



City Council Report

915 I Street, 1st Floor
Sacramento, CA 95814

www.cityofsacramento.org

File #: 2016-01288

December 6, 2016

Consent Item 13

Title: (City Council/Housing Authority) Approval of Revised Sacramento Housing and Redevelopment Agency (SHRA) Personnel Rules

Recommendation: Pass 1) a City Council Resolution approving the revised Sacramento Housing and Redevelopment Agency (SHRA) Personnel Rules; and 2) a Housing Authority Resolution approving the revised Sacramento Housing and Redevelopment Agency (SHRA) Personnel Rules.

Location: Citywide

Contact: La Shelle Dozier, Executive Director, (916) 440-1319; James Shields, Director of Administration, (916) 440-1316, Sacramento Housing and Redevelopment Agency

Presenter: None

Department: Sacramento Housing and Redevelopment Agency

Attachments:

- 1-Description/Analysis
- 2-City Council Resolution
- 3-Housing Authority Resolution
- 4-Exhibit A (Personnel Rules)

Description/Analysis

Issue Detail: This report recommends that the City Council and Housing Authority of the City of Sacramento approve revised SHRA Personnel Rules to make minor changes to the 2014 SHRA Personnel Rules. The proposed revised rules will be effective December 6, 2016 and are attached as Exhibit A. The revisions include clean-up and clarification language and minor changes to the previously adopted SHRA Personnel Rules. The revisions include:

- Health Insurance Contributions definition: contributions can only be used towards benefit options under the section 125 Cafeteria Plan.
- Eligible Lists: establishes specialized lists for Resident Trainees and Temporary staff including criteria for placement on lists and duration of lists.
- Updated limited term employee duration from eighteen months to twenty four months.
- Updated probationary evaluation timing for confidential employees.
- Updated termination pay language to correlate with required labor law.
- Updated parking reimbursement, transit reimbursement and tuition reimbursement amounts to correspond with union agreement language and approved unrepresented benefits.
- Updated list of exempt classifications.

Policy Considerations: The recommended actions in this report are consistent with SHRA policy and labor relations practices.

Environmental Considerations:

California Environmental Quality Act (CEQA): The proposed actions consist of governmental fiscal activities which do not involve a commitment to any specific project, and as such, does not constitute a "project" under the California Environmental Quality Act (CEQA) Guidelines Section 15378 (b)(4).

National Environmental Policy Act (NEPA): The proposed administrative and management activity is an exempt activity under the National Environmental Policy Act (NEPA), 24 CFR (a)(3).

Rationale for Recommendation: SHRA's Personnel Rules were last revised in 2014. These rules incorporate changes due to updates to SHRA policies, and to federal and state labor and employment laws.

Financial Considerations: Not applicable

LBE/M/WBE and Section 3 Considerations: LBE, M/WBE and Section 3 Considerations do not apply to this report.

RESOLUTION NO. 2016 –

Adopted by the Sacramento City Council

APPROVAL OF REVISED SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY (SHRA) PERSONNEL RULES

BACKGROUND

- A. The proposed action consists of governmental fiscal activities which does not involve a commitment to any specific project, and as such, does not constitute a “project” under the California Environmental Quality Act (CEQA) Guidelines Section 15378 (b)(4). The proposed action is exempt under the National Environmental Policy Act (NEPA) as an administrative and management activity (24 CFR 58.34(a)(3)).
- B. The proposed revisions to the SHRA Personnel Rules consist of clean-up and clarification language and minor changes to the previously adopted Personnel Rules.

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

- Section 1. All evidence presented having been duly considered, the findings, including environmental findings regarding this action as stated above, are found to be true and correct and are hereby approved and adopted.
- Section 2. The revised SHRA Personnel Rules effective December 6, 2016, provided as Exhibit A, are approved.

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Exhibit A – Revised SHRA Personnel Rules

RESOLUTION NO. 2016 –

Adopted by the Housing Authority of the City of Sacramento

REVISED SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY (SHRA) PERSONNEL RULES

BACKGROUND

- A The proposed revisions to the SHRA Personnel Rules consist of clean-up and clarification language to the previously adopted Personnel Rules.
- B The actions proposed consist of governmental fiscal, organizational, or administrative activities that will not result in direct or indirect physical changes in the environment, and as such, do not constitute a “project” under the California Environmental Quality Act, Guidelines 14 CCR Section 15378(b)(4).
- C The actions proposed consist of governmental administrative and management activities and are therefore categorically exempt under the National Environmental Policy Act 24 CFR 58.34(a)(3).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE HOUSING AUTHORITY RESOLVES AS FOLLOWS:

- Section 1. All evidence presented having been duly considered, the findings, including the environmental findings regarding this action as stated above, are found to be true and correct and are hereby adopted.
- Section 2. The revised SHRA Personnel Rules, effective December 6, 2016 and provided as Exhibit A, are approved.

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Exhibit A – Revised SHRA Personnel Rules

Personnel Rules



_____, 2016

SHRA Human Resources Department
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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 Housing Authority of the County of Sacramento, , and the Sacramento Housing and Redevelopment Agency ("Agency") in the administration of its personnel program.

1.2 PURPOSE AND OBJECTIVES

These Personnel Rules apply to all aspects of the Agency's personnel administration and are administered by the Administrative Director. In addition, these provisions also cover current, duly adopted Collective Bargaining Agreements and Resolutions of the Governing Boards that address terms and conditions of employment not covered by these Rules. These Rules have been adopted in order for the Agency to achieve the following objectives:

- A. Provide, implement, and maintain a system of personnel administration, including appointment of employees, appeal and dismissal procedures. Agency employment will be made on the basis of merit and fitness. 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 all Agency positions are arranged into classes based upon their duties, authorities and responsibilities.
- C. Provide for a compensation plan that 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 be subject to satisfactory professional work behavior, and satisfactory work performance, 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.

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.

1.5 PERSONNEL MEMORANDA

Because these Rules are not exhaustive, 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 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.

B. Such memoranda will serve as precedents to guide the implementation of these Rules in a consistent and fair manner.

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

1. Employer/Employee Relations Policy
2. Conflict of Interest Code
3. Out of Town Travel Policy
4. Agency Safety Policy and other similar policies
5. Insurance requirements
6. All federal, state, and local laws and regulations
7. Collective Bargaining Agreements
8. Recruitment Plan

1.6 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.

1.7 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

1.8 SAVING CLAUSE

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

1.9 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.
- C. Where the Human Resources Manager determines a payroll error, the Administrative Director or designee will take the following action:
 - 1. Provide 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 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 least \$50 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.
 - 5. Ensure any adjustments for integrating state disability or workers' compensation payments with accrued sick leave are made on a one-time lump sum basis, unless otherwise approved by the 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.

1.10 EMPLOYEE CONTACT AND OTHER INFORMATION

Every employee has a 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 terms below as used in these Rules are defined as follows:

2.1 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.

2.2 ADMINISTRATIVE LEAVE - PAID

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

2.3 ADMINISTRATIVE LEAVE - UNPAID

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

2.4 AGENCY-DESIGNATED GROUP INSURANCE CONTRIBUTION

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

2.5 ALLOCATION

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

2.6 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.

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

Date of appointment of an employee to regular or part-time employment. Time worked as a Temporary or Temporary Service employee is not 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.

2.7 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.

2.8 APPLICANT

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

2.9 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 delegation will 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 the Governing Boards of the Agency.

2.10 APPOINTMENT

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

2.11 CANDIDATE

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

2.12 CERTIFICATION

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

2.13 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.

2.14 CLASS SPECIFICATION

A statement or guideline of the essential functions, responsibilities and qualification requirements of positions included in a particular class.

2.15 CLASSIFICATION PLAN

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

2.16 CLASSIFIED SERVICE

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

2.17 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. the employee dies, 2. there is a divorce or legal separation, or 3. a dependent child ceases to be a dependent due to marriage, attainment of age 23, or change in custody.

2.18 COST OF LIVING ALLOWANCE (COLA)

A percentage increase of salary, generally based on the Consumer Price Index (CPI).

2.19 CONFLICT OF INTEREST

Conflict between an employee's interests and the Agency's interests. Employees in specific job classifications designated by the Agency may be required to complete Conflict of Interest, Gift Policy, and Disclosure Statements in which they 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.

2.20 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.

2.21 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.

2.22 ELIGIBLE

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

2.23 ELIGIBLE LIST

A list of candidates who have passed all the components of the examination process and have been certified as eligible for hiring.

2.24 EXAMINATION

The process of testing to determine either basic qualification or rank order of merit.

2.25 EXECUTIVE DIRECTOR

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

2.26 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 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 are exempt from the classified service. Exempt employees 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.
- C. All temporary employees; and
- D. Volunteer personnel and personnel appointed to serve without pay.

2.27 EXEMPT MANAGEMENT

The Executive Director and the occupants of those managerial positions listed in Exhibit "A."

2.28 EXEMPT SERVICE

All positions to which exempt employees are appointed.

2.29 FLEXIBLE STAFFING

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.

2.30 FLEXIBLE SCHEDULE

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

2.31 FLEX WORKWEEK

- 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 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 works eight (8) ten (10) hour days during the two (2) weeks, with one (1) workday off every week.
- C. Other: Other flex workweeks may be established with the approval of the Executive Director or designee.

2.32 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; green circled employees will be eligible for COLAs

2.33 GRIEVANCE

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).

2.34 HEALTH INSURANCE CONTRIBUTION

The maximum monthly amount the Agency contributes towards health insurance (applies to both active employees and retirees). All contributions can only be used towards benefit options under the section 125 Cafeteria Plan.

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 22892.

2.35 LAYOFF

A 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 the efficient operation of the Agency.

2.36 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 for a specific project of limited duration.

2.37 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.

2.38 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.

2.39 PERSONNEL ACTION

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

2.40 PERSONNEL FILE OR PERSONNEL RECORDS

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

2.41 POSITION

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

A. Regular

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

E. Temporary Services

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

F. Volunteer

Any position for which the employee is not compensated.

2.42 PROBATIONARY PERIOD

A working period during which an employee is required to demonstrate an ability to satisfactorily perform the duties of the position to which the employee is appointed.

2.43 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.

2.44 RANDOM RANKING

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

2.45 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.

2.46 RECLASSIFICATION

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

2.47 REDUCED WORK SCHEDULE

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

2.48 SECTION 3

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

2.49 STATUS

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

A. Regular

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 (SHRAEA) and up to twenty-four (24) months (AFSCME), 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 SUPPLEMENTAL LEAVE

Applicable to exempt employees; up to eighty (80) hours annually subject to the requirements of section 9.13 of these Rules.

2.51 SUSPENSION

The temporary postponement of an employee's pay and dismissal from duty 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. There are three types of transfers:

- A. Work Location Transfer. Same classification; transferring work location only.
- B. Lateral 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.
- 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.
- 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 Y-RATE

A pay rate that is frozen because it exceeds the maximum step of the salary range for the employee's class. No COLAs will apply.

SECTION 3

THE CLASSIFICATION PLAN

3.1 ADOPTION AND MAINTENANCE OF PLAN

The Administrative Director will establish and maintain a position classification plan that groups all positions into classes based upon their duties, authority and responsibilities. The Administrative Director may allocate positions to the appropriate class. The position classification plan, and any revisions that require the creation of a new class or title change, will 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 standardize titles, each of which will be indicative of the range of duties and responsibilities of the classification.

3.3 AMENDMENT OF PLAN

The Administrative Director will conduct classification studies upon the request of the Executive Director. If the 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. The Executive Director may approve revisions to the classification plan that do not require the creation of a new salary range.

3.4 CLASS SPECIFICATIONS

A. Content of Specifications

Each class specification will 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 allocated to the classes, as determined by duties and responsibilities. The definitions 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. The use of a particular expression or illustration as to duties will 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 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 the class is intended to embrace.

D. Qualification Statement

The qualifications enumerated in a class specification will 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 official title of every position allocated to the class for the purpose of personnel actions and will 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 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 Administrative Director will review the reasons for reconsideration and submit the findings to the department director and the employee. If the employee is still dissatisfied with the 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

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

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.

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. Depending on the needs of the Agency, recruiting information will be distributed through appropriate media for a sufficient period of time to ensure 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 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 will be distributed to organizations, interested individuals and appropriate specialized groups as determined by the Administrative Director. Announcements will be posted in conspicuous places in Agency buildings. In addition, information on position vacancies may be disseminated by other methods that facilitate contact with qualified prospective applicants.

4.4 BACKGROUND CHECKS

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

4.5 HEPATITIS INOCULATION

The Agency will pay for hepatitis inoculation for specific job classifications that 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 be established as a result of open and/or promotional examinations. If necessary, open and promotional examinations may be given concurrently.

A. Open

Open examinations are open to any person who meets the qualification standards as set forth in 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 open to all employees in the classified service who meet the qualification standards set forth in the job announcement.

4.7 QUALIFICATIONS AND SCREENING OF APPLICANTS

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

The 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 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 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 be exempt from random selection and will 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 for ranking candidates otherwise eligible for employment. Candidates who are Agency employees or Agency residents on the closing date of the application period will 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 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 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 would materially affect the outcome.
- C. Discrimination by the Agency based on any characteristic listed in section 1.3 of these Rules.

Employees who apply for a promotion but do not meet minimum qualifications will be notified in writing within five (5) working days prior to interviews.

If the disqualification is reversed on appeal, the Agency will rank the candidate at the place on the eligible list 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 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:

A. Layoff List

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

B. Re-Employment List

Employees who have resigned in good standing with regular 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 name will 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

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

D. Open List

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

E. Resident Trainee List

SHRA Public Housing Residents that have successfully participated and completed the Resident Trainee Program and met the criteria for placement on the list. Eligible candidates will remain on the list for 2 years from the date they are placed on the list. Classifications will be determined by Agency.

F. Temporary Staffing List

Individuals who have successfully served a minimum of one temporary staffing assignment (minimum duration of 6 months) at the Agency and has met the criteria for placement on the list. Eligible candidates will remain on the list for 2 years from the date they are placed on the list. Classifications will be determined by Agency.

Resident Trainee List will take precedence over any other list first. If no one is selected from the Resident Trainee List, other list may be established.

In the event another eligibility list for a classification is established while a list is still valid, the Agency shall have discretion to pull from any active list.

4.11 DURATION OF ELIGIBLE LISTS

The life of eligible lists will 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 Administrative Director. However, names will remain on a layoff list, Resident Trainee list and temporary stafing listfor two (2) years from the date of placement on the lists.

4.12 REMOVAL OF NAMES FROM ELIGIBLE LIST

Names of eligible persons may be removed from an eligible list by the 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.

SECTION 5

CERTIFICATIONS, APPOINTMENTS AND TRANSFERS

5.1 FILLING VACANT POSITIONS

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

In recruiting employees for exempt service, the Executive Director will 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 utilized for the classified service.

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

5.2 EDUCATION REQUIREMENTS

- A. Agency employees will be permitted to have completed fifty 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 for positions where specific experience is a factor or retention or recruitment difficulties exist.

5.3 CERTIFICATION

A. Classified Service

For each vacancy in the classified service, the Administrative Director will 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 opening will also be given an interview for the vacancy. However, in no event will more than five (5) employees who are requesting transfer be given such interview, with the employees who submitted their transfer request on the earliest date being given preference.

When more than one vacancy exists, the next eligible person will be certified for each additional vacancy. If any certified eligible person is unavailable for appointment, the recruitment file will be so annotated, and the Administrative Director will certify an additional person. The Appointing Authority will 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 meet with the hiring manager to discuss the basis for not being selected.

B. Exempt Service and Confidential Employees

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

5.4 CERTIFICATION IN ABSENCE OF ELIGIBLE LIST

With exception of a layoff list, if an eligible list contains fewer than five (5) available persons, or does not exist for the class in which requisition is made, the 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 required by the nature of the job (*i.e.*, language fluency) if such a request is made prior to certification. If the Administrative Director determines after review that the facts justify such selective certification, the highest-ranking eligible persons who possess the special qualifications will 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 submit, on forms provided by the Administrative Director, a medical report certifying the medical fitness of the employee for the type of work to be performed. The Administrative Director may, upon recommendation of the Agency physician, grant a reasonable period in which to clear up, cure or remove any condition that is temporary in nature. If the employee cannot meet the medical requirements of the position, or perform the essential duties of the position with or without reasonable accommodation, the conditional employment offer will be withdrawn.

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

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 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 be selected. Regular status will 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 twenty four (24) months, will either be granted regular status without further examination in the job classification where limited-term status is held, or terminated from employment with the Agency.

5.8 TEMPORARY WORK IN A HIGHER CLASSIFICATION

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%) and not more than seventy-five percent (75%) 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 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 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, the employee will be given ten (10) working days notice prior to a permanent involuntary transfer. Temporary involuntary transfers due to emergency situations and/or business necessity are not subject to the 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 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. Appointment of persons from this list is optional for the Appointing Authority.

Upon re-employment the employee will return to the same step of the salary range occupied on the date of resignation. However, the employee will 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 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 or 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 brought about the termination change within one (1) year, the previously terminated employee may petition for re-employment in accordance with Section 4.10B.

5.12 PERSONNEL RECORDS

The official personnel file for each individual employed by the Agency will be maintained in the Human Resources Department.

Employee personnel records are to 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 cannot be treated as confidential, including an employee's name, job title, salary range, and dates of employment. All information in official personnel files may be subject to public disclosure by court order.

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

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

Unrepresented classifications only:

- 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:
 - 1. Eighty percent (80%) of sick leave balances after cash-out pursuant to City policy.
 - 2. Vacation balances up to one (1) year of accrual at the employee's current rate. .

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 ordering the worker, resolving any work performance, logistical or issues, and notifying the agency to terminate the worker. Workers through 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.

SECTION 6

PROBATIONARY PERIOD

6.1 PURPOSE

The probationary period is a continuation of the hiring process. It is 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 the duties of the job.

Exempt employees serve at the pleasure of the Executive Director and are not subject to a probationary period.

6.2 DURATION

All appointments to the classified service except flexible staffing reallocations are subject to a probationary period as set forth in the Collective Bargaining Agreements.

In classified Operations and Maintenance, and General Clerical and Service positions, the probationary period is 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 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 may be extended by reason of any absence that exceeds fifteen (15) working days that may occur during the probationary period equal to 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 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.
- D. If no action is taken, the employee will be granted regular status.

6.4 FRINGE BENEFIT STATUS DURING 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 promotional position.

A. Leave

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

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 employees will 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 Administrative Director maintains a system for reporting and recording the job performance of Agency employees. This system references the quality and quantity of work done, the manner in which the work is rendered and the responsibility of employees to their duties.

A significant 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 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 pursuant to Section 5.12 of these rules.

7.2 MEASURING PERFORMANCE

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

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

7.3 THE RATING PERIOD

- A. Probationary employees will be evaluated once (1) during the probationary period.
- B. Exempt employees do 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 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 DETERMINATIONS

- A. Salary step/ 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 regular in-grade salary increase. The Appointing Authority has the discretion to make a further appraisal at any stipulated period of time not to exceed one year from the previous appraisal.
- D. Two consecutive overall ratings of "unsatisfactory" will 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 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 also be returned to the same step prior to leaving the classification.

7.6 APPEALS

Appeals may only be filed if an employee is denied a salary step increase, is demoted, is issued an in-grade salary reduction, or is terminated. The employee may appeal in accordance with Section 12 of these Rules or applicable Collective Bargaining Agreement.

SECTION 8

THE COMPENSATION PLAN

8.1 MAINTENANCE OF PLAN

The compensation plan for represented Agency employees will be developed through the collective bargaining process. The compensation plan for confidential and exempt employees is established by the Governing Board. The compensation plan will 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 be paid a rate of pay within the salary range for the class in which he/she is employed. Rates of pay are those steps designated in the compensation plan. An exception may result 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 appointed at the entry step for the class unless the Executive Director determines an appointment at a higher step is appropriate. Consideration will be given to the qualifications of the candidate, availability of applicants and the salary of similar positions.

C. Eligibility for Salary Step Increases – Unrepresented Employees

Salary step increases are not automatic. The Appointing Authority may recommend salary step increases only for those employees who receive an overall work performance rating of Meets or better. 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 be eligible for at least a minimum salary step increase of 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.

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 performance rating is meets expectation or better.

In certain circumstances, when necessary for the retention of an employee, a department head may request approval for an early or multiple step increase. The request shall be in

writing and must be approved by the Executive Director. A performance appraisal in this circumstance may not be necessary.

D. Promotion

An employee who is promoted will receive a pay increase of at least five percent (5%) provided that the employee is placed at the minimum step but not more than the maximum step of the new salary range. Represented and confidential employees (other than flexible staffing promotions) will be placed on probation in the new position. Upon satisfactory completion of the probationary period, the employee will be eligible for a salary step 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 employee is placed at the lowest qualifying step and no more than the maximum step of the higher classification. The employee shall not have to serve a probation period in the new position.

An employee whose position is reclassified to a lower classification will not have any change in salary. If the salary is above the maximum step of the lower classification, the employee's salary will be Y-rated and no further salary increases will be granted until the current salary falls within the range of the new classification. The employee's salary anniversary date will not change, but the classification date will change to the date of reclassification. Y-rated or green 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 remain within five percent of the original salary step, and the employee will not be placed on probation. However, the employee will receive a performance appraisal at three (3) and six (6) months. The salary anniversary date will not change.

G. Demotion

When an employee is demoted, the employee's salary will change to the salary step of the new classification equal to or immediately below the employee's salary step 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 be calculated in the following manner:

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

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: sick, vacation and holiday leave for all part-time and reduced work schedule employees will accrue on a pro-rata basis, and represented employees who work fewer than 40 hours per week will also be entitled to a prorated Agency group contribution toward health and dental insurance.

A. Retirement Plan and Contribution

1. All current and new employees will be covered by the Public Employees' Retirement System (PERS) plans in accordance with the California Public Employees Pension Reform Act of 2013.
2. All employees that are not "new members" under the California Public Employees Pension Reform Act of 2013 ("PEPRA") shall be in the 2% at 55 CalPERS retirement formula. Effective January 1, 2015, the employee will pay the entire seven percent (7%) PERS contribution.
3. All new employees hired on or after January 1, 2013, who are considered "new members" under the PEPRA shall be in the 2% at 62 CalPERS retirement formula described in PEPRA. In addition, "new members" shall be subject to the equal sharing and contribution requirements in Section 7522.30(a) and (c) and shall pay at least 50% of the normal costs of their pension benefit.
4. Eligible Agency retirees or survivor dependents will receive Agency-paid health and dental insurance contributions in accordance with state law with respect to the 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 Agency employees are provided basic group life insurance coverage as listed below. Retirees are not eligible for life insurance from the Agency.

- | | |
|--|----------|
| 1. Represented employees | \$10,000 |
| 2. Confidential, Supervisor, Program Manager
and Management Analyst | \$50,000 |
| 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.

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

C. Flexible Spending Accounts

The Agency has established Flexible Spending Accounts (FSA) as permitted by Internal Revenue Service regulations and shall be available to eligible employees contingent upon the Agency passing the required non-discrimination testing each plan year. 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 as allowed by law up to \$2,500 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 be paid by employees who choose to use FSAs for the purposes covered in 2, 3, or 4 above.

D. Deferred Compensation Plan

Regular, Confidential, and Exempt employees may participate in the Agency's Deferred Compensation 457 plan up to the maximum deferred compensation salary limit.

8.5 OVERTIME

A. Overtime Generally

Represented and confidential employees will be paid overtime when they are directed by their supervisors to work overtime. Such employees will be compensated pursuant to these Rules and in accordance with the applicable Collective Bargaining Agreement, if any. Vacation and paid holidays will be considered "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 not entitled to overtime compensation under any circumstances.

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.

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

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.

LONGEVITY PAY

1. Employees who have been employed by the Agency for a period of twenty (20) to twenty-four (24) years on January 1 of each year shall receive longevity pay of \$350 on the second payday of January.
2. Employees who have been employed by the Agency for a period of twenty-five (25) to twenty-nine (29) years on January 1 of each year shall receive \$550 on the second payday of January.
3. Employees who have been employed by the Agency for a period of thirty (30) years or more in January 1 of each year shall receive \$750 on the second payday of January.

8.7 TERMINATION PAY

Termination (voluntary) checks will be disbursed on the employees last work day when more than 72 hours advance notice is provided to the Agency. Resignations received with less than 72 hours advance notice will be processed within 3 business days. Terminations (involuntary) checks will be disbursed on the employees last work day.

8.8 SALARY CONTINUATION FOR ABSENCES LESS THAN ONE DAY

Exempt employees who work for only a portion of the day will not have their salary reduced for that day.

8.9 BILINGUAL PAY

- A. The Agency may authorize bilingual pay when it is determined to be necessary for the operation. The Agency shall determine what languages are appropriate for such pay and the number of employees to be certified, and shall include American Sign Language (ASL). To be eligible for bilingual pay the employee must be determined to be verbally proficient, and if necessary for the assignment, proficient in the written language or ASL proficient. The Agency will arrange the certification and testing process and authorize the bilingual pay.
- B. Bilingual pay shall be paid 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 shall provide assistance to any Agency operation as needed or when directed by the Agency.
- C. The certification period will be two (2) years from the date of certification only. At the end of the certification period the Agency may or may not re-certify the employee under paragraph "A" above.

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 employees will normally work a five-day, forty (40) hour workweek, or its equivalent.
- B. Meal periods of between 30 minutes and one hour will be scheduled by the appointing authority or designee for all employees.
- C. Performing Agency work outside of regular authorized work hours is prohibited without pre-approval in writing.
- D. The Appointing Authority may adjust the hours of work, the workweek and meal periods as necessary. Prior to a change the Agency shall provide notice to the employees in accordance with their applicable Collective Bargaining Agreement language.

Exempt employees work the hours required to perform the duties of their position.

9.2 REST PERIODS

All employees will be provided 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 rest periods be scheduled within one (1) hour of the beginning or the ending of a work shift or meal period.

9.3 FLEX WORK SCHEDULE

- A. The Appointing Authority may, with prior agreement of an employee, establish a Flexible Work Schedule consisting of more than an eight (8) hour day in a forty (40) hour workweek.
- B. A Flexible Work Schedule may be authorized, denied, or changed by the Department Manager and Director with 15 days notice to the employee.

9.4 REDUCED WORKWEEK

- A. Represented employees may voluntarily request a reduced workweek subject to Manager and Director approval. In accordance with applicable Collective Bargaining Agreements, fringe benefits will be prorated.
- B. Exempt and Confidential employees may request a reduced workweek subject to Director approval. The Agency contribution toward health and dental insurance of Exempt and Confidential employees will not be reduced or prorated due to the reduced workweek.

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.

9.6 SCHEDULING TIME OFF

Use of vacation, CTO, bereavement leave, floating holiday, management/supervisor leave, sick leave for scheduled medical appointments, and other scheduled time off must be pre-approved in writing by the employee's supervisor. 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 Agency recognizes the following 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
New Year's Eve Day (4 hours)	Last working day prior to observance of New Year's Day holiday

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

B. Employees shall work the 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 shall not be entitled to holiday pay. Employees who fail to report to work the day before or after the holiday because they are

sick must provide a physician's certification within 24 hours of reporting to work, otherwise they shall not be entitled to holiday pay. In the event an employee is late for work on the day prior to the holiday or the day after the holiday for a verified reason beyond their control (such as a traffic accident), the employee shall be given the opportunity to make up the missed time within five (5) working days. Failure to make up the missed time within five (5) work days shall result in forfeiture of holiday pay. The makeup time shall not count as hours worked for purposes of overtime.

- C. A regular employee who works a holiday will be paid eight (8) hours for the holiday plus one and one-half (1 ½) times their base 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 the actual hours worked and will not receive holiday pay for the remaining hours not worked.
- D. Regular part-time employees receive pro-rated holiday pay when applicable.

9.8 FLOATING HOLIDAYS

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.

9.9 VACATION

A. Accrual of Vacation

Regular full-time employees accrue paid vacation at the following rates:

1. 3.38 hours per bi-weekly pay period through three (3) years of service up to a maximum accrual of 230 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 340 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 400 hours.
 4. 6.45 hours per bi-weekly pay period after fifteen (15) years of service up to a maximum accrual of 460 hours.
- B. 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.
 - C. Regular part-time employees accrue paid vacation on a pro-rated basis.
 - D. Probationary employees accrue vacation leave and are eligible to take vacation leave after the completion of six (6) months of service.
 - E. Vacation will not accrue for any bi-weekly pay period in which an employee is on unpaid status exceeding forty-one (41) or more hours per pay period.
 - F. Employees must schedule vacation time in advance and obtain written approval of their supervisor.
 - G. During any year in which an exempt or confidential employee has an accrued vacation balance of 160 hours or more, the employee may elect to take up to eighty (80) hours of vacation pay rather than time.
 - H. Employees who 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.

9.10 SICK LEAVE

A. Accrual of Sick Leave

All regular, confidential, and exempt employees accrue sick leave at the rate of 3.69 hours per pay period. Regular employees in part-time positions accrue sick leave on a pro-rata basis. Sick leave may be accumulated without limit.

B. Use of Sick Leave

1. General Use. Employees may use accrued 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, and the illness, injury or death of someone in the employee's immediate family, including a registered domestic partner or stepchild.
2. Bereavement. 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 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 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 required to present a certificate of the applicable health care provider 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 sick leave balance is exhausted, any additional time off will be charged to vacation, CTO, floating holiday, and supplemental leave in that order.

C. Sick Leave Cashout

Annually, employees with accrued sick leave 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 twenty-four (24) hours sick leave in pay period 26 by submitting a written request to Human Resources. Sick leave used for any reason protected by law is not considered in determining eligibility for this cashout.

D. Sick Leave Credit on Retirement

Represented, Confidential, and Exempt employees have the following options regarding accrued but unused sick leave:

1. At retirement with less than fifteen (15) years of service, convert all accrued but unused sick leave to retirement service credit pursuant to Section 20965 of the Government Code; or
2. At retirement with fifteen (15) or more years of service, may 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 or convert all accrued but unused sick leave 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.

9.11 WITNESS OR JURY DUTY

- 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.
- B. Any fee, other than for mileage, received by the employee for witness or jury duty will 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.
- C. A retired Agency employee who is subpoenaed to appear in court or arbitration on behalf of the Agency will receive a court appearance fee if the employee reports at the time specified. The court appearance fee is 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 an employment relationship for any purpose between the retiree and the Agency.

9.12 MILITARY LEAVE

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

9.13 SUPPLEMENTAL LEAVE

A. General Policy

Each year, exempt employees will be credited with eighty (80) hours of supplemental leave that may be taken in addition to vacation. Supplemental leave will be available for use beginning on pay period 3.

If for any reason an employee has not requested a payout or is unable to take all of the supplemental leave by the end of pay period 2 in the following year, the employee will be paid for the unused time.

B. New Employees

For the first year of employment, eligible employees will be credited with a pro-ration of eighty (80) 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.

C. Terminating Employees

Exempt employees, who terminate their employment with the Agency, whether voluntarily or involuntarily, will be paid for any accrued but unused supplemental leave.

9.14 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.
- 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 leave, floating holiday, sick leave, or receive holiday pay 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 supplemental 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.

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.

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

9.16 PARENTAL LEAVE POLICY

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

- A. 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.
- B. 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.
- C. 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.

- D. 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.
- E. Upon return from parental leave on the date previously authorized, employees shall be reinstated in the classification last held or equivalent position.
- F. 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.
- G. 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.
- H. 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.
- I. 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.

9.17 FURLOUGH

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

9.18 CATASTROPHIC LEAVE

Catastrophic leave may extend paid leave for non-probationary employees on an approved LOA who are medically certified to remain incapacitated and unable to work for a continuous period of 30 calendar days or more due to a non-industrial, catastrophic illness or injury. It does not apply to time off for anyone other than the employee.

Anyone 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 donors' leave balances when such hours are used by the recipient and notify the donor that donated hours have been transferred to the recipient.

A. Requirements

Catastrophic leave donation is subject to the following requirements:

1. Participation is strictly voluntary.
2. Only vacation, floating holiday, CTO and supplemental leave hours may be donated and/or received. Sick leave may not be donated and/or received under these rules.
3. All donations must be made and accepted in writing using an Agency form that is sent to the Human Resources Department. Donated hours will be used in the order received.
4. The donation must be a minimum of four (4) hours. The total leave donation received by an employee may not exceed 520 hours without the Executive Director's approval. With the Executive Director's approval, the total leave donation received by an employee may be up to 1,040 hours.
5. Donations are on hour-for-hour basis, regardless of pay rates of the donor and recipient.
6. Donated hours are kept in a pledge status until used. As needed, pledged hours will be debited from the donor's leave balance and credited to the recipient's vacation balance. Once credited, the donation becomes irrevocable.
7. A donor who terminates employment with the Agency for any reason, whether voluntarily or involuntarily, will be paid for pledged but uncredited hours.
8. Exempt employees may only receive donations from Exempt employees. A supervisory employee may not receive donations from a subordinate employee where a direct supervisor/subordinate relationship exists.
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 accrued hours, until the earliest of the following events occurs:
 - a) All leave balances, including both donated and accrued leave, are exhausted; or
 - b) The employee returns to work at his/her normal work schedule; or
 - c) The employee's employment with the Agency terminates.
10. Donated time used will count toward the calculation of Agency service and eligibility for fringe benefits in the same manner as if the employee were on paid leave.
11. Used donated leave time will be subject to the recipient's normal payroll deductions.

B. Definitions

1. Pledged Hours. Hours one employee agrees to give to another employee to use for catastrophic leave.
2. Donated Hours. Pledged Hours 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).

SECTION 10

REIMBURSEMENTS AND ALLOWANCES

10.1 TUITION REIMBURSEMENT

Exempt Employees and Confidential Employees with regular status are eligible for tuition reimbursement up to \$2,000 per calendar year for coursework related to their employment with the Agency or toward a recognized degree program approved by the Administrative Director. Such reimbursement applies to the actual cost of the tuition of the course, books and mandatory fees, excluding parking. Reimbursement will 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 be approved on a case-by-case-basis by the department director, and is not 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 costs associated with the renewal of such license and/or certification. This action shall not apply any license and/or certification required by law.

10.3 MILEAGE REIMBURSEMENT

Employees who use 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 Internal Revenue Service rate.

10.4 MONTHLY BUS/TRANSIT ALLOCATION

Full-time regular Confidential and Exempt 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 eligible for a discount on the monthly transit pass on a pro-rated basis. Represented employees are eligible for 100% reimbursement up to a maximum of \$100 or as stated in the Collective Bargaining Agreements.

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

10.5 TRAVEL EXPENSES

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

10.6 PARKING

- A. Employees from area offices may be reimbursed for parking lot charges while on Agency business downtown if authorized by a Program Manager or designee.
- B. Employees are eligible for a parking subsidy as follows:
 - 1. One Hundred dollars (\$100.00) monthly for Represented employees assigned to downtown locations.
 - 2. One hundred ten dollars (\$110.00) monthly for Exempt and Confidential employees assigned at downtown locations.
 - 3. Forty-five dollars (\$45.00) monthly for Exempt employees assigned at other than downtown locations.
 - 4. Executives are eligible for parking in the 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 or receive free parking.

10.7 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 may be authorized.

Upon the submittal of valid invoices/receipts to the Administrative Director, the Agency will reimburse the new appointee for the actual weight moved not to exceed 11,000 pounds and miscellaneous items such as 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.

10.8 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.

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 Illness and Injury Prevention Program and complies with applicable federal and state laws regarding reasonable accommodations for applicants and employees or accessibility of services.

11.2 DIFFERENTLY ABLED

A. Employees with a disability or medical condition who are able, with or without reasonable accommodation, to perform the essential functions of their positions and whose continued employment does not pose a threat to the health or safety of others are assured equal employment opportunities in their employment.

11.3 EMPLOYEE ASSISTANCE PROGRAM (EAP)

All employees are encouraged to use the 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.

11.4 DRUG-FREE WORKPLACE

- A. It is the policy of the Agency to provide a workplace that is drug and alcohol free. Accordingly, the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcohol in the workplace is prohibited.
- B. The requirements of paragraph A 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 to submit to a test will be considered a positive test and will result in disciplinary action up to and including termination.

11.5 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.

11.6 VEHICLE USAGE

Vehicles used in conduct of official Agency business must be operated in a manner consistent with all safety and legal requirements.

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 in the Agency's "Vehicle Usage Policy and Procedure Instructions," a copy of which is available from the Human Resources Department.

11.7 INJURIES ON THE JOB

- A. Any employee who is injured in the performance of assigned duties will be entitled to workers' compensation insurance benefits. .
- B. Any employee who incurs any injury while on the job must 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.
- C. Any supervisor who becomes aware of an employee's on-the-job injury must immediately contact the Human Resources Department and provide such forms and other information to the employee as directed by the Human Resources Department.
- 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.

11.8 FITNESS FOR DUTY EXAMINATIONS

The Agency may require an employee, at Agency expense, to undergo an examination by an appropriate health care provider to determine if the employee is physically and/or mentally capable of performing the duties of the employee's position.

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

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

A fitness-for-duty examination is not disciplinary and not grievable.

11.9 WORKPLACE AND DOMESTIC VIOLENCE PREVENTION

The 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 have adopted a “zero-tolerance” policy regarding workplace violence.

The Agency maintains a “Workplace Violence Prevention and Management Plan,” which is contained in the Agency’s Injury and Illness Prevention Plan

SECTION 12

CONDUCT, DISCIPLINE, GRIEVANCE, AND APPEAL

12.1 EMPLOYEE CONDUCT GENERALLY AND AGENCY PROPERTY RIGHTS

To render the best possible service to the general public, the Agency deems high standards of conduct essential. As part of their essential functions, all Agency employees are expected to respond politely and in a professional manner to clients/customers/co-workers and work cooperatively with one another.

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 employee consent. Such inspections will be based on reasonable suspicion that an employee is violating Agency policy. 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.

B. Electronic Security

The Agency uses various forms of electronic communication to conduct business, including, but not limited to, computers, email, internet, telephones, cellular phones, fax machines, and 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 responsible for what appears on his/her screen.

The Executive Director, Administrative Director and General Counsel may 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. Electronic mail should be regarded as privileged and treated in the same manner as first class U.S. mail.

The following actions are strictly prohibited by this policy:

1. Unauthorized copying of licensed software;
2. Copying of Agency software for personal use;
3. Using an illegal version of software used on Agency equipment;
4. Purchase of hardware or software for non-Agency purposes with Agency funds;

5. Any attempt to bypass or tamper with Agency security measures;
6. Any unauthorized use of another person's password; and
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.

C. Access to Agency Property

Use of Agency property or facilities by current employees or third parties 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.

D. Media and Press Contact

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

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 be deemed to be just cause for disciplinary action up to and including termination:

- A. Fraud in securing employment.
- B. Incompetence. The term "incompetence" means the employee lacks adequate ability or knowledge to perform the duties that are within the scope of the employee's position.
- C. Inefficiency in performance of work resulting in work performance of lower quality than that which is typically expected of employees in a similar position.
- D. Neglect of duty.
- E. Insubordination, including, but not limited to, any willful disobedience of a lawful rule, order, or direction.
- F. Dishonesty or theft.

- 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 the same meaning as the same term in the California Health and Safety Code, Division 10.
- 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.
- J. Abuse or misuse of sick leave.
- K. Absence without leave, including tardiness.
- L. Discourteous or offensive conduct or language toward the public, fellow employees or officials.
- M. Use of Agency employment for personal purposes or gain.
- N. Using the prestige of an Agency position on behalf of any political candidate or political party.
- 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.
- P. Supplementary (outside) employment not specifically authorized in writing by the Appointing Authority.
- Q. Negligence or intentional misconduct that causes damage to Agency or other public property.
- 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" includes, but is not 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 be deemed to be complete upon the first date the trial court or jury finds the employee involved committed the offense.)
- T. Misrepresentation on a timecard.

- U. Any conduct related to employment that impairs, disrupts or causes discredit to the Agency or Agency service.
- V. Violation of policy against discrimination, harassment or sexual harassment.
- W. Threats, implied or actual, and/or workplace violence.
- X. Carrying firearms or other weapons in a vehicle or personally while on Agency business or Agency property.
- Y. 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 Confidential employees. However, the Agency may elect not to use progressive discipline in certain circumstances. In those situations, employees may be terminated immediately.

A. Verbal Reprimand

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

B. Written Reprimand

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

C. Suspension

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

D. Withholding In-Grade Salary Increase

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

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 be notified in writing of the reasons for the in-grade salary reduction and a copy filed in the employee's official personnel file.

F. Demotion

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 be notified in writing of the reasons for the demotion and a copy filed in the employee's official personnel file.

G. Dismissal

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

12.4 GRIEVANCES GENERALLY

- A. Represented employees' grievance procedures are outlined in the applicable Collective Bargaining Agreement.
- 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.
- C. Any appeal of disciplinary action by a Confidential employee must be filed directly with the Executive Director or designee.
- D. Any appeal by an employee with the right to appeal a non-disciplinary matter (such as a perceived violation of policy), shall be filed.
- E. Exempt employees have no appeal rights.
- F. Temporary employees and temporary service employees have no appeal rights.

12.5 GRIEVANCE PROCEDURE – CONFIDENTIAL CLASSIFICATIONS

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 within five (5) working days of the date of presentation of the grievance.

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 be initiated by filing with the employee's department director or designee and the Administrative Director a grievance form detailing the employee's specific allegations, all relevant facts relating to the employee's allegation and the requested remedy. The grievance form must be signed and dated by the employee.
3. Upon receipt of the grievance, the department director or designee will 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 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 Administrative Director within ten (10) working days after receipt of the grievance.

C. Appeal to Executive Director – Step 3

1. If the employee is not satisfied with the Step 2 resolution of the grievance, the employee may 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.

The Executive Director or designated representative will review all testimony and other evidence received and considered in the previous steps of the grievance, together with such other evidence as the Executive Director or designee may desire to incorporate. The Executive Director or designee 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 will consider the appeal and render a written decision within ten (10) working days after the receipt of the appeal.

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

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

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

The Executive Director may 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 such a delegation, the decision of the person to whom the authority has been delegated will 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 that is successfully appealed in accordance with these Rules, a remedy will be fashioned that attempts to be workable, reasonable and just, and if necessary, prevent a recurrence of the behavior that caused the grievance.

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 at least two (2) weeks' notice, unless a shorter period is acceptable to the Appointing Authority. An employee who resigns in lieu of termination will not be considered to have resigned in good standing. Resignations will be promptly forwarded to the Administrative Director, who may conduct exit interviews to review and evaluate the reason for the resignation.

13.2 LAYOFF (Confidential Employees)

A. Purpose

This Section sets forth the applicable procedures when Confidential unrepresented employees are to be displaced or removed from a position as a result of a layoff.

The procedure below does not apply to Exempt employees. Exempt employees are subject to layoff directions from the Executive Director.

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

B. Definitions

1. 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 reasons based on the efficient operation of the Agency.
2. Seniority.
 - a) Agency Service Seniority. Agency service seniority is 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.
 - b) Classification Seniority. Classification seniority is 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 classification" 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 regular status who has not served a probationary period in his/her present job classification, classification seniority will be the effective date of reallocation to

the employee's present job classification, or in the case of transition from a limited-term position, 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 be counted: (1) classification seniority in any higher classification, (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.

c) Reasons for Termination of Seniority.

- 1) Discharge
- 2) Resignation
- 3) Failure to return to work when recalled from a layoff as set forth in the recall procedure in Section 13.2G
- 4) Failure to return to work after expiration of an approved leave of absence
- 5) Retirement
- 6) Layoff for a continuous period of two (2) consecutive years from Agency service

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

4. Regression Ladder. A regression ladder is 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.

C. Procedure.

1. Within each job classification in which a layoff occurs, employees will be laid off in the following order: 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 be the employee with the least applicable seniority.
2. Any employee with probationary status who is affected by a layoff or displaced by a downgrading employee will return to the former job classification where the employee held regular status, if any. That employee will 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 status in another job classification, the employee will be laid off without any right to recall.

3. Within a job classification, any employee with regular status who is to be laid off or displaced will 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:
 - a) If there are employees with limited-term status, the downgrading employee will first displace such limited-term employee with the least Agency service seniority.
 - b) If there are no employees with limited-term status, the downgrading employee will then displace the employee with probationary status with the least classification seniority.
 - c) If there are no employees with limited-term or probationary status, the downgrading employee will then displace the employee with regular status with the least seniority, provided the downgrading employee has greater seniority. Classification seniority will be utilized as the applicable seniority for downgrading purposes except that Agency service seniority will be utilized to downgrade into the lowest/entry classification on the regression ladder.
4. If an employee with regular status is unable to downgrade into any job classification within the appropriate regression ladder, he/she will be laid off.
5. For any classification not listed in a regression ladder, the employee with regular status will have the right to downgrade, in the same manner as provided in Section 13.2 C.3, to the last unrepresented classification in which regular status was held. If such a downgrade is to a classification within a regression ladder, the employee will have the right to downgrade through that new regression ladder only. If such a downgrade is not possible, the employee will be laid off.
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 forfeits all recall rights except to a vacancy within the same classification from which the employee was laid off.
7. If two (2) or more employees have equal classification seniority, the senior employee will be determined on the basis of greater Agency service seniority. If two (2) or more employees have equal Agency service seniority, the senior employee will be determined on the basis of earliest hire date with the Agency or by chance draw in the event of a tie.
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.

D. Notice of Layoff

In the event of layoff, the Agency will send by certified mail, return receipt requested, notice of layoff to each affected employee. Such notice will be postmarked at least fourteen (14) calendar days in advance of the effective date of layoff. Such layoff notice will be mailed to the employee's address currently on file in the Human Resources Department and will be deemed appropriate notice. An employee who is on a paid or unpaid leave will be affected by the layoff in accordance with the provisions of this Section in the same manner as all other employees. In lieu of the certified mail notice, the Agency may, in its sole discretion, serve notice upon the employee personally.

E. Salary in Event of Downgrade or Recall

1. An employee who downgrades pursuant to this Section will 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 count toward salary step advancement.
3. Upon subsequent recall through a regression ladder, the employee will 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 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 be at the salary step immediately higher. The anniversary date for future in-grade salary adjustments will be the date of recall to the permanent classification.
4. "Salary" as referred to in this Section is the monthly salary range and respective salary step for the affected classification as set forth in the current salary schedule.

F. Fringe Benefits

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

G. Recall

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

2. Employees will be entitled to recall rights for a period of two (2) consecutive years from the effective date they were downgraded or laid-off. A downgraded employee may be recalled, at the discretion of the Executive Director, after the expiration of the two (2) -year period. The effective date of layoff will be the employee's last day of work except as provided in 13.2D. The effective date of downgrade will 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 regular status is held within the two (2) year period will gain regular status in the job classification in which the employee is working at the expiration of the two (2) year period.
3. When a vacancy exists and employees are to be recalled, notice of the opening(s) will 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 be sent by certified mail, return receipt requested, and the employee will have 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 fourteen (14) calendar days, the employee will lose all recall rights. An employee who has been laid off will be required to meet the minimum qualifications of the classification to which he/she is recalled.

H. Downgrade to Represented Job Classification

An unrepresented employee who is subject to layoff may elect to downgrade to a job classification that is represented by a recognized employee organization pursuant to a Collective Bargaining Agreement to the extent such down-grade 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.

Exempt Classifications:

1. Agency Clerk – Range 1
2. Agency Clerk – Range 2
3. Agency Counsel – Range 1
4. Agency Counsel – Range 2
5. Agency Counsel – Range 3
6. Assistant Director
7. Deputy Executive Director
8. Director – Range 1
9. Director – Range 2
10. Engineering Project Manager
11. Executive Director
12. Finance Analyst
13. General Counsel
14. Grant Writer
15. IT Business Analyst
16. IT Manager
17. Management Analyst
18. Program Integrity Analyst
19. Program Manager
20. Public Information Officer
21. Real Estate Coordinator
22. Resident Services Supervisor
23. Senior Human Resources Analyst
24. Senior Program Analyst
25. Site Manager I
26. Site Manager II
27. Supervisor

Confidential Classifications

1. Confidential Administrative Assistant
2. Confidential Administrative Specialist
3. Executive Assistant
4. Human Resources Assistant
5. Human Resources Specialist

EXHIBIT B - FLEXIBLE STAFFING

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

1. Accountant Specialist
Accountant

3. Community Development Analyst – Range 1
Community Development Analyst – Range 2

4. Redevelopment Analyst
Range 1
Range 2
Range 3

5. Housing Finance Analyst
Range 1
Range 2
Range 3

6. Redevelopment Planner
Range 1
Range 2
Range 3

