

HOUSING AUTHORITY  
OF  
CLACKAMAS COUNTY  
PERSONNEL POLICY

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## PREFACE

This Personnel Policy contains the official Personnel Policies and Procedures for Housing Authority employees.

### Responsibilities

It is the responsibility of each elected official, manager and supervisor to be familiar with and administer these policies in a consistent and impartial manner.

The employee's supervisor shall provide a copy of the Personnel Policy for review to each newly hired employee.

It is the responsibility of each supervisor to maintain an updated Personnel Policy in a location easily accessible to all employees. It is the responsibility of all employees to familiarize themselves with and follow the policies in this ordinance.

### Authority of Document

This Personnel Policy dated March 8, 1995, and all policies, rules and procedures herein will become effective March 16, 1995. This policy will not take precedence over any provisions agreed upon in an employee's collective bargaining agreement.

The Board of Housing Authority Commissioners reserve the right to make changes in the Personnel Policy at any time. These changes will become effective only when made in writing.

### Intent of Document

This Housing Authority Personnel Policy does not establish a property right or contractual right of employment to any Housing Authority employee.

### Severability

If any section, subsection, sentence, clause, phrase or portion of the Personnel Policy is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of the Personnel Policy.

## GLOSSARY

### **Adverse Impact**

A substantially different rate of selection in any phase of the employment process which works to the disadvantage of members of a protected class.

### **Affirmative Action**

Identifying existing or potentially discriminatory conditions and making specific goal oriented corrective actions to eliminate and prevent unlawful discrimination.

### **Appeal**

A request for a hearing before the Hearings Officer as provided by this ordinance.

### **Appointing Authority**

The Executive Director of the Housing Authority.

### **Appointment**

The offer and acceptance of a job made in accordance with these rules.

### **Bona fide Occupational Qualifications**

Attributes that are job related and necessary for the safe and efficient operation of a business.

### **Cause**

Any action which is deemed by the appointing authority to reflect discredit upon conduct as an employee, or is a direct hindrance to the effective performance of the Housing Authority's functions.

### **Classification**

A group of positions sufficiently similar in duties, authority and responsibility to permit grouping under a common title and which call for similar qualifications and the same schedule of pay.

### **Classification Plan**

A document which embodies all classifications that have been established, and the specification or descriptions of these classes.

### **Classification Specification**

A written description of a classification containing a title, the general characteristics of the kind and level of work, description of typical duties, responsibilities, skills and knowledge required; other qualifications which may include requirements of training and experience; EEO category designation; and other pertinent information.

### **Classified Employee**

A person who has been appointed to a position in the classified service.

### **Classified Service**

Those Housing Authority positions which are not specifically exempt under Section I, subsection 3.

### **Demotion**

The appointment of an employee to a position in a classification that has a lower salary range than the employee's present classification.

### **Department**

A Housing Authority organizational unit under the direction of a single appointing authority.

**Director of the Department of Human Services**

A person appointed as the Director of the Department of Human Services or a staff person which the Director has designated as a representative.

**Disciplinary Action**

Any action taken by an appointing authority which reprimands the employee or reduces temporarily or permanently, an employee's pay, status, benefits or other incidents of employment.

**Downgrading**

A change in the classification of the position accompanied by assignment of the classification to a lower salary range.

**EEO Occupational Category**

A group of occupations deemed to be similar in duties, authority or responsibility as determined by the Equal Employment Opportunity Commission.

**Eligible Register**

A list of applicants for Housing Authority employment or advancement in Housing Authority employment who have successfully completed the selection process.

**Equivalent Classification**

A classification that requires both the same kind of knowledge and the same degree of skills.

**Grievance**

A complaint filed pursuant to a collective bargaining agreement.

**Hearing**

A hearing that is established as a result of an appeal to the Hearings Officer to resolve employment disputes.

**Hearings Officer**

A person who is not an officer or employee of the Housing Authority and is designated by the Board of Housing Authority Commissioners to preside at hearings regarding employee appeals.

**Job Share**

A situation in which two people share duties and responsibilities of one full-time position.

**Layoff**

A separation from the Housing Authority service due to a shortage of funds or materials, abolishment of position, or for any other reasons not reflecting discredit on an employee and outside of the employee's control.

**Limited Term Appointment**

An appointment to a position which has been budgeted and allocated for a limited duration not to exceed two (2) years but which is in excess of the time requirements for temporary positions.

**Open Register**

An eligibility register consisting of all persons who have successfully completed an open competitive selection process.

**Personnel Action**

Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or any other action affecting an employee's status.

**Personnel File**

The official record of each employee in the Housing Authority service.

**Position Allocation**

The number of positions budgeted in a classification within each department.

**Position Control**

The process for obtaining budgetary approval for the allocation and filling of a position.

**Position Requisition**

A Personnel Division form used to request the budgeting or filling of a position.

**Probation**

A working test period during which a classified employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee is appointed.

**Promotion**

The appointment of an employee to a position in a classification that has a higher maximum salary range.

**Promotional/Internal Register**

An eligible register consisting only of Housing Authority employees who have regular status with the Housing Authority or who have completed six (6) months of continuous service in a classified position and who have successfully completed an internal selection process.

**Protected Class**

Members of groups of persons afforded protection under State and Federal law.

**Provisional**

An appointment of a person not on an eligible register to a classified position, for a limited duration of time not to exceed three (3) months.

**Raters**

Representatives of departments, the public, interested organizations or other public jurisdictions who have been designated to administer and score selection procedures.

**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 on the basis of significant changes in the kind, difficulty or responsibility of the work performed in such a position.

**Red Circle**

A process authorized by the Board of Housing Authority Commissioners and used to continue the same salary rate as an employee received prior to a downgrading of the position or prior to the reduction of the pay range for the classification.

**Referral of Eligibles**

The process by which eligible applicants are referred by the Personnel Division to the appointing authority for selection.

**Regular Employee**

An employee who has successfully completed a probationary period for a position and who must continue to meet and maintain Housing Authority standards for job performance and behavior.

**Regular Status**

The status a classified employee acquires after successful completion of a probationary period for the particular position to which the employee was appointed.

**Rules of Privilege**

The definition found in ORS 40.225 - 40.295 shall apply.

**Selection Procedure**

A reasonable and impartial method of systematically and fairly evaluating an applicant's fitness for performing the requirements of a position.

**Seniority**

The definition found in the applicable collective bargaining contract will apply. If no such definition exists, then seniority will be defined as length of continuous years of service in the Housing Authority.

**Temporary Position**

A position which is for an uncertain or limited duration. Temporary positions that are greater than, or equal to, half-time status shall not exceed six (6) months duration.

**Transfer**

The movement of an employee to a different position in the same classification.

**Unclassified Service**

Those Housing Authority positions which are exempt under Section I, subsection 3.

**Underfill**

An appointment to a position from a lower level eligibility register when no current eligibility register exists for the position.

**Upgrading**

A change in the classification of the position accompanied by an assignment of the position to a higher salary range.

**Voluntary Demotion**

A demotion requested by an employee in order to retain employment when layoff is imminent or for other reasons where the action is still entirely voluntary on the part of the employee.

## SECTION I

### **PURPOSE AND APPLICATION OF THE PERSONNEL POLICY**

#### Subsection 1 - PURPOSE OF THE PERSONNEL POLICY

It is the purpose of this policy to establish a system of uniform and appropriate personnel policies and procedures which will provide the Housing Authority with a productive, efficient, stable and representative work force by incorporating the following principles:

- A. Recruiting, selecting and advancing employees on the basis of their relative ability, education, training, knowledge and skills relevant to the work to be performed and providing progressive employment programs which encourage and support employee development.
- B. Establishing and maintaining a uniform plan of classification and pay based upon the relative duties and responsibilities of positions in the Housing Authority service.
- C. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.
- D. Assuring fair treatment of applicants and employees in all aspects of personnel administration without discrimination based on race, color, sex, age, religion, national origin, political affiliation, marital status, family relationships, sexual orientation or disability and with proper regard for their privacy and constitutional rights as citizens.
- E. Establishing ethical standards of conduct required of employees which will promote the proper operation of the Housing Authority and the faith and confidence of citizens.

#### Subsection 2 - SCOPE OF THE PERSONNEL POLICY

This policy shall govern and affect personnel administration for all employees of the Housing Authority, unless otherwise specified. This Personnel Policy is not intended to supersede provisions of collective bargaining agreements to which the Housing Authority is a party. The Personnel Policy shall also not supersede any local, state, or Federal statutes, rules and regulations which take precedence in the government of employment at the Housing Authority.

It is the intent of this policy that it be interpreted broadly as a fair and reasonable approach to specific problems and situations; that it be considered as a total rather than each phrase being interpreted in isolation and out of context; and, that the general principles stated will serve as a basis for personnel policy for the Housing Authority.

#### Subsection 3 - APPLICATION OF PERSONNEL POLICY

All positions within the Housing Authority shall be divided into the classified or unclassified service.

- A. **Classified Service:** The classified service shall include all positions that are not included in the unclassified service. Positions in the classified service are subject to all of the provisions in this Personnel Policy.

B. Unclassified Service: The unclassified service shall include the following offices and positions:

1. Any officer, chosen by popular election or appointed to fill a vacancy caused by death, resignation or removal of any officer chosen by election.
2. Persons holding an appointing authority, department head or administrative position under employment contract with the Board of Housing Authority Commissioners.
3. Persons employed in temporary positions.
4. Any part-time employee working less than half-time.
5. Persons employed under a limited term appointment status.

Subsection 4 - SPECIAL CONDITIONS - UNCLASSIFIED SERVICE

Employment in the unclassified service is not subject to the terms of this Policy or general employment policies and practices of the Housing Authority, except that unclassified employees designated in subsections 3(B)(2), (B)(3), (B)(4) and (B)(5) are subject to working conditions prescribed by the Housing Authority for all classified employees, unless otherwise expressly provided. The term “working conditions” means policies and practices pertaining to ethical standards, employee responsibilities, Equal Employment Opportunity, Housing Authority policy prohibiting unlawful Harassment, The Americans with Disabilities Act and the Drug Free Workplace Act. Unclassified employees designated in subsections 3(B)(2) and (B)(5) are also subject to policies and practices pertaining to holidays, vacations, sick leave, leaves of absence inclement weather, the Employee Assistance Program, service accruals and the Housing Authority fringe benefit program including medical, disability and life insurance programs.

Before filling a vacancy in any position in the unclassified service, the appointing authority with the approval of the Board of Housing Authority Commissioners, shall establish the qualifications for the position.



## SECTION II

### CLASSIFICATION OF POSITIONS

#### Subsection 1 - CLASSIFICATION PLAN

The Housing Authority shall prepare and maintain a classification plan based on an analysis of organization of departments and the duties and responsibilities of each position in the Housing Authority service. A classification is a group of positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title and which would call for similar qualifications and the same schedule of pay. Positions within the same occupational family are grouped together according to organizational structure and the responsibility and difficulty of tasks assigned to the positions.

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

#### Subsection 2 - CLASSIFICATION SPECIFICATIONS

Classification specifications shall be written and maintained for each classification in the Housing Authority service. The specifications shall include an appropriate title; identify the general characteristics of the kind and level of work, description of typical duties, responsibilities, skills and knowledge required; other qualifications which may include requirements of training and experience; EEO category designation; and other pertinent information.

The definitions in classification specifications are descriptive and not restrictive. They are intended to outline the general duties and are not intended to prescribe the specific duties of a given position. Nothing in the class specification is to be interpreted as limiting the power of an appointing authority to modify or alter the detailed tasks involved in the duties of any position as long as they remain within the general definition of the classification. The Housing Authority may modify qualification requirements or task statements for a given job announcement to include substitute equivalent requirements for selective recruitments, or to more clearly identify necessary qualifications.

#### Subsection 3 - CLASSIFICATION REVIEW

The Housing Authority shall review positions in the Housing Authority service to ensure their appropriate classification.

The Housing Authority shall provide a process and an appropriate time frame to periodically review all positions within the Housing Authority. The Housing Authority shall consult with department or major division heads prior to the recommendation of any classification changes made as a result of a periodic review.

Additions to the periodic review may include: reviews of new positions, reviews resulting from organization changes, reviews directed by the Board of Housing Authority Commissioners or as initiated by the appointing authority, and approved reviews initiated by employee requests.

#### Subsection 4 -CLASSIFICATION UPGRADING AS A RESULT OF PERIODIC REVIEW OR OTHER REQUESTS

A change in the classification of a position accompanied by assignment of the position to a higher salary range constitutes upgrading. Whenever a position is upgraded as a result of a periodic classification review or other request other than a reorganization of a department or unit, the recruitment will be waived and the incumbent placed in the upgraded classification if: 1) the upgrading has resulted from an incremental change in duties; 2) the incumbent has been in the position six (6) months or more; and 3) the appointing authority finds that the incumbent possesses the minimum qualifications of the higher level position. Upgradings resulting from a reorganization of a department or unit must be filled by competitive recruitment and selection procedures.

If the position held by an employee with regular status is upgraded as a result of a periodic classification review or employee request for classification review, and the employee fails to meet the qualifications of the higher classification, the employee shall be demoted to the previously held classification if the position is open and available. If no such position is available, the employee may be removed from the upgraded position and placed on the layoff register in order of seniority for referral to the previously held classification. If an employee returns to the classification held prior to upgrading, the employee's salary range and step shall return to the one that would have been held had the employee not been upgraded. The salary of an employee who retains regular status in an upgraded position is determined by sections governing compensation for reclassification.

#### Subsection 5 -CLASSIFICATION DOWNGRADING AS A RESULT OF PERIODIC REVIEW OR OTHER REQUESTS

A change in the classification of the position accompanied by assignment to a lower salary range shall constitute downgrading. An employee whose position has been downgraded shall be placed in the position without competing for the position. An employee whose position has been downgraded shall be given preference in referral to other positions within the same or equivalent classifications as the position held prior to classification downgrading. An equivalent classification is defined as one requiring both the same kind of knowledge and the same degree of skills. Demonstration of the employee's skills and knowledge in appropriate selection procedures may be required by the appointing authority prior to being placed in another position in the same or equivalent classification.

The names of downgraded employees shall be placed on a layoff register for their former classification or any equivalent classification for a period of two (2) years from date of downgrading. The order in which names will be placed on the layoff register shall be based upon seniority.

Employees with probationary status when downgraded shall be credited for time completed in their probationary period. The Board of Housing Authority Commissioners may authorize continuation of the same salary rate as an employee received prior to a downgrading of the position by placing the employee on a "red circle" step. The employee shall receive no future salary increases until the salary range of the position exceeds the "red circle" rate.

#### Subsection 6 - CLASSIFICATION REVIEW OF NEW POSITIONS

All new regular positions shall be approved by the Board of Housing Authority Commissioners. The Employees Association will be given a copy of new job developments for represented employees prior to obtaining Board approval.

#### Subsection 7 - CLASSIFICATION REVIEW RESULTING FROM A REORGANIZATION OF A DEPARTMENT OR UNIT

Whenever a department or a unit is reorganized, the appointing authority shall make a determination as to the need for a classification review. In any reorganization, regular employees shall be placed in classifications with equivalent salary ranges, if such positions are available and appropriate. Whenever positions are transferred from one appointing authority to another without significant change in duties, employees with regular status shall retain rights to such positions.

A position may be upgraded as a result of a department or division reorganization. When this occurs the appointing authority shall determine the appropriate selection procedure. In determining if the recruitment shall be promotional only or open-competitive the following shall be considered: analysis of job duties, availability of internal applicants and occupational standards.

Employees who successfully compete and are appointed to a higher level classification as a result of a reorganization shall be subject to the policies governing compensation and probationary periods for promotion. Employees who are unsuccessful in completing the required probationary period shall be demoted to the previously held classification if the positions are open and available. If no such positions are available, the employees may be removed from the upgraded position and placed on the layoff register in order of seniority for referral to their previously held classification. If employees return to the classifications held prior to upgrading, their salary range and step shall return to the ones that would have been held had the employees not been upgraded. Rules of layoff shall apply when a reorganization results in a surplus of employees.

#### Subsection 8 - OTHER REQUESTS FOR CLASSIFICATION REVIEW

An employee may initiate a request for a classification review. Such a request must be made via the appropriate form provided by the Housing Authority. The form shall be submitted through the employee's immediate supervisor and submitted to the appointing authority. The Director of Human Services shall consider comments from the employee, the supervisor and the appointing authority and determine if there is a need to conduct a classification review. Within fourteen (14) working days of receipt of a completed document, the appointing authority shall notify the employee and the supervisor whether or not a classification review is to be conducted.

#### Subsection 9 - NOTIFICATION OF CLASSIFICATION

Upon completion of any classification review, the Housing Authority shall notify the employee of the final recommendation.

#### Subsection 10 - REQUESTS FOR REVIEW OF CLASSIFICATION DETERMINATION

An employee, appointing authority or recognized bargaining group shall have fourteen (14) calendar days from the date the results of a classification review are mailed to the employee and appointing authority to file any objections of the recommended allocation with the Director of Human Services as provided in Section XX.

### Subsection 11 - TRAINEE CLASSIFICATIONS

The Director of Human Services may designate a classification in an occupational field as a trainee or apprentice classification. A trainee classification shall have an outline of the training criteria which an employee is expected to meet as well as a class specification.

The training criteria shall include additional experience, education, mandated certification and licensing. Training criteria shall also specify the level of knowledge, skills and abilities that must be demonstrated to be advanced to the higher level classification within a specified time frame. Upon successful work performance evaluation, or successful completion of appropriate selection procedures as outlined in Section IV, the incumbent may be promoted to the higher level classification.

Individuals who are unsuccessful in completing a trainee program and who were regular status employees prior to participating in a trainee program shall be returned to their previous positions if the positions are available. If the positions are no longer available, the employees shall be placed on the layoff register for their previously held classifications. Employees who are unsuccessful in completing a trainee program and were not regular status employees immediately prior to participation in the trainee program shall be dismissed.

### Subsection 12 - PROMOTIVE CLASSIFICATIONS

The Director of Human Services may designate a classification, or classification series, as promotive. A classification designated as promotive must have a written training and development program, approved by the Director of Human Services, which shall establish the training criteria which an employee is expected to meet prior to advancement. The training criteria shall include the knowledge, skills and abilities that an individual is required to demonstrate in order to be eligible for a promotion to the higher level position. An employee who successfully completes the training and development program and is deemed qualified through a promotional appraisal may be placed on the promotional/internal eligibility register for the higher level classification.

### Subsection 13 - TEMPORARY EMPLOYMENT CLASSIFICATIONS

Guidelines shall be developed for temporary employment classifications to provide for fair and equal pay practices. Positions classified as temporary shall be evaluated against the duties and responsibilities of regular positions. When a temporary position has the same duties and responsibilities of a regular classification, the temporary position shall be paid within the range established for the regular classification. Temporary positions not falling within a current classification may be paid at temporary rates as determined by the appointing authority. Temporary employees must compete through the competitive selection process for open, regular positions.

SECTION III  
COMPENSATION PLAN

Subsection 1 - MAINTENANCE OF COMPENSATION PLAN

The Personnel Division, under direction of the Board of Commissioners, shall maintain a compensation plan. It is the responsibility of the Housing Authority to keep the Board of Commissioners informed of the adequacy of the compensation plan. The plan shall include for each classification a minimum and a maximum rate and such intermediate rates as are considered necessary or equitable. The ranges shall reflect the relative responsibilities of the classification, availability of labor, prevailing rates of pay and financial conditions of the Housing Authority. The Board of Commissioners shall approve the compensation of all classified and unclassified positions except for those positions whose salaries are determined under state law.

Subsection 2 - ADMINISTRATION OF COMPENSATION PLAN

- A. Rates of Pay: Classified employees shall be paid at a rate established within the salary range for the classification in which they are employed, unless otherwise authorized by the Board of Commissioners.
- B. Entrance Salary: An employee will be appointed at the entrance rate for each classification. The entrance rate shall be either the first step in a range established by a collective bargaining agreement or for Group 1 and 2 Management employees it shall be any point from minimum to midpoint in the established range. If an appointment or reinstatement above the entrance rate is requested, authorization must be obtained from the Director of Human Services. In determining such requests, the appointing authority shall give consideration to qualifications of the candidate, availability of applicants and the resulting salary relationship with other positions.
- C. Salary Increases: Salary increases are not automatic. Work performance should be reviewed periodically to determine whether increases have been earned. (Refer to Performance Evaluation Section IX.)

(1) Eligibility for Salary Increases: New employees or promoted employees shall be eligible for advancement to the next step of the salary range for their classification six (6) months from the first of the month following appointment to the position. Thereafter, employees are eligible for a salary increase at the conclusion of twelve (12) months of continuous service since their last in-range salary adjustment other than an exceptional increase. Eligibility for salary increases shall continue until employees reach the last step in their respective salary range.

(2) Exceptional Increases: The appointing authority may request an exceptional increase for any employee when:

- a. The employee's performance is outstanding in relation to other employees in the same department and;
- b. The employee's outstanding performance is documented according to an approved performance evaluation program and;
- c. Funds for such "special" increases are budgeted and;

d. At least six (6) months have passed since the last "salary" or "step" increase, or last promotion.

Exceptional increases will generally be limited to one step. Exceptional increases will not affect an employee's established salary increase date.

### Subsection 3 - SALARY RANGE ADJUSTMENTS

- A. General: The compensation plan for Housing Authority personnel shall provide reasonably competitive ranges of pay for each classification. The Board of Housing Authority Commissioners may make adjustments in a salary range or ranges as necessary to attract and retain competent personnel and to provide equity between the various classifications. Such salary range adjustments are to be distinguished from salary increases. Salary range adjustments are not intended to give recognition to length or quality of service, rather they are based solely on prevailing rates of pay for the various classes of work.
- B. Effect of Salary Range Adjustments: If a salary range is adjusted, the salary rate of an incumbent employee may be adjusted. The method for determining individual employee rate changes shall be applied consistently to all employees within the affected classification.

### Subsection 4 - REQUEST FOR REVIEW OF SALARY RANGE RECOMMENDATIONS

An employee, appointing authority or recognized bargaining group shall have fourteen (14) calendar days from the date the salary range recommendation is mailed by the Personnel Division to request a review as provided in Section XX. Any review of a salary range recommendation shall occur prior to the Board of Housing Authority Commissioners' final determination of a salary range.

### Subsection 5 - SALARY INCREASES FOR PART-TIME POSITIONS

Eligibility for salary increases for part-time or job share regular status employees shall be provided under Subsection 2C of this section.

### Subsection 6 - HOURLY RATES

Hourly rates of pay shall be used for temporary and part-time regular positions. Rates set by such actions shall be based on the established semi-monthly rates for the classification involved, and governed by rules relating to semi-monthly rates.

### Subsection 7 - OVERTIME

- A. Overtime Policy: It is the policy of the Housing Authority to reduce to a minimum the necessity for overtime work. All overtime shall be pre-approved by the employee's supervisor and the appointing authority.
- B. Definition of Overtime: For all employees who are members of a bargaining unit, the conditions governing overtime compensation in the respective collective bargaining agreement shall apply. For employees in Group 2 Management, overtime shall be considered as time worked in excess of eight (8) hours per day and forty (40) hours per week, or seven and a half (7.5) hours per day and 37.5 hours per week depending on the employees' regularly scheduled hours of work. The work day and work week shall be established by the appointing authority of each department and kept on file with the payroll clerk of that department. The work day or work week may be changed to accommodate the efficient operation of the department.

If the Housing Authority adopts a ten (10) hour day and a four (4) day work week for any of its employees, such employees shall be allowed overtime compensation for employment in excess of ten (10) hours in any one day or forty (40) hours in any one week.

- C. Compensation: For those Group 2 Management employees who are covered by the Fair Labor Standards Act, the rate of compensation for overtime worked shall be paid at one and one-half times the employee's regular rate of pay. A covered employee may receive cash compensation or compensatory time or a combination of both with prior mutual agreement in writing by the employee and appointing authority. Members of Group 2 Management who are exempt from the overtime provisions of the Fair Labor Standards Act shall receive compensatory time or cash compensation, or a combination of both, on a straight hour for hour basis.

The payment of cash compensation for overtime or the use of compensatory time is at the discretion of the appointing authority based upon budgetary considerations. It shall be the responsibility of the appointing authority to establish appropriate policy to be implemented throughout the department which provides equitable treatment of all employees.

- D. Compensatory Time: Unless otherwise specified in the collective bargaining agreements, compensatory time shall be allowed to accumulate to a maximum of 240 hours and must be reduced to no more than eighty (80) hours at the end of each fiscal year. Such reduction may be accomplished through time off or authorized payment by the appointing authority.
- E. Effect of Overtime on Benefits: Time worked as overtime shall not be used to serve out probation, salary increase periods or earn employee benefits, except as required by law. Compensatory time off may be used as part of the established work week to earn employee benefits and to serve out probation and salary increase periods.
- F. Special Exemption to Overtime: The Board of Commissioners may, by resolution, exempt classifications from overtime on the basis of the nature of work, conditions of employment or by definition of administrative, supervisory and professional classifications as provided by law. Such exemption shall be based upon special conditions of work or assignment.

## SECTION IV

### SELECTION

#### Subsection 1 - PURPOSE OF SELECTION PROCESS

The purposes and goals of the selection process are:

- A. To provide a competitive system of filling positions in the Housing Authority classified service with the best qualified persons possible, based on job related factors.
- B. To provide qualified persons for Housing Authority employment and promotions ensuring equal employment opportunity.
- C. To ensure that all selection procedures are valid, impartial and free from personal and political considerations.
- D. To comply with the Federal Uniform Guidelines on Employee Selection Procedures.

#### Subsection 2 - JOB ANNOUNCEMENTS

When establishing eligibility registers, the Housing Authority shall post job announcements. The notice may include special requirements of the position and shall include:

- A. The title of the position.
- B. A brief statement of the duties.
- C. The salary range or rate of pay.
- D. Minimum qualifications or requirements.
- E. Nature of the selection process.
- F. Closing date for applications.

#### Subsection 3 - SELECTION PROCEDURES

The Housing Authority shall determine appropriate selection procedures. In determining selection procedures, the Housing Authority shall consider:

- A. Analysis of job duties.
- B. Availability of applicants.
- C. Special problems of protected classes related to effective competition.
- D. Occupational standards.



### Subsection 3 - SELECTION PROCEDURES cont'd

- E.. Professional selection procedures.
- F. Supportable job related experience.

Selection methods shall be confined to the measurement of knowledge, skills and abilities necessary to perform the defined duties of the position. Any pertinent factor or trait which affects job performance may be included.

The Housing Authority shall appoint, as needed, special raters to assist in selection procedures. Raters may be representatives of departments, the public, interested organizations, or other public jurisdictions who have been designated to administer and score selection procedures.

All selection procedures shall be subject to continuous analysis for job relatedness in accordance with appropriate Federal and State regulations and professional standards. The appointing authority may request that a selection procedure be reviewed for job relatedness.

### Subsection 4 - TYPES OF RECRUITMENTS AND SELECTION PROCEDURES

The use of an open and/or promotional/internal recruitment shall be determined by the appointing authority in accordance with the provisions of these rules:

- A. Open: A recruitment in which any interested person may submit an application for employment.  
  
Open continuous recruitments: These recruitments will remain open and are not of a limited duration. An individual's name shall be removed from the eligibility register after a designated period of time normally not less than six (6) months or more than one (1) year. Open continuous recruitments may be used when practical, as determined by the appointing authority based on an assessment of the anticipated number of positions to be filled from the register and/or consideration of current labor market conditions.
- B. Promotional/Internal: Only employees of the Housing Authority with regular status or those who have completed six (6) months of continuous service in a classified position may submit an application. Promotive classifications established in conformance with Section II, subsection 12, may require completion of the training and development criteria and time periods before becoming eligible to submit an application.

### Subsection 5 - NEED FOR RECRUITMENT

All vacancies in the Classified Service shall be filled by persons who have been qualified through the recruitment and selection process, except as otherwise provided by these rules.

Recruitments may be held when deemed appropriate by the appointing authority. A recruitment need not reflect an immediately available vacant position.

### Subsection 6 - PUBLICITY AND RECRUITMENT

The Housing Authority shall administer a program of recruitment which will attract qualified persons to Housing Authority employment including members of protected classes. Recruitment efforts will include contacts with community groups, agencies, councils and individuals for purposes of soliciting applications from all segments of the population.

#### Subsection 7 - MINIMUM REQUIREMENTS

Minimum requirements established for a position shall be determined in accordance with legal requirements, classification specifications, duties of the position, occupational standards, the labor market and relevant past work experience. Such requirements shall be based upon an evaluation of the knowledge, skills and standards required for the position. Applicants may be required to submit additional information about their backgrounds, completion of courses of study or training or evidence of their possession of licenses or certificates. Applicants may be required to qualify in an employment related physical assessment tailored to job requirements.

#### Subsection 8 - DISQUALIFICATION OF APPLICANTS

All applications shall be reviewed by the Housing Authority for eligibility and admission to the selection process. A person shall be disqualified from consideration:

- A. Who is not eligible under the provisions of these rules.
- B. Whose application was received after the last day for accepting applications as specified in the job announcement, unless waived by the appointing authority.
- C. Who does not meet the minimum qualifications as prescribed in the job announcement.
- D. Who does not meet the legal requirements as set forth in Federal, State or Housing Authority law.
- E. Who has knowingly made a false statement in any material fact or has practiced or attempted to practice any deception or fraud in the application or selection process.

#### Subsection 9 - MODIFICATION OR SUSPENSION OF SELECTION PROCEDURES

If there are fewer than five (5) eligible competitors in any part of the selection process, subsequent parts may be modified or suspended. In such a case, referral may be made, provided that there is no existing eligible register and all eligible applicants are to be referred and interviewed by the Housing Authority.

#### Subsection 10 - CONSIDERATION OF QUALIFICATIONS

The selection procedure(s) may be composed of one (1) or several selection processes which may be considered independently or jointly. Candidates may be required to be competitive at a prescribed level in the initial screening to advance in the selection process.

#### Subsection 11 - REAPPLICATION

Applicants may not reapply for the same position more than once within a six (6) month period. The appointing authority may waive this restriction when warranted.

#### Subsection 12 - WRITTEN EXAMS

Applicants may register objections to any question or answer which they believe unfair or incorrect within three (3) working days of the applicant completing the written test. Such objections shall be made to the appointing authority. Items may be deleted on the basis of item analysis, administrative or clerical errors, incorrect keying and valid objections of applicants prior to computing scores. Any such deletions shall be recorded together with the reasons for such deletion. The appointing authority may remove such questions or make such alterations in the answer key. Any alterations made to the answer key shall be applied to the scoring of all applicable tests.

#### Subsection 13 - REVIEW OF SELECTION RESULTS

Applicants may review their results within fourteen (14) calendar days from the date on which the notice of results was mailed. The selection materials of applicants are not open to inspection by the public or by other applicants except as provided by law.

#### Subsection 14 - REQUESTS FOR REVIEW OF SELECTION PROCEDURES

Requests for review may be made by any applicant to the appointing authority on any part or process of the selection procedure as identified in subsection 13 above. An applicant has fourteen (14) calendar days from the date selection results were mailed to file a Request for Review. The appointing authority shall investigate the circumstances surrounding the request and take appropriate administrative action to resolve any complaints within the time frames set forth in Section XIX, subsection 5.

#### Subsection 15 - APPEALS OF SELECTION PROCEDURES IN THE SELECTION PROCESS

Written appeals of the appointing authority's decision resulting from a claim of fraud or illegal discrimination in the selection process may be made to the Hearings Officer. Appeals to the Hearings Officer must be made in writing within thirty (30) calendar days from the date the appointing authority mails the determination of the matter to the applicant. (See Section XVIII for Appeals Procedures.)

#### Subsection 16 - WAIVER OF SELECTION PROCESS

The selection process may be suspended and appointment made if transition to probationary/regular employment from a specially funded program is involved and the appointing authority finds that competition is impractical. Such exception shall be requested in writing from the appointing authority stating the reasons for the suspension of the selection procedures.

## SECTION V

### ELIGIBLE REGISTERS

#### Subsection 1 - TYPES OF ELIGIBLE REGISTERS

Eligible registers are maintained in accordance with the Housing Authority's classification of jobs. The types of eligible registers are:

- A. Open: A register which shall consist of persons who have successfully completed an open competitive selection process. The period of eligibility will normally be not less than six (6) months (unless the registers are exhausted) nor more than one (1) year.
- B. Promotional/Internal: A register which shall consist of employees who have regular status with the Housing Authority or who have completed six (6) months of continuous service in a classified position and who have successfully completed a promotional/internal selection process. Promotional/internal registers shall remain in effect for not less than eighteen (18) months nor more than twenty-four (24) months.
- C. Layoff: A register which shall consist of previous employees who had attained regular status with the Housing Authority and were displaced from their position due to layoff or reduction in force, current employees who exercised voluntary demotion in lieu of layoff, or employees who failed to pass the probationary period for a higher level position as a result of reclassification or trainee program. The period of eligibility will be two (2) years from the effective date of the action which placed the individual on the layoff register.

#### Subsection 2 - PLACEMENT OF NAMES ON ELIGIBLE REGISTER

The name of any person who has qualified for employment or advancement must be placed on an appropriate eligible register, unless otherwise stated by these rules.

Persons who have completed six (6) months of continuous service in a classified position and are on an open register for a higher classification may be transferred, on request of the applicant, to an existing promotional/internal register for the higher level classification. The period of eligibility shall not be extended by such transfer.

#### Subsection 3 - REMOVAL OF NAMES FROM OPEN ELIGIBLE REGISTER

Names shall be removed from any eligible register after appointment, or at the end of the eligibility period. The acceptance of temporary work by persons on eligible registers shall not affect their referral for regular positions. The appointing authority may remove names of persons:

- A. Who have declined three (3) appointments from any one eligible register.
- B. Who are considered, but not appointed after three (3) referrals.
- C. Who fail to respond to the referral notice within seven (7) calendar days from date notifications were mailed.
- D. Who fail to appear for a job interview.

- E. Who have failed to answer an availability inquiry within seven (7) calendar days.
- F. Who have failed to keep the Housing Authority informed of their address.
- G. Whose reasons for waiving referral or appointment are not satisfactory as determined by the appointing authority.
- H. Who are determined to be unqualified by the appointing authority based on their previous employment record.
- I. Who fail to meet minimum requirements, medical standards, or for any valid cause relating to their character and ability to perform satisfactorily on the job.
- J. Who have failed to comply with conditions of employment.

All persons whose names are removed from an open eligible register for cause shall be so notified in writing and shall have the right of review by the appointing authority.

Subsection 4 - REMOVAL AND REPLACEMENT OF NAMES FROM PROMOTIONAL/INTERNAL ELIGIBLE REGISTER

Names shall be removed from the promotional/internal eligible register upon resignation or termination of the employee from Housing Authority employment. The appointing authority may also remove names of persons:

- A. Who have declined three (3) appointments from any one promotional/internal register.
- B. Who are considered, but not appointed after three (3) referrals.
- C. Who fail to respond to the referral notice within seven (7) calendar days from date of notification.
- D. Who fail to appear for a job interview.
- E. Who have failed to answer an availability inquiry within seven (7) calendar days.
- F. Who have failed to keep the Housing Authority informed of their address.

Persons who have been referred and fall into one of the following categories shall remain on the promotional/internal eligible register for future referrals, but shall have their name replaced on the current referral list:

- A. Whose reasons for waiving referral or appointment are not satisfactory as determined by the appointing authority.
- B. Who are determined by the appointing authority to be unqualified based on their previous employment record.
- C. Who fail to meet minimum requirements, medical standards, or for any valid cause relating to their character and ability to perform satisfactorily on the job.
- D. Who have failed to comply with conditions of employment as a Housing Authority employee.

Subsection 5 - RESTORATION TO ELIGIBLE REGISTER

The appointing authority may restore the name of a person to the eligible register. Any restoration shall not extend the period of eligibility.

Subsection 6 - EXTENSION OF ELIGIBILITY

The appointing authority may extend, renew or reactivate the eligibility of persons qualified for a period not to exceed two (2) years from the first date of eligibility.

Subsection 7 - INACTIVE STATUS

Applicants whose names are on the eligible register may request inactive status and their names shall be removed from the active eligible register. Upon notification, such names may be restored to the active eligible register for the remaining period of eligibility. Eligibility shall not be extended by reason of such inactivity.

## SECTION VI

### REFERRAL OF ELIGIBLES

#### Subsection 1 - REFERRAL PROCESS

The appointing authority shall request referral by submitting a position requisition which contains information necessary for the proper and prompt filling of positions. Upon receipt of the requisition, the appointing authority shall order referral of persons on the appropriate eligible register in accordance with the provisions of this ordinance and position control. The appropriate eligible register shall be determined by the classification of the position and special qualifications required to perform the duties of the position. If eligibles fail to respond by phone or mail to a contact letter within seven (7) calendar days of the mailing of the notification, they may be considered to have declined the position.

#### Subsection 2 - REFERRAL FROM ELIGIBLE REGISTERS

The order in which eligible registers shall be used for referrals is as follows:

- A. Layoff register.
- B. Promotional/internal register.
- C. Open register.

The combined number of names referred from all registers shall not exceed the number of vacancies plus four (4).

Any regular employee who has submitted a written request for transfer or demotion may be referred for all regular openings, in addition to those normally referred.

If eligibles fail to respond within seven (7) calendar days from notification, the appointing authority may request additional names to be referred.

The appointing authority may specify requirements of particular experience, education, skill or ability when it is deemed that such requirements are necessary for the position. Only the names of individuals possessing those qualifications will be referred. The appointing authority may refer certain individuals to be considered for employment consistent with the goals of the County's Affirmative Action Plan.

#### Subsection 3 - REFERRAL FOR TRAINEE PURPOSES

The appointing authority and the appointing authority may consent to use an eligible register for a lower grade classification in order to fill the higher level position with a trainee if the rationale to do so is consistent with the Housing Authority approved Affirmative Action Plan. Any "trainee appointment" shall be documented with an identification of the proposed length of training before advancement to the full job level.

Those individuals appointed as trainees under provisions of this section shall receive a copy of said documentation.

#### Subsection 4 - INSUFFICIENT NAMES

When the total number of names on the available eligible register is fewer than five (5), the appointing authority may elect to:

- A. Make a probationary appointment from those referred, or
- B. Accept referral of additional names from the most nearly appropriate eligible register as determined by the appointing authority, or
- C. Request a provisional appointment, pending establishment of a new eligible register, and call for a new recruitment, or
- D. Accept referral of additional names from eligible registers of a lower grade classification in order to underfill the higher level position.

#### Subsection 5 - ACCEPTANCE OF REFERRAL IN LOWER CLASSIFICATION

The appointing authority may refer an eligible to a position in a lower or parallel classification. Such a position must have similar duties and responsibilities. A lower classification referral shall not deprive an eligible candidate of referral rights on the eligible register for the higher classification.



SECTION VII  
APPOINTMENTS

Subsection 1 - TYPES OF APPOINTMENTS

Any offer of employment must be made by the appointing authority or authorized representative to a person eligible under these rules. The types of appointments are:

- A. Probationary/Regular: All regular positions in the Classified Service when vacant shall be filled by appointment of an eligible applicant referred from an appropriate eligible register, except as otherwise provided in these rules. No regular appointment shall be complete until the applicant has successfully passed the probationary period.
- B. Temporary: The appointment to a position for work that is for an uncertain or limited duration, is a temporary appointment.

Temporary positions that are greater than, or equal to, half-time status shall not exceed six (6) months' duration.

Selection procedures for temporary appointments shall comply with the Federal Uniform Guidelines on Employee Selection Procedures. The appointing authority may make such a temporary appointment after a screening of the applicant's qualifications. However, when it is possible and practical, eligible registers shall be used in the appointment of temporary employees.

Temporary employees may be discharged at any time by the hiring manager and shall have no appeal rights except for those involving allegations of illegal discrimination.

- C. Provisional: Unless otherwise provided by these rules, appointment of a person not on an eligible register to a classified position for a limited duration is provisional. A provisional appointment is eliminated after ninety (90) calendar days or when the Housing Authority establishes an appropriate eligibility register, refers eligibles, or an appointment is made for the position, whichever occurs first. Provisional appointments may be renewed or extended by the appointing authority prior to the appointment of a probationary status employee. A provisional appointment may be made under any one of the following conditions:
  - 1. There is not an existing eligible register for the classification.
  - 2. The eligible register contains less than five (5) names.

The appointing authority may make such a provisional appointment after a screening of the applicant's qualifications.

- D. Limited Term: The appointment to a position which has been budgeted and allocated for a limited duration not to exceed two (2) years but which is in excess of the time requirements for temporary positions is a limited term appointment.

Such an employee will not be eligible for placement on a layoff register nor be eligible to "bump" a regular status employee nor have any other recourse for reemployment rights when the duration of the position expires. The appointing authority may make such a limited term appointment. The applicant must also undergo screening of qualifications by the appointing authority.

#### Subsection 2 - NEPOTISM

Appointments and promotions to positions in the classified service shall be based on merit as determined by a comparison of job related qualifications. Discrimination based on nepotism for or against applicants or employees is prohibited except that an appointing authority shall not approve the appointment, promotion, or transfer of an eligible candidate or employee to a position in which such employment shall result in an employee directly supervising a member of his/her family. For purposes of this rule, family consists of the employee's spouse, children, stepchildren, parents, grandparents, grandchildren, brothers, sisters, father-in-law, mother-in-law, sisters-in-law, brothers-in-law, nephews, nieces and first cousins. If violations occur due to marriage, steps shall be taken as soon as practical to correct the situation through transfer or other means.

#### Subsection 3 - MEDICAL STANDARDS

Successful completion of employment related physical assessments are valid criteria only for positions in which physical standards are determined to be a bona fide occupational criteria. Physical standards shall be established which do not unlawfully discriminate against job candidates. Federal law mandates that any employment practice that adversely impacts employment opportunities of a protected group is lawful only when the employment practice is a "business necessity," i.e. the practice is necessary for the safe and efficient operation of the business or the employment practice is "job related."

In order to utilize employment related physicals as an employment criterion, the job related medical standards must first be established for jobs or groups of jobs. The job analysis system must include an on-site observation and measurement of factors critical to the physical performance of the job. Typical ways that this is achieved include direct observation of work performed and structured group interviews soliciting critical performance factors.

#### Subsection 4 - EMPLOYMENT RELATED PHYSICAL ASSESSMENTS

An employment related physical assessment may be developed which addresses the job related medical standards that have been identified for the position. Employment related physical assessments may include a medical history interview, physical examination and/or a job related standardized performance test. The medical examination shall be conducted by a physician identified by the Housing Authority for this purpose. The applicant may be required to pay the cost of the medical examination. The Housing Authority will pay for process whenever possible.

When an employment related physical assessment is used as an employment criterion, a job offer may be made on the condition that the applicant successfully pass a medical examination. An offer of employment must be extended which clearly states the offer is contingent on the results of the examination. The appointing authority shall not act on the outcome of the examination until receipt of the written recommendation from the physician. A copy of the physician's recommendation shall be immediately sent to the appointing authority for review.

## SECTION VIII

### **PROBATIONARY PERIOD**

#### Subsection 1 - PURPOSE OF PROBATIONARY PERIOD

The probationary period is a working test period during which classified employees are required to demonstrate fitness by actual performance of the duties of the position to which they are appointed. The probationary period is an integral part of the selection process. It provides the hiring manager with the opportunity to observe the employee's work, to train and aid the employee in adjustment to the position, and to reject any employee whose work performance fails to meet required work standards.

#### Subsection 2 - DURATION OF PROBATIONARY PERIOD

Every person who receives an initial appointment to a position in the classified service shall serve a probationary period of twelve (12) calendar months. The probationary period begins on the date of appointment. An employee who is promoted and was a regular status employee prior to receiving such promotion shall serve a six (6) month probationary period. An employee's probationary period shall not be extended except when an employee has taken an authorized leave (paid or unpaid) that exceeds thirty (30) days during the probationary period. When such leave is taken, the probationary period will be extended by the amount of leave.

#### Subsection 3 - PERFORMANCE EVALUATION DURING PROBATIONARY PERIOD

Progress reports shall be completed by the appointing authority on all employees serving a probationary period. An evaluation of the employee's work performance and ability to satisfactorily perform the duties of the position shall be made at least by the end of six (6) months' employment and thirty (30) days prior to the completion of the probationary period.

If the work or conduct of a probationary employee is found to be unacceptable to the appointing authority, the appointing authority may dismiss, demote or suspend the probationary employee. Every such action shall be accompanied by written documentation stating the reasons for such action. A probationary employee may request a review of such action to the Director of Human Services. The Director of Human Services shall conduct a review of such actions and uphold the action of the appointing authority unless the Director of Human Services finds that the action was taken for arbitrary or capricious or discriminatory reasons. The decision of the Director of Human Services is final and not subject to appeal.

Probationary employees serving as a result of appointment from a promotional/internal register, who fail to qualify in the new position for reasons other than misconduct or delinquency, and who were regular employees immediately prior to this promotional appointment, shall be reinstated to their former position, if such position is vacant and available. If their former position is no longer vacant and available then they shall be placed on the layoff register for their former classification for a period of two (2) years.

This Section does not supersede provisions of collective bargaining agreements to which the Housing Authority is a party.

## SECTION IX

### PERFORMANCE EVALUATION

#### Subsection 1 - PURPOSE OF EVALUATION

It is the policy of the Housing Authority to periodically review the work of each employee to assure that the employee is meeting the performance standards of that particular position. The review shall include the following: an evaluation of the employee's quality and quantity of work, a review of exceptional employee accomplishments, establishment of a goal for career development and job enrichment, a review of the areas which need improvement, and setting of performance goals for the employee for the ensuing year.

#### Subsection 2 - EVALUATION SYSTEM

The Director of Human Services in consultation with the appointing authority shall establish and make effective a system of performance evaluation designed to give a fair review of the work performed and an outline of ways in which performance may be improved. Such evaluations shall be prepared and recorded for all employees at least annually.

#### Subsection 3 - EVALUATION PROCEDURE

- A. **Supervisor Review:** At least once each year, supervisors shall meet individually with their employees to review their evaluation of the employee. A copy shall be made available to the employee at the time of the performance review. Preparation of the evaluation shall follow the procedures outlined in the "Supervisor's Guide to Performance Evaluations."
- B. **Appointing Authority Review:** The appointing authority shall review all performance evaluation forms and when necessary meet with the employee and/or supervisor to discuss concerns with the evaluation. Any comments made by the appointing authority shall be included on the form and supplied to the supervisor and employee.

The appointing authority and supervisors shall make every effort to complete the evaluation during the month prior to the calendar month in which the performance evaluation date occurs. If the employee is also eligible for a salary increase, a notice of eligibility for salary increase shall be completed and submitted with the evaluation form.

#### Subsection 4 - EMPLOYEE DISAGREEMENT WITH EVALUATION

Employees who disagree with a performance evaluation may submit a response with reasons for disagreement to be reviewed by their immediate supervisor and appointing authority. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than thirty (30) days following the date the performance evaluation was received.

#### Subsection 5 - USE OF EVALUATIONS

Evaluations of work performance shall be considered for all pertinent personnel actions including promotions, demotions, transfers, layoffs, salary increases, disciplinary actions and satisfactory completion of the probationary period. Performance evaluations shall also be reviewed for training and other personnel management needs.

#### Subsection 6 - RECORDS

Performance evaluations, documents of commendation or discipline and other related items that may have a bearing on employment status shall be retained by the Housing Authority.

#### Subsection 7 - CONFIDENTIALITY

The performance evaluation is a confidential document. As a confidential document it shall be available only to the employee, the supervisor completing or signing the evaluation, employees required to handle the document as part of their official duties, or as otherwise required by law.

## SECTION X

### TRAINING

#### Subsection 1 - STATEMENT OF GENERAL POLICY

The Housing Authority recognizes that it is essential to train employees so that they can render the best possible service as they perform their jobs. To this end, and within priorities and resources, it is the policy of the Housing Authority that employees receive the training they need to successfully perform their jobs to standard. Learning is a part of work; therefore, the Housing Authority shall provide employees with a work environment that encourages and supports learning and growth.

The responsibility for training shall be a shared responsibility between the employees, managers and supervisors. Methods for selecting employees for training programs will comply with the Housing Authority's policy to provide equal employment opportunities.

#### Subsection 2 - ORIENTATION OF NEW EMPLOYEES

The Housing Authority shall provide an orientation to familiarize new employees with Housing Authority policies, their obligations and rights, and to inform them about the general function of the Housing Authority.

#### Subsection 3 - TIME OF TRAINING PERIODS

Training programs may be conducted either during and/or after regular working hours. Employer required training sessions conducted after regular working hours shall be included in the employee's hours worked for the week and compensated in compliance with Housing Authority policy, the law and collective bargaining agreements.

## SECTION XI

### STATUS CHANGES

#### Subsection 1 - PROMOTION

When an employee is promoted to a classification with a greater maximum salary range, the employee shall receive the rate of pay within the new range that most closely approximates a five (5) percent increase, effective on the date of promotion. Rules governing probationary periods and salary increases shall apply to the new position.

#### Subsection 2 - DEMOTION

An employee with regular status may be demoted only upon the written order of the appointing authority and the concurrence of the Director of Human Services. An employee demoted for disciplinary reasons will receive the rate of pay in the lower salary range specified as a part of the disciplinary action. At the time of demotion, no demoted employee shall receive an increase in pay. The employee's anniversary date for salary increases will be the effective date of demotion.

#### Subsection 3 - VOLUNTARY DEMOTION

An employee may be demoted upon an employee request and with approval from the appointing authority. Employees may request a voluntary demotion to a lower classification in the same classification series or to a classification previously held by submitting a written request to the appointing authority. Employees may be placed on a transfer list for such lower level positions and be referred in addition to those included on the referral list. Employees may be referred from the transfer list for a period of one year from placement on the list or when they request removal of their name, whichever occurs first. A voluntary demotion shall only be granted to a vacant position and shall not displace any employee currently occupying a position.

When employees elect to voluntarily demote for reasons other than to avoid layoff, and have had successful work performance in the higher classification their name may be placed at the top of the promotional eligibility register in order of seniority for that higher classification. The employee's name will remain on the register for a period of twelve (12) months from the date of demotion or until appointment from that register, whichever occurs first. (For voluntary demotions in lieu of layoff see Section XVII, subsection 5.)

If employees are demoted for reasons which do not reflect discredit on their employment record, the employee's salary rate may remain the same if it is within the salary range of the lower classification. If the employee's salary exceeds the range of the lower classification, the employee's salary will be the rate that causes the least reduction in salary. The demoted employee's appointing authority may request red circling the employee's salary subject to review by the Director of Human Services. The employee's anniversary date for salary increases shall be the effective date of demotion.



#### Subsection 4 - RECLASSIFICATION

When a position is reclassified to a classification with a higher salary range under the provisions of classification upgrading, the incumbent shall be advanced to the first step in the new range or to the rate of pay that most closely approximates a five (5) percent increase from the employee's regular rate of pay, whichever is higher. The salary adjustment will take place on the effective date of reclassification. The employee's salary increase date will be adjusted to the first of the month following twelve (12) full months from the date of a classification upgrading.

When a position is reclassified downward, the incumbent's salary may remain the same if it is within the new salary range. The employee's salary increase date will not be affected as a result of reclassification downward. If the position is downgraded to a classification that has a pay range lower than the employees' current rate of pay, the salary rate may be red circled.

#### Subsection 5 - TEMPORARY OUT-OF-CLASS

Employees may be temporarily assigned higher or lower compensated duties without a change in pay, where periodic or regular variations in assignments occur because of seasonal needs or because of the nature of the duties or the work schedule. Such variations shall be considered as incidental to the position.

Unless otherwise specified in the collective bargaining agreement, an employee directed to continuously perform duties of a higher level classification shall be entitled to compensation at the higher level for the time worked in excess of thirty (30) consecutive days providing such assignment clearly encompasses the full scope of duties and responsibilities normally associated with the higher level classification as confirmed and pre-approved by the appointing authority. Approval of the higher salary shall not be retroactive unless approved by the Board of Commissioners.

#### Subsection 6 - RESIGNATION

A regular employee wishing to resign is requested to give at least two (2) weeks written notice to the appointing authority. The written resignation shall be immediately forwarded to the Director of Human Services. With the approval of the appointing authority an employee may rescind the resignation up to the effective date provided in the employee's written notice. At least two (2) weeks written notice of resignation is required for the employee to request reinstatement rights.

#### Subsection 7 - REINSTATEMENT PROCEDURES

Employees who have attained regular status may request reinstatement to a position in their former classification and department within six (6) months of their effective date of resignation if they resigned with at least two (2) weeks notice, and the request is approved by the appointing authority. A former employee may be considered for vacancies for a period not to exceed six (6) months from date of resignation.

A former employee granted reinstatement shall be paid at the same step in the salary range that was being paid at the time of resignation. Employees who are reinstated within ninety (90) days of the effective date of resignation shall regain all previously accrued seniority, time toward salary increases, longevity, vacation and sick leave accrual. Employees reinstated after ninety (90) days shall not regain previous service time toward seniority, salary increases, longevity, vacation and sick leave accrual.

## SECTION XII

### LEAVES OF ABSENCE

#### Subsection 1 - GENERAL PROCEDURE FOR LEAVES OF ABSENCE

Consistent with the needs of the Housing Authority, leaves of absence with or without pay for a limited period not to exceed ninety (90) days, or that which is stated in the applicable collective bargaining agreement, may be requested for any reasonable purpose. Leaves of absence shall be documented and processed in accordance with the Housing Authority administrative procedures and shall be subject to approval by the appointing authority. Leaves of absence in excess of ninety (90) days must be approved by the Board of Commissioners.

Unless otherwise specified in the applicable collective bargaining agreement, seniority will continue to accrue during all approved leaves of absence with and without pay. Credit toward longevity, salary increases, sick leave and vacation will accrue only if an employee is in paid status for at least eleven (11) days in any month.

An employee who fails to return to work the following work day after the expiration of a leave of absence shall be deemed to have resigned, unless the employee, prior to the expiration of the leave of absence, has made application for and has been granted an extension of leave.

#### Subsection 2 - TYPES OF LEAVE

- A. **Military Leave:** In accordance with State and Federal law, employees are entitled to a cumulative five (5) years length of time in which they may be absent for military duty. Employees taking leave, either voluntarily or involuntarily, shall have a right to be restored to their former position or an equivalent position. The leave of absence shall be without pay and will not count towards monthly vacation, sick leave or longevity payments. However, seniority, employment credit towards vacatuon, salary increases and longevity does accure while on military leave. Employees returning from military leave shall be reemployed at the salary and service accrual level they would have achieved had they not left on military leave. To be eligible for such reinstatement the employee must be discharged under honorable conditions from the military and register an intent to return to Housing Authority employment within timelines specvified by State and Federal law.

Any employee who has served in the Housing Authority service for six (6) months preceding notification of duty and is a member of the National Guard, National Guard Reserve or any reserve component of the Armed Forces of the United States or of the United States Public Health Service is entitled to an annual paid leave of absence for training for a period not exceeding fifteen (15) calendar days in any one training year. In the case of an employee on a five (5) day work week, this is equivalent to eleven (11) paid work days in each training year. An employee on a four (4) day work week is entitled to a leave of nine (9) paid work days per training year. The training year is defined as the Federal Fiscal year commencing on October 1<sup>st</sup> and ending on September 30<sup>th</sup>. Days for annual military reserve duty may be taken either consecutively or intermittently.

An employee taking military leave may be required to show proof of military service to have time credited toward leave of absence for military duty. If the employee does not show proof of

military service either in advance or upon return to work, the employee may choose to utilize vacation or leave without pay during time away from work.

- B. Maternity Leave: Requests for pregnancy-related leave is provided through Housing Authority policy for Family and Medical Leave. Accrued sick leave, when available, must be taken by an employee for disability related to pregnancy, childbirth or any related complications. Medical documentation provided by the employee's health care provider shall be used to verify eligibility for disability leave and end of disability period following childbirth. Requests for leave after the period of disability due to childbirth is provided by the Housing Authority's Parental Leave policy.
- C. Parental Leave: In accordance with State and Federal law, an employee who has satisfied the benefit waiting period of four (4) months probationary employment or has been continuously employed for 180 calendar days is entitled to take up to twelve (12) weeks parental leave within the 12 month period of time following the date of birth or placement with the employee of a child for adoption or foster care. A female employee who has taken Family Medical Leave for disability due to pregnancy and childbirth is eligible to begin her parental leave entitlement on the date her health care provider certifies she is no longer disabled. Parental Leave must be taken in a consecutive period of time, unless the employee's supervisor approves leave to be taken in two or more non-consecutive periods. An employee may use either accrued paid leave or leave without pay. When an employee chooses to use accrued paid leave, such leave must be used prior to the commencement of unpaid leave. Requests for parental leave of absence must be made in writing at least thirty (30) days prior to the anticipated commencement date of the leave based on an expected birth or placement for adoption or foster care. If thirty (30) days notice is not possible due to unexpected delivery or short notification prior to placement of child, notice should be given as soon as possible.

Employees who report for work after the expiration of a parental leave of absence shall be reinstated to their last held position at the prevailing salary rates, without loss of seniority. If their former position no longer exists, the employees shall be reinstated to an equivalent position. An employee who fails to report for work at the expiration of a parental leave of absence shall be deemed to have resigned.

- D. Family and Medical Leave: In accordance with Federal and State law, an employee who has satisfied the Housing Authority benefit waiting period of four (4) full months probationary employment or has been continuously employed for 180 calendar days is entitled to take up to 12 weeks family and medical leave within any 12 month period of time. Family and medical leave shall be for the purpose of caring for serious medical conditions of the employee or an immediate family member of the employee. For purposes of granting family and medical leave a family member shall be defined as: a child, stepchild, spouse, parent, parent-in-law or someone with whom the employee has an "In Loco Parentis" relationship. A serious health condition is defined as one which requires either inpatient care or continuing treatment by a health care provider.

In situations where the leave is to care for the employee's own illness or the illness of a family member, the employee is required to use all accrued sick leave. When all accrued sick leave has been exhausted, an employee may elect to use other paid leave or leave without pay. When an employee chooses to use accrued paid leave, such leave must be used prior to the commencement of unpaid leave. Requests for family medical leave must be made in writing at least thirty (30) days prior to the effective date of the leave if the health condition is anticipated. In cases of sudden illness or injury an employee may make an oral request to his/her supervisor as soon as practical.

Employees who report for work at the expiration of a family medical leave of absence shall be reinstated to their last held position at the prevailing salary rates, without loss of seniority. If their former position no longer exists, the employee shall be reinstated to an equivalent position. An employee who fails to report for work at the expiration of a family medical leave of absence and does not have any additional leave approved by the appointing authority shall be deemed to have resigned.

- E. Bereavement or Funeral Leave: Paid leave may be granted in each case of bereavement due to the death of a member of the immediate family (see "Sick Leave," Section XIII, subsection 3, for definition of immediate family). A request to use bereavement leave for the death of an individual outside of the immediate family is subject to approval by the appointing authority. The purpose of such leave shall be to allow time to attend a funeral and make necessary funeral and household adjustments. Bereavement leave shall not exceed the equivalent of three (3) days, including all travel time. This leave will not be counted against accumulated sick or vacation balances.
- F. Workers' Compensation Leave: If an employee is injured on-the-job and is unable to work, supervisors should immediately contact the Finance Manager and complete the appropriate Workers' Compensation forms. If the employee's Workers' Compensation claim is accepted, the Housing Authority will supplement the statutory amount received from Workers' Compensation for up to six (6) months or as extended by the Board of Commissioners. This is intended to provide the employees with compensation approximating their regular take home pay. During this period of time all benefits will continue except PERS and FICA. Procedures for Workers' Compensation will conform to ORS regulations and Housing Authority policy.
- G. Disability Leave: If an employee is disabled as a result of non-job related reasons, the employee shall apply for Family and Medical Leave, utilize sick leave and file a disability insurance claim. When an employee has used the twelve (12) week Family and Medical Leave entitlement and has a continuing need for leave, the employee may use available paid leave or request a leave of absence without pay. Leave without pay is subject to the appointing authority's approval. Employees who return to their former positions following a disability leave will have all unused previously accrued sick, vacation, seniority and longevity credit restored.
- H. Compulsory Leave: If in the opinion of the appointing authority an employee is incapacitated for work, a medical examination may be required by a physician. If the appointing authority disagrees with the medical report, the appointing authority may require the employee to be examined by a physician designated or approved by the Director of Human Services. If the medical report does not show the employee to be in a fit condition required to perform the duties of the position, the appointing authority shall have the right to compel such employee to take sufficient leave of absence with or without pay until medically qualified to perform the duties of the position.

- I. **Jury Duty:** When an employee with regular or probationary status is called for jury duty, or subpoenaed as a witness by proper authority for cases in which the employee is not a party, the employee shall be granted a leave of absence with pay. All jury duty and witness fees other than mileage reimbursement shall be surrendered to the Housing Authority. Employees who are excused from jury service or court appearance before the end of their work day shall immediately report their availability for assignment to their supervisor. Employees scheduled to work on shifts other than day shift shall be considered to be on day shift for the duration of jury duty.
  
- J. **Administrative Leave:** Employees may be placed on administrative leave, with pay, if the appointing authority feels they should be relieved of their duties or removed from the workplace pending a job-related investigation. Administrative leave, while not considered discipline, is commonly used during a discipline-related investigation prior to discipline being administered. No administrative leave shall extend beyond thirty (30) days unless approved by the Director of Human Services.
  
- K. **Special Leave without Pay:** A special leave without pay for a period not exceeding one (1) year may be granted to an employee who:
  - 1. Desires to engage in a relevant course of study which will enhance the employee's value to perform the duties of the position.
  - 2. Is a candidate for a public office and requests a leave of absence for a reasonable period to campaign for the election.
  - 3. Has any reason considered appropriate by the appointing authority and the Director of Human Services and is approved by the Board of Commissioners.

## SECTION XIII

### HOLIDAYS, VACATION AND SICK LEAVE

#### Subsection 1 - HOLIDAYS

- A. Paid Holidays: The following days shall be recognized and observed as paid holidays for regular and probationary employees with the Housing Authority service unless the applicable collective bargaining agreement states otherwise.

New Year's Day (January 1st)

Martin Luther King Jr. Day (Third Monday in January)

President's Day (Third Monday in February)

Memorial Day (Last Monday in May)

Independence Day (July 4th)

Labor Day (First Monday in September)

Veteran's Day (November 11th)

Thanksgiving Day (Fourth Thursday in November)

Day After Thanksgiving

Christmas Day (December 25th)

- B. Weekend Holidays: Whenever a holiday falls on Sunday, the succeeding Monday shall be observed as the holiday. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.
- C. Holiday Pay: Regular full-time employees shall receive one (1) day's pay for each of the holidays listed above on which they perform no work. Regular part-time employees will receive a prorated portion of one day's holiday pay based on the hours worked in the pay period in which the holiday occurs. Job share employees shall share a prorated portion of each holiday pay based on their full-time equivalency of the position which is shared.

Regular employees who are requested to perform work on a scheduled holiday will be compensated at a rate equal to their normal rate of pay, for hours worked in addition to their regular holiday pay, unless otherwise provided in the applicable collective bargaining agreement.

- D. Holiday During Leave: If an employee is on an authorized leave with pay when a holiday occurs, the holiday shall be paid and time shall not be charged against sick or vacation leave accumulation. Holidays occurring during a leave without pay shall not be compensated.

Subsection 2 - VACATION LEAVE

- A. Vacation Accrual for Non-Represented Employees: Non-Represented Employees who have been employed in the Housing Authority service for six (6) consecutive full calendar months shall be awarded seventy-six (76) hours of vacation leave. Thereafter, they shall accrue vacation according to the following schedule:

(Continuous Service)

Less than 5 years	= 12.7 hours/month
5 years, but less than 10 years	= 14.0 hours/month
10 years, but less than 15 years	= 16.0 hours/month
15 years, but less than 20 years	= 18.0 hours/month
After 20 years of service	= 19.3 hours/month

The maximum vacation accrual shall be 280 hours. Vacation accrual may be accumulated beyond 280 hours during the fiscal year (July 1 through June 30) but will be reduced to 280 hours as of July 1. Vacation accrual exceeding 280 hours on July 1 will not be compensated.

Probationary and regular part-time employees and job share employees shall receive a pro-rated amount of the appropriate vacation accrual schedule based on their hours worked in each pay period. All other Housing Authority employees shall accrue vacation according to the terms of the applicable bargaining group contract.

- B. Continuous Service: Continuous service, for the purpose of determining eligibility for accelerated vacation accrual rates and longevity pay, shall be service unbroken by separation from Housing Authority employment. However, time spent by an employee on military leave, on an authorized leave of absence with pay, or on a leave with pay resulting from a job-incurred injury shall be included as continuous service. Time spent on other types of authorized leave without pay will not count as part of continuous service; however, employees returning from such leave, or employees who were laid off, shall be entitled to credit for service prior to the leave. Employees who resign or are discharged from Housing Authority service for a period of time exceeding ninety (90) days shall not regain previously accrued service years to count towards accelerated vacation rates and longevity pay.



- C. Requesting Vacation Leave: Employees shall make a request for vacation leave to their immediate supervisor. The request shall be approved unless it is contrary to the needs of the Housing Authority. Conflicts in scheduling shall be resolved by the appointing authority usually using seniority in the department as the determining factor. Collective bargaining agreements for vacation scheduling procedures shall take precedence.

Vacation hours paid during any work week will always be paid at a straight time rate and those hours will not be considered in computing overtime hours worked in that work week.

If an employee becomes ill while on vacation, the employee will not be allowed to charge that time to accrued sick leave, unless procedures regarding use of sick leave are initiated.

- D. Payment of Vacation upon Termination, Layoff or Death: If the employee is terminated, laid off or dies, the employee or employee's heirs shall receive cash compensation for all granted and accrued vacation leave, at the employee's current rate of pay.

### Subsection 3 - SICK LEAVE

- A. Use of Sick Leave: Employees may use their sick leave when unable to perform their work duties by reason of illness, injury, pregnancy, necessity for medical or dental care, exposure to contagious disease of the employee or to attend to the care of the employee's immediate family. Employees may also use their sick leave under the provisions of parental leave or family medical leave, as outlined in Section XII.

Immediate family is defined as spouse, parents, children, brothers, sisters, grandparents, grandchildren, stepchildren, stepparents, father-in-law, mother-in-law. For exceptional circumstances, in relationships other than those stated above, sick leave may be granted by the appointing authority.

- B. Sick Leave Accrual: Full-time employees shall accrue sick leave at the rate of eight (8) hours per month commencing with the first full month of employment. Part-time employees and job share employees shall accrue sick leave at a prorated portion of eight (8) hours per month based on their hours worked in each pay period. Earned sick leave may be used as it is accrued. Sick leave hours paid during any work week will always be paid at a straight time rate and those hours will not be considered in computing overtime hours worked in that week.
- C. Procedures Governing Sick Leave: The appointing authority or immediate supervisor must be notified of an illness or injury on the first day of absence. Failure to do so may result in the denial to use sick leave with pay. The appointing authority may require the employee to furnish a certificate issued by a licensed physician or practitioner documenting proof of illness or injury. Proven abuse of sick leave shall be cause for disciplinary action. Unused sick leave shall not be payable upon layoff or separation of employment from the Housing Authority, except as provided for by PERS retirement.

Subsection 4 - EXTENDED SICK LEAVE

Upon application of an employee, sick leave without pay for up to ninety (90) calendar days may be granted by the appointing authority for the remaining period of a disability after earned sick leave has been exhausted. In the event such unpaid sick leave exceeds ninety (90) days any extension must be approved by the Board of Commissioners. The appointing authority shall require the employee to furnish a certificate issued by a licensed physician or practitioner or other satisfactory evidence of illness. (See Section XII, Disability Leave.)

## SECTION XIV

### ETHICAL STANDARDS GOVERNING EMPLOYEE CONDUCT

All employees and public officials shall strive to uphold the Housing Authority's Code of Ethics, as adopted by the Board of Commissioners. The Code of Ethics states that employees of the Housing Authority shall strive to:

- A. Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities in order to inspire public confidence and trust in the Housing Authority.
- B. Serve in such a way that does not realize undue personal or financial gain from the performance of official duties.
- C. Avoid any activity which is in conflict with the conduct of official duties.
- D. Approach the Housing Authority organization and the duties of their position with a positive attitude and constructively support open communication, teamwork, creativity, dedication, and compassion.
- E. Maintain professional excellence, accept the responsibility to keep up-to-date on emerging issues and conduct the public's business with competence, fairness, efficiency, and effectiveness.
- F. Support the values of the Housing Authority organization and help make these values the norms of the organization. Support and strive to achieve the goals and visions for the Housing Authority.
- G. Be knowledgeable and support the code of conduct, quality, ethical, and performance standards of their respective professions.
- H. Refrain from engaging in political activities during working hours if the employee is a non-elected Housing Authority employee. Elected and non-elected Housing Authority employees must not solicit participation of non-elected Housing Authority employees in political activities during working hours.
- I. Be objective in the selection of employees, contractors, goods and services, basing decisions on merit and value to the Housing Authority.
- J. Eliminate all forms of illegal discrimination, fraud, and mismanagement of public funds, and support co-workers if they are in difficulty because of responsible efforts to correct such discrimination, fraud, mismanagement or abuse.
- K. Serve the public with respect, courtesy, concern, and responsiveness, recognizing that service to the public is beyond service to oneself or any special interest group.
- L. Respect, support, study and when necessary, work to improve regulations, ordinances, laws, and policies which govern work at the Housing Authority.

## SECTION XV

### EMPLOYEE RESPONSIBILITIES

#### Subsection 1 - PURPOSE

The orderly and efficient operation of the Housing Authority government requires that employees accept certain responsibilities. Work rules covering personal standards of conduct and standard operating procedures are necessary to protect the health and safety of all employees, to maintain uninterrupted service and to protect the Housing Authority's property.

#### Subsection 2 - WORK RULES

The following work rules shall apply to all Housing Authority employees. These rules are not intended to be all inclusive. The Housing Authority may, consistent with the provisions of applicable collective bargaining agreements, establish additional rules to ensure the effective operation of the Housing Authority.

- A. Employees shall be at their designated work area on time and ready to work. Employees shall report to and remain at their work area, at work, until the scheduled quitting time consistent with Housing Authority policy.
- B. Where operations are continuous, employees shall not leave their position until replaced by the next shift employee or until relieved by their supervisor.
- C. Employees shall follow all safety regulations including the wearing of safety articles and the use of protective equipment when appropriate. Employees shall immediately report safety hazards, accidents or injury to their supervisor.
- D. Employees shall be responsible for, and not misuse Housing Authority property, records or other materials in their care, custody and control.
- E. Employees shall deal with the public in a courteous and professional manner.
- F. Employees shall immediately report to their supervisor any inability to work and the reason therefore.
- G. Employees shall notify their supervisor whenever there is a change in their personal data affecting their personnel or payroll records.
- H. Employees shall not restrict, interrupt or interfere with the work of other Housing Authority employees outside their assigned duties or authority.
- I. Employees shall report for and remain at work only in a condition which will enable them to perform their regular duties.

- J. Employees shall perform all work assigned unless performance of such work will constitute a safety hazard which violates established safety standards or law.
- K. Employees shall not engage in conduct that reflects discredit on the Housing Authority while on duty or while conducting Housing Authority business.
- L. Employees shall not engage in unauthorized political soliciting or political activity while on duty or while conducting Housing Authority business.
- M. Employees shall not use their position or Housing Authority property for undue personal or financial gain, other than official salary and benefits. Employees shall not use their position as a means to solicit or conduct personal business.
- N. Employees shall not use their position to coerce other employees.
- O. Employees shall not possess or use unauthorized firearms, weapons, illegal drugs, controlled substances other than those lawfully prescribed or intoxicating beverages while on duty or on Housing Authority premises.
- P. Employees shall not falsify any reports or records. All claims completed by employees shall be true and accurate, to the best of their knowledge.
- Q. Employees shall not remove Housing Authority property or the property of other employees without express approval of their supervisor or the owner of such property.
- R. Employees shall not violate any of the laws, statutes or ordinances of federal, state or local government while on duty, on Housing Authority premises or while conducting Housing Authority business.

## SECTION XVI

### DISCIPLINARY ACTIONS

#### Subsection 1 - EMPLOYEE CONDUCT

All employees, regardless of status or duration of employment, are required to meet and maintain Housing Authority standards for job performance and behavior. The expected standard of conduct for all employees shall be the public interest as opposed to individual interests. High standards of conduct are deemed essential in order to render the best possible service to the general public and to reflect credit on the Housing Authority service. The tenure of every employee shall be conditioned on good conduct and satisfactory performance of duties. This discipline section serves only as a guideline in determining the appropriate action needed in a particular situation and shall not be implied as a contract.

#### Subsection 2 - DISCIPLINE POLICY

The Discipline Policy and Procedures included in subsections 2-6 of this section shall apply to all regular status employees. Probationary employees are governed by procedures outlined in Section VIII.

It is the policy of the Housing Authority that disciplinary measures shall be corrective, progressive, lawful and proportionate to the nature of the offense. Appointing authorities shall take appropriate disciplinary action in dealing with employee misconduct. Disciplinary action shall be for cause as it relates to job performance.

- A. Corrective: The supervisor shall attempt to determine why the employee is deficient and attempt to correct those deficiencies and restore the employee to a productive and positive employment status. Excepting dismissal, disciplinary measures shall be for the purpose of correcting employee conduct.
- B. Progressive: The discipline will usually begin with passive or persuasive discipline (an oral reprimand or warning, etc.) and will increase in severity with subsequent offenses. When circumstances warrant, discipline may begin with active discipline such as: written reprimand, suspension from work, demotion or discharge from employment with the Housing Authority.
- C. Lawful: The discipline and the procedure by which it is administered shall not violate the Housing Authority's contracts with the unions nor violate the employee's civil rights.
- D. Proportionate: Violating Housing Authority standards of conduct will result in disciplinary action appropriate to the nature of the offense as determined by the appointing authority. The severity of disciplinary action will be determined by considering such things as the impact of the offense on Housing Authority operations, the extent of damage caused, the circumstances of the offense, past disciplinary actions and the employee's work record.

### Subsection 3 - CAUSE FOR DISCIPLINARY ACTION

Any action which the appointing authority deems to reflect discredit upon the Housing Authority, or is a hindrance to the effective performance of the Housing Authority functions, shall be considered cause for disciplinary action. Improper action by an employee in an official Housing Authority capacity which tends to bring the Housing Authority into discredit, affects the employee's ability to perform or is for personal advantage shall also be judged cause for disciplinary action. In addition, cause includes but is not limited to the following:

- A. Conviction of a felony or a misdemeanor which is related to the position held by the employee.
- B. Violation of any of the established work rules set forth in this ordinance.
- C. Use of alcoholic beverages or controlled substances which affects the performance in the position held by the employee.
- D. The use of intoxicating beverages or nonprescribed controlled substances while on duty.
- E. Insubordination.
- F. Refusal or failure to perform to job standards.
- G. Inattention to duty, tardiness, carelessness, damage to or negligence in the care and handling of Housing Authority property.
- H. Improper or unauthorized use of Housing Authority property or services.
- I. Claim of sick leave under false pretense or misuse of sick leave.
- J. Absence from duty without authorized leave.
- K. Misconduct in the performance of duties as an employee.
- L. Violation of the Housing Authority safety policy or department safety rules.
- M. Willful giving of false information or withholding information with intent to deceive when making application for Housing Authority employment.
- N. Violation of the Housing Authority Affirmative Action Policy or Sexual Harassment Policy.
- O. Violation of any provisions of this ordinance or rules adopted by the Board, or any provisions of departmental rules.

Any standard of conduct that is not addressed above may be subject to disciplinary action as deemed appropriate by the appointing authority.

#### Subsection 4 - KINDS OF DISCIPLINARY ACTION

- A. Oral Reprimand: This is a warning procedure rather than a punitive action. The oral reprimand should serve to forestall the employee from being in such a position that a more severe form of action must be used.
- B. Written Reprimand: The written reprimand is also a warning procedure. The written reprimand is used to place an employee on official notice that failure of the employee to take corrective action will result in a more severe form of action. The written reprimand will list the unacceptable behavior, the time it occurred, the rule/procedure violated and an outline of improvement that is needed. The reprimand is to be included in the employee's official personnel file.
- C. Suspensions: Suspensions are an ordered absence from duty, other than administrative leave, and may be with or without pay for an established length of time. The period of suspension shall not exceed thirty (30) consecutive calendar days at any one time. No service accruals may be given to an employee during a period of suspension without pay, regardless of the length of suspension. No disciplinary suspension without pay shall be given to an employee performing executive, administrative or professional duties as defined by the Federal Fair Labor Standards Act unless (1) the reason for the suspension is violation by the employee of a safety rule of major significance, or (2) the suspension is for a period of one full work week or a multiple of one work week
- D. Demotion: Demotion, both in pay and to a lower classification, may be used as a form of discipline when discharge is not warranted or when the appointing authority believes that the employee has the potential for corrective conduct. Such action shall be subject to Section XI, subsection 2, and shall not cause the displacement of another employee.
- E. Dismissal: An appointing authority may dismiss for cause any regular employee under the appointing authority's jurisdiction. In carrying out such actions, the appointing authority shall consult with Housing Authority Counsel and the Director of Human Services.

#### Subsection 5 - PROCEDURES FOR TAKING DISCIPLINARY ACTION

When a supervisor believes there is a cause for disciplinary action, the supervisor, in conjunction with the appointing authority, shall make a reasonable effort to administer the discipline in a manner that will not unduly embarrass the employee. If anything other than oral reprimand is administered, the original or a copy of the reprimand shall be forwarded to the employee's personnel file. Unless otherwise stated in the collective bargaining agreement the following procedures shall be followed when discipline is administered:

- A. Discipline Without Economic Loss to the Employee: When a supervisor believes there is cause for disciplinary action without economic loss to the employee, the supervisor shall confront the employee with the reasons for the belief that there is cause for such discipline, the investigation made or to be made and the disciplinary action considered. The employee shall be given a reasonable opportunity to offer facts in explanation or mitigation.



Subsection 5 - PROCEDURES FOR TAKING DISCIPLINARY ACTION cont'd

- B. Discipline With Economic Loss to the Employee: When the appointing authority believes there is cause for disciplinary action with economic loss to the employee, the appointing authority shall so notify the employee in writing. The written notification shall state the reasons for that belief, the investigation made or to be made and the disciplinary action with economic loss being considered. The employee shall be given a reasonable opportunity to offer facts in explanation or mitigation.

If, after the employee has responded or been given a reasonable opportunity to respond and the appointing authority has completed the investigation, the appointing authority believes that disciplinary action with economic loss to the employee is appropriate, the appointing authority shall prepare a letter to the employee outlining the disciplinary action and the reasons for such action. If the economic loss is suspension without pay, such suspension shall not exceed thirty (30) calendar days.

- C. Dismissal: When an appointing authority believes that there is cause for dismissal, the appointing authority shall so notify the employee in writing. The written notification shall state the reasons for that belief, the investigation made or to be made and the proposed effective date of the dismissal. The date of dismissal shall not be less than ten (10) calendar days in the future. The employee shall be given a reasonable opportunity to offer facts in explanation or mitigation at a meeting with the appointing authority and the supervisor. The employee shall be entitled to have a representative of his/her choice at the meeting for the purpose of providing counsel and advice to the employee. The employee may be granted additional reasonable time at the appointing authority's discretion to prepare for said meeting.

If, after the employee has responded or been given a reasonable opportunity to respond, and the appointing authority has completed the investigation and believes that dismissal is appropriate, the appointing authority shall prepare a letter to the employee affirming the dismissal. A copy of that letter shall be sent to the Director of Human Services. If the appointing authority believes that circumstances require the separation of an employee from his/her work assignments following completion of an investigation but preceding the effective date of dismissal, an appointing authority may suspend the employee with or without pay during the remainder of the notice period required by these rules.

Subsection 6 - APPEAL OF DISMISSAL, DEMOTION OR SUSPENSION

An employee with regular status in the classified service who does not have available a grievance procedure pursuant to a collective bargaining agreement may appeal dismissals, or discipline with economic loss to the Director of Human Services.

## SECTION XVII

### LAYOFF AND SENIORITY

#### Subsection 1 - GROUNDS FOR LAYOFF

The appointing authority may lay off an employee because of abolition of position, shortage of funds or work, a material change in duties, inability to perform assigned duties, changes in an organization)al unit or for a reason which does not reflect discredit on the service of the employee.

#### Subsection 2 - LAYOFF PROCEDURES

Layoffs will be identified by classification within the affected department. Employees holding positions within the affected classifications may be subject to demotion, transfer or layoff in inverse order of seniority.

An employee who may be subject to layoff or demotion in lieu of layoff shall be notified in writing at least fifteen (15) calendar days prior to such action. The bargaining unit representative, if any, shall be sent a copy of such notice at least fifteen (15) calendar days prior to the action. The notice shall state the reason for the action and shall further state that the action does not reflect discredit on the employee. An employee who is subject to layoff and is offered options shall elect an option within three (3) working days of notice of the options. Failure to do so will be deemed an agreement to accept layoff.

#### Subsection 3 - LAYOFF ORDER

Layoff order shall be established within the department on the basis of seniority.

The appointing authority may make an exception to the order of layoff when the retention of employees with needed skills or performance abilities are necessary for the efficient operation of the department. Such actions shall be taken only for articulated, job-related reasons and substantiated by documented work performance records. The judgment of the appointing authority shall be sustained unless the Director of Human Services finds the judgment to be arbitrary or capricious.

#### Subsection 4 - BUMPING PROCEDURE

When an employee is laid off due to a reduction in the work force, the employee shall be permitted to exercise bumping rights by displacing an employee with less seniority in the same or lower classification in the department, provided that the bumping employee is qualified to do the work as determined by the appointing authority and the Director of Human Services. For bumping purposes, seniority will be defined as length of continuous service within the Housing Authority.

## Subsection 5 - LAYOFF RULES

Within a classification and department, temporary, probationary and other employees who do not have regular status will be laid off before employees with regular status. Employees who have never attained regular status with the Housing Authority and who are laid off, will not be placed on layoff registers and do not have displacement rights.

An employee who has not completed a probationary period following promotion or reclassification as a result of department reorganization, is subject to layoff rules at the previously held position.

Regular employees who have been given a temporary or unclassified appointment and are subject to layoff shall be entitled to exercise their seniority under these rules.

Employees in a job share position shall be considered as one full-time equivalent.

Employees cannot bump to a classification with a higher salary range. This is a promotion and shall be accomplished only by normal appointment procedures.

A regular employee who is subject to layoff may voluntarily demote to a lower classification in the same promotional line or to a classification previously held in the same or different department provided a vacancy exists after all bumping procedures have been exercised by qualified employees.

No employee shall have any bumping rights over another employee working under regular appointment in another department.

Employees may be denied bumping or demotion rights otherwise available under these rules only if they lack knowledge, skills or abilities required for the position which are not easily learned on the job within the normal orientation period. Employees may be required to participate in qualifying selection procedures in order to establish their right to a position.

## Subsection 6 - LAYOFF REGISTERS AND RECALL

Employees who are laid off, demoted in lieu of layoff or exercise bumping to a lower level classification will be placed on layoff registers according to seniority for the classification(s) held during the displacement and layoff process. Employees placed on a layoff register will be referred in order of seniority. The duration of such placement on the layoff register shall not exceed two (2) years. An individual who is appointed from a layoff register to a position in the same classification in which the person was previously employed will not be required to serve a probationary period.

An employee who accepts transfer, or elects to retire, will not be placed on a layoff register for recall.

## Subsection 7 - RATE OF PAY FOLLOWING APPOINTMENT FROM LAYOFF REGISTERS

When an individual is appointed from a layoff register to a position in the same class in which the person was previously employed, the employee shall be paid at the same rate of pay as the employee was being paid at the time of layoff.

Subsection 8 - SENIORITY

Where seniority applies as a method of layoff, the definition of seniority is that found in the applicable collective bargaining agreement. If a collective bargaining agreement does not contain a definition of seniority, seniority shall be defined as length of continuous service within the Housing Authority. If it is found that two (2) or more persons within the same classification have equal seniority, seniority for these individuals shall be determined by the date the employees were appointed by the department. In computing seniority, the following factors will be taken into account:

- A. Part-time work and job share in a regular status position will count on a prorated basis of full-time employee status, (i.e., .5 half-time status for twelve (12) months will count as six (6) months towards seniority).
- B. Time spent on all authorized leaves, including leave without pay, will count.
- C. Time spent in unclassified appointment status will not count.
- D. Initial time spent in temporary or provisional status in the same classification will not count.
- E. Time spent on layoff will not count; however employees recalled from layoff within two (2) years shall regain previously accrued seniority.
- F. Time spent in previous government service will count if the employee transferred in accordance with ORS 236.610 through 236.650.
- G. Seniority shall be forfeited by discharge for cause, voluntary termination exceeding 90 (ninety) days or involuntary termination due to expiration of a layoff register.

## SECTION XVIII

### APPEALS AND HEARINGS

#### Subsection 1 - APPEALS

All appeals to a Hearings Officer shall be subject to the requirements of this section.

#### Subsection 2 - FILING A NOTICE OF APPEAL

A notice of appeal must:

- A. Be made in writing.
- B. Name the appellant and include the appellant's address and phone number.
- C. Be signed by the appellant or the appellant's authorized representative.
- D. Be addressed and delivered to the Hearings Officer selected by the Housing Authority.
- E. Contain a reference to the action(s) complained of and date(s) of the alleged action(s).
- F. Contain a statement of the provision of this ordinance thought to have been violated.
- G. Contain a statement of the remedy desired.

#### Subsection 3 - MATTERS THAT CAN BE APPEALED

- A. Regular employees may appeal their dismissal, subject to Section XVI, subsection 6.
- B. Regular employees may appeal their discipline with economic loss subject to Section XVI, subsection 6.
- C. Applicants may appeal alleged fraud and discrimination against them in the selection process, subject to Section IV, subsection 15.

#### Subsection 4 - TIMELINES FOR FILING A NOTICE OF APPEAL

A regular status employee has fourteen (14) calendar days from the date of dismissal or the date discipline with economic loss occurred in which to file a notice of appeal. An applicant has thirty (30) calendar days from the date the Hearings Officer mails the results of an investigation of selection procedures in which to file a notice of appeal based on alleged fraud or discrimination in the selection process.

#### Subsection 5 - TIME FOR HEARING

The Hearings Officer shall schedule a hearing and mail notice thereof to the appellant and the appointing authority within fourteen (14) calendar days of receipt of the notice of appeal from the appointing authority. The Hearings Officer shall set a date for the hearing, if any, not less than ten (10) calendar days or not more than twenty-five (25) calendar days from the date the notice of the hearing is mailed to the appellant and appointing authority.

If the Hearings Officer determines that the statements in the appeal, even if true, would not entitle the appellant to relief, then the Hearings Officer shall dismiss the appeal without a hearing and offer the appellant an opportunity to amend the appeal. The Hearings Officer may extend the time if necessary.

#### Subsection 6 - SUBPOENAS AND RECORDS

In the course of a hearing, the Hearings Officer may administer oaths, subpoena witnesses and compel the production of books, papers, documents and accounts pertinent to the hearing. Attendance of witnesses, either with or without books, papers, documents or accounts may not be compelled unless such witnesses are personally served with a subpoena. The Hearings Officer may cause the deposition of witnesses residing within or outside the state to be taken in the manner prescribed by law for like depositions in civil suit and actions. If a person refuses to attend to give testimony or produce books, papers, documents or accounts pursuant to a subpoena issued under this section, the Circuit Court of Clackamas County upon petition of the Hearings Officer shall compel obedience to the subpoena. The Circuit Court shall punish refusal to obey or to testify in the same manner as a refusal to obey a subpoena or to testify pursuant to a subpoena issued from the Circuit Court.

#### Subsection 7 - RIGHTS OF PARTIES

The employee and the appointing authority shall have the right at the hearing to:

- A. Appear personally or by representative. If an employee chooses the assistance of an attorney, it shall be at the employee's own expense;
- B. Testify under oath;
- C. Have witnesses or documents subpoenaed;
- D. Question all witnesses;
- E. Present pertinent evidence; and
- F. Argue their case.

#### Subsection 8 - ATTENDANCE

The employee or the employee's representative and the appointing authority or the appointing authority's representative shall attend the hearing. Unless excused by the Hearings Officer for good cause, failure of the employee or the employee's representative to attend personally, at the time and place set forth for the hearing shall be deemed a withdrawal of the employee's appeal. For hearings regarding discipline or discharge, at the request of either party, the Hearings Officer shall make the hearing closed to the public.

#### Subsection 9 - WAIVER OF ORAL HEARING

If both parties agree, the hearing may be conducted by submission of affidavits, depositions or other documents, mutually exchanged. The Hearings Officer will receive and take action on requests to waive an oral hearing prior to the scheduled hearing date.

## Subsection 10 - HEARINGS PROCEDURES

- A. Witnesses: At the request of either party, the Hearings Officer may exclude witnesses not under examination. The parties and their representative shall be permitted to remain in the hearings room at all times, even though they may be called upon to testify as witnesses.
- B. Order of Proceedings: The hearing shall be opened by the recording of the place, time and date of hearing, the presence of parties, counsel and representative, if any. In hearings on discharge and discipline with economic loss, the appointing authority shall proceed first with testimony. In hearings on fraud or discrimination in the selection process the person bringing forth the action shall proceed first with testimony.
- C. Report of Hearings: The Housing Authority shall make an audio recording of all hearings. Such tapes shall be kept for three (3) years. The Housing Authority shall be the custodian of the tapes. The expense of transcribing such tapes shall be the responsibility of the party requesting the transcript.

Either party may have the hearing reported by a court reporter at their own expense. The cost of any subsequent transcripts shall be the responsibility of the requesting party.

- D. Exhibits and Witnesses: Exhibits shall be marked and numbered, and when offered by either party, may be received in evidence. The names and addresses of all witnesses and exhibits shall be made a part of the record as herein provided.
- E. Oaths: All witnesses shall testify under oath. The oath shall read:  
  
"Do you solemnly swear (or affirm) that the testimony you are about to give in this matter shall be the truth, the whole truth and nothing but the truth."
- F. Evidence: Oral evidence shall be taken only upon oath or affirmation. Each party shall have the following rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues, even though that matter was not covered on direct examination; to impeach any witness regardless of which party first called the witness to testify; and to rebut the evidence against the appellant. If either or both parties do not testify on their own behalf, then that party may be called and examined as if under cross-examination. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Only relevant evidence shall be admitted. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- G. Witness and Deposition Fees: Persons served with a subpoena requiring attendance before the Hearings Officer shall be entitled to the same fees and mileage as are allowed by law to witnesses in civil suits and actions. The payment of witnesses' fees and mileage shall be the responsibility of the party calling the witness.

The cost of a deposition shall be borne by the party requesting the deposition.

- H. Continuances: For a reasonable time, the Hearings Officer may, for good cause, continue the hearing, upon request of a party or upon his/her own initiative.
- I. Confidentiality of Records: All records pertaining to an appeal or hearing are confidential unless otherwise required by law.
- J. Written Findings and Order: The Hearings Officer shall have the authority to conclude the hearing. The Hearings Officer shall provide the Board of Commissioners and each party with written findings and an order within thirty (30) calendar days following the conclusion of the hearing.

#### Subsection 11 - REOPENING OF HEARING

Prior to the issuance of the final order, the Hearings Officer may reopen the hearing. The Hearings Officer may reopen the hearing only for good cause.

#### Subsection 12 - SCOPE OF AUTHORITY OF THE HEARINGS OFFICER

- A. The scope of authority of the Hearings Officer is to ensure that the appointing authority's action was for cause, was not arbitrary, capricious or discriminatory and that proper procedures prescribed by this ordinance were followed. Any violation of any provisions of this ordinance which does not substantially prejudice the right of a party shall not invalidate any action taken under the ordinance.
- B. The Hearings Officer should not substitute personal judgment for that of the appointing authority in either matters of policy or in other matters as long as the appointing authority has acted within the allowable scope of discretion in the management of the appointing authority's proper business.
- C. The Hearings Officer may reverse the action of the appointing authority in matters of discharge or discipline involving economic loss where the Hearings Officer finds that the appointing authority's decision was not based on cause, was arbitrary, capricious or discriminatory or was in violation of a provision of this ordinance which substantially prejudiced the right of the employee.

In the event the Hearings Officer reverses the action of the appointing authority in matters of discharge, the Hearings Officer, upon giving due consideration to the merits of the case and the arguments of the parties, may impose discipline involving or not involving economic loss.

In the event the Hearings Officer sustains the finding of the appointing authority that discipline involving economic loss is warranted, the Hearings Officer shall sustain the sanction involving economic loss that was imposed by the appointing authority unless a finding is made that that sanction was clearly unreasonable, in which case the Hearings Officer may impose a lesser sanction.

In cases where the action involving discharge or discipline with economic loss is reversed or a lesser economic loss sanction is ordered by the Hearings Officer, the Hearings Officer shall issue an order not inconsistent with the findings. In cases of discharge or discipline with economic loss, the Hearings Officer shall have the authority to order reinstatement of the employee with pay, or compensation or special privileges from the date of dismissal or disciplinary action.



In cases of fraud and discrimination in the selection process, the Hearings Officer may reverse or sustain or modify the actions taken.

Subsection 13 - FINAL ORDER

The written findings and order by the Hearings Officer shall be final.

Subsection 14 - HEARINGS OFFICER

A Hearings Officer shall be appointed by the Board of Commissioners to preside at hearings authorized under this ordinance.

The functions of the Hearings Officer shall be conducted in an impartial manner, and the Hearings Officer shall be excused from the hearing of any appeal in which there is a conflict of interest. The Hearings Officer shall notify the Board of Commissioners of this decision. The appellant may file an affidavit of personal bias of the Hearings Officer any time up to five (5) days before the scheduled hearing. The affidavit shall be filed with the Hearings Officer. Upon receipt the Hearings Officer shall cancel the hearing and forward the affidavit to the Board of Commissioners. The Board shall either appoint a substitute Hearings Officer to hear any such case, or determine that no bias exists and order the hearing scheduled.

## SECTION XIX

### ADMINISTRATIVE REVIEWS BY THE DIRECTOR OF HUMAN SERVICES

#### Subsection 1 - REQUESTS FOR ADMINISTRATIVE REVIEWS

All requests for an administrative review to the Director of Human Services shall be subject to the requirements of this section.

#### Subsection 2 - FILING A REQUEST FOR ADMINISTRATIVE REVIEW

A request for administrative review must:

- A. Be made in writing.
- B. Name the employee or applicant and include his/her address and phone number.
- C. Be signed by the party requesting the review or the party's authorized representative.
- D. Be addressed and delivered to the Director of Human Services.
- E. Contain a reference to the action(s) to be reviewed and date(s) of the action(s).
- F. State why the employee feels the action taken or recommended is incorrect.
- G. Contain a statement of the remedy desired.

#### Subsection 3 - WHAT ACTIONS MAY BE REVIEWED

- A. A probationary employee may request an administrative review of a suspension, demotion, or dismissal subject to Section VIII, subsection 3.
- B. Applicants may request an administrative review of their selection results subject to Section IV, subsection 14.
- C. Applicants or employees may request an administrative review following removal of their name from either an open eligibility register or a promotional/internal eligibility register, subject to Section V, subsections 3 and 4.
- D. An employee may request an administrative review of an intradepartmental transfer subject to Section XI, subsection 4.

#### Subsection 4 - TIMELINES FOR FILING A REQUEST FOR REVIEW

- A. A probationary employee has fourteen (14) calendar days from the effective date of discipline or dismissal to file a request for an administrative review.
- B. An applicant has fourteen (14) calendar days from the date selection results were mailed to the applicant to file a request for an administrative review of the selection results.
- C. Applicants or employees have fourteen (14) calendar days from the date a notice was mailed that their name was removed from an open or promotional/internal eligibility register to file a request for an administrative review.
- D. An employee has fourteen (14) calendar days from the effective date of an intradepartmental transfer to file a request for an administrative review.

#### Subsection 5 - RESPONSE TO REQUEST FOR ADMINISTRATIVE REVIEW

Upon receipt of the request for administrative review, the Director of Human Services shall investigate the circumstances surrounding the request. Within fourteen (14) days of receipt of the request for review, the Director of Human Services shall render a decision and respond in writing to the party filing the request with a copy to the supervisor and appointing authority. If the Director of Human Services cannot complete the investigation within that time frame, the parties will be notified of the status of the investigation and be provided a schedule for completion of the review.

#### Subsection 6 - SCOPE OF AUTHORITY OF DIRECTOR OF HUMAN SERVICES

The scope of authority of the Director of Human Services is to ensure the actions taken were job-related and that proper procedures prescribed by this ordinance were followed. Specifically, the scope of authority of the Director of Human Services shall be as follows:

- A. After a review of discipline or dismissal of a probationary employee, the Director of Human Services may affirm, disaffirm or amend the action of the appointing authority.
- B. In reviews of the circumstances surrounding an applicant's selection results, the Director of Human Services shall take appropriate administrative action to resolve the complaint or uphold the selection results. Such administrative action may include a correction made to the applicant's test scores and appropriate placement on an eligibility register. If a correction is made as a result of such review, any change in selection results shall not affect a referral or appointment having already been made as a result of such examination.
- C. In reviews of applicants whose names were removed from an open or promotional/internal eligibility register, the Director of Human Services shall affirm the action, or disaffirm the action and offer reinstatement of the applicant or employee to the appropriate eligibility register.
- D. In instances where the Director of Human Services reviews intradepartmental transfers, the Director of Human Services may affirm the transfers made by the appointing authority, disaffirm the transfers as being improper and order the employees be placed in their former positions, or modify the actions taken.

Subsection 7 - WRITTEN FINDINGS

The Director of Human Services shall prepare and issue a written finding at the conclusion of each administrative review. An employee or applicant shall have the right to review materials used by the Director of Human Services in rendering a written finding on any administrative review.

## SECTION XX

### **REVIEWS OF CLASSIFICATION ALLOCATIONS AND SALARY RANGE RECOMMENDATIONS**

#### Subsection 1 - REQUESTS FOR REVIEW OF A CLASSIFICATION ALLOCATION OR SALARY RANGE RECOMMENDATION

All requests for a review of either an employee's recommended classification allocation or a salary range recommendation for an unrepresented position shall be subject to the requirements of this section.

#### Subsection 2 - FILING A REQUEST FOR REVIEW

A request for review must:

- A. Be made in writing.
- B. Name the employee and include the employee's address and phone number.
- C. Be signed by the party requesting the review.
- D. Be addressed and delivered to the Director of Human Services.
- E. Contain a reference to the action(s) to be reviewed and the dates of the action.
- F. State why the employee feels the action taken or recommended is incorrect.
- G. Contain a statement of the remedy desired.

#### Subsection 3 - WHAT ACTIONS MAY BE REVIEWED

- A. An employee who does not agree with a classification allocation determination made by the Housing Authority may request a review of the allocation subject to Section II, subsection 10. Such a review shall be limited to the determination of the appropriate allocation of the position to a classification within the Housing Authority's classification system. The review of a classification allocation does not extend to a review of the creation, deletion or change to a classification; the assignment of duties; or the appropriate salary range for a classification.
- B. An unrepresented employee who does not agree with a salary range recommendation made by the Housing Authority may request a review of the recommended salary range, subject to Section III, subsection 4. If provided in the applicable collective bargaining agreement, a represented employee may use the Request for Review process in place of the negotiation process for salary range recommendations, subject to Section III, subsection 4. Such a review shall be limited to the determination of the appropriate salary range to recommend for the classification.

The review of a salary range recommendation does not extend to a review of the creation, deletion or change to a classification, or the assignment of duties.

#### Subsection 4 - TIMELINES FOR FILING A REVIEW

An employee requesting a review of a classification allocation and/or a review of a salary range recommendation has fourteen (14) calendar days from the date that notification of a classification and/or salary range recommendation was mailed in which to file a request for review.

#### Subsection 5 - INITIAL RESPONSE TO THE REQUEST FOR REVIEW

- A. Meeting with Staff: The Director of Human Services has fourteen (14) calendar days from receiving the request for review to meet with the employee requesting the review. Also present at the meeting may be the employee's representative, the employee's appointing authority and/or representative and Housing Authority staff involved in the initial classification determination or salary range recommendation. The purpose of this meeting shall be to discuss with the employee how the initial classification or salary range determination was made and what information was considered in arriving at a recommendation.
- B. Disclosure of materials: An employee may review any materials used in rendering the initial classification determination or salary range recommendation including, but not limited to: the employee's classification questionnaire; items obtained during the review or interview with the employee; items obtained during an interview with the employee's supervisor or department head; external and internal salary data; documentation of job evaluation; and position classification questionnaires for peer positions at the Housing Authority. An employee requesting a review shall be permitted to submit additional information at this time to be considered by the Director of Human Services.
- C. Findings: The Director of Human Services shall prepare and issue a written finding at the conclusion of each staff review conference. The Director of Human Services shall either adjust the initial classification determination or salary range recommendation, or uphold the initial findings. The Director of Human Services shall also inform the requesting party and the appointing authority of the decision and that the requesting party may request that the matter be heard by the Classification/Compensation Review Panel. The written findings shall be mailed to the requesting party at the address provided on the request for review within fourteen (14) calendar days following the conclusion of the meeting with the Director of Human Services.

#### Subsection 6 - PROCESS OF THE CLASSIFICATION/COMPENSATION REVIEW PANEL

An employee has ten (10) calendar days from the date the written response to the request for review was mailed to submit a written request to the Director of Human Services to have the matter forwarded to the Classification/Compensation Review Panel. The employee and the employee's representative, the employee's appointing authority and/or the appointing authority's representative and Housing Authority staff may present information to the panel in support of their respective positions. The Classification/Compensation Review Panel shall review the reasons for the classification allocation and/or the salary range recommendation and may ask questions of the parties presenting information. Following the collection of information, the panel shall discuss their opinions with the Director of Human Services.

- A. Final Determination of Classification Allocation: The Director of Human Services shall consider opinions of the panel when determining the final classification allocation of a position. The Director of Human Services shall prepare a written report of the final recommendation, issues raised during the request for review and the opinions of the panel. Copies of the report shall be delivered to the affected parties. The Director of Human Services shall have the final authority for all classification allocation determinations.
  
- B. Final Recommendation of Salary Ranges: The Director of Human Services shall consider the opinions of the Classification/Compensation Review Panel when recommending the final salary range recommendation to the Board of Commissioners. The Director of Human Services shall include in this recommendation a summary of issues raised during the request for review process and the opinions of the panel. The Board of Commissioners shall have the final authority for all salary range determinations.

Subsection 7 - COMPOSITION OF THE PANEL

The Classification/Compensation Review Panel shall be chaired by the Director of Human Services. The panel shall be comprised of three management employees and three bargaining unit members as selected by the Director of Human Services. Those presenting information are not allowed to be acting members of the panel for that meeting.

Subsection 8 - SCHEDULING OF THE CLASSIFICATION/COMPENSATION REVIEW PANEL

The review panel will meet at the call of the Director of Human Services to hear and process requests for review.

## SECTION XXI

### **EQUAL EMPLOYMENT OPPORTUNITIES**

#### Subsection 1 - POLICY STATEMENT

It is the policy of the Housing Authority to adhere to the concept of equal employment opportunity and affirmative action as a basic element of human resources management. Discrimination in a personnel action on a basis unrelated to the job is prohibited. Employment and promotion decisions in Housing Authority service shall be made in accordance with the principles of equal opportunity by utilizing only job-related requirements.

#### Subsection 2 - AFFIRMATIVE ACTION PROGRAM

The Board of Commissioners has adopted an affirmative action policy and program which is set forth in a separate document and is available throughout the Housing Authority.

#### Subsection 3 - COMPLAINT AND GRIEVANCE RESOLUTION PROCEDURE

Clackamas County firmly believes that a comprehensive, systematic and equitable process for resolving complaints of discrimination, unlawful employment practices or violations of equal employment opportunity is an essential part of a comprehensive affirmative action plan. The following internal complaint and grievance resolution process will apply to complaints alleging unlawful employment practices, violations of equal employment, discrimination, or harassment.

Any employee or applicant for employment may file a written complaint alleging discrimination or an unlawful employment practice(s) or violation of equal employment opportunity with the Director of Human Services who will investigate the charge within thirty (30) days. The Director of Human Services may also initiate an investigation without receiving a written complaint.

At the conclusion of the investigation, the Director of Human Services shall make recommendations to correct any practices found to be in violation of this ordinance. Notice of the recommendation shall be forwarded to the appointing authority. If the finding of the investigation is that there has been a violation of the Personnel Policies, the Director of Human Services will attempt to resolve the complaint. Under the law, individuals are protected from retaliation. Every effort will be made to preserve confidentiality consistent with conducting a thorough investigation.



## SECTION XXII

### HARASSMENT

#### Subsection 1 - POLICY STATEMENT

It is the policy of the Housing Authority to maintain a work environment which is free of harassment based on race, color, age, religion, sex, national origin, political affiliation, marital status, sexual orientation or disability. This policy is not limited in application to harassment between supervisors and subordinates, but also includes harassment between co-workers.

#### Subsection 2 - SEXUAL HARASSMENT POLICY

Specifically, the Equal Employment Opportunity Commission guidelines define sexual harassment to include unwelcomed sexual advances, request for sexual favors and other offensive verbal or physical conduct of a sexual nature. When:

1. Submission to sexual advances is a condition of employment; or
2. Submission or rejection is the basis of an employment decision (tangible job benefits, promotion, retention, performance evaluation, etc.); or
3. When the conduct unreasonably interferes with the affected person's work performance or creates an intimidating, hostile or offensive work environment.

The Housing Authority and its managers are responsible for the acts of their agents and supervisory employees with respect to preventing sexual harassment in the work place. Prevention is the best approach in eliminating sexual harassment; all employees shall take reasonable steps necessary to prevent such harassment from occurring. Department managers and supervisors shall develop methods to sensitize employees on this issue.

Department managers and supervisors, male or female, shall not use their authority to solicit sexual favors when submission to or rejection of such conduct, by an individual, is used as the basis for employment decisions affecting that individual. Department managers and supervisors shall not allow conduct that creates an intimidating, hostile or offensive work environment. Included in forbidden conduct are lewd gestures, sexually offensive language or sexually offensive behavior. Failure to adhere to this policy will result in disciplinary action up to and including termination.

#### Subsection 3 - INITIATING AN INVESTIGATION REGARDING HARASSMENT

Employees or applicants for employment who experience behavior in violation of this policy are urged to contact their supervisor, another supervisor the Executive Director or the Director of Human Services. The Director of Human Services will conduct a thorough investigation in compliance with the complaint and grievance resolution procedure available under Section XXI, Equal Employment Opportunities. If evidence supports such a complaint, immediate, appropriate and corrective action will be taken. Under the law, individuals are protected from retaliation. Every effort will be made to preserve confidentiality consistent with conducting a thorough investigation.

SECTION XXIII

**PERSONNEL RECORDS**

Subsection 1 - CONTENTS

Individual employee personnel files shall be established and maintained by the Housing Authority for all employees. Items shall be submitted to the appointing authority and shall be considered the official record copy. The following items shall be maintained in the employee's personnel file:

<u>Records Retained in Employee Files:</u>	<u>Housing Authority Retention</u>
Personnel Actions	Permanent
Performance Evaluations	3 years
Original Applications (hired employees)	Permanent
Disciplinary Actions	3 years
Summary Record of Service	Permanent
Notice of Lay Off	3 years
Letters of Commendation	3 years
Letters of Reprimand	3 years
Letters of Dissent (Contention)	3 years
Letters of Resignation	3 years
Summary of Employee Training Completed	Permanent

In addition, the Housing Authority will be responsible for maintaining other personnel records including:

<u>Other Records Maintained:</u>	<u>Housing Authority Retention</u>
Applications for non-hired applicants	3 years
Referral list of eligibles	3 years
Class Specifications	Permanent
Medical Records	Permanent

## Subsection 2 - ACCESS TO PERSONNEL RECORDS

The entire contents of an employee's personnel file shall be made available to the employee except for reference checks from previous employers or where the employee has signed a written waiver of access. Employee personnel files are protected from access by persons other than the following: 1) employee, 2) employee's official representative with the employee's signed authorization, 3) employee's immediate supervisor and higher level supervisors, 4) Director of Human Services, 5) Housing Authority Counsel, 6) persons or agencies authorized by law.

Material and information within an employee's personnel file that is considered public includes: 1) employing agency, 2) employee classification, 3) employee's salary rate, 4) employee's date of hire, 5) employee's date of separation, 6) promotional eligible register (rank only).

## Subsection 3 - DISCLOSURE OF INFORMATION AND DISSENT

Employees shall be informed of all items being placed in their individual personnel file. Individual employees shall receive copies of these materials and have the right to place dissenting information into their files. Employees may receive additional copies upon request.

