

**BURLINGTON  
HOUSING  
AUTHORITY  
PERSONNEL  
POLICIES**

**APPROVED BY THE BOARD OF COMMISSIONERS : OCTOBER 4, 2018**

## **I. INTRODUCTION & APPLICATION OF PERSONNEL POLICIES**

This Personnel Policies manual has been adopted by the Burlington Housing Authority (“Authority”) Board of Commissioners. It is intended to govern the employment of all employees, and where applicable, set the standards for Board members of the Authority. These policies may be amended from time to time by majority vote of the Board of Commissioner, or as a result of changes in relevant laws and regulations.

These policies shall apply to all Authority employees. To the extent that the terms of a collective bargaining agreement differ from these policies, the collective bargaining agreement shall govern.

These policies are not intended to serve as a contract of employment or a guarantee of continued employment for any employee.

The Burlington Housing Authority’s primary mission is to provide decent, safe, and sanitary housing opportunities, thereby improving the quality of life for those of low income including families, those with disabilities and elders. This primary mission requires the coordinated efforts of the BHA staff under the direction of the Executive Director to use the Authority’s finite resources in a manner that promotes economy of operation and efficiency in the discharge of its public function. In support of its primary mission, stable and consistent performance of all job duties is expected for the benefit of the Authority clients, all employees and vendors.

## **II. ABOUT THE AUTHORITY**

The Authority is a public body, politic and corporate, organized and existing pursuant to Massachusetts General Laws, Chapter 121B, Section 3. It is governed by a Board of Commissioners (Board), who serves as the policy making body for the Authority. The day-to-day activities of the Authority are administered by an Executive Director, and Authority staff under the general supervision of the Executive Director.

### **A. EXECUTIVE DIRECTOR**

The Executive Director has general supervision over the administration of the Authority’s business and affairs, subject to the direction of the Board of Commissioners, and in compliance with the rules and requirements of the Massachusetts Department of Housing and Community Development (DHCD), and, as applicable, the United States Department of Housing and Urban Development (HUD), and in accordance with all applicable state, federal and local laws. The Executive Director serves as the Authority’s chief administrative and financial officer, and, as noted above, is responsible for the management of the day-to-day activities and affairs of the Authority. The Executive Director implements the policy directives of the Board, assumes the overall leadership role in guiding programmatic, fiscal, personnel, and public relations activities.

Authority to appoint, promote, transfer, demote and separate personnel is vested in the Executive Director. All such actions are subject to Board review.

The Executive Director shall administer the Authority's personnel policies and may prescribe procedures and forms necessary for such administration. Each employee shall be provided with a copy of the Authority's personnel policies and other Authority employment-related policies. At any time that the personnel policies are amended or new provisions adopted, the Executive Director shall provide each employee with a copy of such change. Employees shall be required to give written acknowledgement of receipt of policies and amendments provided. These written acknowledgment forms shall become part of the employee's personnel record.

## **B. BOARD OF COMMISSIONERS**

The Board of Commissioners are responsible for general oversight of the Authority and ensuring that all financial and legal obligations of the Authority are met. The Board sets policy for the Authority. The Board appoints the Executive Director.

## **III. GOVERNING PRINCIPLES**

The Authority adheres to certain governing principles, which are more fully explained throughout these policies. In summary, the Authority is guided by the following basic principles:

**Merit:** Employees are hired based upon qualifications and fitness for employment with the Authority. The Authority strives to fill each position with the most competent person available, and places employees where their talents and abilities can be most effectively used and developed, insofar as Authority needs, requirements and job opportunities permit. The employment of personnel and all actions effecting employees shall be based upon merit, ability, and experience.

**Non-Discrimination/Affirmative Action:** The Authority is an equal employment opportunity (EEO) employer, committed to hiring employees based upon merit, ability, and experience, as well as to eliminating discriminatory barriers to employment based on race, color, sex, religion, national origin, ancestry, disability, age, sexual orientation, gender identity, pregnancy or pregnancy-related conditions, or veteran status, or any other category protected by the state and federal anti-discrimination laws. Employees or applicants for employment shall not be discriminated against based upon their membership in a protected class. The Authority shall make reasonable accommodations to qualified employees or applicants for employment with disabilities. The Authority shall take steps to recruit, hire and promote minorities, women, individuals with disabilities, and veterans of the Vietnam era while assuring adherence to non-discriminatory practices.

The Authority has designated an AA/EEO Officer to encourage achievement of AA/EEO goals. The AA/EEO Officer is the Executive Director. Annually, the Authority will review affirmative action results and reaffirm its commitment to affirmative action principles.

For more information, see the Authority's Anti-Discrimination and Equal Employment Opportunity (EEO) Policy, below, and the Authority's Affirmative Action Plan, available at 15 Birchcrest Street; Burlington, MA 01803.

**Nepotism:** A corollary to the Authority's commitment to merit hiring and nondiscrimination, nepotism is generally prohibited. DHCD regulations prohibit the hiring of the immediate family members of Authority administrative or supervisory employees, or of Board members. For more information, see "Recruitment and Selectmen of Employees, Ineligibility for Employment", below.

**Politics:** All employees and members of the Board of Commissioners are subject to the provisions of Section 12 (a) of the Hatch Act, the U. S. Department of Housing and Urban Development's (HUD's) Public Housing Authority Ethics Reference Manual, the Massachusetts Conflict of Interest Law (Massachusetts General Laws Chapter 268A), and any applicable regulations promulgated by the Massachusetts State Ethics Commission. While Authority personnel have the right to support political candidates and voice their personal political opinions, such activities should always occur on the employee's personal time without the use of any title, uniform or other indicia of office or employment with Authority.

For more information about the application of the Hatch Act, please refer to the U.S. Office of Special Counsel (<https://osc.gov/pages/hatchact.aspx>). For more information about the application of the Massachusetts Conflict of Interest Law to political activity, please refer to the State Ethics Commission ([www.mass.gov/ethics](http://www.mass.gov/ethics); <http://www.mass.gov/ethics/notice-public-employee-political-activity-advisory.html>; and <http://www.mass.gov/ethics/education-and-training-resources/educational-materials/advisories/advisory-11-1.html>).

## **IV. RECRUITMENT AND SELECTION OF EMPLOYEES**

### **A. INELIGIBILITY FOR EMPLOYMENT**

No member of the immediate family of a member of the Authority's Board of Commissioners, or of an administrative or supervisory employee, shall be eligible for employment with the Authority absent the prior written approval of DHCD. For purposes of this section, "immediate family" is defined as a person, his or her spouse and their parents, grandparents, children, grandchildren, brothers, and sisters, including in-laws. An "administrative or supervisory employee" is defined as including the executive director, assistant executive director, general counsel, maintenance supervisor, department head, tenant selector, project manager, and any other Authority employee

who has supervisory authority over others or who has administrative responsibility for projects, programs or departments, such as tenant selection.

## **B. RESIDENCY**

Residency within the city or town in which the Authority is located is prohibited as a prerequisite for employment except a residency requirement is permitted in the case of 24 hour on-call maintenance personnel.

## **C. ADVERTISEMENTS**

Advertisements for job vacancies shall be made in accordance with the Authority's Affirmative Action Plan, collective bargaining agreements where applicable, and/or the Authority's Internal Promotion Policy, where applicable.

## **D. TENANCY PREFERENCE/MINORITY HIRING GOALS**

In accordance with state regulations and the Authority's Affirmative Action Plan, if the Authority has not met its affirmative action hiring goals, where candidates for a job vacancy are deemed to be equally qualified, preference shall be given to the candidate that is a resident of the Authority.

## **E. PRE-EMPLOYMENT SCREENING**

Each applicant must meet the minimum qualifications for the position as set forth in the Authority's job description and in the advertisement for the position.

Once a preliminary employment decision has been made, but before a final offer of employment is made, certain additional pre-employment screening occurs. That pre-employment screening includes:

1. Verification of personal/professional references and other relevant educational and employment history;
2. Verification of any necessary licenses and certifications;
3. Confirmation of valid driver's license (for positions requiring a driver's license) and satisfactory driving history as checking through Registry of Motor Vehicles records; and
4. CORI checks: Criminal Offender Record Information (CORI) checks are required prior to hire. Persons whose criminal background check discloses dispositions of criminal matters reflecting the potential employee's dishonesty, untrustworthiness, unreliability or unsuitability to perform the duties of the position, or reflecting activity, which if repeated by an employee, would endanger the safety or security of tenants,

household members, employees, or guests or the security of their property or the property of the Authority, may not be hired. Candidates are required to sign a CORI Acknowledgement Form, authorizing the Authority to conduct the CORI check. Candidates who refuse or fail to sign a CORI Acknowledgement Form will not be considered for employment.

All persons hired for employment with the Authority are required to present documents showing proof of identity and eligibility to work in the United States, in accordance with federal law.

## **V. EMPLOYEE CLASSIFICATIONS/HOURS OF WORK**

### **A. FULL-TIME**

Full-time with the Authority is defined 37.50 hours per week for administrative staff, and 40.00 hours per week for maintenance staff.

Full-time employees are eligible for benefits provided by the Authority, subject to any requirements or limitations provided by law, and governed by applicable regulations.

### **B. PART-TIME**

Part-time employment with the Authority is defined as less than 37.50 hours per week for administrative staff and less than 40 hours per week for maintenance staff.

Part-time employees are eligible for paid vacation and sick on a pro-rata basis according to the number of hours that are worked. Part time employees are not entitled to holiday pay.

### **C. TEMPORARY AND SEASONAL**

Temporary employment is defined as employment not lasting more than three consecutive months in duration. Seasonal employment is defined as employment not lasting more than twenty weeks in a calendar year, and certified as seasonal employment in accordance with regulations of the state Department of Unemployment Assistance. Temporary or seasonal employees are not entitled to benefits as provided under these policies.

## **D. PROBATIONARY PERIOD**

All new employees, and newly promoted employees, shall be subject to a 6 month probationary period in the new position/promotion. The probationary period is calculated based upon actual time worked, and does not include absences of any type, such as absences due to illness or injury, where such absences are in excess of 5 consecutive work days.

At or near the conclusion of an employee's probationary period, the Executive Director, in consult with the employee's supervisor(s)/Department Head, as appropriate, shall make a determination as to whether the employee has satisfactorily performed his/her duties during the probationary period. An employee shall be notified in writing if he/she has successfully completed the probationary period, and that his/her employment has become permanent. Employees who do not successfully complete the probationary period shall be terminated, or, in the sole discretion of the Executive Director, shall have their probationary period extended.

Probationary employees may be terminated at any time during their probationary period or any extension thereof, without prior notice or without recourse.

## **E. OVERTIME/COMPENSATORY TIME POLICY**

Employees may not be compensated for overtime and comp time not approved in advance in accordance with this policy.

### **Overtime**

Overtime work shall be avoided as much as possible, but may be required by the Executive Director in the interest of efficient operation. All overtime must be approved in advance by the Executive Director or his/her designee.

Unless otherwise required by law or collective bargaining agreement, non-exempt employees under the Fair Labor Standards Act shall be paid overtime at a rate of 1 and ½ times the employees' hourly rate, for all hours worked in excess of 40 hours in one work week. In determining the total number of hours worked, time off (such as vacation, sick and personal days, and other leaves including leaves of absence), is not counted as time worked and thus does not count toward meeting that threshold 40 hours per work week requirement.

### **Compensatory ("comp") time**

Accrual of compensatory ("comp") time is subject to the following limitations. All comp time must be approved in advance by the Executive Director or his/her designee.

Full-time employees who work more than their regular hours per week but less than 40 hours in a work week, will be allowed to accrue compensatory (“comp”) time at a rate of 1 hour of comp time for each hour worked in excess of the regular hours.

When deemed in the best interest of the Authority, non-exempt full-time employees who work over 40 hours in a work week may be provided with comp time in lieu of payment for overtime hours, subject to the employee’s agreement, at a rate of 1.5 hours of comp time for each hour worked in excess of 40 hours.

All comp time accrual should be used within 60 days of the date earned unless an extension is approved by the executive director. Comp time accrual is capped at 240 hours. Payment for accrued but unused comp time shall not be made except where required by law.

## **F. EMERGENCY OVERTIME/RECALL/ON-CALL HOURS**

Maintenance personnel is required to work mandatory/emergency overtime and be on-call as determined necessary by the executive director. Maintenance personnel will be required to be on call on a rotational basis. Maintenance staff shall receive a weekly compensation of \$50/week. Additionally, shall receive compensation equivalent to a minimum of one hour per call.

## **VI. GENERAL PAY INFORMATION**

Payroll for the previous week’s hours is paid via direct deposited every Thursday.

## **VII. PERFORMANCE EVALUATIONS**

It is the Policy of the Authority to conduct periodic annual performance evaluations of employees. A performance evaluation is the review and rating of all factors relevant to an employee’s effectiveness on the job. It involves observation, guidance, training and open communication between the employee and supervisor. For it to be of significant benefit to both the individual employee and the Authority, it should be a continuous process.

Evaluations shall become a part of the employee’s personnel record, and shall be considered in effective personnel actions, although they are not the only factors considered. An employee may submit a written response to or written comments about his/her performance evaluation, which will be included in the employee’s personnel file.



## **VIII. PERSONNEL RECORDS**

### **A. CONTENT**

Personnel files are maintained for all employees. Although not exhaustive, the following information and documentation comprise an employee's personnel record: the name, address, date of birth, job title and description; rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the employer in response to his advertisement by the employee; all employee performance evaluations, including but not limited to, employee evaluation documents; written warnings of substandard performance; lists of probationary periods; waivers signed by the employee; copies of dated termination notices; any other documents relating to disciplinary action regarding the employee.

All medical information shall be maintained in confidential separate files.

### **B. PLACEMENT OF NEGATIVE INFORMATION IN PERSONNEL FILE**

The Authority shall notify an employee within 10 days of the Authority placing in the employee's personnel record any information to the extent that the information is, has been used or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.

### **C. AMENDMENT OF PERSONNEL FILE**

Once inserted into an employee's personnel file, documents may only be removed or changed if there is a clear and compelling reason to do so. The employee must make such request, to the Executive Director. The Executive Director will make a determination as to whether or not the material in question should be removed from the employee's personnel file, or otherwise corrected or amended, in consultation with the Human Resources Director and/or employee's Department Head or supervisor, as applicable. If the Executive Director determines that the material will not be removed or corrected, the employee may submit a written statement explaining the employee's position which shall thereupon be contained therein and shall become a part of such employee's personnel record. The statement shall be included when said information is

transmitted to a third party as long as the original information is retained as part of the file.

## **D.LOCATION/ACCESS**

A centralized personnel file shall be kept for each employee in the Executive Director's Office. To ensure the uniformity and confidentiality of employee personnel files, the content of and access to files is limited and shall be controlled in accordance with this Policy. Persons authorized to access personnel files shall be limited to the Executive Director. Commissioners generally are not authorized to access Authority personnel files. The Board of Commissioners, as appointing authority of the Executive Director, may vote to designate one or more members to have access to the Executive Director's personnel file, as may be necessary to ensure the proper performance of the Executive Director.

Employees may request in writing an opportunity to review or receive a copy of his/her personnel file. Employees shall be provided with access within 5 business days of the Authority's receipt of such request. The review shall take place at the place of employment and during normal business hours. The Authority is not required to allow employee to access their personnel files on more than 2 separate occasions in a calendar year; provided, however, that employees are entitled to review their personnel file whenever they are notified of the placement of negative information in the personnel record.

## **IX. REFERENCES/EMPLOYMENT VERIFICATION**

All requests for references on present or past Authority employees should be referred to Executive Director or his/her designee, who shall record and file the date, name, address and telephone number of the individual and company/entity requesting the reference.

It is the Authority's policy to only provide the individual's dates of employment with the Authority, the most recent position title, and verification or non-verification of a salary amount, in response to a request for a reference or verification of employment for credit purposes.

Where a request for verification of employment and/or salary, for credit purposes, is made to the Authority, and additional information beyond that identified above is requested or required, the Authority will only provide that additional information upon written authorization from the employee.

## **X. LEAVES AND EMPLOYEE BENEFITS**

### **A. HOLIDAYS**

The following legal and recognized federal and state holidays\* with pay shall be observed:

New Year's Day (January 1)  
Martin Luther King's Birthday (Third Monday in January)  
President's Day (Third Monday in February)  
Patriot's Day (Third Monday in April)  
Memorial Day (Last Monday in May)  
Independence Day (July 4)  
Labor Day (First Monday in September)  
Columbus Day (Second Monday in October)  
Veteran's Day (November 11<sup>th</sup>)  
Thanksgiving Day (Customarily, the fourth Thursday in November)  
The day after Thanksgiving (Customarily the fourth Friday in November)  
Christmas Day (December 25)

\*Any holiday designated above that falls on a Saturday will be observed by Authority on the immediately preceding Friday; any such holiday that falls on a Sunday will be observed by the Authority on the Monday immediately following.

The Board of Commissioners may approve other institutional holidays in the best interests of the Authority, in its sole discretion.

### **B. VACATION**

The Vacation year should be for the period January 1 – December 31 inclusive. Vacation leave credit will begin at once for persons starting work on the first working day of a calendar month, otherwise on the first day of the following calendar month in accordance with the following schedule.

0 year of service and up to 5 years of service: 2 weeks earned

5 years of service and up to 10 years of service: 3 weeks earned

10 years of service and up 19 years of service: 4 weeks earned

20 years of service and continuing: 5 weeks earned

Although probationary employees earn vacation, they may not begin to use vacation until after 90 days of calendar employment.

Employees may carry over unused paid vacation leave and compensatory time into the next fiscal year of up to two weeks or the equivalent of up to one week's pro-rata leave. The executive director can at their sole discretion approve the carry over of additional unused paid vacation and compensatory time under special circumstance with written approval.

The Executive Director will earn vacation time as indicated in their contract, but in no event will that amount be less than 3 weeks.

## **C. SICK LEAVE**

### **i. BENEFIT**

Full-time employees earn paid sick leave at a rate of 1.25 days per month. Part-time employees earn sick leave at a pro-rated rate in accordance with the number of hours worked, but in no event will that amount be less than 1 hour of sick leave earned for every 30 hours worked. Accrued but unused sick leave may be carried over from year to year, up to a maximum of 160 days.

#### **Purposes**

Employees begin earning sick leave immediately upon commencement of employment, but may not start using earned sick leave until after 90 calendar days of employment. Sick leave may be used for any of the following purposes:

1. Employee's own illness, injury or medical condition;
2. The illness, injury or medical condition of the employee's child, spouse, parent, or parent of a spouse;
3. To attend routine medical appointments for the employee, or the employee's child, spouse, parent, or parent of a spouse;
4. To address the psychological, physical or legal effects of domestic violence; and
5. To travel to any appointment, pharmacy, or other location related to the purpose for which the time was taken.

#### **Minimum usage**

Sick leave may be used for full or partial day absences. The smallest amount of sick time than an employee can take is 15 minutes.

### **Notification**

Except in an extreme emergency or in the case of last-minute onset of illness, injury or medical condition, an employee shall provide advance notification to his/her immediate supervisor of the need to use sick leave no later than one (1) hour prior to the start of the shift or work period.

### **Certifications from Health Care Providers**

An employee will be required to provide verification from a health care provider if requesting advance use of sick leave for the purpose of treating a specified illness, injury or medical condition. An employee absent for three (3) or more consecutive working days, will be required to provide verification of illness, injury or medical condition from a health care provider. In the case of lengthier absences (i.e., more than five consecutive work days), the employee may be required to provide periodic updates as to his/her status, including updated verifications from a health care provider as to the continued illness, injury or medical condition.

### **Other Certifications**

Where an employee absent from work due to the psychological, physical or legal effects of domestic violence, any of the following documentation is sufficient:

1. a restraining order or court document;
2. a police record documenting the abuse;
3. documentation that the perpetrator of the abuse was convicted of one or more of the offenses listed in Massachusetts General Laws Chapter 265 where the victim was a family or household member;
4. medical documentation of the abuse;
5. a statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abuse on the employee or the employee's family; or
6. a signed written statement from the employee attesting to the abuse.

### **Fitness for Duty Evaluations**

Where an employee has been absent due to personal illness, injury or medical condition, for more than 10 days, either consecutively or over a 1 month period, the Authority may require the employee to undergo a fitness for duty evaluation by an Authority-designated physician, at Authority expense. The Authority may, at its discretion, accept a fitness for duty certification from the employee's physician in lieu of examination by an Authority-designated physician.

### **Excessive Sick Leave Use/Abuse**

Sick leave is not considered vacation. While employees have the right to earn and use sick leave in accordance with state law and this policy, abuse of sick leave may result in denial of sick leave benefits and/or disciplinary action, up to and including termination of employment. Abuse of sick leave includes but is not limited to engaging in an activity that is not consistent with the allowable purposes for sick leave; or exhibiting a clear pattern of taking sick leave on days just before or after a holiday, weekend, or vacation without appropriate verification of authorized use. When appropriate, supervisors may counsel employees regarding the excessive use of sick leave.

## **ii. SICK LEAVE BUYBACK**

In general, an employee is not compensated for any accrued but unused sick leave, where that employee leaves the Authority's employ. An employee who has worked for the Authority for 1 year and who retires from the Authority, however, shall be paid for 25% of his/her total accrued but unused sick leave, at the employee's then-current rate of pay. For purposes of this benefit, "retire" means an employee who is considered a "retiree" for purposes of the Contributory Retirement System under G.L. c. 32.

## **iii. WORKERS COMPENSATION LEAVE**

Authority employees who are injured while at work may be eligible for workers compensation leave and benefits, in accordance with Massachusetts General Laws Chapter 152

Employees are able but not required to use accrued paid leave to supplement their workers compensation benefit.

## **D. PERSONAL LEAVE**

All full time permanent employees shall receive three (3) personal days per year, in addition to vacation and sick leave. A personal day is equivalent to the length of the full work day specific to each individual employee. Employees are not compensated for unused personal leave, and personal leave not used in a benefit year is forfeited.

## **E. BEREAVEMENT LEAVE**

In the event of death in the immediate family of an employee, the employee will be granted up to three (3) days of paid leave. The "immediate family" shall include the employee's: grandparents, parents, brother or sister, children, parent-in-law, and any other individual living in the employee's immediate household. In the case of the death of an employee's spouse, five (5) days of paid leave shall be granted to the employee.

At the discretion of the Executive Director, accrued sick leave may be used to supplement bereavement leave.

## **F. JURY DUTY**

Any Authority employee called for jury duty shall be paid his/her regular compensation for the first three days of jury service. Employees shall be required to furnish to the Authority a certificate of juror service issued by the Commonwealth of Massachusetts or state for which they provide juror service. An employee who serves more than three days will be compensated his/her regular compensation by the Authority for up to 15 days of jury service, but the employee must turn over to the Authority any monies received from the Commonwealth as compensation for jury service. Where juror service is cancelled or an employee is released from jury duty early, the employee is expected to come to work whenever it is feasible to do so.

## **G. MILITARY LEAVE**

It is the Authority's policy to comply with the applicable provisions of the federal Uniform Services Employment and Reemployment Rights Act (USERRA), and any other applicable state or federal law, with respect to employment, reemployment and protection of employee benefits during military service. The Authority shall not discriminate against any employee or prospective employee because of past, present or future application for, or membership in a uniformed armed service.

## **H. PARENTAL LEAVE**

It is the policy of the Authority to fully comply with the provisions of G.L. c. 149, § 105D. All Authority employees who have completed the first three consecutive months of employment may be eligible for parental leave, in accordance with law and the following procedures.

1. Eligible employees shall be entitled to up to eight (8) weeks of unpaid leave for the following purposes:
  - a. the birth of a child; or
  - b. placement of a child under the age of 18 (or under the age of 23 if the child is mentally or physically disabled) with the employee adopting or intending to adopt the child [in other words, adoption of a child].

Note that if both parents work for the Authority, they will be entitled to eight (8) weeks of parental leave in the aggregate, for the same child.

2. To be eligible for leave under this Policy, an employee is required to provide two weeks' notice in advance of his or her anticipated date of departure, stating his or her intention to return and the anticipated date of return, or as

soon as practicable, if the delay in notification is due to reasons beyond the employee's control. Upon return to work, the employee is entitled to be restored to his or her previous position, or to a similar position which has the same status and pay as his or her previous position, and to the length of service credit and seniority as of the date of leave.

3. Leave taken pursuant to this Policy will be counted against an employee's annual FMLA leave allowance, where applicable.
4. Leave taken pursuant to this Policy shall be unpaid; however, an employee may elect to use any amount of accrued paid leave while on parental leave.
5. Option 1 - An employee out on unpaid parental leave pursuant to this Policy who has exhausted his or her FMLA leave shall be responsible for assuming the full cost of premiums for health insurance coverage (employee and employer share).

## **I.FMLA/SNLA**

This Policy describes the eligibility, duration and procedural requirements relating to the administration of leave taken pursuant to the Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2612, et seq., and the Small Necessities Leave Act ("SNLA"), G.L. c. 149, § 52D. The Authority is committed to comply with the FMLA and SNLA, as they may be amended from time to time. In the event of a conflict between the Authority's FMLA/SNLA policy and applicable federal or state law and regulations, said federal/state law and regulations applicable to the Authority and its employees shall prevail.

### Family and Medical Leaves of Absence

1. The FMLA allows eligible employees up to twelve (12) weeks of unpaid leave, and in limited cases up to twenty-six (26) weeks of unpaid leave<sup>1</sup> ("FMLA Leave") per year, under the circumstances outlined below. Employees may take leave for the following reasons:
  - birth of the employee's child or placement of a child with the employee through adoption or foster care;
  - the employee is needed to care for a child, spouse, or parent who has a

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<sup>1</sup> Twenty-six weeks of leave is available only to employees who are eligible for such leave to care for a covered servicemember who is seriously injured or ill as a result of certain military service, as defined by the FMLA.



serious health condition; or

- the employee is unable to perform the functions of his or her position because of a serious health condition; or
- military service-related leaves:
  - a. Leave for Exigent Circumstances: leave when an employee has a close family member (spouse, son, daughter or parent) who is called to covered active military duty for “any qualifying exigency”; the leave must be for nondomestic military service and applies equally to the families of active duty military and reservists (when called to active duty)
  - b. Leave to Care for a Covered Servicemember: leave for an employee to care for a close family member in military service, who is seriously injured or ill as a result of such military service (up to twenty-six (26) weeks of leave).

The terms “serious health condition” and “seriously injured or ill” are defined by law and generally refer to in-patient care, and in some instances out-patient care, by a medical provider.

## 2. Use of Paid Leave

Employees are required to use certain types of accrued or available paid leave first, as part of the total FMLA leave, before commencing the unpaid portion of the leave. Employees who take leave because of the birth, or placement of a child must first use all accrued vacation and personal time. Employees who take leave because of their own serious illness or to care of a spouse, parent or child, or who take leave to care for a covered servicemember or leave for exigent circumstances, must use all accrued vacation, personal and sick time.

## 3. Eligibility

To be eligible for FMLA leave under this policy, an employee must have been employed by the Authority for at least twelve months, and must have worked at least 1250 hours during the twelve month period preceding the commencement of the leave.

## 4. Conditions

- a. *Length of Leave.* In most instances, employees may take no more than twelve weeks (or up to twenty-six weeks to care for a covered servicemember) of FMLA leave in a twelve-month period. The

twelve-month period is defined as the 12-month period measured forward from the first date an employee takes FMLA leave. If both spouses are employed by the Authority, they are together entitled to a total of twelve weeks of leave for the birth or placement of a child or care of a sick parent.

An employee eligible to take leave to care for a covered servicemember may not take more than twenty-six weeks of leave in any twelve-month period, in total, regardless of the reason for the leave. Moreover, unlike other forms of leave (as discussed in the preceding paragraph), leave to care for a covered servicemember starts as of the date the employee first takes leave.

- b. *Notice.* Employees wishing to take FMLA leave must give 30 days' notice of foreseeable events. If the event giving rise to the need for leave is not foreseeable, then the employee must give such notice as is practicable under the circumstances. Employees must schedule planned medical treatments with due regard for the Authority's operational needs.

## 5. Certification

Employees requesting FMLA Leave must provide medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, parent, or covered servicemember. The medical certification must set forth: the date on which the serious health condition, or serious illness or injury, in the case of a covered servicemember, commenced; the probable duration of the condition; and, the appropriate medical facts within the knowledge of the health care provider regarding the condition. Periodic re-certifications may be required, as permitted by law. In some limited circumstances, the Authority may require a second medical opinion, at its own expense.

## 6. Reduced Schedule Leave

If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, or the serious illness or injury of a covered servicemember, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the Authority may require the employee to transfer temporarily to a position, with equivalent compensation, which better accommodates recurring periods of absence or a part-time schedule.

## 7. Benefits

- a. *Health Coverage.* Employees on leave are entitled to the continuance of group health coverage under the same conditions they received coverage prior to the leave. Employees who contribute to their health insurance premiums via payroll deduction must arrange to pay the premium contributions during the period of unpaid absence, if they wish to retain coverage. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the Authority may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control.
- b. *Other Benefits.* Benefits based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence. Employees do not accrue sick, vacation or personal time while on unpaid leave.

#### 8. Return to Work

Employees returning from FMLA Leave in accordance with this policy will be restored to their original positions, or to equivalent positions with equivalent pay and benefits. Employees should contact the personnel department and their supervisors at least two weeks before their return date to make arrangements.

#### 9. Posting

The Authority shall post the attached document prepared by the U.S. Department of Labor summarizing the major provisions of the FMLA.

#### Small Necessities Leaves of Absence

1. The Small Necessities Leave Act ("SNLA"), enacted in Massachusetts in 1998, allows eligible employees twenty-four (24) hours of unpaid leave during a twelve-month period for employees to attend to family obligations. Employees may take leave for the following reasons:
  - to participate in school activities directly related to the educational advancement of the employee's child, such as parent-teacher conferences or interviewing for a new school;
  - to accompany the employee's child to routine medical or dental appointments, such as checkups or vaccinations; or
  - to accompany an elderly relative of the employee to routine medical or dental appointments, or for other professional services

related to the elder's care, such as interviewing at nursing or group homes.

## 2. Use of Paid Leave

Employees are required to substitute paid leave for leave under the SNLA to the extent that the event occasioning SNLA leave is one that would entitle the employee to paid leave under the Authority's policies. Personal and vacation time, if available, must be used as part of SNLA leave. However, the use of sick time for SNLA leave will be available only to the extent that such use would otherwise be permissible under the Authority's policies or applicable Collective Bargaining Agreement.

## 3. Eligibility

To be eligible for SNLA leave under this policy, an employee must have been employed by the Authority for at least twelve months, and must have worked at least 1250 hours during the twelve-month period preceding the commencement of the leave.

## 4. Conditions

- a. *Twenty-four Hours.* Employees may take no more than twenty-four hours of SNLA leave in a twelve-month period. The twelve-month period is a rolling twelve months, beginning twelve months prior to the proposed commencement of the requested leave.
- b. *Notice.* Employees wishing to take SNLA leave must give at least 7 days' notice in the case of foreseeable events. If the event giving rise to the need for leave is not foreseeable, then the employee must give such notice as is practicable under the circumstances.

## 5. Certification

The Authority reserves the right to request a certification of the need for SNLA leave.

## 6. Reduced Schedule Leave

Leave under this Policy may be taken intermittently on a reduced leave schedule.

## **J. LEAVE WITHOUT PAY**

In the sole discretion of the Executive Director, leave without pay may be granted to employees. The Executive Director's decision to grant or deny a request for leave without pay shall be final.

## **K. ACCRUAL OF PAID BENEFIT LEAVE WHILE OUT ON ANY OTHER LEAVE**

An employee who is absent from work for any reason where the length of the absence exceeds 30 days, shall not accrue any paid benefit leave while on the leave of absence.

## **L. HEALTH INSURANCE**

Authority employees who regularly work a minimum of 18 ¾ hours per week, or 20 hours per week for a 40 hour work week, may be eligible to participate in the health, life, and long term disability insurance provided through the Massachusetts Group Insurance Commission (GIC). Information relative to plan offerings and the costs are provided to new employees at the start of employment. Additional information can be found at <http://www.mass.gov/anf/employee-insurance-and-retirement-benefits/oversight-agencies/gic/>.

## **M. CONTRIBUTORY RETIREMENT SYSTEM**

Permanent and temporary Authority employees are required to participate in the Middlesex County Retirement System, pursuant to G.L. c. 32, where eligible.

Permanent employees must be regularly employed in a permanent position for a minimum of 20 hours per week and earning a minimum of \$5,000 per year.

Temporary employees must be regularly employed in a position of a minimum of 20 hours per week for a period of six consecutive months, and earning a minimum of \$5,000 per year.

Employees of all member units of the Middlesex Country Retirement System who are employed less than 20 hours per week are ineligible for membership. Likewise, employees, elected and appointed officials of all member units who earn less than \$5,000 per year are ineligible for membership.

Further information about the Contributory Retirement System can be found at <https://middlesexretirement.org/> or by contacting:

Middlesex County Retirement System  
25 Linnell Circle  
P.O. Box 160

Billerica, MA 01865  
Phone: (978) 439-3000 or (800) 258-3805

## **XI. CODE OF CONDUCT**

To the extent applicable, this Code of Conduct covers not only Authority employees, but also members of the Board of Commissioners, as well as vendors, volunteers, consultants and contractors.

### **A. ATTENDANCE**

In order to ensure the efficient operation of Authority business, and to maintain work standards and schedules, Authority employees are expected to be present for work, on time, every day, and to work their full shifts. Regular attendance and punctuality are essential duties of an employee. Late arrivals, early departures, or other unanticipated or unapproved absences are disruptive and frequently cause hardship for other Authority employees. Excessive absences or tardiness in connection with scheduled work times, breaks or meal periods, are prohibited.

Employees who are unable to report to work are required to inform their supervisor no later than 1 hour prior to their scheduled start time. Notifying co-workers of an absence does not substitute for notifying a supervisor. Employees are required to make this notification directly, unless they are incapacitated and therefore unable to do so.

### **B. RESTRICTIONS ON EMPLOYMENT**

#### 1. Supervision by Family Members

No Authority employee shall hold a position in which he or she directly or indirectly would supervise a member of his or her immediate family.

## 2. Purchases of Goods or Services

The Authority is prohibited from contracting with or purchasing goods or services from an Authority board member, employee, or member of the immediate family of such board member or employee, or from any closely held entity in which an Authority board member, an employee, or a member of the immediate family of such board member or employee holds any capital stock or has any beneficial interest.

## 3. Admission or Transfer as a Tenant

Whenever any Authority board member, any administrative or supervisory employee or any member of the immediate family of such a board member or employee seeks admission as a tenant or seeks admission as a participant in a program administered by the Authority or seeks a transfer to a different unit, all necessary information shall be forwarded to the Department, which shall make the decision on the requested admission or transfer in accordance with applicable procedures.

## 4. Rental Assistance

No rental assistance shall be paid for any unit owned in whole or in part by an Authority board member, executive director, rental assistance director, any other employee of an Authority (if such person is an employee in the same municipality as the unit), or a member of any such person's immediate family under any state-funded rental assistance program without the prior written opinion of the State Ethics Commission that such payment would not be improper. The Authority shall forward a copy of the opinion to the Department.

# **C. RESTRICTIONS ON ACTIVITIES**

## 1. Political Activity

In addition to any restrictions on political activity imposed by federal law, no Authority board member or employee shall solicit or receive campaign contributions, or conduct political activities during work hours, on Authority property or by use of Authority resources, or shall improperly use his or her official position to coerce or influence others in political campaigns.

## 2. Conflict of Interest

Authority personnel are governed by federal and state conflict of interest laws. Housing Authority employees are prohibited from participating in the selection, award, or administration of a contract supported by public funds if a conflict of interest, financial or otherwise, real or apparent, is involved.

Massachusetts General Laws Chapter 268A, the state Conflict of Interest Law, is designed to prevent governmental employees or officials from using their public position to gain any kind of advantage or benefit, not generally available to others, for themselves or their immediate family or their business or employer.

The Policy of the Authority is to ensure compliance with the requirements of Chapter 268A, as they apply to conduct of public officials and employees. In adopting this Policy, however, the Authority expressly reserves the right to enact rules and procedures that are more stringent than the requirements of Chapter 268A. For purposes of this policy, the following definitions apply:

“immediate family” is the employee and his or her spouse, and each of their parents, children, brothers and sisters.

“employee” shall include all Authority employees and board members.

**Prohibitions:** Chapter 268A generally prohibits improper conduct by public officials and employees. It also prohibits conduct that appears to be improper. An authority employee cannot have a financial interest in a contract with the Authority; cannot accept gifts to influence a decision; and cannot accept compensation, other than paid by the Authority, in connection with any matter in which the Authority has an interest.

No Authority employee involved in the solicitation of bids and proposals and the award and administration of procurements of any sort, nor any member of his/her immediate family, during his/her tenure or one year thereafter shall, directly or indirectly, have any financial or other interest in the firm selected for award of, or any property to be included in, or any contract for property, materials, or services to be furnished or used in connection with, any contract or procurement, or the process thereof, for which that employee has been or will be involved in the solicitation of bids or proposals, award or administration.

Both M.G.L. c. 268A and 760 CMR 4.04 contain other standards of conduct that apply to Authority employees. Employees may contact the State Ethics Commission’s Legal Division regarding compliance with Chapter 268A.

All employees and Board members are required to comply with the training requirements under Chapter 268A. More information about these requirements can be found here: <https://www.mass.gov/how-to/complete-the-online-training-program-for-municipal-employees>.

Employees are also directed to refer to the Authority’s Procurement Policy for additional information.

Violations of this policy, the Procurement Policy, and/or Chapter 268A may result in discipline, up to and including termination of employment.



## **D. PROHIBITED CONDUCT AND DISCIPLINE** **POLICY**

This Policy outlines the Authority's expectations with respect to prohibited conduct and progressive discipline. The purpose is to encourage and help employees to work together productively and harmoniously, according to the standards of the Authority. It is the Policy of the Authority to provide services in a timely, responsive and professional manner. Inappropriate workplace conduct or behavior can negatively impact the Authority's ability to provide such services, and can otherwise interfere with the efficient operation of government.

The Executive Director relies upon department supervisors to help assure that all employees remain focused on their primary responsibility of serving residents in this manner. Recognizing that situations sometimes arise and employees may not meet these expectations, supervisors must implement a method of corrective counseling.

To that end, the following outlines the Authority's progressive discipline procedure, wherein progressive steps will be followed in employee disciplinary matters, whenever appropriate and practical. Whether progressive discipline steps are required is in the sole discretion of the Executive Director. Progressive discipline shall not be required in matters deemed by the Authority to be sufficiently egregious or severe as to call for immediate dismissal, or the imposition of serious discipline without first issuing lesser discipline.

Disciplinary actions may take several forms, for instance: Verbal Warnings; Written Warnings; Suspension and Dismissal. Copies of all written disciplinary actions will be retained in the employee's personnel file, and employees shall be notified of the placement of such material in their personnel files.

### **Behaviors That May Result in Disciplinary Action**

Employees are prohibited from engaging in any of the conduct listed below and may receive discipline up to and including dismissal for doing so. This list has been established to serve as examples of behavior that could warrant a range of disciplinary sanctions. It is not exhaustive. Appropriate levels of discipline may be based on the severity of employee behavior.

- Incompetence or inefficiency in performing job duties;
- Violating any lawful and reasonable regulation, order, or directive made or given by a superior, or insubordination;
- Being intoxicated, drinking any intoxicating beverages, or being under the influence of a drug (including marijuana) or narcotic while on duty;
- Unlawfully distributing, selling or possessing alcohol, marijuana or non-prescription drugs when on the job or subject to duty (i.e. "on call");

- Accepting any valuable consideration given with the expectation of influencing the employee in performing his/her duties;
- Loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes operating a motor vehicle or equipment necessary in performing his/her duties;
- Violating any of the provisions of Authority policies, including these personnel policies, or other applicable state or federal law, rules and regulations;
- Displaying disrespectful or inappropriate behaviors toward any individual with whom the employee comes into contact as part of his or her job, including but not limited to residents, fellow employees or supervisors;
- Refusing to do assigned work or failing to carry out the reasonable assignment of a manager, supervisor or department head;
- Being inattentive to duty, including sleeping on the job;
- Falsifying any records (including job applications, time cards, or other Authority records) or using official position for personal advantage;
- Being repeatedly or continuously absent or late, being absent without notice or reason satisfactory to the Supervisor/Department Head or leaving one's work assignment without appropriate authorization;
- Abuse of Sick Leave;
- Failing to timely report an On the Job Injury;
- Smoking within no-smoking areas or no-smoking operations;
- Conducting oneself in any manner that is offensive, abusive or contrary to common decency or morality; carrying out any form of harassment including sexual harassment, and disgraceful personal conduct or language toward the public, fellow employees or supervisors.
- Violating the Authority's vehicle use policy (if any); operating Authority-owned vehicles, equipment or private vehicles on Authority business without proper license or in an unsafe or improper manner, or operating any vehicle on Authority property or business in an unsafe or improper manner;
- Having an unauthorized weapon, firearm or explosive on Authority property;
- Appropriating Authority equipment, time or resources for personal use or gain;
- Unauthorized use, misuse, theft, or willful neglect of Authority property, funds, materials, equipment or supplies; unauthorized use or theft of or resident(s)' or co-worker(s)' property or funds;
- Computer abuse, including but not limited to, misuse of computer accounts, unauthorized destruction of files, creating illegal accounts, possession of unauthorized passwords, disruptive or annoying behavior on the computer and non-work related utilization of computer software or hardware;
- Conviction (or in some instances, an arrest) for a felony or for a malfeasance involving moral turpitude;
- Fighting, engaging in horseplay or acting in any manner that endangers the safety of oneself or others. This includes acts of violence as well as threats of violence;
- Interfering in any way with the work of others;

- Stealing or possessing without authority any equipment, tools, materials or other property of the Authority or attempting to remove them from the premises without approval or permission from the appropriate authority;
- Marking or defacing walls, fixtures, equipment, tools, materials or other Authority property, or willfully damaging or destroying property in any way;
- Willful violation of safety rules Authority policies;
- Any other act or failure to act, which in the judgment of the Executive Director is sufficient to show that the individual is an unsuitable and unfit public employee.

## **E. CHANGES IN EMPLOYMENT STATUS**

The following explains the circumstances under which the Authority may make changes in an employee's status. This is meant as a general explanation, and will not describe each and every instance or circumstance in which a change in employment status may be made. The Authority reserves its rights and discretion to make changes in employment status whenever it deems in the Authority's best interests, subject to any procedural rights employees with five (5) or more years of uninterrupted service may have under G.L. c. 31, §§41-45 in the event of a change in status of employment. The following explanations of when the Authority may or will make changes in an employee's status is meant for illustration purposes only, and is not intended to limit the Authority's discretion to make such changes in employment status, within its authority under the law.

### 1. Transfers

The Authority may transfer employees within the organization as far as practicable to positions where their highest skills will be utilized. When transfers of personnel are necessitated by organizational changes, every effort shall be made to place the affected employee(s) in positions that will permit them to retain their pre-transfer compensation level. In making transfers within the organization, due consideration shall be given to the desires of the employee(s) involved.

### 2. Promotions

Vacated or newly-established positions shall be filled to the fullest extent consistent with efficient operations, by the promotion of qualified employees; and in accordance with collective bargaining agreements where applicable. Such positions shall be posted in the Authority's central administrative office prior to public advertisement.

In the event that the Executive Director determines, in his/her sole discretion, that a current employee meets the qualifications of the vacated or new position, and it is in the Authority's best interest that the employee be selected for the promotional position, he/she may appoint such employee to the position. In such situations, no public advertisement of the position is required.

### 3. Demotions/Suspensions

Demotions: An employee may be subject to demotion under the following conditions:

- i. Where the employee has been found unsuited for his/her position, but may be expected to give satisfactory service in a lower-paying/lower-graded position;
- ii. Where the employee's current position is abolished or reallocated to a lower-paying/lower-graded position, and the employee cannot be transferred to a position of equal pay;
- iii. Any other instance where it is deemed to be in the best interests of the Authority.

Suspensions: Suspensions without pay are at the discretion of the Authority. Employees may be suspended for cause, unless otherwise required by law.

#### 4. Terminations

Employees with 5 or more years of uninterrupted service with Authority in a particular position, including any promotion or reallocation therefrom, may be terminated by the Authority for just cause. Such terminations shall be conducted in accordance with G.L. c. 31, §§41-45, insofar as applicable. Employees with less than 5 years of continuous service may be terminated for cause.

#### 5. Reductions in Force/Layoffs

If it is necessary to reduce personnel, the selection of employee(s) to be retained shall be based primarily on their relative efficiency and the necessity of the job(s) at issue. Other things being equal, length of service shall be give consideration.

### **F. GRIEVANCES**

Any employee who is aggrieved by an action taken by a tenant, fellow employee, supervisor, the Executive Director or a Board member must submit the grievance in writing to the Executive Director, within 10 business days following the event/occurrence giving rise to the grievance. The Executive Director shall receive and act promptly on the grievance. If the employee is not satisfied with the Executive Director's decision, he/she may appeal it to the Board of Commissioners within 10 business days following receipt of the Director's oral or written decision.

This section shall not apply to Union employees.

### **XII. GENERAL PERSONNEL POLICIES**

## **A. ANTI-DISCRIMINATION, HARASSMENT (INCLUDING SEXUAL HARASSMENT), AND EEO POLICY**

### 1. Equal Employment Opportunity Statement

The Authority will not discriminate in its employment practices, on the basis of race, color, gender, gender identity, national origin, religious creed, ancestry, age, sexual orientation, disability, pregnancy or pregnancy-related condition, genetic information, military status, or another basis prohibited under state or federal anti-discrimination statutes. This shall include such areas as recruitment, selection, compensation and benefits, professional development and training, reasonable accommodation for disabilities or religious practices, promotion, transfer, termination, layoff, and other terms and conditions of employment.

### 2. Reasonable Accommodation Policy

The Authority will not discriminate against people with disabilities in any employment practices or in terms, conditions or privileges of employment, including, but not limited to: application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves or benefits. The Authority will make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, unless such action would cause an undue hardship to the operations of the Authority.

In addition, the Authority complies with the provisions of Massachusetts General Laws Chapter 151B, §4(1E), requiring certain reasonable accommodations for an employee's pregnancy or pregnancy-related condition, including but not limited to lactation or the need to express breast milk for a nursing child, unless such accommodation will cause an undue hardship on the operations of the Authority.

Employees seeking reasonable accommodations may submit their request in writing to the Executive Director.

### 3. Prohibition of Discrimination and Harassment

It is the Policy of the Authority to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination, including harassment, whether based upon on race, color, sex, religion, national origin, ancestry, disability, age, sexual orientation, gender identity, pregnancy or pregnancy-related conditions, or veteran status, or any other category protected by the state and federal anti-discrimination laws,

will not be tolerated. To achieve the goal of providing a workplace free from discrimination, the Authority will implement the procedure described below to address any potential inappropriate conduct.

This Policy applies to all employment practices and employment programs sponsored by the Authority. This Policy shall apply, but not be limited to, the areas of:

- Recruitment
- Selection
- Compensation and benefits
- Professional development and training
- Reasonable accommodation for disabilities or religious practices
- Promotion
- Transfer
- Termination
- Layoff, and
- Other terms and conditions of employment.

This Policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media). When the conduct complained of occurs outside of the workplace, the Authority may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this Policy:

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Authority-sponsored function;
- whether the conduct occurred during work hours;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

Because the Authority takes allegations of unlawful discrimination and harassment seriously, officials will respond promptly to complaints and, where it is determined that such inappropriate conduct has occurred, will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this Policy sets forth the Authority's goals of promoting a workplace that is free of discrimination and harassment, **the Policy is not designed or intended to limit the Authority's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the legal definitions of discrimination or harassment.**

#### 4. Definition of Sexual Harassment

Sexual Harassment - That conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which may constitute sexual harassment when:

- 1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Hostile Work Environment – A form of sexual harassment, where pervasive and sexually hostile working conditions unreasonably interfere with an employee's ability to do his or her job.

Quid Pro Quo – Another form of sexual harassment, where tangible job benefits are offered or withheld in exchange for sexual favors.

#### 5. Examples of Prohibited Discriminatory Behavior

It is not possible to list all the circumstances that may constitute discrimination in violation of this Policy. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures, and; any conduct constituting sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. This can include conduct that is aimed at a person's sexual orientation or gender identity.

## 6. Procedures

### a. Complaints of Sexual Harassment

If an employee believes that he or she has been subjected to sexual harassment, it is the Authority's policy to provide the employee with the right to file an internal complaint. This may be done orally or in writing.

An employee may file a complaint of sexual harassment by contacting the Executive Director. Alternatively, an employee may file his or her complaint with The Board of Commissioners. These persons will remain available to discuss any concerns employees may have and to provide information about the Authority's Policy on sexual harassment and the complaint process.

### b. Sexual Harassment Investigation

When a complaint of sexual harassment is received, the Authority will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Authority's investigation will include a private interview with the person filing the complaint and with any witnesses. The Authority will also interview the person alleged to have committed sexual harassment. When the investigation has concluded, the Authority will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the Authority will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action.

### c. Complaints Concerning Other Forms of Discrimination and/or Harassment



Complaints alleging forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with subparagraphs a and b, above, whenever appropriate.

d. Confidentiality

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as department heads, supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

All employees are reminded of the provisions of G.L. c. 268A, § 23(c)(2), which prohibit a public employee or official from improperly disclosing information that is protected from disclosure under the public records law, and acquired by an employee or official in the course of official duties. Section 23 also prohibits a public employee or official from using such information to further the employee's/official's personal interest. Violations of Section 23 may lead to disciplinary action, up to and including termination.

7. Retaliation

Any retaliation against an individual who has formally or informally complained about discrimination, including harassment, or has cooperated with an investigation of a discrimination complaint, is prohibited.

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

8. Sanctions

If it is determined that inappropriate conduct has been committed by an employee, the Authority will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, including termination from employment.

9. State and Federal Remedies

In addition to the above, if an employee believes he or she has been subjected to sexual harassment, he or she may file a formal complaint with either or both of the

government agencies listed below. Using the Authority’s complaint process does not prohibit an employee from filing a complaint with either of these agencies. Please note that both agencies have a short time period for filing a claim (300 days).

**The United States Equal Employment Opportunity Commission (EEOC)**

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: (800) 669-4000  
TTY: (800) 669-6820

**The Massachusetts Commission Against Discrimination (MCAD)**

**Boston Office**

One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Phone: 617-994-6000  
TTY: 617-994-6196

**Springfield Office**

436 Dwight Street  
Second Floor, Room 220  
Springfield, MA 01103  
(413) 739-2145

**Worcester Office**

Denholm Building  
484 Main Street, Suite 320  
Worcester, MA 01604  
(508) 453-9630  
(508) 453-9641 – FAX

**New Bedford Office**

Demello International Center, 128  
Union Street, Suite 206,  
New Bedford, MA 02740  
(774) 510-5801  
(774) 510-5802 - FAX

**B. DOMESTIC VIOLENCE LEAVE POLICY**

The Authority is committed to complying with the Massachusetts Domestic Violence Leave Act, G.L. c. 149, §52E (“DVLA” or “the Act”), as it may be amended from time to time. In the event of any conflict between the Authority’s DVLA policy and the state law and any applicable regulations, the state law/regulations applicable to the Authority and its employees shall prevail. This Policy describes the eligibility and procedural requirements relating to the administration of leave taken pursuant to DLVA.

1. Eligibility

To qualify for domestic violence leave under the DVLA, an employee or a covered family member must be the victim of “*abusive behavior*.” “Abusive behavior”

includes any of the following behaviors: domestic violence, stalking, sexual assault or kidnapping.

*Domestic violence* is abuse against an employee or a covered family member by a current or former spouse, a person with whom the victim shares a child, a person cohabitating with or who has cohabitated with the victim in the past, a relative by blood or marriage, or a person with whom the employee or family member has or had a dating or engagement relationship.

*A Covered family member* includes a spouse, parent, step-parent, child, step-child, sibling, grandparent, grandchild, persons in a substantive dating relationship or who reside together, persons having a child in common, or persons in a guardian relationship. In the case of abuse of a family member, the employee is not entitled to leave if he or she is the alleged perpetrator.

## 2. Duration of Leave

If an employee or a covered family member of the employee is a victim of abusive behavior, he/she may take up to fifteen (15) days of unpaid leave in any 12-month period.

Employees are required to exhaust all paid leave before taking leave under the DVLA.

## 3. Reasons for Requesting Leave

Employees may request leave to address issues directly related to the abusive behavior. This includes seeking medical attention, counseling or victim services. Leave may also be taken to obtain legal assistance, to attend or appear in court proceedings, or to meet with a district attorney or law enforcement personnel. It is not a requirement of the Act that the employee maintain contact with the alleged abuser before being eligible for leave.

## 4. Notice

Employees must provide sufficient advance notice of the decision to use domestic violence leave, unless there is a threat of imminent danger to the health or safety of the employee or a member of the employee's family. An employee who does not give advance notice must notify the employer within three (3) work days that leave is being taken pursuant to the DVLA. The notice may be provided by certain specified individuals other than the employee.

If an unscheduled absence occurs, the employee has 30 calendar days to produce documentation of the need for leave, in accordance with subparagraph e, below.

## 5. Documentation

Employees taking leave pursuant to the DVLA may be required to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior. If requested, an employee is required to provide such documentation within a reasonable period after the request is made. An employee can satisfy this requirement by providing any one of the following documents:

- A protective order issued by a court as a result of abusive behavior against the employee or employee's family member;
- A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior;
- A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior;
- Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has admitted to sufficient facts in court, or has been convicted of any offense constituting abusive behavior;
- Medical documentation of treatment as a result of the abusive behavior;
- A sworn statement provided by a counselor, social worker, or health care worker who has assisted the employee or the employee's family member; or
- A sworn statement from the employee attesting that the employee has been the victim of abusive behavior.

#### 6. Return to Work

Employees who take leave pursuant to the DVLA will be restored to their original or equivalent position upon return from leave unless circumstances unrelated to the employee's use of leave would have caused a change in employment status. The Authority shall not retaliate against an employee for exercising his/her rights under the DVLA.

#### 7. Confidentiality

With limited exceptions set forth by law, information related to the employee's leave shall remain confidential.

### **C. WORKPLACE VIOLENCE POLICY**

It is the Policy of the Authority to promote a safe environment for its employees. The Authority is committed to working with all employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously, and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such

acts may be removed from the premises and may be subject to criminal prosecution. Such employees may also be subject to disciplinary action, up to and including termination from employment.

This Policy establishes the standards, procedures and safeguards that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; reduce the potential for violence in and around the workplace; mitigate the negative consequences for employees who experience or encounter violence in their work lives; and ensure that appropriate resources are available to employees who may be victims of workplace violence.

## 1. Definitions

**Workplace Violence** includes, but is not limited to, intimidation, threats, physical attack, domestic violence or property damage and includes acts of violence committed by Authority employees, clients, customers, tenants, relatives, acquaintances or strangers against Authority employees in the workplace. Violent behavior can include actions or communications in person, by letter or note, telephone, fax or electronic mail. Incidents of workplace violence may be acted out individually or take place between employees, employees and clients/residents, employees and acquaintances/partners and employees and the general public.

**Intimidation** is engaging in actions that includes but is not limited to stalking or behavior intended to frighten, coerce, or induce duress.

**Threat** is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future. Threats need not be made in person, but can be made through any means, including but not limited to via telephones or electronically (e.g., via the Internet, email, social media sites or blogs, etc.).

**Physical Attack** is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

**Domestic Violence** is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together or dated.

**Property Damage** is intentional damage to property and includes property owned by the Authority, employees, visitors or vendors.

## 2. Prohibited Behaviors

It is a violation of this Policy to:

- Engage in workplace violence as defined herein;
- Use, possess or threaten to use a weapon during a time covered by this policy, even if the employee has a License to Carry a Firearm, and
- Misuse authority vested to any employee of the Authority in such a way that it violates this Policy.

### 3. Procedures

Employees who observe or who are the victim of violent behavior by anyone on Authority property shall report the incident immediately to a supervisor or department head, whether or not the alleged offender is a Authority employee. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department.

All reports of violence will be evaluated immediately, and appropriate action will be taken, where possible, in order to help protect the employee(s) from further violence. Appropriate disciplinary action will be taken when it is determined that an employee has committed threats or acts of violence, in violation of this Policy.

The Executive Director or his or her designee shall be responsible for responding promptly and appropriately to any report of violence in the workplace and conducting an investigation into the alleged incident, when necessary.

Workplace incidents involving emergency and/or criminal activity will be referred to the Police Department for investigation in appropriate circumstances. The Authority may conduct an administrative investigation concurrent with any criminal investigation, in cooperation with the Police Department. Such an administrative investigation shall be conducted in a confidential manner, to the extent possible.

### 4. Sanctions

Any employee who is found to be in violation of this Policy will be subject to disciplinary action, up to and including termination from employment. An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including dismissal, in appropriate circumstances.

### 5. Employee Assistance Program

Employees who are victims of or witnesses to workplace violence may contact the Authority's Employee Assistance Program (EAP) for counseling, emotional support, and assistance in developing a personal safety plan in the event of workplace violence.

## **D.DRUG AND ALCOHOL FREE WORKPLACE POLICY**

It is the Policy of the Authority to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Authority to unacceptable risk of workplace accidents or other failures that would undermine the Authority's ability to operate effectively and efficiently. This Policy outlines prohibited workplace conduct with respect to controlled substances (drugs) and alcohol. This Policy complies with the Authority's obligations under the Federal Drug-Free Workplace Act, 41 U.S.C. § 8101, et seq. Although certain uses of marijuana have been legalized in the Commonwealth of Massachusetts, this policy and the following procedures apply to marijuana use.

1. The following is prohibited:
  - a. Off-Duty: Any use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances or marijuana, except, in the case of marijuana, where authorized by Massachusetts law.
  - b. On Duty: Any consumption of controlled substances, marijuana (with or without prescription) or alcohol, whether on or off Authority property, or at any other worksite where employees may be assigned, or elsewhere during work hours.
  - c. The use of controlled substances or marijuana (with or without a prescription), or any use of alcohol on non-working time, to the extent that such use: (i) impairs an employee's ability to perform the employee's job; (ii) adversely impacts the safety of the employee or others; (iii) or affects the reputation of the Authority to its tenants, the general public, or otherwise threatens its integrity.
2. Employees who are convicted of substance-related violations under state or federal law in the workplace, including alcohol or marijuana related violations, or who plead guilty or *nolo contendere* to such charges, must inform their department head or the Executive Director within five (5) days of such conviction or plea. Department heads shall immediately notify the Executive Director.
3. Employees who are convicted or who plead guilty or *nolo contendere* to such drug-related violations, or are found to have consumed or be impaired by controlled substances, marijuana or alcohol while on-duty, may be required to successfully complete a substance abuse or similar program as a condition of continued employment or re-employment with the Authority
4. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.

5. Employee Assistance Program: The Authority recognizes drug and alcohol dependency as an illness and a major public health problem. To that end, the Authority encourages affected individuals to voluntarily seek medical help. Employees who wish to obtain help in dealing with such problems may contact the contact the Executive Director for a referral to the Authority's Employee Assistance Program. The Authority may independently refer an employee to the Employee Assistance Program or other substance use/abuse counseling agency or program for help, particularly where there is a pattern of deteriorating job performance or excessive absenteeism of the employee associated with substance use/abuse.
6. Sanctions: Substance use/abuse, however, does not relieve an employee of job performance standards and obligations. Violations of any and all provisions of this Policy may result in disciplinary action, up to and including termination from employment.

## **E. SMOKE FREE WORKPLACE POLICY**

The Massachusetts Smoke-Free Workplace Law is primarily intended to protect workers from health hazards resulting from exposure to secondhand smoke. As of July 5, 2004, all Massachusetts workplaces with one or more employees must be smoke-free. Designated indoor smoking areas or smoking rooms are no longer permitted. Moreover, smoking is prohibited in any public building. In addition, effective July 30, 2018, HUD requires all Housing Authorities to be smoke-free, including in and within 25 feet around administrative buildings. Thus, the Authority is a smoke-free workplace and will not tolerate smoking on its premises. This includes the smoking of marijuana.

The Massachusetts Department of Public Health has additional information about the state smoke free workplace law, available at <http://www.mass.gov/eohhs/gov/departments/dph/programs/mtcp/smoke-free-workplace/>

## **F. ELECTRONIC COMMUNICATIONS AND COMPUTER USE POLICY**

This Policy is intended to provide guidance on the appropriate use of the Authority's electronic communication and information equipment and systems ("Systems"). Such Systems include, but are not limited to, computer workstations, laptops, tablets (such as iPads), hardware and software, electronic mail ("e-mail"), telephones, cellular phones, pagers, "blackberry"-style devices, SmartPhones, facsimile machines, and the Internet.

Use of the Authority's Systems by any employee, contractor, consultant, and/or volunteer ("user") shall constitute acceptance of the terms of this Policy and any such additional related policies that may be issued by the Authority.



Access and use of the Authority's Systems is intended for business-related purposes, including communicating with coworkers and colleagues, and researching topics relevant to Authority business. All existing state, federal, and local laws and Authority policies apply to a user's conduct while using the Authority's Systems, particularly those that govern intellectual property protection, sexual or other harassment, misuse of Authority resources, privacy rights, and confidentiality.

This Policy sets forth general guidelines and examples of prohibited uses of the Authority's Systems for illustrative purposes, but does not attempt to identify all required or prohibited activities by users. Questions regarding whether a particular activity or use is acceptable should be directed to the Systems administrator, and/or the user's supervisor. These guidelines may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the Authority's Systems. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies of the Authority.

### 1. Privacy

**Users should not expect any right of privacy in said Systems, including electronic communications and information created or stored on the Authority's Systems.** The Authority retains the right to inspect its Systems, including any Authority-owned or leased computer or electronic communications equipment, any data contained in such equipment, and any data sent or received by that equipment. The Authority will exercise that right when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of the workplace. Users should be aware that appropriately-authorized network administrators may monitor network traffic, and/or access all files, including e-mail files and Internet use history, stored on any equipment.

All electronic files and documents originating from or passing through the Authority's Systems are considered to be the property of the Authority.

### 2. Security

All usernames and passwords are for the exclusive use of the individual to whom they are assigned. The user is personally responsible and accountable for all activities carried out under his/her username, and should take all reasonable precautions to protect his/her password. The password associated with a particular username must not be given or divulged to another person (with the exception of the Systems administrator). No one may use, or attempt to use, a username or password assigned to another person, or pose as another user.

### 3. Internet Guidelines

While employees increasingly use the Internet as a tool in the workplace, misuse or abuse of the Internet can result in wasted time, as well as potentially violate laws and

regulations, or other Authority policies. Therefore, users should adhere to the following Internet Guidelines.

- a. Use for Official Business. It is the Authority's policy to restrict Internet access to official Authority business. Use of the Internet for personal matters is prohibited.
- b. Authorization. Authorization for Internet access must be obtained through the Systems administrator. Once authorization is approved, each user is responsible for the security of his or her account password and will be held responsible for all use or misuse of such account (see Section 2, Security, above).
- c. Compliance with Laws. Users must not utilize the Internet to knowingly violate any state, federal or local law, or the laws of any other nation. United States copyright and patent laws may apply to information and material(s) accessed through the Internet, and care should be taken to not violate the copyrights or patents of others on or through the use of the Internet.
- d. Viruses. All appropriate precautions should be taken to detect viruses, including scanning all computer files (including attachments) that are downloaded and/or opened from the Internet, before installation or execution of such files/attachments. Users should direct any questions regarding the proper use of virus detection software to the Systems administrator prior to downloading and/or opening any computer files/attachments.
- e. Authority Monitoring. As noted above, users should not have any expectation of privacy as to their computer or Internet usage, including the receipt and sending of e-mail. It is possible for the Authority to monitor Internet usage histories and/or patterns, and the Authority may inspect, without limitation, any portion of its Systems, including files stored either on the computer hard drive or the Authority's server, to the extent necessary to ensure compliance with this Policy or any other applicable state, federal, or local law or Authority policy.
- f. Prohibited Practices.
  - (i) Users shall not use Authority computers knowingly to download or distribute pirated software or data. Any software or files downloaded via the Internet may be used only in ways that are consistent with their licenses or copyrights. The downloading of games or other programs for amusement/entertainment purposes is strictly prohibited.
  - (ii) Users shall not make an unauthorized attempt to enter into another employee's computer (commonly referred to as "hacking").

- (iii) All computer hardware and software shall at all times remain the property of the Authority, and may not be removed from their respective sites or downloaded onto personal computer equipment without the express written approval of the Systems administrator. The installation or upgrade of computer software programs on computer hardware, without the express written approval of the Systems administrator, is strictly prohibited.
- (iv) Users must not utilize the Internet to deliberately propagate any virus, worm, “Trojan horse,” trap-door or back-door program code, or knowingly disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- (v) Users shall not disclose confidential information or promote personal political beliefs, discrimination, sexual harassment, and any unlawful activity; nor shall the Authority’s computers be used for private financial gain, or commercial, advertising or solicitation purposes.
- (vi) Use of the Authority’s Systems, including computers, to display any kind of image or document that is obscene, pornographic, sexually explicit or sexually suggestive, is prohibited. Additionally, these materials may not be archived, stored, distributed, edited, or recorded using Authority network, printing, or computing resources.
- (vii) Users shall not utilize the Authority’s Systems for the purpose of sending “chain-letters”, unsolicited mass e-mails, or other “spam.”
- (viii) Users shall not maliciously use or disrupt the Authority’s computers, networks, or Internet services; nor breach the Systems’ security features; nor misuse or damage the Authority’s equipment; nor misuse passwords or accounts; nor attempt to access unauthorized sites; nor use the Authority’s Systems after such access has been denied or revoked; nor attempt to delete, erase or otherwise conceal any information stored on any portion of the Authority’s Systems.
- (ix) Users shall not access the Internet for non-work related purposes, to the extent that it interferes with the performance or completion of their job function including but not limited to: social networking sites such as Facebook, Twitter, and LinkedIn, non-work related blogs or websites, or personal shopping sites, for example, during work hours and/or using the Authority’s Systems.

#### 4. Electronic Mail (“E-Mail”) Guidelines

- a. The Internet does not guarantee the privacy and confidentiality of information. Sensitive material transferred over the Internet may be at risk of detection by a third party. Users must exercise caution and care when transferring such material in any form.
- b. The Secretary of State's Office of the Commonwealth has determined that e-mail qualifies as "public records", as defined in Chapter 4, section 7(26) of the Massachusetts General Laws. Therefore, all e-mail mail sent by or received through the Authority's Systems shall be archived by the Systems administrator. All users shall retain either a printed or digital record of e-mail sent by or received through the Authority's Systems, in the same manner that other paper records are kept by their departments, and in accordance with the Record Retention requirements.
- c. Users should be aware that opening programs or files attached to email messages may cause computer viruses to infect the Authority's Systems, and thus should only open such attachments from anticipated and trusted sources.
- d. Employees shall not broadcast messages to all employees via e-mail without permission from the Executive Director.

#### 5. Telephone Usage

Telephones (including cellular phones, "SmartPhones," and blackberry-style devices) are provided for business use. Personal telephone calls may be permitted, but users should exercise good judgment in making such calls. Managers/department heads are responsible for monitoring their employees' telephone usage. Excessive usage for non-business related purposes, as well as misuse of telephones, such as to make harassing or threatening calls, may result in discipline, up to and including termination from employment.

Employees are reminded that text messages or other similar messages sent via cell phones, SmartPhones, and blackberry-style devices may constitute public records, and therefore, any such messages pertaining to official business of the Authority should be maintained as public records, in the same manner as e-mail messages.

#### 6. Sanctions

Violation(s) of this Policy may result in either the suspension or permanent loss of the privilege to use the Authority's Systems. It may further result in disciplinary action being taken against the employee, up to and including termination from employment. Additionally, users shall be personally liable for any losses, costs or damages incurred by the Authority related to violations of this Policy. Similarly, the illegal use of the Authority's Systems may result in referral to law enforcement authorities. Employees shall report violations of this Policy to their supervisor, or in the case of department heads, directly to the Executive Director. Retaliation against another user for reporting a

violation or violations of this Policy, including the use of e-mail or the Internet in a retaliatory manner, is strictly prohibited by the Authority.

## **G. TRAVEL AND REIMBURSEMENT POLICY**

It is the Authority's policy to reimburse employees for expenses incurred where such expenses are: 1) reasonable and necessary; 2) incurred for an Authority related business purpose; and 3) documented, approved, and submitted timely and properly.

Attendance at conferences, conventions and meetings shall be limited to the number of persons necessary to cover the meeting adequately. Reasonable expenses incurred for travel costs, including transportation, meals, and lodging, shall be reimbursed only for actual costs incurred, and subject to prior authorization. Expenses for meals charged to State-funded programs shall not exceed the limits established by DHCD. Travel authorizations must be approved in advance by the Executive Director.

### **Submission of Mileage/Travel/Expense Reimbursement Requests:**

All requests for travel, expense and mileage reimbursements must be submitted timely, and in no event later than 30 calendar days after the expense was incurred/travel occurred. Employees must submit a request for reimbursement on forms as may be prescribed by the Authority, signed by the employee. The Authority reserves the right to deny such reimbursement requests where it determines that the request is not legitimate and/or the expense or travel was not authorized.

## **H. VEHICLE USE POLICY**

### **Authority vehicles:**

Authority vehicles may only be used for legitimate Authority business. Authority vehicles include all automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the Authority and approved for travel on a public way.

Authority vehicles shall not be used to transport any individual who is not directly or indirectly related to Authority business. Passengers shall be limited to Authority employees and individuals who are directly associated with Authority work activity (committee members, consultants, contractors, etc.). Family members, tenants or private citizens shall not be transported in Authority vehicles.

The Authority shall not be liable for the loss or damage of any personal property stored or transported in the vehicle.

Employees are expected to keep Authority vehicles clean, and to immediately report any malfunction or damage, or accidents involving Authority vehicles, to their

supervisors.

Employees must wear seatbelts in vehicles so equipped during operation of the vehicle. Employees may not operate Authority vehicles under the influence of alcohol, illegal drugs, marijuana, or prescription drugs or medications which may interfere with effective and safe operation. Employees may not store or transport alcohol, illegal drugs, marijuana, or prescription drugs or medication in Authority vehicles.

Employees who operate Authority vehicles must have a valid motor vehicle license issued by the state of their current residence, may be required to provide proof of valid motor vehicle license once every six (6) months, and may be subject to driving records checks conducted through the Registry of Motor Vehicles.

Employees driving Authority vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws. Employees who incur parking or other fines while using Authority vehicles shall be personally responsible for payment of such fines unless the payment of such fines by the Authority is approved by the Executive Director. Employees who are issued citations for any offense while using an Authority vehicle must notify their supervisor immediately when practicable, but in no case later than 24 hours. Failure to provide such notice may be grounds for disciplinary action, up to and including termination. An employee who is assigned an Authority vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the employee's motor vehicle license, whether in his or her personal vehicle or in an Authority vehicle, must notify his or her supervisor immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of Authority vehicle privileges and/or further disciplinary action, up to and including termination.

Employees who are involved in an accident while operating an Authority vehicle may be required to undergo a drug (including marijuana) and/or alcohol test, and/or fitness for duty examination, in appropriate circumstances.

Should the Authority's insurer determine that an employee is "uninsurable," or otherwise refuses to insure an employee while driving an Authority vehicle, the employee may be reassigned, and/or subject to disciplinary action, up to and including termination.

No employee may use an Authority vehicle for out-of-state use without advance approval of the Executive Director or his/her designee.

#### **Use of Personal Vehicles:**

Employees required to use a personal vehicle to conduct Authority business may be required to show proof of minimum level of insurance coverage. All of the above provisions relative to the use of Authority vehicles apply equally to employees' use of

personal vehicles while conducting official business.

In accordance with the Authority's Travel and Reimbursement Policy, where an employee uses a personal vehicle for Authority business, he/she shall be reimbursed reasonable mileage costs, at the maximum rate allowed by DHCD, except that travel related solely to non-State funded conferences, trainings, programs and inspections shall be reimbursed at the current Internal Revenue Service mileage reimbursement rate, and shall not be charged to State programs.

# Employee Sign Off:

This acknowledges that I have received the Burlington Housing Authority's Personnel Policies. By signing this form, I agree to abide by the Personnel Policies, and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications.

I further acknowledge that I have received and reviewed the Authority's Anti-Discrimination and EEO Policy, as well as the Authority's Drug and Alcohol-Free Workplace Policy, both contained within the Personnel Policies.

I understand that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, marijuana, or alcohol is prohibited on any property of the Authority, or while performing official duties for the Authority, and violation of the Authority's Drug and Alcohol-Free Workplace Policy ("Policy") can subject me to disciplinary action, up to and including termination. I further understand that as a condition of employment, I must abide by the terms of this Policy and will notify my employer of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction. I recognize that the law and associated Policy regarding drugs and alcohol in the workplace are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*To be included in employee's personnel file.*