

FALLS CITY HOUSING AGENCY PERSONNEL POLICY

I. POLICY IS NOT A CONTRACT

The Personnel Policy is not a contract for employment and does not in and of itself create any property right in any employee's job.

II. BASIC PRINCIPLES

A. Equal Opportunity Statement. Falls City Housing Agency (FCHA) does not discriminate against any employee or applicant for employment because of race, gender, religious beliefs, age, nationality, marital status, disabled status. FCHA will provide reasonable accommodation to qualified disabled persons, provided the accommodation does not require an undue financial burden on FCHA. Equal employment opportunities shall apply to all personnel actions including, but not limited to, recruitment, hiring, upgrading, promotion, demotion, transfer, lay off or termination.

B. Anti-Harassment Policy. It is the policy of FCHA that all of our employees should be able to enjoy a working environment free of discrimination and harassment. The company will not tolerate harassment of any type.

This policy includes, but is not limited to, harassment based on (1) age, (2) race, (3) color, (4) national origin, (5) religion, (6) sex, (7) marital status, (8) disability, and (9) veteran status. Harassment includes display or circulation of written materials or pictures degrading either to gender or to racial, ethnic or religious groups; verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group; and behavior that is personally offensive, impairs morale, and interferes with a work effectiveness of employees.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other offensive verbal or physical conduct that is sexual in nature. Sexual harassment undermines the employment relationship by creating an intimidating, hostile, or offensive working environment and will not be tolerated.

In fulfilling their obligation to maintain a positive and productive work environment, supervisors are expected to immediately stop any harassment as soon as they become aware of it and take appropriate action, including disciplinary action.

Complaint Procedure. Any individual who believes he or she has been subjected to harassment by either a co-worker or a supervisor should make it clear to the offender that such behavior is offensive to him or her. The individual should immediately bring the matter to the attention of his or her supervisor pursuant to the Grievance Procedures set forth in Section XIIb.

Anyone found to have engaged in any type of harassment shall be subject to discipline, up to and including discharge.

- C. Smoke-Free Workplace Policy.** FCHA is designated as a "smoke-free " workplace. The use of tobacco in any form is prohibited on the premises or buildings of FCHA by any FCHA employee or others except in designated areas. Any employee hired after the effective date of this policy is prohibited from using tobacco on the premises. Tobacco forms may include but are not limited to smoking cigarettes, cigars, pipes; chewing or the use of snuff while at an assigned workplace.

Appropriate disciplinary actions, which may include termination, will be taken against any employee for violation of these prohibitions.

Publication of Policy Statements. FCHA will issue a copy of the Smoke-Free Workplace Policy to all employees. As a condition of employment, employees must abide by the terms of this Policy. All employees must sign acknowledgment of receipt and understanding of this statement.

- D. Drug-Free Workplace Policy.** In compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D), FCHA absolutely prohibits the use, consumption, sale, purchase, transfer, possession, manufacture, distribution or dispensation of any controlled substance by any FCHA employee in a HUD-funded program during working hours, while on the premises, while representing FCHA, or while at an assigned workplace.

In addition, FCHA employees are strictly prohibited from being under the influence of alcohol or any controlled substance while representing FCHA during working hours, while on the premises, or while at an assigned workplace.

Legally Prescribed Medications: Legally prescribed medications are not covered under this policy and are permitted to the extent that their use does not adversely affect the employee's work ability, job performance, or the safety of others in the workplace.

Definitions: The following definitions are provided:

Controlled Substances: "Controlled substances" are defined for the purpose of this policy as any substance, chemical, or drug covered by the Drug Crimes Amendments Act of 1987 as codified in Sections 13A-12-210 through 13A-12-216, or a substance listed in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812.)

Conviction: The term "conviction" means a finding of guilt or plea of guilty, or imposition or sentence, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Criminal Drug Statute: The term "criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

Employee Assistance. FCHA will to the best of its ability, work with employees suffering from drug or alcohol abuse or other personal or emotional problems to receive assistance. Any employee seeking such assistance is encouraged to meet with the Executive Director and/or such other officials as are formally designated to act for him/her to discuss the situation before the problem begins to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential by FCHA.

The employee's decision to seek assistance will not be used as the basis for disciplinary action or used against the employee in any disciplinary proceedings.

Disciplinary Action. Employees found to be abusing drugs, or convicted of any criminal drug statute violation, will be subject to appropriate disciplinary action, up to and including termination, even for a first offense, or be required to enter into a written agreement with FCHA to participate satisfactorily in a prescribed drug or alcohol abuse assistance or rehabilitation program approved by FCHA's Executive Director for such purposes. FCHA is not required to pay for this rehabilitation or reimburse the employee for expenses incurred. Failure of an employee to voluntarily participate in a drug or alcohol abuse assistance or rehabilitation program, or to satisfactorily attend the program as set forth in the written agreement between the employee and FCHA, shall result in automatic termination of the employee.

Notice by Employee Required. Employees must notify the Executive Director and/or such other officials as are formally designated to act for him/her in writing of any criminal drug statute conviction for a violation occurring in the workplace, or during working hours, or while representing FCHA, no later than five (5) days after such conviction. Any employee found to be in violation of this notification requirement will be immediately terminated.

Publication of Policy Statements. FCHA will issue a copy of the FCHA 's Drug-Free Workplace Policy. As a condition of employment, employees must abide by the terms of this Policy. All employees must sign acknowledgment of receipt and understanding of this statement.

- E. Political Activities.** No employee of FCHA shall participate in any political activity that would be in violation of the Hatch Act, state or local laws.

Employees of FCHA may not:

- 1) Use their official FCHA position or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- 2) Directly or indirectly coerce, attempt to coerce, command, or advise state or local officers or employees to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
- 3) Be a candidate for elective office.

Employees are expected to and retain their right to vote and to express opinions on political subjects and candidates.

III. EMPLOYEE DEFINITIONS, PROMOTIONS, PROBATIONS, DEMOTIONS.

- A. **Full-Time Employee.** A full-time employee is one who works a minimum of 40 hours per week. A full time employee is eligible for all employee benefits.

Permanent Part-Time Employee. A permanent part-time employee is one who works more than 20 hours per week, but less than 40 hours per week. A permanent part-time employee is not eligible for health insurance benefits.

Part-Time Employee. A part-time employee is one who works less than 20 hours per week. A part-time employee is not eligible for employee benefits.

Temporary Employee. A temporary employee is one who is hired for a fixed period of time which is less than five months. A temporary employee is not eligible for employee benefits.

- B. **Probationary Period.** All new, promoted, or transferred employees, whether hired as full-time or part-time employees, are on probation during the first three months of their employment in that position. They become permanent employees when they successfully complete the probationary period and accrue benefits accordingly. Employees will be observed and evaluated by the Executive Director and/or such other officials as are formally designated to act for him/her in terms of their ability to perform the job satisfactorily. An individual may be dismissed immediately or remain on extended probation at the sole discretion of the Executive Director and/or such other officials as are formally designated to act for him/her.

If the individual is not satisfactorily performing the duties of his/her position, he/she may be dismissed immediately or remain on probation until such time as the Executive Director and/or such other officials as are formally designated to act for him/her deems that the individual is performing their job in a satisfactory manner. If the employee remains on probation, a weekly, semi-monthly and/or monthly evaluation will be made by the Executive Director and/or such other officials as are formally designated to act for him/her. All new employees, during their initial probationary period, are not eligible to accrue vacation or sick leave.

- C. **Promotions.** Vacated or newly-established positions shall be filled, to the fullest extent consistent with efficient operations, by the promotion of qualified employees.
- D. **Demotions.** An employee shall be subject to demotion if:
- i. He/she has been found unsuited for his/her present position but may be expected to give satisfactory service in a lower paying position; or
 - ii. If his/her position has been either abolished or reallocated to a lower paying class and he/she cannot be transferred to a position of equal pay.

NOTE: It shall be clearly documented on all papers that the transaction in no way reflects on the employee's performance or ability.

- E. Pension Plan/Health Insurance.** All full time and permanent part time employees working more than 20 hours per week are eligible for the FCHA Pension Plan following one-year of employment.

Full time employees who work 40 hours per week are eligible for health insurance benefits as follows:

Single health plan	100% Reimbursement
Family health plan	50% Reimbursement

Any part time or temporary employee hired after the effective date of this policy who works 20 hours or less per week shall not be eligible for pension, health insurance or paid annual leave, sick leave or holiday leave.

IV. SEPARATIONS.

- A. Types of Separations.** All separation of employees shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, disability, termination, and lay-off.
- i. **Resignation -- Employee Other Than Executive Director.** To terminate in good standing with FCHA, the employee must give two weeks written notice (not including any vacation or sick leave days); return all equipment furnished by FCHA; and settle all obligations with FCHA. A forwarding address must be left with the Executive Director.
 - ii. **Resignation -- Executive Director.** The Executive Director, in order to terminate in good standing with FCHA, must give 60 days written notice (not including any vacation or sick leave days); return all equipment furnished by FCHA; and settle all obligations with FCHA. A forwarding address must be left with the new Executive Director or the Chairman of the Board of Commissioners.
- B. Disability.** An employee's appointment may be terminated upon the advice of a physician when it is determined that performance of duty is unsatisfactory or unsafe because of physical or mental impairment.
- C. Terminations.** Any employee of FCHA may be terminated by the Executive Director and/or such other officials as are formally designated to act for him/her pursuant to the Disciplinary Policy of this Personnel Policy. *(See Section XIIIc for further information.)*
- D. Layoff.** The Executive Director and/or such other officials as are formally designated to act for him/her may require the abolition of any position or reduction in force due to lack of work, shortage of funds or materials, and/or completion of a project. FCHA will give two weeks notice to all employees subjected to layoff. Layoffs are not considered disciplinary action.

This does not apply to persons employed or hired for a specific period of time.

NOTE: Abandonment. All employees of FCHA shall be on duty at the time indicated by the rules under the conditions of their employment. An employee who is absent without

leave or who fails to call in regarding his/her absence, or fails to return to duty within 24 hours shall be deemed to have resigned the position. Such resignation is not in good standing, and the employee is not eligible for future employment with FCHA.

NOTE: Leave Payments. No terminal leave, severance payments or sick leave shall be made upon separation. Annual leave balances shall be paid if employee terminates in good standing with the FCHA.

V. COMPENSATION.

- A. For Administration and Management Employees.** Appropriate compensation rates shall be paid on the basis of prevailing, pertinent, local public practice responsibility. Public practice as referred to here shall consist primarily of the municipal or county government and of such local public bodies as public schools, public hospitals, or other institutions supported by public funds. Such compensation rates, adjustments or revisions shall require prior approval from the Board of Commissioners.
- B. For Maintenance and Casual Labor Employees.** Appropriate compensation rates shall be paid on the basis of prevailing rates in the locality, as required in Part II of the Annual Contributions Contract.
- C. Time Sheets.** Time sheets shall be maintained on all hourly-paid or part-time employees and shall be a prerequisite to payment of wages, as required by the Fair Labor Standards Act. Employees are required to sign their time sheets at the end of each pay period.
- D. Pay Day.** FCHA employees are paid monthly. Paychecks are issued the first of each month following pay period end. During the course of the year employees will receive 12 paychecks.
- E. Deductions.** FCHA is required by law to make deductions from employee paychecks for federal income tax, state income tax, Social Security (**OASDI**) tax, and Medicare tax.
- F. Work Week and Overtime.** FCHA office is open Monday through Friday from 8:00 a.m. to 5:00 p.m. Other departmental working schedules are established by the Executive Director. FCHA, as a condition of employment, reserves the right to adjust work schedules to fit the needs of the organization.

Overtime work shall be avoided as much as possible, but may be required by the Executive Director and/or such other officials as are formally designated to act for him/her in the interest of efficient operation. In such cases, the employee shall be paid at the rate of one and one-half times the normal rate of pay.

Maintenance personnel shall be paid for overtime work in accordance with the provisions of the HUD assistance contracts (40 hours per week worked.)

VI. AUTHORITY TO EFFECT PERSONNEL ACTIONS.

Authority to appoint, promote, transfer, demote, suspend, and separate personnel shall be vested in the Executive Director and such other officials as are formally designated to act for him/her. Authority to appoint, transfer, demote, suspend, and separate the Executive Director shall be vested solely in the Board of Commissioners.

VII. SELECTION OF APPLICANTS.

Persons desiring employment for management or maintenance or any other positions as may be necessary to carry out the functions of FCHA must file written applications setting forth their qualifications, experience, references, and other information as may be required. Applications must be taken in compliance with the adopted equal opportunity statement.

VIII. CONDITIONS OF EMPLOYMENT:

- A. Residency.** The Executive Director's residency is at the discretion of the Housing Authority Board of Commissioners. Other employees' residency is at the discretion of the Executive Director and/or such other officials as are formally designated to act for him/her, and/or the Board of Commissioners.
- B. Being Late or Absent.** If an employee is going to be late or absent, the employee must notify the Executive Director and/or such other officials as are formally designated to act for him/her before the scheduled time to report. Unexplained absences or tardiness are not easily excused and will result in deduction of pay, discredit on the employee's work records, and/or disciplinary action or discharge.
- C. Employee Accidents.** The Executive Director will send or take the injured employee for examination or treatment. In an emergency, the injured employee should be sent directly to the Emergency Room of the local hospital.
- D. Employee Dress.** All of our employees represent FCHA. Therefore, all employees of FCHA are expected to maintain a high standard of dress and grooming. Clothing worn on the job should be in good taste, clean, neat and reflect the requirements of the working conditions.

All employees of FCHA are expected to meet reasonable standards of good grooming and hygiene. Employee appearance should be neat, clean in appearance and appropriate to the classification in which they are employed and their degree of public contact.

FCHA Employees should recognize their appearance reflects on their co-workers, FCHA and the community as a whole. Tattered or soiled clothing, ungroomed facial hair, excessive perfume or offensive body odors project an inappropriate image of customer service. Dress or grooming should not compromise the perceptions of our professionalism in the eyes of our customers, the community, other agencies, and businesses.

FCHA Employees who report to work inappropriately groomed or attired may be asked to leave and change into acceptable clothing or address grooming. In such instances, time off will be charged to the employee's vacation leave. When leave is not available, the time off will be "without pay." If the employee has been warned three (3) different times, a formal progressive disciplinary action will be taken.

IX. LEAVE PROVISIONS

FCHA provides several types of leave and they fall into two categories of leave: paid and unpaid.

The types of paid leave are as follows: annual, sick, and holiday.

The types of unpaid leave area as follows: military and special without pay.

A. Paid Leave.

1) Annual Leave. All full time employees, working 40 hours per week, are allowed 10 days each year for annual leave. Annual leave must be approved by the Executive Director and/or such other officials as are formally designated to act for him/her in advance and scheduled in a manner to insure a minimum disruption of work. In the event two or more employees request the same time period, preference shall be given to the first request for annual leave.

Effective July 1, 2014, annual leave shall be accrued as follows:

5 years of service	12 days annual leave
10 years of service	15 days annual leave

Full time employees who take accrued annual leave will be considered on annual leave only during those hours they would normally work.

Permanent Part-Time Employees working over 20 hours per week shall earn annual leave proportionate to hours they would normally work.

An employee must work one full year before using any and all annual leave, and each year thereafter the employee will be taking and/or leave earned the prior year. It is the policy of FCHA that all full-time and permanent part-time employees enjoy and utilize their annual leave in a timely manner. Annual leave cannot be carried over from one year to the next. Employees shall take one full week of annual leave proportionate to their regular work week with remaining earned leave days in increments of the employee's preference. In the event a holiday falls within the annual leave week, the employee shall be charged for 4 days annual leave and 1 holiday. Therefore, that week shall not be considered to fulfill the one full week requirement and the employee shall be required to take 5 days of remaining earned leave in one increment or forfeit the holiday.

Employees shall be required to work the day prior to or the day after a holiday or shall forfeit the holiday and will be charged for a day of annual leave.

Terminating employees will be compensated for unused annual leave for the current year only and only if employee has given proper termination notice.

2) Sick Leave. Sick leave will be granted to all full time employees working 40 hours or more per week, for the following reasons:

- a. Personal illness or physical incapacity resulting from causes beyond the control of the employee;
- b. Enforced quarantine of the employee in accordance with community health regulations;
- c. Doctor and/or dentist appointments; and Illness or condition of an immediate family member which requires the employee's presence. Immediate family member for sick leave purposes is defined as: spouse, children, or some person living in the employee's household.

Full time employees working 40 hours per week shall accumulate sick leave at the rate of 1 day per month up to a maximum of 120 days (720 hours). Permanent part time employees working over 20 hours per week shall accumulate sick leave at the rate proportionate to their work week. Sick leave shall be debited in one-hour units. Employees shall not be compensated for unused sick leave upon leaving the employment of FCHA.

Before being permitted to return from sick leave (in excess of three days), an employee is to provide the Executive Director with a note from a physician indicating he/she is capable of returning to work.

3) Holiday Leave. A holiday is a normal working day on which all operations of FCHA ceases and FCHA is closed to normal business. An exception being maintenance personnel which can be called in for emergency affecting the health and safety of the tenants.

Holidays observed by the Housing Agency are as follows:

Holiday	Date Closed
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
	Friday after Thanksgiving
Christmas Day	December 25

It is the policy of FCHA that all permanent full-time and permanent part-time employees enjoy comparable time off, compensation benefits, and holidays each year. When a holiday falls on a Saturday, it will be observed on the preceding

Friday; when a holiday falls on a Sunday, the following Monday will be observed as the holiday.

4) Bereavement/Funeral Leave. This leave with pay, not to exceed three working days, will be granted in the event of the death of a member of the immediate family or any employee. Immediate family, for bereavement/funeral leave purposes only, is defined as spouse, children, parents, brothers, sisters, and the same relatives of the employee's spouse.

5) Civil Leave. Any person summoned to serve on jury duty shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty, as a result of his/her absence from employment due to such jury duty, upon giving reasonable notice to FCHA of such summons. FCHA will, however, reduce the pay of any employee by an amount equal to any compensation, other than expenses, paid by the court for jury duty or require the employee to endorse the check for such duty over to FCHA.

Employees shall also be given time off without loss of pay or benefits when appearing in court as a witness in answer to a subpoena, performing emergency civilian duty in connection with national defense, and for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work.

6) Military Leave. An employee who leaves his/her position to enter military service in time of war or any period of national emergency as declared by the President in connection with national defense or by reason of being drafted, shall be carried on the rolls in a military leave status. Upon his/her honorable discharge from military service, he/she shall be entitled to be restored to his/her same position or at a position equally acceptable to him/her for which he/she is qualified, provided he/she applies for re-employment within 90 days after his/her discharge or before the expiration of any statutory right to re-employment, if later.

Military leave of absence with pay, in accordance with the number of calendar days each calendar year permitted by existing state and federal law, will be granted to permanent employees who are reservists of the Armed Forces or members of the National Guard engaged in active duty, training or military aid to enforce the law.

7) Absence Without Leave. Unauthorized or unexpected absence shall be regarded as absence without leave and deduction of pay shall be made for the period of absence (See Section III.I.4. Abandonment for further information.)

X. TRAINING

- A.** In-service training shall be provided to aid employees in gaining efficiency in their work.
- B.** Employee training shall be a function of every supervisor and/or the Executive Director.

XI. TRAVEL

Employees or commissioners of FCHA may perform official travel upon proper authorization. All travel shall be in accordance with the travel policy of FCHA.

XII. GRIEVANCES

- A. **Informal Grievance.** It is the desire of FCHA to address grievances informally and both supervisors and employees are expected to make every effort to resolve problems as they arise and in an amicable fashion. However, it is recognized that there will be grievances which will be resolved only after a formal appeal and review as follows:
- B. **Grievance Procedures.** Any regular employee, with the exception of a probationary employee, who is aggrieved as a result of the interpretation and application of the policies or disciplinary action (other than disciplinary action resulting in suspension without pay or dismissal) must follow these procedures:
- 1) Within seven (7) calendar days from the date of the grievance, an employee will first present the grievance to his or her immediate supervisor who will make careful inquiry into the facts and circumstances of the complaint. The supervisor will attempt to resolve the problem promptly and fairly and will give an answer to the employee within seven (7) calendar days from the date the grievance is submitted.
 - 2) If the employee is still aggrieved, the employee or authorized representative may request, in writing, a review of the grievance by the Executive Director. Such request will be accompanied by all facts of any nature of the grievance and all written answers given thereto, and will be presented within seven (7) calendar days of the date of receipt of the supervisor's answer. Copies of the written request for review will be sent by the employee or the authorized representative at the same time to the employee's supervisor.
 - 3) The Executive Director will convene a meeting within twenty (20) calendar days of the date of the receipt of a request for review. The Executive Director or his or her designated representative, the employee or his or her designated representative and witnesses, the department head or his or her designated representative and witnesses will attend the meeting for the purpose of reviewing the grievance. Within fifteen (15) calendar days of the date of the meeting, the Executive Director will give a decision in writing to the employee and the employee's authorized representative and will send a copy of the recommendation at the same time to the employee's supervisor. Any adjustment ordered by the Executive Director in favor of the grievance shall be retroactive to the date of the filing of the grievance. The decision of the Executive Director is final.

XIII. DISCIPLINARY POLICY

- A. **Unacceptable Behavior and Conduct.** Types of unacceptable behavior or conduct for which all employees may be dismissed, demoted or suspended without pay, transferred to another position, or reprimanded by the Executive Director include, but are not limited to, the following:

- 1) Conviction of a felony.
- 2) Failing to maintain the confidentiality of FCHA 's tenants, or tenant information;
- 3) Fighting or using obscene, abusive, or threatening language or gestures.
- 4) Theft of property from co-workers, tenants or FCHA;
- 5) Reporting to work intoxicated or under the influence of non-prescribed drugs and illegal manufacture, possession, use, sale, distribution, or transportation of drugs;
- 6) Bringing or using alcoholic beverages on FCHA property or using alcoholic beverages while engaged in FCHA business off of FCHA premises, except where authorized;
- 7) Sexual harassment;
- 8) Insubordination;
- 9) Offensive conduct or conduct unbecoming of an employee of FCHA while on duty or which is detrimental to the welfare or good name of FCHA;
- 10) Unauthorized possession of firearms on FCHA premises or while on FCHA business;
- 11) Excessive, unnecessary, or unauthorized use of FCHA personnel, supplies, or equipment, particularly for personal purposes;
- 12) Giving any misleading information of any sort or of any nature;
- 13) Disregarding any safety or security regulations;
- 14) Falsifying employment or other FCHA records;
- 15) Violating any FCHA policy;
- 16) Incompetence or inefficiency;
- 17) Excessive absenteeism or tardiness;
- 18) Inability to get along with fellow employees.

Should the employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in the judgment of the Executive Director and/or such other officials as are formally designated to act for him/her, based on violations either of the above or of any other FCHA, rules or regulations, the employee shall be subject to disciplinary action, up to and including dismissal.

The Executive Director may take disciplinary action for causes other than the preceding, but, in every case, the employee shall be informed of the reason for such action. The preceding list is intended as a guideline for disciplinary actions.

B. Suspensions. An employee may be suspended from duty without pay for a period not to exceed fifteen (15) working days for:

i. Disciplinary reasons

OR

ii. Pending investigation of charges where the presence of the employee at work constitutes a hazard either to FCHA or to him or her self. If investigation shows that the charges are not supported and the employee is retained, he or she shall be paid for the period of the suspension.

C. Terminations. All employees subject to termination shall have the right to a pre-termination hearing. The Executive Director and/or such other officials as are formally designated to act for him/her shall inform the employee, in writing, of the proposed termination and the reasons being relied upon for termination. The notice shall inform the employee that the employee may request a pre-termination hearing within seven calendar days following receipt of the notice.

If the Executive Director is unable to personally deliver the notice to the employee, the Executive Director shall send the notice by regular United States mail to the employee's last known address as shown by the records of FCHA. Notice shall be deemed to have been received by the employee one day following its mailing.

If the employee requests a pre-termination hearing, he/she may have the hearing within seven calendar days before the Executive Director and be given an opportunity to respond. The Executive Director shall issue a written decision to be delivered to the employee in the same manner as the prior notice. The employee may appeal the decision of the Executive Director provided that written notice of the appeal is given to FCHA within ten calendar days following the decision of the Executive Director. The appeal shall be to the Board of Commissioners.

XIV. APPEAL PROCEDURES

A. Notice of Appeal. An employee who has been suspended without pay, or dismissed, may, in writing, request a grievance hearing before FCHA Board of Commissioners. Appeals must be sent in writing to the Chairman of the Board of Commissioners within ten (10) calendar days following notice of the action by the Executive Director. The written appeal must state the following:

- i. Name of the employee;
- ii. Time and date the grievance occurred;
- iii. The nature of the grievance;

- iv. A copy of all correspondence concerning the grievance.

B. Grievance Hearing. The hearing by the Board of Commissioners shall be an executive session closed to members of the general public. No stenographic, mechanical or vocal recording of the proceeding, or transcript of the evidence shall be made without the knowledge of the Board and grievant. Any tape recording or transcription shall be copied and furnished to the other party (Board or Grievant). The hearing shall be conducted in an informal manner and the Chairman shall make every effort to avoid the appearance of conducting a trial in a court of law. The grievant and FCHA shall have the right to appear and be heard in person or by counsel. The grievant's failure to attend or notify the Chairman of his or her ability to attend will constitute just cause for a dismissal of the appeal. The decision of the Board of Commissioners shall be final. The Board will, upon completion of an appeal hearing, render in writing to the grievant and Executive Director its decision within twenty-one days. The decision of the Board of Commissioners shall be final. Any adjustment ordered by the Board of Commissioners shall be retroactive to the date of the first submission of the grievance.

XV. PERFORMANCE RATINGS

- a. Employees shall receive annual performance ratings.
- b. Performance ratings shall be noted in employee personnel records and shall be considered in decisions affecting personnel actions.
- c. A supervisory-employee conference may be held at other times as deemed necessary by the supervisor. A conference may indicate how to improve performance, along with providing information necessary in making decisions involving status of employment or separations.

Note: None of the procedures of this Section XIII shall be construed as precluding employees from exercising their other rights if they believe they have been discriminated against during the Housing Agency's appeal process.

XVI. SERVICE RECORDS

A service record shall be maintained for every employee and shall contain complete information pertinent to his/her employment, including dates of employment and pay changes.

A detailed and accurate leave record shall be maintained for each full-time and permanent part-time employee as prescribed by HUD procedures.

XVII. ADMINISTRATION

The Executive Director shall have the primary responsibility for the enforcement of the provisions and purposes of this Personnel Policy.

XVIII. AMENDMENT

Amendment of the above provisions shall be made by Resolution of the Board of Commissioners.

RESOLUTION NO. 374

ADOPTED 12/15/08

RESOLUTION NO. 411

AMENDED 3/19/14