

HOUSING AUTHORITY OF THE COUNTY OF SANTA CRUZ
AGENDA OF THE REGULAR BOARD MEETING
June 21, 2023 at 11:00 a.m.
HOUSING AUTHORITY OF THE COUNTY OF SANTA CRUZ
2160 41st Avenue, Capitola, CA 95010

1. Roll Call

HOUSING AUTHORITY BOARD OF COMMISSIONERS:

Chairperson Andy Schiffrin	4 year term expires, March 17, 2027
Vice Chairperson Carol Berg	4 year term expires, May 21, 2025
Commissioner Ligaya Eligio	2 year term expires, October 18, 2024
Commissioner Providence Martinez Alaniz	4 year term expires, February 10, 2027
Commissioner Annette Melendrez	4 year term expires, September 29, 2023
Commissioner Silvia Morales	Expires September 1, 2023
Commissioner Richard Schmale	2 year term expires, May 12, 2025

2. Consideration of Late Additions and Changes to the Agenda

3. Consent Agenda

A. Minutes of the Regular Meeting held May 17, 2023

Motion to Approve

B. Cancellation of the July 19, 2023 Regular Meeting

Motion to Approve Cancellation of the July 19, 2023 Regular Meeting

C. City of Capitola Housing Element

Receive Report; Motion to Authorize Staff to Provide Feedback to City of Capitola Regarding Housing Element Draft

D. Personnel Policies and Procedures Revision

Motion to Approve Revisions to Personnel Policies and Procedures

E. USDA Approved Budget for FY 2023-24 for Casa Pajaro

Motion to Adopt Resolution No. 2023-06: Approval of Fiscal Year 2023-24 Budget for U.S. Department of Agriculture, Rural Development, Farm Labor Housing at 127-193 East Front Street, Watsonville, CA (“Casa Pajaro”).

4. Oral Communications (All oral communications must be directed to an item not listed on this agenda and must be within the jurisdiction of the Board. Presentations must not exceed three minutes in length. The Board will not take action or respond immediately to any Oral Communication presented, but may choose to follow up at a later time or schedule item for a subsequent agenda. The Board may limit the total amount of time allowed for oral communication). Anyone addressing the Board of Commissioners is asked to complete a card and leave it with the Board secretary so that their names may be accurately recorded in the Minutes.

5. Unfinished Business
6. New Business
 - A. Moving to Work (MTW) Opt-Out Savings Program
Motion to Approve Staff Proposal of the Opt-Out Savings Program Framework
 - B. Housing Authority Equity Report Card and Action Plan
Receive Report; Motion to Adopt Staff Recommendations Regarding Equity
 - C. Housing Authority Annual Agency Goals
Establish Annual Agency Goals for Housing Authority
7. Written Correspondence
8. Director's Report
9. Reports from Board Members
(Board members may report on meetings attended, if any, or other items of interest.)
10. Closed Session
11. Report on Closed Session
12. Adjournment

The Housing Authority complies with the Americans with Disabilities Act. If you are a person with disabilities and you require special assistance in order to participate, please contact the Board secretary at 831-454-9455, ext. 201 at least 72 hours in advance of the meeting in order to make arrangements. Persons with disabilities may request a copy of the agenda in an alternative format.

Spanish language translation is available on an as needed basis. Please make arrangements 72 hours in advance by contacting the Housing Authority at 831-454-9455, ext. 280.

Agendas can be obtained from the Housing Authority of the County of Santa Cruz Administration Department.

AGENDA ITEM NO. 1

Roll Call

Chairperson Schiffrin called the meeting to order at 11:04 a.m. Members present Chairperson Schiffrin, Vice-Chairperson Berg, Commissioners Eligio, Martinez Alaniz, Melendrez, Morales and Schmale (Commissioner Melendrez entered the meeting at 11:25 a.m.)

Members Absent

None.

Staff Present

Jennifer Panetta, Tom Graham, Aaron Pomeroy and Courtney Byrd of the Housing Authority

AGENDA ITEM NO. 2

Consideration of Late Additions or Changes to the Agenda

Secretary Panetta informed the Board that pages 13 and 14 of the Housing Authority Salary Chart in the Housing Authority budget included in the Board Packet should be replaced with the updated ones before the Board which includes an additional new position as a Data Analyst.

AGENDA ITEM NO. 3

Consent Agenda

Chairperson Schiffrin asked for a motion to approve the Consent Agenda unless any Board of Commissioners or members of the public would like to pull an item from the agenda or have questions on an item.

Chairperson Schiffrin requested that Agenda Item 3D City of Santa Cruz Housing Element be pulled from the Consent Agenda.

Commissioner Martinez Alaniz moved for the approval of the Consent Agenda as amended; Commissioner Eligio seconded the motion and it as passed by the following vote:

AYES: Commissioners Berg, Eligio, Martinez Alaniz, Morales, Schiffrin and Schmale

NOES: None

ABSENT: Commissioner Melendrez (absent for the vote)

ABSTAIN: None

Agenda Item 3A. Approved Minutes of the Regular Meeting April 19, 2023

Agenda Item 3B. Quarterly Financials – Received Report

Agenda Item 3C. Adopted Resolution No. 2023-05: Resolution Authorizing Submission of a Family Unification Program Application to the U.S. Department of Housing and Urban Development (HUD) under the Housing Choice Voucher Program

Chairperson Schiffrin informed that Board that he is very supportive of the staff recommendations in Agenda Item 3D City of Santa Cruz Housing Element report. There are a number of recommendations by the Housing Authority of ways that the City of Santa Cruz Housing Element could be improved. Chairperson Schiffrin would like the Board of Commissioners to make the recommendation to the Santa

Cruz City Council to incorporate the staff recommended revisions into the City of Santa Cruz Housing Element rather than Housing Authority staff if the Board agrees. A discussion followed.

Commissioner Martinez Alaniz moved for the approval of Agenda Item 3D with added direction to staff to have the Board of Commissioners make the recommendation to the Santa Cruz City Council to incorporate the staff recommended revisions into the City of Santa Cruz Housing Element rather than Housing Authority staff; Commissioner Eligio seconded the motion and it as passed by the following vote:

AYES: Commissioners Berg, Eligio, Martinez Alaniz, Morales, Schiffrin and Schmale
NOES: None
ABSENT: Commissioner Melendrez (absent for the vote)
ABSTAIN: None

AGENDA ITEM NO. 4 Oral Communications
None.

AGENDA ITEM NO. 5 Unfinished Business
None.

AGENDA ITEM NO. 6A Agency Budget for FY 2023-2024

Finance Director Pomeroy presented the Commissioners with the proposed Agency Budget for FY 2023-2024. Finance Director Pomeroy stated that of the agency's five program groups (Section 8, Federal Housing, Federal Grants, Local Programs, and Business Activities), four of out the five program groups have budget surpluses anticipated for the coming year. This is a positive sign for the agency's revenue sources to align with each program's financial need since surplus federal and state funding is generally restricted for the sole benefit of the given program and cannot be used to supplement funding deficits in other programs with the exception of Moving-to-Work (MTW) fungibility.

Finance Director Pomeroy informed the Board that the budget proposal includes a 4% COLA effective during the first pay period of the new fiscal year and further implementation of the salary comparability study originally implemented in 2021. Upon completing the implementation of the proposed salary comparability adjustment, the compensation for all positions will be within at least 5% of the index-adjusted comparable positions at the comparator agencies from the study. Overall, the proposed 4% COLA and additional phase in of the comparability study implementation would increase total personnel costs (salaries and benefits) by 6.4%. A discussion followed.

The Board of Commissioners and Secretary Panetta thanked Finance Director Pomeroy for his clear presentation and thanked him and his staff for their work on the Agency Budget.

Commissioner Berg moved to approve the Agency Budget for FY 2023-2024 as submitted; Commissioner Melendrez seconded the motion and it as passed by the following vote:

AYES: Commissioners Berg, Eligio, Martinez Alaniz, Melendrez, Morales, Schiffrin and

Schmale

NOES: None

ABSENT: None

ABSTAIN: None

AGENDA ITEM NO. 6B

Role of Housing Authority and New Horizons Affordable Housing and Development in Affordable Housing Supply

Secretary Panetta introduced Deputy Executive Director Graham who informed the Board that this staff report will provide information that can be used to establish a strategy for the Housing Authority of the County of Santa Cruz (Housing Authority) and New Horizons Affordable Housing and Development (New Horizons) to engage in real estate activities which include the acquisition, development, disposition, and financing of affordable housing. Deputy Executive Director Graham informed the Board that this information and the resulting strategy applies to both the Housing Authority and New Horizons, and although these entities have overlapping missions, they have distinct organizational roles and functions.

Deputy Executive Director Graham informed the Board that staff recommends the Housing Authority and New Horizons focus on four activities as initial strategies: Land Banking, Self-Development, Low-Rise Infill and RFP Disposition. A discussion followed. The Board of Commissioners and staff stated they are excited for these upcoming opportunities.

Commissioner Morales moved to adopt Staff Recommendation and Authorize Staff to Begin Exploring Opportunities Consistent with Recommended Strategies; Commissioner Eligio seconded the motion and it as passed by the following vote:

AYES: Commissioners Berg, Eligio, Martinez Alaniz, Melendrez, Morales, Schiffrin and Schmale

NOES: None

ABSENT: None

ABSTAIN: None

AGENDA ITEM NO. 7

Written Correspondence

The Board of Commissioners congratulated Commissioner Schmale on his reappointment to the Housing Authority Board of Commissioners and thanked him for serving another term.

AGENDA ITEM NO. 8

Report of Executive Director

Deputy Executive Director Graham informed the Board that the latest bird survey confirmed that there were no longer any active birds' nest at the 415 Natural Bridges site. The Housing Authority and New Horizons will celebrate the groundbreaking of this project on Tuesday, May 30 at 11:00am, in conjunction with Affordable Housing Month!

Executive Director Panetta reminded the Board that May is Affordable Housing Month! and informed the Board of the events the Housing Authority will be participating in.

HOUSING AUTHORITY OF THE COUNTY OF SANTA CRUZ, MINUTES OF THE REGULAR MEETING MAY 17, 2023, AT THE HOUSING AUTHORITY OF THE COUNTY OF SANTA CRUZ, 2160 41ST AVENUE, CAPITOLA, CA 95010

Executive Director Panetta informed the Board that HUD has awarded the Housing Authority 41 Stability Vouchers. The Stability Voucher Program provides Housing Choice Vouchers (HCVs) to housing authorities in partnership with local Continuum's of Care (CoC) for persons and households experiencing homelessness or at risk of homelessness.

Executive Director Panetta reminded the Board that Pacific Southwest Regional Council (PSWRC) , has partnered up with the National Association of Housing and Redevelopment Organization (NAHRO) to offer a virtual classroom webinar training Housing Authority Commissioner Fundamentals. Last month, staff provided information on a training course that took place in April. NAHRO has recently added two more of these training courses. One in July and one in October. If the Board of Commissioners would like to take one of these training courses, they should email Courtney.

Executive Director Panetta informed the Board of Assembly Bill 653 which would establish a Federal Housing Voucher Acceleration Program. The California Association of Housing Authorities (CAHA) has significant concerns with the proposed legislation as written and is engaging with the bill's authors and sponsors.

Executive Director Panetta gave the Board a legislative update.

AGENDA ITEM NO. 9 Reports from Board Members
None.

AGENDA ITEM NO. 10 Closed Session
None.

AGENDA ITEM NO. 11 Report on Closed Session
None.

AGENDA ITEM NO. 12 Adjournment

The Board of Commissioners meeting was adjourned at 12:18 p.m.

I hereby certify that these minutes were approved by the Housing Authority of the County of Santa Cruz, on the Twenty First of June, 2023.

Chairperson of the Authority

ATTEST: _____

Secretary

AGENDA ITEM SUMMARY

MEETING DATE: June 21, 2023

ITEM NUMBER: 3B

FROM: Executive Director

SUBJECT: Cancellation of the July 19, 2023 Regular Meeting

RECOMMENDATION: Approve Cancellation of the July 19, 2023 Regular Meeting

BACKGROUND SUMMARY:

Typically, the Housing Authority Board of Commissioners does not hold a Regular Meeting in July or November. Therefore, staff proposes that the Board cancel the Regular Meeting set for July 19, 2023.

RECOMMENDATION: Approve Cancellation of July 19, 2023 Regular Meeting

AGENDA ITEM SUMMARY

MEETING DATE: June 21, 2023

ITEM NUMBER: 3C

FROM: Executive Director

SUBJECT: City of Capitola Housing Element

RECOMMENDATION: Receive Report; Authorize Staff to Provide Feedback to City of Capitola Regarding Housing Element Draft

BACKGROUND SUMMARY:

A Housing Element (HE) is mandatory section of a local general plan that serves as the blueprint for residential growth. HEs are critical planning documents that help shape communities and demonstrate how a jurisdiction will attempt to reach its Regional Housing Needs Allocation (RHNA) goals through zoning, development incentives, and other tools. HEs are renewed once every five to eight years and drafted through a participatory process. Once finalized, each jurisdiction must submit their HE to the California Department of Housing and Community Development (HCD) for review. Each jurisdiction must adopt an HE that is substantially compliant with state law.

Timeline and Process of the City of Santa Cruz 2023-2031 Housing Element Update

The City of Capitola is a member of the Association of Monterey Bay Governments (AMBAG), which is responsible for allocating the RHNA among the jurisdictions in Santa Cruz and Monterey Counties. AMBAG released its Final RHNA Plan in October 2022, which allocated 1,336 housing units at varying affordability levels to the City of Capitola. The City began its HE development shortly after the Final RHNA Plan was released, hosting community workshops and performing various analyses.

The Public Review Draft was released on May 10, 2023 and the City accepted initial comments on it through June 9, 2023. The Planning Commission held a public hearing on June 1, 2023, and the City Council met on June 8, 2023, to receive public comment on the draft. The City will consider feedback received, make any desired revisions, and submit its HE to HCD. The City must adopt a substantially compliant HE by December 15, 2023.

Summary of Objectives Related to the Housing Authority of the County of Santa Cruz

Many of the goals outlined by the City of Capitola relate to housing development. The City has identified several tools that may help to facilitate housing production at all income levels. For example, the City will review regulatory barriers to development, review and revise the Zoning Ordinance to facilitate alternative housing types, and encourage mixed-use development. The City intends to specifically encourage affordable housing development through regulatory concessions, density bonuses consistent with state law, and by promoting the Affordable Housing Overlay zone. The City also maintains a Housing Trust Fund, collecting a \$6 per square foot impact fee from select multifamily rental housing projects and a \$25 per square foot impact fee from select ownership projects. Awarded as grants or loans, the Fund can be used for matching funds with state and federal programs. The Housing Authority and New Horizons can leverage these opportunities to support our own affordable housing development activities.

The City has outlined other programs that may be beneficial to voucher holders. First, the City will promote the Housing Choice Voucher (HCV) program by advertising the program in City Hall, on its website, and through social media posts. The City also proposes to amend the Zoning Ordinance to support large residential care facilities for persons with disabilities, and, consistent with state law, allow for easier development of transitional and supportive housing. Additionally, the City will continue to fund the Security Deposit Program and Owner Assurance Program with the Housing Authority, as well as the eviction-prevention Rental Assistance Program organized by the Community Action Board. Finally, the City aims to further fair housing and promote housing mobility by increasing opportunities in high resource areas. It also seeks to integrate affordable and special needs housing into existing neighborhoods and protect tenants from discriminatory housing practices.

Additional Opportunities for Partnership with the City

The Housing Authority has a very strong partnership with the City of Capitola. City staff and elected officials have been supportive of HA programs and services, and have sought to support and supplement HA programs and services through a variety of ways including funding for security deposits and landlord incentives.

HA staff are supportive of the draft HE. However, there are opportunities to further strengthen our partnership and the potential to expand on the existing HE. For example, the City could identify the role that the Housing Authority maintains in the development of affordable housing by recognizing the support provided by the Project-Based Voucher (PBV) program. Specifically, the City has noted that the high cost of land and the high cost of construction are prohibitive factors for the development of affordable housing. The PBV Program directly counters these barriers by providing the owner with market rate rents on below-market, affordable units, allowing the owner to sufficiently cover operating expenses. Moreover, the Housing Authority is expanding its nascent

self-development activities and could be identified as a potential partner to achieve affordable housing goals.

The Housing Authority appreciates the City's efforts to promote the Housing Choice Voucher (HCV) program, and will offer the City materials for both low-income residents as well as landlords to support that outreach. The City could further the efforts to utilize HCVs by ensuring that housing providers practice non-discriminatory consideration of voucher holders as eligible applicants to rental properties, and assisting in filing fair housing claims if a tenant needs support with such a claim.

The City's draft HE includes an inventory of affordable housing projects. The inventory does not include 1900 – 1920 Courtyard Drive; a former public housing project currently owned by New Horizons Affordable Housing and Development. Finally, the City's draft HE includes references to the former Low Income Public Housing Program (LIPH), which is no longer accurate as that program has ended. HA staff will provide current information to update this text.

The full text of the Draft City of Capitola Housing Element is available online at this link: https://www.cityofcapitola.org/sites/default/files/fileattachments/community_development/page/21944/capitola_housing_element_2023-2031_may_2023_compressed.pdf

Housing Authority staff welcome any additional feedback regarding the City of Capitola Housing Element objectives that relate to the Housing Authority's work, or the proposed feedback.

RECOMMENDATION: Receive Report; Authorize Staff to Provide Additional Feedback to City of Capitola Regarding Housing Element Draft

AGENDA ITEM SUMMARY

MEETING DATE: June 21, 2023

ITEM NUMBER: 3D

FROM: Executive Director

SUBJECT: Personnel Policies and Procedures Revision

RECOMMENDATION: Approve Revisions to Personnel Policies and Procedures

BACKGROUND SUMMARY:

The Authority revises its Personnel Policies periodically to reflect new laws, regulations, and best practices. The most recent revision was adopted June 22, 2022. HA staff requested an updated review by our labor law attorney Robert Wilger at Littler. Littler advised updating required language regarding hours of work, definition of the work week, and bereavement leave to comply with current requirements, as well as many additional minor wording changes to clarify existing policy.

In addition, staff propose to modify the longevity bonus incentive to allow for a bonus of \$1,000 for each five (5) years of employment, rather than every ten (10) years of employment. Staff have also expanded on the section regarding disciplinary actions to include performance improvement plans.

The following is a summary of some of the current proposed revisions. Minor wording changes are not included in this list.

- Page 20, D. Schedule for Employee Evaluation – Changed first evaluation from 3 months to 6 months.
- Page 21, A. Hours of Work – Updated language to comply with California law.
- Page 27, 2. Salary Increases and Bonuses – Changed the longevity service bonus to five years.
- Page 37, 11.B. Bereavement Leave – Updated to comply with current law.
- Page 57, XIV. Disciplinary Actions and Performance Improvement – Updated language to define performance improvement.

Attached is a draft redline revision to the Personnel Policies for review of all changes.

RECOMMENDATION: Approve Revision to Personnel Policies and Procedures



HOUSING AUTHORITY

OF THE COUNTY OF SANTA CRUZ

2160 41st Ave, Capitola CA 95010

PERSONNEL POLICIES AND PROCEDURES

Revised ~~June 22, 2022~~ June 21, 2023

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PERSONNEL POLICIES AND PROCEDURES

HOUSING AUTHORITY OF THE COUNTY OF SANTA CRUZ

I. STATEMENT OF AUTHORITY AND BASIC PRINCIPLES

The Board of Commissioners of the Housing Authority of the County of Santa Cruz (the "Authority"), in adopting these Personnel Policies and Procedures (also referred to as the "Personnel Policies") delegates the responsibility for its administration to the Executive Director, and charges the Executive Director to employ, assign and manage all personnel of the Authority on the basis of qualification and ability without regard to any legally protected characteristics.

These personnel policies and procedures are designed to afford each employee a clear summary of employment rights, benefits, conditions and responsibilities. It is further the desire of the Authority to provide the staff with working conditions conducive to individual satisfaction and achievement of the Authority's goals.

Copies of the Personnel Policies and Procedures of the Authority will be distributed to all employees and be available to them at each regular worksite. If an employee is unable to read and understand these Personnel Policies and Procedures in the English language and upon their request, the Authority will provide a translated version. Upon request, the Authority will also make a good faith effort to provide such assistance with regard to job descriptions, assignments, and disciplinary and/or grievance procedures.

None of our personnel documents and benefit plans, including these Personnel Policies, constitutes, or is intended to constitute, an express or implied contract guaranteeing continued employment for any employee.

Not all of the Authority's policies and procedures are set forth in these Personnel Policies. If an employee has any questions or concerns about these Personnel Policies or any other policy or procedure, please ask your supervisor or Human Resources.

Nothing in these Personnel Policies or in any other document or policy is intended to violate or supersede any local, state or federal law. Nothing in these Personnel Policies or in any other document or policy is intended to limit any concerted activities by employees relating to their wages, hours or working conditions, or any other conduct protected by Section 7 of the National Labor Relations Act (NLRA). Furthermore, nothing in these Personnel Policies prohibits an employee from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or other information to or participating in an investigation or hearing conducted by the Equal Employment Opportunity Commission ("EEOC"), National Labor Relations Board ("NLRB") or any other federal, state or local agency charged with the enforcement of any laws.

A. Applicability

Unless indicated otherwise, the Personnel Policies and Procedures shall apply to all Authority employees except the Executive Director.

B. Merit Principles

In order to assure a high quality of public service, personnel administration shall be guided by these merit employment principles:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge and skills;
2. Providing equitable compensation through a system of position classification;
3. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance is not corrected;
4. Assuring ethical treatment of applicants and employees in all aspects of personnel administration without regard to legally protected characteristics; and
5. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.

C. Equal Employment Opportunity/Non-Discrimination

The Authority is an equal opportunity employer. In accordance with applicable law, we prohibit discrimination against any applicant or employee, individuals providing services in the workplace pursuant to a contract, unpaid interns and volunteers based on their actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status (including registered domestic partnership status), sex and gender (including pregnancy, childbirth, lactation and related medical conditions), gender identity and gender expression (including transgender individuals who are transitioning, have transitioned, or are perceived to be transitioning to the gender with which they identify), age (40 and over), sexual orientation, Civil Air Patrol status, military and veteran status and any other consideration protected by federal, state or local law (collectively referred to as "protected characteristics").

For purposes of this policy, discrimination on the basis of "national origin" also includes discrimination against an individual because that person holds or presents the California driver's license issued to those who cannot document their lawful presence in the United States, as well as discrimination based upon any of the following: an individual's or individual's ancestors' actual or perceived physical, cultural or linguistic characteristics associated with a national origin group; marriage to or association with individuals of a national origin group; tribal affiliation; membership in or association with an organization identified with or seeking to promote the interests of a national origin group; attendance or participation in schools, churches, temples, mosques or other religious institutions generally used by persons of a national origin group; or a name that is associated with a national origin group. An employee's or applicant for employment's immigration status will not be considered for any employment purpose except as necessary to comply with federal, state or local law.

The Authority allows employees to self-identify their gender, name and/or pronoun, including gender-neutral pronouns. The Authority will use an employee's gender or legal name as indicated on a government-issued identification document, only as necessary to meet an obligation mandated by law. Otherwise, the Authority will identify the employee in accordance with the employee's current gender identity and preferred name.

The Authority will not tolerate discrimination or harassment based upon these protected characteristics or any other characteristic protected by applicable federal, state or local law. The Authority also does not retaliate or otherwise discriminate against applicants or employees who request a reasonable accommodation for reasons related to disability or religion. Our commitment to equal opportunity employment applies to all persons involved in our operations and prohibits unlawful discrimination and harassment by any employee, including supervisors and co-workers.

D. Unlawful Harassment

The Authority is committed to providing a work environment free of harassment based on any legally protected characteristic. As a result, we maintain a strict policy prohibiting sexual harassment and harassment against employees, applicants for employment, individuals providing services in the workplace pursuant to a contract, unpaid interns or volunteers based on any legally-recognized basis, including, but not limited to, their actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status (including registered domestic partnership status), sex and gender (including pregnancy, childbirth, lactation and related medical conditions), gender identity and gender expression (including transgender individuals who are transitioning, have transitioned, or are perceived to be transitioning to the gender with which they identify), age (40 or over), sexual orientation, Civil Air Patrol status, military and veteran status, immigration status or any other consideration protected by federal, state or local law.

For purposes of this policy, discrimination on the basis of "national origin" also includes harassment against an individual because that person holds or presents the California driver's license issued to those who cannot document their lawful presence in the United States and based on any of the following: an individual's or individual's ancestors' actual or perceived physical, cultural or linguistic characteristics associated with a national origin group; marriage to or association with individuals of a national origin group; tribal affiliation; membership in or association with an organization identified with or seeking to promote the interests of a national origin group; attendance or participation in schools, churches, temples, mosques or other religious institutions generally used by persons of a national origin group; or a name that is associated with a national origin group. All such harassment is prohibited.

This policy applies to all persons involved in our operations, including coworkers, supervisors, managers, temporary or seasonal workers, agents, clients, vendors, customers, or any other third party interacting with the Authority ("third parties") and prohibits proscribed harassing conduct by any employee or third party of the Authority, including nonsupervisory employees, supervisors and managers. If such harassment occurs on the Authority's premises or is directed toward an employee or a third party interacting with the Authority, the procedures in this policy should be followed.

1. Sexual Harassment Defined

Sexual Harassment includes unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment includes various forms of offensive behavior based on sex and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.

- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, posters, websites, emails or text messages.
- Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, comments about an employee's body or dress.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
- Physical conduct: touching, assault, impeding or blocking movements.
- Retaliation for making harassment reports or threatening to report harassment.

This policy also protects employees from harassment by vendors or clients. If harassment occurs on the job by someone not employed by the Authority, the procedures in this policy should be followed.

This prohibitions and protections of this policy apply to all people, regardless of gender, sexual orientation or gender expression.

2. Other Types of Harassment

Prohibited harassment on the basis of the legally protected characteristics set forth above and includes behavior similar to sexual harassment such as:

- Verbal conduct including threats, epithets, derogatory comments or slurs.
- Visual conduct including derogatory posters, photography, cartoons, drawings, websites, emails, text messages or gestures.
- Physical conduct including assault, unwanted touching or blocking normal movement.
- Retaliation for making harassment reports or threatening to report harassment.

3. Abusive Conduct Prevention

It is expected that the Authority and persons in the workplace perform their jobs productively as assigned, and in a manner that meets all of management's expectations, during working times, and that they refrain from any malicious, patently offensive or abusive conduct including but not limited to conduct that a reasonable person would find offensive based on any of the protected characteristics described above. Examples of abusive conduct include repeated infliction of verbal abuse, such as the use of malicious, derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the intentional sabotage or undermining of a person's work performance.

4. Complaint Procedure

Any employee who believes that he or she has been harassed or discriminated against by a coworker, supervisor, agent, client, vendor or customer of the Authority, or any other third party interacting with the Authority or any individual who is aware of the harassment, discrimination, retaliation or abusive conduct directed toward others, should immediately provide a written or verbal report to their supervisor, any other

member of management, or the Human Resources Director at 2160 41st Ave, Capitola CA 95010 to report such incidents. The Authority will endeavor to protect the privacy and confidentiality of all parties involved to the extent possible, consistent with a thorough investigation.

Supervisors and managers who receive complaints of misconduct must immediately report such complaints to the Human Resources Director who will attempt to resolve issues internally.

After a report has been received, a fair, timely, thorough and objective investigation by management will be undertaken that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The investigation will be completed and a determination made and communicated to you as soon as practical. The Authority expects that all employees fully cooperate with any investigation conducted by the Authority.

If we determine that this policy has been violated, remedial action will be taken, commensurate with the severity of the offense. Appropriate action will also be taken to deter any future harassment or discrimination. If a complaint of harassment or discrimination is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

5. Protection Against Retaliation

Retaliation is prohibited against any person by another employee or by the Authority for using this complaint procedure, reporting harassment, or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit.

Report any retaliation to your department head, the Executive Director or Human Resources Director. Any report of retaliatory conduct will be investigated in a thorough and objective manner. If a report of retaliation is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

6. Liability for Unlawful Harassment

Any person who is found to have engaged in unlawful harassment is subject to disciplinary action up to and including discharge from employment. A person who engages in harassment may be held personally liable for monetary damages.

The Authority does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the Authority reserves the right not to provide a defense or pay damages assessed against an employee for conduct in violation of this policy.

7. Additional Enforcement Information

In addition to the Authority's internal complaint procedure, employees should also be aware that the California Department of Fair Employment and Housing (DFEH) and the federal Equal Employment Opportunity Commission (EEOC) investigate and prosecute complaints of harassment, discrimination and retaliation in employment. Employees who believe that they have suffered unlawful discrimination, harassment, or retaliation may file a complaint with either of these agencies. The EEOC and DFEH serve as neutral fact finders and attempt to help the parties to resolve disputes voluntarily. For more information, contact the Human Resources Director or the nearest office of the DFEH or EEOC, as listed on the internet or in the telephone directory.

E. Disability Accommodation

To comply with applicable laws ensuring equal employment opportunities to individuals with disabilities, the Authority will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result. Any applicant or employee who requires an accommodation in order to perform the essential functions of their job, enjoy an equal employment opportunity, and/or obtain equal job benefits should contact Human Resources and request such an accommodation. The individual with the disability should specify in writing what barriers or limitations make it difficult for them to perform the job. The Authority will engage in the interactive process to determine the nature of the issue and what if any reasonable accommodations may be appropriate. The Authority will conduct an investigation regarding these barriers or limitations and will then identify possible accommodations, if any, that will help to eliminate the barrier(s) or limitation(s).

In some cases, this interactive process may be triggered without a request from the employee, such as when the Authority receives notice from its own observation or another source that a medical impairment may be impacting the employee's ability to perform their essential job functions.

Employees who believe they need an accommodation must specify, preferably in writing, what barriers or limitations prompted the request. The Authority will evaluate information obtained from the employee, and possibly their health care provider or another appropriate health care provider, regarding any reported or apparent barriers or limitations, and will then work with the employee to identify possible accommodations, if any, that will help to eliminate or otherwise address the barrier(s) or limitation(s).

If the accommodation is reasonable and will not impose an undue hardship on the Authority and/or a direct threat to the health and/or safety of the individual or others, the Authority will make the accommodation. The Authority may also propose alternative accommodation. The individual is required to fully cooperate with the Authority in seeking and evaluating alternatives and accommodations. The Authority may require medical verification of both the disability and the need for accommodation. The Authority will also consider requests for reasonable accommodations for medical conditions related to pregnancy and childbirth where supported by medical documentation.

Employees who wish to request an unpaid leave of absence or who wish to extend a current leave of absence because of a qualifying disability should speak to the Human Resources Department regarding proposed accommodations.

The Authority will not retaliate or otherwise discriminate against an employee or applicant who requests an accommodation in accordance with this policy.

F. Religious Accommodation

The Authority will provide reasonable accommodation for employees' religious beliefs, observances, and practices when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the Authority.

The Authority has developed an accommodation process to assist employees, management, and Human Resources. Through this process, the Authority establishes a system of open communication between employees and the Authority to discuss conflicts between religion and work and to take action to provide reasonable accommodation for employees' needs. The intent of this process is to ensure a consistent approach when addressing religious accommodation requests. Any employee who perceives a conflict

between job requirements and religious belief, observance, or practice should bring the conflict and their request for accommodation to the attention of Human Resources to initiate the accommodation process. The Authority requests that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

The Authority will not retaliate or otherwise discriminate against an employee or applicant who requests an accommodation in accordance with this policy.

G. Accommodation for Adult Literacy Programs

The Authority provides reasonable accommodation and assistance to an employee who reveals a literacy problem and requests assistance to enroll in an adult literacy education program unless doing so will result in an undue hardship to the Authority's business operations. Examples of assistance include providing employees with the location of local literacy programs and arranging for jobsite visits by literacy education providers.

Employees who wish to self-identify as an individual with a literacy problem and request an accommodation should contact Human Resources. The Authority will take reasonable steps to safeguard the privacy of any employee who self-identifies. In addition, employees who are performing satisfactorily will not be subject to termination of employment because they have disclosed literacy problems.

While the Authority encourages employees to improve their literacy skills, the Authority will not reimburse employees for the costs incurred in attending a literacy program. Time off to attend literacy programs may be provided as a reasonable accommodation unless doing so will result in an undue hardship. However, if time off is provided, the time off may be unpaid. If time off is unpaid, employees wishing to take such leave may utilize their existing vacation time or other accrued paid time off.

H. Accommodation for Victims of Domestic Violence, Sexual Assault or Stalking

The Authority will make reasonable accommodations for any employee who reports that he or she is the victim of domestic violence, sexual assault or stalking and requests that the Authority accommodate their safety while at work, unless providing the accommodation will impose an undue hardship on the Authority's business operations or violates the Authority's duty to provide a safe and healthy working environment for all employees.

Reasonable accommodations may include, but are not limited to: a transfer; reassignment; modified work schedule; change in work telephone number; change in work station; installed lock; assistance in documenting domestic violence, sexual assault or stalking that occurs at the workplace; safety procedures; or other adjustment to a job structure, workplace facility or work requirement in response to a domestic violence, sexual assault or stalking or referral to a victim assistance organization.

Employees may also be entitled to a leave of absence under the Authority's Domestic Violence, Sexual Assault or Stalking Victim Leave policy and should consult that policy and/or Human Resources for additional information.

The Authority may request that an employee provide a written statement signed by the employee (or an individual acting on behalf of the employee) certifying that the requested accommodation is for the employee's safety while at work. The Authority may also require an employee to provide a certification, such as police report, court order or documentation from a medical professional, that the employee is the victim of domestic violence, sexual assault or stalking and may request recertification every six months.

Employees must notify the Authority if their needs change or if they no longer need an accommodation.

The Authority will keep all information submitted in connection with an employee's request for an accommodation confidential to the extent permissible by law. If the law requires disclosure of information, the Authority will notify the employee before any information is released.

The Authority will not discriminate, harass or retaliate against any employee because the individual is, or is perceived to be, a victim of domestic violence, sexual assault or stalking or requests a reasonable accommodation in accordance with this policy.

Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources.

I. Accommodation for Drug or Alcohol Treatment or Rehabilitation

The Authority will attempt to reasonably accommodate employees with chemical dependencies (drugs or alcohol), if they voluntarily wish to seek treatment and/or rehabilitation, unless the accommodation imposes an undue hardship on the Authority's business operations. The Authority's support for treatment and rehabilitation does not obligate the Authority to hire or employ any person who violates the Authority's drug and alcohol abuse policy or who, because of current use of drugs or alcohol, is unable to perform their duties or cannot perform the duties in a manner that would not endanger their health or safety or the health or safety of others.

The Authority will keep all information submitted in connection with an employee's enrollment in a drug or alcohol rehabilitation program confidential to the extent permissible by law. Time off for these purposes is unpaid. However, employees wishing to take such leave may utilize their sick leave or accrued paid time off, if applicable.

Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources.

J. Use of Employer Owned and Supplied Equipment

Employees have no right to privacy when using Agency-provided equipment or supplies. Employees should be aware that the following guidelines limit their privacy in the workplace.

1. Management's Right to Access Information

The electronic mail system and internet access has been installed by the Authority to facilitate business communications and work-related research. Although each employee has an individual password to access this system, it belongs to the Authority and the contents of e-mail communications are accessible at all times by Authority management for any business purpose. These systems may be subject to periodic unannounced inspections, and should be treated like other shared filing systems. All system passwords and encryption keys must be made available to management upon request. An employee may not use passwords that are unavailable to their supervisor or install encryption programs without turning over encryption keys to their supervisor.

All e-mail messages are Authority records. The contents of any e-mail may be disclosed by management within the Authority without employee permission. The employee should not assume that messages are confidential. Back-up copies of e-mail may be maintained and referenced for business and legal reasons.

2. Business Use

Internet services are primarily for business use in the course of employees' assigned duties. Incidental and occasional personal use of internet services is permitted during working time, though the Authority

reserves the right to monitor and limit all internet access. Personal use should take place outside working time where possible. All materials, information and software created, transmitted, downloaded or stored on the Authority's computer system are the property of the Authority and may be accessed only by authorized personnel.

3. Personal Use of Email

Because the Authority provides the electronic mail system to assist employees in the performance of the job, it is to be used primarily for official Authority business. The Authority reserves the right to access and disclose as necessary for any business reason all messages sent over its email system, without regard to content. Additionally, employees should be aware that all email messages may be subject to public records requests.

Since employees' personal messages can be accessed by Authority management without prior notice, they should not use e-mail to transmit any messages the employee would not want read by a third party. For example, staff should understand if they use the Authority's e-mail for gossip, or personal information about self or others, these messages are not private and could be disclosed or forwarded under circumstances likely to embarrass the sender. The Authority does conduct periodic audits of internal and external email use. If the Authority discovers a violation of this policy, the employee will be subject to disciplinary action up to and including dismissal.

4. Viruses

To protect the Authority system, under no circumstances is staff to download attachments and files from persons or sites unknown to them. If unrecognized attachments and files appear in staff e-mail, check with Administration before downloading or clicking on the attachment. Do not enter unfamiliar web sites through the Authority internet access without authorization from Administration. Employees are prohibited from accessing third party email systems (Gmail, Yahoo mail, Hotmail, etc.) on Authority computers.

5. Prohibited Content of E-Mail and Internet Communications

Employees may not use the Authority's e-mail system or the internet access in any way that may be seen as unlawfully harassing, discriminatory, obscene, violent or threatening. Examples of prohibited use include sexually-explicit messages, cartoons, images or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other messages, images or jokes that can be construed to be harassment of or discrimination against of others based on their sex, race, ancestry, sexual orientation, age, national origin, citizenship, disability, religious or political beliefs or any category protected by federal, state or local law. Any use of the Internet, e-mail or any other electronic resource to harass or discriminate is unlawful and strictly prohibited by the Authority. Accessing any site that is sexually or racially offensive or discriminatory; displaying, downloading, or distributing any sexually explicit material; or transmitting any of the Authority's confidential or proprietary information or materials is forbidden. Employees may not use the Authority email system or internet access to enter, or participate in, any "chat rooms" or establish personal relationships.

6. Password and Encryption Key Security and Integrity

Employees are prohibited from the unauthorized use of the passwords and encryption keys of other employees to gain access to the other employee's email messages.

7. Copyright restrictions, permission required

Any software or other material downloaded into the Authority's computers may be used only in ways consistent with the licenses and copyrights of the vendors, authors or owners of the material. Prior written

authorization from Administration is required before introducing any software into the Authority's computer system. Employees may not download entertainment software or games. If such software is detected on an employee's computer, it will be deleted and discipline may be imposed.

8. Authority Representation

Only authorized employees may communicate on the Internet on behalf of the Authority. Employees may not express opinions or personal views that could be misconstrued as being those of the Authority. Employees may not state their affiliation with the Authority on the Internet unless required as part of their assigned duties. Internet access is limited to staff on an as needed basis. Internet traffic is audited regularly.

Violations of this policy: Any violation of this policy will result in disciplinary action, up to and including dismissal.

9. Use of Cell Phones

Employees whose job responsibilities include regular or occasional driving and who are issued an Authority cellular telephone or use their personal cellular telephone for business-related work are expected to put safety first. Therefore, personal and Authority-supplied cellular telephones are not to be used while driving. If you receive a call on a cellular telephone while driving, you must pull over safely, park, and then either answer the telephone or return the call of the person who attempted to contact you. Further, if you need to make an Authority related cellular telephone call, you must also pull over safely, park and then call the person you need to reach. Under no circumstances may you use the cell phone while driving. Moreover, you may not send or review text messages while driving. This policy is in effect for your safety and the safety of others, as well as the safety of the Authority's property.

Employees should also be aware that driving while holding and operating a handheld wireless telephone or electronic wireless communications device is a violation of California law unless the device is specifically designed and configured to allow hands-free operation and is used in that manner while driving. Under California law, such handheld devices can only be operated while driving in a manner requiring use of the driver's hand if: the device is mounted on the vehicle's windshield or affixed to the dashboard or center console in a manner that does not hinder the driver's view of the road; and the driver uses their hand to activate or deactivate a feature of the device with a single swipe or tap of the driver's finger.

Employees who are charged with traffic violations, or cause accidents or injuries, resulting from their use of personal or Authority-issued cellular telephones while driving will be solely responsible for all liabilities, fines, etc., that result, to the extent permissible under the law.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued an Authority-provided cellular telephone for business use or who use their personal cellular telephone for business use, are also expected to abide by the provisions of this

Employees who use a personal cell phone should be aware that any work-related text messages or other communications either sent or received are subject to the Authority's records retention policy. Employees who are required to use their personal electronic devices for work purposes will be reimbursed for this use in accordance with the law. If you believe you are entitled to reimbursement or additional reimbursement, please contact Human Resources to further discuss the issue.

K. Social Media

Social media refers to blogs, chat rooms, forums and social networking sites such as Facebook, Twitter, LinkedIn, Pinterest, Instagram, Snapchat, Tumblr, and YouTube, among others. You have the right to engage in personal social media activities to express your thoughts or promote your ideas, as long as your activities are not performed on working time or by using our Communications System, and do not cause harm to others or conflict with our policies, business, goodwill or reputation.

If you engage in social media activities on your own time, you must comply with the following guidelines as a condition of employment with us:

- Do not disclose our confidential and proprietary information or trade secrets.
- Do not write or post harassing or offensive material in violation of law or our Agency policies.
- Do not unlawfully defame the Agency or our personnel, activities or competitors.
- Do not use or reproduce our logo, website link or other proprietary Agency information.
- When expressing your opinion or position, you must use your own name and Internet account, not the Agency name or Internet account. Your comments or posts must be yours alone, and must not appear to be representative of or approved by our Agency.

Remember that you are responsible for your comments or posts on social media sites. You can be sued by the Agency, its personnel or by any third party if you post defamatory, proprietary, harassing, libelous, or pornographic comments.

If you want to use social media to promote our Agency's activities, products or initiatives, you must obtain advance approval of the Executive Director.

You are not required to disclose your personal social media passwords or to grant management access to your private social media postings or the postings of any third parties. Your postings may be subject to disclosure by law or in the context of a workplace investigation. You should be aware that any content posted or published on the Internet is, by its very nature, subject to disclosure in any number of ways (including by third parties who have received or viewed your posts), and you do not have secure privacy rights with regard to your social media activity.

Nothing in this policy is intended to interfere with employees' rights protected by Section 7 of the National Labor Relations Act or other federal or state law to engage in concerted protected activity or to discuss the terms of their employment or working conditions with or on behalf of co-workers, or to bring such issues to the attention of management at any time. We will enforce this policy only to the extent necessary to protect our trade secrets, enforce our policies and protect Agency personnel and clients.

L. Political Activities

All members, officers, and employees of the Authority shall be subject to the provisions of the federal Hatch Act (Title 5, United States Code, Section 1501 et. Seq.). No employee shall be a candidate for public office in a partisan election; use their official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office; or directly or indirectly coerce contributions from subordinates in support of a political party or candidate. As private citizens, however, employees have the rights authorized under the Hatch Act, including the right to run for public office in a nonpartisan election and the right to contribute money to political organizations and attend political fundraising functions.

All members, officers and employees of the Authority are also subject to the provisions of California Government Code Section 54964, which prohibits the use of Authority funds or resources to support or oppose the approval or rejection of a ballot measure or the election or defeat of a candidate by the voters.

All members, officers and employees of the Authority are also subject to the provisions of California Government Code Sections 3204 et seq., which, among other things, prohibit the use of official positions to influence elections, solicitation of political contributions from other Authority employees, and the offer of additional employee compensation in exchange for political contributions.

M. Ethics

The successful operation and reputation of the Authority is built upon the principles of integrity and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance to the spirit and letter of all applicable laws and regulations, as well as scrupulous regard for the highest standards of conduct and personal integrity.

We will comply with all applicable laws and regulations and expect all directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed only with your department head, the Executive Director or Human Resources Director.

Compliance with this policy of business ethics and conduct is the responsibility of every employee. Disregarding or failing to comply with this standard of business ethics and conduct may lead to disciplinary action, up to and including termination of employment. Retaliation against any employee who raises any questions, concerns or complaints concerning the honesty and integrity of our operations is strictly prohibited. Similarly, retaliation is prohibited against any employee who provides accurate information to any law enforcement agency about the commission of any federal or state offense. Any employee who feels that he or she has been retaliated against or threatened with retaliation for these reasons should report the matter immediately to the Executive Director or Human Resources Director as a signed complaint or on an anonymous, confidential basis.

N. No Solicitation/Distribution of Literature

The Authority has established the following rules applicable to all employees and non-employees that govern solicitation, distribution of written material and access to Authority property:

- Employees may engage in solicitation activities only during non-working times. No employee may engage in solicitation during their working time or during the working time of the employee or the employees at whom such activity is directed;
- Employees may distribute or circulate any written or printed material only in non-work areas, during nonworking times. No employee may distribute or circulate any written or printed material in work areas at any time, or during their working time or during the working time of the employee or employees at whom such activity is directed;
- Non-employees are not permitted to solicit or to distribute written material for any purpose on Authority property; and
- Off-duty employees are not permitted in work areas.

Strict compliance with these rules is required.

As used in this policy, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for the Authority; it does not include break periods, meal periods, or periods in which an employee is not performing and is not scheduled to be performing services or work for the Authority.

O. Conflict of Interest

Authority employees shall abide by the laws and regulations of the State of California, including the Political Reform Act and Government Code Section 1090, concerning activities that may create a conflict of interest and those federal conflict of interest provisions that become applicable as a result of federally funded projects.

It is the policy of the Authority that an Authority employee shall not engage in any employment, activity, or enterprise for compensation which creates an actual or potential or a perceived conflict with, or is inimical to their duties, functions or responsibilities of the Authority. Such employee shall not be involved in making, or participate in making, Authority decisions that may result in (1) a material impact on their personal financial position; or (2) preferential treatment to their friends or relatives.

An employee's outside employment activity (including but not limited to volunteer activity) and/or enterprise is prohibited if it (1) involves the use for private gain or advantage of Authority time, facilities, information, equipment and/or supplies, or the prestige or influence of their Authority office or employment; (2) involves receipt or acceptance of any money or other consideration from anyone other than the Authority for the performance of an act which is required or expected to be rendered in the regular duties or hours of employment as an Authority employee; (3) involves the performance of an act in other than their capacity as an Authority employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the Authority; or, (4) conflicts with your work schedule or involves time or other demands that impair or have a detrimental effect on your work performance with the Authority; (5) conflicts with your duties and responsibilities or creates an actual conflict of interest or (6) requires you to conduct work or related activities on Authority property, during Authority working time or using Authority facilities and/or equipment. For purposes of this policy, self-employment is considered outside employment.

An employee may not be the owner of or have a financial interest in property under the Section 8 program.

For purposes of prevention actual, potential or perceived conflicts of interest, an employee is prohibited from having a personal or financial interest or benefiting from any project or contract funded during that person's employment and up to one year thereafter. Without the concurrence of the Authority, an employee is prohibited from accepting a contract for personal services from any entity doing business with the Agency during that person's employment and up to one year thereafter.

If an employee finds that he or she has, or is considering the assumption of, a financial interest or outside relationship or employment which might involve a conflict of interest, or if the employee is in doubt as to the proper application of this policy, he or she should promptly make all the facts known to the Executive Director or Human Resources Director and refrain from any exercise of responsibility in any manner which might reasonably be considered to be affected by any adverse interest.

P. Relatives in the Workplace

To the extent possible, no person who is related within the first or second degree to a department head may be appointed in a paid capacity within that department. No person who is related within the first or second degree to a manager or supervisor may be appointed or assigned to a position that is in a direct

reporting relationship or within the supervisory line of authority to such manager or supervisor. Relatives within the first or second degree are spouses, life partners, parents, children, grandchildren, brothers and sisters. In order to avoid the appearance of favoritism or impropriety, department heads are discouraged from appointing relatives within the first or second degree to volunteer assignments within that department. Any such employment shall require prior approval by the Executive Director as necessary to the conduct of the programs of the Authority and shall be reported to the Board of Commissioners.

Employees who are in a dating or intimate relationship may not remain in a reporting relationship or in a position where one party to the relationship has auditory or review authority over the other. The employees are required to inform Human Resources so that the Authority can determine whether to transfer or terminate one or both employees. The employees may be given the opportunity to make the decision as to who will leave the Authority.

Q. Payments

No salary, wages, expenses, or allowances shall be paid except upon the certification of the Executive Director and in accordance with the policies of the Board of Commissioners.

R. Gifts

An Authority employee shall not ask for, receive, or agree to receive any gift, gratuity or reward for the performance of their duties. All offers of gifts, even if not accepted, shall be reported in writing to the Executive Director. At the discretion of the Executive Director, incidental gifts of informational material or involving food or beverage, such as a calendar or a holiday box of candy, may be accepted if they are shared by all employees.

S. Confidentiality

Authority employees shall abide by the laws and regulations of the State and Federal governments concerning confidentiality of client information. Employees shall sign and adhere to a Confidentiality of Client Information statement provided by the Authority. Unauthorized release of or discussion about client information within or outside the Authority is considered grounds for discipline up to and including dismissal.

T. Program Participant

Authority employees may participate in programs provided by the Authority (except as cited in Section H), if otherwise eligible and no conflict of interest exists as determined by the Executive Director. The conduct of employees as program participants serves as an example to other participants and to the public; an employee's failure to strictly abide by program rules reflects badly on the Authority and harms the public services it provides. Therefore, an employee-participant shall adhere to all applicable program terms and agreements, including the timely payment of rent, and shall at all times be a participant in good standing. Violation of this policy may result in disciplinary action, up to and including dismissal.

U. Personal Appearance

The image we project to our clients is reflected in the appearance of our employees. Simply stated, employees should look well-groomed and should be dressed appropriately for their specific job duties. Employees are expected to use good judgment in their appearance and grooming, keeping in mind the nature of the work, their own safety and the safety of coworkers, and their need to interact with the public. We encourage employees to seek the advice of their department head if they have questions regarding appropriate dress or appearance at work. Employees who report to work improperly dressed or groomed

may be instructed by their department head to return home to change. Non-exempt employees will not be paid for the time they spend going home to change.

Nothing in this policy is intended to prevent employees from wearing a hair or facial hair style that is consistent with their religious, cultural, ethnic or racial heritage or identity. This policy will be interpreted to comply with applicable local, state or federal law.

1. Religious, Medical and Disability Accommodations

The Authority will reasonably accommodate exceptions to this policy if required due to an employee's religious beliefs, medical condition or disability. Employees who need such an accommodation should contact their supervisor or Human Resources.

II. EMPLOYMENT PROCEDURES

A. Application

1. Authority to appoint, promote, transfer, demote and terminate personnel shall be vested in the Executive Director and in such other officials as formally designated by the Executive Director. The Executive Director shall have the final authority on all personnel decisions.
2. Whenever possible, vacated and/or newly established positions shall be filled consistent with the highest quality operations by the promotion of qualified employees.
3. Notice of all available job openings shall be distributed by email to all employees prior to or concurrently with scheduled advertising to the public.
4. Open public recruitment shall be done through appropriate media, for a reasonable time, to assure sufficient opportunity for the appropriate segment of the labor market to apply and be considered for employment on the basis of abilities and potential. Except for continuous recruitment, public announcement of all position vacancies shall be made at least seven (7) calendar days in advance of the closing date for receipt of applications.
5. All applicants for employment are required to submit an application in a format specified by the Executive Director.

B. Qualifications

The Executive Director shall prepare or cause to be prepared a job description for each employment classification, including examples of duties, experience, education, and such other qualifications as desirable. The Executive Director may establish an examination procedure to qualify applicants for employment by one or more of the following means: application review, written examination, verbal interview, performance test including computer skills, business and personal references.

C. Medical Examinations

Employees in specific positions may be required, for job related reasons, to take a physical examination after a conditional job offer is made or as a condition of continued employment at the discretion of the Executive Director. Such examination shall be at the Authority's expense and administered by a physician selected by the Authority in accordance with applicable law.

D. Investigations

The Authority recognizes the importance of maintaining a safe, secure workplace with employees who are qualified, reliable, and nonviolent, and who do not present a risk of serious harm to their coworkers or others. To promote these concerns and interests, the Authority reserves the right to investigate an individual's prior employment history, personal references, and educational background, as well as other relevant information. Consistent with legal or contractual requirements, the Authority also reserves the right to obtain and to review an applicant's or an employee's criminal conviction record, and related information, and to use such information when making employment decisions, but only to the extent permissible under applicable law.

A pending criminal matter may be considered in appropriate circumstances for business-related reasons, consistent with applicable law. All background checks will be conducted in strict conformity with the federal Fair Credit Reporting Act (FCRA), applicable state fair credit reporting laws, and state and federal anti-discrimination and privacy laws. The Authority is an equal opportunity employer and will comply with applicable federal, state and local laws relating to the use of background checks for employment purposes.

E. Appointment

The Executive Director shall clearly specify the conditions of employment; including position title, salary, vacation leave, sick leave, benefits, and the category of positions.

F. Employee Eligibility and Work Authorization

The Authority is committed to employing only United States citizens and non-citizens who are authorized to work in the United States and who comply with applicable immigration and employment law. As a condition of employment, every individual must provide satisfactory evidence of their identity and legal authority to work in the United States within three business days of commencing employment. If the employee cannot verify their right to work in the United States within three business days of employment, the Authority will be required to terminate their employment immediately.

III. CATEGORIES OF EMPLOYEES

There are five (5) categories of employee positions. The policies and procedures herein apply to all categories unless otherwise expressly stated.

A. Temporary

A temporary employee is one who is appointed for a special or temporary purpose on an hourly, per diem, or monthly basis which is expected to last less than 1,000 hours of paid service. Such employee shall not accumulate credit for sick leave (except HWHFA leave as mandated by California law), holidays, or vacations; shall not receive health insurance, life insurance, short-term or long-term disability, accidental death or dismemberment insurance, retirement plans or other benefits provided by the Authority, except as required for temporary employees by Federal, State, or local law.

The services of temporary employees may be terminated by the Authority without cause and such termination shall not entitle the employee to an appeal of the termination or other due process hearing.

B. Long-Term Temporary

A long-term temporary employee is one who is appointed for a special or temporary purpose which is expected to last 1040 service hours and less than 2080 service hours; or a temporary employee who has completed 1,000 paid service hours of continuous employment with the Authority.

Commencing with the first day of employment in a long-term temporary position, the employee shall be entitled to begin accumulating credit for sick leave, holidays and vacation, become eligible for health insurance coverage, and participate in the retirement plan. Earned vacation time shall not be granted before a six-month period of employment is completed. Long-term temporary employees shall not receive life insurance, long- or short-term disability, accidental death and dismemberment insurance, or other benefits provided by the Authority.

The services of long-term temporary employees may be terminated by the Authority without cause and such termination shall not entitle the employee to an appeal of the termination or other due process hearing.

C. Seasonal

A seasonal employee is one who is appointed on a seasonal basis. Such employee shall accumulate credit for sick leave, holidays and vacation. Upon termination of seasonal employment, the employee shall be entitled to all vacation pay earned and accumulated (per Section IX.D). Such seasonal employees shall receive health insurance coverage; however, they shall not receive life insurance, long- or short-term disability, accidental death or dismemberment insurance, retirement plans or other benefits provided by the Authority. When 1,000 service hours are reached in a fiscal year, the seasonal employee shall be eligible for participation in the retirement plan.

The services of seasonal employees may be terminated by the Authority without cause and such termination shall not entitle the employee to an appeal of the termination or other due process hearing.

D. Probationary

A probationary employee is one who is appointed to a regular position who shall serve a probationary period equivalent to twelve (12) months full-time employment from the date of such appointment (i.e., 2,080 hours of active paid service, excluding paid sick, holiday, or vacation time or similar paid non-service hours). The probationary period shall be utilized for closely observing the work of new employees and for securing their effective adjustment to their positions. All probationary employees shall be evaluated as to performance approximately three (3) months (520 hours), six (6) months (1,040 hours), and twelve months (2,080 hours) after appointment. However, failure of the supervisor to timely complete such evaluations shall not negate the employee's probationary status.

Probationary employees shall accumulate credit for sick leave, holidays and vacation and shall receive health insurance coverage and retirement. Probationary employees shall not receive life insurance, short-term or long-term disability and accidental death or dismemberment insurance, or other benefits provided by the Authority.

The services of probationary employees may be terminated by the Authority without cause and such termination shall not entitle the employee to an appeal of the termination or other due process hearing.

Upon successful completion of the probationary period in a position, an employee shall become a regular employee in that position.

The probationary period may be extended in writing prior to the completion of the required initial probationary period, at the discretion of the Executive Director, for a period of three (3) months (520 hours) of active paid service beyond the required initial probationary period.

E. Regular

A regular employee is one who has successfully completed the probationary period for a regular position. Such employees shall accumulate credit for sick leave, holidays, and vacation and shall receive health insurance, life insurance, short-term and long-term disability, accidental death and dismemberment insurance and retirement plans, as adopted by the Authority.

F. Part-time

An employee may be appointed to a part-time position in any of the above categories at the discretion of the Executive Director. Accumulation of sick leave, vacation leave and holidays will be pro-rated according to the approved number of hours in a work week. An employee serving in a part-time status who receives health insurance shall share the costs of the premiums pro-rata [where the employee will contribute an additional portion in relation to hours worked.](#)

G. Special Circumstances

If required in order to accomplish specialized duties, the Executive Director may negotiate particular terms of employment for specific duties. Such special circumstances shall require approval by the Board of Commissioners.

IV. PERSONNEL FILES AND EMPLOYEE EVALUATIONS

A. Personnel Files and Records

Such records shall be kept by the Executive Director as necessary for transactions and reference and for making reports showing administrative actions, including name and address of each employee, employment history of each employee (which shall reflect positions held), employment status, classification, and rate of pay and benefits.

The information recorded in your personnel file is extremely important. It is each employee's responsibility to make sure that the personal data in the file is accurate and up to date. Report any change of address, phone number, etc. to the Authority immediately.

Any personnel action affecting the position or status of any employee shall be recorded on a personnel form adopted for the Authority's use and a copy shall be given to the employee for their personal records.

The official personnel file of each employee shall be maintained at the principal office of the Authority. Copies of all material placed in an employee's official personnel file shall be given to such employee five (5) days prior to placement in the file, except for material obtained as part of the recruitment and selection process. The employee may submit a written response during such five (5) day period, which response shall be attached to said material and filed in the employee's official personnel file.

Access to the employee's official personnel file is restricted. Only the Executive Director and persons authorized by the Executive Director will have access to your personnel file. However, the Authority will cooperate with, and provide access to your personnel file, to law enforcement officials or local, state or federal agencies in accordance with applicable law.

Health/medical records are not included in your personnel file. These records are confidential and maintained in a file separate from your personnel file. The Authority will safeguard them from disclosure and will divulge such information only: 1) as allowed or required by law; 2) to the employee's personal physician upon written request or permission of the employee; or 3) as required for workers' compensation cases.

Employees may inspect their personnel file in the presence of an authorized representative of the Authority. You may also obtain copies of your file. The Authority will copy the documents that you have signed but copies of other documents may be at your expense. Contact the Human Resources Director to submit your written request and to schedule a convenient time. The Authority will comply with inspection or copy requests within 30 days of the receipt of the request. If you desire, you may add a written statement to your file explaining any disputed item. With the exception of routine and clerical access, a log shall be maintained to record such access indicating the date and the person obtaining access.

Employees may also inspect their payroll records upon request, and may obtain a copy of these records at their own expense. The Authority will comply with all inspection requests within 21 calendar days, unless it is impossible to do so.

B. Employees' Social Security Number Protection

We have established the following procedures to protect the privacy and security of employees' social security numbers (SSNs) provided to us. This policy applies to SSNs received for any employment-related purpose, including, but not limited to, the evaluation of job applicants; payroll, benefits, and human resources administration; and employment-related investigations.

1. Access to, and Use of, Information or Documents That Contain SSNs

Only authorized employees may access information and documents containing SSNs. Employees authorized to access such information or documents generally will be limited to Department Directors, the Human Resources Department, certain Finance Department staff, and the Executive Director. Authorized employees may access information or documents containing SSNs only on a need-to-know basis and may use such information and documents only for the purpose for which access is permitted.

2. Disclosures of Information or Documents That Contain SSNs

When information or documents containing SSNs needs to be disclosed within the Authority to any person who is not authorized to access SSNs, the SSN should be redacted before the disclosure is made. We will disclose documents containing SSNs outside the Authority only as permitted or required by law or court order, or required for business purposes such as benefit enrollment. Except when a SSN is disclosed in accordance with a contract that requires the recipient to provide adequate safeguards, SSNs may not be disclosed to a third-party without the prior approval of the Executive Director or the Human Resources Director. All requests for the disclosure of information or documents containing SSNs (other than requests made by a party to a contract providing adequate safeguards) must be forwarded promptly to the Executive Director or to the Director of Human Resources. Information or documents containing SSNs transmitted to a third party in electronic format should be encrypted before transmission whenever possible.

3. Proper Disposal of Documents That Contain SSNs

Paper documents containing SSNs will be shredded before being discarded. SSNs stored on an electronic medium, such as hard drives, laptops, and compact disks, will be rendered irretrievable before being discarded or re-issued to an employee who is not authorized to access SSNs.

4. Penalties for Violation of this Policy

Any employee who becomes aware of, or suspects, a violation of this policy should inform the Executive Director or the Director of Human Resources immediately, so that we may conduct an investigation where appropriate. Violation of this policy will result in disciplinary action up to and including termination of employment.

C. Employee Evaluation

The primary purpose of written employee evaluations shall be to inform employees about how well they are performing their work and how they can improve their work and performance.

Each employee's Department Head, after consultation with the employee's immediate supervisor, shall be responsible for evaluating the employee's performance. No evaluation of any employee shall be placed in any personnel file without an opportunity for discussion between the employee and the evaluator.

When possible, no less than a "meets expectation" overall evaluation shall occur without prior counseling or notation to the employee concerning areas that need improvement. Any less than satisfactory overall evaluation shall have documentation or explanation and shall include specific recommendations for improvement and provisions for assisting the employee in implementing any recommendations made. The employee shall have the right to review and respond in writing within 5 business days to any evaluation.

D. Schedule for Employee Evaluation

Employees may be evaluated at any time, and shall generally be evaluated at least at those intervals indicated below. However, the Authority does not contract or guarantee to provide an evaluation at any specific interval and reserves the right to ~~issue disciplinary action~~ [engage in performance improvement plans](#) before or after an evaluation.

1. Probationary Employees shall usually have their performances evaluated prior to the end of ~~520 hours (3 months) of active paid service hours, again at~~ 1,040 hours (6 months). The final probationary evaluation shall be performed by the [direct Supervisor and reviewed by](#) Department Head prior to the end of the established probationary period, whether that be 2080 hours (one year) or longer as defined in Section III.D. For probationary employees "service hours" means hours actually worked in the position, excluding overtime hours, and does not include hours on paid or unpaid leave, jury duty or other non-work activities.

2. Regular employees shall usually be evaluated according to the following schedules. Upon promotion or promotional reclassification, an employee shall serve a new probationary period in that classification and shall be evaluated within ~~520 service hours (3 months) and again within~~ 1,040 hours (6 months) of the promotion or reclassification, and annually thereafter.

Merit salary increases shall be given to employees coincident with each accrual of 2,080 service hours of their appointment, promotion, or promotional reclassification as a regular employee, whichever is the most recent action, until the top of their salary range is reached, as provided in Section VI. An evaluation of less than "meets expectation" may result in a merit increase being denied.

3. All other employees shall be evaluated on a schedule established by the Executive Director, but no less frequently than once every twelve (12) calendar months whenever feasible unless individual circumstances warrant otherwise. ~~Exception: At the discretion of the Executive~~

~~Director, management staff who have been employed at least five (5) years may receive a performance evaluation once every three (3) years, and non-management staff who have been employed at least six (6) years and at least three (3) years in the same position may receive a performance evaluation once every two (2) years.~~

~~4. Upon request, employees who are terminating their service with the Authority shall be evaluated within one (1) week prior to the time of severance, when feasible, as determined by the Executive Director.~~

45. Additional performance evaluations for any employee may be undertaken by the Supervisor, Department Head or Executive Director for sound and justifiable reasons at any time deemed necessary to assist the employee in the effective performance of required duties. Employees who are not maintaining adequate performance standards shall be notified and placed on special evaluation. Such evaluations may not exceed one (1) per month nor continue longer than six (6) months.

Employees who are unsuccessful in attaining an overall performance rating of “meets expectation” or better during this continuous six-month special performance rating period shall be subject to ~~discipline~~ performance improvement notice up to and including dismissal, subject to the appeal rights defined in Section XIV.G

E. Disposition of Copies of Performance Evaluations

Only two (2) official copies of an employee evaluation shall be made. Whenever an employee is evaluated, the Department Head shall discuss the evaluation with the employee and both parties shall sign it at that time. The employee shall retain one (1) copy, and the second copy shall be included in the employee's official personnel file.

F. Reviews. An employee who has reason to question any aspect of their performance rating may request a review of the rating with the person making the evaluation. Should either the evaluator or the employee request, the Executive Director shall review the rating(s) in question for the purpose of considering a change in any rating(s) on a performance evaluation. The determination of the Executive Director shall be final and not subject to appeal. The employee may alternatively or additionally attach a written response to their evaluation disputing any rating contained therein.

V. HOURS OF WORK AND OVERTIME

A. Hours of Work

1. Work Week

For purposes of calculating overtime, the work week is defined as the seven (7) work day period between 12:00 a.m., Sunday, through 11:59 p.m., the following Saturday.

For full-time employee work schedules, the ~~The~~ normal work week shall be forty (40) hours and consist of five (5) consecutive working days ~~or forty (40) hours between 12:00 am Sunday morning and 11:59 pm the following Saturday.~~ The normal weekly work schedules shall be Monday through Friday.

2. Work Day

For purposes of calculating overtime, the work day is defined as the twenty-four (24) hour period between 12:00 a.m., through 11:59 p.m.

For full-time employee work schedules, the normal work day shall be eight (8) hours ~~within a twenty-four (24) hour period~~. Normal full-time daily working schedules shall be from 8:00 am to 5:00 pm, with one unpaid hour for lunch.

Other alternate work schedules (AWS) may be assigned to meet the needs of the Authority. Alternate work schedules may vary in the number of hours per day and in the start and end of the work week, but shall be no more than 40-80 hours per ~~work week~~ pay period as defined in the AWS procedure. The employee shall be given reasonable advance notice of any change in their work schedule unless said change has been deemed an emergency by the Authority or its Executive Director.

3. Lunch Periods

During a shift of eight (8) hours, employees shall be entitled to one uninterrupted unpaid lunch period of no more than one (1) hour or less than one-half (1/2) hour. The time for such lunch periods shall be scheduled for full-time employees and start before the completion of ~~taken by the 5th hour of work in a work day at approximately the midpoint of each work shift.~~

4. Rest Periods

Each employee shall be entitled to rest periods which, ~~insofar as practicable,~~ shall be at the rate of fifteen (15) minutes during each work period of four (4) hours or more. Rest periods are part of the regular workday and shall be compensated at the regular rate of pay for the employee. Rest periods shall not be accumulated or taken at the beginning or end of a work period, or combined with the lunch period. The Executive Director may assign such staggered rest periods as may be needed to serve the public.

B. Overtime

1. Definition

Overtime is any authorized time worked in excess of forty (40) hours per work week, ~~in a seven (7) consecutive day (i.e. 168 hours) work period~~ for non-exempt employees. Designated exempt employees paid on a salary basis are exempt from overtime.

2. Authorization

Overtime shall be worked only when requested by a Department Head. Employees cannot work overtime without the advance approval of the Executive Director or their designee. Working overtime without prior authorization may result in disciplinary action.

3. Computation

- a. Time Worked. Paid time off from work for any purpose other than holidays, as described in 3.b., shall not count as time worked for purposes of overtime. Such paid time off not counting toward overtime, includes, ~~ing~~ but is not limited to: sick leave; vacation; jury duty; any balance of compensatory time; and mandatory leave with pay.
- b. Holidays.
 - i. When a holiday falls on an employee's regular work day, the hours of holiday leave shall be counted as time worked for purposes of computing overtime whether the holiday is worked or not, and hours worked on a holiday shall be counted as additional time worked for purposes of computing overtime.

- ii. Holidays which occur on a day other than the employee's regularly scheduled work day shall not be counted as time worked for purposes of computing overtime. (For example, if Monday is not an employee's regular work day and Monday is a holiday, the employee would get paid for the holiday, but the hours would not be considered "time worked" for purposes of computing overtime.)

4. Rate

Eligible employees shall receive payment for overtime worked in the amount of one and one-half (1½) times their ~~regular rate of pay~~~~hourly salary rate~~, except as provided immediately below.

Upon request of an employee and approval of the Executive Director or the Executive Director's designee, non-exempt employees may receive compensatory time off for overtime worked in lieu of overtime pay. Compensatory time off shall be ~~compensated~~provided at the rate of one and one-half (1½) hours of compensatory time off for each hour of overtime worked in lieu of overtime compensation in cash. However, overtime shall be compensated in cash whenever and to the extent that overtime would result in a compensatory time off balance ~~to the credit of an employee~~ in excess of 40.5 hours. (40.5 hours of compensatory time represents 27 hours of overtime work-).

5. Compensatory Time Implementation

If an employee makes a request in writing to the Executive Director or the Executive Director's designee to use compensatory time from the employee's balance, and gives reasonable advance notice so that coverage can be arranged and said time off request does not unduly disrupt the operation of the Authority, the Executive Director shall grant the request.

The Authority will not require employees to take compensatory time off for the purpose of avoiding overtime pay.

C. Timekeeping

1. Nonexempt Employees

Employees who are classified as nonexempt must accurately record the time they work each day, including arrival, departure and meal break times.

When employees receive their paychecks, they should verify immediately that their working time was recorded accurately and that they were paid correctly for all hours worked.

Nonexempt employees must report all time worked and must not work any time that is not authorized by their supervisors. This means nonexempt employees must not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless directed to do so. Employees who have questions about when or how many hours they are expected to work should contact their supervisor.

It is a violation of the Authority's policy for anyone to instruct or encourage another employee to work "off the clock," to incorrectly report hours worked or to alter another employee's time records. If any employee is directed or encouraged to incorrectly report hours worked or to alter another employee's time records, he or she should report the incident immediately to a supervisor.

2. Exempt Employees

Employees who are classified as exempt must record absences from work for reasons such as leaves of absence, sick leave or vacation.

Exempt employees are paid on a salary basis. This means the employee regularly receives a predetermined amount of compensation each pay period, which cannot be reduced because of variations in the quality or quantity of the employee's work. In general, an exempt employee will receive their salary for any week in which the employee performs any work, regardless of the number of days or hours worked.

However, an exempt employee will not be paid for [full](#) days not worked in the following circumstances:

- When an exempt employee takes one or more full days off for personal reasons other than sickness or disability, the employee will not be paid for such day(s) of absence, but the employee may use available vacation to make up for the reduction in salary;
- When an exempt employee takes one or more full days off from work due to sickness or disability, the employee will not be paid for such day(s) of absence, but the employee may use available sick time to make up for the reduction in salary;
- When an exempt employee works only part of the week during their first and last week with the Authority, the employee will be paid only for the days actually worked; and
- When an exempt employee takes unpaid leave under the Family and Medical Leave Act or corresponding laws, the Authority will not pay for such days/hours of absence.

The Authority may require an exempt employee to use available vacation as a replacement for salary, when the employee takes less than a full-day off from work.

An exempt employee's salary will not be reduced when the employee works part of a week and misses part of a week due to service as a juror, as a witness or in the military or for lack of work.

It is Authority policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. The Authority prohibits any deductions from pay that violate the FLSA or applicable state law.

If an exempt employee believes that an improper deduction has been made to their salary, the employee should immediately report this information to Human Resources, a supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

D. Call-Back Duty

Certain employees are required to work on call. Whether they will receive pay for being on call depends on the facts of each situation.

Defined. Employees who are ordered to return to their work site or another specified work site by the Executive Director or the Department Head following the termination of their normal work shift on a given work day shall be considered to be on call-back.

Non-exempt employees will be paid for the time spent responding to phone calls or performing work at home.

Travel time to and from the work site may be considered working time if the employee is on call.

Compensation. Employees who are called back shall be compensated for the actual time worked at their regular rate of pay. If call backs result in the employee working more than 40 hours in the workweek then call back time will be paid at one and one-half (1 1/2) times their regular hourly rate, provided that a minimum of two (2) hours of ~~evertime~~-compensation shall be paid for all periods of work less than two (2) hours-

E. Job Sharing

With the approval of the Executive Director, upon request, two (2) or more employees may share one (1) or more full-time positions; provided however that each such part-time job shall be at least a half-time position, and such job sharing shall not result in an increase in salary or benefit costs to the Authority. All such arrangements shall be made in the best interests of the Authority, shall be at the sole discretion of the Executive Director, and may be terminated by the Executive Director.

Each employee electing to share a full-time position pursuant to this Section may receive Authority contributions for health and welfare benefits on a pro-rated basis.

F. Alternate Work Schedules

Employee may request alternate schedules. Written requests shall be submitted to the Executive Director and shall state reasons for the schedule. The requests shall be considered and may be granted so long as work flow is not interrupted and public needs are met, as determined by the Executive Director. The Executive Director or their designee shall respond to requests in writing within fourteen (14) calendar days. A request that is not approved by the Executive Director in that time shall be deemed denied. All such arrangements shall be made and continue as long as mutually agreed to by the employee(s) and the Executive Director. Approval for creation and continuation of alternate work schedules lies wholly within the discretion of the Executive Director.

G. Lactation Accommodation

In recognition of the well documented health advantages of breastfeeding for infants and mothers and in compliance with applicable law, employees have the right to request a lactation accommodation and the Authority provides a supportive environment to enable breastfeeding mothers to express their breast milk during the work day.

The process used to request an accommodation is the following: The employee should submit a request to their department manager and/or Human Resources.

The Authority will respond to the request. The Authority will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child, each time the employee has to express milk.

The Authority will provide employees with the use of a room or private room near the employee's work location, other than a bathroom or toilet stall, for the employee to express milk. This location may be the employee's private office, if applicable. This room will be shielded from view and free from intrusion while the employee is lactating. Additionally, the room will be safe, clean, free of hazardous materials, be in close proximity to the employee's workplace and provide the following:

- A surface to place a breast pump and personal items;
- A place to sit;

- The room will provide access to electricity or alternative devices, including but not limited to, extension cords or charging stations needed to operate an electric or battery-powered breast pump;
- Access to a sink with running water;
- Access to a refrigerator suitable for storing milk (or another cooling device).

Where the room provided is used for lactation as well as other uses, the use of the room for lactation shall take precedence over the other uses, but only for the time it is being used for lactation purposes.

The Authority will comply with all applicable legal requirements when implementing this policy. If an employee has any concerns regarding the accommodations provided, the employee may contact management or Human Resources to further discuss any issues. The Authority will review the matter and will work to make requested accommodations in accordance with the law. Employees also have the right to file a complaint with the Labor Commissioner if they believe that the Authority has violated the law regarding this policy.

VI. PAY, CLASSIFICATION, ASSIGNMENT, AND EMPLOYEE STATUS

A. Pay Periods

Employees are paid by check or direct deposit on a bi-weekly basis on every other Friday. If the pay day falls on a holiday, whenever possible employees will be paid on the immediately preceding regularly scheduled workday. The standard pay period commences at 12:00 a.m., on the Sunday immediately preceding pay day. Employees who select certain Alternate Work Schedules (AWS) will have a different pay period as described in the AWS procedure. Deadlines for submission of time sheets shall be determined by the Finance Department consistent with efficient operations. Employees who fail to submit completed and accurate time sheets by the determined deadline shall be subject to disciplinary action up to and including dismissal.

We work hard to ensure that all employees are paid correctly, but mistakes can happen. When mistakes do occur and are called to our attention, we will promptly investigate the matter and make any corrections necessary as soon as possible in accordance with applicable law. Review each paycheck and pay stub when you receive it to make sure your pay is correct. If you believe an error has occurred or if you have any questions about your paycheck or pay stub, promptly report the matter to the Human Resources Director.

B. Classification

Classification is defined as a group of positions sufficiently similar as to duties performed, degree of supervision exercised or received, minimum requirements and such other qualifications that the same title, same test of fitness and the same schedule of compensation may be applied to each position in the group.

1. Positions with similar responsibilities and duty requirements shall be grouped into the same class, with a designated salary range as approved by the Authority. Common standards of selection, assignment and salary are applied to the positions within the same class.
2. Job descriptions for each position shall be developed and approved by the Authority. An Authority manual of job descriptions shall be available to employees and the public at the Authority office.

3. Job assignments to specific positions in a class shall be made at the discretion of the Authority. Employees may be given any job assignments and tasks that are deemed by the Authority to be appropriate to their position, and employees have no expectation that they are entitled to a particular assignment.
4. Duties of employees shall include those outlined in the job classification and those which reasonably relate to the job description or classification, as determined by the Executive Director or the Department Head.
5. New classifications shall be created, abolished, or combined by the Authority as the needs of the Authority change.
6. As part of the employee's annual performance evaluation, and/or at the request of an employee, the Department Head shall review the employee's assignment to ensure that the employee's assigned duties are consistent with their classification.
7. The Authority endeavors to conduct a full compensation and classification study at least every five (5) years. Results of the study shall be available to all employees and presented to the Board of Commissioners. The studies shall be advisory to the Executive Director and the Commissioners. Any employee may present written and/or verbal comments concerning the study to the Executive Director or their designee; the comments shall be related to the employee's position. All job descriptions shall be updated to reflect actual duties assigned and authorized.

C. Compensation

1. Salary Schedule

The Salary Schedules for employees and the Salary Step/Range Chart shall be available for review through the Human Resources Department or on the Authority intranet. There shall be five (5) steps in a salary range with increments of approximately 5% between each step. Employees may be paid at the Authority's discretion within each range's steps. The Board of Commissioners shall have complete discretion in establishing wage rates approving the salary schedule, and the Board's decision shall be final.

2. Salary Increases and Bonuses

Salary increases for all employees are based on performance and length of service. There are three types of increases and bonuses, as follows.

- a. Merit-Step Increases. All new regular employees are eligible for the second salary step after completing no less than 2,080 hours of service, with the Authority, in active paid status and successful completion of the probationary period. Each successive step thereafter, until step five (5) is reached, shall be considered and may be granted after completing increments of paid service, with the Authority, of no less than 2,080 hours, and with a satisfactory or better performance evaluation.
- b. Longevity Service Incentive Bonus. An employee employed by the Authority prior to July 1, 1997, shall receive a longevity service increase of approximately 5% on the date of the tenth anniversary (20,800 hours of paid service) of full-time continuous service as a regular employee of the Authority. ~~Staff hired by the Authority after July 1, 1997~~ All staff, who have not received any 10-year longevity increases, shall receive a \$1,000 longevity incentive bonus for every each 510 years of employment with the Authority, on their applicable anniversary date. ~~(20,800 hours of paid service).~~

- c. Cost of Living Adjustment. It is the policy of the Authority to consider cost of living adjustments annually. Public agencies consisting primarily of the municipal and county governments, and such local other similar public bodies as public schools and other institutions supported by public funds, including similar neighboring Public Housing Authorities, shall be contacted in making cost of living and compensation surveys to determine if a cost of living adjustment shall be made.

~~Public agencies consisting primarily of the municipal and county governments, and such local public bodies as public schools and other institutions supported by public funds, shall be contacted in making cost of living and compensation surveys.~~

3. Hours of Service for Purposes of Salary Increases

- a. Defined. Paid hours of work and paid leave hours accrued by an employee within the number of authorized hours for the position occupied by the employee shall constitute hours of service for purposes of salary increases. Hours worked in excess of the number of regularly scheduled hours for the position, whether overtime or otherwise, shall not be included in hours of service. Exempt employees hours of service are calculated based on the number of scheduled work hours. ~~are considered to work 40 hours per week for the purpose of calculation the hours of service.~~
- b. Beginning Date. Hours of service for purposes of step advancement accrue by position, beginning from the most recent date of appointment to that position.

4. Anniversary Date Defined

The initial anniversary date of an employee is that date upon which an employee begins paid service in their initial probationary position.

~~5. The Board of Commissioners shall have complete discretion in establishing wage rates, and the Board's decision shall be final.~~

D. Probationary Conditions

No Authority employee shall attain regular status in any position without first having successfully completed the required probationary period. Authority employees shall serve in probationary status under the following conditions.

1. New hires and rehires to regular positions shall serve an initial probationary period equivalent to 2,080 service hours (approx. 12 months) from the date of appointment by the Executive Director. "Service hours" means hours actually worked in the position, excluding overtime hours, and does not include hours on paid or unpaid leave such as sick or vacation time, jury duty or other non-work activities.
2. Employees reassigned to a different position through promotion, demotion, reclassification or transfer shall serve in probationary status equivalent to 2,080 service hours of employment in the new position.
3. Performance evaluations shall be conducted during the probationary period as provided in Section IV.C.1.

E. Promotion

Vacated or newly established positions shall be filled to the fullest extent, consistent with the highest quality operations, by the promotion of qualified employees. Promotion of individuals shall be based on

consideration of the following factors: qualification, the quality of service previously rendered (including but not limited to quality of work, compliance with work rules), seniority, and the recommendation of the Department Head.

All current staff shall be notified of such position openings in the manner mentioned above in Section II.A. Any employee may apply for a promotion to any advertised position. Any promotion may require that the qualifications of the employee being considered be determined by criteria appropriate to the position, as determined by the Executive Director. Interviews shall be conducted as determined appropriate by the Executive Director.

1. Regular Employees. Upon promotion to a position of higher classification, a regular employee shall serve in a probationary status. During the probationary period, if the employee is released or seeks reinstatement to the previous position for reasons other than misconduct, the employee shall be entitled to reinstatement in the formerly held classification, if available; or in the alternative a lower class, if available, for which the employee qualifies and chooses to accept.
2. Probationary Employees. Upon reassignment to a position of higher classification (promotion), a probationary employee shall begin to serve a new probationary period. If a probationary employee is released from the new position, reinstatement to a lateral or lower classification may be considered; however, the decision to so reinstate is a matter in the sole discretion of the Executive Director.
3. When an employee is promoted to a position of higher classification/[higher range on the salary chart](#), such employee shall be placed on a step so as to receive at least a 5% salary increase.
4. Promotions of individuals to vacant positions on a temporary acting basis may be made at the discretion of the Executive Director during the period of recruitment for said position, as indicated in Section VI.G.1.[Employees will be compensated at the appropriate range/step on the salary chart for the temporary position so as to receive at least a 5% temporary salary increase.](#)
~~Employees will be compensated at the discretion of the Executive Director.~~

F. Demotion

The demotion of an employee shall be limited to the following ~~four~~ ~~three~~ conditions: when the Authority deems it necessary (1) in order to provide the best possible services for the Authority's program; (2) to assist the employee to make appropriate adjustments in the responsibility level or performance of their duties; ~~or~~ (3) due to re-organizational priorities brought about by a change in the nature of services provided, lack of work or lack of funds; ~~or~~ (4) ~~to discipline an employee in situations when an employees has not improved performance to the level of satisfactory after completion of a performance improvement plan~~. Any such action taken with regard to a regular employee is subject to appeal by the affected employee, as set forth in Sections XIII or XIV.

1. Downward adjustments of any position or class of positions shall be considered demotions and shall take place only as a result of the conditions set forth herein. Such action may be considered non-disciplinary or disciplinary, provided, however, that disciplinary demotions of regular employees shall be for cause only and shall comply with the disciplinary procedures set forth in Section XIV. A disciplinary demotion shall be supported by a less than satisfactory performance evaluation or other documentary evidence of cause for discipline. In both instances the Authority shall retain its right to "Y-Rate" classified employees into existing or proposed positions providing it does not displace another more senior regular classified employee.

2. Non-disciplinary demotions caused by re-organizational priorities, as determined by the Executive Director, may result in the reassignment of an employee to a class having a lower salary range. The Authority shall retain the right to "Y-Rate". In addition, the affected employee shall be given preferential consideration for openings in their former classification.
3. A reassignment to a regular position at a lower salary range due to non-disciplinary administrative demotion or voluntary demotion shall entitle the employee to a salary step in the lower range which corresponds in dollar amount to that which was held in the higher range, provided that in no case shall the new pay level exceed the maximum salary for the lower classification.
4. "Y-Rating" adjustments are defined as follows: When an employee is reassigned to a lower classification having maximum rates which are less than the dollar amounts at the previous classification, the employee's salary shall remain at the previous level (Y-Rate) until such time as future salary increases bring the salary range of the employee's new class up to a point where the Y-Rate falls within such range. At that point, the employee is no longer Y-rated, and assumes the salary step in the new class.

G. Working Out of Classification

"Working out of classification" shall mean an assignment of duties authorized in writing by the Executive Director on a temporary basis, where all or a significant portion of the duties performed are at a higher classification than the classification of the employee assigned the new duties. All "out of classification" assignments are temporary and shall not be made to fill regular position vacancies except during that period required to complete the recruitment/selection process, or for vacation and leave relief.

1. An employee, other than a management employee, shall perform such duties at their current rate of pay for a period of not more than ten (10) consecutive working days (80 hours) during sick leave and vacation relief. An employee performing such duties for more than 10 consecutive working days shall have their salary adjusted upward for the period the assignment is in effect, beginning with the eleventh (11th) consecutive working day (81 hours) of such work. Exception: if the employee was notified prior to the assignment that the period would extend for more than twenty (20) consecutive working days (160 hours), the employee shall have their salary adjusted upward for the entire period the assignment is in effect, beginning immediately.
2. Compensation for an employee required to work out of classification will be at the first step of the higher range or at a step within that range which will provide at least a five percent (5%) increase over their regular salary, whichever is greater.
3. Working out of classification is contingent upon the needs of the Authority. All such assignments shall be subject to the prior written approval of the Executive Director.
4. If an out of classification assignment has not been approved by the Executive Director in writing, no employee may expect or claim entitlement to out of classification pay.

VII. RETIREMENT BENEFITS AND AUTHORITY-PROVIDED INSURANCE

A. Pension Plan

The Authority shall contribute to a retirement pension plan at a rate established by the retirement plan administration. The employee shall contribute a set percentage based on the retirement plan contract. Participation in the retirement plan shall be limited to probationary and regular employees or temporary and seasonal employees who reach 1,000 hours in paid status.

B. Life Insurance

The Authority shall provide, at no cost to the employee, group life insurance coverage. Life insurance shall be limited to regular employees or those who have re-entered probationary status as a result of promotions. See plan documents for details.

C. Health Insurance

The Authority shall provide group medical, dental, and vision insurance coverage to each eligible employee and their eligible enrolled dependents. Short Term Temporary employees are not provided such insurance, unless otherwise required by applicable law. Premium costs shall be shared between the Authority and the employee through a cafeteria flex fund plan. See plan documents for details.

Health Insurance premiums paid by the Authority for part-time employees shall be proportionate to the employee's approved work schedule, unless otherwise authorized by the Executive Director.

D. Short-Term and Long-Term Disability Insurance

The Authority shall provide to regular employees, at no cost to the employee, short-term and long-term disability insurance coverage. See plan documents for details.

E. Accidental Death and Dismemberment Insurance

The Authority shall provide to regular employees, at no cost to the employee, accidental death and dismemberment insurance coverage. See plan documents for details.

F. Unemployment Insurance

The Authority shall provide, at no cost to the employee, unemployment insurance coverage. The cost and benefits shall be as mandated by the State of California.

G. State Disability Insurance

Disability insurance coverage shall be provided through the Authority, with premium costs paid by the employee. The cost of coverage and benefits shall be as mandated by the State of California.

H. Worker's Compensation Insurance

The Authority shall provide, at no cost to the employee, State of California mandated Workers' Compensation coverage. The level of benefits will be in accordance with the Workers' Compensation laws of the State of California.

VIII. HOLIDAYS

A. Scheduled Holidays

The Authority shall provide all eligible employees with the following paid holidays:

New Year's Day	January 1
Martin L. King's Birthday	Third Monday in January
President's Day	Third Monday in February

Cesar Chavez Day	March 31
Memorial Day	Last Monday in May
Juneteenth	June 19 th or Monday following
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Friday after Thanksgiving Board designated Holiday
Winter Holiday #1	December 24
Winter Holiday #2	December 25
New Year's Eve	December 31
Floating Holiday	Requested by Employee

The Floating Holiday becomes available to benefitted employees on January 1st of each year, and is intended to be used during that calendar year. The Floating Holiday is of 8 hours duration, must be pre-approved by the employee's manager, and must be used entirely in one day. Floating holidays that are not used during the year in which they are allotted will be paid out at the end of the year at the employee's then regular rate of pay. All allotted floating holidays that have not been taken before departure of employment will be paid out at the employee's then regular rate of pay.

At the discretion of the Executive Director, employees may be granted special Board-designated holidays and shall be granted days designated as legal holidays by the Governor of the State of California or the President of the United States, if granted as a paid holiday for federal or state employees. These special holidays shall be with eight (8) paid hours providing the employee is in paid status for eight (8) hours (or a full day) of the working day immediately before or after the holiday.

1. Holidays falling on Saturday or Sunday shall be celebrated on the preceding Friday or following Monday, respectively.
2. An employee who is paid overtime for working on a holiday or Board-granted day off shall not receive an additional day off.
3. An employee on unpaid leave shall not receive holiday pay unless the employee is in paid status the full day before and the full day after the holiday. An employee receiving prorated pay during leave, for example integrating wages with SDI, will receive the same [prorated number of hours](#) holiday pay as s/he receives in [prorated](#) wages on adjacent work days.

B. Holidays Falling During Other Paid Leave

When a holiday occurs on a day an employee is absent from work because of sick leave, vacation or other paid leave, the employee shall be paid for the holiday and the day shall not be counted as a day of paid leave.

C. Part-time Employees

Holiday compensation for part-time employees shall be proportionate to the employee's approved work schedule. (e.g. an employee working in a 20 hour week or half-time position would receive four (4) hours of holiday compensation for a holiday occurring during the work week.) Holidays that occur on a day other than the part-time employee's regularly scheduled work day shall be compensated either by salary at straight time or by allowing the part-time employee to take time off in the same pay period for the hours which are proportionate to the part-time position. The approved work schedule shall be established upon employment in a part-time status.

IX. VACATIONS

A. Annual Vacations

As annual vacations for the Authority personnel are in the best interests of both the Authority and its staff members, it is expected as a general rule that most vacation credits shall be used annually.

B. Vacation Accumulation

Vacation time for eligible staff shall be earned on an hourly basis and accrue at the following rates for full-time service:

- .0635 hour per hour of service for less than 10,400 hours of service in paid status.
- .0750 hour per hour of service for service in paid status of at least 10,401 hours of service but less than 20,800 hours of service.
- .0952 hour per hour of service for service in paid status of at least 20,801 hours of service but less than 31,200 hours of service.
- .1096 hour per hour of service for service in paid status of more than 31,201 hours of service.

Eligible employees with less than full-time service shall earn vacation hours proportionate to the authorized hours of their positions.

Years of service in paid status shall mean years since the employee's original anniversary date as defined in Section VI.C.4.

Vacation credit shall accrue for each employee beginning on the date of hire.

Vacation leave may be requested for personal reasons that do not fall under the sick leave policy (§ X.A), for example, personal appointments non-medical in nature, and time off to care for pets.

C. Vacation Pay

Pay for vacation days for all employees shall be at the same regular rate of pay as that which the employee would have received, exclusive of overtime payments, had the employee been in working status.

D. Vacation Pay upon Departure from Employment

When an employee is terminated for any reason or voluntarily resigns, the employee shall be entitled to all vacation pay earned and accrued while on paid status up to and including the effective date of the termination.

E. Holidays

Holidays falling during the scheduled paid vacation of any employee shall not be charged as a day of vacation.

F. Vacation Scheduling

Vacations shall be scheduled at times requested by employees so far as possible within the Authority's work requirements as established by the Executive Director. The vacation schedule shall be subject to the approval of the Department Head and/or Executive Director. Conflicts between employees as to when vacation shall be taken shall be resolved by the Executive Director, who shall determine the order of leave. Seniority, the order in which requests are received, and operational needs shall be considerations in such determinations.

All vacations shall be requested and scheduled in advance. Use of vacation leave for unplanned absences is discouraged; unplanned is defined as less than 5 days' notice.

G. Maximum Vacation Accrual Cap

An employee can accumulate a [vacation](#) leave balance of no more than 1.75 times the number of vacation hours [that the employee can](#) accrued annually [based on the employee's accrual rate and full-time/part-time status](#).

Once an employee reaches the maximum vacation accrual [cap](#), no further vacation hours shall accrue until such time as the employee's accrual drops below the maximum accrual [cap as provided above](#). It is each employee's responsibility to track their vacation accrual and to schedule vacations in such a manner as to remain under their cap. [No employee will be reimbursed for vacation hours that are not accrued because the employee was at the maximum vacation accrual cap.](#)

H. Vacation Cash-Out

An employee whose vacation accrual exceeds 200 hours as of November 1st can request in writing a cash-out up to 40 hours vacation on the first pay date in December. Such a request will be granted unless the Executive Director determines that such a cash-out would be against the best interest of the Authority.

X. LEAVES

A. Sick Leave

The Authority provides paid sick time to eligible employees. Temporary employees will only receive sick time as mandated by California's Healthy Workplaces Healthy Families Act (HWHFA). Probationary, full-time, part-time, and long-term temporary employees will receive additional sick time as outlined below.

1. Eligibility

~~Temporary~~ Employees become eligible for HWHFA paid sick time once they have worked in California for the Authority for 30 days within a year from the start of employment. Probationary, full-time, part-time, and ~~long-term~~ temporary employees will accrue ~~receive additional~~ sick time as outlined below.

2. Annual Accrual of Paid Sick Time

Probationary, full-time, part-time, and ~~long-term~~ temporary employees begin to accrue paid sick time on the first day of employment.

Paid sick time accrues on an hourly basis. Employees shall accrue .0462 hour of sick leave for each hour of service in paid status (including holidays, paid leaves and vacation). Sick leave may be accrued to a maximum of 480 hours. ~~Part-time employees' accrual rate and maximum accrual cap shall be proportionate to the authorized hours of their positions.~~

Exempt employees are assumed to work 40 hours per workweek, unless their normal workweek is fewer than 40 hours per week, in which case accrued paid sick time is based upon that normal workweek.

Once the maximum accrual cap is reached, employees will not accrue additional paid sick time until their accrual balance falls below the cap.

Paid sick time may be used to cover all or just part of a work day.

Employees will not accrue paid sick time during unpaid leaves of absence.

Employees are not required to find an employee to cover their work when they take paid sick time.

3. Reasons Sick Time May be Used

Employees may use paid sick time for themselves and their family members:

- For diagnosis, care or treatment of an existing medical condition; or
- For preventive care;
- Employees may also use paid sick time for safe time purposes if the employee is a victim of domestic violence, sexual assault or stalking and time off is needed to:
- Obtain or attempt to obtain any relief (e.g., a temporary restraining order, restraining order or other injunctive relief) to help ensure the health, safety or welfare of the victim or their child;
- Seek medical attention for injuries caused by domestic violence, sexual assault or stalking;
- Obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking;
- Obtain psychological counseling related to an experience of domestic violence, sexual assault or stalking; or
- Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking, including temporary or permanent relocation.

- For purposes of this policy, "eligible family members" include a:
 - Spouse;
 - Biological, adopted or foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis;
 - Biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner or a person who stood in loco parentis when the employee was a minor child;
 - Sibling;
 - Grandparent or grandchild; and
 - Registered domestic partner (as defined by state or local law), as well as the child or parent of a registered domestic partner.

The definition of "child" applies irrespective of a child's age or dependency status.

4. Requesting Paid Sick Time

When the need for paid sick time use is foreseeable, employees must provide reasonable advance verbal or written notice to their supervisor for any absence from work. If the need for paid sick time is unforeseeable, employees must provide notice to their supervisor of the need to use the time as soon as practicable. In all circumstances, employees must specify that the requested time off is for sick or safe time reasons (as opposed to, for example, vacation time), so that the absence may be designated accordingly. Failure to obtain approval as soon as possible after determining the need to take such time may result in discipline.

5. Rate of Pay for Sick Time

For nonexempt employees, pay for sick time is calculated in the same manner as the employee's regular rate of pay for the workweek in which the employee uses sick time, regardless of whether the employee works overtime in that workweek. For exempt employees, payment for sick time is calculated in the same manner as wages are calculated for other forms of paid leave time.

6. Carryover

Accrued but unused paid sick time will carry over from year to year, [subject to the maximum accrual cap](#).

7. Separation from Employment

Compensation for accrued and unused sick time is provided upon separation from employment for any reason as set forth below.

When an employee separates from service with the Authority, there shall be cash payment for [accrued and unused sick leave](#) as set forth below:

- [Employees with 10,400 to 20,800 hours of service in paid status:](#) ~~— 50%—~~ payment [equal to 50% of accrued and unused paid sick leave](#)

- [Employees with 20,801 to 31,200 hours of service in paid status: ~~75%~~ payment equal to 75% of accrued and unused paid sick leave](#)
- [Employees with over 31,200 hours of service in paid status: ~~100%~~ payment equal to 100% of accrued and unused paid sick leave](#)

Alternatively, the separating employee may have the option to purchase CalPERS service credit with the [accrued and](#) unused sick time. See Human Resources for details.

No payment for sick leave shall be made until an employee submits a leave request, and receives approval from the Department Head.

8. Confidentiality

The Authority will keep confidential the health information of the employee or employee's covered family member, as well as information related to domestic violence perpetrated against or sexual assault of the employee or employee's covered family member. Such information will not be disclosed except to the affected employee, ~~or~~ as [permitted or](#) required by law.

9. Effect on Other Rights and Policies

The Authority may provide other forms of leave for employees to care for medical conditions or for issues related to domestic violence under certain federal, state and municipal laws. In certain situations, leave under this policy may run at the same time as leave available under another federal, state or municipal law, provided eligibility requirements for that law are met. The Authority is committed to complying with all applicable laws. Employees should contact Human Resources for information about other federal, state and municipal domestic violence, medical or family leave rights.

10. No Discrimination or Retaliation

The Authority prohibits discrimination and/or retaliation against employees who request or use paid sick time for authorized circumstances or for making a complaint or informing a person about a suspected violation of this policy. Likewise, the Authority prohibits discrimination and/or retaliation for cooperating with city or state officials in investigating claimed violations of any paid sick leave law (including the HWHFA), cooperating or participating in any investigation, administrative hearing or judicial action regarding an alleged violation, opposing any policy or practice that is prohibited by any paid sick leave law, or informing any person of their potential rights under the law.

11. Sick Leave Cash-Out

If the Executive Director deems it appropriate given operating and financial conditions, the Authority may from time to time provide the opportunity for eligible employees to cash out a portion of their accrued [and unused](#) sick leave.

B. Bereavement Leave

Employees [are entitled to up to five \(5\) days of Bereavement Leave, and](#) may use their accrued sick and/or vacation leave to attend to the funeral and/or other obligations arising from the death of a family member or other loved one. Bereavement Leave requests should be submitted [through the timekeeping system as sick or vacation leave with a comment added](#) ~~to the employee's manager.~~

C. Workers' Compensation

The Authority will grant eligible employees a workers' compensation leave in accordance with state law if you sustain an occupational illness or injury that prevents you from working. As an alternative, the Authority may offer you modified work. Leave taken due to a work-related injury or illness runs concurrently with family and medical leave under both federal and state law for eligible employees.

Employees must report all accidents, injuries, and illnesses, no matter how minor, to their immediate supervisor as soon as possible.

An employee who is eligible for workers' compensation temporary disability benefits may choose to use accumulated sick leave for the waiting period prior to receipt of temporary disability benefits.

Employees may not use sick leave to receive more than 100 percent of their compensation at any time (whether they are receiving worker's compensation or short term disability).

D. Jury Duty

An employee shall be entitled to leave without loss of pay for time the employee is required to perform jury duty. The Authority shall pay the employee the difference, if any, between the amounts received for jury duty and the employee's regular pay. This requires the employee to provide documentation to the Authority of jury duty payments. (An employee may be asked to and may sign a waiver of payment by the court of the jury duty fee). Any meal, mileage, and/or parking allowance provided the employee for jury duty shall not be considered in the amount received for jury duty. Jury duty shall be paid for a period not to exceed 60 working days. Extended jury duty beyond that would be granted as leave without pay, pursuant to Section X.H.3. Exempt employees will not have their salary reduced for partial weeks of work due to jury duty or witness service.

E. Catastrophic Closure

In the event of a natural disaster or equivalent event for which the Board of Commissioners or the Executive Director deems it necessary to temporarily close an affected Authority facility, the Executive Director shall authorize pay for the time not worked by employees subject to the limitations of this section. Employees ordered to leave work or ordered not to report to work shall receive "other leave with pay" as follows:

- First Eight Hours: one (1) hour for each scheduled hour missed.
- Second Eight Hours: one-half (1/2) hour for each scheduled work hour missed, which may be supplemented by vacation leave.
- Third Eight Hours: one-half (1/2) hour for each scheduled work hour missed, which may be supplemented by vacation leave.

Additional Hours: No compensation, except employees may use paid time off (i.e. administrative leave, or vacation, any compensatory time balance remaining).

F. Administrative Leave

Department Directors who are ineligible for premium overtime are entitled to 40 hours of administrative leave with pay each fiscal year. The requested leave shall be subject to prior approval by the Executive Director. Unused administrative leave will be paid out by check or direct deposit at the end of the fiscal year at the employee's then regular rate of pay.

G. Break in Service

No absence under any paid leave provisions of this article shall be considered as a break in service for any employee who is in paid status, and all benefits accruing under the provisions of these policies shall continue to accrue under such absence.

H. Personal Leave of Absence Without Pay

A regular employee who has used all accrued paid leave, including vacation, administrative, holiday, or other, and who requests to be absent from work, may be granted a leave of absence without pay at the discretion of the Executive Director [or their designee](#). A personal leave may not exceed 2,080 hours of total leave time. If the employee needs to take ~~an unpaid~~ [unpaid](#) medical leave or leave as reasonable accommodation, the time off will be provided under the medical leave policy set forth below.

1. Request for Leave. The employee is required to submit a letter of request to the Executive Director which states specific reasons for the personal leave and includes any documentation required by the Executive Director.
2. Failure to Return. Any employee who fails to return upon the expiration of any leave of absence without pay shall be regarded as having voluntarily resigned.
3. Effect of Leave of Absence Without Pay on Service Hours and Benefits. Periods of a leave of absence without pay shall not be included as hours in paid service for purposes of seniority, step advancement, probationary period, or vacation and sick leave credit, except as may be required by law. Periods of leave of absence without pay will result in a prorated (decreased) agency contribution toward Authority benefits, including, health insurance, dental insurance, and vision insurance for employees and dependents, except where such proration is prohibited by law or other policies such as FMLA and PDL.
4. Reinstatement following a personal leave is not guaranteed.

I. Medical Leave of Absence

Employees who believe they need a medical leave of absence should contact Human Resources and request one. Determinations regarding whether to grant the leave, the length of the leave, reinstatement following the leave and continuation of benefits will be made in accordance with applicable law. Leave under this policy runs concurrently with leave under all applicable local, state or federal law. Medical certification of the need for a leave may be requested.

J. Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) Leave

The Authority will grant family and medical leave in accordance with the requirements of applicable federal and state law in effect at the time the leave is granted. Although the federal and state laws have different names, the Authority refers to the federal Family and Medical Leave Act (Fed-FMLA) and the California Family Rights Act (CFRA) collectively as "FMLA Leave." In any case, employees will be eligible for the most generous benefits available under applicable law.

1. Employee Eligibility

To be eligible for FMLA Leave, employees must: (1) have been employed by the Authority for a total of at least 12 month (52 weeks) at any time prior to the commencement of a FMLA leave; (2) have worked at least 1,250 hours over the previous 12 months as of the start of the leave.. Eligibility requirements may

differ for employees who have been on a protected military leave of absence. If employees are unsure whether they qualify for FMLA Leave, they should contact Human Resources.

2. Reasons for Leave

Federal and state laws allow FMLA Leave for various reasons. Because employees' legal rights and obligations may vary depending upon the reason for the FMLA Leave, it is important to identify the purpose or reason for the leave. Fed-FMLA leave and CFRA leave run concurrently except for the following reasons: to care for a registered domestic partner, a child of a registered domestic partner, an adult child, a grandparent, a grandchild, a sibling or a parent-in-law (CFRA only), incapacity due to pregnancy or prenatal care as a serious health condition (Fed-FMLA only), qualifying exigency leave (Fed-FMLA only) and military caregiver leave (Fed-FMLA only). Additionally, CFRA coverage for an employee's own serious health condition that also constitutes a disability under the California's Fair Employment and Housing Act (FEHA) is separate and distinct from FEHA protections. If the employee cannot return to work at the expiration of the CFRA leave, the Authority will engage the employee in the interactive process to determine whether an extension of the leave would be a reasonable accommodation under the FEHA.

FMLA Leave may be used for one of the following reasons:

- The birth, adoption or foster care of an employee's child within 12 months following birth or placement of the child (Bonding Leave);
- To care for an immediate family member (spouse, registered domestic partner, child, child of a registered domestic partner, parent, grandparent, grandchild, sibling or parent-in-law) with a serious health condition (Family Care Leave);
- An employee's inability to work because of a serious health condition (Serious Health Condition Leave);
- A "qualifying exigency," as defined under the Fed-FMLA, arising from a spouse's, child's or parent's "covered active duty" as a member of the military reserves, National Guard or Armed Forces (Qualifying Exigency Leave); or
- To care for a spouse, child, parent or next of kin (nearest blood relative) who is a "Covered Servicemember" (Military Caregiver Leave).

3. Definitions

"Child," for purposes of Bonding Leave and Family Care Leave, means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that Fed-FMLA Leave is to commence. For CFRA leave, a "child" may be any age and there is no requirement that a "child" aged 18 or older be incapable of self-care because of a mental or physical disability at the time the CFRA leave is to start. "Child," for purposes of Qualifying Exigency Leave and Military Caregiver Leave, means a biological, adopted or foster child; stepchild; legal ward; or a child for whom the person stood in loco parentis, and who is of any age.

"Parent," for purposes of this policy, means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the person. For Qualifying Exigency Leave taken to provide

care to a parent of a deployed military member, the parent must be incapable of self-care as defined by the FMLA.

"Covered Active Duty" means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.

"Covered Servicemember" means (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform their military duties; or (2) a person who, during the five years prior to the treatment necessitating the leave, served in the active military, Naval or Air Service, and who was discharged or released under conditions other than dishonorable (a "veteran" as defined by the Department of Veteran Affairs), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran. For purposes of determining the five-year period for covered veteran status, the period between October 28, 2009, and March 8, 2013, is excluded.

"Spouse" means a husband or wife. Husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state. For purposes of CFRA leave, a spouse includes a registered domestic partner or same-sex partners in marriage.

"Serious health condition" means an illness, injury, impairment or physical or mental condition that involves either:

- Inpatient care (including, but not limited to, substance abuse treatment) in a hospital, hospice or residential medical care facility, including any period of incapacity (that is, inability to work, attend school or perform other regular daily activities) or any subsequent treatment in connection with this inpatient care; or
- Continuing treatment (including, but not limited to, substance abuse treatment) by a health care provider that includes one or more of the following:
 - A period of incapacity (that is, inability to work, attend school or perform other regular daily activities due to a serious health condition, its treatment or the recovery that it requires) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment two or more times via an in-person visit to a health care provider, or at least one visit to a health care provider that results in a regimen of continuing treatment under the supervision of the health care provider.
 - Any period of incapacity due to pregnancy or prenatal care (under the Fed-FMLA, but not the CFRA).

- Any period of incapacity or treatment for incapacity due to a chronic serious health condition that requires periodic visits to a health care provider, continues over an extended period of time and may cause episodic incapacity.
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, such as Alzheimer's, a severe stroke and the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider either for (a) restorative surgery after an accident or other injury; or (b) a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

"Serious injury or illness" in the case of a current member of the Armed Forces, National Guard or Reserves is an injury or illness incurred by a covered servicemember in the line of duty on active duty (or that preexisted the member's active duty and was aggravated by service in the line of duty on active duty) in the Armed Forces that may render that individual medically unfit to perform the duties of their office, grade, rank or rating. In the case of a covered veteran, "serious injury or illness" means an injury or illness that was incurred in the line of duty on active duty (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty) and that manifested itself before or after the member became a veteran.

"Qualifying exigency" is defined by the Department of Labor and generally includes events related to short-notice deployment, military ceremonies, support and assistance programs, changes in childcare, school activities, financial and legal arrangements, counseling and post-deployment activities. Qualifying Exigency Leave may also be used to spend up to 15 days with military members who are on short-term, temporary, rest and recuperation leave during their period of deployment.

4. Length of Leave

If the reason for leave is common to both Fed-FMLA and CFRA and, therefore, running concurrently, the maximum amount of FMLA Leave will be 12 workweeks in any 12-month period when the leave is taken for: (1) Bonding Leave; (2) Family Care Leave; and (3) Serious Health Condition Leave. If the reason for leave is not common to both Fed-FMLA and CFRA and, therefore, not running concurrently, then an eligible employee may be entitled to additional leave under applicable law.

The applicable "12-month period" utilized by the Authority is the 12-month period measured forward from the start date of the employee's first FMLA leave. Under this method the 12-month period is measured forward from the day the employee uses any FMLA leave.

The maximum amount of Fed-FMLA Leave for an employee wishing to take Military Caregiver Leave will be a combined leave total of 26 workweeks in a single 12-month period. A "single 12-month period" begins on the date of the employee's first use of such leave and ends 12 months after that date.

If both spouses work for the Authority and are eligible for leave under this policy, under the Fed-FMLA, the spouses will be limited to a total of 26 workweeks off between the two when the leave is for Military Caregiver Leave only or is for a combination of Military Caregiver Leave, Bonding Leave and/or Family Care Leave taken to care for a parent.

To the extent required by law, leave beyond an employee's FMLA Leave entitlement will be granted when the leave is necessitated by an employee's work-related injury or illness, a pregnancy-related disability or a "disability" as defined under the Americans with Disabilities Act (ADA) and/or the Fair Employment and Housing Act (FEHA). When the reason for CFRA leave was the employee's serious health condition,

which also constitutes a “disability” under the FEHA and the employee cannot return to work at the conclusion of the CFRA leave, the Authority will engage in an interactive process to determine whether an extension of leave would constitute a reasonable accommodation under the FEHA.

5. Intermittent or Reduced Schedule Leave

Under some circumstances, employees may take FMLA Leave intermittently, which means taking leave in blocks of time or reducing the employee's normal weekly or daily work schedule. An employee may take leave intermittently or on a reduced schedule whenever it is medically necessary to care for the employee's covered family member with a serious health condition or because the employee has a serious health condition. The medical necessity of the leave must be determined by the health care provider of the person with the serious health condition.

Intermittent or reduced schedule leave may also be taken for absences where the employee is incapacitated or unable to perform the essential functions of the job because of a chronic serious health condition, even if the person does not receive treatment by a health care provider.

Leave due to military exigencies may also be taken on an intermittent basis.

Leave taken intermittently may be taken in increments of no less than 15 minutes. Employees who take leave intermittently or on a reduced work schedule basis for planned medical treatment must make a reasonable effort to schedule the leave so as not to unduly disrupt the Authority's operations. Please contact Human Resources prior to scheduling medical treatment. If FMLA Leave is taken intermittently or on a reduced schedule basis due to planned medical treatment, we may require employees to transfer temporarily to an available alternative position with an equivalent pay rate and benefits, including a part-time position, to better accommodate recurring periods of leave.

If an employee using intermittent leave or working a reduced schedule finds it physically impossible to start or stop work mid-way through a shift in order to take CFRA leave and is therefore forced to be absent for the entire shift, the entire period will be counted against the employee's CFRA entitlement. However, if there are other aspects of work that the employee is able to perform that are not physically impossible, then the employee will be permitted to return to work, thereby reducing the amount of time to be charged to the employee's CFRA entitlement.

Requests for intermittent or reduced schedule leave for the birth or placement of a child may be directed to Human Resources and will be considered on a case-by-case basis depending on the needs of the Authority. If the request is granted, the Authority may require the employee to transfer temporarily to an available alternative position.

Bonding, Family Care, Serious Health Condition and Military Caregiver Leave Requirements

Employees are required to provide:

- When the need for the leave is foreseeable, 30 days' advance notice or such notice as is both possible and practical if the leave must begin in fewer than 30 days (normally this would be the same day the employee becomes aware of the need for leave or the next business day);
- When the need for leave is not foreseeable, notice within the time prescribed by the Authority's normal absence reporting policy, unless unusual circumstances prevent compliance, in which case notice is required as soon as is otherwise possible and practical;

- When the leave relates to medical issues, a completed Certification of Health Care Provider form within 15 calendar days (for Military Caregiver Leave, an invitational travel order or invitational travel authorization may be submitted in lieu of a Certification of Health Care Provider form);
- Periodic recertification (as allowed by law); and
- Periodic reports during the leave.

In addition to other notice provisions, employees requesting leave for CFRA qualifying reasons must respond to any questions designed to determine whether an absence is potentially qualifying for leave under this policy. Failure to respond to permissible inquiries regarding the leave request may result in denial of CFRA leave protections. Similarly, an employee or the employee's spokesperson may be required to provide additional information needed to determine whether a requested leave qualifies for Fed-FMLA protections. An employee's failure to adequately explain the reason for the leave may result in the denial of Fed-FMLA protections.

Certification forms are available from Human Resources. At the Authority's expense, we may require a second or third medical opinion regarding the employee's own serious health condition for Fed-FMLA purposes and, for CFRA purposes, the employee's own serious health condition or the serious health condition of an employee's family member. In limited cases, we may require a second or third opinion regarding the injury or illness of a Covered Servicemember. Employees are expected to cooperate with the Authority in obtaining additional medical opinions that we may require.

When leave is for planned medical treatment, employees must try to schedule treatment so as not to unduly disrupt the Authority's operation. Please contact Human Resources prior to scheduling planned medical treatment.

If an employee does not produce the certification as requested, the FMLA leave will not be protected.

6. Recertification After Grant of Leave

In addition to the requirements listed above, if an employee's Fed-FMLA leave is certified, the Authority may later require medical recertification in connection with an absence that the employee reports as qualifying for Fed-FMLA leave. For example, the Authority may request recertification if (1) the employee requests an extension of leave; (2) the circumstances of the employee's condition as described by the previous certification change significantly (e.g., employee absences deviate from the duration or frequency set forth in the previous certification; employee's condition becomes more severe than indicated in the original certification; employee encounters complications); or (3) the Authority receives information that casts doubt upon the employee's stated reason for the absence. In addition, the Authority may request recertification in connection with an absence after six months have passed since the employee's original certification, regardless of the estimated duration of the serious health condition necessitating the need for leave. Any recertification requested by the Authority will be at the employee's expense.

In addition to the requirement listed above, a recertification under the CFRA may only be requested at the expiration of the time period in the original certification for time off for the employee's own serious health condition.

If an employee does not produce the recertification as requested, the leave will not be CFRA protected.

7. Qualifying Exigency Leave Requirements

Employees are required to provide:

- As much advance notice as is reasonable and practicable under the circumstances;
- A copy of the covered servicemember's active duty orders when the employee requests leave and/or documentation (such as Rest and Recuperation leave orders) issued by the military setting forth the dates of the servicemember's leave; and
- A completed Certification of Qualifying Exigency form within 15 calendar days, unless unusual circumstances exist to justify providing the form at a later date.

Certification forms are available from Human Resources.

8. Failure to Provide Notice or Certification and to Return From Leave

Absent unusual circumstances, failure to comply with these notice and certification requirements may result in a delay or denial of the leave. If an employee fails to return to work at the leave's expiration and has not obtained an extension of the leave, the Authority may presume that the employee does not plan to return to work and has voluntarily terminated their employment.

9. Compensation During Leave

Generally, FMLA Leave is unpaid. However, employees may be eligible to receive benefits through state-sponsored programs or the Authority's sponsored wage-replacement benefit programs. Employees may also choose to use accrued vacation and sick leave, to the extent permitted by law and the Authority's policy. If employees elect to have wage-replacement benefits and accrued paid leave integrated, the integration will be arranged such that employees will receive no greater compensation than their regular compensation during this period. The use of paid benefits will not extend the length of FMLA Leave.

10. Benefits During Leave

The Authority will continue making contributions to employees' group health benefits during their leave on the same terms as if the employees had continued to actively work. This means that if employees want their benefits coverage to continue during their leave, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. Employees taking Bonding Leave, Family Care Leave, Serious Health Condition Leave and Qualifying Exigency Leave will generally be provided with group health benefits for a 12-workweek period. When the reason for leave is a pregnancy-related disability, which is a serious health condition under the Fed-FMLA but not the CFRA, and the employee takes additional time off that qualifies as CFRA leave, the Authority will continue the employee's health insurance benefits for up to a maximum of 12 workweeks in a 12-month period. Employees taking Military Caregiver Leave may be eligible to receive group health benefits coverage for up to a maximum of 26 workweeks. In some instances, the Authority may recover premiums it paid on an employee's behalf to maintain health coverage if the employee fails to return to work following FMLA Leave.

An employee's length of service will remain intact, but benefits such as vacation and sick leave may not accrue while on an unpaid FMLA Leave.

11. Job Reinstatement

Under most circumstances, employees will be reinstated to the same position they held at the time of the leave or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. If an employee becomes unqualified during CFRA leave as a result of not attending a necessary course, or renewing a license, the employee will be given a reasonable opportunity to fulfill those conditions upon returning to work. Further, the Authority may grant an employee's request to work

a different shift, in a different or better position, or in a different location, that is better suited to the employee's personal needs upon returning from CFRA leave. The Authority will also consider a reasonable accommodation under the FEHA if the employee is returning from CFRA leave for their own serious health condition. However, employees have no greater right to reinstatement than if they had been continuously employed rather than taken leave. For example, if an employee would have been laid off or their position would have been eliminated even if he or she had not gone on leave, then the employee will not be entitled to reinstatement. However, if an employee has been replaced or the employee's position was restructured to accommodate the employee absence, the employee is entitled to reinstatement.

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a health care provider that certifies the employee is able to resume work. For an employee on intermittent or reduced schedule FMLA Leave, such a release may be required up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform their duties, based on the serious health condition for which the employee took the intermittent or reduced schedule leave.

Key employees may be subject to reinstatement limitations in some circumstances. If employees are considered a "key employee," those employees will be notified of the possible limitations on reinstatement at the time the employee requests a leave of absence, or when leave begins, if earlier.

12. Confidentiality

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel or government officials.

13. Fraudulent Use of FMLA Leave Prohibited

An employee who fraudulently obtains FMLA Leave from the Authority is not protected by the Fed-FMLA's or the CFRA's job restoration or maintenance of health benefits provisions. In addition, the Authority will take all available appropriate disciplinary action against an employee due to such fraud.

14. Nondiscrimination

The Authority takes its FMLA Leave obligations very seriously and will not interfere with, restrain or deny the exercise of any rights provided by the Fed-FMLA or the CFRA. We will not terminate or discriminate against any individual for opposing any practice or because of involvement in any proceeding related to the Fed-FMLA or CFRA. If an employee believes that their Fed-FMLA or CFRA rights have been violated in any way, he or she should immediately report the matter to Human Resources.

Employees should contact Human Resources as to any Fed-FMLA or CFRA questions they may have.

15. Additional Information About Federal FMLA Leave

A "Notice to Employees of Rights Under FMLA" (WHD Publication 1420) is available at www.dol.gov or from Human Resources [and is attached the handbook](#).

K. Pregnancy and Pregnancy Related Disabilities Leave and Accommodation

1. Pregnancy Disability Leave

Any employee who is disabled by pregnancy, childbirth, or a related medical condition (including medical conditions related to lactation) is eligible for up to four months of pregnancy disability leave. There is no length of service requirement.

For purposes of this policy, you are “disabled by pregnancy” when, in the opinion of your healthcare provider, you cannot work at all or are unable to perform any one or more of the essential functions of your job or to perform them without undue risk to yourself, the successful completion of your pregnancy, or to other persons as determined by a health care provider. The term “disabled” also applies to certain pregnancy-related conditions, such as severe morning sickness or if you need to take time off for prenatal or postnatal care, bed rest, post-partum depression, and the loss or end of pregnancy (among other pregnancy-related conditions that are considered to be disabling).

2. Reasonable Accommodation for Pregnancy-Related Disabilities

Any employee who is affected by pregnancy may also be eligible for a temporary transfer or another accommodation. There is no length of service requirement. You are affected by pregnancy if you are pregnant or have a related medical condition, and because of pregnancy, your health care provider has certified that it is medically advisable for you to temporarily transfer or to receive some other accommodation.

The Authority will provide a temporary transfer to a less strenuous or hazardous position or duties or other accommodation to an employee affected by pregnancy if:

- She requests a transfer or other accommodation;
- The request is based upon the certification of her health care provider as “medically advisable”; and
- The transfer or other requested accommodation can be reasonably accommodated pursuant to applicable law.

No additional position will be created and the Authority will not discharge another employee, transfer another employee with more seniority, or promote or transfer any employee who is not qualified to perform the new job as a part of the accommodation process.

Examples of reasonable accommodations include: (1) modifying work schedules to provide earlier or later hours; (2) modifying work duties, practices or policies; (3) providing time off; (4) providing furniture (such as stools) and modifying equipment and devices; and (5) providing additional break time for lactation or trips to the restroom. If time off or a reduction in hours is granted as a reasonable accommodation, the Authority will consider the reduced hours/time off as pregnancy disability leave and deduct those hours from an employee's four-month leave entitlement.

3. Advance Notice and Medical Certification

To be approved for a pregnancy disability leave of absence, a temporary transfer or other reasonable accommodation, you must:

- Provide 30 days' advance notice before the leave of absence, transfer or reasonable accommodation is to begin, if the need is foreseeable;

- Provide as much notice as is practicable before the leave, transfer or reasonable accommodation when 30 days' notice is not foreseeable; and
- Provide a signed medical certification from your health care provider that states that you are disabled due to pregnancy or that it is medically advisable for you to be temporarily transferred or to receive some other requested accommodation.

The Authority may require you to provide a new certification if you request an extension of time for your leave, transfer or other requested accommodation.

Failure to provide the Authority with reasonable advance notice may result in the delay of leave, transfer or other requested accommodation.

4. Duration

The Authority will provide you with a Pregnancy Disability Leave of Absence for the duration of your pregnancy-related disability for up to four (4) months. This leave may be taken intermittently or on a continuous basis, as certified by your health care provider. The four months of leave available to an employee due to her pregnancy related disability is defined as the number of days (and hours) the employee would normally work within four calendar months or 17.33 workweeks.

The Authority may require an employee to temporarily transfer to an available alternative position to meet the medical need of the employee to take intermittent leave or work on a reduced schedule as certified by the employee's health care provider. The employee must be qualified for the alternative position, which will have an equivalent rate of pay and benefits, but not necessarily equivalent job duties.

Any temporary transfer or other reasonable accommodation provided to an employee affected by pregnancy will not reduce the amount of Pregnancy Disability Leave time the employee has available to her unless the temporary transfer or other reasonable accommodation involves a reduced work schedule or intermittent absences from work.

The length of the transfer will depend upon the employee's physical condition before and after childbirth.

5. Reinstatement

If you and the Authority have agreed upon a definite date of return from your leave of absence or transfer, you will be reinstated on that date if you notify the Authority that you are able to return on that date. If the length of the leave of absence or transfer has not been established, or if it differs from the original agreement, you will be returned to work within two (2) business days, where feasible, after you notify the Authority of your readiness to return.

Before you will be allowed to return to work in your regular job following a leave of absence or transfer, you must provide the Human Resources department with a certification from your health care provider that you can safely perform all of the essential duties of your position, with or without reasonable accommodation. If you do not provide such a release prior to or upon reporting for work, you will be sent home until a release is provided. This time before the release is provided will be unpaid.

Employees will be returned to the same position upon the conclusion of their leave of absence or transfer unless the position ceases to exist. In cases where the employee's position no longer exists, the Authority will provide a comparable position on the scheduled return date or within 60 calendar days of that return date. However, employees will not be entitled to any greater right to reinstatement than if they had not taken the leave.

To the extent required by law, some extensions beyond an employee's pregnancy disability leave entitlement may be granted when the leave is necessitated by an employee's injury, illness or "disability" as defined under the Americans with Disabilities Act and/or applicable state or local law.

The Authority will not discriminate or retaliate against employees because they request or make use of leave, a transfer or other accommodations in accordance with this policy. This policy does not limit a pregnant employee's rights under any other policy or laws protecting gender, pregnancy and childbirth, or health conditions related to pregnancy or childbirth.

6. Integration with Other Benefits

Pregnancy Disability Leaves of Absence and accommodations that require you to work a reduced work schedule or to take time off from work intermittently are unpaid. You may elect to use accrued sick leave or vacation leave during the leave of absence. However, use of such time off will not extend the available leave of absence time. Vacation and sick leave hours will not accrue during any unpaid portion of the leave of absence, and you will not receive pay for official holidays that are observed during your leave of absence except during those periods when you are substituting vacation or sick leave for unpaid leave.

Employees should apply for California State Disability insurance ("SDI") benefits. SDI forms are available from the Authority or your health care provider. Any SDI for which you are eligible will be integrated with accrued vacation, sick leave, or other paid time off benefits so that you do not receive more than 100% of your regular pay.

7. Benefits

The Authority will maintain an employee's health insurance benefits during an employee's Pregnancy Disability Leave for a period of up to four months (as defined above) on the same terms as they were provided prior to the leave time. If you take additional time off following a Pregnancy Disability Leave that qualifies as California Family Rights Act leave, the Authority will continue your health insurance benefits for up to a maximum of 12 workweeks in a 12-month period.

In some instances, the Authority may recover premiums it paid to maintain health insurance benefits if you fail to return to work following your pregnancy disability leave for reasons other than taking additional leave afforded by law or Authority policy or not returning due to circumstances beyond your control.

L. Absence Without Leave

An employee absent from duty for a period which exceeds three (3) working days without authorized leave shall be considered to have abandoned their position and to have automatically resigned.

Such resignation shall be rescinded by the Executive Director if the employee can show to the satisfaction of the Executive Director that it was impossible to contact the human resources office or the employee's department head, provided the employee contacts the Authority at the first opportunity.

The employee may appeal the Executive Director's determination pursuant to Section XIV. The appeal is solely limited to the question of whether it was impossible for the employee to contact the Authority and whether the employee did contact the Authority at the first opportunity.

M. Suspension

Employees on disciplinary suspension shall not receive any paid leave or holiday pay for the period of suspension, nor accrue hours of service for purposes of step advancement or completion of probation.

N. Mandatory Leave With Pay

The Executive Director may require that an employee be absent from work with pay when the Executive Director deems it necessary for the protection or well-being of the employee, fellow employees, the public and/or the Authority, provided that such leave with pay shall not continue for more than thirty (30) working days.

O. Crime Victim Leave for Certain Felonies

The Authority prohibits discrimination against an employee who wishes to take time off from work to attend judicial proceedings related to certain violent, serious or theft/embezzlement related felonies committed against the employee, the employee's immediate family member, the employee's registered domestic partner or a child of the employee's registered domestic partner.

"Immediate family member" is defined as an employee's spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather.

Before an employee may be absent from work to attend a judicial proceeding, the employee must give the employer a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee must provide within reasonable time documentation evidencing the judicial proceeding from (1) the court or government agency setting the hearing; (2) the district attorney or prosecuting attorney's office; or (3) the victim/witness office that is advocating on behalf of the victim.

Confidentiality of the situation, including an employee's request for the time off, will be maintained to the greatest extent possible.

Employees may use accrued benefits, such as vacation time or sick leave, in order to receive compensation during the time taken off from work.

P. Leave To Attend Court Proceedings for Serious Crimes

The Authority prohibits discrimination against an employee who is a victim of certain serious criminal offenses and wishes to take time off to appear in court to be heard at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, or post-conviction release decision or any proceeding in which a right of the victim is at issue.

A "victim" means any employee who suffers direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a serious criminal offense. The term "victim" also includes the employee's spouse, registered domestic partner, parent, child, sibling or guardian.

Before employees may take time off under this policy, they must provide the Authority with reasonable advance notice of their intention to take time off, unless the advance notice is not feasible. If an employee must take an unscheduled absence due to victimization from a serious criminal offense, the employee must provide the Authority with a certification within a reasonable time. The types of certification to account for an unscheduled absence include: a police report indicating the employee was a victim of one of the specified serious criminal offenses; a court order protecting or separating the employee from the perpetrator of one or more of the specified offenses, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or documentation from a medical professional, domestic violence counselor or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries resulting in victimization from one of the specific serious criminal offenses.

Confidentiality of the situation, including an employee's request for the time off, will be maintained to the greatest extent possible.

Employees may use accrued benefits, such as vacation time or sick leave, in order to receive compensation during the time taken off from work.

Q. Time Off for Domestic Violence Victims And Victims Of Sexual Assault Or Stalking

The Authority will provide time off to any employee who is a victim of domestic violence, sexual assault, and/or stalking so that the employee may obtain or attempt to obtain relief and to help ensure the health, safety, or welfare of the employee or the employee's child. The relief that may be sought includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief. When taking such leave, the employee should give the Authority reasonable notice of the leave, unless advance notice is not feasible. The Authority also may require the employee to provide written verification of the need for the time off, such as a police report, court order or documentation from a medical professional, etc. The Authority will make reasonable accommodations for any employee who reports that he or she is the victim of domestic violence, sexual assault or stalking and requests that the Authority accommodate their safety while at work, unless undue hardship to the Authority would result. Additionally, an employee who is a victim of domestic violence and/or a victim of sexual assault may take time off to attend to any of the following: (1) to seek medical attention for injuries caused by domestic violence; (2) to obtain service from a domestic violence shelter, program, or rape crisis center; (3) to obtain psychological counseling; and (4) to participate in safety planning and to take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

If the reason for the leave is also covered by the federal Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA), the leave pursuant to this policy and FMLA/CFRA will run concurrently. Therefore, the length of leave is limited to that provided under the FMLA and CFRA. For example, an employee is not entitled to time off due to reasons in this policy if he or she has already exhausted the maximum 12 weeks of leave under the FMLA/CFRA.

Confidentiality of the situation, including the employee's request for the time off, will be maintained to the greatest extent possible. Employees may use accrued benefits, such as existing vacation time or other accrued paid time off, in order to receive compensation during the time taken off from work.

R. Time Off To Vote

The Authority encourages all employees to fulfill their civic responsibilities and to vote in all public elections. Most employees' schedules provide sufficient time to vote either before or after working hours. If you do not have sufficient time outside of working hours to vote, you may receive up to two hours of paid time off to vote. Any additional time off will be without pay. Employees must request time off from their department head at least two working days before election day so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to normal work schedules. If approved for time off, you will not incur any attendance infractions for missing work to vote.

S. Emergency Responder Leave

If you are a registered volunteer firefighter, reserve peace officer, or emergency rescue personnel who intends to perform emergency duty during work hours, alert your department head so that we are aware of the fact that you may have to take time off to perform emergency duty. In the event you need to take time off for this type of emergency duty, alert your supervisor or department head before leaving work.

Employees will also be allowed up to 14 calendar days of leave per year to engage in fire, law enforcement or emergency rescue training. All time off for these purposes is unpaid.

T. School or Child Care Activities Leave

An employee who is a parent to one or more children who are of the age to attend a licensed child care provider, kindergarten or grades one through 12 may take up to 40 hours of leave per school year to participate in any of the following:

- Finding, enrolling or reenrolling the child in a school or with a licensed child care provider;
- Participating in school or child care-related activities; or
- Addressing a child care provider or school emergency.

“Parent” includes parent, guardian, stepparent, foster parent, grandparent, and persons who stand in loco parentis (in place of a parent) to a child.

Time off for reasons other than a child care provider or school emergency is limited to eight hours per calendar month. Child care provider or school emergencies occur when the child cannot remain in school or with a child care provider due to one of the following:

- The school or child care provider has requested that the child be picked up or has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires that the child be picked up from school or child care;
- Behavioral or discipline problems;
- Closure or unexpected unavailability of the school or child care provider (excluding planned holidays);
- A natural disaster (e.g., fire, earthquake or flood).

Employees wishing to take time off for a planned absence (e.g., to participate in scheduled school or child care provider activities or enroll a child in school or with a child care provider), must provide reasonable advance notice to their supervisor. Employees needing time off to address a child care provider or school emergency must provide notice to their supervisor as soon as practicable.

The Authority may require employees to provide documentation from the school or child care provider verifying that the employee participated in the school or childcare activity, including the date and time of the activity.

If both parents of a child work for the Authority, only one parent - the first to provide notice - may take the time off, unless the Authority approves both parents taking time off simultaneously.

Employees must substitute any existing vacation time or other accrued paid time off (PTO) for any part of this leave. Employees who do not have vacation time or PTO available will be allowed time off without pay.

U. School Discipline Leave Conference Leave

Employees who are the parent or custodial guardian of a child in kindergarten or grades one through 12 may take time off to attend a school conference involving ~~the possible suspension of~~ their child.

To be eligible for leave, the child must be living with the employee, and the employee must provide advance notice that their appearance at the school has been requested.

The Authority may require employees to provide documentation, including a copy of the school's notice or some other certification stating that the employee's presence at the school is mandatory.

Employees wishing to take such leave may utilize their existing vacation time or other accrued paid time off.

School visits for other purposes may be covered under the Authority's School or Day Care Activities Leave policy.

V. Time Off for Bone Marrow Donation

Employees will be provided a leave of absence to undergo a medical procedure to donate bone marrow to another person. The combined length of bone marrow leave may not exceed five workdays in any one-year period. To qualify for this leave, the employee must submit verification by a physician detailing that there is a medical necessity for the donation, as well as the length of each leave requested. Employees must use earned sick/vacation concurrently with this time off. If an employee does not have enough earned sick/vacation time to cover the leave, the remaining days of leave will be with pay by the Authority. Use of this leave will not be counted against any available FMLA/CFRA time. This is also not considered a break in service for purposes of benefits or seniority. While on leave for bone marrow donation, the Authority will maintain all group health insurance benefits as if the employee was still at work.

In most circumstances, upon return from this leave, an employee will be reinstated to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee did not take a leave. For example, if an employee on leave for bone marrow donation would have been laid off had the employee not taken a leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

W. Time Off for Organ Donation

Employees will be provided a leave of absence to undergo a medical procedure to donate an organ to another person. The combined length of the leaves may not exceed 60 business days, 30 workdays with pay and 30 workdays without pay in any one-year period. To qualify for this leave, the employee must submit verification by a physician detailing that there is a medical necessity for the donation, as well as the length of each leave requested. Employees must use their available sick/vacation during the first two weeks of leave, and the remaining first 30 workdays of leave, if any, will be with pay by the Authority. If the employee cannot return to work following the first 30 workdays of leave, the employee can take additional 30 workdays of leave without pay. Use of this leave will be not be counted against any available FMLA/CFRA time. This is also not considered a break in continuous service for purposes of benefits or seniority. While on leave for organ donation, the Authority will maintain all group health insurance benefits as if the employee was still at work.

In most circumstances, upon return from this leave, an employee will be reinstated to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee did not take a leave. For example, if an employee on leave for organ donation would have been laid off had the employee not take a leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

X. Other Leaves

The leaves of absence described above are intended to provide an overview of the leaves that may be available to employees. The Authority provides employees with all legally required leaves of absences. Employees may also be entitled to additional leaves of absence: Witness Service Leave, Military Leave, Family Military Leave, Civil Air Patrol Leave and Election Officer Leave. If you need time off for any reason, please check with the Human Resources department to determine whether you qualify to take a leave of absence.

XI. LAYOFFS, REORGANIZATIONS, REDUCTIONS IN SCHEDULED HOURS, AND FURLOUGHS

A. Reorganizations and Reductions in Employee Staffing

When required, a reorganization or reduction in employee overhead may be accomplished by layoffs, mandatory involuntary reduction in hours, voluntary part time schedules, or short-term furloughs without pay. The Executive Director will determine the method to be used for reorganizations and to reduce employee overhead.

B. Definitions

1. Layoff. A layoff is the involuntary permanent separation of an employee from the Authority because of lack of work, lack of funds, reorganization of positions or duties, or other reasons determined by the Executive Director to be in the best interest of the Authority.

2. Furlough. A furlough is the involuntary temporary separation of an employee from the Authority because of lack of work, lack of funds, or other reasons determined by the Executive Director to be in the best interest of the Authority. A furlough may be implemented to cover several non-continuous periods during the fiscal year. With the exception of the 2-week written notice requirement specified below, the terms of this policy shall not apply to a furlough.

3. Reduction of Hours. A reduction of hours is a mandatory or voluntary reduction in the number of scheduled hours for a position during a work week either on a temporary or permanent basis. Depending upon the amount of hours worked by the employee, the employee may have part-time status. With the exception of the 2-week written notice requirement specified below, the terms of this policy shall not apply to the reduction of hours.

C. Decision Process

The Executive Director shall have full discretion to determine the department in which the reorganization or reduction is to be made and the number and classes of positions to be impacted and the employees to be impacted.

D. Notice of Action

The Authority shall provide affected employees with two (2) weeks written notice of effective date of any action taken pursuant to this policy.

E. Order of Layoff

When it is necessary to lay off employees, the Executive Director shall prepare or cause to be prepared a list of the order of layoff based on the reasons for the layoff and the needs of the Authority.

F. Seniority for Purpose of Layoff, Displacement and Involuntary Reduction in Hours

Seniority rights for purposes of this policy shall be available only to Authority employees who have attained regular status. Seniority may be one factor that the Authority takes into consideration when determining order of layoff, displacement or involuntary reduction in hours.

For purposes of seniority under this policy only, an employee who is laid off by the Authority and rehired to a regular position within two (2) years of the date of the layoff shall be deemed to be continuously employed by the Authority. However, no seniority credit shall accrue while an employee has been laid off and is not working for the Authority.

XII. RESIGNATION AND RETIREMENT

A. Resignation

An employee who desires to terminate their employment shall submit a signed letter of resignation or retirement to the Executive Director or their designee. The Authority would appreciate notice at least two (2) weeks prior to the effective date of such resignation or retirement. The Executive Director, or their designee, shall have the authority to accept letters of resignation or retirement and such letters shall be deemed accepted upon receipt by the Executive Director or their designee or supervisor.

XIII. GRIEVANCES

A. Grievance Procedure

The Authority recognizes that rapid grievance settlement is desirable and herein establishes a method for such settlement of employee grievances.

This grievance procedure is intended to provide a progressive series of steps through which employees may present grievances, with the aim of resolving grievances at the lowest administrative level consistent with the management representatives' authority.

Each employee and/or their representative shall be free from restraint, interference, coercion, discrimination or reprisal in utilizing this procedure.

A grievant is an employee with an alleged grievance. A grievance is an alleged misinterpretation, violation, or misapplication of these policies and procedures which affect the wages, hours or working conditions of the employee. Specifically excluded from the grievance procedure are dismissals, suspensions or other disciplinary actions.

1. Informal Resolution. Within ten (10) calendar days of the occurrence or discovery of an alleged grievance, the grievant may informally discuss the grievance with the immediate supervisor.
2. Formal Grievances. If the grievance is not settled through informal discussion, the grievant may file a formal grievance within twenty (20) calendar days of the occurrence or discovery of an alleged grievance. The formal grievance shall be presented by the aggrieved in writing to their Department Head. The grievance form shall contain information which:
 - a. Identifies the aggrieved.
 - b. Contains the specific nature of the grievance.
 - c. Indicates the date, time and place of its occurrence.

- d. States the provision of the policies alleged to have been violated, improperly interpreted, applied or misapplied.
- e. Indicates the consideration given or steps taken to secure informal resolution including the date of informal discussion.
- f. States the corrective action desired.

A decision by the Department Head shall be made in writing within ten (10) business days of receipt of the grievance.

3. If the grievant is not satisfied by the Department Head's decision, the grievant may appeal such decision to the Human Resources Director by filing a written request with the Human Resources Director within seven (7) business days of receipt of the decision of the Department Head.

A decision by the Human Resources Director shall be made in writing within ten (10) business days of receipt of the grievance.

4. If the grievant is not satisfied by the Human Resources Director's decision, the grievant may appeal such decision to the Executive Director by filing a written request with the Executive Director within seven (7) business days of receipt of the decision of the Department Head.

The Executive Director shall render a written decision to the employee within ten (10) business days of the receipt of the written appeal. Copies of the decision shall be provided to the employee, the employee's representative, if any, the Department Head, and the Human Resources Director. The decision of the Executive Director shall be final.

B. General Provision

- 1. Time limits specified in the processing of grievances may be waived by mutual written agreement.
- 2. If an employee does not present their grievance or does not appeal the decision rendered regarding their grievance within the time limits, the grievance shall be considered resolved.
- 3. If the Department Head does not respond within the time limits provided, the aggrieved may proceed to the next step of this grievance procedure.
- 4. In the event either the responding employee and/or designated representative, their supervisor/department head, and/or Executive Director is on paid leave, approved leave of absence without pay or on assignment out of the jurisdiction for one day or more, the period of response for that party shall be extended for the period of such absence, following notification to the other party within the running time limit. This provision shall not extend the time in which an employee must file the initial formal grievance.
- 5. A copy of the grievance form shall be forwarded to the Executive Director when the formal grievance is filed.
- 6. In the event of an unusual number of grievances being filed, the Executive Director may consolidate like grievances and/or temporarily suspend grievance processing on a department-wide or Authority-wide basis.

XIV. DISCIPLINARY ACTIONS AND PERFORMANCE IMPROVEMENT

A. Disciplinary Actions and Performance Improvement Notices and Plans

~~These procedures~~ This policy relates to the implementation of disciplinary actions ~~against~~ and process of documenting the need for Performance Improvement of regular employees whose job performance, actions or behavior fall below acceptable standards. ~~they do not apply to temporary, long-term temporary, seasonal, or probationary employees.~~ The Authority does not follow a specific progressive disciplinary format but rather reserves the right to issue any type of ~~disciplinary action-~~ notice in response to any conduct or performance issue up to and including termination. The Executive Director has the authority to choose to utilize any type of ~~disciplinary action-~~ notice in response to a conduct or performance issue in the Executive Director's sole discretion.

B. Authority

Employees may be reprimanded, dismissed, suspended, reduced in compensation, demoted or otherwise disciplined by the Authority for conduct violations or performance issues.

C. Causes for Disciplinary Actions and Performance Improvement Notice

The following may be considered as causes for discipline and -reasons for a performance improvement notice, or performance improvement plan, although ~~discipline may be made for other causes~~ there may be other causes creating a need for performance improvement notice and further action up to and including termination. It is not possible to list all forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions that may result in ~~disciplinary action~~ the need to communicate performance improvement expectations or additional action such as, ~~-including~~ suspension, demotion or termination of employment:

1. Fraud in securing appointment.
2. Incompetence or inefficiency.
3. Inexcusable neglect of duty.
4. Failure to comply with management's directions regarding job duties.
5. Unauthorized or wasteful use of public funds, supplies, and equipment.
6. Consumption and/or use of alcoholic beverages, narcotics, drugs, or other intoxicants during working time, on Authority premises or in a manner that interferes with job performance, or reporting for work under the influence of any of the same.
7. Current unlawful use or possession of controlled substances.
8. Violation of the attendance policy.
9. Engaging in any unlawful conduct during working time or on Authority premises.
10. Unethical treatment of the public or other employees.
11. Willful violation of Authority policy or regulations.

12. Negligent or willful damage or risk of damage, or use of Authority property in violation of Authority rules or applicable law.
13. Lack of integrity in completing job duties.
14. Dishonesty or fraud in completion of job duties.
15. Failure to maintain satisfactory working relationships with the public, other public agencies, and other employees.
16. Failure to report to duty at the assigned time and place, unless the reason is legally protected.
17. Violation of the confidentiality policy.
18. Falsification of employment records, employment information, or other records.
19. Failing to observe working schedules, including rest and lunch periods.
20. Working overtime without authorization ~~or refusing to work assigned overtime.~~
21. Provoking a physical fight or physical fighting during working hours and/or on premises owned or occupied by the Authority.
22. Carrying firearms at any time on premises owned or occupied by the Authority.
23. Violation of the Authority's harassment, discrimination or retaliation policies.

D. Types of Disciplinary Action

~~These types of disciplinary~~ Notices ~~action~~ may be issued in any order atin the Authority's sole discretion.

1. Verbal ~~Reprimand~~ notice. A formal discussion with an employee about performance or conduct problems. This action may be documented by the supervisor or Department Head in memorandum form with a copy given to the employee.
2. Written ~~Reprimand~~ performance improvement notice. A written report presented to an employee by the Department Head regarding performance or conduct problems. A copy shall be provided to the employee and a copy shall be filed in their official personnel file. Within five (5) business days following receipt of a written performance improvement notice ~~reprimand~~, an employee shall be permitted to file a written response, the original being directed to the Department Head and a copy filed in the employee's official personnel file.
3. Salary Reduction. A reduction in pay from the employee's current step within a pay range to any lower step within the same range.
4. Demotion. Reduction from a position in one class to a position in another class having a lower salary range allocation.
5. Suspension. An involuntary suspension from work without pay for a period not to exceed six (6) months.
6. Dismissal. Discharge or removal from employment with the Authority.

E. Service of Notice of Intended Disciplinary Action (“Notice of Intent”) and Notice of Disciplinary Action

Except in cases of verbal or written ~~reprimand~~improvement notice, written notice of the ~~disciplinary~~other types of actions shall be served as set forth below. The date of such delivery shall initiate the period in which an appeal may be filed.

1. When possible, notice shall be served by personal delivery to the employee at the worksite.
2. If personal delivery to the employee at the worksite cannot be accomplished, notice of the intended disciplinary action shall be served by emailing a copy by secure email service or mailing a copy of the notice by regular first class United States mail, postage prepaid, to the employee at the last known address that the employee provided to the Authority. Such mailed notice shall be deemed to have been received by the employee five calendar days after dispatch by the Authority for purposes of computing the time limit for filing an appeal. If notice is mailed pursuant to this paragraph, and if the employee resides within the County of Santa Cruz, the Authority shall also deliver a copy of the notice to the employee’s residence. The Authority may leave such copy in a mailbox, with a competent member of the household, or on the door of the residence.

F. Notice of Intent and Notice of Disciplinary Action

1. Except in cases of verbal and written notice of performance improvement~~reprimand~~, a written Notice of Intent shall be served on the employee at least five (5) business days prior to dispatch of the Notice of Disciplinary Action of Salary Reduction, Demotion, Suspension, or Dismissal.
 - a. Prior to the effective date of the disciplinary action provided in the Notice of Intent, the employee and/or their representative shall have the right and opportunity to respond either verbally or in writing at a *Skelly* meeting, which shall be conducted within five (5) business days of request by employee. The *Skelly* review officer shall be appointed by the Housing Authority, and shall provide a brief written summary of the meeting and a conclusion as to whether there are reasonable grounds for believing that the employee engaged in the alleged performance issue or misconduct, and whether the performance issue or misconduct supports the proposed sanction.
 - b. At the expiration of the period of time to respond to the Notice of Intent or upon receipt of the *Skelly* officer’s report, if the Authority determines that discipline should be imposed, a written Notice of Disciplinary Action shall be served on the employee. The Notice of Disciplinary Action shall advise the employee of the disciplinary determination arising out of the *Skelly* meeting and of the employee’s right to appeal the Notice of Disciplinary Action through the appeal process set forth in Section G below. If the employee elects to appeal, the employee must provide written notice to the Executive Director, within seven (7) business days of the Notice of Disciplinary Action.
2. The Notice of Intent and the Notice of Disciplinary Action shall both be filed in the employee’s personnel file. The Notice of Intent shall state, at minimum, the following:
 - a. A statement of the nature of the disciplinary action, and the effective date of the action.
 - b. A statement of the charges which are the cause of the action.
 - c. In ordinary and concise language, the act or omissions, or other reason(s) upon which the charges are based.

- d. Copies of the documents relied upon to support such charges.
 - e. A statement advising the employee of their right to representation.
 - f. A statement advising the employee of their right to respond to the Notice of Intent, either verbally or in writing, within five (5) business days of the notice.
3. If necessary for the safe and efficient operation of the Authority or the safeguard of public property, as determined by the Executive Director, suspension may be made effective immediately.

G. Appeal of Dismissals, Major Suspensions, Reductions and Demotions

Any regular employee subject to these policies and procedures shall have the right to appeal their dismissal, major suspension (more than five days), salary reduction or demotion as follows:

1. Within seven (7) business days after service of the Notice of Disciplinary Action, the employee may appeal the action to the Executive Director by filing written notice requesting an appeal with the Executive Director. The filing of an appeal shall not stay or delay the disciplinary action.

Upon receipt of the request for the appeal, the Authority, through its counsel or representative, will coordinate with the employee, through their counsel or representative, to select a neutral hearing officer. The parties may mutually agree upon the selection of a hearing officer, or if they are unable to agree, the parties shall request a list of seven labor hearing officers provided by the State Mediation and Conciliation Service (SMCS). The parties will specify, in their request to SMCS, that the hearing officers on the list must be members of the National Academy of Arbitrators. The hearing officer shall then be selected by the parties using the alternate strike method. The last remaining name shall serve as the hearing officer. If unable to agree on who should strike first, the first name shall be struck by the party winning the toss of a coin.

2. Within 30 calendar days from the filing of the appeal, or later if the parties agree to a later date, the hearing officer shall commence a hearing on the matter. If either party wishes to have a transcript of the hearing, the requesting party will be solely responsible for all costs associated with the transcript. If both parties request a transcript, the cost will be shared equally. The expenses of the hearing officer may be shared equally by the parties. However, if the employee elects not to share in the expenses of the hearing officer, the expenses of the hearing officer shall be borne by the Authority. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Within five (5) business days of completion of the hearing, or later if the parties agree to a later date, the hearing officer shall render an advisory opinion on the appeal to the Executive Director to either affirm, modify, or revoke the order of discipline. The appellant may appear personally, produce evidence, present and cross-examine witnesses, and be represented by counsel upon request. If the appellant requests a later hearing date or a continuance, the appellant shall be deemed to have waived any claim for additional compensation as a result of the delay in the event the appellant is ordered reinstated or the discipline is reduced.
3. The Executive Director shall render a written decision on the appeal of the disciplinary action to the appellant within ten (10) business days of the receipt of the hearing officer's advisory opinion. Copies

of the decision shall be provided to the employee and the employee's representative. The decision of the Executive Director on the disciplinary action shall be final.

H. Procedure Relating to Criminal Action

The Authority may take disciplinary action when criminal charges are pending against an employee. However, where the facts alleged in the Notice of Disciplinary Action regarding dismissal, demotion, suspension or salary reduction constitute a crime, or where the employee has been charged with a crime arising out of the same transaction, and the employee has appealed the disciplinary action as provided herein, the employee may, at any time at least three (3) business days before the date of the hearing before the hearing officer, request a continuance of their hearing for a reasonable period to determine whether a criminal charge will be filed or until after termination of the criminal case. Such a request must be accompanied by the employee's written waiver of salary and other employment benefits for the period of that continuance in case the discipline is overturned or reduced.

XV. MISCELLANEOUS

A. Continuing Education

The Authority recognizes the benefits of education and encourages employees to take their own initiative to pursue education which will improve skills related to their current positions or provide skills for career advancement. [Employee's should check with their department Director when taking any job related training or classes that may paid for by the Authority if directly related to their current or future role with the agency.](#) The Authority may allow the use of paid vacation leave hours for educational pursuits approved by the Executive Director. This may be in addition to training courses or conferences required by and paid for by the Authority.

B. Professional Growth Program

Insofar as practical, it is understood that employees shall be encouraged to take part in Authority workshops and seminars. Employees shall also be allowed travel allowances when attending out-of-jurisdiction conferences with the advance approval of the Authority.

C. Travel Policy

1. Travel Authorization. Employees are required to submit receipts for travel-related expenses. All travel expenses shall be subject to prior authorization by the Executive Director.
2. Overnight Travel. Employees of the Authority shall be reimbursed for travel expenses in accordance with the Authority's "Travel Procedure" (#4010).
3. Private Vehicle Mileage. An employee shall be reimbursed for use of a privately owned vehicle for official Authority business based on current rate established under IRS regulations. An employee's commute to and from work is not reimbursable.

Reimbursement to the employee shall be made by the Authority monthly, upon submission of a Mileage Expense Voucher by the employee.

Reimbursement at the IRS rate shall be deemed to be full compensation for the costs of using private vehicles, including insurance, insurance deductibles, repairs, gas and depreciation, and employees shall be entitled to no additional compensation for the use of their vehicles.

4. Vehicle Use Requirements: Liability Insurance. Employees who drive private vehicles shall be required to have general automobile liability and property damage insurance, with limits not less than those required by State law, for any vehicle used on Authority business.

Employees who use privately owned vehicles for Authority business are fully and directly responsible for bodily injury and/or property damage to others resulting from such privately owned vehicle use.

Employees who drive any vehicle on Authority business (whether private or Authority-owned) must have a current valid Driver's License and state-required insurance. Employees shall show proof of a current valid Driver's License and insurance upon request of the Authority. Employees who drive on Authority business without a current valid Driver's License and required insurance, shall, in addition to being subject to disciplinary action, not be entitled to mileage reimbursement. By using any vehicle on Authority business, each employee consents to being entered by the Authority into the California DMV's pull notice program.

D. Official Recommendations and References

All official requests for employment recommendations and references on behalf of the Authority shall be answered by the Executive Director or their designee and shall include the following information only: Title of each position held, beginning and ending dates of service in each such position. If you authorize disclosure in writing, we will also provide rates of pay received for each such position. Narrative references, written or verbal, shall not be provided in response to an official request for a recommendation or reference on behalf of the Authority. Employees may retain and provide copies of their performance evaluations for reference purposes. Employees are prohibited from responding to official requests for reference on behalf of the Authority for other employees. Responding to an official request on behalf of the Authority can result in disciplinary action.

E. Return of Property

Employees are required to return all Authority property that is in their possession or control in the event of termination of employment, resignation or layoff, or immediately upon request. No information belonging to the Authority may be copied for the employee's use. The Authority may also take all action deemed appropriate to recover or protect Authority property.

F. Workplace Violence

The safety and security of employees is of vital importance to the Authority. Therefore, the Authority has adopted a zero-tolerance policy concerning workplace violence. Threats or acts of violence—including intimidation, bullying, physical or mental abuse and/or coercion—that involve or affect Authority employees or that occur on the Authority's premises will not be tolerated.

The prohibition against threats and acts of violence applies to all persons involved in the operation of the Authority, including, but not limited to, Authority employees and other personnel, contract and temporary workers, consultants, contractors, customers, vendors, visitors and anyone else on the Authority's premises.

Violations of this policy by an employee will result in disciplinary action, up to and including termination from employment.

It is our goal to have a workplace free from acts or threats of violence and to respond effectively in the event that such acts or threats of violence do occur.

Workplace violence is any intentional conduct that is sufficiently severe, abusive or intimidating to cause an individual to reasonably fear for their personal safety or the safety of their family, friends and/or property such that employment conditions are altered or a hostile, abusive or intimidating work environment is created for one or several employees.

Examples of workplace violence include, but are not limited to:

- Threats or acts of violence occurring on Authority premises, regardless of the relationship between the parties involved in the incident;
- Threats or acts of violence occurring off Authority premises involving someone who is acting in the capacity of a representative of the Authority;
- Threats or acts of violence occurring off Authority premises involving an employee if the threats or acts affect the business interests of the Authority;
- All threats or acts of violence occurring off Authority premises, of which an employee is a victim, if we determine that the incident may lead to an incident of violence on Authority premises; and
- Threats or acts of violence resulting in the conviction of an employee or agent of the Authority, or an individual performing services for the Authority on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence when the act or conviction adversely affects the legitimate business interests of the Authority.

Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to:

- Threatening physical contact directed toward another individual;
- Threatening an individual or their family, friends, associates or property with harm;
- The intentional destruction or threat of destruction of the Authority or another's property;
- Menacing or threatening phone calls;
- Stalking;
- Veiled threats of physical harm or similar intimidation; and/or
- Communicating an endorsement of the inappropriate use of firearms or weapons.

Workplace violence does not refer to workplace arguments or debates that are zealous or impassioned, provided there is no resort to any form of coercion. Discussions about sporting activities, popular entertainment or current events are not considered workplace violence when there is no threat of violence being directed to the workplace or any individual connected with it. Rather, workplace violence refers to behavior that demonstrates an intention to engage in violence, condones violence in our workplace, or targets any individual with acts or threats of violence.

Employees should help maintain a violence-free workplace. To that end, employees are encouraged to immediately report any incident that violates this policy to a supervisor or manager.

G. Injury and Illness Prevention Program

The health and safety of employees and others on Authority property are of critical concern to the Authority. We strive to attain the highest possible level of safety in all activities and operations. The Authority also intends to comply with all health and safety laws applicable to our business.

To this end, the Authority must rely upon employees to help keep work areas safe and free of hazardous conditions. Employees should be conscientious about workplace safety, including proper operating methods and known dangerous conditions or hazards. You should report any unsafe conditions or potential hazards to your supervisor immediately; even if you believe you have corrected the problem. If you suspect a concealed danger is present on the Authority's premises, or in a product, facility, piece of equipment, process, or business practice for which the Authority is responsible, bring it to the attention of your supervisor immediately.

Additionally, the Authority has developed a written Injury and Illness Prevention Program (IIPP) as required by law. A copy of the IIPP is available for your review from Human Resources. In addition to attending any training required by the Authority, it is your responsibility to read, understand and observe the IIPP provisions applicable to your job.

XVI. SEVERABILITY

If any section, subsection, or other part of this policy is for any reason held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this policy.

XVII. REVISION OF POLICY AND PROCEDURES

These policies and procedures may be revised or amended at any regular meeting of the Board of Commissioners by a majority vote of the Board of Commissioners.

XVIII. ACKNOWLEDGEMENT AND RECEIPT

I acknowledge that I have received and read a copy of the Authority's Personnel Policies and Procedures (also called the "Personnel Policies") dated , ~~2023~~~~October 28, 2020~~. I understand that these Personnel Policies sets forth the terms and conditions of my employment with the Authority as well as the duties, responsibilities and obligations of employment with the Authority. I understand that the Authority has provided me various alternative channels [including anonymous and confidential channels] to raise concerns of violations of these Personnel Policies and other Authority policies and procedures, and encourages me to do so promptly so that the Authority may effectively address such situations, and I understand that nothing herein interferes with any right to report concerns, make lawful disclosures, or communicate with any governmental authority regarding potential violations of laws or regulations. I agree to abide by and be bound by the rules, policies and standards set forth in these Personnel Policies.

I further acknowledge that the Authority reserves the right to revise, delete and add to the provisions of these Personnel Policies, but that all such revisions, deletions or additions must be in writing. No verbal statements or representations can change the provisions of these Personnel Policies. I understand and acknowledge that nothing in these Personnel Policies or in any other document or policy is intended to prohibit me from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or other information to or participating in an investigation or hearing conducted by the Equal Employment Opportunity Commission ("EEOC"), National Labor Relations Board ("NLRB") or any other federal, state or local agency charged with the enforcement of any laws.

I also understand and acknowledge that nothing about the policies and procedures set forth in these Personnel Policies should be construed to interfere with any employee rights provided under state or federal law, including Section 7 of the National Labor Relations Act.

I have read and understand the above statements.

Employee Signature

Print Name

Date

[TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE]

XIX. EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



WH1420 REV 04/16

AGENDA ITEM SUMMARY

MEETING DATE: June 21, 2023

ITEM NUMBER: 3E

FROM: Executive Director

SUBJECT: USDA Approved Budget for FY 2023-24 for Casa Pajaro

RECOMMENDATION: Adopt **Resolution No. 2023-06**: Approval of Fiscal Year 2023-24 Budget for U.S. Department of Agriculture, Rural Development, Farm Labor Housing at 127-193 East Front Street, Watsonville, CA (“Casa Pajaro”).

BACKGROUND SUMMARY:

The Housing Authority is required to submit an annual budget to USDA for each Farm Labor Housing Program as a condition of receiving USDA loan proceeds in the past. The Housing Authority has two USDA funded farmworker housing projects, including Casa Pajaro and Tierra Alta. During this past year, the Tierra Alta USDA loan matured, and the associated regulatory agreement expired. Casa Pajaro, on the other hand, has one additional year of required USDA budget reporting since the loan for that project matures in the upcoming fiscal year at which point the USDA regulatory agreement will expire. The budget forms are designed for the purpose of ensuring rents will cover program expenses and USDA loan payments. The USDA approved budget for Casa Pajaro does not include any changes to the project’s flat rents or utility allowances at this time. The resolution seeks approval of the FY2023-24 USDA budget for Casa Pajaro which has already been approved by USDA.

RECOMMENDATION:

Adopt **Resolution No. 2023-06**: Approval of Fiscal Year 2023-24 Budget for U.S. Department of Agriculture, Rural Development, Farm Labor Housing at 127-193 East Front Street, Watsonville, CA (“Casa Pajaro”).

**BEFORE THE HOUSING AUTHORITY OF THE COUNTY
OF SANTA CRUZ, STATE OF CALIFORNIA**

RESOLUTION NO. 2023-06

On the motion of Commissioner
Duly seconded by Commissioner

The Following Resolution is Adopted:

**RESOLUTION ADOPTING FISCAL YEAR 2023-24 BUDGET FOR
UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL
DEVELOPMENT, FARM LABOR HOUSING AT 127-193 EAST
FRONT STREET, WATSONVILLE, CA (“CASA PAJARO”)**

WHEREAS, The United States Department of Agriculture, Rural Development, (“USDA”) provided initial development financing, for 34 units of Farm Labor Housing at Casa Pajaro, and;

WHEREAS, annual project budgets must be submitted to USDA for review and approval prior to adoption by the Housing Authority Board of Commissioners, and;

WHEREAS, the fiscal year 2023-24 (July 1, 2023 - June 30, 2024) project budget submitted to USDA was approved.

NOW, THEREFORE, BE IT RESOLVED that the for fiscal year 2023-24 for USDA Farm Labor Housing at Casa Pajaro be approved, and the Executive Director, Jennifer Panetta, be authorized to conduct all business, and execute any and all documents and agreements necessary for project operation, pursuant to the newly approved budget.

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the County of Santa Cruz, State of California, this Twenty First Day of June, 2023 by the following vote:

AYES:

NOES:

ABSENT:

Chairperson of the Authority

ATTEST:

Secretary of the Authority



Rural Development

March 28, 2023

Multifamily Housing
Field Operations
Division West –
Troubled Assets

John Fleisher
Controller
Housing Authority of the County of Santa Cruz
2160 41st Avenue
Capitola, CA 95010

Rural Housing Service
1220 SW 3rd Ave
Suite 1801
Portland, OR 97204

Voice 503.414.3307

Email only: johnf@hacosantacruz.org

SUBJECT: Approved 2024 Budget Casa Pajaro

Rural Development has approved the proposed 2022 budget for **Casa Pajaro**. The budget is effective July 1, 2023; and enclosed with this letter.

If you have any questions or concerns regarding this letter, you can reach my desk directly at 503-414-3307 or via email at christian.marsh@usda.gov.

Sincerely,

CHRISTIAN MARSH Digitally signed by CHRISTIAN
MARSH
Date: 2023.03.28 13:03:53 -07'00'

Christian Marsh
Multi-Family Housing Specialist
Troubled Assets, Western Region
MFH Field Operations Division

USDA is an equal opportunity provider, employer, and lender

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

Project Name:	CASA PAJARO FLH
Borrower Name:	HA COUNTY SANTACRUZ
Borrower ID and Project No:	815665032 06-3
Date of Operation:	07/30/1976

Loan/Transfer Amount:	
Note Rate Payment:	
IC Payment:	\$0.00

Reporting Period

Annual
 Quarterly
 Monthly

Budget Type

Initial
 Regular Report
 Rent Change
 SMR
 Other Servicing

Project Rental Type

Family
 Elderly
 Congregate
 Group Home
 Mixed X LH

Profit Type

Full Profit
 Limited Profit
 Non-Profit

__ I hereby request __ units of RA. Current number of RA units 8 .

The following utilities are master metered:

Gas
 Electricity
 Water
 Sewer
 Trash
 Other

Borrower Accounting Method

Cash
 Accrual

Project Name: CASA PAJARO FLH State: 04 Servicing Office: 635 County: 44
 Borrower Name: HA COUNTY SANTACRUZ Borr ID: 815665032 Prj Nbr: 06-3 Paid Code: Active
 Classification: D Fiscal Year: 2024 Version: 07/01/2023 APPROVED Totals: By Project Analyzed: Y

Item	Current Budget	Actual	Proposed Budget	Comment
Effective Dates:	07/01/2022	07/01/2022	07/01/2023	
Ending Dates:	06/30/2023	06/30/2023	06/30/2024	
PART I - CASH FLOW STATEMENT				
Operational Cash Sources				
1. Rental Income	320,808.00		320,808.00	
2. RHS Rental Assist. Received				
3. Application Fee Received				
4. Laundry And Vending	19,676.00		19,171.00	
5. Interest Income	2,935.00		3,481.00	
6. Tenant Charges	660.00		660.00	
7. Other - Project Sources	0.00		0.00	
8. Less (Vcnyc @ Cntgncy Allw)	-3,208.00		-3,208.00	
9. Less (Agncy Aprvd Incentv)	0.00		0.00	
10. Sub-Ttl [(1 thru 7)-(8@9)]	340,871.00		340,912.00	
Non-Operational Cash Sources				
11. Cash - Non Project	0.00		0.00	
12. Authorized Loan (Non-RHS)	0.00		0.00	
13. Transfer From Reserve	63,469.00		35,565.00	
14. Sub-Total (11 thru 13)	63,469.00		35,565.00	
15. Total Cash Sources (10+14)	404,340.00		376,477.00	
Operational Cash Uses				
16. Ttl O@M Exp (From Part II)	300,747.00		303,452.00	
17. RHS Debt Payment	6,601.00		6,601.00	
18. RHS Payment (Overage)				
19. RHS Payment (Late Fee)				
20. Reductn In Prior Yr Pybles				
21. Tenant Utility Payments				
22. Transfer to Reserve	29,700.00		29,700.00	
23. RTN Owner/NP Asset Mgt Fee	0.00		0.00	
24. Sub-Total (16 thru 23)	337,048.00		339,753.00	
Non-Operational Cash Uses				
25. Authzd Debt Pymnt (NonRHS)	0.00		0.00	
26. Capital Budget (III 4-6)	63,469.00		35,565.00	
27. Miscellaneous	0.00		0.00	
28. Sub-Total (25 thru 27)	63,469.00		35,565.00	
29. Total Cash Uses (24+28)	400,517.00		375,318.00	
30. Net (Deficit) (15-29)	3,823.00		1,159.00	
Cash Balance				
31. Beginning Cash Balance	79,231.00		79,231.00	
32. Accrual To Cash Adjustment				
33. Ending Cash Bal (30+31+32)	83,054.00		80,390.00	

Project Name: CASA PAJARO FLH State: 04 Servicing Office: 635 County: 44
 Borrower Name: HA COUNTY SANTACRUZ Borr ID: 815665032 Prj Nbr: 06-3 Paid Code: Active
 Classification: D Fiscal Year: 2024 Version: 07/01/2023 APPROVED Totals: By Project Analyzed: Y

Item	Current Budget	Actual	Proposed Budget	Comment
Effective Dates:	07/01/2022	07/01/2022	07/01/2023	
Ending Dates:	06/30/2023	06/30/2023	06/30/2024	
PART II - O@M EXPENSE SCHEDULE				
1. Maint. @ Repairs Payroll	15,268.00		20,877.00	
2. Maint. @ Repairs Supply	4,700.00		9,000.00	
3. Maint. @ Repairs Contract	12,000.00		16,720.00	
4. Painting	3,800.00		3,800.00	
5. Snow Removal	0.00		0.00	
6. Elevator Maint./Contract	0.00		0.00	
7. Grounds	12,000.00		13,000.00	
8. Services	2,200.00		2,000.00	
9. Cptl Bgt (Part V operating)	0.00		0.00	
10. Other Operating Expenses	500.00		500.00	SEE NARRATIVE FOR BREAKDOWN
11. Sub-Ttl O@M (1 thru 10)	50,468.00		65,897.00	
12. Electricity	3,000.00		4,000.00	
13. Water	21,290.00		11,225.00	
14. Sewer	20,458.00		20,550.00	
15. Fuel (Oil/Coal/Gas)	1,300.00		1,730.00	
16. Garbage @ Trash Removal	28,227.00		30,203.00	
17. Other Utilities	0.00		0.00	
18. Sub-Ttl Util. (12 thru 17)	74,275.00		67,708.00	
19. Site Management Payroll	81,028.00		80,695.00	
20. Management Fee	0.00		0.00	
21. Project Auditing Expense	750.00		750.00	
22. Proj. Bookkeeping/Accting	0.00		0.00	
23. Legal Expenses	300.00		300.00	
24. Advertising	950.00		300.00	
25. Phone @ Answering Service	1,967.00		1,800.00	
26. Office Supplies	0.00		890.00	
27. Office Furniture @ Equip.	0.00		1,200.00	
28. Training Expense	500.00		500.00	
29. Hlth Ins. @ Other Benefits	40,375.00		28,832.00	
30. Payroll Taxes	0.00		0.00	
31. Workmans Compensation	3,300.00		4,450.00	
32. Other Admin. Expenses	18,005.00		18,005.00	SEE NARRATIVE FOR BREAKDOWN
33. Sub-Ttl Admin (19 thru 32)	147,175.00		137,722.00	
34. Real Estate Taxes	0.00		0.00	
35. Special Assessments	0.00		0.00	
36. Othr Taxes, Lcnses, Permts	0.00		0.00	
37. Property @ Liability Ins.	14,829.00		17,125.00	
38. Fidelity Coverage Ins.	0.00		0.00	
39. Other Insurance	14,000.00		15,000.00	FLOOD INSURANCE
40. Sub-Ttl Tx/In (34 thru 39)	28,829.00		32,125.00	
41. Ttl O@M Exps (11+18+33+40)	300,747.00		303,452.00	

Project Name: CASA PAJARO FLH State: 04 Servicing Office: 635 County: 44
 Borrower Name: HA COUNTY SANTACRUZ Borr ID: 815665032 Prj Nbr: 06-3 Paid Code: Active
 Classification: D Fiscal Year: 2024 Version: 07/01/2023 APPROVED Totals: By Project Analyzed: Y

Item	Current Budget	Actual	Proposed Budget	Comment
Effective Dates:	07/01/2022	07/01/2022	07/01/2023	
Ending Dates:	06/30/2023	06/30/2023	06/30/2024	
PART III - ACCT BUDGET/STATUS				
Reserve Account				
1. Beginning Balance	989,563.00		955,794.00	
2. Transfer to Reserve	29,700.00		29,700.00	
Transfer From Reserve				
3. Operating Deficit	0.00		0.00	
4. Cptl Bgt (Part V reserve)	63,469.00		35,565.00	
5. Building @ Equip Repair	0.00		0.00	
6. Othr Non-Operating Expenses	0.00		0.00	
7. Total (3 thru 6)	63,469.00		35,565.00	
8. Ending Balance [(1+2)-7]	955,794.00		949,929.00	
General Operating Account				
Beginning Balance				
Ending Balance				
Real Estate Tax And Ins Escrow				
Beginning Balance				
Ending Balance				
Tenant Security Deposit Acct				
Beginning Balance				
Ending Balance				
Number of Applicants on Waiting List	0	Reserve Acct. Req. Balance		438,539.00
Number of Applicants Needing RA		Amount Ahead/Behind		558,323.00

Project Name: CASA PAJARO FLH State: 04 Servicing Office: 635 County: 44
 Borrower Name: HA COUNTY SANTACRUZ Borr ID: 815665032 Prj Nbr: 06-3 Paid Code: Active
 Classification: D Fiscal Year: 2024 Version: 07/01/2023 APPROVED Totals: By Project Analyzed: Y

PART IV RENT SCHEDULE

A. CURRENT APPROVED RENTS/UTILITY ALLOWANCE: 07/01/2022

Unit Description						Rental Rates			Potential Income From Each Rate			Utility
Type	Size	HC	Rev	Unit	Number	Basic	Note	HUD	Basic	Note	HUD	Allowance
N	2	N			16	772	772	0	148,224	148,224	0	140
N	3	N			17	846	846	0	172,584	172,584	0	149
CURRENT RENT TOTALS									320,808	320,808	0	

EFFECTIVE DATE OF RENTS/UTILITY ALLOWANCE: 07/01/2022

Unit Description					Utility Types						
Type	Size	HC	Rev	Unit	Elect	Gas	Sewer	Trash	Water	Other	Total Allow
N	2	N			65	62	0	0	0	13	140
N	3	N			66	70	0	0	0	13	149

B. PROPOSED CHANGE OF RENTS/UTILITY ALLOWANCE: 07/01/2023

Unit Description						Rental Rates			Potential Income From Each Rate			Utility
Type	Size	HC	Rev	Unit	Number	Basic	Note	HUD	Basic	Note	HUD	Allowance
					0	0	0	0	0	0	0	
PROPOSED RENT TOTALS									0	0	0	

Project Name: CASA PAJARO FLH State: 04 Servicing Office: 635 County: 44
 Borrower Name: HA COUNTY SANTACRUZ Borr ID: 815665032 Prj Nbr: 06-3 Paid Code: Active
 Classification: D Fiscal Year: 2024 Version: 07/01/2023 APPROVED Totals: By Project Analyzed: Y

Item	Proposed Number Units/Items	Proposed From Reserve	Actual From Reserve	Proposed From Operating	Actual From Operating	Actual Total Cost	Total Actual Units/Items
Effective Dates:	07/01/2022	07/01/2023	07/01/2022	07/01/2023	07/01/2022	07/01/2022	07/01/2022
Ending Dates:	06/30/2023		06/30/2023		06/30/2023	06/30/2023	06/30/2023
ANNUAL CAPITAL BUDGET							
Appliances							
Appliances - Range	0	0.00	0.00	0.00	0.00	0.00	0
Appliances - Refrigerator	0	0.00	0.00	0.00	0.00	0.00	0
Appliances - Range Hood	0	0.00	0.00	0.00	0.00	0.00	0
Appliances - Washers @ Dryers	0	0.00	0.00	0.00	0.00	0.00	0
Appliances - Other	0	0.00	0.00	0.00	0.00	0.00	0
Carpet and Vinyl							
Carpet @ Vinyl - 1 Br.	0	0.00	0.00	0.00	0.00	0.00	0
Carpet @ Vinyl - 2 Br.	2	6,600.00	0.00	0.00	0.00	0.00	0
Carpet @ Vinyl - 3 Br.	3	13,000.00	0.00	0.00	0.00	0.00	0
Carpet @ Vinyl - 4 Br.	0	0.00	0.00	0.00	0.00	0.00	0
Carpet @ Vinyl - Other	0	0.00	0.00	0.00	0.00	0.00	0
Cabinets							
Cabinets - Kitchens	0	0.00	0.00	0.00	0.00	0.00	0
Cabinets - Bathroom	0	0.00	0.00	0.00	0.00	0.00	0
Cabinets - Other	0	0.00	0.00	0.00	0.00	0.00	0
Doors							
Doors - Exterior	0	0.00	0.00	0.00	0.00	0.00	0
Doors - Interior	0	0.00	0.00	0.00	0.00	0.00	0
Doors - Other	0	0.00	0.00	0.00	0.00	0.00	0
Window Coverings							
Window Coverings - Detail	0	0.00	0.00	0.00	0.00	0.00	0
Window Coverings - Other	0	0.00	0.00	0.00	0.00	0.00	0
Heat and Air Conditioning							
Heat @ Air - Heating	1	2,370.00	0.00	0.00	0.00	0.00	0
Heat @ Air - Air Conditioning	0	0.00	0.00	0.00	0.00	0.00	0
Heat @ Air - Other	0	0.00	0.00	0.00	0.00	0.00	0
Plumbing							
Plumbing - Water Heater	1	3,170.00	0.00	0.00	0.00	0.00	0
Plumbing - Bath Sinks	0	0.00	0.00	0.00	0.00	0.00	0
Plumbing - Kitchen Sinks	0	0.00	0.00	0.00	0.00	0.00	0
Plumbing - Faucets	0	0.00	0.00	0.00	0.00	0.00	0
Plumbing - Toilets	0	0.00	0.00	0.00	0.00	0.00	0
Plumbing - Other	0	0.00	0.00	0.00	0.00	0.00	0
Major Electrical							
Major Electrical - Detail	0	0.00	0.00	0.00	0.00	0.00	0
Major Electrical - Other	0	0.00	0.00	0.00	0.00	0.00	0
Structures							
Structures - Windows	0	0.00	0.00	0.00	0.00	0.00	0
Structures - Screens	0	0.00	0.00	0.00	0.00	0.00	0
Structures - Walls	0	0.00	0.00	0.00	0.00	0.00	0
Structures - Roofing	0	0.00	0.00	0.00	0.00	0.00	0
Structures - Siding	0	0.00	0.00	0.00	0.00	0.00	0
Structures - Exterior Painting	0	0.00	0.00	0.00	0.00	0.00	0
Structures - Other	0	0.00	0.00	0.00	0.00	0.00	0

Project Name: CASA PAJARO FLH State: 04 Servicing Office: 635 County: 44
 Borrower Name: HA COUNTY SANTACRUZ Borr ID: 815665032 Prj Nbr: 06-3 Paid Code: Active
 Classification: D Fiscal Year: 2024 Version: 07/01/2023 APPROVED Totals: By Project Analyzed: Y

Item	Proposed Number Units/Items	Proposed From Reserve	Actual From Reserve	Proposed From Operating	Actual From Operating	Actual Total Cost	Total Actual Units/Items
Effective Dates:	07/01/2022	07/01/2023	07/01/2022	07/01/2023	07/01/2022	07/01/2022	07/01/2022
Ending Dates:	06/30/2023		06/30/2023		06/30/2023	06/30/2023	06/30/2023
Paving							
Paving - Asphalt	0	0.00	0.00	0.00	0.00	0.00	0
Paving - Concrete	0	0.00	0.00	0.00	0.00	0.00	0
Paving - Seal and Stripe	0	0.00	0.00	0.00	0.00	0.00	0
Paving - Other	0	0.00	0.00	0.00	0.00	0.00	0
Landscape and Grounds							
Lndscp@Grnds - Landscaping	0	2,600.00	0.00	0.00	0.00	0.00	0
Lndscp@Grnds - Lawn Equipment	0	0.00	0.00	0.00	0.00	0.00	0
Lndscp@Grnds - Fencin	0	0.00	0.00	0.00	0.00	0.00	0
Lndscp@Grnds - Recreation Area	0	0.00	0.00	0.00	0.00	0.00	0
Lndscp@Grnds - Signs	0	0.00	0.00	0.00	0.00	0.00	0
Lndscp@Grnds - Other	0	0.00	0.00	0.00	0.00	0.00	0
Accessibility Features							
Accessibility Features - Detail	0	0.00	0.00	0.00	0.00	0.00	0
Accessibility Features - Other	0	0.00	0.00	0.00	0.00	0.00	0
Automation Equipment							
Automation Equip. -Site Mngt.	0	0.00	0.00	0.00	0.00	0.00	0
Automation Equip. -Common Area	0	0.00	0.00	0.00	0.00	0.00	0
Automation Equip. -Other	0	0.00	0.00	0.00	0.00	0.00	0
Other							
List: ?	0	1,400.00	0.00	0.00	0.00	0.00	0
List: ?	0	6,425.00	0.00	0.00	0.00	0.00	0
List: ?	0	0.00	0.00	0.00	0.00	0.00	0
Total Capital Expenses	0	35,565.00	0.00	0.00	0.00	0.00	0

Project Name: CASA PAJARO FLH	State: 04	Servicing Office: 635	County: 44
Borrower Name: HA COUNTY SANTACRUZ	Borr ID: 815665032	Prj Nbr: 06-3	Paid Code: Active
Classification: D	Fiscal Year: 2024	Version: 07/01/2023 APPROVED	Totals: By Project Analyzed: Y

Part VI – SIGNATURES, DATES AND COMMENTS

Warning	Section 1001 of Title 18, United States Code provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both.
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I HAVE READ THE ABOVE WARNING STATEMENT AND I HEREBY CERTIFY THAT THE FOREGOING INFORMATION IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

03/13/2023

(Date Submitted)

HA COUNTY SANTACRUZ

(Management Agency)

MA497190

(MA#)

(Date)

(Signature of Borrower or Borrower's Representative)

(Title)

CHRISTIAN MARSH

Digitally signed by CHRISTIAN MARSH

Date: 2023.03.28 13:05:36 -07'00'

Agency Approval (Rural Development Approval Official):

(Date)

Project Name: CASA PAJARO FLH	State: 04	Servicing Office: 635	County: 44
Borrower Name: HA COUNTY SANTACRUZ	Borr ID: 815665032	Prj Nbr: 06-3	Paid Code: Active
Classification: D	Fiscal Year: 2024	Version: 07/01/2023 APPROVED	Totals: By Project Analyzed: Y

SPVS Comment:
Batched/ II 031323

Narrative:

Part II - Operating & Maintenance Expense Schedule, Line 10 - Other Operating Expenses			
Budget 22-23	Proposed Budget 23-24	YTD at 01-31-23	Travel - Maintenance
500	500	445	Part II - Operating & Maintenance Expense
Schedule, Line 32 - Other Administrative Expenses			
Budget 21-22	Proposed Budget 22-23	YTD at 12-31-21	Travel
853	853	177	Office Rental Lease
9,510	9,510	6,057	Postage
1,600	1,600	691	Contracted Services
1,267	1,267	418	Commissioner Meetings/Stipend
50	50	21	Misc
400	400	49	Membership/Dues
200	200	170	Subscriptions
25	25	0	Computer Services/Supplies
4,100	4,100	4,668	
Total		18,005	18,005
12,251			

AGENDA ITEM SUMMARY

MEETING DATE: June 21, 2023

ITEM NUMBER: 6A

FROM: Executive Director

SUBJECT: Moving to Work (MTW) Opt-Out Savings Program

RECOMMENDATION: Approve Staff Proposal of the Opt-Out Savings Program Framework

BACKGROUND SUMMARY:

In September 2022, HUD designated the Housing Authority of the County of Santa Cruz (HACSC) as a Moving To Work (MTW) Agency through the MTW Asset Building Cohort, to test asset building initiatives designed to encourage the growth of savings accounts for assisted households and improve economic mobility. HACSC's MTW Plan and Application selected the HUD defined "Opt-Out Savings Account" as the initial MTW asset building activity. Under this option, HACSC will create an Opt-Out Savings Program to deposit a set amount of funds from HCV Housing Assistance Payment (HAP) funding each month into a bank account for each household selected to participate in the program.

The Opt-Out Savings Program seeks to accomplish three goals: increase the number of households that have bank accounts, encourage growth of households' savings, and strengthen household stability through asset building. HUD seeks to determine if having a PHA-initiated small savings account and getting what HUD terms "banked" (i.e., using a traditional bank or credit union) helps households avoid experiences of material hardship. Helping families build savings accounts, which could be used for emergencies or other instances of material hardship, is a key first step toward more long-term asset building.

HUD Opt-Out Savings Program Requirements:

In implementing the Opt-Out Savings Accounts option of the Asset Building Cohort, PHAs must incorporate the following elements into their policy design:

- 1) **Structure:** The PHA must contribute a PHA-determined, set amount of funds per household, per month into an escrow or personal savings account for the benefit of each assisted household participating in the savings program.
- 2) **Eligibility:** All Housing Choice Voucher assisted households must be potentially eligible to participate in the savings program, regardless of elderly and/or disabled status.
- 3) **Selection:** The PHA must work with HUD's evaluation consultant to randomly select households to participate in the program.

- 4) **Implementation Period:** The PHA must provide monthly contributions to assisted households participating in the savings program for at least 24 consecutive months.
- 5) **Number of Households:** The PHA must offer the savings program to at least 25 households. The PHA may not offer the savings program to more than 50% of its assisted households during the 24-month implementation period without express permission from HUD.
- 6) **Amount of Savings Contribution:** The PHA must contribute at least \$10 per month for the benefit of each assisted household participating in the savings program. This amount must be the same for each assisted household participating in the savings program.
- 7) **Access to Banking:** The PHA must develop and implement a strategy to connect assisted households participating in the savings program with banking resources in the community.

HACSC Opt-Out Savings Program Proposed Framework:

HACSC staff proposes the random selection of fifty (50) households from all HACSC assisted households. These 50 households will be considered the HUD treatment group and will receive an initial contribution of \$120, followed by monthly deposits of \$100 for twenty-three (23) months. HUD requires escrow type accounts that participants do not have access to, to be established until the account balances reach \$120. Staff recommend the initial deposit be the full \$120 so participants immediately have access to their savings and the funds can be directly deposited into their existing or newly established accounts rather than an escrow account that would subsequently require HACSC to transfer the funds into participants' existing or newly established accounts. Additionally, HUD will randomly select a control group. The control group will not receive savings contributions, and data on this group will be used to compare HUD determined outcome measures to the treatment group receiving savings contributions.

In addition to HUD's treatment group, which will be randomly selected from the entire HCV program population, HACSC staff propose to expand the program to include a deeply targeted group as well. For the deeply targeted group, staff propose to randomly select an additional twenty-five (25) extremely low-income households with less than \$500 in assets, to also receive a \$120 initial contribution followed by \$100 monthly contributions for 23 months. Staff propose this additional deeply targeted group to align with principles of targeted universalism which emphasize targeting programs and resources to the most burdened or vulnerable populations in order to achieve greater impact, improve equity, and work towards a whole population outcome. Staff anticipate that the opt-out savings program will have a greater impact for households with extremely low incomes and low assets. Extremely low-income households typically experience more difficulty meeting even basic monthly expenses beyond rent for expenses such as food, medication, childcare, and transportation costs. These monthly costs make it nearly impossible to have any savings at all for unexpected expenses such as a car repair or a medical bill.

HACSC will connect all families in the treatment groups, including the HUD treatment group and the deeply targeted treatment group, to financial institutions to ensure all households have a savings account established. Additionally, HACSC will work to connect all families in both treatment groups to programs and resources aimed at improving financial literacy and increasing economic mobility. While programs and resources will be offered, families will not be required to participate in financial literacy programs in order to receive the savings contributions.

The total anticipated cost of the Asset Building Program is estimated at \$181,500 over 24 months, averaging out to \$90,750 each year.

Next steps:

Upon the Board's approval of this framework, staff will establish partnership(s) with financial institution(s) and other community partners to provide educational opportunities that help participants increase their knowledge of the types and benefits of checking and savings accounts, how to build savings, how building assets can strengthen household stability, and other financial literacy coursework. Staff will work with HUD and HUD evaluators to further refine the Opt-Out Savings Program, and to assist in identifying the appropriate demographics for the deeply targeted treatment group. Finally, staff will also seek out other possible opportunities for matching funds or auxiliary financial services that could be provided to supplement program.

Staff anticipate finalizing the program design in September and beginning implementation at the beginning of the Federal Fiscal Year, October 1st, in concert with the remaining Asset Building Cohort agencies.

RECOMMENDATION: Approve Staff Proposal of the Opt-Out Savings Program Framework.

MEETING DATE: June 21, 2023

ITEM NUMBER: 6B

FROM: Executive Director

SUBJECT: Housing Authority Equity Report Card and Action Plan

RECOMMENDATION: Receive Report; Adopt Staff Recommendations Regarding Equity

BACKGROUND SUMMARY:

The mission of the Housing Authority of the County of Santa Cruz is to promote access to quality affordable housing, utilize housing as a platform for improving quality of life, and support inclusive, healthy and sustainable communities free from discrimination. *Our mission is rooted in equity.* The housing and rental assistance we provide through our programs is associated with improved outcomes in every aspect of a person's life; mental and physical health, educational attainment, employment, and beyond. Rental assistance programs like ours help ameliorate generational poverty and opportunity gaps that disproportionately impact persons of color, persons with disabilities, and other marginalized groups.

As a public agency, we have a responsibility to address structural racism and inequity in our community through our work in housing. Last year, the Housing Authority Board of Commissioners included the establishment of an Equity Report Card as an Agency Goal. With this inaugural Equity Report Card, staff propose to establish Equity as a core value, and to make an agency-wide commitment to embed racial, social and economic justice in all our work.

The purpose of the Report Card and Action Plan (RCAP) is to:

1. Examine diversity and representation at all levels within the Agency
2. Examine disparities in program outcomes
3. Adopt recommendations to promote diversity, equity, and inclusion in our Agency and programs

The Equity Report Card and Action Plan is attached for your review. The report concludes with a set of recommendations, as follows:

1. Begin working towards 2025 Agency 5 Year Plan by establishing a set of Agency Core Values and updating Agency Mission Statement to include Equity.
2. Establish an understanding of equity and inclusion principles.

- Annual Diversity, Equity, and Inclusion (DEI) trainings for staff, with alternating topics including but not limited to:
 - Overview of diversity, equity, and inclusion in the workplace
 - Implicit bias
 - Gender identity and use of pronouns
 - Microaggressions

3. Engage affected populations and stakeholders.

- Work towards increasing diversity and representation at the management and supervisory level.
 - Provide opportunities for staff education, training, professional and career development to promote economic empowerment and to add diversity and representation at the supervisory and management level.
 - Receive consultation on best practices related to wording of job descriptions, employee outreach, and recruitment to receive a more diverse set of candidates for open management and supervisory positions.
- Conduct resident survey of assisted households to receive feedback on challenges, barriers, and other equity issues. The survey will include questions about what equity related challenges households have experienced and any solutions they may have to promote equity in our programs.
- Increase engagement with key partner agencies that work most closely with the populations we serve and/or under-represented groups, including but not limited to Community Action Board, Community Bridges, Senior Legal Services, California Rural Legal Assistance, National Association for the Advancement of Colored People, and other partner agencies to share information from the Equity Report Card, to receive additional feedback related to improving equity, and to strengthen our partnerships.

4. Update Equity Report Card and Action Plan annually

- Address existing disparities in representation and outcomes including development of strategies to achieve the following equity goals.
 - Increase number and percentage of seniors on HA programs and waiting lists.
 - Increase voucher success rate of Asian families, and percentage of Asian families in HA programs and waiting lists.

- Increase number of homeless African American households in homeless voucher programs.
 - Increase percentage of Hispanic and Latinx households that are living in high opportunity areas.
5. Conduct systems analysis of root causes of inequity, identify strategies to address inequities, conduct equity impact analysis in policy development, and continue a cycle of data collection, evaluation, and strategy development.
- Expanded DEI training for supervisors, analysts, and management on topics including:
 - Understanding system racism and operationalizing equity
 - Annie E. Casey Foundation Results Count – Equitable Results Sequence
 - Race Forward Equity Impact Analysis
 - Trauma Informed Program Management

RECOMMENDATION: Receive Report; Adopt Staff Recommendations Regarding Equity



EQUITY REPORT CARD & ACTION PLAN

2023

Housing Authority of the County of Santa Cruz

Board of Commissioners

Andrew Schriffirin, *Chairperson*

Carol Berg, *Vice Chairperson*

Ligayo Eligio

Richard Schmale

Annette Melendrez

Providence Martinez

Silvia Morales

Housing Authority of the County of Santa Cruz

Executive Management Team

Jennifer Panetta, *Executive Director*

Thomas Graham, *Deputy Executive Director*

Ana Burns, *Housing Programs Director*

Aaron Pomeroy, *Finance Director*

Kathleen Kiyabu, *Administrative Services Director*

Daniel Fagan, *Director of Property Management & Client Services*

Report prepared by:

Jennifer Panetta, *Executive Director*

Eric C. Johnson, *Administrative Analyst*

Lorena Saines, *Senior Data Analyst*

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INTRODUCTION

The mission of the Housing Authority of the County of Santa Cruz is to promote access to quality affordable housing, utilize housing as a platform for improving quality of life, and support inclusive, healthy and sustainable communities free from discrimination. Our mission is rooted in equity. The housing and rental assistance we provide through our programs is associated with improved outcomes in every aspect of a person's life; mental and physical health, educational attainment, employment, and beyond. Rental assistance programs like ours help ameliorate generational poverty and opportunity gaps that disproportionately impact persons of color, persons with disabilities, and other marginalized groups.

As a public agency, we have a responsibility to address structural racism and inequity in our community through our work in housing. With this inaugural Equity Report Card, we establish Equity as a core value, and we make an agency-wide commitment to embed racial, social and economic justice in all our work.

The purpose of this Report Card and Action Plan (RCAP) is to:

1. Examine diversity and representation at all levels within the Agency
2. Examine disparities in program outcomes
3. Adopt recommendations to promote diversity, equity, and inclusion in our Agency and programs, and address disparities in diversity and outcomes

To the extent possible and where data is available, this RCAP encompasses issues related to all kinds of equity, including race equity, as well as equity for all underrepresented, vulnerable, or otherwise marginalized groups including persons with disabilities, monolingual Spanish speakers, seniors, and persons experiencing homelessness.

PART I - DIVERSITY AND REPRESENTATION

The Housing Authority of the County of Santa Cruz strives to ensure that our Board and our staff represent our community, so that a diverse group of individuals with a variety of perspectives and experiences can participate in shaping and implementing our vision of affordable housing for all. Further, we are committed to ensuring that all low-income residents have fair and equitable access to the housing and rental assistance programs that we provide. The following section examines diversity and representation both within our Agency, as well as within our programs and our waiting lists, in an effort to identify underserved populations so that we can strive to increase diversity, access, and equity.

Board of Commissioners

Table 1.1 - Select Demographics of the Board of Commissioners of the Housing Authority of the County of Santa Cruz and Santa Cruz County

	Board of Commissioners	Santa Cruz County
Region		
North County	57.1%	59.9%
South County	42.9%	31.9%
San Lorenzo Valley	0.0%	8.2%
Housing Status		
Rent	57.1%	39.5%
Own	42.9%	60.5%
Race/Ethnicity		
White/Caucasian	57.1%	56.1%
Hispanic/Latinx	28.6%	34.0%
Black/African American	0.0%	0.8%
Asian	14.3%	4.7%
Other Races	0.0%	4.4%
Disability		
Yes	16.7%	11.3%
Gender		
Female	71.4%	50.2%
Male	28.6%	49.8%
Age		
18-24	0.0%	18.2%
25-64	42.9%	61.0%
65+	57.1%	20.8%
n =	7	290,888

Source of Santa Cruz County data: American Community Survey 2021 5-Year Estimates



Table 1.1 compares select demographic data of the Board of Commissioners of the Housing Authority of the County of Santa Cruz to the Santa Cruz County community. Governmental bodies are intended to be representative of the communities that they serve. The Housing Authority benefits from having a diverse and representative Board, with very strong representation for South County and for renters, two groups that are commonly under-represented on local boards according to *A Santa Cruz Like Me*, which studied board representation countywide. Additionally, the Board has racial and ethnic diversity that generally reflects the overall county demographics, along with very strong female representation.

Housing Authority Staff

Like the Board, Housing Authority staff also benefit from an overall set of demographics that is reflective of our community, with extremely strong representation of women as well as Hispanic and Latinx staff, bilingual staff, and staff across a broad range of ages.

Table 1.2 - Race and Ethnicity of Staff at the Housing Authority of the County of Santa Cruz

Race & Ethnicity	Non-Exempt	Supervisory & Exempt Non-Managerial	Managerial	All Staff Classifications
White, Not Hispanic or Latinx	14.0%	55.6%	75.0%	28.3%
Hispanic or Latinx of Any Race	79.1%	44.4%	25.0%	66.7%
Declined to Answer	7.0%	0.0%	0.0%	5.0%
n =	43	9	8	60

Table 1.3 - Bilingualism Status of Staff at the Housing Authority of the County of Santa Cruz

Bilingualism Status	Non-Exempt	Supervisory & Exempt Non-Managerial	Managerial	All Staff Classifications
Bilingual	86.0%	33.3%	25.0%	68.3%
Not Bilingual	12.0%	66.7%	75.0%	31.7%
n =	43	9	8	60

Table 1.4 Gender of Staff at the Housing Authority of the County of Santa Cruz

Gender	Non-Exempt	Supervisory & Exempt Non-Managerial	Managerial	All Staff Classifications
Female	83.7%	66.7%	62.5%	78.3%
Male	16.3%	33.3%	37.5%	21.6%
n =	43	9	8	60



Table 1.5 - Age of Staff at the Housing Authority of the County of Santa Cruz

Age	20-25	26-30	31-25	36-40	41-45	46-50	51-55	56-60	61-65	66+
Percent of Staff	5.0%	8.3%	10.0%	11.7%	26.7%	16.7%	10.0%	5.0%	5.0%	1.7%

n = 60

Table 1.2 represents Housing Authority staff by ethnicity, as broken out by staff classification. Of the 60 employees, 66.7% are Hispanic or Latinx and 28.3% are non-Hispanic or Latinx. When compared to the overall population of Hispanic and Latinx persons in the general population of Santa Cruz County (34%), Hispanic and Latinx persons are well represented among staff generally, but are less represented among Housing Authority management as non-exempt staff are more likely to be Hispanic or Latinx.

Table 1.3 shows the percentage of bilingual staff at the Housing Authority. More than two-thirds of staff at the Housing Authority are bilingual, with the majority of bilingual staff in non-exempt or supervisorial positions that interact with program participants and community members most frequently.

Table 1.4 exhibits the distribution of employees by gender at the Housing Authority. Females outnumber males at the Housing Authority at almost a four-to-one ratio, comprising more than 50% of staff at every level from non-exempt to supervisorial to management.

Table 1.5 displays the various ages of staff at the Housing Authority. The distribution closely resembles a standard bell curve. Most staff are between the ages of 31 and 55 and the relationship between the percentage of staff that is relatively new to the workforce – those aged 30 or younger – and staff that is approaching or in retirement age – those aged 56 and older – is relatively even.

Program Populations - Participants and Waiting List Applicants

The following section provides demographic information describing who is receiving housing and rental assistance through Housing Authority (HA) programs, who is on waiting lists for assistance, as compared to the Santa Cruz County population. When the data is available, comparisons are also made to the population of Santa Cruz County that is at or below 125% or 200% of the Federal Poverty Level (FPL). The 200% FPL data serves as a good proxy measure of the extremely low-income population in the county and the 125% FPL data is the next best proxy-measure when the 200% data is not available.

PART I - DIVERSITY AND REPRESENTATION



Table 1.6 - Region of Residence of Housing Authority Programs and Santa Cruz County Populations

Region of Residence*	Housing Authority Programs	Santa Cruz County	Santa Cruz County 200% FPL
North County	34.9%	59.9%	47.1%
South County	61.3%	31.9%	47.9%
San Lorenzo Valley	3.8%	8.2%	4.9%
n =	11,763	278,812	70,731

Source of Santa Cruz County data: American Community Survey 2021 5-Year Estimates

*South County (ZIP codes 95019, 95076), San Lorenzo Valley (ZIP codes 95005, 95006, 95007, 95018, 95041), North County (all other Santa Cruz County ZIP codes)

Table 1.7 - Race and Ethnicity of HA Programs, HCV Waitlist, and Santa Cruz County Populations

Race & Ethnicity	HA Programs	HCV Waitlist	WL In Juris	WL Out Juris	Santa Cruz County	County 125% of FPL
Not Hispanic or Latinx	31.3%	50.9%	36.9%	57.6%	66.0%	53.5%
Hispanic or Latinx	68.7%	49.1%	63.1%	42.4%	34.0%	46.5%
White (Including Hispanic / Latinx)	93.3%	51.3%	62.7%	34.1%	68.5%	60.8%
Black or African American	2.4%	18.0%	3.2%	29.2%	1.1%	1.2%
Asian	0.7%	3.5%	1.0%	4.9%	4.9%	6.1%
Native Hawaiian and Other Pacific Islander	0.7%	1.7%	2.6%	3.5%	0.7%	1.1%
American Indian and Alaska Native	0.3%	3.0%	1.4%	2.4%	0.2%	0.2%
Multiracial	0.5%	4.3%	3.5%	5.3%	9.6%	7.5%
Some Other Race	2.1%	18.2%	25.6%	20.7%	14.9%	23.1%
White Alone (Not Hispanic or Latinx)	25.8%	24.9%	28.5%	17.7%	43.2%	56.1%
n =	12,798	14,677	6,190	13,917	272,138	37,202

Source of Santa Cruz County data: American Community Survey 2021 5-Year Estimates



Table 1.6 shows the region of residence in Santa Cruz County for certain groups. The largest percentage of HA assisted households reside in South County, with 61.3% residing there, compared to 34.9% in North County and 3.8% in San Lorenzo Valley. Among the households that earn incomes at or below 200% FPL, 47.1% live in North County, 47.9% live in South County, and 4.9% live in the San Lorenzo Valley.

Table 1.7 represents the racial and ethnic distribution of HA program participants, HA waiting list applicants, compared to the general county population as well as a proxy measure of the income eligible population. Waiting list data is also further broken out into applicants that live/work in Santa Cruz County (WL in Juris) as well as applicants that live/work outside of Santa Cruz County (WL out Juris), since the demographics of the two groups are very different.

The data show that the Hispanic and Latinx population is well represented in HA Programs and the HCV Waitlist when compared to Santa Cruz County overall, as well as when compared to low-income County residents with incomes under 125% poverty level.

The HA Programs White population, at 93.3%, is over-represented compared to all other racial groups. However, it is important to recognize that the general White category includes Hispanic and Latinx individuals. A more accurate measure of the White alone population is presented at the bottom of the table, showing White participants without Hispanic and Latinx populations included. Based on this information, White residents are not over-represented in Housing Authority programs or waiting lists.

The Black or African American population shows higher representation within Housing Authority programs as compared to the general population or the population of low-income residents, with 2.4% of HA households compared to 1.1% of County population or 1.2% of residents under 125% poverty. African Americans show very high representation on Housing Authority waiting lists, at 18% of applicant households. This figure is heavily influenced by out of county applicants, with 29.2% of out of county applicants being Black or African American households, compared to 3.2% of applicants who live or work in Santa Cruz County.

The Asian population is under-represented in HA Programs at 0.7% of participants compared to Asians comprising 4.9% of the general population and estimated at 6.1% of the income eligible population. The representation of Native Hawaiian / Pacific Islander and American Indian / Alaska Native are within 1% of their countywide percentages.



Table 1.8 - Disability Status of HA Programs, HCV Waitlist, and Santa Cruz County Populations

Disability Status	HA Programs	HCV Waitlist	WL In Juris	WL Out Juris	Santa Cruz County	County 125% of FPL
Disabled	20.5%	24.0%	23.9%	24.0%	11.3%	17.9%
Not Disabled	79.5%	76.0%	76.1%	76.0%	88.7%	82.1%

n = 12,798 14,677 6,190 13,917 272,138 37,202

Source of Santa Cruz County data: American Community Survey 2021 5-Year Estimates

Table 1.8 shows the percentage of individuals with and without a disability. When compared to the Santa Cruz County general population, as well as the population under 125% poverty level, individuals with a disability show strong representation in HA Programs as well as the HCV Waitlist, showing that our programs and waiting lists are accessible to persons with disabilities.

Table 1.9 - Senior Status of HA Programs, HCV Waitlist, and Santa Cruz County Populations

Disability Status	HA Programs	HCV Waitlist	WL In Juris	WL Out Juris	Santa Cruz County
Senior (62+)	18.5%	13.1%	15.8%	11.9%	20.8%
Not a Senior	81.5%	86.9%	84.2%	88.1%	79.2%

n = 12,798 14,677 6,190 13,917 272,138

Source of Santa Cruz County data: American Community Survey 2021 5-Year Estimates

Table 1.9 shows the percentage of senior citizens, age 62 or older, for each population. The proportion of seniors in HA programs is 18.5%, slightly less than the 20.5% of Santa Cruz County. The ratio is even smaller on the HCV Waitlist, at 13.1%.



Table 1.10 - Language Preference of HA Programs and HCV Waitlist Populations and Level of Ability to Speak English Among the Spanish-speaking Santa Cruz County Populations

Language Preference	HA Programs	HCV Waitlist	WL In Juris	WL Out Juris	Level of Ability to Speak English Among Spanish Speakers Aged Five Years or Older	Santa Cruz County
Head of household preference for Spanish	30.2%	6.6%	14.1%	3.2%	Spanish speakers that speak English “less than very well”	10.4%
Head of household preference for a language other than Spanish	69.8%	93.4%	85.9%	96.8%	Spanish speakers that speak English “very well” and other language speakers	89.6%

n = 5,638 14,677 6,190 13,917 259,063

Source of Santa Cruz County data: American Community Survey 2021 5-Year Estimates

Table 1.10 displays the language preference of the head of household on HA programs and the HCV waiting list, as compared to the level of ability to speak English among Spanish speakers aged five years or older in the general population. While these datasets are not directly comparable, the data is useful as a proxy measure to consider program and waiting list access, especially for monolingual Spanish speakers.

The population in HA Programs where the head of household prefers to communicate in Spanish is 30.2%, which is much greater than the 10.4% of Santa Cruz County residents who are Spanish speakers that speak English “less than very well”. This could be interpreted to suggest that monolingual Spanish speakers have been able to successfully access HA waiting lists and programs.

Program Populations - Persons Experiencing Homelessness

This section explores demographics of the homeless population in Santa Cruz County and the population that was homeless at the time of admission to a certain Housing Authority program. The Housing Authority administers multiple referral-based homeless rental assistance programs and the data is presented both in an aggregated and disaggregated format.



Table 1.11 - Number of Homeless at Admission Individuals on HA Programs and Number of Santa Cruz County Homeless Individuals

Homeless at Admission Status	HCV / PBV		Homeless Status	Santa Cruz County	
	Count	Percentage		Count	Percentage
Homeless at admission	1,788	14.3%	Homeless	2,299	0.9%
Not homeless at admission	10,713	85.7%	Not homeless	268,561	99.1%

Source of Santa Cruz County data: 2022 Point-in-Time Count

Table 1.11 shows the number and percentage of participants in the voucher program (including both tenant-based and project-based) that were homeless at the time of admission to a Housing Authority program, as compared to recent estimates of the homeless population of Santa Cruz County, which are based on the 2022 Point-in-Time count, a visual observation that occurs on a single night in January. Overall, 14.3% of participants in the voucher program were homeless at the time of program admission. The number of households in the voucher program that were homeless at admission is 1,055, which amounts to 19.0% of households.

Table 1.12 - Race and Ethnicity of Homeless at Admission Populations and the Santa Cruz County Homeless Population

Race & Ethnicity	Homeless at Admission HCV/PBV	All Homeless Referral-Based Programs	Santa Cruz County Homeless Population
Not Hispanic or Latinx	31.3%	50.9%	36.9%
Hispanic or Latinx	68.7%	49.1%	63.1%
Subtotal			
White (Including Hispanic / Latinx)	88.3%	88.1%	74.0%
Black or African American	5.5%	3.7%	11.7%
Asian	0.2%	1.4%	1.0%
Native Hawaiian and Other Pacific Islander	0.7%	1.7%	0.5%
American Indian and Alaska Native	1.5%	1.3%	3.4%
Multiracial	1.8%	1.3%	9.4%
Some Other Race	2.0%	2.7%	N/A
n =	1,793	1,314	2,299

Source of Santa Cruz County data: 2022 Point-in-Time Count



Table 1.12 compares the race and ethnicity of the homeless at admission population from the program overall, and the population of referral-based rental homeless at admissions population, to the homeless population of Santa Cruz County. Overall, Hispanic and Latinx homeless households are proportionately represented in the HCV/PBV programs overall, as well as in referral based homeless programs. However, African American homeless households are under-represented among homeless households in the HCV/PBV program (5.5% in the program overall, and 3.7% of all referral based homeless programs) compared to 11.7% of homeless individuals in Santa Cruz County.

Table 1.13 - Race and Ethnicity of Select Homeless at Admission Populations and the Santa Cruz County Homeless Population

Race & Ethnicity	EHV	DMV	VASH	HMFC	S+C	SC County
Not Hispanic or Latinx	42.2%	67.6%	77.3%	19.2%	80.4%	36.9%
Hispanic or Latinx	56.8%	32.4%	22.7%	80.8%	19.6%	63.1%
White (Including Hispanic / Latinx)	89.6%	92.2%	89.4%	84.6%	84.8%	74.0%
Black or African American	3.6%	2.0%	6.9%	5.8%	0.0%	11.7%
Asian	0.3%	0.0%	0.0%	0.0%	6.5%	1.0%
Native Hawaiian and Other Pacific Islander	0.7%	0.5%	1.0%	1.9%	4.3%	0.5%
American Indian and Alaska Native	1.7%	1.5%	1.0%	0.0%	2.2%	3.4%
Multiracial	1.7%	1.5%	1.0%	0.0%	2.2%	9.4%
Some Other Race	2.5%	2.5%	0.7%	7.7%	0.0%	N/A
n =	606	204	406	52	46	2,299

Source of Santa Cruz County data: 2022 Point-in-Time Count

Table 1.13 compares the race and ethnicity of the population of each individual homeless referral-based rental assistance program to the homeless population of Santa Cruz County. The relevant referral programs include the Emergency Housing Voucher (EHV) program, Disabled and Medically Vulnerable Homeless Persons (DMV) vouchers, Veterans Affairs Supportive Housing (VASH) program, Homeless Families with Minor Children (HFMC) vouchers, and the Shelter Plus Care (S+C) program.

When looking more closely at various homeless voucher programs, additional differences and disparities appear. Specifically, Hispanic and Latinx households comprise of 39% of the homeless population overall, but only 22.7% of the VASH program for homeless veterans and only 19.6% of the Shelter Plus Care Program



for chronically homeless disabled individuals. Conversely, Hispanic and Latinx households comprise the majority of participants in the Emergency Housing Voucher and Homeless Family with Minor Children voucher programs, at 56.5% and 80.8% respectively.

Black or African Americans are under-represented across all homeless voucher referral programs compared to the percentage of Black or African Americans in the County's homeless population, with the highest levels of representation in the VASH program (6.9%) and the Homeless Families with Minor Children program (5.8%). Other race categories and two or more race categories also show slight underrepresentation.

PART II - PROGRAM OUTCOMES

The Housing Authority of the County of Santa Cruz strives to ensure equitable outcomes for all populations served. This section of the report explores data on program outcomes to identify disparities so that we may develop strategies to eliminate these disparities. The program data below includes households in both the tenant based Housing Choice Voucher Program as well as the Project-Based Voucher Program.

Voucher Search Success Rates

When families receive a Housing Choice Voucher, they are required to find housing in the private rental market, with a housing provider who will accept a voucher. It is very challenging for households at any income level to find rental housing in Santa Cruz County, but even more so for households with a voucher, as some housing providers may be reluctant to participate in the program. Families are given a search time of at least 180 days, with one courtesy extension of an additional 90 days. Households with a disability often receive further search time extensions as a reasonable accommodation. The data below summarizes voucher success rates, as measured by the percentage of households receiving a voucher that successfully find a unit, move in, and begin receiving rental assistance through the voucher program.

Figure 2.1 - Overall Voucher Success Rate, 2019 - 2022

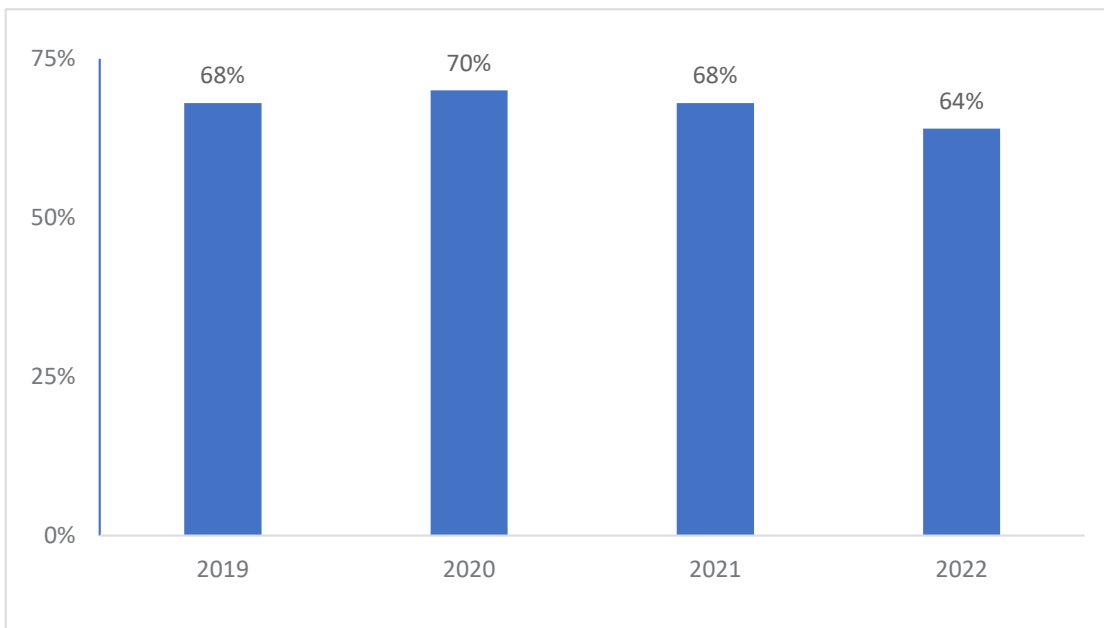


Figure 2.1 shows that voucher success rates have been relatively stable in recent years, with the highest success rate in 2020 during year one of the COVID-19 pandemic. HA staff heard anecdotally during the early stages of the pandemic that landlords were more receptive to voucher tenants, as the landlord would continue to receive full rent payments even if the tenant had a decrease in income. During this time, voucher landlords were



somewhat insulated from the financial impacts of the pandemic, compared to non-voucher landlords who had tenants that could not afford to pay rent during this time. It is important to note that the data for 2022 is not final yet, and will continue to increase, as many vouchers issued at the end of CY 2022 are still active and searching at the time of this report. While no current national or statewide data on voucher success rate is available, HUD recently published a study of voucher success rates, and found a national average voucher success rate of 61% for CY 2021. While HA staff strive to continue to increase voucher success rates, it is noteworthy to achieve success rates higher than the national average in one of the most expensive and competitive rental markets in the nation.

Figure 2.2 - Voucher Success Rate by Race and Ethnicity, 2019 - 2022

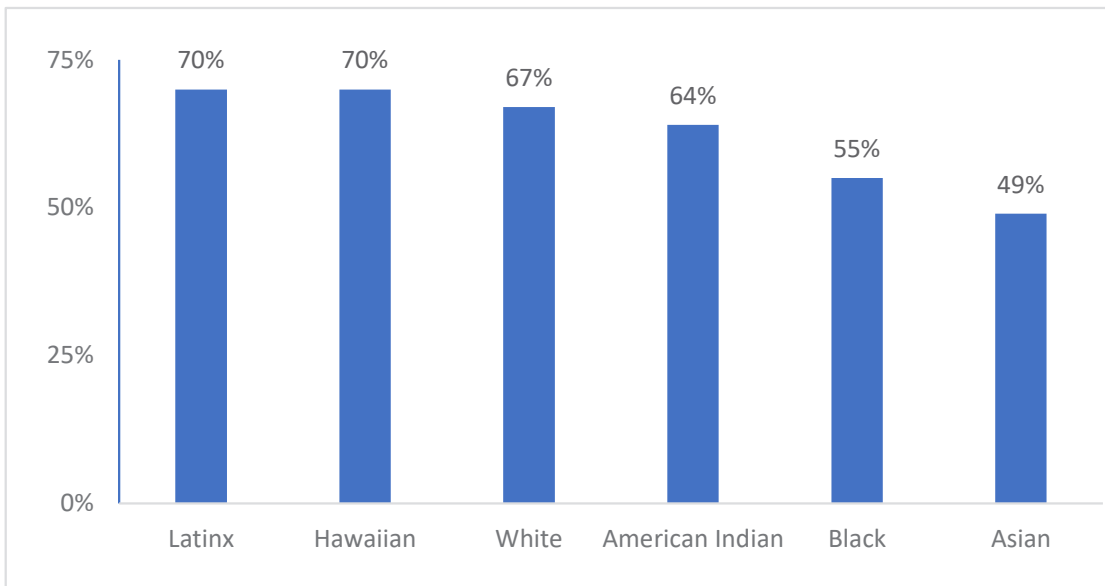


Figure 2.3 - Voucher Success Rate by Race and Ethnicity, for Applicants Who Live and/or Work in Santa Cruz County, 2019 - 2022

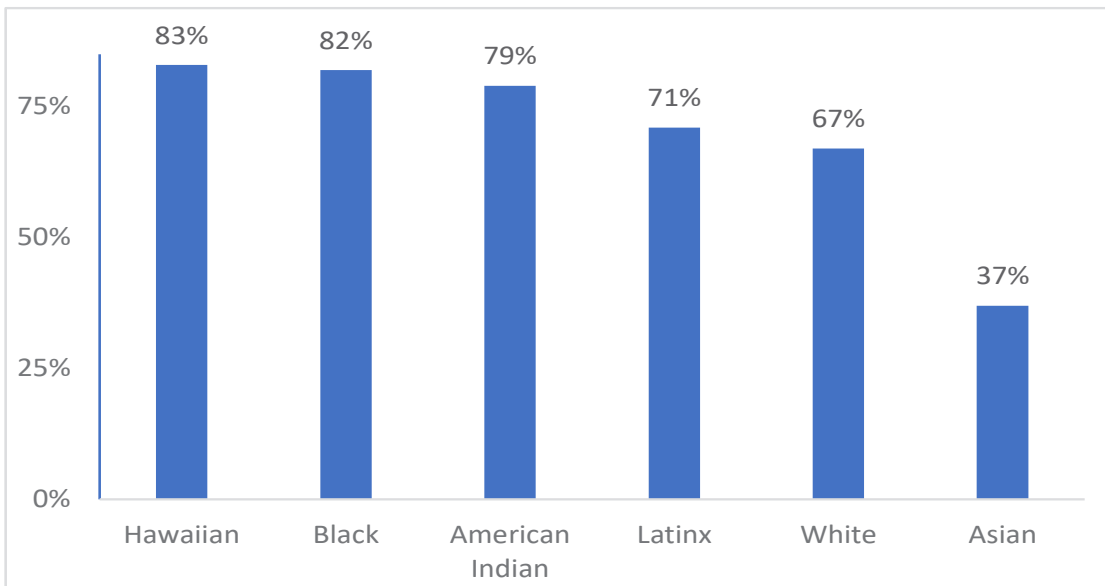




Figure 2.2 shows the overall success rate by race and ethnicity while Figure 2.3 represents the overall success rate by race and ethnicity for applicants who live and/or work in Santa Cruz County. Success rates for Black and Asian applicants are lower than for other groups in general. However, much of this difference may be related to whether the applicants are local applicants that live or work in Santa Cruz County, as opposed to out-of-county applicants. Historically, out-of-county applicants have had much lower success rates and are less likely to secure housing in Santa Cruz County with a voucher. When calculating success rate specifically for local applicants who live or work in Santa Cruz County, the results are different, with Black applicants having nearly the highest success rates at 82%. However, success rates of Asian applicants remain lower than other groups.

Figure 2.4 - Voucher Success Rate for Select Populations, 2019 - 2022

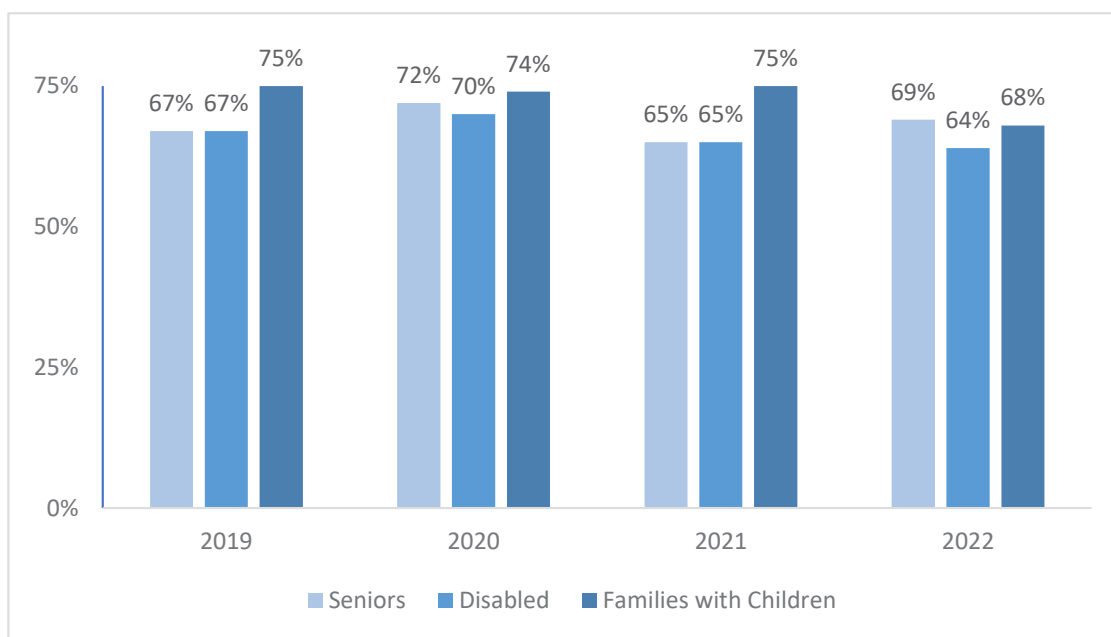


Figure 2.5 - Voucher Success Rate by Homelessness Status and by Select Homeless Program, 2019 - 2021

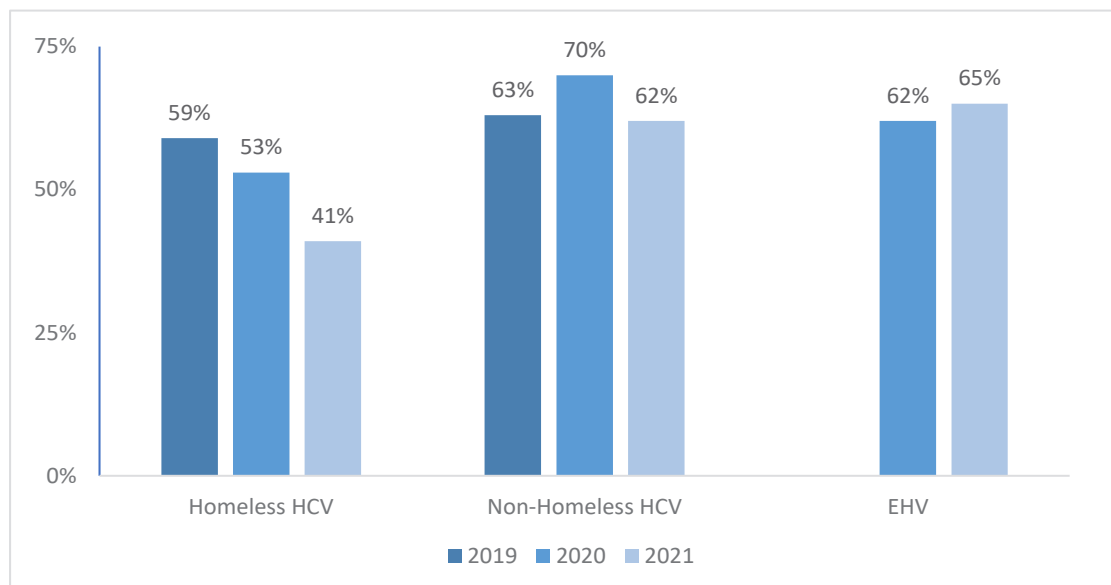




Figure 2.4 highlights voucher success rates for seniors, disabled households, and families with minor children. Households with minor children have success rates consistently higher than other groups and higher than program averages. The success rates for seniors and persons with disabilities have remained relatively stable, with the best success rates in 2020. For the most recent year available, senior success rates have seen an uptick while success rates for persons with disabilities are down from previous years but match the overall agency success rate.

Figure 2.5 indicates that Housing Choice Voucher (HCV) applicants who are homeless have lower success rates than HCV applicants who are not homeless. However, homeless voucher applicants with an Emergency Housing Voucher had higher success rates than homeless HCV applicants, likely as a result of case management, housing navigation, and landlord incentives. For 2021, the success rate for EHV voucher applicants (65%) was higher than for non-homeless voucher families in the regular HCV program (62%).

Access to High-Opportunity Areas and Low Poverty Neighborhoods

Housing Authority staff collected geographic information system data from the County of Santa Cruz to examine disaggregated data on the access that program participants have to high-opportunity areas and low-poverty neighborhoods. A high-opportunity area is a community that has strong access to essential resources, such as jobs, well-performing schools, transportation, quality housing options, and common neighborhood amenities such as grocery stores. Low-poverty neighborhoods and high-opportunity areas often overlap.

Overall, approximately 25% of HA households live in high opportunity areas, while approximately 50% live in low resource areas. However, there are significant differences between groups. For example, only 15% of Latinx households live in high opportunity areas, compared to 38% of non-Latinx households. Similarly, only 14% of large households of 5+ persons lived in high opportunity areas compared to over 31% of single person households. By contrast, the percentage of senior and disabled households in high opportunity areas (31%) was above the program average of 26%, and the percentage of formerly homeless households in high opportunity areas (24%) was roughly comparable to the program average.

There were fewer significant differences with regards to living in high or low poverty areas. Overall, most HA households (75%) lived in low poverty areas with less than a 20% poverty rate, while 25% of HA households live in high poverty areas. Most of the race / ethnicity differences appear to be resulting from small sample sizes. However, households with incomes at the higher end of the income eligible spectrum are most likely to live in the lowest poverty areas, while formerly homeless households are most likely to live in the highest poverty areas.

PART II - PROGRAM OUTCOMES



Figure 2.6 - Housing Authority Assisted Households by Opportunity Area and Poverty Level, 2022

	Opportunity		Poverty			
	High+Highest	Low Resource	Up to 10%	11 - 20%	21 - 30%	31 - 40%
All HCV	25.63%	51.56%	35.00%	40.10%	13.86%	11.04%
Senior HHs	30.66%	43.43%	36.08%	37.39%	13.95%	12.58%
Disabled HHs	30.79%	36.77%	33.26%	42.14%	11.94%	12.66%
Homeless at admission	23.57%	39.55%	29.52%	43.48%	9.31%	17.69%
Minor children	18.39%	69.23%	36.44%	39.77%	15.64%	8.15%
1 person HH	31.16%	34.63%	32.66%	42.09%	10.56%	14.69%
2 person HH	27.76%	53.77%	35.67%	39.59%	16.80%	7.94%
3 person HH	20.41%	64.43%	36.94%	37.58%	15.29%	10.19%
4 person HH	16.06%	75.20%	36.38%	39.23%	17.28%	7.11%
5+ person HH	13.70%	80.57%	40.00%	36.53%	17.14%	6.33%
ELI	26.11%	49.42%	34.37%	40.74%	13.49%	11.40%
VLI	23.62%	61.73%	37.01%	37.64%	16.06%	9.29%
LI	22.09%	63.19%	42.33%	34.36%	14.11%	9.20%
Race (all)	25.63%	51.56%	35.00%	40.10%	13.86%	11.04%
White	25.11%	53.18%	35.51%	39.67%	13.96%	10.87%
American Indian	36.67%	31.67%	38.33%	40.00%	10.00%	11.67%
Asian	43.14%	23.53%	23.53%	47.06%	11.76%	17.65%
Black	27.67%	25.79%	23.90%	45.91%	16.98%	13.21%
Pacific Islander	40.00%	46.67%	46.67%	40.00%	0.00%	13.33%
Multiple	33.33%	40.74%	25.93%	62.96%	0.00%	11.11%
Ethnicity (all)	25.63%	51.56%	35.00%	40.10%	13.86%	11.04%
Hispanic or Latino	14.74%	74.60%	34.36%	38.23%	17.97%	9.44%
Not Hispanic or Latino	38.32%	24.75%	35.75%	42.27%	9.09%	12.90%

Green values are more than 5% different from overall HCV in a positive direction. Orange values are more than 5% different from overall HCV in a negative direction.



Figure 2.7 - Housing Authority Assisted Households by Opportunity Area, 2022

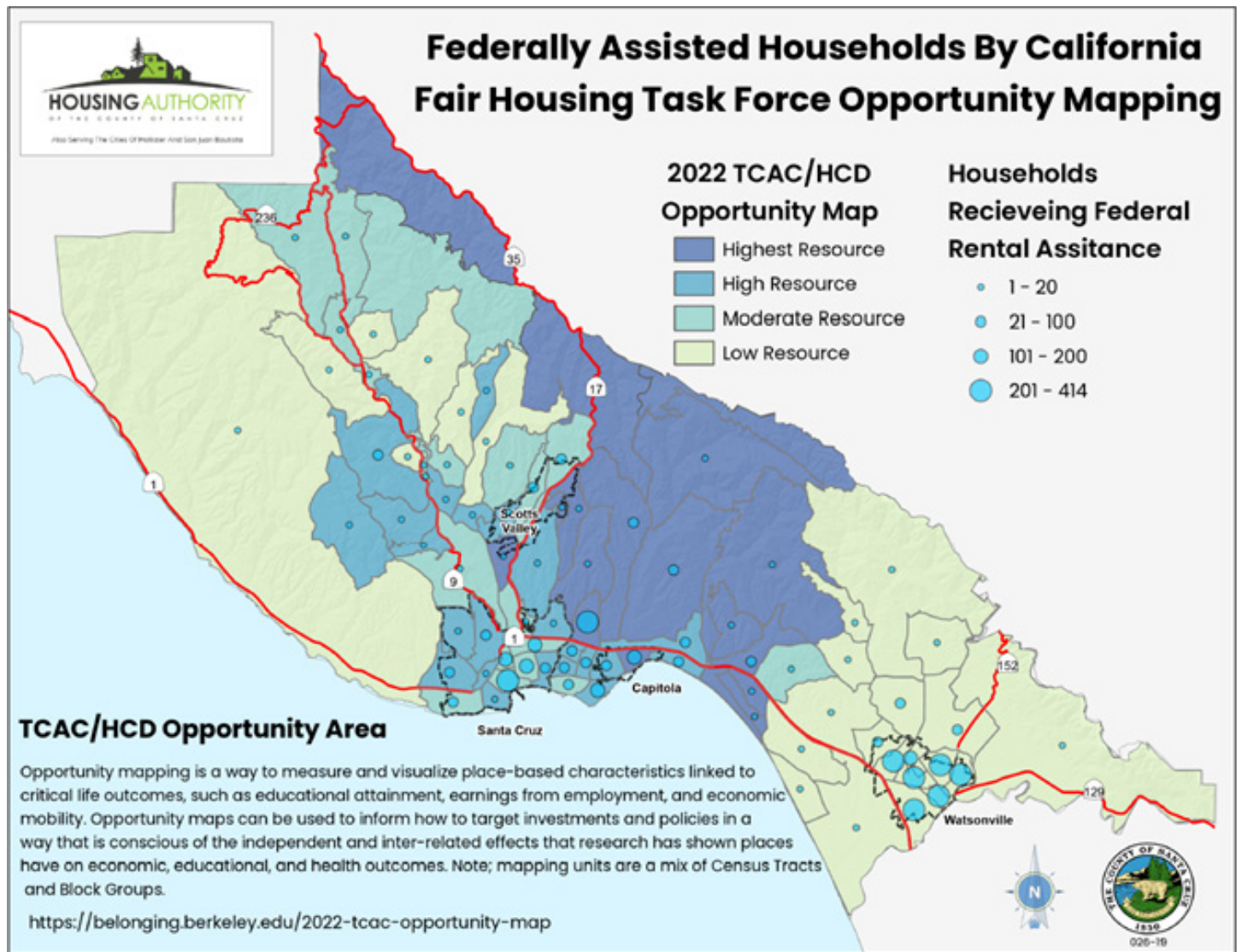
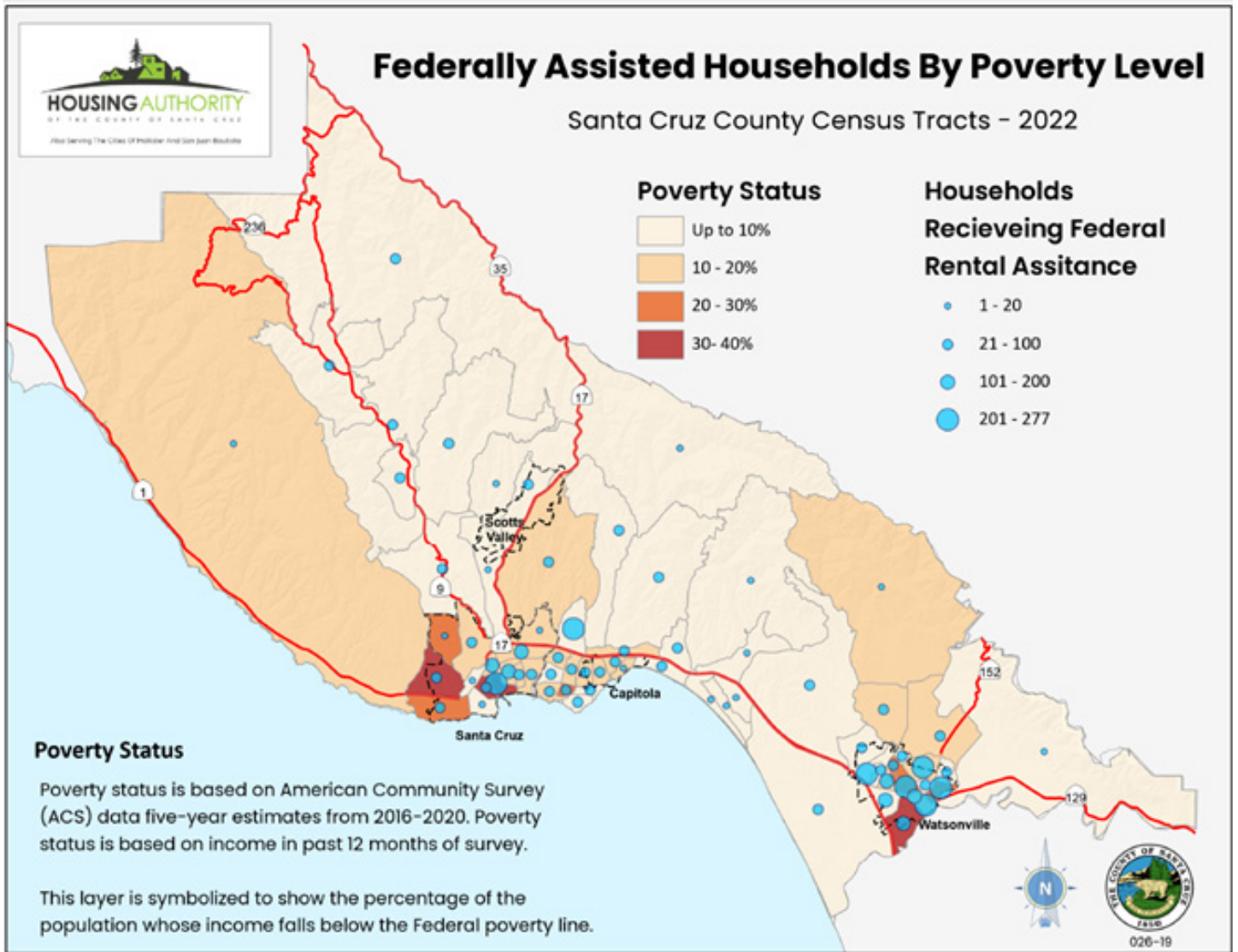




Figure 2.8 - Housing Authority Assisted Households by Opportunity Area, 2022





Length of Program Participation

The length of program participation is a metric that could be interpreted in several ways. Positively, receiving rental assistance for many years reflects that the household is stably housed with an affordable rent. Inversely, a long period of participation may mean that the household has limited upward social mobility as they have remained income-eligible for a long period of time.

Table 2.1 - Length of Participation on Select Housing Authority Programs

Years of Participation	Number of Households	Percent of Households
0 to 5 years	2424	43.3%
6 to 10 years	776	13.9%
11 to 15 years	767	13.7%
16 to 20 years	748	13.4%
21 to 24 years	479	8.6%
25 or more years	401	7.2%

Median = 8 years

Table 2.2 - Median Years of Participation for Households on Select Housing Authority Programs by Various Household Characteristics

	Median Years of Participation	n
Senior Status		
Senior	11	2,011
Not a Senior	7	3,584
Disability Status		
Disabled	9	2,223
Not Disabled	7	3,372
Language Preference		
Spanish	14	1,212
A Language Other than Spanish	7	4,383
Elderly and Disabled Households		
Elderly, Disabled, or Elderly and Disabled	10	3,065
Not Elderly and Not Disabled	7	2,530

The data from Table 2.1 and Table 2.2 indicate various lengths of participation. The largest group of households (43%) have participated in the program for less than five years, and relatively few households (16%) have participated in the program for 20 years or longer. Seniors, disabled persons, and monolingual Spanish speakers have a longer median program participation than the overall median of eight years.



“Graduating” from the Voucher Program (Zero HAP)

When a program participant’s income increases to the point that their 30% contribution towards rent covers the entire contract rent, the rent rate is considered affordable to the household and the Housing Authority stops issuing housing assistance payments to the owner. This situation is known as zero housing assistance payment (“Zero HAP”). Under regulations of the HCV program, the Housing Assistance Payments Contract terminates automatically after 180 days of Zero HAP. Generally, the participant is also terminated from the program to free the voucher for another household on the waiting list. During the 180 days of Zero HAP, if their income decreases or the rent rate increases and the unit is no longer affordable, the assistance will continue. This six-month grace period provides households some time to stabilize their living situation. This outcome can be used as a proxy-measure for the number of participants that achieved upward social mobility and no longer require rental assistance.

This section provides information about Zero HAP outcomes. From January 2019 through March 2023, forty households maintained a zero HAP position for at least 180 days and graduated from the program. Given the small sample sizes compared to the total number of families in the voucher program, a rate of Zero HAP (“Rate Zero HAP”) outcomes has been calculated by taking the number of Zero HAP (“# Zero HAP”) outcomes, as divided by the total number of households (“# HHs) in each group.

Table 2.3 exhibits that the rate of Hispanic and Latinx households “graduating” is 1.0%, larger than non-Hispanic and Latinx households, at 0.4%. Seniors graduated from the program at the same rate as non-Seniors: 0.7%. Disabled households had a graduation rate of 0.3%, which is less than the 1.0% of not disabled households. Households that were homeless at admission graduate from the program at 0.4%, which is half the rate of those who were not homeless at admission (0.8%).



Table 2.3 - Number and Rate of Zero HAP Outcomes of Households in Select Housing Authority Programs by Various Household Characteristics

	# Zero HAP	Rate Zero HAP	# HHs
Ethnicity			
Not Hispanic or Latinx	9	0.4%	2,519
Hispanic or Latinx of Any Race	31	1.0%	3,076
Senior Status			
Senior	14	0.7%	2,011
Not a Senior	26	0.7%	3,584
Disability Status			
Disabled	7	0.3%	2,223
Not Disabled	33	1.0%	3,372
Gender			
Female	25	0.6%	3,920
Male	15	0.9%	1,675
Elderly and Disabled Households			
Homeless at Admission	4	0.4%	1,111
Not Homeless at Admission	36	0.8%	4,484

PART III - RECOMMENDATIONS

1

Begin working on 2025 Agency 5-Year Plan by establishing a set of Agency Core Values and updating Agency Mission Statement to include equity.

2

Establish an understanding of equity and inclusion principles.

- Annual Diversity, Equity, and Inclusion (DEI) training for staff, with alternating topics including but not limited to:
 - Overview of diversity, equity, and inclusion in the workplace
 - Implicit bias
 - Gender identity and use of pronouns
 - Microaggressions

3

Engage affected populations and stakeholders.

- Work toward increasing diversity and representation at the management and supervisory level.
 - Provide opportunities for staff education, training, professional and career development to promote economic empowerment and to add diversity and representation at the supervisory and management level.
 - Receive consultation on best practices related to wording of job descriptions, employee outreach, and recruitment to receive a more diverse set of candidates for open management and supervisory positions.
- Conduct resident survey of assisted households to receive feedback on challenges, barriers, and other equity issues. The survey will include questions about what equity related challenges households have experienced and any solutions they may have to promote equity in our programs.
- Increase engagement with key partner agencies work most closely with the populations we serve and/or under-represented groups, including but not limited to Community Action Board, Community Bridges, Senior Legal Services, CRLA, National Association for the Advancement of Colored People, and other partner agencies to share information from the Equity Report Card, to receive additional feedback related to improving equity and to strengthen our partnerships.



4 Update Equity Report Card and Action Plan annually.

- Address existing disparities in representation and outcomes including development of strategies to achieve the following equity goals
 - Increase the number and percentage of seniors on Housing Authority programs and waiting lists.
 - Increase voucher success rate of Asian families, and percentage of Asian families in Housing Authority programs and waiting lists.
 - Increase the number of homeless Black or African American households in homeless voucher programs.
 - Increase the percentage of Hispanic and Latinx households that are living in high-opportunity areas.

5 Conduct systems analysis of root causes of inequity, identify strategies to address inequities, conduct equity impact analysis in policy development, and continue a cycle of data collection, evaluation, and strategy development.

- Expanded DEI training for supervisors, analysts, and management on topics including:
 - Understanding systemic racism and operationalizing equity
 - Annie E. Casey Foundation Results Count - Equitable Results Sequence
 - Race Forward Rquity Impact Analysis
 - Trauma-Informed Program Management

Housing Authority of the County of Santa Cruz
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MEETING DATE: June 21, 2023

ITEM NUMBER: 6C

FROM: Executive Director

SUBJECT: Housing Authority Annual Agency Goals

RECOMMENDATION: Establish Annual Housing Authority Agency Goals for 23/34 FY

BACKGROUND SUMMARY:

Each year, the Housing Authority Board of Commissioners establishes Annual Agency Goals. A final report on FY 22/23 goals will be provided to the Board at the August meeting. Below are proposed Housing Authority Agency Goals for the upcoming 2023/2024 fiscal year.

Proposed Housing Authority Agency Goals for 2023/2024 Fiscal Year

1. Expand Housing Choice Voucher Program:
 - a. Achieve/Maintain voucher utilization rates of at least 97% for HCV program group
 - b. Issue or commit 100% of all new Stability Vouchers (41 vouchers)
 - c. Increase total number of households assisted in HCV program group by at least 150 households
 - d. Increase number of landlords participating in the HCV program by 40

2. Expand Affordable Housing Supply:
 - a. Project Based Vouchers approved for at least 75 additional units, with a priority for, and at least 50% of these units available to, top HCV applicants.
 - b. Construction of 415 Natural Bridges Drive, with an estimated completion in Fall 2024.
 - c. Pursue opportunities to engage in real estate activities which include the acquisition, development, disposition, and financing of affordable housing, consistent with strategies approved by the Board of Commissioners.

3. Expand Programs and Services:
 - a. Implement New Horizons Programs and Services Year Two Activities
 - b. Develop and implement MTW Asset Building Program

4. Improve Agency and Program Management:

- a. Implement the MTW alternative re-examination waiver and maintain timely re-examination rate of at least 98%
- b. Implement (soft) launch of web-based waiting list portal
- c. Complete recommendations identified in Equity Report Card and Action Plan

Once Annual Agency Goals are established by the Board, the Housing Authority staff shall provide updates on progress towards these goals on a quarterly basis through reports included in the consent agenda. The target date for completion of all goals will be 6/30/24 unless otherwise stated.

RECOMMENDATION: Establish Annual Agency Goals for Housing Authority

AGENDA ITEM SUMMARY

MEETING DATE: June 21, 2023

ITEM NUMBER: 8

FROM: Exec. Director; Deputy Exec. Director

SUBJECT: Director's Report – June 21, 2023

RECOMMENDATION: Receive Report

BACKGROUND SUMMARY:

Please call or e-mail me with questions you might have on any of the Agenda Items for the June 21, 2023 meeting. My phone number is (831) 454-5931 and my email address is jennyp@hacosantacruz.org.

Natural Bridges Update – On Tuesday May 30, New Horizons held the groundbreaking celebration event for Natural Bridges which included remarks by Congressman Jimmy Panetta, Mayor Fred Keeley and Board Chair Andy Schiffrin. Below are two Golden Shovel photos, including one photo of individuals who spoke at the event, and one photo exclusively comprised of current and former Housing Authority Board members.





Bogard Construction started site preparation work which includes completing the pad for the building. The retaining wall is scheduled to be removed in early July to accommodate for the lot line adjustment. The building foundation is scheduled to be completed in August, which will be preceded by framing, and the roof is scheduled to be in place by the end of October. Construction is scheduled to be completed in July 2024.

Appropriations and HUD Budget Update – The Senate and House of Representatives recently reached a deal which was approved by the President in time to avoid reaching the debt ceiling. However, the debt ceiling deal did include required spending cuts that will impact funding for housing programs. The “Fiscal Responsibility Act of 2023” sets spending caps for FY 2024 and FY 2025 and makes unenforceable recommendations on limits through 2029. The spending cap for FY 2024 essentially freezes current spending levels, with spending increasing by only 1% in FY 2025. The legislation includes an automatic 1% across the board spending cut if lawmakers fail to pass all 12 appropriations bills in FY 2024 and FY 2025. This cut goes into effect on January 1, 2025 and January 1, 2026 if a continuing resolution is in place on those dates. Either scenario is likely to present significant challenges to the HUD budget. Recent estimates suggest that HUD may need an additional \$13 billion in funding just to maintain current service levels. Authority staff will continue to update the Board as the appropriations process continues.

Fair Market Rent Study – The Housing Authority, in partnership with Applied Survey Research, has recently completed and submitted an update Fair Market Rent (FMR) study to HUD. The data we provided to HUD will be used to establish FMRs for our jurisdiction. The new FMRs are expected to be issued in August with an effective date of October 1, 2023. FMRs are used to establish maximum subsidy level in the Housing Choice Voucher Program, as well as for determining the inflation funding adjustment applied to our baseline spending to determine renewal funding. Staff will inform the board when new FMRs are

released. Based on the data submitted to HUD, staff anticipate that our FMRs and our funding may increase by over 10% in the coming federal fiscal year.

Moving To Work (MTW) Set Aside Funding – The Authority has submitted a set-aside funding application to HUD for a funding adjustment which, if approved, would allow for the expanded use of CY2022 HAP reserves for the MTW-eligible affordable housing development activity at Natural Bridges. This use of funding is consistent with the MTW Supplement approved by the Board in March.