

# EMPLOYEE HANDBOOK

## Stark Metropolitan Housing Authority

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# INTRODUCTION

Whether you have just joined our staff or have been at Stark Metropolitan Housing Authority (SMHA) for a while, we are confident that you will find our Agency a dynamic and rewarding place in which to work, and we look forward to a productive and successful association. We consider the employees of SMHA to be one of its most valuable Resources. This handbook has been written to serve as the guide for the employer/employee relationship.

There are several things to keep in mind about this handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to the Human Resources department or your direct supervisor. Neither this handbook nor any other Agency document confers any contractual right, either express or implied, to remain in the Agency's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will with or without cause and without prior notice by the Agency, or you may resign for any reason at any time. No supervisor or other representative of the Agency (except the Board and Executive Director) has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.

The procedures, practices, policies and benefits described here may be modified or discontinued from time to time. We will try to inform you of any changes as they occur.

This handbook, and the information in it, should be treated as confidential. No portion of this handbook should be disclosed to others, except SMHA employees and others affiliated with SMHA whose knowledge of the information is required in the normal course of business.

Some subjects described in this handbook are covered in detail in official policy documents. Refer to these documents for specific information as the handbook only briefly summarizes those guidelines and benefits. Please note that the terms of the written insurance policies are controlling and override any statements made in this or other documents.

***The policies contained in this Handbook are subject to, and in accordance with, the laws of the state of Ohio. All non-bargaining unit employees are governed by this handbook. If a policy contained in the Handbook conflicts with or confers benefits not granted by the terms or conditions of a collective bargaining agreement affecting a group of employees, the terms of the negotiated agreement will be followed. In the event there is a conflict between this Handbook and any applicable federal or state law or legal document, applicable federal or state law or legal document will prevail. In the event that future legislation invalidates or changes any of the provisions contained herein, the balance will remain in effect***

## Objectives

It is the Employer's philosophy that providing personnel policies that aid in the recruitment and retention of competent, dependable employees is vital to the success of Stark Metropolitan Housing Authority.

The policies and procedures stated in this Handbook are designed to:

Promote high morale and foster good working relationships among employees by providing uniform personnel policies and consideration of employee needs;

Provide fair and equal opportunity for qualified employees to enter into, and progress in their service based upon merit and fitness as determined through objective and practical personnel management methods;

Enhance the attractiveness of a career with Stark Metropolitan Housing Authority and encourage each of its employees to give his/her best effort to the Agency and the public;

Encourage courteous and dependable service to the public;

Ensure that all activities are conducted in an ethical and legal manner to promote the Agency's reputation as an efficient, progressive body in the community and the state; and

Establish acceptable minimum standards of performance for employees.

It is the Agency's intent that these policies, procedures, and methods will hereafter govern the working relationship between the employee and Stark Metropolitan Housing Authority.

## **Management Rights**

The Executive Director and/or his/her designee maintain the authority to establish, interpret, and administer policies and direct the operations of the departments under his/her jurisdiction. These rights include, but are not limited to, the following:

The right to:

Determine the department's goals, objectives, programs, utilization of technology and services, and to utilize employees in the manner designed to effectively and efficiently meet these purposes;

Exercise complete control and discretion over the budget, allocation of funds, organizational structure, and method of performing the work required;

Manage and determine the location, type, and number of physical facilities, equipment, and programs and the work to be performed;

Determine the adequacy, size, composition, and qualification of work forces, staffing patterns, and organizational structure;

Set standards of service, and determine the procedures and standards of selection for employment;

Determine the hours of work and work schedules; establish the work rules, policies, and procedures for all employees;

Manage and direct employees, including the right to select, hire, promote, transfer, assign, evaluate, supervise, layoff, recall, reprimand, suspend, discharge, and discipline for just cause, and to maintain order among employees;

Determine when a job vacancy exists, the duties to be included in each job description, and the standards of quality, productivity, and performance to be maintained;

Determine the necessity to schedule overtime and the amount required thereof;

Determine and implement necessary actions in emergency situations;

Maintain the security of personnel and financial records, and other pertinent information;

Implement and enforce rules on workplace safety; and

Maintain and improve the efficiency and effectiveness of the operations, and take actions necessary to carry out the mission of the Housing Authority.

## **Employer/Employee Responsibilities**

### **Employer's Responsibilities**

#### **Employees of the Housing Authority may expect:**

Fair and impartial treatment at all times;

Adequate and competitive pay;

Safe working conditions;

Modern Equipment and materials;

Informed supervision

### **Employee's Responsibilities**

#### **As an employer, SMHA expects employees to be:**

Fair and courteous in meeting the public and working with fellow employees;

Industrious;

Neat in work and personal appearance;

Prompt in reporting for work and in completing assignments;

Economical in the use of supplies and equipment;

Cooperative with the public and with fellow employees in getting the job done well;

Observant of all SMHA policies and procedures;

If certification of any type is required for a position, the employee must already be certified or must obtain certification within the described period that the job description requires.

# DIVERSITY

## Equal Employment Opportunity Statement

SMHA provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, or status as a covered veteran in accordance with applicable federal, state and local laws. SMHA complies with applicable state and local laws governing nondiscrimination in employment in every location in which the Agency has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

SMHA expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of SMHA employees to perform their expected job duties is absolutely not tolerated. Any violation or perceived violation of law should be reported to the Director of HR, acting EEO Officer for the Agency, who will make every effort to investigate and address the problem promptly.

## SMHA's Anti-harassment Policy and Complaint Procedure

SMHA is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, SMHA expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.

It is the policy of SMHA to ensure equal employment opportunity without discrimination or harassment on the basis of race, sex, religion, national origin, age, color, genetic information, status as a covered veteran, or disabling condition and which creates a hostile work environment or constitutes quid pro quo sexual harassment. SMHA prohibits any such discrimination or harassment.

SMHA encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of SMHA to promptly and thoroughly investigate such reports. SMHA prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

### Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendos; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.



Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on Agency time or using Agency equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

### **Individuals and Conduct Covered**

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to SMHA (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

### **Complaint Process**

Individuals who believe they have been the victims of conduct prohibited by this policy statement or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, Human Resources or any member of management.

When possible, SMHA encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. SMHA recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

SMHA encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination, or for their participation in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like the harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.

False and malicious complaints of harassment, discrimination or retaliation may be the subject of appropriate disciplinary action.

## **Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of SMHA to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our Agency policy not to discriminate against qualified individuals with disabilities with regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The Agency will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to SMHA. Contact the Human Resources department with any questions or requests for accommodation.

## **EMPLOYMENT**

### **Recruitment and Selection of Employees**

All personnel employed by the housing authority shall be selected from the files of applications for employment. It is the responsibility of Human Resources Department to advertise, recruit, coordinate interviews, test if applicable, and refer applicants to the appropriate department manager or department head.

Persons desiring employment shall file written applications and resumes (if desired) setting forth their qualifications for employment and such other information as may be required. When other factors are equal, existing employees and Public Housing/Housing Choice Voucher residents will be given preference.

Pre-employment drug testing and the obtaining of criminal and driving records are required. The outcome of the drug test must prove negative (indicating no substance abuse). Criminal records will be reviewed for prior offenses, with consideration given to the nature of the offense and length of time since the offense occurred. Consideration will be given to the applicant if the offense is more than three (3) years old, or if the offender is currently enrolled in or has completed an Offenders Program. Applicants who have been convicted of an aggregated felony (rape, murder, a felony in the 1<sup>st</sup> or 2<sup>nd</sup> degree, or other violent or serious offenses) may not be considered for employment.

#### **A. Job Posting**

When a position becomes vacant, the Human Resources Department will send all departments an announcement advertising the position. The announcement, which is posted on department bulletin boards (or sent electronically to employees), will contain the:

- (1) Job title
- (2) A description of the duties of the vacant position
- (3) Hiring salary range

(4) Required qualifications

Employees who are interested in applying for a posted position have seven business days from the date the announcement is first posted to respond by completing and submitting a “letter of interest” with an application, or resume, to the Human Resources Department. Internal applicants, as well as external applicants who have been identified by the Human Resources Department, may compete and be considered simultaneously for the vacancy. From this group of internal and external applicants, the employing department manager will make a recommendation for promotion or employment. All posted jobs will be open to current internal employees and external applicants (unless stated for internal applicants only). The qualifications of an employee applicant are as follows:

- (1) Should have been in current position for six (6) months or longer;
- (2) Should have been an employee of the housing authority for at least one (1) year and must have had an acceptable evaluation rating on the most recent performance evaluation (if applicable).

Exceptions to the above applicant eligibility requirements may be made at the discretion of management (based on the housing authority’s organizational needs).

Information about applying for posted positions will be available through the Human Resources Department to interested employees. If an internal applicant is selected as a finalist, he/she must notify their supervisor of their interest in the available position. Once the selection has been made and the applicant accepts, the other applicants will be notified of the selection.

## Employee Classification Categories

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employees’ employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both the employee and SMHA.

**Nonexempt employees** are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law’s requirements concerning minimum wage and overtime.

**Exempt employees** are generally managers or professional, administrative or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

SMHA has established the following categories for both nonexempt and exempt employees:

Within the housing authority, there are seven (7) types of employment and one type of volunteer/intern. Each person hired or offered a volunteer opportunity will come under one of the following types of employment:

**Regular/Permanent:**

An at-will employee hired to fill a full-time position (a minimum work schedule of 30 or more hours per week) on a regular basis. Employees in this classification shall receive the benefits as set forth in this Handbook.

**Temporary Employees:**

An at-will employee hired for a limited period of time, either on a seasonal basis or to fill a specific need at the convenience of the authority, which requires a minimum work schedule of 40 hours per week. Positions in this classification may develop due to special funding or due to additional workload for a limited period. Temporary positions are normally for the

duration of six months or less. This classification does not include individuals who work at the housing authority pursuant to a contract between the housing authority and a temporary agency. Temporary workers are not eligible for Agency benefits unless specifically stated otherwise in Agency policy or are deemed eligible according to plan documents.

**Part-time Employees:**

An at-will employee, who works less than 30 hours per week on a regular or as needed basis. A part-time employee is not eligible to receive annual leave, holiday pay or to participate in the housing authority's employee benefit plans (i.e. major medical and other related fringe benefits). However, they may be eligible for company-wide pay increases and bonuses as applicable.

**Volunteer/Intern:**

An at-will person who voluntarily offers himself or herself for a service or undertaking without monetary compensation, for the sole purpose of gaining experience while assisting the housing authority and its constituents.

**Force account workers**

Employees who are hired as a result of the successful award of a grant or other similar funding. Such employees may or may not qualify for benefits, but their employment will typically be terminated at the expiration of the grant or upon exhaustion of grant funds. Alternatively, hours may be reduced if only a portion of the employee's salary was allocated to the expired or exhausted grant.

**Contract workers**

Employees appointed by SMHA for a definite period of time and/or for a specific project. The terms of a contract workers employment, including paid leave and/or benefits are identified and controlled by the contract of employment.

**Re-employment**

A former employee of the Housing Authority is eligible for re-employment provided his/her previous Housing Authority employment record has been satisfactory. Individuals re-employed are subject to the conditions of employment in effect at the time of re-employment. Individuals re-employed on this basis would establish a new employment date (for retirement plan purposes). With the exception of employees terminated for disciplinary reasons or retirees, employees who are within 1 year of their original separation date may be eligible for a continuation of their previous leave accrual rate. This accrual rate will be based on their new position and previous years of service. Recent rehires may also be eligible for continued retirement benefits as described in the retirement plan.

When a housing authority employee changes from Temporary to Regular/Permanent status, up to six (6) months or the actual time of the employee's direct temporary service will be used in determining eligibility for employee benefits (excluding ones employed through separate temporary placement agencies).

**Employment Eligibility, Background and Reference Checks**

To ensure that individuals who join SMHA are well qualified and to ensure that SMHA maintains a safe and productive work environment, it is our policy to conduct pre-employment background checks on all applicants who SMHA is interested in making an offer of employment to.

All offers of employment are conditioned on receipt of a background check report that is acceptable to SMHA. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead SMHA to deny employment, a copy of the report can be provided to the applicant upon request, and the applicant will have the opportunity to dispute the report's accuracy. Background checks may include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment.

SMHA will also obtain a driving record check on all applicants. Additional checks such as a credit check may be made on applicants for particular job categories if appropriate and job related.

SMHA also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

## **Introductory Period**

A newly hired or promoted full-time employee will serve an introductory period of no less than ninety (90) calendar days. A full-time employee hired into a position with a longer introductory period will be notified prior to beginning that position.

A newly hired part-time employee working a portion of each workday will serve an introductory period of ninety (90) calendar days.

A newly hired part-time employee who works an irregular schedule or fewer than the standard number of days each week will serve an introductory period of seven hundred (700) hours worked.

Time spent on inactive pay status or non-paid leave of absence will not be counted toward the completion of the introductory period.

An employee in his/her introductory period may be discharged with or without cause at any time during the introductory period. The Executive Director need give no reason for discharge.

## **Job Descriptions**

Jobs are grouped on the basis of similar duties and qualifications. Compensation is determined, in part, by the job descriptions.

The duties and responsibilities of each job may be periodically reviewed and adjusted. When the job duties have changed significantly, the employee or his/her supervisor may request that the position be audited for placement in a different pay grade.

## **Application Records**

An "Equal Employment Opportunity" form will be given, along with the "Application for Employment" form, to each external applicant. Applicants are requested, but not required, to complete this form. The "Equal Employment Opportunity" form will be removed and kept separate from the application. These forms will be used only for preparing legally-required summary reports (e.g., EEO Reporting).

"Equal Employment Opportunity" forms will be kept for two (2) years. Applications that do not result in employment will be kept for one (1) year.

## Whistle Blower Protection

Policy Statement: This policy is developed and intended in accordance with state law to protect employees from disciplinary or retaliatory action by an Employer for reporting certain violations of state, local, or federal law. The Act and this policy apply mutual responsibilities to employees and employers. It is not intended to compel vigilant action by employees since its scope relates to alleged violations occurring in the course of employment, and only requires reporting. It is the Housing Authority's belief that through consistent, objective, and fair application and acceptance of this as well as other policies in this manual that a productive and enjoyable employment relationship can exist.

### General Policy and Procedure:

If an employee becomes aware, in the course of his/her employment, of an alleged violation of any state or federal statute, or any ordinance or regulation of the county, city, or township that the Housing Authority has authority to correct, or the misuse of public Resources, and the employee reasonably believes that the violation either is a criminal offense that is likely to cause an imminent risk of physical harm to persons, or a hazard to public health or safety, or is a felony, the employee shall notify the Executive Director, and Board of Commissioners Chair of the alleged violation. Subsequently, the employee shall immediately, with his supervisor, department head, or designee prepares a written report that provides sufficient detail to identify and describe the alleged violation. The report must specify the date and time of its filing. The Housing Authority shall be responsible for investigating and correcting such violation, if one exists. The Housing Authority shall endeavor, with reasonable and good faith effort, to correct said violation within 24 hours after the oral notification or receipt of the written report, whichever is earlier. Therefore, in order to facilitate a timely response, the Housing Authority encourages employees to file a written, detailed report as close as possible, if not at the same time, as the oral notification. Supervisors, department heads, or designees shall document immediately following any oral notification the details and time of the notification and shall immediately contact the Housing Authority.

If an employee makes a report under General Policy paragraph (1) of this section, the Housing Authority or designee within 24 hours after the oral notification was made or the report was received or by the close of business on the next regular business day following the date on which the oral notification was made or the report was received, whichever is later, shall notify the employee, in writing, of any effort of the Housing Authority to correct the alleged violation or hazard or of the absence of the alleged violation or hazard.

If the Housing Authority does not correct the violation or make a reasonable and good faith effort to correct the violation within twenty-four (24) hours after the oral notification of the receipt of the report, whichever is earlier, the employee may file a written report that provides sufficient detail to identify and describe the violation with the county prosecuting attorney's office, a peace officer, or any other appropriate public official or agency that has regulatory authority over the Housing Authority and the services it provides.

If an employee becomes aware, in the course of his/her employment, of a violation of the Ohio Revised Code that is a criminal offense, the employee may directly notify either orally or in writing any appropriate public official or agency that has regulatory authority of the Housing Authority and its services.

If an employee becomes aware in the course of his/her employment of a violation by a fellow employee of any state or federal statute, any ordinance, regulation of the county, city, or township, or any work rule or agency policy, or the misuse of public Resources, and the employee reasonably believes that the violation either is a criminal offense that is likely to cause an imminent or physical harm to persons, or is a felony, the employee shall commence notification as outlined in part (B)(1) above.

An employee shall make a reasonable and good faith effort to determine the accuracy of any information reported under General Policy, paragraph (1) or paragraph (4) of this section. Proof, although not necessarily absolute proof, of a "reasonable and good faith effort" may include researching the pertinent law, ordinance, or regulation violated; records of conversations with, or documents from knowledgeable authorities; date(s), time(s), place(s), and person(s) involved when violation occurred, etc.

If an employee who makes a report under General Policy, paragraph (1) or paragraph (4) of this section of this section fails to make such effort as determined by the Housing Authority, he/she may be subject to disciplinary action, including suspension or removal, for reporting information without a reasonable basis to do so under those parts.

Except as provided for in General Policy, paragraph (6) above, the Housing Authority shall not take disciplinary or retaliatory action against the employee for making a report authorized by paragraph (1),(2), and (5) above, or as a result of the employee having made any inquiry or taken any action to ensure accuracy of any information reported.

## **Agency Complaint and Professional Conduct Policy**

### **Purpose of a Complaint Procedure**

Employees are expected to follow the policies of the Housing Authority and the directions of their supervisor(s). At times employees may misunderstand or disagree with the directions of their supervisor(s). Usually such misunderstanding or disagreements can be resolved through informal communication. Sometimes, however, they cannot. The Housing Authority has established a Complaint Procedure for employees who have been unable to satisfactorily resolve misunderstandings or disagreements with a supervisor through informal communication.

The Complaint Procedure outlined in this section generally should not be used to bypass normal lines of authority or informal techniques to resolve complaints. As explained below, disagreements or complaints should usually be brought to the attention of the employee's supervisor.

### **When Can the Complaint Procedure Be Used?**

A Complaint may be appropriate in situations including, but not limited to:

- (1) alleged unfair serious management-related, or policy-related decisions;
- (2) denial of leave time;
- (3) When an employee believes he or she has been harassed, discriminated against or retaliated against.

Examples of complaints which are not grievable, include, but are not limited to:

- (1) complaints based on poor performance evaluation(s);
- (2) disagreements with a Housing Authority policy;
- (3) disciplinary actions, suspensions and terminations.

If at any time, if an employee believes they are being threatened, harassed or retaliated against because they filed a Complaint or discussed a problem with the Human Resources Department, they should contact the Human Resources Department or the Executive Director immediately.

## The Complaint Process

Step 1: Discussion with employee's supervisor. Talk with the supervisor about the disagreement and request a response. If the employee is not satisfied with the supervisor's response or does not receive a response within five (5) business days, they may elect to file a formal complaint.

Step 2: File a formal complaint. An employee must file their formal complaint with the Human Resources Department.

A formal complaint should be in writing, on the appropriate form entitled "Employee Complaint Form." It should include a statement of what happened, the date of the action, who was allegedly responsible, why they employee disagrees, and what relief they are seeking. Once the employee's complaint is filed, it will be logged and sent to their Department Head.

*\*\*Please note: If the complaint involves your Department Head or the Human Resources Department, the employee may file the complaint directly with the Executive Director. If the complaint involves the Executive Staff (including the Executive Director), they should file the complaint with the Human Resources Department, who in turn, will contact the Chair of the Board of Commissioners.*

Step 3: Complaint Hearing. If the decision or disagreement the filed a complaint about is grievable, the employee may have a Complaint Hearing. The Human Resources Department will notify the employee of the date, time and place of the hearing. Every effort will be made to schedule the hearing within a reasonable time after the complaint is filed, commensurate with the circumstances. Guidelines for the conduct of Complaint Hearings are set forth below.

The employee will receive a written decision from their department head within a reasonable time after the hearing. If the employee disagrees with the decision, they may appeal it at the Executive Staff Level. The employee must notify the Human Resources Department of their appeal, in writing within five (5) business days after receiving the decision of the department head. The Human Resources Department will notify the department head.

Step 4: Appeal. An Appeal Hearing by an Executive Staff Member (Executive Director or his/her designee) is the final step in the Housing Authority Complaint Procedure. After receiving a timely written notice of the employee's intent to appeal, the Human Resources Department will arrange a time, date, and location for the hearing. The Human Resources Department will notify the employee of the hearing date. Guidelines for the conduct of hearings are set forth below.

A written decision made by the Executive Director or his/her designee will be given to the employee within a reasonable time after completion of the hearing. A decision made following an Appeal Hearing is the final decision of the Housing Authority.

### Guidelines for Conduct of Complaint and Appeal Hearings

The following guidelines have been established for both Complaint Hearings and Appeal Hearings:

- (1) The hearing will be conducted by a representative of the Housing Authority.



- a). Complaint Hearings (see Step 3), will generally be conducted by the employee's Department Head or a Housing Authority employee who is not supervised, directly or indirectly, by the individual against whom the complaint has been filed.
  - b). Appeal Hearings (see Step 4) will generally be conducted by the Executive Director or his/her designee who is not supervised, directly or indirectly, by the individual against whom the complaint has been filed.
  - c). Hearings of Complaints against the Executive Director will be conducted by an external hearing officer.
- (2) Employees are required to represent themselves at the complaint hearing.
  - (3) Employee may present witnesses, documents, or other evidence to support their position.
  - (4) The person presiding over a hearing may ask questions of any witnesses; he or she may also call witnesses to present additional evidence, if necessary.
  - (5) During the hearing, the employee will have the opportunity to ask questions of any witness;
  - (6) Decisions will be based on the greater weight of the evidence presented at the hearing;
  - (7) The employee may request that a hearing be rescheduled if it is absolutely necessary. Requests for rescheduling should be made, in writing, to the Human Resources Department at least two (2) days before the hearing. The decision to reschedule a hearing is at the sole discretion of the Human Resources Department;
  - (8) The person presiding over the hearing may, at his/her discretion, issue a determination if the employee fails to appear at their hearing after proper notice.
  - (9) Should the Human Resources Department determine that the complaint process should be expedited or delayed, it will promptly refer the matter to the Executive Director or his/her designee for the appropriate action. The Executive Director or his/her designee can exercise the option of modifying the timetable as in the Complaint Procedure.
  - (10) If an employee requires a reasonable accommodation in connection with a complaint hearing or any aspect of this Complaint Procedure, he or she should contact the Housing Authority's EEO Officer located at Central Office.

### **Additional Information**

Employees may consult with the Human Resources Department at any time they have a problem or question regarding the Complaint Procedure. Appointments with the Human Resources Department can be made during or after normal working hours. Appointments during the work-day should be at a time mutually convenient to the employee and his/her supervisor. The Human Resources Department will listen to the employee's concerns and when appropriate, inform the employee of the procedures and options available under the Complaint Procedure.

## **Internal Transfers/Promotions (non-bargaining employees)**

Employees who have completed their Introductory period may request consideration to transfer to other jobs as vacancies become available and will be considered along with other applicants. At the same time, the Agency may initiate transfers of employees between departments and facilities to meet specified work requirements and reassignment of work requirements.

SMHA offers employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the Agency's best interest.

To be considered, employees must have completed their Introductory period and have a satisfactory performance record. Management retains the discretion to make exceptions to the policy.

## **Nepotism, Employment of Relatives and Personal Relationships**

### **Employment of Relatives/Nepotism**

The employment of members of the immediate families of all SMHA employees and members of the Board of Commissioners are strictly prohibited. If employees became family members after already being employed by SMHA (example: marriage), every attempt will be made to avoid them being employed in the same department or directly or indirectly supervising an immediate family member.

Immediate family is defined as wife, husband, mother, father, daughter, son, sister, brother, half-sister, half-brother, stepmother, stepfather, stepson, stepsister, step-brother, step-daughter, grandmother, grandfather, granddaughter, grandson, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, and brother-in-law.

### **Fraternization**

Fraternization between the following groups is strictly prohibited when it leads to potential conflict of interest:

- (1) SMHA employees and SMHA residents'
- (2) SMHA employees and Housing Authority contractors;
- (3) SMHA employees and other Housing Authority employees.

In regards to fraternization, a conflict of interest shall be defined as (but not limited to) any social relationship that has potential to cause negative impact on staff morale, unlawful favoritism/discrimination, interfere with general business operations or create a hostile work environment (see section on harassment for details).

For the purpose of this Employee Handbook, fraternization is defined as a relationship that is romantic and/or intimate in nature.

### **Relationships with SMHA Residents**

Persons and families who occupy SMHA dwelling units are referred to as residents. All employees who have contact with residents are to conduct themselves in a cordial, but business-like manner. An employee who has business with an SMHA resident should conduct those duties promptly and efficiently. Employees who are also residents shall be treated the same as all other residents with regard to services, reviews, rent payment and all legal actions.

Employees are prohibited from having any personal relationships with residents which may cause embarrassment to the Agency or complaints with Agency service. Failure to adhere may result in discipline up to and including termination.

Employees who are not related to residents are prohibited from becoming signatories on any legal documents, such as Social Security papers, Power of Attorney, checks and bank accounts, and similar documents. Employees are also prohibited from loaning money to residents, or doing favors that would otherwise obligate residents to employees.

Sexual harassment of residents is prohibited. Residents should not be subjected to any type of “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.” Complaints from residents will be treated swiftly and seriously under the Agency’s Complaint and Remedy Procedure (see Section on Workplace and Other Forms of Harassment). Employees have a duty to report witnessing any such behavior.

## Medical Exam

### **Purpose of the Medical Exam:**

The Agency may require a current employee to submit to an examination to determine if he/she can perform the essential job duties of the position, with or without reasonable accommodation. The examination will be conducted by a licensed physician or psychologist approved by the Executive Director. Such an examination may be required before an employee can be placed on an involuntary disability separation, unless the employee is hospitalized at the time of separation.

An employee requesting leave for a serious medical condition under the family and medical leave policy may be required to provide certification from a health care provider to verify the employee has a qualifying condition (See Family and Medical Leave).

Reasonable accommodation will be made for a current employee or post-offer applicant with a qualifying disability (see Disability Accommodation).

If a current employee is found to be incapable of performing the duties of the job, he/she may be placed on sick leave, family and medical leave, or an unpaid medical leave of absence as which may be applicable (see Family and Medical Leave).

The cost of any examination required by the Employer will be paid by the Employer, except as may be specified by law or in another policy. Both the Employer and the employee will receive the results of said examination.

GINA Safe Harbor: All orders and Employer forms for medical examinations shall include GINA Safe Harbor language as outlined below.

The Genetic Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting, or requiring, genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an

individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## **Employee Training**

### **Initial Training**

When a new employee is hired, the individual goes through orientation, which includes information about the Housing Authority in general, as well as departmental information. The relationships and responsibilities between departments are covered in detail.

The Personnel Policies are reviewed during this orientation so that the employee has a good understanding of the benefits, rules and regulations of SMHA.

The department head, supervisor, and/or manager are/is responsible for providing and coordinating job-specific training of their employees, if necessary.

### **In-Service Training**

When certain training courses are required by management, employees must successfully complete the training courses in the specified time frame (as determined by management) to ensure continued employment in their current position. The Housing Authority may pay for the training and supplies needed to complete these required courses for up to two attempts with each training opportunity (depending on annual budget allowances for training purposes).

If the employee is unable to successfully complete the required training after these two attempts, he/she will need to successfully complete the required course(s)/certifications at his/her own expense as a term of continued employment. If the employee is unable to successfully complete and pass the required course(s)/certifications, the Housing Authority reserves the right to demote or terminate the at-will employee based on organizational and budgetary needs.

Per the request of their supervisors or management, regular employees may take training courses which are related to their present job or will help them qualify for jobs requiring a higher level of responsibility or skill. Prior to enrollment and payment for training and/or certification courses, approval must be obtained by the Executive Director or his/her designee.

### **Determination Procedure**

In reviewing requests for class work, training or attendance at meetings, the following criteria will be considered:

Nature and purpose of the activity;

Benefits to be derived by the employee and the Agency;

Level of responsibility, performance and length of service of the employee;

Estimated cost and available funds;

Potential lost time away from work; and

Ability to adequately staff services during the employee's absence.

## **Selection of Participants**

Whenever there are a limited number of openings for an activity or if attendance will be during an employee's regularly scheduled workday, the Executive Director will determine which participants may participate.

## **Progressive Discipline**

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

SMHA supports the use of progressive discipline to address issues such as poor work performance or misconduct. Our progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our progressive discipline policy has been designed consistent with our organizational values, HR best practices and employment laws.

Outlined below are the steps of our progressive discipline policy and procedure. SMHA reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

An employee may be reduced in pay or position, suspended, terminated or otherwise disciplined by the Executive Director for, among other reasons, incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violations of departmental regulations or any other failure of good behavior or for any other act of misfeasance, malfeasance or nonfeasance in office. As it is impossible to list all possible offenses, the list is a guideline. Specific cases will be reviewed on a case-by-case basis.

The Executive Director is obliged to investigate the nature of alleged infractions to determine if a violation of law or policy has occurred. Employees must provide complete and accurate information during any investigation.

Examples of the types of conduct that could result in the imposition of disciplinary action include, but are not limited to:

### **GROUP 1 - VERY SERIOUS OFFENSES**

- (1) Insubordination - Refusing to perform work which is properly assigned by a supervisor. Walking off the job will be considered absence without authorization and an act of insubordination.
- (2) Falsifying any Employer record, including, but not limited to, time sheet, leave sheet, work order, receipts, mileage record, Workers' Compensation form, or other similar documents;
- (3) Stealing, pilfering, destroying or defacing Employer property or the property of residents or employees, including any materials that are discarded, scrap metals, and personal property of former residents;
- (4) Participating in or conducting illegal gambling on Employer premises;
- (5) Carrying weapons on Employer property during or after work hours;

- (6) Removing Employer equipment, tools or supplies (except items that are assigned to the employee) for personal use without written permission will be considered theft;
- (7) Conducting political activity during working hours;
- (8) Employees are prohibited from having personal relationships with residents which may cause embarrassment, complaints or disciplinary action;
- (9) Employees are prohibited from having any conflict of interest, through direct or indirect interest in any company, project or property connected with Employer, including influencing a bid process or directing information to interested contractors that may influence contract awards or work being done;
- (10) Discriminatory or derogatory remarks or acts made toward a racial, religious or ethnic group;
- (11) Reporting for work while under the influence of intoxicants or illegal drugs, or using the same while on Employer premises; if an employee is called in to work after hours, he is not to report to work if he has been drinking; (See Alcohol and Drug Policy.)
- (12) Committing sexual harassment.

**Violation of Group 1 work rules may result in the following disciplinary action:**

**First Offense - Suspension without pay or discharge.**

**Second Offense –Discharge**

**GROUP 2 - SERIOUS OFFENSES**

- (1) Repeated (three or more times) tardiness; Reporting to the job site or assignment unreasonably late or leaving work or job assignment early without authorization;
- (2) Failure to report off work properly and promptly will be considered absence from work without authorization, unless a proper excuse for the absence is shown;
- (3) Violation of health, sanitary or safety rules, including, but not limited to, the rules set forth on Exhibit "A", attached hereto and made a part hereof, and violation of OSHA regulations;
- (4) Vandalism or theft of Employer vehicle or contents will be the responsibility of employee if vehicle is not locked; Employees are charged with responsibility to lock vehicles at all times in addition to locking the office building and maintenance doors. Employees must not leave tools, supplies, materials and other SMHA property unsecured at work sites.
- (5) Unauthorized use of Employer vehicle for personal errands other than stopping for lunch;
- (6) Careless or negligent operation of vehicle or equipment which resulted in an accident;
- (7) Participating in any act which may endanger safety of others, including fighting or threats of physical violence on Employer property;

- (8) Restricting work production and persuading others to participate in a work slowdown during the term of this Agreement;
- (9) Unauthorized entry on Employer property, including intentional trespass on resident's property (uninvited or no work order);
- (10) Wrongful use of ID Card, Employer keys or wearing "SMHA" uniform during non-working hours when not engaged in work for Employer;
- (11) Failure to immediately report injuries and accidents;
- (12) Encouraging residents or the general public to become involved in Employer/employee relations or problems;
- (13) Poor overall job performance which is documented and does not improve; however, this does not include tasks that an employee is not physically able to do or has not been trained to do.
- (14) Not maintaining courteous, respectful and cooperative behavior when dealing with all persons including supervisors, employees, residents or general public while on the job and in the employ of Employer;

**Violation of Group 2 work rules may result in the following disciplinary action:**

**First Offense - Written warning .**

**Second Offense – Written documentation and Three (3) day suspension.**

**Third Offense - Written documentation and Five (5) day suspension.**

**Fourth Offense - Discharge.**

### **GROUP 3 - LESSER OFFENSES**

- (1) Failure to follow dress code or failure to wear approved clothing for type of work performed; maintenance employees must wear uniform;
- (2) Failure to attend workshop, seminar or conference sessions paid by Employer when mutually arranged;
- (3) Loafing, sleeping or abuse of time during assigned working hours, including quitting duties early, frequent or extended breaks, excessive personal conversations that interrupt work, conducting personal business during work hours; fund raising for charitable organizations must be approved.

**Violation of Group 3 work rules may result in the following disciplinary action:**

**First Offense - Oral warning. An oral warning will be documented on a standard form.**

**Second Offense - Written warning.**

**Third Offense - Written documentation and Three (3) day suspension.**

**Fourth Offense - Written documentation and Five (5) day suspension.**

## **Fifth Offense - Discharge.**

### **PROGRESSIVE DISCIPLINE TIME LIMITS**

1. Documentation of verbal instruction and warning will be logged in the employee's personnel file by the employee's supervisor. Records of verbal instruction/warning will become inactive after twelve (12) months, if there are no subsequent or related violations. If there are subsequent violations, the verbal instruction/warning will remain in effect until twelve (12) months after the most recent incident.
2. Written disciplinary action will remain active in the employee's file and be counted in the progressive scheme of discipline for twelve (12) months. If, at the end of a twelve (12) month period, there have been no further instances of the same or a related offense, the action will become inactive. If there are subsequent violations, the written disciplinary action will remain in effect until thirty-six (36) months after the most recent incident.
3. Suspensions will remain active in the employee's file and be counted in the progressive scheme of discipline for three (3) years. If, at the end of a three (3) year period, there have been no further instances of the same or a related offense, the action will become inactive. If there are subsequent violations, the suspension will remain in effect until three (3) years after the most recent incident.
4. All verbal and written records and disciplinary action involving incidents of moral turpitude will remain in effect during the entire period of an employee's employment with the Agency.

Inactive records will not be considered when processing subsequent disciplinary actions. However, all active and inactive disciplinary actions will remain in an employee's personnel file.

Different offenses within the same group and related offenses within different groups will be disciplined progressively, that is, each incident will be disciplined at the next higher level.

Unrelated offenses will be considered individually.

Some of the types of disciplinary action that may be taken by the Housing Authority are described below.

#### **Typical Disciplinary Measures:**

- (1) Verbal/Oral Warning
- (2) Written Warning
- (3) Suspension (with or without pay)
- (4) Performance Improvement Plan
- (5) Termination

The type of disciplinary action applied depends on the severity of the related offense and employee's history of policy violations (at the discretion of management).

**Performance improvement plan:** Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a performance improvement plan (PIP). PIP status will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed or, if established goals are not met, dismissal may occur.

SMHA reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and discharge.



## **Demotion**

A demotion occurs when an employee is not capable of satisfying the requirements of his/her position as described in the job description for the position. When an employee is demoted, he/she will be paid at a rate that is within the approved range for the lower position. The rate within the pay range will be determined by the Director of Human Resources and approved by the Executive Director or his/her designee.

## **Suspension**

An employee may be suspended with or without pay for a period not to exceed five working days as a form of discipline. The department head must approve recommendations by an immediate supervisor for any suspension.

Documentation of the suspension shall be forwarded to the Human Resources Department on a Disciplinary Action Report by the end of the next workday to become a part of the employee's record.

## **Layoffs and Reduction Workforce**

A department head, with the approval of the Executive Director or his/her designee, may lay off or reduce the number of personnel in any department for lack of work or lack of budgeted funds. When possible, an advance notice of at least two (2) calendar weeks from the effective date of separation should be given to each regular employee to be separated from employment due to a lay off or reduction in force. In the event that a lay off or reduction in force becomes necessary, and to the extent possible, consideration will be given to each employee's past performance, and to the organizational needs of the Housing Authority.

## **Resignation**

### **Resignation:**

Employees who plan to voluntarily resign must notify their immediate supervisor in writing at least two (2) weeks (14 days) in advance of the effective date of termination, as resignations require personnel action that may involve the start of replacement procedures. It is, therefore, expected that a resignation be carefully considered and submitted only when the person has actually decided to depart. Withdrawal of resignations will generally not be accepted.

Any employee who resigns is encouraged to give the reasons for resigning and discuss with the supervisor any working conditions which he or she feels are unsatisfactory.

A formal letter of resignation shall be requested by the Authority and shall include:

A statement indicating the employee's intention to resign from Housing Authority service;

The date the notice was given;

The effective date of the resignation;

The reason for the resignation (optional); and

The employee's signature.

The Housing Authority reserves the right to accept any resignation immediately upon receiving it from the employee. In such instances, the employee's position with the Housing Authority is terminated effective immediately, and the employee will receive appropriate compensation plus any vacation/comp time payments due.

Failure to give proper notification will result in ineligibility for reinstatement.

A person who resigned in good standing may be reinstated, at the discretion of the Employer, in his or her former type of position within one (1) year following resignation, provided the person remains qualified to perform the duties of the position, a position becomes available, and reinstatement would be in the best interest of the Housing Authority.

All properties of the Housing Authority must be accounted for and turned into the Executive Director or designee including but not limited to manuals, handbooks, ID cards, equipment, uniforms, keys, etc.

**Abandonment:**

An employee who fails to return from leave of absence within three (3) working days of its expiration or has three (3) days of "no call, no show" is subject to removal.

If at any time within 10 days from termination, due to abandonment, an employee makes a satisfactory explanation of the cause of his/her absence to the Executive Director, he/she may be reinstated.

An employee who has abandoned his/her position is not eligible for future employment with the Agency.

**Retirement:**

An employee should notify the Agency at least 90 days in advance of the date when he/she intends to retire.

Ohio Public Employees Retirement System (OPERS): The Retirement Board of OPERS is responsible for the administration and management of OPERS.

## Involuntary Termination

**Instructional Period Removal:**

An employee may be removed anytime during the instructional period as determined by the Executive Director.

**Disciplinary Discharge:**

Discharge is a serious disciplinary measure taken when less severe methods of discipline has not produced appropriate behavior or when a serious infraction so warrants.

Bargaining unit employees shall refer to their appropriate collective bargaining agreement for appeal rights.

Non-bargaining employees may appeal in accordance with R.C. 2506.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.

**Neglect of Duty:**

Failure to report to work after a leave of absence has expired or has been disapproved or revoked and cancelled by the Executive Director shall be considered "neglect of duty" and cause for discharge.

If an employee discharged for neglect of duty makes satisfactory explanation to the Executive Director of the cause of failure to report to work, the Director of Human Resources may then order the employee's reinstatement.

## Termination Benefits

**Sick Leave Conversion:**

Employees Hired prior to April 1, 2008: At the time of disability or service retirement, an employee with ten (10) or more years may choose to be paid in cash at the rate of one (1) day for every two (2) days of earned, but unused, sick leave.

Employees Hired on or after April 1, 2008: At the time of disability or service retirement, an employee with ten (10) or more years may choose to be paid in cash at the rate of one (1) day for every three (3) days of earned, but unused, sick leave.

Employees Hired after April 1, 2011: At the time of disability or service retirement, an employee with ten (10) or more years may choose to be paid in cash at the rate of one (1) day for every four (4) days of earned, but unused, sick leave up to a maximum of 240 hours.

Payment is based upon the employee's rate at the time of retirement.

Payment will eliminate all accrued sick leave to the employee's credit at the time of payment. Such payment may be made to an employee only once.

**Sick Leave Death Benefits (Amended 1/6/2014)**

Upon the death of an employee hired prior to April 1, 2008, his unused accumulated sick leave shall be converted into cash, to be paid to his estate at the rate of one (1) day's pay for each one and one-half (1-1/2) days of unused, accumulated sick leave. Employees hired on or after April 1, 2008 shall be compensated at the rate of one (1) day's pay for each two (2) days of unused, accumulated sick leave. Upon the death of an employee hired on or after January 6, 2014, there will be no payout of sick leave to the estate of said employees.

**Health Care Benefits Continuation (COBRA):**

In certain instances, employees and their families have the right to temporarily extend the health care benefits at group rates.

- a. Benefits continue until the last day of the month following termination of employment for any reason, other than gross misconduct.
- b. An employee covered by the Agency's health care plan has a right to choose this continuation coverage if he/she would lose group coverage because of:
  - (1) A reduction in hours of work below the minimum required for eligibility under the plan, or

- (2) Termination of employment for any reason other than gross misconduct.

An employee's spouse and dependant children covered by the Agency's health care plan have the right to continuation coverage if group health care coverage under the Agency's plan would be lost due to a "qualifying event" such as:

- a. Death of the employee;
- b. Termination of the employee's hours of work below the minimum required for eligibility under the plan;
- c. Reduction in the employee's hours of work below the minimum required for eligibility under the plan;
- d. Divorce or legal separation;
- e. Employee becoming entitled to Medicare; or
- f. Dependant's child ceasing to be a "dependant child" under the terms of the Agency's health care plan.

Any person who is covered under the Employer's plan, on the day before a qualifying event and who will lose coverage, will be considered a "qualified beneficiary."

If the qualified beneficiary does not choose continuation coverage, group health care coverage will end.

Qualified beneficiaries need not show they are insurable in order to qualify for continuation coverage.

Qualified beneficiaries must pay the third party administrator fees, as assigned by the Agency, the full premium at applicable rates as determined by the plan actuary, plus a service fee. Late payments may result in loss of coverage.

Questions about this policy may be directed to the Director of Human Resources.

Employees are responsible for notifying the administration office of any change in status including, for example, marital status, dependant status, or residence.

The following procedure will be used for notifying employees of COBRA rights:

1. Each employee will be notified of his/her COBRA rights at the time he/she begins coverage under the Agency's health care plan.
2. Spouses of all covered employees will be notified of this and its provisions at the time family or spouse coverage begins under the Agency's health care plan
3. Notification of an employee's spouse will be deemed to serve on all dependant children.
4. Within 30 days, the employee is responsible for notifying the administration office of any of the following "qualifying events:"
  - a. Divorce;
  - b. Legal separation; or

- c. Loss of dependant eligibility under the plan requirements (age or student status).
- 5. The employee will be notified by mail within approximately 14 days following any of the above stated qualifying events. The employee/dependant must respond to the notice of his/her decision to extend benefits within 60 days of the qualifying event or the date of eligibility notice, whichever is longer.

**Ohio Public Employees Retirement System – Disability and Survivor Benefits:**

If an employee, at the time of death, has at least 18 months of credit in the Ohio Public Employees' Retirement System, his/her spouse, children, or parents may be entitled to survivor benefits.

If an employee has five (5) years of credit and is permanently and totally disabled, he/she may receive disability benefits.

**Accrued Leave:**

At the time of separation, an employee will be paid at his/her current hourly rate of pay for all vacation and compensatory time credit.

**Unemployment Compensation:**

An employee may be eligible for unemployment compensation according to the regulations of the state of Ohio.

**Exit Interview**

In order to ensure that all employees who leave Housing Authority employment are sufficiently informed about their final pay, continuation of fringe benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA), and their rights and conditions of separation, exit interviews are conducted by the Human Resources Department staff.

If an employee leaves the Housing Authority for any reason, they must schedule an exit interview with the Department of Human Resources.

**Return of Agency Property**

The separating employee must return all Agency property at the time of separation, including uniforms, cell phones, keys, PCs and identification cards. Failure to return some items may result in deductions from the final paycheck. An employee will be required to sign the Wage Deduction Authorization Agreement to deduct the costs of such items from the final paycheck.

**WORKPLACE SAFETY**

**Drug-Free Workplace**

SMHA has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, SMHA is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of SMHA. The Human Resources department is responsible for policy administration.

### **Employee Assistance and Drug-Free Awareness**

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Human Resources department, whose members have been trained to make referrals and assist employees with drug/alcohol problems.

SMHA will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

### **Drug/Alcohol Testing**

The parties to this policy and program agree that under certain circumstances, the Authority will find it necessary to conduct drug and alcohol testing. It may be necessary to require testing under the following conditions:

- a) A pre-employment and/or new hire drug and alcohol test may be administered to all applicants for employment;
- b) A test may be administered in the event a Supervisor has a just cause to believe that the employee has reported to work under the influence, or is or has been under the influence while on the job; or has violated this drug policy. The Authority will request drug/alcohol testing during working hours only. The drug/alcohol testing itself may extend past the schedule of working hours.
- c) Testing will be required if employees are involved in a workplace accident/incident or if there is a workplace injury;
- d) Testing may be required as part of a follow-up to counseling or rehabilitation for substance abuse, for up to a 1 year period;
- e) Employees may also be tested on a voluntary basis.
- f) Ten percent (10%) of all Authority employees may be randomly drug-tested on a semi-annual basis. Random testing of ten percent (10%) of the total workforce on a semi-annual bases will take effect January 6, 2014.

Employees will be randomly selected by an appropriately qualified testing entity.

Employees to be tested will be required to sign consent and a chain of custody form, assuring proper documentation and accuracy.

Drug testing will be conducted by an independent accredited laboratory. The testing may consist of blood, breath, or urine tests, as required. In the case of a positive test result, employees shall have the opportunity to contest the result by having an appropriate portion of the sample re-tested at the same or another SMHA approved laboratory. (approved laboratories must be in compliance with the Clinical Laboratory Improvement Action of 1992).

The Authority will bear the costs of all testing procedures except those at the employee's request for retest, or in contest to initial test results.

**CONFIDENTIALITY:**

All parties to this policy and program have only the interests of employees in mind. Therefore, encourage any employees with a substance abuse problem to come forward and voluntarily accept our assistance in dealing with the illness. An employee assistance program will provide guidance and direction for you during your recovery period. The Authority will also take action to assure that your illness is handled in a confidential manner.

All action taken under this policy and program will be strictly confidential and disclosed only to those with a "need to know" with the Authority.

No test results will be disclosed to persons outside the authority except in response to a subpoena.

The persons with a "need to know" are designated as follows: The Authority's Executive Director, Human Resources Director and the Department Director.

**RULES – DISCIPLINARY ACTIONS:**

Rules: All EMPLOYEES must report to work in a physical condition that will enable them to perform their jobs in a safe and effective manner. Employees shall not:

- i) Use, possess, dispense or receive prohibited substances on or at the job site; or
- ii) Report to work while under the influence of a prohibited substance.

Discipline: When the Authority has just cause to believe employees are under the influence of a prohibited substance, for reasons of safety, the Executive Director will call employees in and inform him/her that if his/her actions continue, he/she will be tested. Employees may be suspended until test results are available. If no test results are received after five (5) working days, employees, if available, shall return to work with back pay. If the test results prove negative, employees shall be reinstated with back pay. In other cases:

Employees will be required to cooperate with testing procedures and to sign the required consent and chain of custody forms as a condition of continued employment or will otherwise be terminated;

Employees found in possession of drugs will be subject to discipline as outlined in this Substance Abuse policy.

Employees found to be under the influence of a prohibited substance, including alcohol, while on duty, operating a company vehicle or equipment shall be subject to discipline.

The following stages of discipline shall be imposed:

- i) On the first violation of this policy, employees shall be suspended for up to five (5) days without pay and shall be required to demonstrate meaningful participation in a rehabilitation program as a condition of further employment.
- ii) On the second violation of this policy, employees shall be suspended for up to six (6) weeks without pay and shall be required to complete a further rehabilitation program as a condition of further employment.
- iii) On the third violation of this policy, employees shall be terminated.
- iv) In designated safety-sensitive positions, the first violation may result in discipline as described in subsection (2), and the second violation may result in termination. The following positions are designated as safety-sensitive: All Maintenance employees or any employee who, at the time, is operating a vehicle or other equipment (tools, etc.)

Prescription Drugs: employees using prescribed medication which may impact the performance of job duties, either mental or motor functions, must immediately inform their supervisor of such prescription drug use. For the safety of all employees, the Authority will consult with you and your physician to determine if a re-assignment of duties is necessary. The Authority will attempt to accommodate your needs by making an appropriate re-assignment. However, if a reassignment is not possible, you will be placed on temporary medical leave until released as fit for duty by the prescribing physician.

Sale and Distribution: Any sale and/or distribution of a prohibited substance on Authority property is grounds for immediate termination.

### **Notification**

This policy will go into effect immediately. All applicants will be informed of the policy. All employees are required to sign a form indicating their consent to the terms of this policy and testing procedure as a condition of employment.

### **Inspections**

SMHA reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

### **Crimes Involving Drugs**

SMHA prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on Agency premises or while conducting Agency business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

## **Workplace Bullying**

SMHA defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates the Agency Code of Ethics, which clearly states that all employees will be treated with dignity and respect.



The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the Agency will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when discipline is being administered. As in sexual harassment, it is the effect of the behavior upon the individual that is important. SMHA considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying:** Nonverbal threatening gestures or glances that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

## Violence in the Workplace

The Housing Authority is committed to maintaining a safe environment for its employees, free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Such behavior will be taken seriously and will not be tolerated. This includes, but is not limited to oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from Housing Authority premises and may be subject to disciplinary action, criminal penalties, or both.

Employees of the Housing Authority should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If anyone on Housing Authority premises displays such behavior, whether or not he/she is an employee, such behavior should be reported immediately to the Human Resources Department. Employees will be asked to complete a SMHA workplace violence reporting form available in the HR department. The Human Resources Department will promptly investigate the incident and initiate appropriate action.

Procedure for Staff When Threatened or Endangered: If employees find themselves in, or have reason to believe they may be entering into, a situation that would endanger their safety, they should:

1. First and foremost, the employee should remove himself/herself from the situation immediately.
2. In extreme situations where an individual (the employee or other individual) is in immediate danger of bodily harm and immediate intervention by law enforcement is needed, the employee should contact the police department. The employee should be prepared to give a detailed description of the situation. The employee should then contact SMHA security staff and his/her supervisor to inform them of the situation. The supervisor should then notify the Director of Human Resources or the Executive Director. For example, a domestic situation where an individual is being beaten by someone.
3. In less urgent situations, the employee should contact the SMHA security staff to evaluate the situation and then security will contact the police department as warranted. The

employee should be prepared to give a detailed description of the situation. The employee should notify his/her supervisor regarding what has occurred. For example, after entering the unit, the employee observes large amounts of illegal drugs.

4. Regardless of the circumstances in (2) and (3), above, the security staff will investigate the situation to determine what is happening at the property. If the property is not owned or managed by SMHA, the investigation will be limited in scope.
5. Security will then notify the respective supervisor as to the results of the preliminary investigation, and make a recommendation if and when it is safe for the employee to return to the property and to proceed with the scheduled work. The supervisor will then contact the employee who initiated the call to instruct them how to proceed. The final decision regarding the completion of the work is the responsibility of the supervisor.
6. Security will provide to the appropriate manager and the appropriate supervisor a report of all incidents for which they were asked to respond.
7. Employees should not allow themselves to be in situations that would endanger their safety. Employees must use common sense and be alert to their surroundings at all times.

**Threats or assaults that require immediate attention by police should be reported first to police at 911, then the Department Head and the Director and the Human Resources Department.**

## **Exposure to a Contagious Disease**

An employee is required to report any exposure to a contagious disease that might pose a direct threat to health and safety in the workplace.

The Executive Director and/or designee may remove, or reassign, an infected or contagious employee or co-worker, if a secondary infection would pose a higher than usual risk to the employee, co-workers, or others.

An employee who is at risk of exposure to blood-borne or contagious diseases will follow a system of "universal precautions" to limit the spread of infection in the workplace. Supervisors will instruct employees about any special precautions necessary in individual work areas.

An employee concerned about being infected with a contagious disease while in the workplace should convey this concern to his/her supervisor. An employee who refuses to work with, or perform services for a person known or suspected to have a contagious disease that does not present a current direct threat in the workplace, is subject to discipline, up to and including discharge.

Information relating to a contagious disease in the workplace will be disclosed to employees when the information is necessary to protect the health or safety of employees or others. The necessity of disclosure will be determined by the Executive Director and/or designee.

## **Safety**

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state and federal safety and health regulations and program standards, and with any special safety concerns for use in a particular area or with a client.

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for his/her working area.

Each facility shall have posted an emergency plan detailing procedures in handling emergencies such as fire, weather-related events and medical crises.

It is the responsibility of the employee to complete an Accident and Incident Report for each safety and health infraction that occurs by an employee or that the employee witnesses. Failure to report such an infraction may result in employee disciplinary action, including termination.

Furthermore, management requires that every person in the organization assumes the responsibility of individual and organizational safety. Failure to follow Agency safety and health guidelines or engaging in conduct that places the employee, client or Agency property at risk can lead to employee disciplinary action and/or termination.

The Health and Safety Committee and the Director of Human Resources shall have the responsibility to develop and the authority to implement the safety and health program in the interest of a safer work environment.

## **Reporting Accidents and Injuries**

If you are injured as a result of an accident while on duty, regardless of how minor it may seem, you are required to report your injury at once to your supervisor.

Accidents involving Housing Authority-owned equipment should also be reported immediately to your supervisor.

Failure to report an accident or injury could result in the loss of Worker's Compensation benefits as well as needed medical attention.

## **Smoke-Free Workplace**

It is the policy of SMHA to prohibit smoking on all Agency premises in order to provide and maintain a safe and healthy work environment for all employees. The law defines smoking as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind."

The smoke-free workplace policy applies to:

- All areas of Agency buildings.
- All Agency-sponsored off-site conferences and meetings.
- All vehicles owned or leased by the Agency.
- All visitors (customers and vendors) to the Agency premises.
- All contractors and consultants and/or their employees working on the Agency premises.
- All employees, temporary employees and student interns.

Smoking is permitted in parking lots only.

Employees who violate the smoking policy will be subject to disciplinary action up to and including immediate discharge.

## **Audio & Video Surveillance**

Housing Authority believes that safeguarding the personal welfare of its residents and employees is of paramount importance at all Housing Authority locations. In an effort to discourage those behaviors which threaten personal safety, selective use of video surveillance is employed at numerous Housing Authority locations. The Housing Authority acknowledges that its residents, employees and the surrounding

communities need or expect privacy in certain locations. The Authority intends to balance such this need with the need for safety of its employees and residents.

This Video Surveillance Policy applies to video surveillance conducted by the Housing Authority. It does not apply to law enforcement personnel.

### **Video Camera Surveillance**

In an effort to further the safety and security of Housing Authority employees, residents, and property, the Housing Authority may use video surveillance cameras to monitor any areas where residents and/or employees do not have an expectation of privacy. These include, but are not limited to, resident and employee work areas, hallways, parking lots, outdoor areas, building entrances and exits, lobbies and waiting areas. Video surveillance cameras may not be used in areas where employees or residents have a reasonable expectation of privacy, such as restrooms. Video surveillance cameras operated by the Housing Authority shall not be directed or zoomed into the windows of any private residence.

The video surveillance system may be used to assist SMHA security and management in investigations of certain tenant violations and to assist law-enforcement agencies in investigation of crimes that occur on or near SMHA property. The system may also be used to assist in internal investigations and of certain types of occupational health and safety violations.

Use of video surveillance cameras may be accompanied by signage indicating use of such cameras. When used, signage shall be appropriate for the location and specific placement of the video surveillance camera. Signage content and placement must be approved by the Housing Authority department head or his/her designee.

### **Review of Camera Footage**

Video surveillance camera images or footage may be monitored or reviewed only by 1) the Housing Authority Chief of Security or his/her designee, 2) federal, state, or local law enforcement personnel, 3) other individuals who are authorized by the Housing Authority to view the video or images in connection with a legitimate need or purpose of the Housing Authority, and 4) others authorized by law. Video tapes or other media will be stored and transported in a manner that preserves security, but may be accessed as applicable according to the Ohio Public Record Laws. Current and archived tapes or media shall be kept locked and secured.

Any employee who tampers with or destroys a video surveillance camera or any part of the video surveillance system may be subject to disciplinary action up to and including termination, as well as potential prosecution in the criminal justice system.

## **WORKPLACE EXPECTATIONS**

### **Confidentiality**

Our clients and other parties with whom we do business entrust the Agency with information relating to their personal business. It is our policy that all information considered confidential will not be disclosed to external parties or to employees without a "need to know." If an employee questions whether certain information is considered confidential, he/she should first check with his/her immediate supervisor.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

Any information employees receive regarding SMHA and/or its residents are the private property of the Housing Authority, except as otherwise provide by law. Any employee found to have violated this rule may be subject to disciplinary action up to and including termination.

All inquiries from the media must be referred to the Executive Director and/or his designee.

## **Conflicts of Interest**

Employees must avoid any relationship or activity that might impair, or even appear to impair, their ability to make objective and fair decisions when performing their jobs. At times, an employee may be faced with situations in which business actions taken on behalf of SMHA may conflict with the employee's own personal interests. Agency property, information or business opportunities may not be used for personal gain.

### **Acquiring An Interest**

No employee of SMHA shall acquire any interest direct or indirect in any housing project or in a project included or planned to be included in any project, nor shall (s)he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project.

If any employee of SMHA owns or controls an interest direct or indirect in any property included or planned to be included in any housing project(s), (s)he shall immediately disclose the same in writing to the Authority. Failure to disclose such interest shall constitute misconduct and may be subject to disciplinary action up to and including termination.

### **Tips, Gifts, and Discounts**

No employee of SMHA shall directly or indirectly solicit any gift, accept or receive any gift having a value of \$25.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could be reasonably be expected to influence him or her, in the performance of his or her duties, or was intended as a reward for any official action on his or her part.

## **Code of Ethics**

Each public entity of the state of Ohio is required to provide a copy of the Ohio Ethics Law to all of the officials and employees associated with the entity. Each employee of Stark Metropolitan Housing Authority must sign a statement acknowledging receipt of a copy of the law. The Ohio Ethics Law was originally enacted in 1973 to promote confidence in government. The law:

Established a code of conduct making it illegal for public officials and employees to take official action if they have certain conflicts of interest;

Provides for the filing of financial disclosure statements by many public officials, and for public inspection of those statements;

Establishes procedures by which citizens may participate in the enforcement of the law; and

Creates three (3) agencies to administer the law:

- a. The Ohio Ethics Commission;
- b. The Joint Legislative Ethics Committee; and
- c. The Supreme Court Board of Commissioners on Grievances and Discipline.

The Ohio Ethics Law contains provisions restricting conflicts of interest that involve nepotism, post-employment, representation, influence-peddling, confidentiality, and supplemental compensation. Among other restrictions, the law provides that each public official and employee is prohibited from:

1. Authorizing or using his/her position to secure authorization of a contract for himself, a family member, or a business associate;
2. Authorizing or using his/her position to secure the authorization of the investment of public funds in any kind of security to benefit himself/herself, a family member, or a business associate;
3. Receiving any benefit from a contract entered into by his/her entity;
4. Hiring or securing any contract benefits for his/her spouse, parent, grandparent, child, grandchild, or sibling, or any other relatives living with him/her;
5. Soliciting or accepting substantial and improper things of value, including gifts, travel, meals, and lodging;
6. Participating in matters where something of value will result for the public official or employee himself/herself, his/her family, his/her business associates, or others with whom the public servant has a close tie that could impair his/her objectivity;
7. Disclosing or using information deemed confidential by law.
8. Representing parties before any public agency in a matter in which he/she was involved as a public servant, both during and for one year after leaving public service.

The Ethics is Everybody's Business publication is designed to help government employees understand the law. Whether the employee is a private citizen, public official, public employee, or candidate for public office, the pamphlet will explain how the Ethics Law applies to everyone. It is designed to advise the reader of general types of conduct prohibited by the Ohio Ethics Law, and related statutes, and is not intended to restate the specific restrictions of state statute. According to law, a copy of Ethics is Everybody's Business will be provided to each employee during orientation. A signed acknowledgement from the employee will be placed in the employee's general file.

The Agency shall provide Ethics training at least every two (2) years.

## Fraud Prevention

Statement of Purpose: The fraud policy is designed to stop the abuse of HUD funds and programs resulting in diminished Resources that were designated for better living conditions for those who look to the public housing agency for assistance. These crimes ultimately affect the tenants because funds intended to improve their living conditions are diverted for the personal gain of others. This policy will set up processes to detect and identify fraud and corruption in the administration of public housing programs. This policy shall

apply to every Board member and employee of SMHA. The policy is intended to send a message that the Board and Administration will aggressively seek out fraudulent conduct.

Definition of Fraud: Fraud is the intentional misrepresentation or concealment of material fact intended to deprive another of some right and/or result in personal gain. Fraud is a deception deliberately practiced in order to secure unfair or unlawful gain. Many frauds are committed against the Authority by employees who feel they were treated unfairly, or did not receive a promotion. Even honest employees, when faced with pressure or an opportunity for personal gain, may rationalize a dishonest act.

Examples of Fraud by an Individual or the Authority Include:

1. Bribery or kickbacks for favors;
2. Deliberately overlooking requirements of contractors and landlords;
3. False claims for injury or property loss;
4. Fixing rents or income records of tenants;
5. Bid-rigging;
6. Theft of property, or embezzlement of funds;
7. Misapplication of funds in procurement processes;
8. Misappropriation of funds to unapproved uses;
9. Forgery or alteration of documents to cover up fraudulent acts;
10. Impropriety with respect to reporting financial transactions;
11. Profiting on insider knowledge;
12. Destruction of records or assets;
13. Mismanagement and waste
14. Excessive spending for unnecessary items.

Preventing Fraud:

1. Employees will be educated regarding SMHA's stepped-up efforts to detect and prevent fraudulent acts. Various controls, such as inventory control, internal auditing procedures by other departments, more aggressive review of expenditures and procedures by outside auditors, and more detailed site-based accounting will be used as a deterrent to acts of fraud.
2. Audits will also be conducted by the new branch or the Office of Inspector General. They will look for evidence of fraud, as listed above. Disciplinary action is already in place for those who violate this policy.

Detecting Fraud: Employing the above mentioned approaches in a vigorous prevention program will assist in detecting fraud and abuse wherever it occurs. It is believed that fraud will be easier to detect and stop as

more employees become aware that they have the responsibility to report fraudulent acts that they witness. Auditors will be instructed to actively seek out information that may indicate internal fraud.

Action to be Taken: Upon discovery of possible fraud, the SMHA will take the following action:

1. Investigation: A thorough investigation of the allegations will be conducted by a designated person who will have full authority to take control of the investigation and review all records.
2. Confidentiality: Any investigation will not be disclosed to outsiders, except to the appropriate law enforcement authority. SMHA' policy will be not to retaliate against employees who report fraudulent irregularities.
3. Discipline: As stated in the personnel policy and union contract work rules, fraudulent acts are a serious infraction, and may result in termination. Recommendations to terminate employees under this policy will be reviewed by counsel and management.

Reporting Fraud:

Employees suspecting fraud should report it, and not attempt an investigation. Management should refrain from discussing allegations with anyone other than those with a legitimate need to know.

Suspected fraud should be reported to the:

Executive Director, the Director of Human Resources, or  
Midwest District HUD Office of Investigation  
Ralph H. Metcalf Federal Building  
77 West Jackson Boulevard  
Chicago, IL 60604-3507

District Inspector General for Audit	(312)353-7832
Special Agent in Charge	(312)353-4196

External Fraud Reporting

Complaints or any matter regarding fraud, including any matter that alleges mismanagement of Agency Resources or misuse of public money can be made to the Auditor of the State of Ohio through the Ohio fraud-reporting system.

Complaints made to the Auditor of the State of Ohio through the Ohio fraud-reporting system are anonymous. Complaints may be made in three ways:

1. File a written complaint at:  

Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215
2. Call the Fraud Hotline:  

1-866-FRAUD OH (1-866-372-8364)
3. Online:



## Public Records Request

All records of Stark Metropolitan Housing Authority are public, unless they are specifically exempt for disclosure under the Ohio Revised Code and any other federal, state, or local laws. "Record" includes any document or device, whether paper, electronic, or other format, that is created or received under the jurisdiction of this office, and which documents the organization, functions, policies, decision, procedures, operations, or other activities of the office.

Record Requests: No specific language is required to make a request, but the requester must identify the records with sufficient clarity to allow the office to identify, retrieve, and review the records. If it is not clear what records are being sought, the Records Custodian (the Director of Legal Services shall act as Records Custodian) should ask the requester for clarification and assist the requester in revising the request by informing him/her of the manner in which this office maintains and accesses its records. The requester need not put a request in writing or provide his/her identity or the intended use of the requested records. It is this Agency's general policy that this information should not be requested.

Notice of Receipt: All requests for public records should either be satisfied or be acknowledged, in writing, by Stark Metropolitan Housing Authority within three (3) business days following receipt. If a request will not be satisfied within three (3) business days, a notice of receipt should be sent to the requester, including at least the following terms:

1. Request for clarifications, if necessary;
2. Estimated number of business days it will take to satisfy the request;
3. Any items within the request that may be exempt from the disclosure; and
4. Estimated cost, if copies are requested (see below).

Production of Requested Records: Inspection of public records must be made available promptly. Copies of public records must be made within a reasonable period of time. "Promptly" and "reasonable period of time" take into account the volume of records requested, where the records are stored, and the time for any legal review and/or redaction. Records prepared for inspection may be reviewed during regular business hours. Stark Metropolitan Housing Authority will provide copies of public records on paper, on the medium on which they are kept, or on any other medium the Agency determines it reasonably can duplicate the records as an integral part of normal operations. If portions of a record are public, and portions are exempt, the exempt portions will be redacted, and the rest released. Denial of all or any part of any public record requested shall include an explanation for denial, including legal authority.

Cost for Public Records: There is no charge for viewing (inspecting) public records. Copies of public records may be charged at the following rates (actual costs):

1. Paper copies: 5 cents per page.
2. Downloaded computer files on a compact disc: \$1 per disc.
3. Electronic records e-mailed to the requester: no charge.
4. Requesters may have records mailed to them by paying this Agency the actual cost of postage and mailing supplies.

E-mail Records: If the content of an e-mail or other electronic communications meets the definition of a public record (see “Records” above), it is subject to disclosure, whether it is in a public, or private, e-mail account. Requests for e-mail records will be treated in the same fashion as records in other formats.

Failure to Respond to a Public Records Request: If a person believes this Agency has failed to comply with the Ohio Public Records Act, they may file a court petition in mandamus:

1. To compel the Agency to comply with the request;
2. To seek payment of statutory damages;
3. For court costs; and
4. To have the Agency pay for the requester’s attorney fees.

## **Use of SMHA Property**

SMHA will provide its employees with the equipment, supplies and materials necessary for performance of their assigned job. Equipment, vehicles, tools, materials and supplies that belong to SMHA shall not be used or removed the Housing Authority property except in the conduct of SMHA business.

Equipment and vehicles assigned to employees shall be maintained and kept in good working condition by the employees. If it is found that the equipment or vehicle is being abused or used in an unsafe manner, the employee will be subject to disciplinary action up to and including termination. If it is determined that the employee is negligent in the proper use of storage of tools, equipment, vehicles, materials, or supplies, or if they are abused, misplaced or stolen, the employee may be required to repair or replace them and/or the employee will be subject to discipline up to and including termination.

Employees are required to return all SMHA equipment, vehicles, supplies, materials, keys, photo identification badges, and other Housing Authority owned property upon separation from employment. Failure to return said property may result in a charge to the employee, which may be deducted from any final payment due the employee.

## **Theft of Property & Equipment**

Definition of Theft:

1. Removing the Employer’s equipment, tools, or supplies (except items that are assigned to the employee) for personal use without written permission will be considered theft. In addition, stealing, pilfering, destroying, or defacing Employer property or the property of residents or employees including any materials that are discarded, scrap metals, and personal property of former residents; and
2. Falsifying any Employer record, including, but not limited to, time sheet, leave sheet, work order, receipt, mileage record, Workers’ Compensation form, or other similar documents.

Consequence:

1. The Housing Authority will decide on disciplinary action, depending on the severity of the infraction. However, an employee who disregards this policy may be suspended or discharged.

2. If the theft is serious, there may be cause for police investigation, and criminal action may be indicated. Some criminal action leading to conviction of theft-in-office from a political subdivision may jeopardize an employee's OPERS refund or retirement benefit.

#### Theft-in-Office:

1. A public official or employee who is convicted of, or pleads guilty to, theft-in-office will be subject to laws as outline under Section 2921.41 of the Ohio Revised Code.
2. The Retirement System is not otherwise involved in the criminal proceedings. Once the person is convicted, or pleads guilty to the offense, the Employer, through the prosecutor, may file a request with the court to require that restitution for the stolen public funds be withheld from the employee's OPERS monies. Certain notices must be given before the court can issue this withholding order. If issued, the order would require the Retirement System to make the specific payment to the Clerk of Courts.
3. An employer should discuss these matters with the prosecutor in the event the employee is charged with theft-in-office. [ref.OPERS Employer Manual, and Sections 145.56, 145.57, and 2921.41: Ohio Revised Code

## **Use of Community Rooms**

SMHA Community Room facilities are available for use by SMHA employees and Board Members. Activities that are permitted are the same as those permitted for residents. It is preferred that community rooms at the family developments are used to lessen the disturbance to the elderly.

**RULES** – The same rules and regulations that apply to residents also apply to employees who use the room. Employees, in fact, should serve as example in adhering to the rules when using a community facility.

Please make arrangements with the site manager in advance to make certain the room and other facilities are available.

Activities that are permitted include: family gatherings, club meeting, card parties, church group activities, showers, etc. Activities are not to be regularly scheduled events on a weekly or monthly basis.

Activities that are not permitted include: worship services, prayer meetings, political meetings, sales meetings, etc.

The employee who signs for the room is totally responsible for the actions of the guests, any damages, disturbances and illicit or illegal activities.

The employee reserving the room is responsible for cleaning tables, floors, chairs, utensils, and all adhesive tape and decorations must be removed.

All activities must be concluded by 12:00 midnight.

The employee responsible for the room must be sure the building is properly coded out and locked. Lights must be turned off except for security lights.

The key must be returned only by the employee responsible for reserving the room.

Alcoholic beverages or drugs are NOT permitted in SMHA Community Room facilities or on SMHA property during or after scheduled activities.

## Operation of Housing Authority Vehicles

The purpose of this policy is to establish and specify policy on vehicle transportations for housing authority officials and employees in the conduct of official housing authority business.

Automobiles, vans, multi-purpose vehicles and light trucks may be assigned to an individual employee when the work assignment requires the use of the vehicle. Any employee who operates a SMHA vehicle must possess a valid driver's license issued by the State of Ohio. From time to time, employees may be required to show their driver's license as proof that the license has not been revoked, suspended, or has not expired.

Vehicles owned by SMHA are to be used for official housing authority business only. They are not be used for personal business or pleasure during or outside of working hours. If the employee used the vehicle for his/her own personal business or pleasure, he/she will be subject to disciplinary action up to and including termination. Employees who are required to respond to emergencies may drive their personal vehicle to the call or drive their personal vehicle to their housing authority AMP site and pick up their work vehicle and then return the vehicle back to their AMP site after completion of the work order(s).

Housing Authority Directors, Managers and Supervisors who have a specific housing authority vehicle assigned to them are not permitted to drive that vehicle home at the end of the business day, or park a housing authority vehicle at a site that is closest to their home in order to cut down on their daily commute expense. Employees will be required to drive their personal vehicles to their home office or to the secured location where the housing authority parks those vehicles (DMD, or other specific secured location), pick up the agency vehicle and then return it at the end of each business day.

Housing Authority and privately-owned vehicles being operated for housing authority business shall be operated in accordance with all safety and legal requirements of SMHA, State and any other jurisdictions in which they are operated. Housing Authority vehicles represent SMHA and are not to be used to advertise (i.e.: bumper stickers) the personal opinions of the operators. Any alterations to the appearance or mechanical function of a housing authority vehicle must be approved by Executive Director and/or his/her designee.

An employee may be held liable for accidents in which he/she is involved if it is determined that the accident is the result of his/her negligence. The driver of the vehicle will be required to submit to a substance abuse test in accordance with the Substance Abuse policy. An employee will be personally responsible for paying any citation received while operating a housing authority vehicle.

### PROCEDURE IN CASE OF VEHICLE ACCIDENT

IN CASE OF ACCIDENT: At The Scene

CALL for Police.

CALL for emergency assistance of an ambulance if necessary.

CALL for SMHA tow truck from SMHA current provider.

OBTAIN – Name, Address and Phone of each driver and passenger and witness.

OBTAIN - Name of the Insurance Company– and Policy Number of each vehicle involved.

When you return to office:

REPORT accident to the Director of HR and your Manager and complete Accident Report.

If the automobile insurance company advises that an employee who is an authorized operator of a housing authority vehicle is a high risk driver, that employee's driving privilege may be suspended until such time as the insurance company determines that his/her driving habits are sufficiently improved as evidenced by the Department of Motor Vehicle records.

#### Vehicle Management

The management of the vehicle fleet shall be under the direction of the Executive Director and/or his designee. The maintenance and disposal of a SMHA vehicle shall coincide with the current procurement policies and procedures.

#### Responsibility for Establishing Policies Related to Housing Authority Vehicles

The Executive Director, or his designee, is responsible for establishing policy concerning the number of vehicles allocated to departments, types of vehicles, additions and replacements to the fleet.

#### Vehicle Assignments

It is the policy of SMHA to monitor and control the number of vehicles allocated to departments. Vehicle assignments shall be based upon actual and demonstrated need in order to conduct official housing authority business. No person other than a SMHA official or employee shall be authorized to operate a housing authority vehicle.

#### Use of Privately-owned Vehicles for Official Housing Authority Business

Use of privately-owned vehicles for SMHA must be authorized by the department head. Employees who are not assigned an individual vehicle or do not have access to a pool vehicle may be reimbursed at the current housing authority mileage rate (which is equal to the current Internal Revenue Service (IRS) mileage reimbursement). The employee is to document their business mileage by completing a Mileage Record Form in order to receive reimbursement.

Employees who voluntarily choose to use their personal vehicle to perform housing authority business must maintain the legal limits of insurance coverage as required by the State of Ohio and understand that their personal coverage will be primary unless otherwise stated by law.

### **Arrest of an Employee**

An employee who is arrested and charged, whether related or unrelated to the individual's employment with SMHA, may be relieved of duty without pay. At the discretion of the Executive Director, depending on the circumstance of the arrest, the investigation, and resolution of the charges, an administrative separation (administrative leave without pay or termination) or other restrictions may be imposed.

### **Conviction of a Felony**

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony.

Any employee convicted of a felony immediately forfeits the person's status as an employee in any public employment on and after the date of conviction for the felony. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same

conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

As used in this policy, “felony” means any of the following:

1. A felony that is an offense of violence as defined in Section 2901.01 of the Revised Code;
2. A felony that is a felony drug abuse offense as defined in Section 2925.01 of the Revised Code;
3. A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
4. A felony involving dishonesty, fraud, or theft; and
5. A felony that is a violation of Section 2921.05, 2921.32, or 2921.42 of the Revised Code.

## **Speaking Engagements**

Approval for all speaking engagements on behalf of the Agency must be secured from the Executive Director, unless such presentation is a regular part of the employee’s duties.

Nonexempt employees are compensated for time spent on approved speaking engagements, including travel time.

## **Gambling**

Gambling, for the purpose of this policy, shall be defined as taking part in any game of chance that would promise a payoff for money wagered on the odds of winning. This includes, but is not limited to: tip sheets on sports events, parlay bet, tip boards, numbers games, private bets between employees, throwing dice, card games, pitching coins, or any other invention to wage and win money.

The Agency does not permit gambling, in any form, by employees during work time. For the purpose of this policy, work time includes regular work hours, lunch periods, clean-up time, and other breaks.

Gambling in the state of Ohio is illegal, and violators will be subject to disciplinary action and prosecution by the state.

Raffles, if they are legitimate and legal non-profit fund-raisers, may be permitted with the advance approval of the Executive Director. Such activity should be restricted to lunch periods and breaks.

## **Outside Employment**

The work of SMHA shall have precedence over all outside employment. Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

Activities and conduct away from the job must not conflict with or compromise the Agency interests or adversely affect job performance and the ability to fulfill all job responsibilities. Employees are prohibited from performing any services for customers on nonworking time that are normally performed by SMHA. This prohibition also extends to the unauthorized use of any Agency tools or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside

business during paid working time. An employee must provide notice of outside employment for approval by the employee's department head. This approval or disapproval shall be placed in the employee's personnel file.

Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If SMHA determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment.

Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave or violation of this policy shall be grounds for disciplinary action up to and including termination.

## Attendance and Punctuality

It is an expectation for continued employment that employees report to work on time every scheduled work day, to start work on time, and to do quality work throughout the work shift. Employees should arrive sufficiently before the start of their shift to park vehicles and take care of other personal matters before clocking in (swiping in on the TLO system) for work.

Habitual or excessive absenteeism and/or tardiness may result in discipline up to and including termination from employment. The definition of excessive absenteeism depends on the particular circumstances of each case.

See table below for established "occurrence" guidelines during any rolling 12 month period. Outlined table follows SMHA's Progressive Discipline Rules

	Occurrence/Days	Discipline Step and Action
<b>Occurrence</b> 1 Occurrence is equal to: <ul style="list-style-type: none"> <li>▪ 1 Unreported Absence or</li> <li>▪ 2 Tardies or</li> <li>▪ 2 Missed Clocks</li> </ul>	4 Occurrences	Step 1: Written Warning
	6 Occurrences	Step 2: Suspension
	8 Occurrences	Step 3: Termination
<b>Single Day of No Call/No Show</b>	1 Occurrence	Step 1: Written Warning
	2 Occurrences	Step 2: Suspension
	3 Occurrences	Step 3: Termination

### Call In

Tardiness and unscheduled absences require prompt notification by telephone to SMHA's Attendance Line at 330-454-8051 ext. 400. This is a voicemail box that records all call off reports. This line is monitored by the Human Resources Department. Employees must call the Attendance Line at least 30 minutes prior to their scheduled starting time. Excessive tardiness may not be covered by accrued annual leave, comp time or sick leave. Failure to make this telephone contact or to call in appropriately for an unanticipated absence may result in an unexcused absence.

The following information should be provided when calling in at 330-454-8051 x 400.

Your name  
Your work Area/Amp  
Your Supervisors name  
Brief reason for:

Tardiness and expected time of arrival for work  
Reason for absence and expected length of absence (employees must call in everyday of absence unless under a doctor's care with a written statement on file stating the length of illness.)

Employees absent for personal illness may be required to bring a doctor's statement indicating the nature of the illness and when the employee may return to work without restriction for three or more days of absence.

SMHA keeps accurate attendance and tardiness records that are reviewed regularly to determine the frequency of absence and tardiness.

Vacation and holidays must be scheduled with one's supervisor in advance. Calling in and stating you are using annual leave or comp time is not an acceptable practice. Sick leave may be used in the case of emergency or sudden illness without prior scheduling. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted available paid time off. Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee's attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a written warning. The second separate offense may result in an unpaid suspension. **A no call/no show lasting three days may be considered job abandonment and may result in immediate termination of employment.**

## Severe Weather

Except in the most extreme circumstances, SMHA will remain open at all times. However, SMHA recognizes that on certain days it may be difficult for employees to travel to/from work due to excessive snow, ice, or inclement weather. Departments who are not required to maintain 24-hour emergency services shall allow employees who have difficulty working schedules hours due to severe weather conditions the option of using annual leave, comp time or leave without pay for hours not worked.

## Attire and Grooming

It is important for all employees to project a professional image while at work by being appropriately attired. SMHA employees are expected to be neat, clean and well groomed while on the job. Clothing must be consistent with the standards for a business environment and must be appropriate to the type of work being performed.

All employees must be covered from shoulders to knees at all times (no see-through or sleeveless clothing is permitted at any time). Natural and artificial scents may become a distraction from a well-functioning workplace and are also subject to this policy

SMHA is confident that employees will use their best judgment regarding attire and appearance. Management reserves the right to determine appropriateness. Any employee who is improperly dressed will



be counseled or in severe cases may be sent home to change clothes. Continued disregard of this policy may be cause for disciplinary action, which may result in termination.

## **Electronic Communications**

### Use of Electronic Communication Devices

Electronic Communications Devices (“ECD’s) include, but are not limited to cellular phones, smart phones, PDA’s, radios, and any other wireless device used for communication. SMHA owned or issued ECD’s are intended to be used for housing authority business. SMHA understands, however, that extenuating circumstances may arise in which employees may need to use their housing authority owned or issued ECD for personal reasons. Personal use should be kept at a minimum and shall not be abused. Excess personal use of SMHA ECD’s may result in disciplinary action up to and including termination. Excess use of personally owned ECD’s that interferes with the successful completion of job duties may also result in disciplinary action up to and including termination.

Employees who require the use of an ECD in the performance of their housing authority duties should try whenever possible to allow placement of business-related calls or communications either prior to or after operating any motor vehicle. In addition, employees who operate SMHA owned vehicles should try whenever possible to allow placement of either business-related or personal calls prior to or after operating a housing authority-owned vehicle.

ECD use shall be avoided while operating a housing authority or personal vehicle to conduct housing authority business. Employees are prohibited from using ECD’s to send or read text messages or emails while driving. Employees must adhere to all federal, state and local laws and guidelines regarding ECD use at all times.

Use of hands free device in the vehicle is permitted. SMHA has provided “hands free devices” to some housing authority vehicles. Those devices were provided at the Agency’s expense and employees are to immediately notify their appropriate manager if their unit stops functioning properly.

### Etiquette

SMHA employees should use reasonable consideration and respect for housing authority clients, vendors, Commissioners, and employees when placing or accepting phone calls, text messages, or any other electronic communications. These actions should be avoided while in meetings or when dealing with clients, except in situations where there is an emergency. ECD’s should be placed on a silent or vibrate mode to avoid unnecessary interruptions.

Employees who violate the Electronic Communications policy are subject to discipline up to and including termination.

### Authority Review of ECD Usage

SMHA reserves the right, for legitimate business reasons, to audit and review calls, text messages, and any other communications made using a housing authority owned or issued ECD. SMHA employees shall have no expectation of privacy with regards to calls, text messages, or other communications made using SMHA owned or issued ECD’s

## Computer, Internet and Email Usage

Most housing authority employees will require access to computers, email addresses, and/or the Internet to perform their housing authority job duties. The security, integrity, and proper usage of SMHA computers, email addresses, and internet access is a necessity for the effective conduct of SMHA business. The intent of this policy is to safeguard the security and integrity of SMHA's information system, assure reasonable access to computer based information, and prevent inappropriate use of housing authority computers, email addresses, or internet access.

### Applicability

This policy covers all SMHA owned or issued computers, email addresses, and housing authority provided internet access, regardless of the time or location of use. \*\*Please note: this includes, but is not limited to, email or internet access obtained through housing authority issued electronic communications devices such as cellular phones, smart phones, and PDA's.

This policy applies to all employees of the housing authority. Additionally, this policy applies to all outside contractors and consultants who have been given authorized access to any of the housing authority's computer based information systems.

### Prohibited Uses

SMHA employees may not engage in misuse of housing authority computers, housing authority email addresses, or housing authority provided internet access. Examples of misuse include, but are not limited to:

- Downloading software without approval from a supervisor, software that is approved for downloading must be registered to SMHA.;

- Copying software, unless such copying is for legitimate, back-up purposes and has been approved by a supervisor or the Information Technology Department ("IT Department");

- Knowingly introducing a computer virus, worm, "Trojan horse", or any other contaminating or destructive features into the housing authority's computers;

  - Transmitting copyrighted materials without permission;

  - Downloading files from the Internet except for an express business purpose;

  - Transmitting, forwarding, or downloading material that is offensive, abusive, pornographic, obscene, profane, discriminatory, harassing, fraudulent, or otherwise prohibited by federal, state, or local law;

  - Using e-mail or the Internet for any purpose that is illegal, against company policy, or contrary to SMHA's best interest;

  - Transmitting or disseminating confidential SMHA or resident information or other proprietary materials without an express business purpose or authorization;

  - Sending or forwarding any chain e-mail, or spam;

  - Gambling;

  - Use a housing authority e-mail address or internet access for personal gain including outside employment, self-employment, and family-owned businesses;

  - Use social media, visit chat rooms, or use instant messaging, or news groups when not business-related;

  - Post their housing authority e-mail addresses on the internet when not business-related;

  - Receive or forward unsolicited e-mails that violate company policy;

  - Download radio, video, or music transmissions from internet sites without housing authority approval;

Attempt to defeat any security mechanisms to gain unauthorized access to computer files or other information on the housing authority's telephone systems, electronic communication systems, or information systems;  
Attempting to read, intercept, copy, or delete e-mails sent or received by other users;  
Posting or transmitting any message anonymously or under a false name or permitting any other individual to do so;  
Impersonating another person;  
Collecting information about others, including e-mail addresses, without their consent;  
Browsing through information or files on housing authority computers or networks not directly related to the employee's job.

***Misuse of housing authority computers, email addresses, or internet access may result in disciplinary action up to and including termination. In addition, such misuse may also be reported to appropriate federal, state, or local authorities.***

### Ensuring Compliance

The housing authority has the right, but not the duty, to monitor any and all aspects of its computer system, including employee e-mail, and internet usage to ensure compliance with this policy. Therefore, employees should be aware of the following:

Employees should not have an expectation of privacy in anything they create, send, or receive using a housing authority computer, email address, or any other form of electronic communication.

All information generated on the computer is the property of SMHA and is subject to subpoena for legal purposes.

Unless otherwise provided by law, any document, file or other record a housing authority employee creates, sends, or receives using a housing authority computer, email address, or other electronic communications device will be subject to disclosure under the Ohio Public Records Law.

Department Heads have the responsibility to assure that vigilant computer security procedures are followed in their area. Records should be kept regarding employee authorization to use computers. These records should be kept up to date, with changes to the records made promptly as employees are hired or leave the housing authority.

### Compliance Agreement

Without exception, all employees will be given a copy of this policy and will be asked to sign a Receipt for Computer, Internet and Email Usage Policy ("Receipt") prior to gaining access or authorization to use housing authority computers, email addresses, internet access or electronic devices. Employees already having access at the time of the establishment of this policy will also be asked to sign the Receipt in order to retain access.

## Social Media

The housing authority recognizes the increasing use of social media as a communication tool. This Social Media Policy addresses housing authority employees' use of social media. For the purpose of this policy, the housing authority considers the term "social media" to include, but not be limited to:

- Personal websites;
- Web logs ("blogs") or microblogs (e.g. "Twitter");
- "wikis";
- Social networking websites (e.g. "Facebook", "MySpace", "LinkedIn");
- Online media sharing websites (e.g. "YouTube," "Flickr");
- Online forums, message boards, or bulletin boards.

The housing authority acknowledges that some of its employees may choose to use social media on their own time for personal purposes. Housing authority rules and policies apply to the conduct and communications of housing authority employees while using social media just as those rules and policies apply to conduct and communications in any other setting. In addition, housing authority employees are prohibited from using social media in any manner that:

Violates any federal, state or local laws or regulations;  
Violates any housing authority policy, rule, standard or requirement, including but not limited to the:  
Harassment, Discrimination, and Retaliation Policy;  
Confidentiality Policy;  
Conflicts of Interest Policy;  
Political Activity Policy; and  
Outside Employment Policy.

Disrupts or hinders the housing authority's operations;

Infringes on any third party rights, including but not limited to intellectual property rights such as copyrights or trademarks;

Is defamatory, libelous, or might be construed as harassment or disparagement on the basis of race, color, religion, sex, national origin, age, disability or any other legally protected status;

Discloses confidential information related to housing authority business, residents, employees, or other matters;

Employees are reminded that information (e.g., comments, blog entries, photographs, videos) posted or communicated using social media may often be accessible by virtually anyone with internet access. This may include other housing authority employees, such as supervisors and subordinates, as well as housing authority residents. Also, once information is posted or uploaded onto a social media website or network, it can be nearly impossible to completely remove or eliminate. Housing authority employees are therefore encouraged to use good judgment if they use social media.

Employees are also reminded that, pursuant to the Computer, Email and Internet Usage Policy, and the Electronic Communications Policy, they have no expectation of privacy with respect to the use of any housing authority owned or issued computer or electronic communications device.

Use of social media by a housing authority employee in violation of this Policy may result in disciplinary action up to and including termination.

## **Solicitations, Distributions and Posting of Materials**

SMHA prohibits the solicitation, distribution and posting of materials on or at Agency property by any employee or nonemployee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by SMHA management and Agency-sponsored programs related to SMHA's services.

Unauthorized persons are not permitted on Agency property for solicitation and distribution.

Solicitation, distribution, or selling by non-employees is prohibited, except by authorized vendors engaged in sales of equipment, services, and supplies to the Agency.

Sales efforts by vendors are allowed when scheduled and authorized by the Executive Director.

Solicitation, distribution, or selling among employees is restricted to off-duty periods in non-work areas.

The Agency may authorize certain charitable programs and social or recreational activities that may involve solicitation or support from employees, such as United Way campaigns. An employee may volunteer to assist in these programs. However, an employee will not be discriminated against because of his/her unwillingness to participate.

## **Political Activity**

All members, officers, and employees of SMHA whose employment as such constitutes their principal employment, are subject to the provisions of Federal Hatch Act Statute 5 U.S.C. 1501 and 1502. If an individual, who is also engaged in some other employment or occupation, is doubtful as to his or her status under this statute, he or she may present the matter in writing to the Office of Special Counsel, U.S. Merit Systems Protection Board.

Employees must not:

- Use their official authority to influence elections or nominations, or for any other political purpose.

- Directly or indirectly, coerce, attempt to coerce, solicit, command, or advise a state or local officer, resident, or employee to pay, lend, or contribute anything of value to any party, committee, organization, agency, or person for political purposes.

- Solicit or receive political contributions on the premises of SMHA.

- Require or advise other employees or residents to make political contributions.

- Be candidates for election to public office, or take an active part in political campaign (except in non-partisan elections), or be active in political management.

- Use political influence in connection with their employment status. However, employees are free to vote as they choose and to express their opinions on all political subjects and candidates.

Employees who have any questions regarding this policy should contact the Executive Director. Questions concerning the appropriateness of a political activity should be referred to the Executive Director.

## **Employee Personnel Files**

Employee files are maintained by the Human Resources department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis.

A manager or supervisor considering the hire of a former employee or transfer of a current employee may be granted access to the file, or limited parts of it, in accordance with antidiscrimination laws.

Personnel file access by current employees and former employees upon request will generally be permitted within three days of the request unless otherwise required under state law. Personnel files are to be reviewed in the Human Resources department. Personnel files may not be taken outside the department.

Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

## **Medical Records**

Employee medical records are maintained in a file separate from his/her personnel file.

Records that pertain to an employee's medical history, diagnosis, prognosis or medical condition and that are generated and maintained in the process of medical treatment are confidential and may not be disclosed under the Public Records Act. Medical records may be released only in the following circumstances:

Supervisors and department heads may be informed of restrictions and accommodations that are a part of an agreed upon plan of reasonable accommodation.

First aid and safety personnel may be informed if an employee may require emergency treatment.

Government officials investigating compliance with the law may be provided with relevant information. A subpoena may be required at the discretion of SMHA.

Employers may give information to state workers' compensation offices in compliance with law requirements.

Employers may use the information for insurance purposes.

# **COMPENSATION**

## **Statement of Public Accountability**

SMHA is a public employer committed to serving the interests of the taxpayers and accountable to them for the effective use of public funds. Therefore, it is the policy of SMHA that employees are not paid for time they do not work unless they use leave time accrued or approved under SMHA policies. An employee's paycheck may be reduced, if the employee is absent from work for personal reasons, or because of illness or injury, even for periods of less than one (1) day, if they do not use accrued leave because:

They do not request use of accrued leave, or the request is denied;

The accrued leave has been exhausted; or

They request leave without pay.

If an employee's position is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA), there will be no deductions from their compensation for periods of absence from work of less than one (1) day, except for the reasons and circumstances specifically described in the preceding paragraph, or for violation of one of SMHA's policies regarding proper workplace conduct or as otherwise provided by the FLSA.

## **Performance and Salary Reviews**

Performance appraisals are conducted on an annual cycle. Employees will receive a performance review on the established date each year. The performance appraisal will be discussed, and both the employee and manager will sign the form to ensure that all strengths, areas for improvement and job goals for the next review period have been clearly communicated. Performance evaluation forms will be retained in the employee's personnel file.

Merit increases are based on Agency performance and financials and are not guaranteed. A performance review does not always result in an automatic salary increase. The employee's overall performance and salary level relative to his/her position responsibilities are evaluated to determine if a salary increase would be warranted.

Budget allocations for merit increases are planned for and allocated before the start of each calendar year. The annual salary increase program is designed to assist management in planning and allocating merit and promotional increases that reward individual performance, that are market competitive and that are internally equitable.

Salary adjustments are occasionally requested or warranted at times other than the employee's scheduled annual salary reviews. Out-of-cycle salary increases must be preapproved by the Executive Director. Human Resources will review all salary increase/adjustment requests to ensure internal equity and compliance with Agency policies and guidelines.

## **Hours of Work**

The workweek begins at 12:01 a.m. Monday, and ends at 12:00 midnight on Sunday.

## **Flexible Work Schedules**

SMHA recognized that certain departments and positions can accommodate flexible start and end times. Individuals may request a flexible work schedule by written proposal to the Human Resources Director who, with the consent of the Department Head and the Executive Director, may authorize a flexible work schedule.

## **Pay Periods**

Housing authority employees are paid on a bi-weekly basis. The work period ends the Sunday preceding the payday. Payday for bi-weekly paid employees is scheduled on every other Friday for work done for the two preceding workweeks. The calendar year contains twenty-six (26) bi-weekly pay periods.

Should a regular payday fall on a holiday, employees will be paid on the last working day before the scheduled payday.

Employees will normally be given their paycheck personally by their supervisor at their worksite. Concerns about shortages, overpayment, or deductions should be discussed immediately with the employee's supervisor.

## Garnishments

A court-ordered legal claim by a creditor against the wages of an employee for non-payment of a debt that is served to the Agency by the constituted legal authority is a garnishment, and will be recognized and executed by the Payroll Department.

Repeated or multiple garnishments of an employee's wages, not including the court-mandated deduction of child support payments, may result in disciplinary action.

When a garnishment is received by the Agency, the Director of Human Resources and/or designee will discuss the garnishment with the employee.

1. If the garnishment is the first one received by an employee, he/she will be advised of the consequences of further garnishments. Every reasonable effort will be made to assist the employee in resolving his/her financial difficulties through referral to assistance agencies.
2. If the garnishment is the second one received by the employee, the employee may be subject to disciplinary action (see Progressive Discipline).

## Payment of Wages

Paydays are usually bi-weekly on every other Friday.

Overtime payment, which is included with the nonexempt employee's base salary payment, is also paid bi-weekly with such payment covering hours worked in the prior biweekly period.

It is the Agency's policy that employee paycheck will only be given personally to that employee or mailed to his/her address.

If the normal payday falls on an Agency-recognized holiday, paychecks will be distributed one workday before the aforementioned schedule.

Employees may be paid by check or through direct deposit of funds to either a savings or checking account to the financial institution of their choice.

In the event of a lost paycheck, the Human Resources department must be notified in writing as soon as possible and before a replacement check can be issued. In the event the lost paycheck is recovered and the Agency identifies the endorsement as that of the employee, the employee must remit the amount of the endorsement as that of the employee, the employee must remit the amount of the replacement check to the Agency within 24 hours of the time it is demanded.

If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to the Human Resources department.

## Time Reporting

A work hour is any hour of the day that is worked and should be recorded to the nearest tenth of an hour. The workday is defined as the 24-hour period starting at 12:00 a.m. and ending at 11:59 p.m. The workweek covers seven consecutive days beginning on Monday and ending on Sunday. The usual workweek period is 40 hours.



Overtime is defined as hours worked by an hourly or nonexempt employee in excess of 40 hours in a workweek and should be recorded to the nearest tenth of an hour. Overtime must be approved in advance by the Supervisor to whom the employee reports.

Employees will submit their time record bi-weekly as directed by their Supervisor. Each employee is to maintain an accurate record of his or her hours worked. All absences from work schedules should be appropriately recorded.

## Deductions From Pay

There are several standard deductions that are authorized by law to be withheld from an employee's pay:

- (1) Retirement Plan Contribution
- (2) Medicare
- (3) State Income Tax
- (4) Federal Income Tax

Other deductions that may be authorized by law to be withheld from an employee's pay include:

- (1) Child Support Withholding
- (2) Wage Garnishment

Other deductions that only the employee may authorize are:

- (1) Hospital Insurance
- (2) Life Insurance
- (3) Credit Union
- (4) United Way Fund
- (5) Employee fund
- (6) Supplemental Insurance
- (7) Flexible Spending Account (FSA)

The housing authority may consider other deductions per the request of its employees.

## Meal/Rest Periods

The scheduling of meal periods at SMHA is set by the employee's immediate Supervisor with the goal of providing the least possible disruption to Agency operations.

### **Mandatory Meal Period**

Employee meal periods are important to Agency productivity and employee health. Employees who work at least 4 consecutive hours will be provided a meal break not to exceed 60 minutes for all non bargaining employees. One-half hour (1/2) of the meal period will not be included in the total hours of work per day and is not compensable. Nonexempt employees are to be completely relieved of all job duties while on meal breaks and must clock out for meal periods.

### **Rest Breaks**

Salaried employees, as they are paid a bi-weekly salary regardless of the hours they work, may choose to take breaks as needed. Nonexempt employees are permitted a 15-minute rest break for each four hours of work. Nonexempt employees on rest breaks are not required to clock in and clock out because this time is considered "time worked" and is compensable.

**Impermissible Use of Meal Period and/or Rest Breaks**

Neither the lunch period nor the rest break(s) may be used to account for an employee's late arrival or early departure or to cover time off for other purposes—for example, rest breaks may not be accumulated to extend a meal period, and rest breaks may not be combined to allow one half-hour long break.

**Overtime Pay (nonexempt employees)**

Nonexempt (hourly) employees are eligible for overtime compensation or compensatory time when approved or required by their supervisor to work for more than forty (40) hours in a workweek (Monday – Sunday).

Non-exempt (hourly) employees entitled to overtime compensation shall be paid one and one-half (1-1/2) times for hours worked (excluding sick, or injury hours) over forty (40) during a workweek at their base rate of pay.

All paid benefit leave hours (except sick or injury hours) shall be included in the total of hours worked to determine overtime hours.

When non-exempt (hourly) employees work on the actual holiday, they shall be paid for hours actually work at two (2) times their base rate of pay.

Overtime compensation shall be paid no later than at the conclusion of the next succeeding pay period.

All overtime shall be offered equally to all qualified personnel within the work unit except in case of emergency or when a particular employee or group of employees with special skills and/or qualifications is needed.

Employees required to work more than forty (40) hours in a workweek must have the overtime approved in advance by their supervisor. The supervisor shall be responsible for monitoring overtime work, and for assuring all overtime work is documented.

Non-exempt (hourly) employees shall not begin work prior to their scheduled work hours or continue to work after their scheduled work hours or during a scheduled lunch period, without prior approval of their supervisor.

In an emergency situation, when no supervisor or other individual is available to authorize overtime work, and after exhausting all means of contacting their supervisor, employees may work the overtime deemed necessary.

Employees who work overtime without approval (where prior approval is possible) shall be compensated for the time worked but shall be subject to disciplinary action for failure to follow approval process. Employees who deem it necessary to work overtime when prior approval is not possible are subject to disciplinary action for abuse of discretion if it is determined that the situation was not an emergency or the employee exercised poor judgment.

Overtime scheduling will be at the discretion of the supervisor, division/department head based on operational needs.

Employees working in an exempt (salary) position are not entitled to overtime compensation.

The workweek begins at 12:01 a.m. on Sunday morning and ends at 12:00 midnight on Saturday.

## **Compensatory Time**

### Non-Exempt (hourly) Employees

Non-exempt (hourly) employees may elect to accrue compensatory time in lieu of overtime compensation for hours worked (excluding sick or injury hours) in excess of forty (40) hours in a workweek (Sunday – Saturday) on a time and one-half basis.

Non-exempt (hourly) employees shall be compensated any accumulated, unused compensatory time if not scheduled and used within thirty (30) days of it being worked at the employee's current hourly rate of pay. When a non-exempt (hourly) employee transfers to an exempt (salary) position all accumulated but unused compensatory time will be paid out to the employee at the employee's non-exempt hourly rate of pay.

Upon termination of employment, non-exempt (hourly) employees shall be compensated for any accumulated but unused compensatory time at the employee's current rate of pay.

### Exempt (Salary) Employees

FLSA exempt employees are accountable for their performance outcomes rather than for time worked. Employees whose positions are classified as "FLSA Exempt" are not eligible to earn compensatory time when they work more than forty (40) hours in a workweek.

The Agency recognizes that most FLSA exempt employees put forth extra time and effort beyond the Agency's standard business hours in order to fulfill the generally-expected professional responsibilities of their positions. Therefore, the Executive Director may grant an exempt employee time away from work not to exceed half of their normal scheduled workday hours, without the use of paid leave.

Compensatory time will not be tracked, accumulated, used or paid out for FLSA exempt employees.

## **Photo-Identification Badge**

SMHA will provide identification badges at no charge for all regular employees, and photos will be made of all regular employees for personnel files. Replacement badges will be made at no charge when the badge is turned in because of wear and tear. Badges which are lost will be replaced at a cost to the employee as determined by the Executive Director or his/her designee. Employees may be required to show badges to management at least once per calendar year.

## **Business Travel and Reimbursement Policy**

It is SMHA's policy to provide for the most efficient means of transportation for housing authority business at the lowest cost, and to provide for the accurate accounting of travel expenses and for their timely reimbursement.

All requests for travel and reimbursement must be submitted to the Employee's Department Head. The Executive Director or his/her designee will review all employees travel accounts approved by the department head.

The Executive Director or his/her designee must authorize the means of transportation prior to the trip. The means of transportation to be used should be based on cost and convenience. Possible choices are: SMHA vehicles, personal vehicles, or aircraft.

The Executive Director or his/her designee must authorize the use of commercial rental cars prior to the trip.

Under no circumstances will the employee rent or lease a luxury style vehicle for housing authority business.

Allowable Expenditures

- (1) Registrations fees for conferences, conventions, and seminars
- (2) Transportation fares – airplane, train, bus, tax, automobile mileage, baggage fees
- (3) Parking fees
- (4) Lodging
- (5) Meals
- (6) Road tolls
- (7) Telephone when conducting HOUSING AUTHORITY business
- (8) Reasonable telephone charges for calls home

Non-Allowable Expenditures:

- (1) Tips and gratuities
- (2) Entertainment, including (but not limited to) alcohol expenses.

Employees must comply with the travel advance procedure for SMHA in order for travel reimbursements and travel advances to be approved. In cases where SMHA travel is using federal funds, the employee will attempt to receive government rates or the most reasonable rates for accommodations.

Reimbursement Policies

- (1) **SMHA Vehicles** – All vehicle expenses including gas, etc., that are incurred while using a housing authority vehicle must be documented with a receipt.
- (2) **Personal Vehicles** – Employees using personal vehicles for housing authority business will be reimbursed at the current IRS rate for in-town and out-of-town travel (The Finance Department will communicate changes to the IRS rate). The number of miles driven in-town or out-of-town must be entered on the “Mileage Reimbursement form”. Travel from home to work or from work to home is never reimbursed.
- (3) **Air, Bus, etc.** – All fares will be arranged and paid for by the housing authority in advance. The Executive Director and/or his/her designee will be responsible for making and paying for such arrangements. Employee must turn in a copy of the paid ticket.
- (4) **Rental Vehicles** – Rental cars may be used only if the Executive Director or his/her designee gives prior authorization.
- (5) **Employees Traveling Together** – No employee will be reimbursed for mileage when transported by another employee.
- (6) **Lodging** – Charges for lodging will be secured and paid for in advance of the travel by the housing authority. A receipt must substantiate the cost of lodging.
- (7) **Meals and Incidental Expenses (M&IE)** – The cost of meals, and incidental expenses will be provided at per diem rates published by the General Services Administration or similar publication. The per diem for cities not listed will be the per diem for the county the intended destination is located in. The per diem rate is used to gauge reasonableness of travel expenses. Reimbursement for taxi and incidental items not covered by the per diem rate must be supported by receipts and other documentation of actual expense.

When computing per diem, official travel starts at the time the traveler leaves his/her home, office, or other point of departure and ends when the traveler returns to his/her home, office or other point of the trip's conclusion. When an overnight stay is required, the applicable per diem rate for Meals and Incidental Expenses (M&IE) will be prorated at 75% of the per diem rates on the date of departure and the date of return based on GSA rules.

If an overnight stay is not required on a trip, per diem will be provided for the daily lunch rate when the employee is away from the normal place of work for 12 hours or less.

- (8) **Spouses/Guests** – Arrangements for the accompaniment of spouses or other guests must be made in advance with the housing authority. SMHA will not pay for transportation, meals or entertainment of spouses or guests.

The Finance Director will make periodic reviews of travel expense accounts and verify compliance with this policy.

Certified public accountants during their annual audit, will report any irregularities and non-compliance to the Executive Director and the Board of Commissioners.

## TIME OFF/LEAVES OF ABSENCE

### Holiday Pay

SMHA recognizes twelve (12) paid holidays each year:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

Should a holiday fall on a weekend, the holiday will be observed on the work day closest to the holiday.

Time off may be granted to employees who desire to observe a religious holiday that is not recognized by the Agency.

### Vacation

Annual paid vacation leave depends on each regular employee's length of service with the Housing Authority.

Each full time employee of SMHA is entitled to vacation. If the employee's hire date is on or before the 15<sup>th</sup> of any given month, annual leave will be credited for that month. If the hire date is on the 16<sup>th</sup> or after of any given month, annual leave will not be credited for the month of hire. All employees accrue annual leave benefits as shown on the charts below. Annual leave does not accrue while an employee is on any type of unpaid leave status, except maternity leave, FMLA leave, and Workers' Compensation Leave.

<u>Years of Service</u>	<u>Vacation Days</u>	<u>monthly calculations on active pay status</u>
1 month to 5 years	10 workdays	6.67 hours
6 years to 10 years	15 workdays	10.00 hours
11 years to 15 years	20 workdays	13.34 hours
16 years to 20 years	25 workdays	16.67 hours
21 years and over	30 workdays	20.00 hours

After six (6) months (180 days) of employment, an employee is eligible to use accrued vacation. Annual leave is not earned or available for use until it is posted according to the posting schedule. If an employee terminates his/her employment within six (6) months of hire, he/she will receive no vacation pay.

Vacation is not considered earned and available until appearing on the employee's paycheck.

Vacation leave accrued but not taken may be accrued up to three (3) times the amount of that which is accrued in a current calendar year. In no event shall an employee who has accumulated more than three (3) times his/her allowable leave be paid for vacation leave not taken.

Vacation leave for employees hired on or after April 1, 2011 is as follows:

Vacation leave accrued but not taken may be accrued up to one (1) times the amount of that which is accrued in a current calendar year. In no event shall an employee who has accumulated more than one (1) times his/her allowable leave be paid for vacation leave not taken.

Upon separation from service, an employee who has served at least six (6) months with SMHA will be paid for any accrued, but unused vacation leave to his/her credit. Payment will be at the employee's current rate of pay.

The Executive Director shall establish the minimum increments in which employees may take vacation, and the amount of notice required for vacation leave requests. Requests for use of vacation are to be made, and approved, in advance.

When two (2) or more employees request the same vacation date, and all requests cannot be granted, the requests will be granted by seniority in the order received. Once an employee has received approval for vacation leave, he/she may not be displaced by a more senior employee.

In order to maintain an adequate work force to perform the required work and provide the services that are normally provided by the authority, the authority shall determine the number of employees that will be granted annual leave at any given time at a site and department basis. Regular scheduling of annual leave will be done once a year in order to ensure an adequate work force at all times by each site or department. The authority may allow and approve two (2) choices for time off to allow a split vacation during the year.

Vacation leave may be denied during a specific period, if the workload dictates.

If an employee is disabled due to illness or injury, or experiences a death in the family that would qualify for paid sick leave while he/she is on vacation, he/she may request time off charged to sick leave by showing documented proof of eligibility. If the reason for the leave qualifies under the Family and Medical Leave Act, the leave will be charged against the employee's FMLA entitlement from the date of the qualifying event.

An employee on a FMLA leave will be required to exhaust all accrued sick/vacation time prior to being placed on unpaid status.

## Vacation Buy Out

Employees who are entitled to 4 or more weeks of vacation leave annually are permitted to cash in accrued vacation leave up to a maximum of 50% of their annual accrual at 100% of its current value. Cash in of annual vacation leave can be in one week increments only. Employees must make a written request to the Executive Director by **November 1** of the same year to qualify for unused vacation leave cash in on **November 30**. All vacation leave requires the approval of the Department Head.

### Advance Payment

Annual leave may be paid before going on vacation with two (2) weeks advance written notice to the Executive Director, except during the months of June and July.

## Longevity Pay

Full-time employees who have given uninterrupted service for three (3) years or more, will qualify for longevity pay. Full-time employees, who were hired after January 31, 1985 but before April 2, 2011, shall receive, in addition to the employee's regular rate of pay, longevity pay annually in accordance with the below schedule.

<u>Anniversary Date (Years)</u>	<u>Amount</u>
3	\$135.00
4	\$180.00
5	\$225.00
6	\$270.00
7	\$315.00
8	\$360.00
9	\$405.00
10	\$450.00
11	\$495.00
12	\$540.00
13	\$585.00
14	\$630.00
15	\$675.00
16	\$720.00
17	\$765.00
18	\$810.00
19	\$855.00
20	\$900.00
21	\$945.00
22	\$990.00
23	\$1,035.00
24	\$1,080.00
25 and over	\$1,125.00

Full-time employees who have given uninterrupted service for three (3) years or more, will qualify for longevity pay. Employees hired after April 1, 2011 shall receive longevity pay as prescribed below.

<u>Anniversary Date (Years)</u>	<u>Amount</u>
3	\$ 67.50
4	\$ 90.00
5	\$112.50
6	\$135.00
7	\$157.50
8	\$180.00
9	\$202.50
10	\$225.00
11	\$247.50
12	\$270.00
13	\$292.50
14	\$315.00
15	\$337.50
16	\$360.00
17	\$382.50
18	\$405.00
19	\$427.50
20	\$450.00
21	\$472.50
22	\$495.00
23	\$517.50
24	\$540.00
25 and over	\$562.50

Longevity checks are issued the first pay of June or December. Employees hired before June 30 may choose to receive their check in June or in December. Those employees hired from July 1 through December 31 will receive their check in December. The month selected will remain for the duration of employment.

**Note:** The longevity amount of employees who were hired before January 31, 1985 will vary.

## Sick Leave

The sick leave program is designed to provide regular pay to a full-time, or part-time with benefits, employee while absent from work for personal illness or due to the illness of an immediate family member. Full-time employees accrue paid sick leave at the rate of one (1) workday (8 hours) per completed month of service in which they have been in pay status. Sick leave credits shall not be accrued by introductory employees. However, if an introductory employee is hired as a full-time regular employee upon the completion of their introductory period, sick leave shall be granted retroactively for the introductory period. Part-time employees may accrue paid sick leave on a reduced schedule.

Effective January 6, 2014, SMHA will no longer recognize or transfer sick leave balances accumulated from other public agencies, including but not limited to: State, counties, municipalities, and townships within the State of Ohio.



Rules and guidelines of the program are as follows:

Accrued, unused paid sick leave can be accumulated and carried over from year to year.

Paid sick leave does not accrue during periods of leave taken without pay, unless otherwise required by law.

Paid sick leave credits will not be granted until actually earned.

If an employee is absent from work and does not telephone the attendance line within 30 minutes of his/her scheduled starting time, the employee may forfeit pay for the duration of his/her absence.

Employees must keep their supervisors informed of the probable duration of their absence and an estimate of the date they will return to work.

Paid sick leave may be charged only for such days as the employee would have otherwise been scheduled to work.

Should employees be called into military service and, within a two-week period subsequent to discharge and release from such service return to work, they shall have any balance of their accrued sick leave credits restored to their account. They shall not accrue sick leave credits while serving in the military.

All accrued sick leave credits or the use of sick leave credits shall be recorded by Authority and shall be considered the official record. The records may be made available to employees for questions and inspection provided arrangements are made and approved in advance by the Human Resources Director.

An employee may use his or her accrued paid sick leave for the following reasons upon approval by his/her Supervisor/Manager:

Personal Illness. An employee may use accrued paid sick leave when he/she must be absent from work due to his/her own personal illness. Upon returning to work, the employee may be asked to submit a written statement to his/her supervisor indicating the nature of illness that caused the employee to be absent. If the employee is absent for 3 or more days, SMHA may also require medical certification of the illness from the employee's physician.

Sickness in the Employee's Immediate Family. An employee may use accrued sick leave when he/she is absent from work due to an illness of an immediate family member, i.e. spouse, child, parent or in-law. Upon returning to work, the employee may be asked to submit a written statement to his or her supervisor indicating the reason for the absence. If the employee is absent for 3 or more consecutive workdays, SMHA may require medical certification of the illness from the family member's physician.

Work Related Injury. An employee who is injured while performing his/her work duties for SMHA may be eligible for Worker's Compensation benefits. The employee who is eligible for lost time Worker's Compensation benefits may choose to use sick leave or accept Worker's Compensation Transition Work Program or Workers Compensation temporary total disability benefits. An employee cannot collect both sick leave payments and Worker's Compensation temporary total disability benefits for the same time period.

Death of a member of the employee's immediate family.

Medical, dental, or optical examination or treatment of the employee or a member of the immediate family.

### **Misuse of Sick Leave**

The Authority is responsible to ensure the employees' use sick leave only for its intended purpose. If it has been established that employees are misusing or abusing sick leave by way of pattern or frequency, the authority will approve no sick leave without a written excuse from a certified health care provider. If the authority determines employees are misusing or abusing sick leave by way of pattern or frequency, the authority will issue disciplinary action up to and including discharge. In explanation, but not limitation, pattern sick leave abuse is defined as repeated absences prior to or following a weekend or holiday; one hour at the start of shift, or one hour prior to end of shift. If it is found by pattern or frequency that this is being done to avoid the tardiness policy, employees shall be subjected to docking of sick leave accrual by one (1) hour usage for each instance in addition to the above disciplinary action.

### **Non-use of Sick Leave**

The authority may award employees a cash bonus which is not pro-ratable for non-use of sick leave as follows:

If an employee does not use any sick leave during the first half of the calendar year, the employee will be entitled to a cash bonus of \$200.00.

If an employee does not use any sick leave during the second half of the calendar year, the employee will be entitled to a cash bonus of \$200.00.

## **Donation of Accumulated Sick Leave**

SMHA, in its sole discretion, may approve the donation of sick leave to qualifying employees. Qualifying employees are those employees who have exhausted all accumulated leave due to a chronic, serious health condition or are awaiting a determination of OPERS disability. Upon approval from the Executive Director, the Human Resources Director will notify employees of the need for contributions to an Emergency Sick Leave Reserve (ESLR). Interested employees may donate accumulated and unused sick leave to the ESLR for the benefit of such employee in hourly increments not to forty (40) hours.

Employees desiring to transfer sick leave under this policy shall notify the Human Resources Department in writing. Upon receiving such notification, the Director of Finance will transfer sick leave from the ESLR to the employee who has exhausted his/her accumulated leave time subject to the approval of the Executive Director.

A transfer of sick leave made under this policy is irrevocable.

Sick leave transfers made under this policy will be made on an hour to hour basis. No consideration will be given to the hourly rate or salary of the donor or donee.

No consideration of money or anything else of value shall be exchanged between the donor and donee for participation under this program. Employees violating this policy may be subject to disciplinary action up to and including termination from employment.

## Cash-in of Sick Leave

On June 30 of each calendar year, **active** employees are permitted to cash in up to 15 days of their accrued but unused paid sick leave, for 25% of its current value. Employees must make a written request to the Executive Director by August 1 of each year to be eligible to cash in their unused sick leave under this policy.

## Family and Medical Leave Act (FMLA) Policy

The Family and Medical Leave Act (“FMLA”) provides eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave an employee may use is either 12 or 26 weeks within a 12-month period depending on the reasons for the leave.

### Employee Eligibility

To be eligible for FMLA leave, you must:

1. have worked at least 12 months for the Agency in the preceding twelve months.;
2. have worked at least 1,250 hours for the Agency over the preceding 12 months; and
3. currently work at a location where there are at least 50 employees within 75 miles.

All periods of absence from work due to or necessitated by service in the uniformed services are counted in determining FMLA eligibility.

### Conditions Triggering Leave

FMLA leave may be taken for the following reasons:

1. birth of a child, or to care for a newly-born child (up to 12 weeks);
2. placement of a child with the employee for adoption or foster care (up to 12 weeks);
3. to care for an immediate family member (employee’s spouse, child, or parent) with a serious health condition (up to 12 weeks);
4. because of the employee’s serious health condition that makes the employee unable to perform the employee’s job (up to 12 weeks);
5. to care for a Covered Service member with a serious injury or illness related to certain types of military service (up to 26 weeks) (see Military-Related FMLA Leave for more details); or,
6. to handle certain qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty or call to covered activity duty status in the Uniformed Services (up to 12 weeks) (see Military-Related FMLA Leave for more details).

The maximum amount of leave that may be taken in a 12-month period for all reasons combined is 12 weeks, with one exception. For leave to care for a Covered Service member, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

## **Definitions**

A “Serious Health Condition” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider or one visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

## **Identifying the 12-Month Period**

The Agency measures the 12-month period in which leave is taken by the “rolling” 12- month method, measured backward from the date of any FMLA leave with one exception. For leave to care for a covered service member, the Agency calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

## **Using Leave**

Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or in the case of a covered service member, his or her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Intermittent leave is not permitted for birth of a child, to care for a newly-born child, or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the Agency's operations.

## **Use of Accrued Paid Leave**

Depending on the purpose of your leave request, you may choose (or the Agency may require you) to use accrued paid leave (such as sick leave, vacation, or PTO), concurrently with some or all of your FMLA leave. In order to substitute paid leave for FMLA leave, an eligible employee must comply with the Agency’s normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice, etc.).

## **Maintenance of Health Benefits**

If you and/or your family participate in our group health plan, the Agency will maintain coverage during your FMLA leave on the same terms as if you had continued to work. If applicable, you must make arrangements to pay your share of health plan premiums while on leave. In some instances, the Agency may recover premiums it paid to maintain health coverage or other benefits for you and your family. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of your leave.

## **Notice and Medical Certification**

When seeking FMLA leave, you are required to provide:

1. sufficient information for us to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that you are unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization or

continuing treatment by a health care provider, or circumstances supporting the need for military family leave. You must also inform the Agency if the requested leave is for a reason for which FMLA leave was previously taken or certified.

If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave. If the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the Agency's normal call-in procedures, absent unusual circumstances.

2. medical certification supporting the need for leave due to a serious health condition affecting you or an immediate family member within 15 calendar days of the Agency's request to provide the certification (additional time may be permitted in some circumstances). If you fail to do so, we may delay the commencement of your leave, withdraw any designation of FMLA leave or deny the leave, in which case your leave of absence would be treated in accordance with our standard leave of absence and attendance policies, subjecting you to discipline up to and including termination. Second or third medical opinions and periodic re-certifications may also be required;

3. periodic reports as deemed appropriate during the leave regarding your status and intent to return to work; and

4. medical certification of fitness for duty before returning to work, if the leave was due to your serious health condition. The Agency will require this certification to address whether you can perform the essential functions of your position.

Failure to comply with the foregoing requirements may result in delay or denial of leave, or disciplinary action, up to and including termination.

### **Employer Responsibilities**

To the extent required by law, the Agency will inform employees whether they are eligible under the FMLA. Should an employee be eligible for FMLA leave, the Agency will provide him or her with a notice that specifies any additional information required as well as the employee's rights and responsibilities. If employees are not eligible, the Agency will provide a reason for the ineligibility. The Agency will also inform employees if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave counted against the employee's leave entitlement. If the Agency determines that the leave is not FMLA-protected, the Agency will notify the employee.

### **Job Restoration**

Upon returning from FMLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

### **Failure to Return After FMLA Leave**

Any employee who fails to return to work as scheduled after FMLA leave or exceeds the 12-week FMLA entitlement (or in the case of military caregiver leave, the 26-week FMLA entitlement), will be subject to the Agency's standard leave of absence and attendance policies. This may result in termination if you have no other Agency-provided leave available to you that applies to your continued absence. Likewise, following the conclusion of your FMLA leave, the Agency's obligation to maintain your group health plan benefits ends (subject to any applicable COBRA rights).

## **Other Employment**

The Agency generally prohibits employees from holding other employment. This policy remains in force during all leaves of absence including FMLA leave and may result in disciplinary action, up to and including immediate termination of employment.

## **Fraud**

Providing false or misleading information or omitting material information in connection with an FMLA leave will result in disciplinary action, up to and including immediate termination.

## **Employers' Compliance with FMLA and Employee's Enforcement Rights**

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

While the Agency encourages employees to bring any concerns or complaints about compliance with FMLA to the attention of the Human Resources Department, FMLA regulations require employers to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer.

Further, FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

## **MILITARY-RELATED FMLA LEAVE**

FMLA leave may also be available to eligible employees in connection with certain service related medical and non-medical needs of family members. There are two forms of such leave. The first is Military Caregiver Leave, and the second is Qualifying Exigency Leave. Each of these leaves is detailed below.

## **Definitions**

A "covered service member" is either: (1) a current service member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness incurred in the line of duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list; or (2) a "covered veteran" who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

A "covered veteran" is an individual who was discharged under conditions other than dishonorable during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The period between October 28, 2009 and March 8, 2013 is excluded in determining this five-year period.

The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition." For current service members, the term "serious injury or illness" means an injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated by such service, that may render them medically unfit to perform the duties of their office, grade, rank or rating.

For covered veterans, this term means a serious injury or illness that was incurred in the line of duty while on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated by such service and manifested itself before or after the individual assumed veteran status, and is: (1) a

continuation of a serious injury or illness that was incurred or aggravated when they were a member of the Armed Forces and rendered them unable to perform the duties of their office, grade, rank or rating; (2) a physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; (3) a physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would be so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

"Qualifying exigencies" include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, parental care, and post-deployment debriefings.

### **Military Caregiver Leave**

Unpaid Military Caregiver Leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. Military Caregiver Leave is a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.

To be "eligible" for Military Caregiver Leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered service member. "Next of kin" means the nearest blood relative of the service member, other than the service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave. The employee must also meet all other eligibility standards as set forth within the FMLA Leave policy.

An eligible employee may take up to 26 workweeks of Military Caregiver Leave to care for a covered service member in a "single 12-month period." The "single 12-month period" begins on the first day leave is taken to care for a covered service member and ends 12 months thereafter, regardless of the method used to determine leave availability for other FMLA-qualifying reasons. If an employee does not exhaust his or her 26 workweeks of Military Caregiver Leave during this "single 12-month period," the remainder is forfeited.

Military Caregiver Leave applies on a per-injury basis for each service member. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered Service member, and/or for each and every serious injury or illness of the same covered service member. A total of no more than 26 workweeks of Military Caregiver Leave, however, may be taken within any "single 12-month period."

Within the "single 12-month period" described above, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the "single 12-month period," an eligible employee may take up to 16 weeks of FMLA leave to care for a covered service member when combined with up to 10 weeks of FMLA leave to care for a newborn child.

An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered service member and completed by an authorized health care provider within 15 days. Military Caregiver Leave is subject to the other provisions in our FMLA Leave Policy (requirements

regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military Caregiver Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

### **Qualifying Exigency Leave**

Eligible employees may take unpaid “Qualifying Exigency Leave” to tend to certain “exigencies” arising out of the covered active duty or call to covered active duty status of a “military member” (i.e. the employee’s spouse, son, daughter, or parent). Up to 12 weeks of Qualifying Exigency Leave is available in any 12-month period, as measured by the same method that governs measurement of other forms of FMLA leave within the FMLA policy (with the exception of Military Caregiver Leave, which is subject to a maximum of 26 weeks of leave in a “single 12-month period”). Although Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed 12 weeks in any 12-month period (with the exception of Military Caregiver Leave as set forth above). The employee must meet all other eligibility standards as set forth within the FMLA policy.

Persons who can be ordered to active duty include active and retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

A call to active duty refers to a *federal* call to active duty, and *state* calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws.

Qualifying Exigency Leave is available under the following circumstances:

- (1) **Short-notice deployment.** To address any issue that arises out of short notice (within seven days or less) of an impending call or order to covered active duty.
- (2) **Military events and related activities.** To attend any official military ceremony, program, or event related to covered active duty or call to covered active duty status or to attend certain family support or assistance programs and informational briefings.
- (3) **Childcare and school activities.** To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.
- (4) **Financial and legal arrangements.** To make or update various financial or legal arrangements; or to act as the covered military member’s representative before a federal, state, or local agency in connection with service benefits.
- (5) **Counseling.** To attend counseling (by someone other than a health care provider) for the employee, for the military member, or for a child or dependent when necessary as a result of duty under a call or order to covered active duty.
- (6) **Temporary rest and recuperation.** To spend time with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to 15 calendar days of leave for each instance of rest and recuperation.



(7) **Post-deployment activities.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following termination of the military member's active duty status. This also encompasses leave to address issues that arise from the death of a military member while on active duty status.

(8) **Parental care.** To care for the military member's parent who is incapable of self-care. The parent must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age.

(9) **Mutually agreed leave.** Other events that arise from the military member's duty under a call or order to active duty, provided that the Agency and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the military member's active duty or rest and recuperation orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within 15 days. Qualifying Exigency Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

#### **Limited Nature of This Policy**

This Policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The Agency reserves the right to modify this or any other policy as necessary, in its sole discretion to the extent permitted by law. State or local leave laws may also apply.

## **Maternity Leave**

A pregnant employee is requested to notify her immediate supervisor as soon as possible of her condition, expected date of delivery and how long the employee may carry on her job duties. The maximum duration of maternity leave (with or without pay) shall be for a period of 12 weeks beginning the day she leaves work under doctor's orders.

Maternity Leave will run concurrently with FMLA Leave (**see FMLA LEAVE**).

The employee shall be reinstated with full seniority provided she has notified SMHA in writing within 30 days of delivery of her intent to return to work. The employee must return to work within twelve weeks unless her doctor has determined that for medical reasons an extension of leave is required.

## **Lactation/Breastfeeding**

The Housing Authority will adhere to all Federal and Local laws as they pertain to accommodating nursing mothers. The Housing Authority will comply with the break time requirement for nursing mothers in the Patient Protection and Affordable Care Act ("PPACA") which took effect on March 23, 2010. This law amended Section 7 of the Fair Labor Standards Act (FLSA).

The Housing Authority will provide reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has a need to express milk. A place,

other than a bathroom, will be provided that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

An employee who used break time to express milk must be compensated the same way that other employees are compensated for break time (according to the FLSA and Housing Authority policies and procedures)

### **Personal Leave (Exempt Directors, Property Managers and Executive Staff)**

Full-time Exempt Directors, Property Managers, and Executive Staff employees are granted 32 hours (four days) of Personal Leave each calendar year, available on January 1 of each year. Employees hired after January 1 are granted a reduced number of Personal Leave hours available on their first date of hire. Employees shall not carry over personal leave to the succeeding year. Authority will purchase all unused personal leave at the calendar year's end if employees submit a written request to the Executive Director no later than December 1<sup>st</sup> of each year.

### **Personal Leave of Absence**

Employees who require time off and have exhausted all vacation or comp time may request a personal leave of absence without pay for up to a maximum of two weeks (14 days). An extension may be approved in limited circumstances. The Executive Director must approve all leaves in writing.

All regular employees employed for a minimum of 90 days are eligible to apply for an unpaid personal leave of absence. Job performance, absenteeism and departmental requirements will all be taken into consideration before a request is approved.

Please contact Human Resources for more information on request procedures.

The employee must return to work on the scheduled return date or be considered to have voluntarily resigned from his or her employment. Extensions of leave will only be considered on a case-by-case basis.

### **Bereavement Leave**

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately.

Bereavement leave will be granted unless there are unusual business needs or staffing requirements.

Paid bereavement leave is granted according to the following schedule:

All employees may be granted up to three (3) days of paid bereavement leave to cover a death in the immediate family. Immediate family is defined as an employee's parent, spouse, legal guardian, child, sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, and grandchildren.

The need for bereavement leave must be reported to the employee's Department Head. Should special circumstances exist for taking more than three (3) days of bereavement leave, additional leave (up to two (2) additional days shall be granted.

Regular/Permanent employees may use sick leave and/or vacation leave to cover time spent on additional bereavement leave per their requests (beyond the initial three (3) day period).

Employees are allowed up to four hours of bereavement leave to attend the funeral of an employee or retiree of the Agency.

## **Jury Duty**

Employees required to serve on a jury before a court empowered by law to require such service shall be excused from duty only for that time required for such service and shall be paid their regular hourly rate less their jury duty pay, provided employees notify Director of Accounting or their designee five (5) days prior to such jury service date and certifies to the Director of Accounting or designee the amount of jury pay received.

## **Court Subpoena**

The authority will allow the use of annual leave in increments of a minimum of one (1) hour each for employees, who, because of personal circumstances, make a court appearance.

The authority will continue in pay status employees who are called to testify in court proceedings on behalf of the authority.

The authority will pay the difference between employees regular base pay and any monies received by employees as a result of employees being subpoenaed to appear as a witness in any felony proceeding or when called to testify before a grand jury. As a condition of said payment to employees, evidence of subpoena must be provided to the Director of Accounting or designee.

Employees shall report back for work when released as a witness unless their normal workday has ended.

## **Voting Time**

All employees should be able to vote either before or after regularly assigned work hours. However, in the rare occasion that this is not possible due to work schedules, employees will receive up to three hours during the work day to vote. Time off for voting should be reported and coded appropriately on timekeeping records.

## **Military Leave of Absence**

The Housing Authority complies with Uniformed Service Employment and Re-employment Rights Act of 1994 (USERRA, as amended). The Housing Authority will not discriminate against employees or applicants for employment because of their service in the uniformed services.

Employees who leave their position at the Housing Authority to service in the uniformed services will be carried on the payroll in a military leave status without pay. Said employees will be eligible to return to work at the Housing Authority provided that (1) the Housing Authority be given advance notice of the service, unless such notice is impossible or unreasonable, (2) the service member serves for five (5) years or less of cumulative service in the uniformed services, (3) the service member returns to work in a timely manner after conclusion of service, and (4) the service member is not separated from service with a disqualifying discharge or under other dishonorable conditions. In addition, the Housing Authority provides for health care benefits for employees who are absent from work due to military service in accordance with USERRA.

For employees who are members of the Military Reserves or National Guard and are required to attend annual training, the Housing Authority will pay the difference between Housing Authority pay and military base pay for two regular work weeks. When returning from training, employees must provide their supervisor with written evidence from their commanding officer which shows the pay received while training.

Employees should notify their supervisor as soon as they have been informed of the dates on which they must participate in training.

Should you anticipate military leave of any type, please contact the Human Resources Department to discuss your reinstatement rights and privileges.

In compliance with House Bill 5136 of the National Defense Authorization Act of 2011, the Housing Authority will permit a spouse, son or daughter or parent of a member of a uniformed service to take up to two work week of unpaid leave during any 12 month period where a family member has received notification of an impending call or order to active duty in support of a contingency operation. The leave may be taken on an intermittent or a reduced leave at the discretion of the employee. Employees may substitute accrued vacation or sick leave for unpaid leave during this time.

The employee must provide notice of the need for such leave “as is reasonable and practicable.” The Housing Authority may require that leave be supported by a certification of entitlement to such leave prior to granting leave. A copy of the notice, call, or order is considered sufficient certification. An employee has the right to be restored to the position the employee held prior to taking the leave, or to an equivalent rights and benefits.

## **BENEFITS**

For more information regarding benefits programs, please refer to the Agency Summary Plan Descriptions, which were provided to employees upon hire, or contact the Human Resources department.

### **Medical and Dental Insurance**

The Agency currently offers regular full-time employees regularly scheduled to work a minimum of 30 hours per week enrollment in medical and dental insurance coverage options after they have been employed for 30 days plus the first of the month.

Eligible employees may also elect insurance coverage for their dependents. Employees are required to currently contribute toward healthcare premiums (See HR for specific co-insurance amounts). The terms of coverage may be changed at the housing authority’s discretion at any time. Once made, elections are fixed for the remainder of the plan year. Changes in family status, as defined in the Plan document, allow employees to make midyear changes in coverage consistent with the family status change. Please contact the Human Resources department to determine if a family status change qualifies under the Plan document and IRS regulations.

The effective date of insurance coverage is thirty (30) days plus the 1<sup>st</sup> of the month following date of employment. A portion of the premiums for health, dental and vision insurance coverage will be paid by the housing authority in compliance with federal and state laws and regulations.

Employer portion of premiums for group health care during illness shall be paid by the Employer (1) while the employee is receiving sick leave benefits as outlined in the “Sick Leave Policy”, and (2) during the first six (6) months the employee is on disability leave with pay. Employee is responsible for paying their portion of the healthcare premiums while out on leave without pay.

Employees should refer to their benefits brochure for further information regarding health, dental and vision insurance. These brochures are available through the Human Resources Department.

In addition, under the provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), employees who separate from employment with the housing authority may be eligible to continue the housing authority's group health, dental and vision plans for a period of time after the date of separation. The Human Resources Department will explain the details of this program with employees at the time of their exit interviews or separation from employment.

At the end of each plan year during open enrollment, employees may change medical and dental elections for the following calendar year.

The Human Resources department is available to answer benefits plan questions and assist in enrollment as needed.

## **Medical Insurance Opt-Out Program (Effective January 1, 2014)**

Beginning on January 1, 2014, Any employee who is covered under Stark Metropolitan Housing Authority's health insurance plan as of December 1, 2013, has been covered under Stark Metropolitan Housing Authority's health insurance for at least one year (1) uninterrupted, and who has insurance available to them through their spouse or other sources, may elect to "opt out" of the Agency sponsored health insurance effective January 1, 2014, and receive a stipend. (Proof of coverage must be attached).

Employees who wish to opt out must complete an opt out insurance form and submit a certificate of creditable coverage. An employee who is currently on a family plan will receive \$250/month. An employee who is currently on a single plan will receive \$150/month. There is no stipend for changing from a family plan to a single plan, it is only for those who wish to opt out of medical insurance completely.

In return for waiving the medical insurance coverage, the employee will receive a monthly stipend payment of:

- \$250.00 per month- Family plan medical
- \$150.00 per month – Single plan medical

The payment will be made on the last pay of each month in which the employee participates in the "Opt-Out" plan and the payment is subject to payroll taxes. In the event that the employee terminates employment before the last pay of that month, the employee will receive prorated payment upon termination.

If the terms of the alternate coverage are materially changed, eligible dependants and the employee shall be eligible to re-enroll in the SMHA insurance plan(s) as of the date of the change in the alternate coverage, without waiting for the next open enrollment period. In this event, the employee will receive no payment from the SMHA "Opt-Out" Program and will be responsible for their portion of co-insurance premiums at the time of re-enrollment.

## **Flexible Spending Account**

SMHA sponsors and administers a cafeteria benefits plan for regular full-time employees, providing an opportunity for employees to pay for some medical reimbursable and child care expenses on a pre-tax basis, which potentially reduces income. The amount set aside for medical reimbursement and childcare in the accounts is not subject to federal and social security income taxes.

Election for Flexible Spending Accounts must be made at the standard election period. Once the Plan year starts, deductions cannot be changed unless there is a "change of status" under the IRS Code. Maximum amount is \$2,500.00. For information, see the Human Resources Department.

If eligible medical or dental expenses are less than the elected annual amount of flex dollars for that year, the balance will be forfeited.

## **Group Life Insurance**

Life insurance coverage under the housing authority's group insurance program is available to all regular employees who also participate in the health insurance program. Participating employees are eligible for coverage in the amount of \$50,000. The housing authority currently pays the premiums for this coverage.

The life insurance program provides, in addition to the basic life coverage, additional payments in the case of accidental death or dismemberment as described in the policy. The insurance booklets and/or electronic documents are available through HR and are provided to employees at time of hire and annually at open enrollment. Any inconsistencies between the provisions in the Personnel Policies and the benefit plan documents are governed by the benefit plan documents.

## **Optional Life Benefits**

Additional life insurance is available through payroll deduction. Information may be obtained from the Human Resources Department.

## **Deferred Compensation**

SMHA offers employees a voluntary 457 Deferred Compensation retirement plan. Employees are eligible to participate in the plan immediately. Deferred Compensation is a program that allows employees to save and invest today for their retirement, and taxes are deferred until their assets are withdrawn, usually at retirement when the employee may be in a lower tax bracket. Accelerated participation is available for employees 50 years of age or over.

## **Employee Assistance Program**

Through the employee assistance program (EAP), SMHA provides confidential access to professional counseling services. The EAP, available to all employees and their immediate family members, offers problem assessment, short-term counseling and referral to appropriate community and private services. This service is provided on behalf of the SMHA by Mercy Concern.

The EAP is strictly confidential and is designed to safeguard an employee's privacy and rights. Contacts and information given to the EAP counselor may be released to SMHA only if requested by the employee in writing. There is no cost for an employee to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee. Employees can request EAP contact information from the Human Resources Department.

## **Retirement**

Each new employees under age sixty-two (62) automatically becomes a member of a contributory retirement fund called the "Ohio Public Employment Retirement System (OPERS)". All employees contribute to OPERS at the rate as outlined below of his/her salary per pay until retirement.

The Employer currently pays 5.0 percent of the OPERS employee contribution for all non-bargaining employees who were hired prior to April 1, 2011. Effective April 1, 2011, all new employees will be required to pay the full employee contribution toward OPERS.

An employee's contribution to OPERS is tax deferred. State law provides that the housing authority, as a participant in the Retirement System, may shelter the contributions payable to the system by its employees who are members of the system. This provision enables employees to have State and Federal income taxes on their contributions to their retirement deferred until after retirement.

## **Service Awards**

In recognition of its appreciation of its employees, the Housing Authority presents awards to employees who complete five (5) years of service and who complete succeeding five (5) year periods until retirement. These awards are presented by the Executive Director or his designee at an annual meeting each year.

## **Workers' Compensation Benefits**

The Housing Authority, as required by state law, carries Worker's Compensation insurance covering all employees. Coverage may be provided for job-related accidents which occur during working hours.

An employee who is injured and/or involved in an accident (regardless of how minor) arising out of and in the course of employment with SMHA must notify his/her supervisor immediately and must complete an accident report recording all pertinent and factual information about the accident. This report must be completed for each work-related accident or injury, whether or not the employee requires medical attention. The report is to be forwarded to the Director of Human Resources within twenty-four (24) hours of the accident and/or injury. In the event of a serious injury, the Director of Human Resources must be notified immediately so that an investigation can be initiated. A Workers' Compensation claim for an unreported injury will not be certified unless the injury required immediate medical attention and was documented by the supervisor.

If an injury requires medical attention, the supervisor will provide the injured employee with an "Employee's Report of Injury", an "Authorization for Release of Medical Records" and A list of Medical Treatment Facilities authorized to do "First Report of Injury Analysis and Drug Screening". This completed "Employee Accident and Investigation" report and Authorization for Release of Medical Records" must be forwarded to Director of Administration at the earliest possible date.

The employee is responsible for providing the "Physicians Report of Injury" to the supervisor and/or Director of Human Resources. An injured employee is required to comply with all treatment plans prescribed by the attending health care provider, as well as the Agency's Transitional Work Program.

Should an employee who is injured in the line of duty leave work before completing the workday, he/she will be paid at his/her regular rate for the balance of time left in the scheduled workday (eight (8) hours). If employee is unable to participate in the Transitional Work Program (inability to participate is based on physician's recommendations concerning the severity and extent of injury), further absence may require the employee to apply for benefits pursuant to Workers' Compensation or participate in the "Wage Continuation Program" (See WAGE CONTINUATION POLICY).

Any employee who suffers a compensable work-related injury or occupational illness, and is unable to participate in the Transitional Work Program and Wage Continuation Program, may elect to use accrued sick leave and/or vacation prior to receiving payments from Workers' Compensation. (See WORKERS' COMPENSATION).

Any leave, whether paid or unpaid, taken due to an on-the-job injury that qualifies as a "serious health condition" under the Family and Medical Leave Act, will be counted as part of the twelve (12) week entitlement provided under that Act.

## Transitional Work Program

Stark Metropolitan Housing Authority (SMHA) has established a Transitional Work Program for the purpose of reducing lost time, decreasing workers' compensation premiums and improving risk management strategies. SMHA is committed to working with injured employees and their providers to accommodate physical capabilities when the injured workers are unable to perform full duty activities.

### TRANSITIONAL WORK GOAL

The goal of the SMHA Transitional Work Program was to formalize a process that streamlines the process from injury to return to full-duty. SMHA will monitor the transitional duty job tasks to ensure they are meaningful and thus facilitate a timely full-duty return to work.

### TRANSITIONAL WORK PROGRAM GUIDELINES

Transitional work assignments are temporary. They are designed to facilitate a return to regular work and are not intended to become permanent work accommodations as described under the Americans with Disabilities Act (ADA).

All transitional work assignments will be coordinated in conjunction with the employee's department. There is no temporary or permanent change in this department.

The employee may continue in the transitional work program for up to twelve weeks, as long as the employee is making medical progress toward recovery and returning to full regular duty. Transitional work may be extended beyond 12 weeks for a short period of time only under the advice of the medical provider and the approval of Stark Metropolitan Housing Authority and the Transitional Work Coordinators.

Transitional work assignments should be immediately offered upon release to participate in the program by the employee's physician and when transitional work is available and in accordance with any medical restrictions noted by the treating physician or other authorized professional.

The employee will be paid his/her full wages while participating in the transitional work program. The employee's eligibility for any pay increase while on a transitional work assignment will be the same as for any employee performing his/her regular job duties in the same position.

Employee absences from work during transitional work assignment for reasons unrelated to a workplace illness or injury will be handled in accordance with the personnel policies of Stark Metropolitan Housing Authority.

To participate in this program, the employee's restrictions must be temporary and not permanent. Employees who have sustained a work-related injury or accident may participate. Employees who have sustained a non-work related injury or illness and cannot perform regular duties may participate on a case by case basis.

Transitional work assignments should be evaluated by the Supervisor/or the Transitional Work Coordinators routinely (every two weeks where possible) and re-addressed with the employee's Physician of Record.

Use of On-Site Therapy will be utilized where possible in an effort to assist the employee with remain at work / return to work goals. On-site services will be approved and coordinated with the employee's attending physician throughout participation in the TW program.

- a. Transitional Work Coordinator/Director of Administration
- b. Provider Groups for ease of Occupational Medical Care- (*employees should select post accident medical services from one of the medical providers listed below*)

Transitional work assignments may not exceed 40 hours per week. They may, however, be less than 40 hours per week. No overtime is available to program participants.



## JOB ANALYSES

In the process of developing the SMHA Transitional Work program, job analyses were completed to identify the physical requirements necessary for the completion of the essential tasks of each job. The job analyses are on file with the BWC, MCO (Gates-McDonald Health Plus), preferred Medical Providers (Work Health and Safety, Aultworks, and US Healthworks) and the onsite physical therapy provider (Worker's Choice Health Services). The job analyses information will be utilized to assist in determining appropriate transitional work activities.

## PROGRAM ACCESS

The SMHA Transitional Work program is available to all employees of Stark MHA. Below find the specifics regarding eligibility to participate in this program:

Employees who sustain work-related injuries, occupational diseases or occupational illnesses are eligible to be evaluated for participation in the transitional work program on a voluntary basis. Employees who sustain non-work related injuries or illnesses will be evaluated on a case-by-case basis for participation in the Transitional Work Program.

The injury must be documented in an *Employee Report of Incident and Injury*.

Employees who participate in the Transitional Work Program will be paid their full hourly rate or salary plus benefits for a period not to exceed 12 weeks.

All employees referred to the Transitional Work Program will be evaluated routinely in order to assess their appropriateness and ongoing eligibility for program participation. All evaluation of improvement in physical abilities shall be performed by a licensed professional. Task assignment may be provided by any one of the following program partners:

Provider Groups for ease of Occupational Medical Care-

- **Work, Health and Safety** – Mercy Medical Center, 6200 Whipple Ave. NW, North Canton, OH 44720; 330-966-8098
- **Stat Care 6200 Whipple Avenue NW** .North Canton,44720 330-966-8884
- **Aultworks Occupational Medicine** 3730 Whipple Avenue NW Canton, OH 44718 (330) 491-9675. M-F 8am o 5pm
- **Alliance Aultworks Occupational Medicine** 2461 West State Street Alliance Ohio 44610 330-823-8864. M-F 8am o 5pm
- **Aultman Carrollton Immediate Care** 1020 Trump Rd. Carrollton, Ohio 44615.330-627-0091. M-F 11am-7pm, Sat and Sun 9am to 1pm.
- **Aultman North immediate Care** 6100 Whipple Ave. NW, North Canton, OH 44720. 330-305-6999. 7 days a week 8am-11pm
- **Aultman West immediate Care** 20201 Wales .NW. Massillon, Oh.44646. 330-834-1111. M-Sat 8am-10pm.
- **Aultman Hospital Emergency Room** 2600 Sixth Street NW Canton, Oh 44706 330-452-9911 Open 24/7.
- **US Healthworks**, 2626 Fulton Dr. NW, Canton 44718; 330-453-6050
- **Mercy Medical Center Emergency Dept** – 1320 Mercy Drive, NW, Canton, OH 44708. 330-489-1055 Daily 24 hour emergency service
- **BWC Certified Provider**

**On-Site Licensed Physical Therapist** (physical abilities evaluation and task progression monitoring, temporary job task modification): **Worker's Choice Health Services – Don Harris, LPT; 419-651-8485**

**Vocational Case Manager-** To be determined by Comp Management Health Systems – MCO

**THE FOLLOWING CRITERIA ARE NECESSARY FOR PARTICIPATION IN SMHA'S TRANSITIONAL WORK PROGRAM:**

Entry

1. The employee's medical condition temporarily prevents him/her from performing the essential functions of the job.
2. The employee has voluntarily agreed to participate in the program and there is a signed agreement on file in the *Participation Agreement for Temporary Transitional Duty Program*.
3. The physician of record has certified that the employee has a temporary condition, identified the employee's work restrictions, and released the employee to participate in the transitional work program.
4. The Transitional Work Assignment must be within the work restrictions provided by the Physician of Record.

Note: Any employee who refuses to participate in Stark Metropolitan Housing Authority's Transitional Work Program after having been offered a valid transitional work assignment may be deemed ineligible to collect ongoing monetary benefits by the Bureau of Workers' Compensation and Stark Metropolitan Housing Authority. A valid offer of work is considered temporary work assignments/tasks that comply with the physical abilities and restrictions which have been noted and approved by the employee's attending physician at the time of the offer.

EXIT

1. Employee achieves transitional work goals and is able to perform essential functions of his/her original job and is released to regular duty by Physician of Record.

Employee's twelve week transitional work milestone has been reached and employee is unable to return to a regular duty job. An assessment should be done to determine course of action. The course of action may include:

1. An extension of the TW Program may be granted by the TW Coordinator with approval of the Physician of Record after assessing these indicators: employee participation levels, documented medical progress, the ability of the department to continue to accommodate and whether medical documentation suggests a more serious problem requiring attention.
2. If the assessment reveals that continuing the TW Program beyond 12 weeks is not warranted, the injured employee can be placed in the total care of their physician and referred for vocational rehabilitation services.

Employees participating in the Transitional Work program will have the same rights and responsibilities as any employee performing his/her regular job duties in the same position. If an employee believes that he has been treated arbitrarily, capriciously, or unreasonably with regard to his/her employee rights; the complaint procedure as outlined below will be followed.

Stark Metropolitan Housing Authority encourages its employees bring to management's attention their complaints about the organization, its processes or its employees. The following complaint policy was established to resolve complaints in a timely, fair and efficient manner in order to uphold commitment to foster a safe environment for injured workers to return to work through the transitional work program.

A complaint is defined as an injured worker's expressed feeling of dissatisfaction concerning conditions of services provided or treatment by any member of Stark Metropolitan Housing Authority or its' vendors.

## COMPLAINT PROCEDURE

Step 1: The participant must bring the matter to the Supervisor, in writing, within (5) scheduled days of the problem occurrence. The Supervisor will document the complaint on the *Complaint/Resolution Form*.

Step 2: The Supervisor will investigate the complaint with appropriate parties and communicate resolution or action toward resolution, in writing, to the employee within (5) business days from the receipt of the complaint. A *Complaint/Resolution Form* will be completed and placed in Employee file and logged for review of trends in process problems related to the Transitional Work Program.

Step 3: If the complaint directly relates to the Supervisor or the employee feels as if problem has not been satisfactorily resolved, the employee will be permitted to submit the complaint to the Director of Administration/Safety Director for review and resolution. The Director of Administration/Safety Director must follow the same guidelines for resolution.

Step 4: If the complaint/problem has not been resolved in Step 3 the employee should refer to the Executive Director for dispute resolution.

Stark Metropolitan Housing Authority regularly reviews complaints. The review identifies areas of concern and evaluates the actions taken to recommend change in policy and procedure which may prevent recurring problems of similar nature. All complaints will be anonymously reviewed by the Safety Team to ensure that appropriate action was taken toward resolution and as a means to trend complaints for improvements to the TW Program. All SMHA employees have the right to request an employee of their choice to sit in on any complaint resolution meetings that take place.

If there is a dispute regarding the medical treatment, payment of medical bills or allowing services, the injured worker must contact the Managed Care Organization for Stark Metropolitan Housing Authority/Comp Management Health Systems, Inc.

Stark Metropolitan Housing Authority Safety Team with the assistance of the Transitional Work Coordinator collectively reviews anonymous complaints on a monthly basis. The review identifies areas of concern and evaluates the actions taken to recommend change in policy and procedure which may prevent recurring problems of similar nature.

For issues related to an employee's Workers' Compensation claim, Rules and procedures outlined by the Ohio Bureau of Workers' Compensation (BWC) and/or the Ohio Industrial Commission will be followed.

### PROGRAM ELIGIBILITY, ADA ACT OF 1990

The program eligibility entry and exit guidelines have been clearly identified in the newly created policy and procedures developed for SMHA. Criteria and eligibility for the program include: employees' medical condition must be temporary and certified by a physician of record for participation in the transitional work program; the program is not to exceed 12 weeks; employees will be paid their full hourly wage and benefits. Once an employee enters the program and begins working a program assignment, policy dictates that they have twelve (12) weeks within which to progress back to their full duty job. Staff supervision, On-Site Therapists and the Transitional Work Coordinator will monitor the participants' progress and note any concerns or problems encountered and the physician will modify the restrictions as needed.

In the event of a program assignment reaching the twelve-week limit stated in the policy, the Transitional Work Coordinator together with the On-Site Therapist and Executive Director will assess the situation regarding how to proceed. They will look at several indicators in order to determine whether to extend the program assignment including but not limited to: employee participation levels, documented medical progress, the ability of the department to continue to accommodate and whether medical documentation suggests a more serious problem requiring attention. If this assessment shows that a realistic expectation of

a return to full duty can be made with wage continuation benefits. Wage continuation benefits will be paid only for those periods of lost time that otherwise would qualify the employee for receipt of workers' compensation lost time benefits. The limitations are list in III below.

#### TERMINATION CONDITIONS

Wage continuation payments will cease upon any of the following conditions:

Attending physician releases employee to return to work.

Employee returns to work for another employer.

Employee fails to return to a transitional "limited duty" assignment consistent with his/her medical restrictions as approved by the injured worker's treating physician.

Employee fails to appear for employer-sponsored medical examination.

Employee has reached maximum medical recovery and/or condition has become permanent.

The claim is found to be fraudulent after payment has been commenced.

The injured worker attempts to collect both wage continuation and temporary total compensation.

#### Employment termination.

Violation of any company policy or guideline.

Regardless of the above conditions of termination, management may, at its sole discretion, terminate wage continuation benefits at any time if disability exceeds 90 days.

The wage continuation plan and all benefits can be terminated at management's discretion at any time.



## Employee Handbook Acknowledgment and Receipt

**I have received my copy of the Employee Handbook.**

The employee handbook describes important information about SMHA, and I understand that I should consult my manager or Human Resources regarding any questions not answered in the handbook. I have entered into my employment relationship with SMHA voluntarily and acknowledge that there is no specified length of employment. **Accordingly, either I or SMHA can terminate the relationship at will, with or without cause, at any time, so long as there is not violation of applicable federal or state law.**

I understand and agree that, other than the Executive Director or the Board of SMHA, no manager, supervisor or representative of SMHA has any authority to enter into any agreement for employment other than at will; only the Executive Director or Board of the Agency has the authority to make any such agreement and then only in writing signed by the Executive Director or Board of Stark Metropolitan Housing Authority.

This handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with SMHA. By distributing this handbook, the Agency expressly revokes any and all previous policies and procedures that are inconsistent with those contained herein.

I understand that, except for employment-at-will status, any and all policies and practices may be changed at any time by SMHA, and the Agency reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the Executive Director and the Board of SMHA has the ability to adopt any revisions to the policies in this handbook.

**I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment and that employment at SMHA is employment at will, which may be terminated at the will of either SMHA or myself. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I understand and agree that employment and compensation may be terminated with or without cause and with or without notice at any time by SMHA or myself.**

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Employee's Name (Print)

\_\_\_\_\_  
Date

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

**STARK METROPOLITAN HOUSING AUTHORITY**

**RECEIPT FOR**

**ELECTRONIC COMMUNICATIONS, COMPUTER, EMAIL AND INTERNET USAGE, AND SOCIAL MEDIA POLICIES**

I have received a copy of Stark Metropolitan Housing Authority's Electronic Communication, Computer Usage, Internet, Email, and Social Media Policies. I have read and understand the provisions of these policies, and will comply with all aspects of the policies as outlined in the Employee Handbook.

I further understand that should I violate the provisions of the Electronic Communications, Computer Usage, Internet and Email, and Social Media Policies, I am subject to disciplinary action up to and including termination.

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**Employee Name (printed)**

**Signature**

**Date**

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

**STARK METROPOLITAN HOUSING AUTHORITY**  
**RECEIPT FOR**  
**HARASSMENT, DISCRIMINATION AND RETALIATION POLICY**

I have received a copy of the Stark Metropolitan Housing Authority's Harassment, Discrimination, and Retaliation Policy, as set forth in Stark Metropolitan Housing Authority's Employee Handbook. I have read and I fully understand the provisions of the Harassment Policy, and will comply with all aspects of the policy.

I further understand that should I violate the provisions of the Harassment, Discrimination, and Retaliation Policy as outlined in the Employee Handbook, I am subject to disciplinary action up to and including termination.

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**Employee Name (printed)**

**Signature**

**Date**

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**



**STARK METROPOLITAN HOUSING AUTHORITY**  
**RECEIPT FOR**  
**CONFLICTS OF INTEREST POLICY**

I have received a copy of the Stark Metropolitan Housing Authority Conflicts of Interest Policy as set forth in the Stark Metropolitan Housing Authority Employee Handbook. I have read and I fully understand the provisions of the Conflicts of Interest Policy, and will comply with all aspects of the policy.

I further understand that should I violate the provisions of the Conflicts of Interest Policy, as it is outlined in the Employee Handbook, I am subject to disciplinary action up to and including termination of employment/professional service.

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**Employee Name (printed)**

**Signature**

**Date**

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

**STARK METROPOLITAN HOUSING AUTHORITY**

**RECEIPT FOR**

**SUBSTANCE ABUSE POLICY**

I have received a copy of the Stark Metropolitan Housing Authority's Substance Abuse Policy, as set forth in the Stark Metropolitan Housing Authority's Employee Handbook. I have read and I fully understand the provisions of the Substance Abuse Policy, and will comply with all aspects of the policy.

I further understand that should I violate the provisions of the Substance Abuse Policy, as outlined in the Employee Handbook, I am subject to disciplinary action up to and including termination.

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**Employee Name (printed)**

**Signature**

**Date**

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

**STARK METROPOLITAN HOUSING AUTHORITY**  
**RECEIPT FOR**  
**AUDIO AND VIDEO SURVEILLANCE POLICY**

I have received a copy of the Stark Metropolitan Housing Authority's Audio/Video Surveillance Policy, as set forth in the Stark Metropolitan Housing Authority's Employee Handbook. I have read and understand the provisions of the Audio/Video Surveillance Policy, and will comply with all aspects of the policy.

I further understand that should I violate the provisions of the Audio/Video Surveillance Policy as outlined in the Employee Handbook, I am subject to disciplinary action up to and including termination.

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<b>Employee Name (printed)</b>	<b>Signature</b>	<b>Date</b>
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**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**