be eligible for a maximum Agency-paid parental leave of four (4) weeks consisting of up to eighty (80) hours of continuous paid time off. Unused parental leave shall have no cash value.
- N. To be eligible for the paid leave the employee must have completed probation from the most recent date of hire preceding either (a) the birth of a child who resides with the employee and for whom the employee has legal custody, or (b) the adoption of a child under age four (4) who resides with the employee and for whom the employee has physical and legal custody. Court-appointed legal guardians and foster parents do not qualify for parental leave.
- O. Eligible employees shall have the right to only one leave of absence per pregnancy or adoption regardless of the number of children involved (e.g., twins). The duration of paid leave shall not change based on a change in employment status, such as from part-time to full-time. An employee must utilize all paid leave prior to converting to unpaid leave during parental leave.
- P. Upon return from parental leave on the date previously authorized, employees shall be reinstated in the classification last held or equivalent position.
- Q. Eligible employees shall have the right to extend parental leave beyond the four (4) weeks of Agency-paid leave to the maximum six (6) months of leave, upon approval by the Agency, by adding accrued and available hours of sick leave, vacation, compensatory time off (CTO), accrued holiday, and/or unpaid leave to their initial request for parental leave. The total period of absence from work, including the four (4) weeks of paid parental leave, shall not exceed six (6) months.
- R. Parental leave shall be taken in one continuous period of absence on paid or unpaid status, and must be completed within one year of the birth or adoption for which it is requested.
- S. Parental leave shall not commence prior to the date of birth or adoption and is separate from any disability leave which may be available to the employee.
- T. The Agency shall apply Family Medical Leave concurrent with Parental Leave.
- The Agency shall have the right to promulgate a policy and procedure to implement and administer parental leave.

9.157 FURLOUGH

The Agency ~~may maintain the right to~~ establish a voluntary or involuntary furlough program subject to the meet and confer process and approval of the Governing Boards.

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9.168 CATASTROPHIC LEAVE

~~The purpose of Catastrophic leave is to extend~~ paid leave for non-probationary employees who are incapacitated and unable to work due to a prolonged non-industrial catastrophic illness or injury and on an approved LOA medical leave of absence. It does not apply to time off for anyone other than the employee. (not for dependents).

~~Anyone may~~ Employees eligible for catastrophic leave, their relatives or friends may contact the Human Resources Department on behalf of the recipient employee to request donations to catastrophic leave. The Human Resources Department will issue notification to all departments that donations have been requested. The Human Resources Department will confirm that the recipient employee is qualified to receive donation pledges and will authorize the Accounting-Payroll section to deduct donated and used leave hours from the donor's' leave balances when such hours are used by the recipient and notify the donor that donated hours have been transferred to the ~~credit of the recipient~~.

A. Requirements

Catastrophic leave donation is subject to the following requirements:

A.1. Participation is strictly voluntary.

B.2. Only An employee may donate to or receive from an unrepresented employee, or a represented employee whose bargaining agreement provides for such donation or receipt, usable vacation, floating holiday, CTO and compensating time off, or management/supervisor leave hours may be donated and/or received. Participation in this plan shall be voluntary. Sick leave hours may not be donated and/or received under this policy. provision.

C.3. All donations must shall be made and accepted in writing using an Agency form that is sent forwarded to to the Human Resources Department. Donated hours will be used in the order received.

D.4. The donation in any category must be a minimum of eight (8) four (4) hours of usable time. The total leave donation credits received by an employee may shall normally not exceed 520 hours without the Executive Director's approval. With the ; however, if approved by the Executive Director's approval, the total leave donation credits received by an employee may be up to 1,040 hours.

E.5. Donations are shall be on hour-for-hour basis, regardless of pay rates of the donor and recipient.

F.6. Donated H hours to be donated shall are be kept in a pledge status until used. As needed, pledged hours will shall be debited from the donor's leave balance and credited to the recipient's usable vacation accrual balance. Once credited, the donation becomes irrevocable.

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~~G.7.~~ G.7. A donor who terminates employment with the Agency for any reason, whether voluntarily or involuntarily, ~~terminated for any reason will~~ shall be paid for pledged but uncredited ~~leave~~ hourtime.

~~H.8.~~ H.8. Exempt employees may only receive donations from Exempt employees. ~~same.~~ A ~~S~~supervisory employee may not receive donations from a subordinate employee where a direct supervisor/subordinate relationship exists. ~~Any exception to this paragraph must be approved by the Executive Director or designee.~~

~~I.9.~~ I.9. All donated hours must be used on a continuous and uninterrupted basis and will be paid at the base rate of pay and normal work schedule of the recipient, along with any of the recipient's all usable hours accrued hours, until the earliest of the following events occurs:

~~1.a)~~ 1.a) All leave balances, including both donated and accrued leave, are exhausted; or

~~2.b)~~ 2.b) The employee returns to work at his/her normal work schedule; or

~~3.c)~~ 3.c) The employee's employment with the Agency terminates.

~~1.~~ 1. ~~Donations received while a recipient is still utilizing previously donated and related accrued leave time may be used immediately thereafter.~~

~~1.~~ 1. ~~Used~~ Used ~~Donated leave time used will~~ shall count toward the application of the calculation of Agency service and eligibility for fringe benefits in the same manner as if when the the employee were on paid leave is on paid vacation leave.

~~10.~~ 10. ~~Used donated leave time will be subject~~ shall be subject to the recipient's normal payroll deductions.

E.B. Definitions

1. Pledged Hours. ~~Hours~~ Vacation, floating holiday credit, management leave, and compensating time off hours which one employee agrees to give to another employee to use for catastrophic leave.

2. Donated Hours. ~~Pledged Hours~~ vacation, floating holiday credit, management leave, and compensating time off hours which have been used by the recipient.

3. Usable Hours. Vacation, floating holiday credit, management/supervisor leave, and compensating time off hours which have been credited to an employee and are available for use.

9.19 SCHOOL VISITS

For regular Agency employees with one or more children in kindergarten or grades 1 to 12, inclusive, or attending a licensed child day care facility:

Regular Agency employees may take off up to 40 hours each year, not exceeding eight hours in any calendar month of the year, to participate in activities of the school or licensed child day care facility of any of his or her children, if the employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence of the employee.

Employees shall utilize existing vacation, floating holiday, or compensatory time off for purposes of the planned absence authorized by this section. Employees may also utilize time off without pay for this purpose with prior approval from the Agency.

The employee, if requested by the Agency, shall provide documentation from the school or licensed child day care facility as proof that he or she participated in school or licensed child day care facility activities on a specific date and at a particular time. For purposes of this section, "documentation" means whatever written verification of parental participation the school or licensed child day care facility deems appropriate and reasonable (Labor Code Section 230.8).

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SECTION 10

REIMBURSEMENTS AND ALLOWANCES

10.1 TUITION REIMBURSEMENT

Employees with ~~permanent regular~~ status ~~are shall be~~ eligible for tuition reimbursement up to ~~\$750~~ \$1,500 per calendar year for coursework related to their employment with the Agency or toward a recognized degree program approved by the ~~Human Resources Administrative~~ Director. Such reimbursement ~~applies shall be applicable for to~~ the actual cost of the tuition of the course, books and mandatory fees, excluding parking. Reimbursement ~~will be shall be~~ made only for coursework completed at accredited high schools, colleges, universities, and correspondence schools. Employees must receive Agency approval of the coursework prior to the start of such course and must receive a grade of "C" or its numerical equivalent or better, or "pass" in a pass/fail grading system, to be eligible for tuition reimbursement. Other related coursework not completed as described above ~~will shall be~~ approved on a case-by-case-basis by the department director, and ~~is shall not be~~ subject to the grievance procedure.

10.2 REQUIRED LICENSES AND CERTIFICATIONS

Where the Agency requires that an employee maintain a license and/or certification, the ~~Agency will pay for the Department Director or designee may, on a case-by-case basis, reimburse the employee for costs associated with the renewal of such license and/or certification.~~ This action shall not apply ~~any to driver licenses~~ license and/or certification required by law.

10.3 MILEAGE REIMBURSEMENT:

Employees who use using their private vehicle to conduct official Agency business may submit claims for reimbursement on an Agency approved Mileage Claim form. Approved mileage will be reimbursed at the current Authorized private mileage shall be paid for at the rates issued by the Internal Revenue Service rate.

1. Reimbursement for Use of Privately Owned Vehicles:

- ~~A. Employees may be required to use their privately owned vehicles for Agency business.~~
- ~~B. If the employee is required to use their own vehicle, the employee must have a valid California driver's license and maintain minimum vehicle insurance required by the State of California.~~
- ~~C. Employees (except Executives) are eligible for Flat Mileage Rate coverage or may request monthly reimbursement at the IRS approved mileage rate in lieu of monthly car allowance.~~
- ~~D. Monthly mileage (odometer readings) will be reimbursed based on the IRS approved mileage rate.~~

2. Flat Mileage Allowance:

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~~To be eligible for Flat Mileage Vehicle Allowance, an employee must submit three months mileage reports for determination of the vehicle mileage range. Reimbursement is on payroll checks subject to taxes withheld. Ranges are as follows:~~

Range	Monthly Allowance	Vehicle Mileage Monthly Average
A	\$50	100 – 140
B	\$100	141 – 290
C	\$150	291 – 430
D	\$200	431 – 570
E	\$250	571 – 720

10.4 MONTHLY BUS/TRANSIT ALLOCATION:

Full-time regular Confidential and Exempt ~~management~~ employees who utilize the Sacramento Regional Transit District (SRTD) or other public transportation for home-to-work transportation are eligible for a 100% Agency-paid monthly transit pass. Part-time regular employees ~~are shall be~~ eligible for a discount on the monthly transit pass on a pro-rated basis. Represented employees are eligible for 80% reimbursement or as stated in the Collective Bargaining Agreements. Labor Agreements.

All The eligible employees must present the required proof of purchase of transit pass to the Human Resources Department ~~in order~~ to obtain reimbursement.

10.5 TRAVEL EXPENSES:

Any employee who is required ~~ordered or authorized~~ to travel in the performance of their duties for the Agency will be ~~shall be~~ compensated for approved necessary travel expenses at actual cost, including transportation, lodging, and meals at the authorized rate upon receipt of appropriate documentation. ~~evidence of expenses.~~

10.6 PARKING

~~1.A. Employees may park 30 minutes in the designated parking lot at the upper level at 630 I Street.~~

A. Employees from area offices may be reimbursed for parking lot charges while on Agency business downtown for up to four (4) hours per day or more if authorized by a Program Manager or ~~management~~ designee.

B. Employees are eligible for a parking subsidy as follows:

~~A.1. _____ Ninety dollars~~ ~~Forty five (\$45\$90.00)~~ monthly for Represented and Confidential employees assigned to at downtown locations.

~~B.2. _____ One Hundred dollars (\$100.00)~~ monthly for Exempt Management Classifications Program Managers and Management Analysts employees assigned at downtown locations.

~~C.3. _____ Forty-Five dollars (\$45.00) monthly for Exempt Management Classifications employees Program Managers and Management Analysts assigned at other than outside the downtown locations.~~

~~D.4. _____ Executives are eligible for parking in the 630+801 12th Street lot and a monthly car allowance designated by the Executive Director and Governing Boards. Executives are not eligible for mileage reimbursement or pool vehicle usage unless authorized by the Executive Director or designee.~~

~~5. Employees are not eligible for a parking subsidy if they receive the monthly bus/transit allocation for the same month.~~

10.7 PERSONAL COMPUTER LOAN PROGRAM

Employees who have passed their initial probationary period are eligible to participate in the Agency's interest-free computer loan program with repayments through payroll deductions.

10.8 ~~DEPENDENT CARE REIMBURSEMENT PROGRAM-SEE SECTION 8.4C~~

~~Benefit qualified employees may use designated dollar amounts of their Agency Medical and Dental Group Insurance benefits for reimbursement of the dependent care expenses. The designated annual dollar amount shall not exceed \$5,000.~~

~~E. Dependent: A child under the age of thirteen (13) or a disabled child, parent or spouse of the eligible employee who (a) resides in the employee's home; (b) is physically or mentally incapable of caring for herself/himself; and (c) who is a dependent as defined by the Internal Revenue Service (IRS).~~

~~F. Dependent Care: Necessary and actual care by a provider, other than the employee or a dependent relative of the employee, who provides such care during an employee's absence from home while actually at work for the Sacramento Housing and Redevelopment Agency (SHRA). The portion of dependent care expenses incurred outside the employee's scheduled SHRA work hours which exceeds two (2) hours each work day shall not be reimbursable.~~

~~G. Dependent Care Expenses: Expenses incurred by employees for their dependent's care and for related household services in their home or for payments to dependent care service provider.~~

EXAMPLES:

A. babysitting in or out of the employee's home;

B. daycare center services;

C. home care specialists whom care of the employee's disabled dependent in the employee's home.

~~H. Non-reimbursable Expenses: Expenses for education related registration fees or tuition, applications, transportation, teaching materials, clothing, food, equipment or supplies.~~

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~~I. Provider: A person or facility providing dependent care, whom is other than the employee or a dependent relative of the employee.~~

~~J. Provider Receipt: A receipt for payment of dependent care services. The receipt must include the names, address, telephone number and tax identification number or social security number of the provider, the dependent's name and period of time care was provided. A valid paid receipt from the provider(s) must be submitted and attached to each reimbursement form.~~

~~K. Reimbursement Claims: Claims will be paid quarterly as follows:~~

January 1—March 30	paid in April
April 1—June 30	paid in July
July 1—September 30	paid in October
October 1—December 31	paid in December/January

~~Payments other than those specified above may be approved by the Human Resources Director due to changes in dependent care status during the calendar year.~~

10.9 RELOCATION ALLOWANCE

Upon approval of the Executive Director, allowances for the cost of transportation of household goods and personal effects of a new appointee in an Exempt classification and her/his immediate family may be authorized.

Upon the submittal of valid invoices/receipts to the Human Resources Administrative Director, the Agency will reimburse the new appointee for the as follows: A actual new weight moved not to exceed 11,000 pounds and miscellaneous items such as Accessorial Services (Boxes, tape, etc.) not to exceed \$440.

An exempt employees who leaves the Agency before completing twenty-four (24) months of consecutive service shall repay the relocation allowance to the Agency on a pro-rate basis.

10.10 LITERACY REFERRAL

The Agency will provide referrals and benefit counseling through its Human Resources Department to employees who voluntarily request assistance in enrolling in adult literacy programs.

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SECTION 11

HEALTH AND SAFETY

11.1 HEALTH AND SAFETY

The Agency is committed to providing a work environment that allows all employees to perform their jobs in a safe and productive manner. The Agency maintains an ~~active~~ Illness and Injury Prevention Program and complies with applicable federal and state laws regarding the Americans with Disabilities Act (reasonable accommodations for applicants and employees or accessibility of services.) and ~~Federal Regulation 504 (accessibility of services).~~

11.2 DIFFERENTLY ABLED

Employees with a disability or medical condition ~~an infectious medical condition who who~~ are able, with or without reasonable accommodation, to perform the essential functions of their positions ~~meet adequate performance standards~~ and whose continued employment does not pose a threat to the health or safety of others are assured equal employment opportunities in their employment. ~~Consistent with our concern for employees with disabilities or life-threatening medical conditions, the Agency offers the following through the Human Resources Department:~~

~~A. Management and employee education and information on specific disabilities and life-threatening medical conditions.~~

~~B. Referral to agencies and organizations that offer support services for disabilities and life-threatening medical conditions.~~

~~C. A. Benefit consultations to assist employees in effectively managing health, leave and other benefits.~~

~~11.3 LITERACY REFERRAL~~ Moved to new section 10.10

~~The Agency will provide referrals and benefit counseling through its Human Resources Department to employees who voluntarily request assistance in enrolling in adult literacy programs.~~

11.4 EMPLOYEE ASSISTANCE PROGRAM (EAP)

~~All~~ Employees are encouraged to use the ~~Agency sponsored~~ Employee Assistance Program for personal, family, legal, child care, elder care, and financial counseling, tax consultation, pre-retirement planning and personal assistance services. This is a confidential services provided by the Agency.

11.5 DRUG-FREE WORKPLACE

~~1. A.~~ It is the policy of the Agency to provide a workplace that is drug and alcohol abuse free. Accordingly, To achieve this policy the unlawful manufacture, distribution,

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dispensing, possession, or use of a controlled substance or alcohol in the workplace is prohibited.

~~B.~~ The requirements of paragraph ~~A (1)~~ of this section are a condition of employment of all employees of the Agency.

C. The Agency retains the right, with reasonable suspicion, to test employees for drug or alcohol influence while at work. ~~Refusal Failure~~ to submit to a ~~drug test will be considered a positive test and will may result in be reason for disciplinary action e or up to and including termination.~~

11.6 NO SMOKING

The Agency maintains a no-smoking policy within Agency offices/buildings and within 25 feet of a door or window that is part of an Agency office/building. It is incumbent upon employees to advise guests in Agency buildings of this policy. ~~e no smoking policy.~~

11.7 VEHICLE USAGE

Vehicles used in conduct of official Agency SHRA business must shall be operated in a manner consistent with all safety and legal requirements. ~~of the City, County, State and jurisdiction in which they are located. Employees violating this provision are subject to disciplinary action and financial damages.~~

The requirements and procedures for the use of Agency-owned vehicles and the use of privately-owned vehicles for conducting official Agency business are described is included in the Agency's "Vehicle Usage Policy and Procedure Instructions," a copy of which is available from the Human Resources Department. .

~~Seatbelts which are furnished in Agency vehicles shall be properly used by the employee and any passengers. Employees using non Agency owned vehicles in the course of Agency work, shall use seatbelts and obey all laws relating to the operation of the vehicle.~~

11.8 INJURIES ON THE JOB

~~C.A.~~ Any employee who is injured in the performance of assigned duties will be entitled to workers' compensation insurance benefits. shall receive such medical examination, medical care, compensation and other benefits as are awarded under the Worker's Compensation laws of California.

~~D.B.~~ Any employee who incurs any injury while on the job must It shall be the mandatory duty of an employee to report the matter to the employee's supervisor immediately. Failure to immediately report an on-the-job injury or illness may subject the employee to disciplinary action up to and including termination. any possible injury on the date of occurrence or as soon thereafter as the employee's condition permits. Failure to do so shall be considered cause for disciplinary action.

~~E.C.~~ Any supervisor who becomes aware of an employee's on-the-job injury must immediately contact If an employee is injured on the job, the supervisor shall

~~immediately notify the the Human Resources Department and shall promptly provide such forms and other information to the employee as directed which may be requested by the Human Resources Department, Director.~~

F.D. All employees injured on the job or who have been on medical leave 30 calendar days or longer are required to submit in person to Human Resources a doctor's report upon return to work. Human Resources will determine if light/modified duty applies.

E. Early Return to Work - Modified Duty/Light Duty.

Modified duty/early return to work assignments are only temporary assignments designated for employees injured in the course of Agency employment and who can return to work within the physical restrictions set forth by their health care provider.. These assignments are established for a period not to exceed three (3) months.

11.9 FITNESS FOR DUTY EXAMINATIONS FOR WORK EXAMS

The Agency ~~at its discretion may require send~~ an employee, at Agency expense, to undergo an examination by an appropriate health care provider a physician/psychologist/psychiatrist to determine if the employee is physically and/or mentally capable of performing the duties of the employee's position. his/her job classification.

If the employee is determined unfit for work, the employee will shall have thirty (30) days to seek a second another medical opinion at the employee's expense.

Should there be conflicting medical opinions, a ~~neutral third party health care provider physician/psychologist/psychiatrist mutually~~ will be mutually selected and paid for by the Agency. The opinion of that health care provider will be binding and final.

~~shall be the determining decision.~~ A Fitness-for-duty Work examination exam is not disciplinary and not grievable.

11.10 WORK-PLACE AND DOMESTIC VIOLENCE PREVENTION

The ~~Sacramento Housing and Redevelopment~~ Agency recognizes that workplace and domestic violence is a growing nationwide concern that must be addressed by all employers. Our goal is to provide a safe work environment for all employees. Accordingly, we We have adopted a "zero-tolerance" Zero Tolerance Policy regarding workplace violence.

The Agency maintains a "Workplace Violence Prevention and Management Plan," which is contained in the is included in the Agency's Injury and Illness Prevention Plan

A. Consistent with this policy any acts or threats of physical violence, including intimidation, harassment and/or coercion, which involves or affects the Agency, its clients or employees, and which occurs on or off Agency property, in connection with Agency employment will not be tolerated.

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~~B. Specific examples of conduct that may be considered threats or acts of violence include, but are not limited to, the following:~~

- ~~A. Hitting or shoving an individual~~
- ~~B. Threatening harm to an individual, his/her family or associates~~
- ~~C. The intentional damage or threat to destroy property~~
- ~~D. Harassing or threatening phone calls~~
- ~~E. Harassing surveillance or stalking~~
- ~~F. The suggestion or intimation that violence is appropriate~~
- ~~G. Unauthorized possession or use of firearms or weapons~~

~~1. Violations of this policy will lead to disciplinary (up to and including termination) and legal action as appropriate.~~

~~2. C Every Agency employee should report incidents of threats or acts of physical violence to the Human Resources Department (440-1306) or their immediate supervisor.~~

~~11.11 POLICY AGAINST DOMESTIC VIOLENCE~~

~~It is a violation of state law to commit acts of domestic violence. Domestic violence means intentionally or recklessly causing or attempting to cause bodily injury or placing any family members, domestic partner or cohabitant in reasonable fear of receiving serious bodily injury.~~

~~1. Any employee of the Agency who, in violation of this policy, commits any act of domestic violence or makes a threat to do so may be subject to disciplinary action, up to and including termination, where the act or threat is found to be work related.~~

~~2. An employee who is a victim of domestic violence or other crimes may take time off work and use accrued leave time to attend court proceedings. The employee must give her/his supervisor three (3) days notice of the court proceedings unless an emergency court appearance is required.~~

~~3. The Agency encourages all employees who believe they are victims of actual or threatened domestic violence to contact the appropriate law enforcement agency, Human Resources Director, the Women Escaping A Violent Environment (WEAVE) organization, any other domestic violence counseling service or agency, or the confidential Employee Assistance Program (EAP) for information and referral to available resources. The Agency continues its commitment to taking reasonable and prudent steps necessary to provide for a safe workplace, offer community resource agency and counseling referrals and accommodate work schedule modifications where possible and practicable and where it is determined that such actions may assist in mitigating the effects of the actual violent or threatened activity.~~

~~4. Any employee who needs help in controlling anger or emotions, whether on or off the job, is encouraged to contact the confidential EAP, WEAVE, or any other domestic violence counseling service or agency for information and referral to available resources.~~

~~11.12 SEXUAL HARASSMENT (Moved to Section 1.4)~~~~1. The Agency prohibits:~~

- ~~1. Discourteous or offensive conduct or language toward the public or toward fellow employees or officials.~~
- ~~2. Any conduct related to employment which impairs, disrupts, or cause discredit to the Agency or Agency service.~~

~~These rules are intended to promote a policy that all employees are to be treated with respect and dignity. To this end, the Agency will not condone any form of sexual harassment at the workplace. Such conduct by an Agency employee will not be tolerated, and disciplinary action up to and including termination (depending on the circumstances) will be taken against an employee engaging in unlawful sexual harassment.~~

~~2. Sexual harassment is defined as unsolicited and unwelcome sexual overtures, by any employee, supervisor, manager or consultant, be they written, verbal, physical and/or visual, and may occur when:~~

- ~~1. Submission is made either explicitly or implicitly a term or condition of employment;~~
- ~~2. Submission or rejection by an employee is used as a basis for employment decision affecting the employee; or~~
- ~~3. Such conduct has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment.~~

~~3. In the examples of sexual harassment that follow, reasonableness must be considered in the interpretation of each incident.~~

- ~~A. Written examples of sexual harassment include: suggestive or obscene letters, notes and invitations.~~
- ~~B. Verbal examples include: derogatory comments, slurs, jokes and epithets which have sexual connotations.~~
- ~~C. Physical examples include: assault, touching, impeding or blocking movements.~~
- ~~D. Visual examples include: gestures or displays of sexually suggestive objects or pictures, cartoons or posters.~~
- ~~E. Other examples include: threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.~~

~~In addition to the above, the policy covers sexual harassment between two persons of the same sex if such conduct has the potential to affect an employee's work performance negatively, and/or create an intimidating, hostile or otherwise offensive work environment.~~

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~~Sexual Harassment complaints shall be handled through the applicable grievance procedure with the objective of settling complaints fairly and promptly on an informal basis, if possible, and at the lowest practicable level of supervision. However, it is not the intent of the Agency to regulate or interfere with the social interaction or relationships freely entered into by Agency employees.~~

SECTION 12

CONDUCT, DISCIPLINE, GRIEVANCE, AND APPEAL

12.1 EMPLOYEE CONDUCT GENERALLY AND AGENCY PROPERTY RIGHTS

~~In order to~~ render the best possible service to the general public ~~and to reflect credit on the Agency service, the Agency deems~~ high standards of conduct ~~are deemed~~ essential. As part of their essential functions, all Agency employees are expected to ~~Essential functions of~~ conduct for all job classifications are to respond politely and in a professional manner to clients/customers/co-workers and work as a cooperatively with one another.

~~In conducting business, the use of personal information voluntarily provided for purposes other than as agreed is strictly prohibited.~~

1.A. Inspections:

The Agency reserves the right to inspect lockers, desks, filing cabinets, Agency vehicles, electronic data and computer files, and all other Agency-owned property with or without notice or ~~the employees' consent~~. Such inspections ~~will be~~ ~~shall be~~ based on reasonable suspicion that an employee is violating Agency policy. ~~based on knowledge and/or information known to the Agency.~~ All Agency property, identification badges and keys to Agency property shall be returned to the Agency upon termination from employment or at the request of the Agency.

2.B. Computer Electronic Security:

The Agency uses various forms of electronic communication to conduct business, including, but not limited to, computers, email, internet, ~~world wide web,~~ telephones, cellular phones, fax machines, and ~~all~~ on-line services.

All electronic communications, including all software and hardware, remain the sole property of the Agency.

Electronic communication/media may not be used in any manner that would violate Agency policy or applicable law. ~~Employees are be discriminatory, harassing or obscene, or for any other purpose which is illegal, against company policy or not in the best interest of the Agency.~~ The user is responsible for what appears on his/her screen.

The Executive Director, ~~Human Resources~~ Administrative Director and General Counsel ~~may have the authority to~~ direct Information Management and Technology Services (IMTS) staff to retrieve any electronic document under any level of security for review when they deem appropriate to do so. IMTS staff is authorized to monitor the information contained on the Agency's systems. ~~and maintain performance of automated and network systems. When the confidentiality of information is unclear, the information should not be divulged.~~

Electronic mail should be regarded as privileged and treated in the same manner as first class U.S. mail.

The following ~~actions are~~ are strictly prohibited by this policy:

~~A.1.~~ _____ ~~Illegal~~ Unauthorized copying of licensed software;

~~B.2.~~ _____ Copying of Agency software for personal use;

~~C.3.~~ _____ Using an ~~Illegal-illegal~~ version of software used on Agency equipment;

~~D.4.~~ _____ Purchase of hardware or software for non-Agency purposes with Agency funds is prohibited;

~~E.5.~~ _____ Any attempt to bypass or tamper with Agency security measures is strictly prohibited;

~~F.6.~~ _____ Any unauthorized use of another person's password is strictly prohibited; and

~~G.7.~~ _____ Use of the "U:\share" directory for personnel-related or other confidential documents.

8. Use of the Agency's email system for personal use is limited and is subject to the restrictions of the Agency's Technology Usage Policy & Procedure Instructions approved by the Executive Director.

3.C. Access to Agency Property:

Use of Agency property or facilities by current employees or third parties outside personnel must be authorized in writing by an Agency Program Manager, Risk Manager, or official designee, and must conform to Agency administrative guidelines and policy/procedures instructions.

~~Access to Agency property is limited to:~~

~~1. Current Agency employees;~~

~~2. Program clients on Agency business;~~

~~3. Consultants or other persons performing approved work on Agency projects;~~

~~4. other visitors with permission of the responsible Program Manager; and~~

~~5.1. Break areas are for use by current Agency employees only or visitors with the permission of the responsible Program Manager.~~

4.D. Media and Press Contact:

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Inquiries from the news media should be immediately directed to the Public Information Officer (PIO). In the absence of the PIO, ~~such~~ ~~the~~ calls should be directed to the ~~Director of Public and Internal Communications or Executive Director's~~ office.

~~5.E.~~ Housing Choice Voucher Unit (HCV) Ownership.

In accordance with HUD regulations, employees of the Agency may not participate in the HCV Program as landlords, owners, or property managers without written approval of the Agency.

12.2 CAUSES FOR DISCIPLINARY ACTION

The following causes, among others, ~~may~~ ~~shall~~ be deemed to be just cause for disciplinary action up to and including termination:

~~1.A.~~ Fraud in securing employment.

~~2.B.~~ Incompetence. ~~As used herein, t~~The term "incompetence" ~~shall mean~~ that the employee lacks adequate ability, or knowledge or fitness to perform the duties that ~~which~~ are within the scope of the employee's position.

~~"Fitness" is the a physical or mental ability to perform the duties of a classification, and will shall be applied in a manner consistent with applicable law. local, state, and federal statutes, regulations, and case law with respect to employment of the disabled. An employee who is physically or mentally incapable of performing duties of the classification shall be considered to have been released rather than to have been disciplined. Such released employee shall have the same due process rights as a disciplined employee and shall be considered to have left in good standing.~~

~~3.C.~~ Inefficiency in performance of work which resulting s in work unacceptable performance of which is lower quality than that which is typically expected of a similar employees in a similar position.

~~4.D.~~ Neglect of duty.

~~5.E.~~ Insubordination, including, but not limited to, -any willful disobedience of a lawful rule, order, or direction.

~~6.F.~~ Dishonesty or theft.

~~7.G.~~ Possession, use or ingestion of alcoholic beverages, unprescribed narcotics, or being under the influence thereof while on duty.

H. Taking, possessing, being under the influence of, or offering for sale any controlled substance while on duty, unless legally authorized to do ~~so~~. The term "controlled substance" ~~has shall have the same meaning as the same term that the term has in the California Health and Safety Code, Division 10.~~

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I. Dress that is unsafe or unsuitable for effective job performance as determined by the Agency. Halter tops and bare midriffs are examples of inappropriate dress. Shorts to the knee may be acceptable, depending on the position.

~~8.J. Excessive,~~ Abuse or misuse of sick leave.

~~9.K.~~ Absence without leave, including tardiness.

~~10.L.~~ Discourteous or offensive conduct or language toward the public, ~~or toward fellow employees or officials.~~

~~11.M.~~ Use of Agency employment for personal purposes or gain.

~~12.N.~~ Using the prestige of an Agency position on behalf of any political candidate or ~~any~~ political party.

~~13.O.~~ Acceptance by an employee of a reward, gift, gratuity, or other form of remuneration from any source, in addition to the regular compensation, for the performance of Agency duties.

~~14.P.~~ Supplementary (outside) employment not specifically authorized in writing by the Appointing Authority.

~~15.Q.~~ Negligence or intentional misconduct ~~that which~~ causes damage to Agency or other public property.

~~16.R.~~ Misuse, misappropriation or unauthorized possession of Agency property, vehicles, equipment, or supplies.

S. Conviction of a criminal offense involving moral turpitude. (The term "conviction" ~~shall be deemed to include~~, but is not ~~not be~~ limited to, conviction as a result of a plea of guilty or nolo contendere, a conviction with or without a jury, and a conviction after a demurrer in the case mentioned in Section 1010 of the California Penal Code. Notwithstanding any further proceedings in the case or any appeal or appellate decision, a conviction will ~~shall~~ be deemed to be complete upon the first date the trial court or jury finds the employee involved committed the offense.)

~~17.T.~~ Misrepresentation on a time-card.

U. Any conduct related to employment ~~that which~~ impairs, disrupts or causes discredit to the Agency or Agency service.

V. Violation of policy against discrimination, harassment or sexual harassment.

~~18.W.~~ Threats, implied or actual, and/or workplace violence.

~~19.X.~~ Carrying firearms or other weapons in a vehicle or ~~on~~ personally -while on Agency business or Agency property.

~~20.Y. Violation of any rule or Agency policy as outlined in this document.~~

Z. The causes outlined in this article are not intended to cover every possible situation; employees may be disciplined for other causes that are not outlined in this article.

12.3 TYPES OF DISCIPLINARY ACTION

The following types of disciplinary action may be used progressively for ~~represented and for Confidential~~ employees. However, the Agency may elect not to use progressive discipline in certain circumstances~~there~~. In those situations, employees may be terminated immediately. ~~may be circumstances in which the following progressive discipline procedures may not be used and employees may be terminated without the use of such procedures.~~

A. Verbal Reprimand

When the Appointing Authority or designee orally communicates to an employee a deficiency, problem or misconduct ~~that which~~ needs to be corrected. This communication may be documented in written form after the conversation. ~~fact.~~

~~C.B.~~ B. Written Reprimand-

When the Appointing Authority or designee communicates an admonishment in writing to an employee regarding a deficiency, problem or misconduct ~~that which~~ needs to be corrected. A written reprimand will be ~~shall be~~ filed in the employee's official personnel file.

~~D.C.~~ C. Suspension-

When the Appointing Authority or designee suspends an employee from work without pay. The employee will ~~shall~~ be advised in writing of the reasons for the suspension and a copy filed ~~a copy filed~~ in the employee's official personnel file.

~~E.D.~~ D. Withholding In-Grade Salary Increase-

When the Appointing Authority or designee withholds an employee's in-grade salary increase. The Appointing Authority will ~~shall~~ advise the employee in writing on the salary step increase/merit review ~~increase~~ form of the reasons for this action and a copy filed ~~file a copy~~ in the employee's official personnel file.

~~F.E.~~ E. In-Grade Salary Reduction-

When the Appointing Authority or designee reduces an employee's salary to a lower step within the salary range. The employee will ~~shall~~ be notified in writing of the reasons for the in-grade salary reduction and a copy filed in the employee's official personnel file.

~~G.F.~~ F. Demotion-

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When the Appointing Authority or designee removes an employee from a position in one class and places the employee in a position in another class having a lower salary range. The employee ~~will~~ shall be notified in writing of the reasons for the demotion and a copy filed in the employee's official personnel file.

H.G. Dismissal:

When the Appointing Authority or designee terminates the employment of a Represented or Confidential employee holding ~~permanent regular~~ status ~~from the Agency~~. The employee ~~will~~ shall be notified in writing of the reasons for the dismissal and a copy filed in the employee's official personnel file.

- a. ~~Discharge for cause—no warning notice or other disciplinary action is required prior to termination for theft of money, working under the influence of alcohol or drugs, gross insubordination or acts of violence, abusive or reckless conduct which threatens or endangers the health or safety of other persons.~~

12.4 GRIEVANCES GENERALLY

~~1.A.~~ Represented employees' Grievance Procedures are outlined in the applicable Collective Bargaining Agreement. ~~respective labor agreements.~~

~~2.B.~~ A grievance is a claim by an employee who personally has been adversely affected in employment by the inequitable or unreasonable interpretation or application of these Rules or an applicable law. A grievance cannot relate to the determination, organization, level or standards of performance of the services provided by the Agency, or issues for which a specific hearing or appeal procedure is otherwise provided or withheld by these Rules.

~~3.C.~~ Any appeal of disciplinary action by a Confidential employee ~~must~~ shall be filed directly with the Executive Director or designee.

~~4.D.~~ Any appeal by an employee with the right to appeal a non-disciplinary matter (such as a, i. e. perceived violation of policy), a policy matter, shall be filed.

~~5.E.~~ Exempt employees ~~have~~ shall have no appeal rights ~~to appeal rights.~~ a disciplinary action.

~~6.F.~~ Temporary employees and temporary service employees ~~shall~~ have no appeal rights.

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12.5 GRIEVANCE PROCEDURE – CONFIDENTIAL CLASSIFICATIONS1.A. Informal Discussion – Step 1-

An employee may first discuss a grievance in an informal manner with the immediate supervisor within ten (10) working days following the occurrence of events on which the grievance is based. The immediate supervisor will respond to the grievance ~~shall give an answer~~ within five (5) working days of the date of presentation of the grievance.

2.B. Written Grievance – Step 2-

1. If the employee is not satisfied with the resolution of the informal grievance set forth in paragraph A of this Section, or if the employee chooses not to submit the grievance in an informal manner, the employee may initiate a formal grievance. A formal grievance must be filed within thirty (30) days following the occurrence of the events on which the grievance is based. Formal grievance forms are available at the Human Resources Department.

2. A formal grievance ~~must shall~~ be initiated by filing with the employee's department director or designee and ~~with the Human Resources~~ Administrative Director a grievance form ~~detailing setting forth the employee's specific allegations of the employee, the rule or law which the employee alleges to have been violated,~~ all relevant facts relating to the employee's allegation and the requested remedy. The grievance form ~~must shall~~ be signed and dated by the employee.

~~If the employee is not satisfied with the resolution of the informal grievance set forth in paragraph A of this Section, or if the employee chooses not to submit the grievance in an informal manner, the employee may initiate a formal grievance. Formal grievance forms are available at the Human Resources Department.~~

a)3. Upon receipt of the grievance, the department director or designee will shall investigate the grievance, and confer with the Program Manager or immediate supervisor and the employee or a duly authorized representative, if any, within ten (10) working days after receipt of the grievance, in an attempt to resolve the grievance. The department director or designee will shall render a decision in writing to the grievance and provide copies of the decision to the employee or a duly authorized representative, if any, the Program Manager and the Human Resources Administrative Director within ten (10) working days after receipt of the written grievance.

3.C. Appeal to Executive Director – Step 3-

1)1. If the employee is not satisfied with the Step 2 resolution of the grievance, To appeal the informal disciplinary action or policy decision, the employee may shall present the disciplinary appeal letter or the grievance form, as applicable, to the Executive Director or designated representative within five (5) working days of receipt of the informal decision or policy decision.

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The Executive Director or designated representative ~~will shall~~ review all testimony and other evidence received and considered in the previous steps of the grievance, rendering the decision or disciplinary action appealed from, together with together with such other evidence as the Executive Director or designee ~~ated representative~~ may desire to incorporate. The Executive Director or designee ~~ated representative~~ may, but is not required to, receive additional oral or written statements from the employee or the employee's representative prior to consideration of the appeal. The Executive Director or designee ~~ated representative~~ will shall consider the appeal and render a written decision within ten (10) working days after the receipt of the appeal ~~from the affected employee.~~

2)2. After due consideration of all of the evidence received, the Executive Director or ~~designee designated representative will shall~~, (a) affirm the Step 1 resolution, decision or disciplinary action, or (b) reverse the Step 1 resolution or decision or disciplinary action, or (c) affirm in part and reverse in part the Step 1 resolution.

The Executive Director or designee ~~ated representative~~ may, but is shall not be required to, allow the affected employee to question witnesses. The affected employee will shall not have the right of cross-examination.

The Executive Director or designee ~~ated~~ representative may request and receive the advice of counsel on any matter pertaining to this process.

The Executive Director may, ~~under this Section~~, delegate authority to hear the appeal to another person who may or may not be an employee of the Agency. This includes ordering a hearing officer. When the Executive Director makes has made such a delegation, the decision of the person to whom the authority has been delegated will be shall be as if the Executive Director had considered the matter personally.

The decision or action by the Executive Director or designee is final.

12.6 REMEDY

In the case of a grievance ~~or disciplinary action that which~~ is successfully appealed in accordance with these Rules, a remedy will shall be fashioned that which attempts to be workable, reasonable and just, and if necessary, prevent a recurrence of the behavior that which caused the grievance ~~or appeal~~.

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SECTION 13

RESIGNATION AND LAYOFF

13.1 RESIGNATION

Any employee may resign from the Agency service by presenting a resignation in writing to the Appointing Authority. To resign in good standing, an employee should provide ~~must give~~ at least two (2) weeks' notice, unless a shorter period is acceptable to the Appointing Authority. An employee who resigns in lieu of ~~to avoid~~ termination will ~~shall~~ not be considered to have resigned in good standing. Resignations will ~~shall~~ be promptly forwarded to the ~~Human Resources~~ Administrative Director, who may conduct exit interviews to review and evaluate the reasons for the ~~each~~ resignation.

13.2 LAYOFF (Confidential Employees)

1.A. Purpose:

This Section ~~article~~ sets forth the applicable procedures ~~which will be followed in instances in which~~ when Confidential unrepresented employees ~~in the Confidential classification are~~ are to be displaced or removed from a position as a result of a layoff, ~~or reduction in force.~~

~~The~~ is procedure below ~~does not shall not apply~~ apply to Exempt employees, ~~management and supervisors.~~ Exempt management and supervisors ~~employees~~ are subject to layoff directions from the Executive Director.

Represented employees are subject to layoff provisions in their applicable Collective Bargaining Agreements.

2.B. Definitions:

3.1. Layoff. A layoff ~~shall be defined as~~ is the separation of at least one (1) employee due to lack of work, lack of funds, abolishment of a position, or reasons based on ~~in~~ the efficient operation of the Agency.

4.2. Seniority.

1.a) Agency Service Seniority. Agency service seniority ~~is~~ shall be defined as the effective date of appointment to the employee's current regular, part-time or limited-term position with the Agency, or as the effective date of appointment to any regular, part-time or limited-term position(s) with the Agency which preceded, in continuous service, the appointment to the employee's current regular, part-time or limited-term position, whichever is greater.

2.b) Classification Seniority. Classification seniority ~~is~~ shall be defined as the effective date of probationary appointment to the employee's present job classification, including any time spent in a higher classification less any time spent in a lower job classification due to a downgrade. The term "higher

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classification” ~~shall~~ means a job classification in which the maximum rate of pay is greater than the maximum rate of pay of the employee's present job classification. For any employee with ~~permanent regular~~ status who has not served a probationary period in his/her present job classification, classification seniority ~~will~~ shall be the effective date of reallocation to the employee's present job classification, or in the case of transition from a limited-term position, ~~classification seniority shall be~~ the effective date of appointment to the limited-term position. For downgrading purposes, computation of classification seniority for a job classification lower than that in which the employee holds permanent status, the following seniority ~~will~~ shall be counted: (1) classification seniority in any higher classification, ~~and~~ (2) previous classification seniority in the job classification in which the employee is currently working, and (3) present time spent in the job classification in which the employee is currently working.

3.c) Reasons for Termination of Seniority.

~~a)1)~~ 1) Discharge

~~b)2)~~ 2) Resignation

~~e)3)~~ 3) Failure to return to work when recalled from a layoff as set forth in the recall procedure in Section 13.2G

~~d)4)~~ 4) Failure to return to work after expiration of an approved ~~formal~~ leave of absence

~~e)5)~~ 5) Retirement

~~f)6)~~ 6) Layoff for a continuous period of two (2) consecutive years from Agency service

4.3. Downgrade. A downgrade ~~is shall be~~ defined as an employee's voluntary change in job classification as a result of a layoff in the employee's current classification from a job classification in a given regression ladder to another job classification in the same regression ladder for which the maximum rate of pay is the same or less than the maximum rate of pay in the current classification.

A downgrade ~~is shall be permitted allowed~~ only to successive lower classifications within the employee's current regression ladder, except as provided in Section 13.2 C.5 of these Rules ~~hereof~~.

5.4. Regression Ladder. A regression ladder ~~is shall be~~ defined as a series of classifications through which an employee may downgrade. The regression ladders for unrepresented employees of the Agency are set forth in Exhibit "C" attached to these Rules.

3.C. Procedure.

1. Within each job classification in which a layoff occurs, employees ~~will~~ shall be laid off in the following order: ~~F~~first, employees in temporary positions; second, employees with limited-term status in order of Agency service seniority; third, all other employees in order of classification seniority. The first employees affected by a layoff within each of these categories ~~will~~ shall be the employee with the least applicable seniority.

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2. Any employee with probationary status who is affected by a layoff or displaced by a downgrading employee will ~~shall~~ return to the former job classification where the employee held ~~permanent~~ regular status, if any. ~~That said employee~~ will ~~shall~~ also return to the same department and type position which the employee left immediately prior to the probationary appointment. If a probationary employee does not hold regular ~~permanent~~ status in another job classification, the employee ~~he/she~~ will be laid off without any right to recall.
3. Within a job classification, any employee with ~~permanent~~ regular status who is to be laid off or displaced will ~~shall~~ have the right to downgrade, in descending order, to job classifications within his/her regression ladder, if any, provided that the employee meets the qualifications of the lower classification and can displace an employee in the lower classification as follows:
- ~~1.a)~~ a) If there are employees with limited-term status, the downgrading employee will ~~shall~~ first displace such limited-term employee with the least Agency service seniority.
- ~~2.b)~~ b) If there are no employees with limited-term status, the downgrading employee will ~~shall~~ then displace the employee with probationary status with the least classification seniority.
- ~~3.c)~~ c) If there are no employees with limited-term or probationary status, the downgrading employee will ~~shall~~ then displace the employee with ~~permanent~~ regular status with the least seniority, provided the downgrading employee has greater seniority. Classification seniority will ~~shall~~ be utilized as the applicable seniority for downgrading purposes except that Agency service seniority will ~~shall~~ be utilized to downgrade into the lowest/entry classification on the regression ladder.
- ~~A.4.~~ A.4. If an employee with ~~permanent~~ regular status is unable to downgrade into any job classification within the appropriate regression ladder, he/she will be ~~shall be~~ laid off.
- ~~B.5.~~ B.5. For any classification not listed in a regression ladder, the employee with ~~permanent~~ regular status will ~~shall~~ have the right to downgrade, in the same manner as provided in Section 13.2 C.3, to the last unrepresented classification in which ~~permanent~~ regular status was held. If such a downgrade is to a classification within a regression ladder, the employee will ~~shall~~ have the right to downgrade through that new regression ladder only. If such a downgrade is not possible, the employee will ~~shall then~~ be laid off.
- ~~C.6.~~ C.6. An employee may accept layoff in lieu of the opportunity to downgrade by notifying the Human Resources Department within three (3) working days of receiving notice of layoff. Where the employee accepts a layoff in lieu of a downgrade, said employee ~~shall~~ forfeits all recall rights except to a vacancy within the same classification from which the employee was laid off.

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~~D.7.~~ If two (2) or more employees have an equal amount of classification seniority, the senior employee ~~will~~ shall be determined on the basis of greater Agency service seniority. If two (2) or more employees have an equal amount of Agency service seniority, the senior employee ~~will~~ shall be determined on the basis of earliest hire date with the Agency or by chance draw in the event of a tie.

~~E.8.~~ The application of this procedure is not intended to extend job assignment, work organization or departmental preference to any employee affected by a layoff.

4.D. Notice of Layoff:

In the event of layoff, the Agency ~~will~~ shall send by certified mail, return receipt requested, notice of layoff to each affected employee. Such notice ~~will~~ shall be postmarked at least fourteen (14) calendar days in advance of the effective date of layoff. Such layoff notice ~~will~~ shall be mailed to the employee's address currently on file in the Human Resources Department and ~~will~~ shall be deemed appropriate notice. An employee who is on a paid or unpaid leave ~~will~~ shall be affected by the layoff in accordance with the provisions of this Section in the same manner as all other employees. ~~However, an employee who is on sick leave or injury on duty status on the date of the layoff notice shall not be laid off or downgraded until the employee returns to work; except that the effective date for recall purposes shall be the date of original layoff as stated on the layoff notice.~~ In lieu of the certified mail notice, the Agency may, in its sole discretion, serve notice upon the employee personally.

5.E. Salary in Event of Downgrade or Recall:

1. An employee who downgrades pursuant to this Section ~~will~~ shall be paid in the salary range step in the new classification closest to the monthly pay rate received immediately prior to downgrade, providing there is no increase in pay.
2. If appointed in the lower classification at other than the maximum rate of pay, time served in the class from which the downgrade occurred ~~will~~ shall count toward salary step advancement.
3. Upon subsequent recall through a regression ladder, the employee ~~will~~ shall not receive in the next higher class less than that received in the lower class, provided however, that upon subsequent placement in the class from which the employee was downgraded, salary step placement ~~will~~ shall be at the salary step previously held. If, however, said salary step is less than that received in the class to which the employee was downgraded, salary step placement ~~will~~ shall be at the salary step immediately higher. The anniversary date for future in-grade salary adjustments ~~will~~ shall be the date of recall to the permanent classification.
4. "Salary" as referred to in this Section ~~is the~~ shall be the monthly salary range and respective salary step for the affected classification as set forth in the current salary schedule.

6.F. Fringe Benefits:

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Employees laid off ~~will shall~~ be paid vacation and similar benefits per applicable ordinances and rules. Employees being recalled ~~will shall~~ have their sick leave hours at time of layoff restored.

7.G. Recall-

a)1. _____ When a vacancy occurs in a job classification, the laid off or downgraded employee(s) eligible to return to that job classification ~~will shall~~ be recalled in the inverse order of layoff. Employees with ~~permanent regular~~ status who were laid off or downgraded are eligible to return to the job classification in which ~~permanent regular~~ status is held within their regression ladder, or to lower classifications within the same regression ladder, but ~~will shall~~ have no recall rights to any job classification in which probationary status was held at the time of layoff or downgrade.

b)2. _____ Employees ~~will shall~~ be entitled to recall rights for a period of two (2) consecutive years from the effective date ~~they were downgraded or laid-off, of layoff or three (3) consecutive years from the date of downgrade.~~ A downgraded employee may be recalled, at the discretion of the Executive Director, after the expiration of the ~~three two (2) -year period.~~ The effective date of layoff ~~will shall~~ be the employee's last day of work except as provided in 13.2D. The effective date of downgrade ~~will shall~~ be the employee's last day of work in the classification from which he/she is downgraded except as provided in 13.2D. An employee who has downgraded and has not been recalled to the classification where ~~permanent regular~~ status is held within the ~~three (3) two (2) year period will shall~~ gain ~~permanent regular~~ status in the job classification in which the employee is working at the expiration of the ~~two (2) three (3) year period.~~

e)3. _____ When a vacancy exists and employees are to be recalled, notice of the opening(s) ~~will shall~~ be sent to the mailing address as shown on Human Resources Department records, unless a more recent address has been furnished in writing by the laid off/downgraded employee. To expedite recall, more than one (1) employee may be notified of an opening. This recall notice ~~will shall~~ be sent by certified mail, return receipt requested, and the employee ~~will shall~~ have ~~twenty one (21) fourteen (14)~~ calendar days to report to work from the date of the mailing of the recall notice.

If the employee fails to report to work within ~~twenty one (21) fourteen (14)~~ calendar days, ~~the employee he/she~~ will lose all recall rights. An employee who has been laid off ~~will shall~~ be required to meet the minimum qualifications of the classification to which he/she is recalled.

8.H. Downgrade to Represented Job Classification-

An unrepresented employee who is subject to layoff ~~pursuant hereto~~ may elect to downgrade to a job classification ~~that which~~ is represented by a recognized employee organization pursuant to a Collective Bargaining Agreement to the extent ~~that~~ such downgrade is permitted, if at all, by the Collective Bargaining Agreement.

EXHIBIT A

EXEMPT & CONFIDENTIAL POSITIONS

The Governing Boards of the Agency hereby find that it is necessary to the efficient operation of the Agency that the following positions shall be exempt positions and that the occupants shall serve at the pleasure of the Executive Director. Positions or title changes designated as exempt employees shall become part of this Exhibit A.

Benefits may differ at the levels of management. ~~Executives are noted with an asterisk (*), Managers and Management Analysts with a pound sign (#), and Supervisors with a plus sign (+).~~

- ~~1. +Supervisor (department)~~
- ~~2. #Management Analyst (department)~~
- ~~3. #Program Manager (department)~~
- ~~4. *Assistant Director (department)~~
- ~~5. *Director A and B (department)~~
- ~~6. *General Counsel~~
- ~~7. #Agency Counsel~~
- ~~8. *Deputy Executive Director~~
- ~~9. *Executive Director~~

Exempt Classifications:

- 1. Agency Clerk
- 2. Agency Counsel – Range 1
- 3. Agency Counsel – Range 2
- 4. Agency Counsel – Range 3
- 5. Assistant Director – Range 1
- 6. Assistant Director – Range 2
- 7. Assistant Site Manager
- 8. Deputy Executive Director
- 9. Director – Range 1
- 10. Director – Range 2
- 11. Director – Range 3
- 12. Executive Director
- 13. General Counsel
- 14. Management Analyst – Range 1
- 15. Management Analyst – Range 2
- 16. Program Manager – Range 1
- 17. Program Manager – Range 2
- 18. Project Manager
- 19. Public Information Officer
- 20. Senior Human Resources Analyst
- 21. Site Manager
- 22. Supervisor

Confidential Classifications

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1. Confidential Administrative Assistant
2. Confidential Clerk
3. Human Resources Analyst
4. Human Resources Assistant
5. Human Resources Specialist
6. Human Resources Technician

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EXHIBIT B

FLEXIBLE STAFFING

Agency classes for which flexible staffing is provided by the class specifications are as follows:

1. Accountant Specialist
Accountant
2. ~~Agency Counsel~~
~~Range 1~~
~~Range 2~~
~~Range 3~~
3. Community Development Specialist
Community Development Analyst
4. ~~Development Services~~ Redevelopment Analyst
Range 1
Range 2
Range 3
5. Housing Finance Analyst
Range 1
Range 2
Range 3
6. Human Resources Technician
Human Resources Specialist
7. ~~Human Resources Analyst~~
~~Principal Human Resources Analyst~~
8. Redevelopment Planner
Range 1
Range 2
Range 3

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EXHIBIT C

REGRESSION LADDERS

Confidential Unit

1. Confidential Administrative Assistant
Confidential Clerk
- | 2. ~~Principal Human Resources Analyst~~
Human Resources Analyst
Human Resources Specialist
Human Resources Technician