



Housing Authority
of the
City of Alameda

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701 Atlantic Avenue • Alameda, California 94501-2161

AGENDA

SPECIAL MEETING OF THE BOARD OF COMMISSIONERS

DATE & TIME

Wednesday, January 11, 2023 - 7:00 PM
Closed Session - 6:00 p.m.

LOCATION

Independence Plaza, 703 Atlantic Avenue, Alameda, CA

Pursuant to Assembly Bill No.361 (Chapter 165, Statutes of 2021) approved by the Governor on September 16, 2021) codified at Government Code Section 54953 a local legislative body is authorized to hold public meetings remotely via teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when, among other requirements, a legislative body of a local agency holds a meeting during a proclaimed state emergency, and makes the public meeting accessible “via a call-in option or an internet-based service option” to all members of the public seeking to access and attend the meeting, offer public comment, and address the legislative body.

PUBLIC PARTICIPATION Public access to this meeting is available as follows:

Join Zoom Meeting:

<https://us06web.zoom.us/j/81499349988?pwd=aE5KbzN6WThWa3ZGdDk0TmF4NnpnUT09>

Meeting ID: 814 9934 9988

Passcode: 931660

Persons wishing to address the Board of Commissioners are asked to submit comments for the public speaking portion of the Agenda as follows:

- Send an email with your comment(s) to jpolar@alamedahsg.org and vcooper@alamedahsg.org prior to or during the Board of Commissioners meeting
- Call and leave a message at (510) 871-7435.

When addressing the Board, on agenda items or business introduced by Commissioners, members of the public may speak for a maximum of three minutes per agenda item when the subject is before the Board.

Persons in need of special assistance to participate in the meetings of the Housing Authority of the City of Alameda Board of Commissioners, please contact (510) 747-4325 (voice), TTY/TRS: 711, or jpolar@alamedahsg.org. Notification 48 hours prior to the meeting will enable the Housing Authority of the City of Alameda Board of Commissioners to make reasonable arrangements to ensure accessibility or language assistance.



PLEDGE OF ALLEGIANCE

1. ROLL CALL
2. COMMISSIONER RECUSALS
3. Public Comment (Non-Agenda)
4. Closed Session - 6:00 p.m. - Adjournment to Closed Session to Consider:
 - 4.A. Conference with Legal Counsel-Anticipated Litigation: Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code Section 54956.9: One potential case
 - 4.B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR Pursuant to Government Code Section 54956.8.
Property Location: 1628 Webster Street, Alameda CA 94501
Assessor's Parcel Number 73-418-4-1
Agency Negotiators: Vanessa Cooper, Executive Director, and Sylvia Martinez, Director of Housing Development, Negotiating Parties: Alameda Hospitality, LLC; Under Negotiation: Price and Terms of Payment.
 - 4.C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: 89 Maitland Drive, Alameda, CA 94502
Assessor's Parcel Numbers: 74-1035-79-3
Agency Negotiation: Vanessa Cooper, Executive Director and Sylvia Martinez, Director of Housing Development
Negotiating Parties: Housing Authority of the City of Alameda and Transwestern Real Estate Services, Property Owner: Charles R Scott Trust.
Under Negotiation: Investment in Real Property, Price and Terms of Payment
5. Adjournment of Closed Session
6. RECONVENE REGULAR MEETING - 7:00 p.m.
7. Announcement of Action Taken in Closed Session, if any.
8. Public Comment (Non-Agenda)
9. CONSENT CALENDER
Consent Calendar items are considered routine and will be approved or accepted by one motion unless a request for removal for discussion or explanation is received from the Board of Commissioners or a member of the public.
 - 9.A. Approve Minutes of the Special Board of Commissioners Meeting held December 15, 2022.
 - 9.B. Accept the MTW Supplement Draft for Fiscal Year starting July 1, 2023.
 - 9.C. Accept an Update on Property Management Transfer
 - 9.D. Approve revised Payment Standards for the Housing Choice Voucher program, and for Project-Based Vouchers effective February 2, 2023.



- 9.E. Accept the Monthly Development Report for Rosefield Village.
- 9.F. Accept Monthly Report on Construction in Progress.
- 9.G. Accept the Annual Review of the Investment Policy.
10. AGENDA
- 10.A. Adopt the Resolution to Amend the Housing Authority's Revised Employee Policies and Procedures Handbook, Last Revised 1.11.2023, Effective 1.12.2023.
- 10.B. Adopt Resolution of the Board of Commissioners of the Housing Authority of the City of Alameda Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361.
11. ORAL COMMUNICATIONS, Non-Agenda (Public Comment)
12. EXECUTIVE DIRECTOR'S COMMUNICATIONS
13. COMMISSIONER COMMUNICATIONS, (Communications from the Commissioners)
14. CONTINUATION OF CLOSED SESSION OF HOUSING AUTHORITY BOARD OF COMMISSIONERS – IF NEEDED
15. Announcement of Action Taken in Closed Session, if any.
16. ADJOURNMENT

* * * Note * * *

- Documents related to this agenda are available on-line at:
<https://www.alamedahsg.org/meetings/>
- Know Your RIGHTS Under The Ralph M. Brown Act: Government's duty is to serve the public, reaching its decisions in full view of the public. The Board of Commissioners exists to conduct the business of its constituents. Deliberations are conducted before the people and are open for the people's review. In order to assist the Housing Authority's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the Housing Authority accommodate these individuals.





**DRAFT MINUTES
SPECIAL MEETING OF THE BOARD OF COMMISSIONERS
THURSDAY, DECEMBER 15, 2022**

PLEDGE OF ALLEGIANCE

1. ROLL CALL

Present: Chair Grob, Vice-Chair Tamaoki, Commissioner Hadid,
Commissioner Husby, Commissioner Joseph-Brown
and Commissioner Kaufman

Absent: Commissioner Sidelnikov

2. BOARD COMMISSIONER RECUSALS

None.

3. Public Comment (Non-Agenda)

None.

4. Closed Session - 6:00 p.m. - Adjournment to Closed Session to Consider:

Chair Grob called the meeting to order at 6:01 p.m. and the Board moved to
Closed Session at approximately 6:05 p.m.

4.A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to
Government Code Section 54956.8.
Property Location: 89 Maitland Drive, Alameda, CA 94502
Assessor's Parcel Numbers: 74-1035-79-3
Agency Negotiation: Vanessa Cooper, Executive Director and Sylvia Martinez,
Director of Housing Development
Negotiating Parties: Housing Authority of the City of Alameda and Transwestern
Real Estate Services, Property Owner: Charles R Scott Trust.
Under Negotiation: Investment in Real Property, Price and Terms of Payment

4.B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR Pursuant to
Government Code Section 54956.8.



Property Location: 1628 Webster Street, Alameda CA 94501

Assessor's Parcel Number 73-418-4-1

Agency Negotiators: Vanessa Cooper, Executive Director, and Sylvia Martinez, Director of Housing Development, Negotiating Parties: Alameda Hospitality, LLC; Under Negotiation: Price and Terms of Payment.

- 4.C. Pursuant to Government Code Section 54956.9(a)
Conference with Legal counsel re existing litigation: Housing Authority of the City of Alameda v. Johnson, Alameda County Superior Court No. RG18-933615

5. Adjournment of Closed Session

Chair Grob adjourned Closed Session at 7:00 p.m.

6. RECONVENE REGULAR MEETING - 7:00 p.m.

Chair Grob reconvened the Regular Meeting at 7:01 p.m.

7. Announcement of Action Taken in Closed Session, if any.

Chair Grob announced that during Closed Session the Board discussed items 4.A through 4.C.

8. Public Comment (Non-Agenda)

9. CONSENT CALENDER

Consent Calendar items are considered routine and will be approved or accepted by one motion unless a request for removal for discussion or explanation is received from the Board of Commissioners or a member of the public.

- *9.A. Approve Minutes of the Regular Board of Commissioners Meeting held November 16, 2022.
- *9.B. Approval of 2023 Out-of-State travel
- *9.C. Accept a Report on the Annual Intern Program and Creation of a One Year Rotating Fellowship Program for Graduates of the Intern Program.
- *9.D. Accept Report on the Potential Purchase of BMR - 410 Tucker Avenue.
- *9.E. Accept and Approve the Extension of the Option Agreement(s) to Ground Lease for the three projects within North Housing Block A.
- *9.F. Approve \$100,000 Increase in Short-term Housing Authority Loan and Authorize Executive Director to Sign Contract Increases for Additional Costs Up to \$1,950,000 for Independence Plaza Balcony Renovation.

Items accepted or adopted are indicated by an asterisk.



Chair Grob stated that she is very excited about the intern and fellowship programs, as described in the report provided for item 9.C. She recognized the programs as interesting and creative ways to attract young staff members and provide them with a way to grow within an organization and gain professional experience.

Commissioner Husby moved to accept the Consent Calendar items and Chair Grob seconded the motion. A roll call vote was taken, and the motion passed unanimously.

Yes	6	Chair Grob, Vice-Chair Tamaoki, Commissioner Hadid, Commissioner Husby, Commissioner Joseph-Brown, and Commissioner Kaufman
Absent	1	Commissioner Sidelnikov

10. AGENDA

10.A. Alameda Food Bank Presentation.

Joshua Altieri, Community Relations Manager provided a presentation that summarized the work performed over the past year through the partnership of the Housing Authority of the City of Alameda (AHA), the Alameda Food Bank (AFB), and LifeSTEPS; highlighting the move to reusable bags in order to reduce waste and the operational transition to LifeSTEPS.

The Board and Vanessa Cooper, Executive Director recognized staff for the continuation and optimization of the AFB program and expressed gratitude for the work performed by Mr. Altieri and his professionalism, integrity, and response to tenants needs.

10.B. Adopt the Revised Schedule of Authorized Positions and Pay Schedule for Fiscal Year 2022-2023.

Janet Basta, Director of Human Resources and Operations stated that to address staff turnover in the Housing Development Department staff is seeking to fill two current vacancies, for a Project Manager and Assistant Project Manager, and is requesting flexibility in the level at which hiring occurs.

Currently a recruitment for a Project Manager is posted and staff requests that the Board provide approval to allow staff the flexibility to advertise, and include in the Schedule of Authorized Positions and Pay Schedule, two newly created positions: Housing Development Specialist and Associate Project Manager. These two positions will be entry and middle level positions and will allow staff to hire at a level appropriate for the respective candidates' skill sets. Staff proposes that the Associate Project Manager position be set at the same salary



range as the current Assistant Project Manager, but be classified as exempt and the title would replace the Assistant Project Manager. The creation of these positions will allow room for growth in the development field while not affecting the FTEs for the year.

Staff is also beginning to work on the budget and review positions for the upcoming year, and is considering creating an Assistant Director position for most of the departments to allow for bandwidth and succession planning. Staff also separated the Asset Management positions for the Property Operations in the Schedule of Authorized positions, and created the Board approved Director of Asset Management position.

Commissioner Husby moved to adopt the Revised Schedule of Authorized Positions and Pay Schedule for Fiscal Year 2022-2023 and Vice-Chair Tamaoki seconded the motion. A roll call vote was taken, and the motion passed unanimously.

Yes 6 Chair Grob, Vice-Chair Tamaoki, Commissioner Hadid, Commissioner Husby, Commissioner Joseph-Brown, and Commissioner Kaufman

Absent 1 Commissioner Sidelnikov

- 10.C. Adopt the revision to the Annual Plan for Fiscal Year Starting July 1, 2022 including the MTW Supplement to the Annual Plan and Authorize the Chair to Certify, By Resolution, that Board of Commissioners has Approved Submission of the Agency Plan to HUD.

Ms. Cooper introduced, and expressed gratitude for the work performed by, Tonya Schuler-Cummins, Principal Management Analyst.

Ms. Schuler-Cummins stated that staff is requesting Board permission to submit the Housing Authority of the City of Alameda’s (AHA) MTW Supplement to the U.S. Department of Housing and Urban Development (HUD), which is a supplement (amendment) to AHA’s Annual Plan that was submitted March 21, 2022. However, due to the required public comment period, the MTW Supplement was not included in the original submittal of the Annual Plan. The submittal of the MTW Supplement is an official revision to the Annual Plan, which has been amended to include one line that indicates “the MTW Supplement is being implemented” and the MTW Supplement includes the major revisions for the Annual Plan which includes fifteen activities, as listed in the report. If approved, staff can begin implementation of these activities immediately. Ms. Schuler-Cummins noted that, at this time, AHA is not going to apply MTW to the VASH, EHV, Moderate Rehabilitation Program, or Shelter Plus Care Program. All other programs will be involved in MTW. The required Public Hearings were held last week and there were not a lot of public comments submitted at the time, and there were no substantive changes requested during the Resident Advisory Board (RAB) Meeting on December 8,



2022. The Public Comments received, prior to the December 8, 2022 close of the Public Comments period, were posted and submitted to the Board as amendments to the original report. In response to these comments, a slight revision was made to the Reexamination Schedule Hardship Policy. This revision was made to the period of when the Owner Referral to PBV would be implemented. Originally, the Owner Referral to PBV would be implemented after the waitlist expired, however, this has been revised to indicate that if it is a Coordinated Entry System (CES) requirement, then it could be implemented earlier as long as there is notice of the opening and directions on how to sign up for CES if eligible.

Ms. Cooper clarified that although staff is requesting approval to implement all of these activities, if approved, all activities may not be implemented immediately; as a number of these activities require sizeable changes to the administrative processes and technical infrastructure.

In response to Chair Grob, Ms. Schuler-Cummins stated that HUD has up to 75 days to respond, no response within this time period constitutes automatic approval. Ms. Cooper stated that AHA primarily chose activities that other agencies have had approved by HUD.

Vice-Chair Tamaoki congratulated staff on gaining access to the additional tools granted to Move To Work Agencies. This goal was discussed over five years ago, and staff did a fantastic job presenting the agency and providing the justification for AHA being selected for this program.

Vice-Chair Tamaoki moved to adopt the revision to the Annual Plan for Fiscal Year Starting July 1, 2022 including the MTW Supplement to the Annual Plan and Authorize the Chair to Certify, By Resolution, that Board of Commissioners has Approved Submission of the Agency Plan to HUD and Commissioner Husby seconded the motion. A roll call vote was taken, and the motion passed unanimously.

Yes 6 Chair Grob, Vice-Chair Tamaoki, Commissioner Hadid, Commissioner Husby, Commissioner Joseph-Brown, and Commissioner Kaufman

Absent 1 Commissioner Sidelnikov

10.D. Adopt Resolution of the Board of Commissioners of the Housing Authority of the City of Alameda Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361.

Ms. Cooper stated that in order to stay compliant with the 30 day renewal of the



AB 361 Resolution, staff would like to reschedule the January meeting to take place on Wednesday, January 11, 2023 or Thursday, January 12, 2023, rather than Wednesday, January 18, 2023, and requested that the Board respond to staff’s request for availability. Considering the various respiratory illnesses that are arising, having the option to hold remote and hybrid meetings is beneficial.

Commissioner Husby moved to adopt the Resolution of the Board of Commissioners of the Housing Authority of the City of Alameda Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361 and Chair Grob seconded the motion. A roll call vote was taken, and the motion passed unanimously.

Yes 6 Chair Grob, Vice-Chair Tamaoki, Commissioner Hadid, Commissioner Husby, Commissioner Joseph-Brown, and Commissioner Kaufman

Absent 1 Commissioner Sidelnikov

11. ORAL COMMUNICATIONS, Non-Agenda (Public Comment)

None.

12. EXECUTIVE DIRECTOR'S COMMUNICATIONS

At the request of Ms. Cooper, Mr. Altieri announced that on Friday, December 16, 2022, from 2 p.m. – 3 p.m., AHA would be partnering with the Alameda Fire Department (AFD) and LifeSTEPS to host a gift card distribution event at Esperanza for 208 AHA households. AHA will also be conducting a raffle for the toy gifts that were donated to AHA by the College of Alameda. Ms. Cooper stated that former Board Member John McCahan has been instrumental in helping to establish the partnership with the College of Alameda.

Ms. Cooper stated that staff expects to close on the Rica Vista property on December 19, 2022. Eighty families are currently residing on the property, and more are to come. The Board will receive information on a formal celebration that will be scheduled to take place in January 2023. Ms. Cooper expressed gratitude for the work performed by Sylvia Martinez, Director of Housing Development, and her team on this project.

Ms. Cooper reminded the Board that staff is planning to reschedule the January meeting and will send a request for availability.

Ms. Cooper also informed the Board that staff participated in the annual Fair Housing Training today and that Commissioners will need to complete this



training as required by insurance.

13. COMMISSIONER COMMUNICATIONS, (Communications from the Commissioners)

None.

14. CONTINUATION OF CLOSED SESSION OF HOUSING AUTHORITY BOARD OF COMMISSIONERS – IF NEEDED

Commissioner Hadid once again expressed gratitude for Mr. Altieri's work and all the work performed by AHA staff. Mr. Altieri acknowledged the collective effort of AHA staff and partners and expressed gratitude for their work.

Chair Grob expressed gratitude for the work and effort of Ms. Schuler-Cummins and Greg Kats, Director of Administrative Services in order to host the hybrid meetings and for all the work performed by staff throughout the year which lessens the burden on the Board Commissioners. Ms. Grob stated that she wished the staff well for the holiday season and is looking forward to 2023.

15. Announcement of Action Taken in Closed Session, if any.

None.

16. ADJOURNMENT

Chair Grob adjourned the meeting at 7:37 p.m.

Vanessa M. Cooper
Secretary and Executive Director

Carly Grob, Chair
Board of Commissioners





PHONE: (510) 747-4300
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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Tonya Schuler-Cummins, Principal Management Analyst

Date: January 11, 2023

Re: Accept the MTW Supplement Draft for Fiscal Year starting July 1, 2023.

BACKGROUND

The Housing Authority of the City of Alameda (AHA) was accepted into the Moving to Work (MTW) Demonstration Expansion under the Landlord Incentives Cohort to test the effectiveness of landlord incentives.

DISCUSSION

HUD requires the AHA to submit an MTW Supplement annually to list the status of its activities.

The attached MTW Supplement Draft for Fiscal Year starting July 1, 2023 includes MTW activities being considered for submission to HUD for approval as well as those included in the MTW Supplement for Fiscal Year starting July 1, 2022.

At this time the AHA is requesting five Agency-Specific Waivers listed below:

- Special Circumstances Admissions
- Project-Based Voucher Contract Rent Increases
- Project-Based Voucher First Year Moves
- Blended Subsidies or Contribution to Development Costs in Faircloth-to-RAD Conversions
- Flexible Subsidy Standards in Project-Based Voucher Admissions

FISCAL IMPACT

No fiscal impact. For information only.

CEQA



Not applicable.

RECOMMENDATION

Accept the MTW Supplement Draft for Fiscal Year starting July 1, 2023.

ATTACHMENTS

1. 2023 Draft Supplement

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tonya Schuler-Cummins', written in a cursive style.

Tonya Schuler-Cummins, Principal Management Analyst

NOTE FROM THE HOUSING AUTHORITY OF THE CITY OF ALAMEDA

The Housing Authority of the City of Alameda (AHA) will be submitting form HUD-50075-MTW electronically through the Moving to Work (MTW) portal to HUD upon approval of its Board of Commissioners after a public process. Please find the original form HUD-50075-MTW on HUD's website at:

https://www.hud.gov/program_offices/public_indian_housing/programs/ph/mtw/expansion/mtwsupplement. This document contains the information in the HUD form, but in an easier to read format, including larger print in a format that will be accessible to persons with disabilities when posted online. Most of the instructions and questions in the document are copied directly from the form HUD-50075-MTW (01/2021).

EXPLANATORY NOTE TO PUBLIC REVIEWERS OF THE PROPOSED MOVING TO WORK SUPPLEMENT FILLABLE FORM

The Moving to Work (MTW) Supplement collects information about policies implemented by MTW expansion agencies. MTW agencies use it to communicate their plans with residents and community stakeholders through required public comment processes, and HUD uses the information collected to monitor and evaluate the MTW demonstration program. MTW agencies will submit the MTW Supplement to HUD annually and amend as needed. HUD plans to make the MTW Supplement into a fillable form so as to reduce respondent burden and make the information collected more useful to HUD. When the MTW Supplement is available through the fillable form, it will include skip patterns¹ that prompt the user to populate only the sections relevant to what they are currently implementing. It will also include screening questions that will ask which waivers and associated activities they are currently implementing, plan to implement in the upcoming year, or will be discontinued in the submission year. The MTW Agency will be able to print the information from the MTW Supplement in a reader-friendly format in order to inform the public of its plans for the upcoming year. The purposes of the MTW Supplement are two-fold: it reports to HUD what is happening at the local level in a way that the Department can monitor and evaluate; and, more importantly, it informs the public about what the agency is planning and gives the public the ability to provide comment.

The MTW Supplement asks for information about each of the MTW Waivers and associated activities that are made possible by the MTW Operations Notice, Safe Harbor Waivers and Agency-Specific Waivers, and a few other types of information. MTW agencies will fill in information/data through a fillable form and the information collected will be stored in a database so that it can be analyzed by HUD. The approved forms will be posted to the MTW website for viewing by the public. For instance, it will be simple to find out how many MTW agencies and which MTW agencies are implementing each type of activity. It will also simplify reporting for the MTW agency since information will carry

¹ A skip pattern is a question or series of questions associated with a conditional response.

over year-to-year in the fillable form so that information that does not change from year to year will be pre-populated, thereby reducing respondent burden.

This document lists the sections of the MTW Supplement and then presents the proposed questions to be included in the MTW Supplement for MTW agencies to answer annually. Throughout the online version, there will be a dropdown menu option that makes it clear as to which activities an agency is permitted to do within the safe harbors of the MTW Operations Notice, Appendix I, MTW Waivers.

Sections of the MTW Supplement:

- A. PHA Information
- B. Narrative
- C. MTW Waivers and Associated MTW Activities
- D. Safe Harbor Waivers
- E. Agency-Specific Waivers
- F. Public Housing Operating Subsidy Grant Reporting
- G. MTW Statutory Requirements
- H. Evaluations
- I. MTW Certifications of Compliance

Information to be Collected for MTW Activities

There are many MTW activities, subject to limitations as outlined in the MTW Operations Notice, that an MTW agency may implement. Each MTW agency will likely only engage in a subset of these MTW activities. The MTW Supplement will first ask MTW agencies to identify which MTW activities they are proposing to implement and which of those MTW activities they are already implementing. MTW agencies will subsequently be asked to provide information only about the MTW activities they are proposing to implement or are already implementing. This feature will reduce respondent burden. MTW waivers have associated MTW activities. MTW agencies are also able to combine MTW activities into their own initiatives.

MTW agencies will be asked for specific information about each MTW activity they are proposing to implement or are already implementing. There are six types of questions that could be asked about each MTW activity. The exact mix of questions will depend partly upon the MTW activity and partly upon the requirements for that MTW activity listed in the MTW Operations Notice. The six types of questions are:

- (1) Core—questions applicable to most MTW activities
- (2) Custom—questions specific to an individual MTW activity
- (3) Safe Harbor Waiver—questions asked when the MTW activity requires a Safe Harbor Waiver
- (4) Hardship Policy—questions asked when the MTW Operations Notice requires a hardship policy for the MTW activity
- (5) Impact Analysis—questions asked when the MTW Operations Notice requires an impact analysis for the MTW activity

- (6) Agency-Specific Waiver—questions asked when the MTW activity requires an Agency-Specific Waiver

Questions

The questions are presented below by type, beginning with the core questions. In the final online version of the MTW Supplement, the relevant questions from each type will be asked together in relation to each MTW activity the MTW agency is proposing to implement or is already implementing. The final online version of the MTW Supplement will be set up to allow for different versions of the same MTW activity—for instance, a different minimum rent for the non-elderly/non-disabled than for the elderly/disabled. The final online version of the MTW Supplement will also be able to autofill items with information from previous years. This feature will reduce respondent burden.

Table 1, at the end of this document, lists the MTW activities and indicates which types of questions need to be asked about each one.

MTW SUPPLEMENT TO THE ANNUAL PHA PLAN

U.S. Department of Housing and Urban Development Office of Public and Indian Housing

OMB. No. 2577-0226

Expires: 03/31/2024

Purpose. The Moving to Work (MTW) Supplement to the Annual PHA Plan informs HUD, families served by the PHA, and members of the public, about the MTW Waivers and associated activities that the MTW agency seeks to implement in the coming Fiscal Year and updates the status of MTW activities that have been previously approved. It also provides information about Safe Harbor Waivers, Agency-Specific Waivers, compliance with MTW statutory requirements, and evaluations. The MTW Supplement does not replace the PHA Plan. MTW agencies must continue to submit the applicable PHA Plan. MTW agencies that are not required to submit annual PHA Plans under the Housing and Economic Recovery Act of 2008 (HERA) must submit the MTW Supplement annually, in addition to holding public hearings, obtaining board approval, and consulting with Resident Advisory Boards (RABs) and tenant associations, as applicable, on planned MTW activities.

Applicability. Form HUD-50075-MTW is to be completed annually by all MTW agencies brought onto the MTW Demonstration Program pursuant to Section 239 of the Fiscal Year 2016 Appropriations Act, P.L. 114-113 (2016 MTW Expansion Statute) or legacy MTW agencies that chose to follow the requirements of the MTW Operations Notice.

Definitions. All terms used in this MTW Supplement are consistent with the definitions stated in the MTW Operations Notice, including:

- (1) **Local, Non-Traditional Activities (LNT)** – Those MTW activities that use MTW funding flexibility outside of the Housing Choice Voucher (HCV) and public housing programs established in Sections 8 and 9 of the U.S. Housing Act of 1937.

- (2) **Safe Harbors** – The additional parameters or requirements, beyond those specified in the MTW activity description itself found in the MTW Operations Notice, following each activity description, that the MTW agency must follow in implementing MTW activities.
- (3) **Substantially the Same Requirement** – A statutory MTW requirement that MTW agencies must continue to assist substantially the same total number of eligible low-income families as would have been served absent the MTW demonstration.

A. PHA INFORMATION

A.1 **PHA Name:** Housing Authority of the City of Alameda
PHA Code: CA062
MTW Supplement for PHA Fiscal Year Beginning (MM/DD/YYYY):
 07/01/2023
PHA Program Type: Public Housing (PH) only
 Housing Choice Voucher (HCV) only
 Combined
MTW Cohort Number: 4 (Landlord Incentives)
MTW Supplement Submission Type:
 Annual Submission
 Amended Annual Submission

B. NARRATIVE

B.1 MTW Supplemental Narrative.

The narrative provides the MTW agency with an opportunity to explain to the public, including the families that it serves, its MTW plans for the fiscal year and its short and long-term goals.

The MTW agency should provide a description of how it seeks to further the three MTW statutory objectives during the coming Fiscal Year. Those three MTW statutory objectives are: (1) to reduce cost and achieve greater cost effectiveness in federal expenditures; (2) to give incentives to families with children whose heads of household are either working, seeking work, or are participating in job training, educational or other programs that assist in obtaining employment and becoming economically self-sufficient; and (3) to increase housing choices for low-income families.

The primary goal of the Housing Authority of the City of Alameda (AHA), in partnership with the entire community, is to advocate and provide quality, affordable, safe housing; encourage self-sufficiency; and strengthen community inclusiveness and diversity in housing. AHA's Vision Statement is: "The Housing Authority of the City of Alameda shall continue to be recognized for creatively seeking ways to expand the availability of affordable housing through Alameda, for caring professional staff, and excellent service provided fairly to all".

During participation in the Landlord Incentives Cohort the AHA will be using creative methods to encourage new landlord participation and continued landlord partnerships expanding housing choice for all voucher holders. During this cohort study, the AHA will continue to develop and maintain quality affordable housing for low-income residents, providing more housing choice along the entire spectrum of housing continuum. The AHA would like to design, implement, and sustain exceptional programs that invest in the residents to become self-sufficient through an array of educational, employment, and economic platforms including exploring the possibility of offering incentives to families to participate in training programs or increasing the ability of participants to attend community college or universities.

The AHA will strive to further the MTW statutory objective to reduce cost and achieve greater cost effectiveness in federal expenditures by continuing the activities proposed for FY 2022-2023 and adding a streamlining of processing Project-Based Voucher rent increases.

The AHA will strive to further the MTW statutory objective to give incentives to families with children whose heads of household are either working, seeking work, or are participating in job training, educational or other programs that assist in obtaining employment and becoming economically self-sufficient by continuing the activities proposed for FY 2022-2023.

The AHA will strive to further the MTW statutory objective to increase housing choices for low-income families by continuing the activities proposed for FY 2022-2023 and adding three activities to the Project-Based Voucher program and the ability to use RAD in conjunction with the Faircloth limit.

Activities will not apply to Shelter Plus Care, Mod Rehab SRO, VASH or EHV program participants.

C. MTW WAIVERS AND ASSOCIATED ACTIVITIES

NOTE: MTW agencies are reminded that all MTW Waivers and associated activities must be implemented in accordance with the MTW Operations Notice and within its safe harbors unless a Safe Harbor or Agency-Specific Waiver approval is provided by HUD, in which case, the activity utilizing the Safe Harbor or Agency-Specific Waiver must be implemented in accordance with the terms of the approval.

Screener:

For all MTW Waivers and Activities in Section C, the screening question listed below will be presented in the fillable form. This will allow the form to only display those waivers that input where is required.

Each waiver and activity will be listed with the following choices. If “Not Currently Implemented” is selected, the agency will not be shown any further questions for the activity.

- Currently Implementing
- Plan to Implement in the Submission Year
- Will be Discontinued in the Submission Year
- Was Discontinued in a previous Submission Year
- Not Currently Implemented

Core Questions:

The following core questions apply to all of the MTW Waivers and associated activities listed in the MTW Operations Notice. The core questions collect basic information about any MTW activity proposed or implemented by MTW agencies.

- Narrative. Describe the MTW activity, the MTW agency’s goal(s) for the MTW activity, and, if applicable, how the MTW activity contributes to a larger initiative.
- MTW Statutory Objectives. Which of the MTW statutory objectives does this MTW activity serve?
- Cost implications. What are the cost implications of this MTW activity? Pick the best description of the cost implications based on what you know today.
- Different policy by household status/family types/sites? Does the MTW activity under this waiver apply to all assisted households or only to a subset or subsets of assisted households?
- Household Status. Does the MTW activity apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households?
- Family Types. Does the MTW activity apply to all family types or only to selected family types?
- Location. Depending on if responses are being provided for a public housing (PH) or HCV activity, the agency will either see questions applicable to PH or HCV.
- Does the MTW agency need a Safe Harbor Waiver to implement this MTW activity as described?

- Does this MTW activity require a hardship policy?
- Does the MTW activity require an impact analysis?

Custom Questions:

Custom questions are tailored to each MTW activity. In what follows, the MTW activities are listed with their custom questions. The final online version of the MTW Supplement will be set up so that if an MTW activity is the same in the HCV and/or public housing programs, the MTW agency fills in the information for public housing, then the information is auto populated for the HCV program. MTW agencies are asked to fill in answers only to questions that are relevant to the MTW activities they propose to implement or are already implementing.

The Housing Authority of the City of Alameda (AHA) submitted the activities marked as “Currently Implementing” with the 2022 MTW Supplement, which has not been approved as of the preparation of this plan, but should be approved and implementation started prior to the implementation of this plan. If HUD does not approve any of the 2022 proposed activities, the below tables will be updated prior to submission.

1. Tenant Rent Policies	
b. Tiered Rent (HCV)	Not Currently Implemented
d. Stepped Rent (HCV)	Not Currently Implemented
f. Minimum Rent (HCV)	Not Currently Implemented
h. Total Tenant Payment as a Percentage of Gross Income (HCV)	Not Currently Implemented
j. Alternative Utility Allowance (HCV)	Not Currently Implemented
l. Fixed Subsidy (HCV)	Not Currently Implemented
n. Utility Reimbursements (HCV)	Not Currently Implemented
o. Initial Rent Burden (HCV)	Not Currently Implemented
q. Impute Income (HCV)	Not Currently Implemented
s. Elimination of Deduction(s) (HCV)	Not Currently Implemented
u. Elimination of Deductions (HCV)	Not Currently Implemented
w. Alternative Income Inclusions/Exclusions (HCV)	Not Currently Implemented

2. Payment Standards and Rent Reasonableness	
a. Payment Standards – Small Area Fair Market Rents (FMR) (HCV)	Not Currently Implemented
b. Payment Standards – Fair Market Rents (HCV)	Currently Implementing
c. Rent Reasonableness – Process (HCV)	Not Currently Implemented
d. Rent Reasonableness – Third Party Requirement	Not Currently Implemented

3. Reexaminations	
b. Alternative Reexamination Schedule for Households (HCV)	Currently Implementing
d. Self-certification of Assets (HCV)	Currently Implementing

4. Landlord Leasing Incentives	
a. Vacancy Loss (HCV-Tenant-Based Assistance)	Currently Implementing
b. Damage Claims (HCV-Tenant-Based Assistance)	Not Currently Implemented
c. Other Landlord Incentives (HCV-Tenant-Based Assistance)	Currently Implementing

5. Housing Quality Standards (HQS)	
a. Pre-Qualifying Unit Inspections (HCV)	Currently Implementing
b. Reasonable Penalty Payments for Landlords (HCV)	Not Currently Implemented
c. Third-Party Requirement (HCV)	Not Currently Implemented
d. Alternative Inspection Schedule (HCV)	Currently Implementing

6. Short-Term Assistance	
b. Short-Term Assistance (HCV)	Not Currently Implemented

7. Term-Limited Assistance	
b. Term-Limited Assistance (HCV)	Not Currently Implemented

8. Increase Elderly Age (PH & HCV)	
a. Increase Elderly Age (HCV)	Not Currently Implemented

9. Project-Based Voucher Program Flexibilities	
a. Increase PBV Program Cap (HCV)	Currently Implementing
b. Increase PBV Project Cap (HCV)	Currently Implementing
c. Elimination of PBV Selection Process for PHA-Owned Projects without Improvement, Development, or Replacement (HCV)	Currently Implementing
d. Alternative PBV Selection Process (HCV)	Not Currently Implemented
e. Alternative PBV Unit Types (Shared Housing and Manufactured Housing) (HCV)	Not Currently Implemented
f. Increase PBV HAP Contract Length (HCV)	Not Currently Implemented
g. Increase PBV Rent to Owner (HCV)	Not Currently Implemented

9. Project-Based Voucher Program Flexibilities	
h. Limit Portability for PBV Units (HCV)	Not Currently Implemented

10. Family Self-Sufficiency Program with MTW Flexibility	
a. HCV Waive Operating a Required FSS Program (HCV)	Not Currently Implemented
b. HCV Alternative Structure for Establishing Program Coordinating Committee (HCV)	Not Currently Implemented
c. HCV Alternative Family Selection Procedures (HCV)	Not Currently Implemented
d. HCV Modify or Eliminate the Contract of Participation (HCV)	Not Currently Implemented
e. HCV Policies for Addressing Increases in Family Income (HCV)	Not Currently Implemented

11. MTW Self-Sufficiency Program	
a. HCV Alternative Family Selection Procedures (HCV)	Not Currently Implemented
b. HCV Policies for Addressing Increases in Family Income (HCV)	Not Currently Implemented

12. Work Requirement	
b. Work Requirement (HCV)	Not Currently Implemented

13. Use of Public Housing as an Incentive for Economic Progress (PH)	Not applicable
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14. Moving On Policy	
a. Waive Initial HQS Inspection Requirement (HCV)	Not Currently Implemented
b. HCV Allow Income Calculations from Partner Agencies (HCV)	Not Currently Implemented
c. HCV Aligning Tenant Rents and Utility Payments Between Partner Agencies (HCV)	Not Currently Implemented

15. Acquisition without Prior HUD Approval (PH)	Not applicable
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16. Deconcentration of Poverty in Public Housing Policy (PH)	Not applicable
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17. Local, Non-Traditional Activities	
a. Rental Subsidy Program	Not Currently Implemented
b. Service Provision	Not Currently Implemented
c. Housing Development Programs	Not Currently Implemented

Core and Custom Question Answers for Activities Plan to Implement in Submission Year or Currently Implemented:

2.b. Payment Standards – Fair Market Rents (HCV)
Currently Implementing
ACTIVITY 2022-01: The Housing Authority of the City of Alameda strives to house families in a small community in the Bay Area. The area is perceived to be one with good schools, high quality local businesses, picturesque neighborhoods, and a caring, involved community resulting in families wanting to rent or buy in the area resulting in high housing costs and limited housing choice. Payment standards set at 150% of FMR will hopefully allow the market to cap rents through rent reasonableness testing and not the payment standards.
Custom Question: Please explain the payment standards by FMR.
The agency may apply a payment standard up to 150% of FMR.
This MTW activity serves the following statutory objectives: <input type="checkbox"/> Cost effectiveness <input type="checkbox"/> Self-sufficiency <input checked="" type="checkbox"/> Housing Choice
This MTW activity has the following cost implications: <input type="checkbox"/> Neutral <input type="checkbox"/> Increased revenue <input type="checkbox"/> Decreased revenue <input checked="" type="checkbox"/> Increased expenditures <input type="checkbox"/> Decreased expenditures
A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies: <input checked="" type="checkbox"/> to all assisted households <input type="checkbox"/> only to a subset or subsets of assisted households
This MTW activity does require a Safe Harbor Waiver.
This MTW activity does require a hardship policy. Hardship policy will be uploaded here, but please see Payment Standards Outside FMR Hardship Policy.
The hardship policy does not apply to more than this MTW activity.
The MTW agency has not modified the hardship policy since the last submission of the MTW Supplement.

2.b. Payment Standards – Fair Market Rents (HCV)

Currently Implementing

How many hardship requests have been received associated with this activity in the most recently completed PHA fiscal year?

0 hardship requests received during the most recently completed PHA fiscal year (AHA had not implemented MTW activities as of June 30, 2022.)

This MTW activity does require an impact analysis. Impact analysis will be uploaded here, but please see Payment Standard Impact Analysis.

The impact analysis does not apply to more than this MTW activity.

Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.

At this time, AHA is waiting on HUD approval to begin implementing activity.

This activity has not been discontinued and is not planned to be discontinued.

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3.b. Alternative Reexamination Schedule for Households

Currently Implementing

ACTIVITY 2022-02: Reducing family's responsibility to provide income documentation from annually to tri-annually results in less caseworkers needed to process annuals that result in minimal rent changes. Allows stability in rent for tenants and landlords. Families receiving zero income or less than \$5,000 per adult annually in income, living in Mod Rehab SRO, Shelter Plus Care, VASH, or EHV units will receive annual recertifications. AHA will check for families meeting these conditions twice a year (normally January and July) and schedule an annual reexamination as appropriate.

Income increase(s) resulting in an annual increase of \$10,000 needs to be reported. Increases of less than \$10,000 annually do not need to be reported between recertifications. Cumulative increases resulting in more than \$10,000 of income increases needs to be reported when the \$10,000 level is reached.

Families receiving the Earned Income Disallowance (EID) will receive interims to change their EID portion annually that will not count towards the limit.

Owners would still be able to request annual rent increases. These would be processed after a rent reasonableness test is conducted and would not count towards interim cap.

Custom Question: What is the recertification schedule?

- Once every two years
- Once every three years
- Other

Custom Question: How many interim recertifications per year may a household request?

- 0
- 1
- 2 or more

Custom Question: Please describe briefly how the MTW agency plans to address changes in family/household circumstances under the alternative reexamination schedule.

The family may request one interim per year for an income decrease or family composition change. Reports of income increases of more than \$10,000 do not count towards the interim limit. Involuntary household composition changes do not apply towards the interim limit, for example, reporting the death of a family member will not count towards the interim limit.

If the interim results in a decrease, the family must show that the gross income loss is going to significantly (greater than 10%) and long-term (more than 6 months) change the family's annual income going forward from the income used at the last income

3.b. Alternative Reexamination Schedule for Households

calculation. No interim decreases will be processed during the first six months after initial occupancy.

If the family composition change is for an addition of an adult, then eligibility must be determined before an individual can move into the unit. The new adult family member's income will be added during the interim. Family composition changes for minors would be processed at the next triennial or when the household transfers. The family may request an interim for family composition changes once a year, including an increase in subsidy when the family is over-housed. Interims could be requested for additional adults to meet approved reasonable accommodations at any time.

The conditions of receiving a second interim decrease in one year are outlined in the Hardship Policy.

This MTW activity serves the following statutory objectives:

- Cost effectiveness
- Self-sufficiency
- Housing Choice

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households
- only to a subset or subsets of assisted households

This MTW activity does not require a Safe Harbor Waiver.

This MTW activity does require a hardship policy Alternative Reexamination Schedule Hardship Policy.

The hardship policy does not apply to more than this MTW activity.

The MTW agency has not modified the hardship policy since the last submission of the MTW Supplement.

How many hardship requests have been received associated with this activity in the most recently completed PHA fiscal year?

0 hardship requests received during the most recently completed PHA fiscal year (AHA had not implemented MTW activities as of June 30, 2022.)

This MTW activity does require an impact analysis. Impact analysis will be uploaded here, but please see Alternative Reexamination Schedule Impact Analysis.

3.b. Alternative Reexamination Schedule for Households

Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.

At this time, AHA is waiting on HUD approval to begin implementing activity.

This activity has not been discontinued and is not planned to be discontinued.

DRAFT

3.d. Self-Certification of Assets

Currently Implementing

ACTIVITY 2022-03: Allow self-certification of participants on program up to \$50,000 in assets to reduce processing of minimal income from assets. Family must provide statement with any income earned on the assets under penalty of perjury. No other verification would be collected or required. Assets would be defined as in 24 CFR 5.609. Assets that the family does not have access to such as irrevocable trusts and 401K accounts would not count towards this asset limit. Applicants must establish assets and provide verification.

New assets under \$50,000 do not need to be reported between triennials.

Assets for all currently assisted households with a household asset total of less than \$50,000 sum to approximately \$1,900,000. These assets only generate a total across all assisted households of \$6,954 of annual income resulting in a total increase in total tenant payments from all participants of approximately \$2086 per year in additional rent due to these assets. This will be offset by the staff salaries of the time spent obtaining and reviewing verifications of lower amount assets. Households with more than \$50,000 in assets comprise 58% of total household assets. These households would still provide verification of the approximate \$2,700,000 in assets that generate approximately \$5,100 in asset income per year with participants paying a total of approximately \$1556 per year in higher rent due to asset income.

Custom Question: Please state the dollar threshold for the self-certification of assets.
Threshold: \$50,000.

This MTW activity serves the following statutory objectives:

- Cost effectiveness
- Self-sufficiency
- Housing Choice

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households
- only to a subset or subsets of assisted households

This MTW activity does not require a Safe Harbor Waiver.

This MTW activity does not require a hardship policy.

This MTW activity does not require an impact analysis.

3.d. Self-Certification of Assets

Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.

At this time, AHA is waiting on HUD approval to begin implementing activity.

This activity has not been discontinued and is not planned to be discontinued.

DRAFT

4.a. Vacancy Loss

Currently Implementing

ACTIVITY 2022-04: This activity is to incentivize landlords to participate in the HCV program in combination with activities 2022-05, 2022-06, 2022-07, and 2022-11.

As these activities are implemented to increase landlord participation in the program, units that are required to house voucher holders such as Project-Based Voucher units, ones with a regulatory agreement on the units, Tax Credit units, or ones owned by the Housing Authority are not included in this activity.

This allows the AHA to make a payment up to one month's rent payment to a landlord whose unit was vacated by a participant of the Housing Choice Voucher program and is occupied by a different participant of the Housing Choice Voucher program. The payment would be capped at the reasonable rent to owner minus any payments the owner received that month from any source. The payment would be made after the execution of the HAP contract.

Custom Question: Does this policy apply to certain types of units or to all units all HCV units or only certain types of units (for example, accessible units, units in low-poverty neighborhood, or units/landlords new to the HCV program?)

- To all units
- Certain types of units only

If certain types of units only, what types of units does this policy apply to?

- Accessible units
- Units in particular types of areas or neighborhoods
- Units/landlords new to the HCV program
- Other. Please describe briefly:

Does not apply to PHA owned, LIHTC units, or units with regulatory agreements. Project-Based Voucher units have a non-MTW vacancy loss.

Custom Question: What is the maximum payment that can be made to a landlord under this policy?

One month rent

Custom Question: How many payments were issued under this policy in the most recently completed PHA fiscal year?

AHA had not implemented MTW activities as of June 30, 2022

Custom Question: What is the total dollar value of payments issued under this policy in the most recently completed PHA fiscal year?

AHA had not implemented MTW activities as of June 30, 2022

This MTW activity serves the following statutory objectives:

- Cost effectiveness

4.a. Vacancy Loss
<input type="checkbox"/> Self-sufficiency <input checked="" type="checkbox"/> Housing Choice
<p>This MTW activity has the following cost implications:</p> <input type="checkbox"/> Neutral <input type="checkbox"/> Increased revenue <input type="checkbox"/> Decreased revenue <input checked="" type="checkbox"/> Increased expenditures <input type="checkbox"/> Decreased expenditures
<p>A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:</p> <input type="checkbox"/> to all assisted households <input checked="" type="checkbox"/> only to a subset or subsets of assisted households
<p>A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:</p> <input type="checkbox"/> New admissions (i.e., applicants) only <input type="checkbox"/> Currently assisted households only <input checked="" type="checkbox"/> New admissions and currently assisted households
<p>A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:</p> <input checked="" type="checkbox"/> all family types <input type="checkbox"/> only to selected family types
<p>An MTW activity can apply to a tenant-based and or project-based voucher.</p> <input type="checkbox"/> The MTW activity applies to all tenant-based units. <input type="checkbox"/> The MTW activity applies to all properties with project-based vouchers. <input checked="" type="checkbox"/> The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is: <p>It does not apply to PHA owned, LIHTC units, units with regulatory agreements, or Project-Based Voucher units</p>
<p>This MTW activity does not require a Safe Harbor Waiver.</p>
<p>This MTW activity does not require a hardship policy.</p>
<p>This MTW activity does not require an impact analysis.</p>
<p>Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.</p>

4.a. Vacancy Loss

At this time, AHA is waiting on HUD approval to begin implementing activity.
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This activity has not been discontinued and is not planned to be discontinued.
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DRAFT

4.c. Other Landlord Incentives

Currently Implementing

ACTIVITY 2022-05: This activity to incentivize landlords to participate in the HCV program in combination with activities 2022-04, 2022-06, 2022-07, and 2022-11.

As these activities are implemented to increase landlord participation in the program, units that are required to house voucher holders such as Project-Based Voucher units, ones with a regulatory agreement on the units, Tax Credit units, or ones owned by the Housing Authority are not included in this activity.

This activity allows the AHA to pay the landlord an incentive to lease up a Housing Choice Voucher (HCV) program participant. The AHA would offer an array of incentives, but the total incentive paid to one landlord could not exceed more than one month of the contract rent of the unit and would be paid at the time of HAP execution.

The proposed incentives are:

First-time Rental incentive: \$1,500
Accessible unit incentive: \$2,000
HQS incentive: \$100
Returning Landlord incentive: \$1,000

A first-time rental incentive would be paid to a landlord that is bringing a unit that has never been leased with the same landlord under the HCV program before. The accessible unit incentive would be paid to landlords providing a unit that meets or mostly meets the requirements for an ADA accessible unit to a family with a member with a disability. The HQS incentive would be paid to landlords whose unit passed an initial housing quality standards inspection the first time and resulted in a participant of the HCV program renting the unit. The returning landlord incentive would be paid to a landlord leasing a unit to an HCV participant that has been on the program prior.

Custom Question: Does this policy apply to certain types of units or to all units all HCV units or only certain types of units (for example, accessible units, units in low-poverty neighborhood, or units/landlords new to the HCV program?)

- To all units
 Certain types of units only

If certain types of units only, what types of units does this policy apply to?

- Accessible units
 Units in particular types of areas or neighborhoods
 Units/landlords new to the HCV program
 Other. Please describe briefly:

Does not apply to PHA owned, LIHTC units, units with regulatory agreements, or Project-Based Voucher units.

4.c. Other Landlord Incentives

Custom Question: What is the maximum payment that can be made to a landlord under this policy?

One month rent

Custom Question: How many payments were issued under this policy in the most recently completed PHA fiscal year?

PHA had not implemented MTW activities as of June 30, 2022

Custom Question: What is the total dollar value of payments issued under this policy in the most recently completed PHA fiscal year?

PHA had not implemented MTW activities as of June 30, 2022

This MTW activity serves the following statutory objectives:

- Cost effectiveness
- Self-sufficiency
- Housing Choice

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households
- only to a subset or subsets of assisted households

A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- New admissions (i.e., applicants) only
- Currently assisted households only
- New admissions and currently assisted households

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

- all family types
- only to selected family types

An MTW activity can apply to a tenant-based and or project-based voucher.

- The MTW activity applies to all tenant-based units.
- The MTW activity applies to all properties with project-based vouchers.

4.c. Other Landlord Incentives

The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

Does not apply to PHA owned, LIHTC units, units with regulatory agreements, or Project-Based Voucher units.

This MTW activity does not require a Safe Harbor Waiver.

This MTW activity does not require a hardship policy.

This MTW activity does not require an impact analysis.

Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.

At this time, AHA is waiting on HUD approval to begin implementing activity.

This activity has not been discontinued and is not planned to be discontinued.

DRAFT

5.a. Pre-Qualifying Unit Inspections
Currently Implementing
ACTIVITY 2022-06: This activity to incentivize landlords to participate in the HCV program in combination with activities 2022-04, 2022-05, 2022-07, and 2022-11. Initial inspections of units can be conducted up to 90 days prior to unit lease-up to help incentivize landlords to participate in the program and avoid delays in leasing. Participants or landlords can request a special (interim) inspection at any time.
Custom Question: How long is the pre-inspection valid for? 90 days
This MTW activity serves the following statutory objectives: <input type="checkbox"/> Cost effectiveness <input type="checkbox"/> Self-sufficiency <input checked="" type="checkbox"/> Housing Choice
This MTW activity has the following cost implications: <input checked="" type="checkbox"/> Neutral <input type="checkbox"/> Increased revenue <input type="checkbox"/> Decreased revenue <input type="checkbox"/> Increased expenditures <input type="checkbox"/> Decreased expenditures
A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies: <input checked="" type="checkbox"/> to all assisted households <input type="checkbox"/> only to a subset or subsets of assisted households
This MTW activity does not require a Safe Harbor Waiver.
This MTW activity does not require a hardship policy.
This MTW activity does not require an impact analysis.
Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.
At this time, AHA is waiting on HUD approval to begin implementing activity.
This activity has not been discontinued and is not planned to be discontinued.

5.d. Alternative Inspection Schedule
Currently Implementing
ACTIVITY 2022-07: This activity to incentivize landlords to participate in the HCV program in combination with activities 2022-04, 2022-05, 2022-06, and 2022-11. Require inspections only once every three years for private landlord units. Participants and landlords can request a special (interim) inspection at any time. A special inspection can be initiated by the AHA if it receives indications that the family's unit is not in compliance with HQS.
This MTW activity serves the following statutory objectives: <input checked="" type="checkbox"/> Cost effectiveness <input type="checkbox"/> Self-sufficiency <input checked="" type="checkbox"/> Housing Choice
This MTW activity has the following cost implications: <input type="checkbox"/> Neutral <input type="checkbox"/> Increased revenue <input type="checkbox"/> Decreased revenue <input type="checkbox"/> Increased expenditures <input checked="" type="checkbox"/> Decreased expenditures
A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies: <input type="checkbox"/> to all assisted households <input checked="" type="checkbox"/> only to a subset or subsets of assisted households
A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to: <input type="checkbox"/> New admissions (i.e., applicants) only <input type="checkbox"/> Currently assisted households only <input checked="" type="checkbox"/> New admissions and currently assisted households
A MTW activity can apply to all family types or only selected family types. This MTW activity applies to: <input checked="" type="checkbox"/> all family types <input type="checkbox"/> only to selected family types
An MTW activity can apply to a tenant-based and or project-based voucher. <input checked="" type="checkbox"/> The MTW activity applies to all tenant-based units. <input type="checkbox"/> The MTW activity applies to all properties with project-based vouchers. <input type="checkbox"/> The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:
This MTW activity does not require a Safe Harbor Waiver.

5.d. Alternative Inspection Schedule

This MTW activity does not require a hardship policy.

This MTW activity does not require an impact analysis.

Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.

At this time, AHA is waiting on HUD approval to begin implementing activity.

This activity has not been discontinued and is not planned to be discontinued.

DRAFT

9.a. Increase PBV Cap
Currently Implementing
ACTIVITY 2022-08: Assisted families in the Housing Choice Voucher program frequently inquire how to move to Project-Based Voucher (CAP) units and during the last wait list opening, numerous HCV families applied for the PBV wait lists indicating a desire to have a long-term contract with owners rather than a 1-year contract that can then be canceled with no reason. By project-basing more vouchers, more housing is secured for families without the threat of eviction.
This activity would raise the cap for which the AHA could award Project-Based Voucher contracts. The AHA currently has selections and/or HAP contracts for its entire allocation of PBV under the current caps.
Custom Question: What percentage of total authorized HCV units will be authorized for project-basing? 50% of the lower of either the total authorized units or annual budget authority
This MTW activity serves the following statutory objectives: <input type="checkbox"/> Cost effectiveness <input type="checkbox"/> Self-sufficiency <input checked="" type="checkbox"/> Housing Choice
This MTW activity has the following cost implications: <input checked="" type="checkbox"/> Neutral <input type="checkbox"/> Increased revenue <input type="checkbox"/> Decreased revenue <input type="checkbox"/> Increased expenditures <input type="checkbox"/> Decreased expenditures
A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies: <input checked="" type="checkbox"/> to all assisted households <input type="checkbox"/> only to a subset or subsets of assisted households
This MTW activity does not require a Safe Harbor Waiver.
This MTW activity does not require a hardship policy.
This MTW activity does not require an impact analysis.
Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.
At this time, AHA is waiting on HUD approval to begin implementing activity.
This activity has not been discontinued and is not planned to be discontinued.

9.b. Increase PBV Project Cap
Currently Implementing
ACTIVITY 2022-09: Allows more than the greater of 25 units or 25% of the units at a complex to receive Project-Based Voucher assistance. Under current regulations, units that are for the elderly or those providing supportive services are already exempt from this cap. This activity would allow units that may not be serving the above populations to go above the cap up to 100% of the units at a project.
This MTW activity serves the following statutory objectives: <input type="checkbox"/> Cost effectiveness <input type="checkbox"/> Self-sufficiency <input checked="" type="checkbox"/> Housing Choice
This MTW activity has the following cost implications: <input checked="" type="checkbox"/> Neutral <input type="checkbox"/> Increased revenue <input type="checkbox"/> Decreased revenue <input type="checkbox"/> Increased expenditures <input type="checkbox"/> Decreased expenditures
A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies: <input checked="" type="checkbox"/> to all assisted households <input type="checkbox"/> only to a subset or subsets of assisted households
This MTW activity does not require a Safe Harbor Waiver.
This MTW activity does not require a hardship policy.
This MTW activity does not require an impact analysis.
Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.
At this time, AHA is waiting on HUD approval to begin implementing activity.
This activity has not been discontinued and is not planned to be discontinued.

9.c. Elimination of PBV Selection Process for PHA-owned Projects without Improvement, Development, or Replacement

Currently Implementing

ACTIVITY 2022-010: This activity would allow the AHA to award project-based voucher units to a property owned by a single-asset entity (S.A.E.) of the AHA without engaging in a selection process. Currently, the AHA must open a Request for Proposals (RFP) to all interested owners when it awards PBV units. This process requires a significant amount of staff time to prepare the RFP, receive and organize proposals for review, score proposals, notify owners of the outcome, and track awards until execution of contract. This would allow the AHA to award vouchers without the RFP to units in the AHA's portfolio that qualify for PBV after conducting a Subsidy Layering Review, ensuring the property is compliant with HUD's site selection requirements, and having a 3rd party conduct HQS inspections of the units.

This MTW activity serves the following statutory objectives:

- Cost effectiveness
- Self-sufficiency
- Housing Choice

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households
- only to a subset or subsets of assisted households

A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- New admissions (i.e., applicants) only
- Currently assisted households only
- New admissions and currently assisted households

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

- all family types
- only to selected family types
- Other – another specifically defined target population or populations. The description of this population is:

An MTW activity can apply to a tenant-based and or project-based voucher.

- The MTW activity applies to all tenant-based units.

9.c. Elimination of PBV Selection Process for PHA-owned Projects without Improvement, Development, or Replacement

- The MTW activity applies to all properties with project-based vouchers.
- The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

Applies only to units owned by a single-asset entity of the PHA.

This MTW activity does not require a Safe Harbor Waiver.

This MTW activity does not require a hardship policy.

This MTW activity does not require an impact analysis.

Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.

At this time, AHA is waiting on HUD approval to begin implementing activity.

This activity has not been discontinued and is not planned to be discontinued.

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Cohort 4.2 Front-End Vacancy Loss Payment
Currently Implementing
<p>ACTIVITY 2022-11: This activity is to incentivize landlords to participate in the HCV program in combination with activities 2022-04, 2022-05, 2022-06, and 2022-07.</p> <p>As these activities are implemented to increase landlord participation in the program, units that are required to house voucher holders such as Project-Based Voucher units, ones with a regulatory agreement on the units, Tax Credit units, or ones owned by the Housing Authority are not included in this activity.</p> <p>Similar to ACTIVITY 2022-04 except this allows the AHA to make a payment up to one month's rent payment to a landlord whose unit was not vacated by a participant of the Housing Choice Voucher program and is subsequently occupied by a participant of the Housing Choice Voucher program. They payment would be made after the execution of the HAP contract.</p>
<p>This MTW activity serves the following statutory objectives:</p> <p><input type="checkbox"/> Cost effectiveness</p> <p><input type="checkbox"/> Self-sufficiency</p> <p><input checked="" type="checkbox"/> Housing Choice</p>
<p>This MTW activity has the following cost implications:</p> <p><input type="checkbox"/> Neutral</p> <p><input type="checkbox"/> Increased revenue</p> <p><input type="checkbox"/> Decreased revenue</p> <p><input checked="" type="checkbox"/> Increased expenditures</p> <p><input type="checkbox"/> Decreased expenditures</p>
<p>A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:</p> <p><input type="checkbox"/> to all assisted households</p> <p><input checked="" type="checkbox"/> only to a subset or subsets of assisted households</p>
<p>A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:</p> <p><input type="checkbox"/> New admissions (i.e., applicants) only</p> <p><input type="checkbox"/> Currently assisted households only</p> <p><input checked="" type="checkbox"/> New admissions and currently assisted households</p>
<p>A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:</p> <p><input checked="" type="checkbox"/> all family types</p> <p><input type="checkbox"/> only to selected family types</p>
<p>An MTW activity can apply to a tenant-based and or project-based voucher.</p>

Cohort 4.2 Front-End Vacancy Loss Payment

- The MTW activity applies to all tenant-based units.
- The MTW activity applies to all properties with project-based vouchers.
- The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

Does not apply to PHA owned, LIHTC units, or units with regulatory agreements.
Would not apply to Project-Based Voucher units.

This MTW activity does not require a Safe Harbor Waiver.

This MTW activity does not require a hardship policy.

This MTW activity does not require an impact analysis.

Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.

At this time, AHA is waiting on HUD approval to begin implementing activity.

This activity has not been discontinued and is not planned to be discontinued.

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D. SAFE HARBOR WAIVERS

D.1. Safe Harbor Waivers seeking HUD Approval:

The MTW Operations Notice describes a simplified process for MTW agencies to implement MTW activities outside of the safe harbors described in Appendix I. For each Safe Harbor Waiver request, a document that includes the following information must be provided: (a) the name and number of the MTW Waiver and associated activity for which the MTW agency is seeking to expand the safe harbor, (b) the specific safe harbor and its implementing regulation, (c) the proposed MTW activity the MTW agency wishes to implement via this Safe Harbor Waiver, (d) a description of the local issue and why such an expansion is needed to implement the MTW activity, (e) an impact analysis, (f) a description of the hardship policy for the MTW activity, if applicable, and (g) a copy of all comments received at the public hearing along with the MTW agency's description of how the comments were considered, as a required attachment to the MTW Supplement.

Will the MTW agency submit request for approval of a Safe Harbor Waiver this year?

No Yes

E. AGENCY SPECIFIC WAIVERS

E.1. Agency-Specific Waivers for HUD Approval:

The MTW demonstration program is intended to foster innovation and HUD encourages MTW agencies, in consultation with their residents and stakeholders, to be creative in their approach to solving affordable housing issues facing their local communities. For this reason, flexibilities beyond those provided for in Appendix I may be needed. Agency-Specific Waivers may be requested if an MTW agency wishes to implement additional activities, or waive a statutory and/or regulatory requirement not included in Appendix I.

In order to pursue an Agency-Specific Waiver, an MTW agency must include an Agency-Specific Waiver request, an impact analysis, and a hardship policy (as applicable), and respond to all of the mandatory core questions as applicable.

For each Agency-Specific Waiver(s) request, please upload supporting documentation, that includes: a) a full description of the activity, including what the agency is proposing to waive (i.e., statute, regulation, and/or Operations Notice), b) how the initiative achieves one or more of the 3 MTW statutory objectives, c) a description of which population groups and household types that will be impacted by this activity, d) any cost implications associated with the activity, e) an implementation timeline for the initiative, f) an impact analysis, g) a description of the hardship policy for the initiative, and h) a copy of all comments received at the public hearing along with the MTW agency's description of how the comments were considered, as a required attachment to the MTW Supplement.

Will the MTW agency submit a request for approval of an Agency-Specific Waiver this year?

No [If no, skip to E.2] Yes [If yes, please provide a title and upload required information in a-h above for each Agency-Specific Waiver request]

The AHA is requesting the following Agency-Specific Waivers:

ACTIVITY 2023-01: Special Circumstances Admissions

ACTIVITY 2023-02: Project-Based Voucher Contract Rent Increases

ACTIVITY 2023-03: Project-Based Voucher First Year Moves

ACTIVITY 2023-04: Blended Subsidies or Contribution to Development Costs in Faircloth-to-RAD Conversions

ACTIVITY 2023-05: Flexible Subsidy Standards in Project-Based Voucher Admissions

The proposed following activities are for implementation during the 2023-2024 Fiscal Year.

ACTIVITY 2023-01: Special Circumstance Admissions
Families in units not meeting the family’s need due to an approved Reasonable Accommodation or due to a situation protected under the Violence Against Women’s Act, would be issued a voucher if one is available with funding without being placed on a wait list to transfer to a unit that meets the family’s needs. This would allow tenants in Shelter Plus Care or Mod Rehab SRO participants to receive Housing Choice Vouchers for Reasonable Accommodation or under the Violence Against Women’s Act without applying during a wait list opening and going through a random selection process. Waive: 24 CFR 982.202 (a)
This MTW activity serves the following statutory objectives: <input type="checkbox"/> Cost effectiveness <input type="checkbox"/> Self-sufficiency <input checked="" type="checkbox"/> Housing Choice
This initiative achieves one or more of the 3 MTW above statutory objectives by: This activity would allow families in assisted units to find units through a different assistance program that meets their needs due to reasonable accommodation or VAWA without waiting on the Housing Choice Voucher wait list.
A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies: <input type="checkbox"/> to all assisted households

ACTIVITY 2023-01: Special Circumstance Admissions

only to a subset or subsets of assisted households

A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- New admissions (i.e., applicants) only
- Currently assisted households only
- New admissions and currently assisted households

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

- all family types
- only to selected family types

Please select the family types subject to this MTW activity:

- Non-elderly, non-disabled families
- Elderly families
- Disabled families (to the extent those families are not exempt via a reasonable accommodation)
- Other – another specifically defined target population or populations. The description of this population is: families assisted under the Mod Rehab SRO program (women who are victims of domestic violence) and the Shelter Plus Care program.

An MTW activity can apply to a tenant-based and or project-based voucher.

- The MTW activity applies to all tenant-based units.
- The MTW activity applies to all properties with project-based vouchers.
- The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is: Applicants

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

The implementation timeline for the initiative is:

Upon approval of MTW Supplement, approval of revised Administrative Plan and training of staff.

This MTW activity does require an impact analysis.

ACTIVITY 2023-01: Special Circumstance Admissions
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This MTW activity does not require a hardship policy.

Comments received at the public hearing for the Agency-Specific waiver and the agency's description of how the comments were considered will be inserted after public hearing.
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ACTIVITY 2023-02: Project-Based Voucher Contract Rent Increases

All rent increases for Project-Based Voucher units would be increased once a year at the AHA's fiscal year (effective July 1) rather than the contract's anniversary date.

Waive: 24 CFR 983.302 (b) (2)

This MTW activity serves the following statutory objectives:

- Cost effectiveness
- Self-sufficiency
- Housing Choice

This initiative achieves one or more of the 3 MTW above statutory objectives by: Allows staff to bundle these rent increases once a year to efficiently determine rent reasonableness and ensure notice requirements were met in a timely manner rather than stagger rent increase determinations throughout the year.

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households
- only to a subset or subsets of assisted households

A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- New admissions (i.e., applicants) only
- Currently assisted households only
- New admissions and currently assisted households

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

- all family types
- only to selected family types

Please select the family types subject to this MTW activity:

- Non-elderly, non-disabled families
- Elderly families
- Disabled families (to the extent those families are not exempt via a reasonable accommodation)
- Other – another specifically defined target population or populations. The description of this population is:

An MTW activity can apply to a tenant-based and or project-based voucher.

- The MTW activity applies to all tenant-based units.
- The MTW activity applies to all properties with project-based vouchers.

ACTIVITY 2023-02: Project-Based Voucher Contract Rent Increases

The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

The implementation timeline for the initiative is:
July 1, 2024

This MTW activity does require an impact analysis.

This MTW activity does not require a hardship policy.

Comments received at the public hearing for the Agency-Specific waiver and the agency's description of how the comments were considered will be inserted after public hearing.

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ACTIVITY 2023-03: Project-Based Voucher First Year Moves

Allow Project-Based Voucher families to receive a Housing Choice Voucher within 1-year of start of tenancy for Reasonable Accommodation or under the Violence Against Women’s Act or upon demonstration of good cause.

Good cause would be at the discretion of the Director of Housing Programs and could include, but is not limited to, a death in the unit, conflict with the landlord or neighbors or a change in the family’s circumstance that requires the family to relocate.

Waive: 24 CFR 983.261 (a)

This MTW activity serves the following statutory objectives:

- Cost effectiveness
- Self-sufficiency
- Housing Choice

This initiative achieves one or more of the 3 MTW above statutory objectives by: Allows Project-Based Voucher families a housing choice that meets their needs outside of the portfolio during their first year of occupancy. Families in units not meeting the family’s needs due to an approved Reasonable Accommodation or due to a situation protected under the Violence Against Women’s Act, would be issued a voucher if one is available with funding without being placed on a wait list to transfer to a unit that meets the family’s needs.

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households
- only to a subset or subsets of assisted households

A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- New admissions (i.e., applicants) only
- Currently assisted households only
- New admissions and currently assisted households

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

- all family types
- only to selected family types

Please select the family types subject to this MTW activity:

- Non-elderly, non-disabled families
- Elderly families
- Disabled families (to the extent those families are not exempt via a reasonable accommodation)

ACTIVITY 2023-03: Project-Based Voucher First Year Moves

Other – another specifically defined target population or populations. The description of this population is:

An MTW activity can apply to a tenant-based and or project-based voucher.

The MTW activity applies to all tenant-based units.

The MTW activity applies to all properties with project-based vouchers.

The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

The implementation timeline for the initiative is:
Upon approval of MTW Supplement, approval of revised Administrative Plan and training of staff.

This MTW activity does require an impact analysis.

This MTW activity does not require a hardship policy.

Comments received at the public hearing for the Agency-Specific waiver and the agency's description of how the comments were considered will be inserted after public hearing.

ACTIVITY 2023-04: Blended Subsidies or Contribution to Development Costs in Faircloth-to-RAD Conversions

During the earlier part of calendar year 2021, guidance was provided to PHAs regarding the availability of Faircloth-to-RAD conversions. Documentation from the PIH Office of Capital Improvements, as of September 30, 2021, showed that the Housing Authority of the City of Alameda (AHA) had an availability of 120 units remaining under the Authority’s Faircloth limit. AHA has been actively involved in creating and preserving additional affordable housing within the City of Alameda through acquisitions, rehabilitations, and new developments. AHA is considering opportunities where a Faircloth-to-RAD conversion may be beneficial and the use of MTW funds will make the project feasible.

The AHA may use MTW funds flexibly to make Faircloth-to-RAD transactions feasible to supplement RAD rents as housing assistance payments; to pay for acquisition, rehabilitation or construction costs or contributing to development costs in another manner; or to increase housing choices for low-income families by using its 120-unit Faircloth-to-RAD authorization to produce additional project-based vouchers.

Once the program plan is approved by HUD, AHA will begin to investigate potential developments that may stand to benefit from the flexibility provided by a blended subsidy if pursuing a Faircloth-to-RAD conversion. Once potential developments are identified and the decision is made to move forward, AHA will follow Faircloth-to-RAD guidance.

This MTW activity serves the following statutory objectives:

- Cost effectiveness
- Self-sufficiency
- Housing Choice

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households
- only to a subset or subsets of assisted households

If previous questions is subset.

A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- New admissions (i.e., applicants) only

ACTIVITY 2023-04: Blended Subsidies or Contribution to Development Costs in Faircloth-to-RAD Conversions

- Currently assisted households only
- New admissions and currently assisted households

If above questions is subset.

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

- all family types
- only to selected family types

Please select the family types subject to this MTW activity:

- Non-elderly, non-disabled families
- Elderly families
- Disabled families (to the extent those families are not exempt via a reasonable accommodation)
- Other – another specifically defined target population or populations. The description of this population is:

If above questions is subset.

An MTW activity can apply to a tenant-based and or project-based voucher.

- The MTW activity applies to all tenant-based units.
- The MTW activity applies to all properties with project-based vouchers.
- The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

This MTW activity does not require a Safe Harbor Waiver.

This MTW activity does not require a hardship policy.

This MTW activity does require an impact analysis.

The impact analysis does not apply to more than this MTW activity.

ACTIVITY 2023-05: Flexible Subsidy Standards in Project-Based Voucher Admissions

The same subsidy standards as the Housing Choice Voucher will apply to the Project-Based Voucher program except in the following situations: 1) as allowed under activity 2022-12 in the FY2023 MTW Supplement (if approved); 2) when other funding is tied to the unit; and 3) for larger units.

When PBV assistance is attached to units developed or rehabilitated with other state or locally administered affordable housing funds, the occupancy standards applicable

ACTIVITY 2023-05: Flexible Subsidy Standards in Project-Based Voucher Admissions

to those other programs may differ from the subsidy standard used for the PBV program. This creates certain circumstances whereby a family of a particular size or composition, will qualify for a specific unit that was developed with Tax Credit (LIHTC) or HOME program funding, but is not eligible for PBV assistance in that same sized unit. In this case, the family may select to be housed under the standard HCV subsidy standard or may select a smaller unit than the HCV subsidy standard would allow if a smaller unit is available. The family may not select a unit that would lead to an over-crowded unit under the Housing Quality Standards.

AHA also may allow reasonable exceptions for a PBV program if the exception is justified by lack of eligible families to lease larger units (such as four-bedroom units or larger unit sizes). If the unit is being filled by owner referrals, the PBV owner must first contact the AHA to see if it has eligible families on a wait list. If the AHA cannot provide referrals with enough family members, then the PBV owner must certify that a diligent effort to conduct outreach and select eligible families to fill these unit sizes was made and no eligible families were found. This exception may allow the family size to be one less than the minimum number of persons for larger unit sizes. If the AHA does not have enough families on its wait lists for larger units, it must show that all families of the proper number of family members that applied during the last wait list opening were placed on the wait list for that unit size. If that has happened, then the AHA may also refer families for larger units that do not meet the HCV subsidy standards. These families should be pulled from the next smaller bedroom size on the same wait list. If there were larger families that applied during the last wait list opening that were not placed on the wait list, the AHA may decide to reopen the list or go back to the applicants who were not placed on the wait list and place them on the wait list. (The last wait list opening should be within the 3-years for the second option.)

This MTW activity serves the following statutory objectives:

- Cost effectiveness
- Self-sufficiency
- Housing Choice

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households

ACTIVITY 2023-05: Flexible Subsidy Standards in Project-Based Voucher Admissions

only to a subset or subsets of assisted households

If previous questions is subset.

A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- New admissions (i.e., applicants) only
- Currently assisted households only
- New admissions and currently assisted households

If above questions is subset.

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

- all family types
- only to selected family types

Please select the family types subject to this MTW activity:

- Non-elderly, non-disabled families
- Elderly families
- Disabled families (to the extent those families are not exempt via a reasonable accommodation)
- Other – another specifically defined target population or populations. The description of this population is:

If above questions is subset.

An MTW activity can apply to a tenant-based and or project-based voucher.

- The MTW activity applies to all tenant-based units.
- The MTW activity applies to all properties with project-based vouchers.
- The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

This MTW activity does not require a Safe Harbor Waiver.

This MTW activity does not require a hardship policy.

This MTW activity does require an impact analysis.

The impact analysis does not apply to more than this MTW activity.

E.2. Agency-Specific Waiver(s) for which HUD Approval has been Received:

For each previously approved Agency-Specific Waiver(s), a set of questions will populate.

Does the MTW agency have any approved Agency-Specific Waivers?

- Yes No [If no, question set concludes]

The activities below were submitted with the 2022 MTW Supplement, which has not been approved as of the preparation of this plan but should be approved and implementation started prior to this plan. If HUD does not approve any of the 2022 proposed activities, the below tables will be updated.

ACTIVITY 2022-12: Payment Standard Increases

ACTIVITY 2022-13: Allow Owner Referrals Under PBV Program

ACTIVITY 2022-14: Project-Based Voucher Right Sizing

ACTIVITY 2022-15: Exclude income earned from Guaranteed Basic Income (GBI) Pilot Program

ACTIVITY 2022-12: Payment Standard Increases
The payment standard would be changed at an owner requested rent increase if the change would result in an increase in payment standard to the family. For families where the payment standard would decrease, the same procedures would remain in place (at next annual for family composition change or second annual if an FMR drop). Waive: 24 CFR 982.505 (c) (4)
This MTW activity serves the following statutory objectives: <input type="checkbox"/> Cost effectiveness <input checked="" type="checkbox"/> Self-sufficiency <input checked="" type="checkbox"/> Housing Choice
This initiative achieves one or more of the 3 MTW above statutory objectives by: Allowing families to retain more savings when owners increase the rent within payment standard limits and allowing families to remain in units where the market allows for a rent increase between the family's regular reexamination.

ACTIVITY 2022-12: Payment Standard Increases

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households
- only to a subset or subsets of assisted households

A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- New admissions (i.e., applicants) only
- Currently assisted households only
- New admissions and currently assisted households

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

- all family types
- only to selected family types

Please select the family types subject to this MTW activity:

- Non-elderly, non-disabled families
- Elderly families
- Disabled families (to the extent those families are not exempt via a reasonable accommodation)
- Other – another specifically defined target population or populations. The description of this population is:

An MTW activity can apply to a tenant-based and or project-based voucher.

- The MTW activity applies to all tenant-based units.
- The MTW activity applies to all properties with project-based vouchers.
- The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

The implementation timeline for the initiative is:

Upon approval of MTW Supplement, approval of revised Administrative Plan and training of staff.

ACTIVITY 2022-12: Payment Standard Increases
This MTW activity does require an impact analysis. Please see Payment Standard Increases Impact Analysis.
This MTW activity does not require a hardship policy.
Comments received at the public hearing for the Agency-Specific waiver and the agency's description of how the comments were considered will be inserted after public hearing.
Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.
At this time, AHA is waiting on HUD approval to begin implementing activity.
This activity has not been discontinued and is not planned to be discontinued.

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ACTIVITY 2022-13: Allow Owner Referrals Under Project-Based Voucher Program

Allow owners to refer eligible families for Project-Based Voucher units to the AHA for PBV eligibility determination from an owner-managed wait list. This would implement part of HOTMA that has not been issued for implementation.

Owners would be required to provide documentation and a narrative of 1) how any wait list was built, or families were selected for referral and 2) show that the method in first part met all applicable federal laws including non-discrimination and fair housing requirements. Owner referral would be optional for owners, methods for referral must be pre-approved by the AHA before any referrals would be housed, and the AHA could deny referrals from owners if the AHA determined that the outreach or wait list management was insufficient or had a disparate impact on applicants.

If the owner used the Coordinated Entry System (CES) to provide names the same documentation of compliance with non-discrimination and fair housing requirements must be submitted.

Waiver: 983.251 (c)(1)

This MTW activity serves the following statutory objectives:

- Cost effectiveness
- Self-sufficiency
- Housing Choice

This initiative achieves one or more of the 3 MTW above statutory objectives by: Opening and managing a wait list is a very costly endeavor to make sure that an inclusive method is used to outreach to families. Owners then have additional screening requirements above PBV requirements, so many PBV-eligible applicants are rejected by owners due to other criteria. This would allow owners to market their units with the additional requirements and result in faster leasing of PBV units.

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households
- only to a subset or subsets of assisted households

A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- New admissions (i.e., applicants) only
- Currently assisted households only
- New admissions and currently assisted households

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

ACTIVITY 2022-13: Allow Owner Referrals Under Project-Based Voucher Program

- all family types
- only to selected family types

Please select the family types subject to this MTW activity:

- Non-elderly, non-disabled families
- Elderly families
- Disabled families (to the extent those families are not exempt via a reasonable accommodation)
- Other – another specifically defined target population or populations. The description of this population is:

An MTW activity can apply to a tenant-based and or project-based voucher.

- The MTW activity applies to all tenant-based units.
- The MTW activity applies to all properties with project-based vouchers.
- The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

This MTW activity has the following cost implications:

- Neutral
- Increased revenue
- Decreased revenue
- Increased expenditures
- Decreased expenditures

The implementation timeline for the initiative is: waiting on HUD for activity approval. See revised implementation timeline below.

This MTW activity does require an impact analysis. Please see Owner Referral Impact Analysis.

This MTW activity does not require a hardship policy.

Comments received at the public hearing for the Agency-Specific waiver and the agency’s description of how the comments were considered will be inserted after public hearing.

Based on the Fiscal Year goals listed in the activity’s previous Fiscal Year’s narrative, provide a description about what has been accomplished or changed during the implementation.

The implementation timeline for the initiative is being revised slightly. Full implementation would be delayed because the AHA would first expire applicants on its wait lists before allowing owners to refer except in the case of CES use. In this case, the AHA must outreach to all families on the PBV-SR, PBV-F0-2, or PBV-F3up

ACTIVITY 2022-13: Allow Owner Referrals Under Project-Based Voucher Program

wait lists, as appropriate for the type of unit being filled, to tell applicants of the opportunity of new PBV units and explain how to get evaluated for CES placement at most once a year. Also, the AHA will need to gather and review the documentation from the owner.

This activity has not been discontinued and is not planned to be discontinued.

DRAFT

ACTIVITY 2022-14: Project-Based Voucher Right Sizing

Allow families who are under-housed to remain in smaller Project-Based Voucher units as long as the unit is not overcrowded if the under-housed family wishes to remain in the smaller unit. This would not apply to families that are over-housed (housed in a unit larger than the subsidy standards allow). Also, new admissions with a live-in aide would be eligible for a studio or 1-bedroom unit for occupancy.

Waive: 24 CFR 983.260 (a) (1); 24 CFR 983.260 (b) (1) (i); 24 CFR 983.260 (b) (2) (i)

This MTW activity serves the following statutory objectives:

- Cost effectiveness
- Self-sufficiency
- Housing Choice

This initiative achieves one or more of the 3 MTW above statutory objectives by: Many of the units for senior families are studio or 1-bedroom units and a senior with a live-in aide is allowed a second bedroom under the AHA's subsidy standards. Project-based voucher families would be offered the ability to move to a larger Project-Based Voucher unit, if available or to receive a Housing Choice Voucher if the 1-year occupancy is met, but the family may elect to expand their housing choice by remaining in the unit that is smaller than the occupancy standard specifies.

A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies:

- to all assisted households
- only to a subset or subsets of assisted households

A MTW activity can apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households. This MTW activity applies to:

- New admissions (i.e., applicants) only
- Currently assisted households only
- New admissions and currently assisted households

A MTW activity can apply to all family types or only selected family types. This MTW activity applies to:

- all family types
- only to selected family types

Please select the family types subject to this MTW activity:

- Non-elderly, non-disabled families
- Elderly families
- Disabled families (to the extent those families are not exempt via a reasonable accommodation)

ACTIVITY 2022-14: Project-Based Voucher Right Sizing

Other – another specifically defined target population or populations. The description of this population is:

An MTW activity can apply to a tenant-based and or project-based voucher.
 The MTW activity applies to all tenant-based units.
 The MTW activity applies to all properties with project-based vouchers.
 The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers. The description of which tenant-based units and/or properties with project-based vouchers that will participate in this MTW activity is:

This MTW activity has the following cost implications:
 Neutral
 Increased revenue
 Decreased revenue
 Increased expenditures
 Decreased expenditures

The implementation timeline for the initiative is:

Upon approval of MTW Supplement, approval of revised Administrative Plan and training of staff.

This MTW activity does require an impact analysis. Please see Right Sizing Impact Analysis.

This MTW activity does not require a hardship policy.

Comments received at the public hearing for the Agency-Specific waiver and the agency’s description of how the comments were considered will be inserted after public hearing.

Based on the Fiscal Year goals listed in the activity’s previous Fiscal Year’s narrative, provide a description about what has been accomplished or changed during the implementation.

At this time, AHA is waiting on HUD approval to begin implementing activity.

This activity has not been discontinued and is not planned to be discontinued.

ACTIVITY 2022-15: Guaranteed Basic Income (GBI) Pilot Program
The City of Alameda has a pilot program, Guaranteed Income Program, to provide a flat monthly cash payment of \$1,000 to approximately 150 low-income City of Alameda households over a two-year period.
Waive: 24 CFR 6.09
This MTW activity serves the following statutory objectives: <input checked="" type="checkbox"/> Cost effectiveness <input checked="" type="checkbox"/> Self-sufficiency <input type="checkbox"/> Housing Choice
This initiative achieves one or more of the 3 MTW above statutory objectives by: Allowing families to retain more income for the period of two years without requiring staff to do an interim between triennials.
A MTW activity may apply to all assisted households or only to a subset or subsets of assisted households by having a different policy by household status/family types/sites. This MTW activity applies: <input checked="" type="checkbox"/> to all assisted households <input type="checkbox"/> only to a subset or subsets of assisted households
This MTW activity has the following cost implications: <input type="checkbox"/> Neutral <input type="checkbox"/> Increased revenue <input type="checkbox"/> Decreased revenue <input checked="" type="checkbox"/> Increased expenditures <input type="checkbox"/> Decreased expenditures
The implementation timeline for the initiative is: Upon implementation by the City of Alameda of the program.
This MTW activity does require an impact analysis. Please see GBI Impact Analysis.
This MTW activity does not require a hardship policy.
Comments received at the public hearing for the Agency-Specific waiver and the agency's description of how the comments were considered will be inserted after public hearing.
Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation. At this time, AHA is waiting on HUD approval to begin implementing activity.
This activity has not been discontinued and is not planned to be discontinued.

F. PUBLIC HOUSING OPERATING SUBSIDY GRANT REPORTING

Not applicable as the Housing Authority of the City of Alameda does not have Public Housing.

G. MTW STATUTORY REQUIREMENTS

G.1. 75% Very Low Income – Local, Non-Traditional.

Not applicable as the Housing Authority of the City of Alameda does not have a local, non-traditional MTW activity.

G.2. Establishing Reasonable Rent Policy.

Has the MTW agency established a rent reform policy to encourage employment and self-sufficiency?

Yes

No

[If Yes]: please describe the MTW agency's plans for its future rent reform activity and the implementation time line.

The AHA is implementing an alternative reexamination schedule (activity 2022-02) which encourages self-sufficiency by allowing families to retain income increases of less than \$10,000 between triennials. This will be implemented once the MTW Supplement is approved, the Administrative Plan is revised, and staff is trained.

Also, activity 2022-15 encourages self-sufficiency by allowing families to retain income increases from the GBI program. This activity would be implemented upon City implementation of their GBI program.

G.3. Substantially the Same (STS) – Local, Non-Traditional

Not applicable as the Housing Authority of the City of Alameda does not have a local, non-traditional MTW activity.

G.4. Comparable Mix (by Family Size) – Local, Non-Traditional

Not applicable as the Housing Authority of the City of Alameda does not have a local, non-traditional MTW activity.

G.5. Housing Quality Standards

Certification is included in MTW Certifications of Compliance for HCV and local, non-traditional program.

H. PUBLIC COMMENTS

H.1.

Please provide copy of all comments received by the public, Resident Advisory Board, and tenant associations.

These will be provided as received.

Please attach a narrative describing the MTW agency's analysis of the comments and any decisions made based on these comments.

These will be provided as available.

If applicable, was an additional public hearing held for an Agency-Specific Waiver and/or Safe Harbor waiver? Yes No

If yes, please attach the comments received along with the MTW agency's description of how comments were considered.

These will be attached as appropriate.

I. EVALUATIONS

I.1. Please list any ongoing and completed evaluations of the MTW agency's MTW policies, that the PHA is aware of, including the information requested in the table below.

Does the PHA have an agency-sponsored evaluation? Yes No

J. MTW CERTIFICATION OF COMPLIANCE

The MTW agency must execute the MTW Certifications of Compliance form and submit as part of the MTW Supplement submission to HUD.

Please see form HUD-50075-MTW for the certification form that will be executed prior to MTW Supplement submission.



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TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners
From: Stephanie Shipe, Director of Portfolio Management
Date: January 11, 2023
Re: Accept an Update on Property Management Transfer

BACKGROUND

The contract with John Stewart Company (JSCO) to manage AHA, AAHC and ICD owned properties ended on December 31, 2022. Staff did an RFQ and chose FPI management to manage the properties.

DISCUSSION

All properties previously managed by JSCO have been transferred to FPI Management effective December 30, 2022. AHA Staff and JSCO are in the process of wrapping up various accounting and other records in relation to this contract. All tenants have been informed of the changes.

Independence Plaza and Anne B Diament were set to transfer by June 30, 2023. Unplanned staff turnover means that one of the two remaining sites is likely to transfer February 1 or March 1 to FPI and the other may follow shortly afterward. AHA has committed to giving a 30-day notice to the remaining five staff impacted. FPI has also opened recruitment and offered to interview any AHA employee who is facing a lay off.

FISCAL IMPACT

No additional cost is expected at this time, except some limited handover costs, such as lock changes and set up fees, as envisaged in the FPI contracts.

CEQA

n/a

RECOMMENDATION

Accept an Update on Property Management Transfer

ATTACHMENTS

None



Respectfully submitted,
Stephanie Shipe, Director of Portfolio Management



Housing Authority
of the
City of Alameda

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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Tonya Schuler-Cummins, Principal Management Analyst

Date: January 11, 2023

Re: Approve revised Payment Standards for the Housing Choice Voucher program, and for Project-Based Vouchers effective February 2, 2023.

BACKGROUND

The U.S. Department of Housing and Urban Development (HUD) is required to annually review and publish Fair Market Rents (FMRs). A payment standard is the maximum amount of subsidy that the Housing Authority of the City of Alameda (AHA) can pay to an owner on behalf of a voucher holder.

Fair Market Rents (FMRs) are primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program (Mod Rehab), and to serve as a rent ceiling in the HOME rental assistance program. HUD annually estimates FMRs for Office of Management and Budget (OMB) defined metropolitan areas, some HUD defined subdivisions of OMB metropolitan areas, and each nonmetropolitan county. HUD normally requires Housing Authorities to set Payment Standards between 90% and 110% of the FMR.

The FMRs were published September 1, 2022, and new payment standards were brought to the Board of Commissioners on September 29, 2022 setting all payment standards at 110% of the FMRs. The Emergency Housing Vouchers were set at 120% of FMR. On December 23, 2022, HUD approved AHA for an expedited waiver to increase the payment standards for its Housing Choice Voucher and Project-Based Voucher programs up to 120%. This waiver will remain in place until December 31, 2023. The AHA has a Moving to Work Activity that would extend the expiration date if approved.

DISCUSSION

For the Housing Choice Voucher (HCV) programs, this increase will go into effect for new admissions and participant families transferring to a new unit on the effective date



of the payment standard change if the family is not leased up prior to the change.

Project-Based Voucher (PBV) contracts would be affected based on their renewal date as these complexes are only able to change rent pricing at the contract anniversary date.

These increases are expected to help attract and retain landlords in the Housing Choice voucher program.

Below are HCV and PBV Proposed Payment Standards:

Bedroom	2023 FMR	Current Payment Standards	Current % of FMR	Proposed Payment Standards	Proposed % of FMR	Difference
0	\$1,658	\$1,823	109.95%	\$1,989	119.96%	\$166
1	\$1,969	\$2,165	109.95%	\$2,362	119.96%	\$197
2	\$2,405	\$2,645	109.98%	\$2,886	120.00%	\$241
3	\$3,144	\$3,458	109.99%	\$3,772	119.97%	\$314
4	\$3,706	\$4,076	109.98%	\$4,447	119.99%	\$371
5	\$4,261	\$4,687	110.00%	\$5,113	120.00%	\$426

FISCAL IMPACT

The current budget allowance from HUD is expected to be sufficient to cover these increases.

CEQA

Not applicable.

RECOMMENDATION

Approve revised Payment Standards for the Housing Choice Voucher program, and for Project-Based Vouchers effective February 2, 2023.

ATTACHMENTS

None

Respectfully submitted,



Tonya Schuler-Cummins, Principal Management Analyst



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TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Sylvia Martinez, Director of Housing Development

Date: January 11, 2023

Re: Accept the Monthly Development Report for Rosefield Village.

BACKGROUND

The Housing and Community Development Department provides monthly reports on projects under construction where either the Housing Authority of the City of Alameda (AHA) or Island City Development (ICD) is acting as developer and provides performance guarantees.

The Rosefield Village project includes new construction of 78 units and renovation of 14 units, totaling 92 units, located on the 700 block of Buena Vista Avenue. ICD is the developer. The project received its construction completion and Certificate of Occupancy in August 2022. Currently, only warranty work is being done on the site. This work is relatively minor, although there has been a recurrent issue of flooding in the elevator pit which has disrupted elevator service and is considered a very high priority. Please see previous monthly Board Reports for project details prior to this month's update.

DISCUSSION

The property is working to achieve stabilized occupancy and the conversion to permanent financing sources, which are the last two milestones.

Leasing

The project achieved 100% lease up of its tax credit units (89 units, including 23 project based voucher units) as of October 31, 2022, which is a major milestone. There are two non-tax credit units, one of which was leased in December, and another that is on hold due to an EBMUD water service upgrade, anticipated for early 2023.

Many staff members in AHA departments in Housing Programs, Portfolio Management and Housing Development contributed meaningfully to this lease up effort, supporting staffing and supervision shortfalls of the property manager John Stewart Company (JSCo). All files are being audited, both through AHA's third-party file audit process as well as the investor's review. Due to delays by JSCO including significant staffing gaps



onsite, over half of the files still remain to receive auditor and investor approval as of December 31, 2022. JSCO's contract with AHA ends December 31, 2022. AHA has sent a default notice to JSCO for failure to meet the requirements of the contract. Although there has been some last minute effort at the end of the contract period to address some of the issues, considerable issues with the files appear to remain and will be reviewed again in the New Year.

Stabilization and Conversion

The next major steps for the project are to achieve stabilization and to go through conversion to the permanent loan phase. The stabilization includes documentation of three months of stable operations. Conversion requires that all tax credit units be appropriately leased, the stabilization period has passed, and the CPA firm has certified all costs of the project.

1. The investor is requiring that the project not only meet the requirement of all tax credit units being leased, but also that the down unit at 738A be reinstated. This unit is being held as unoccupied until the fire service can be reestablished by the East Bay Municipal Utility District. Unfortunately, EBMUD is experiencing significant delays. The application is in review, but needs approval and a construction date set. Staff anticipates that this work can be completed in the first quarter of 2023.
2. The 90 day stabilization period needs to show that the project has the appropriate cash flow for a three-month consecutive period. Issues with property management (JSCO) resulted in the inability to use October (units not fully leased), and may also be an issue for November (significant rent collection as over 14% of units are in arrears). As of January 1st, 2023, a new property management firm, FPI, will be taking over the property and it is hoped that these items can be addressed. However, the inability to provide clean financials by JSCO in 2022 is a delay in the stabilization period, and thus the conversion for this development.
3. The CPA review of costs is underway and is not anticipated to be a delay to the process.

Timing:

The initial timeline anticipated that conversion would occur in early April 2023. With the delays in leasing and financial reporting, the project cannot meet this timeline. Thus, in January, staff will request a 6 month extension from the construction lender (Bank of America). The cost of this extension is approximately \$125,000. The interest carry for the additional months is approximately \$180,000/month. The project has cost savings from the construction period to cover these additional costs, but it would have been preferable to use excess proceeds to repay deferred developer fee and soft debt, rather than have the funds go to fees and interest. The new anticipated conversion date will be June 2023 to minimize monthly interest carry. August 2023 is the last date available under the interest commitment date from the permanent lender.

FISCAL IMPACT

Until the project converts to the permanent loan, all guarantees are in place. In addition, the project still needs to meet the major milestone of conversion to pay out additional developer fee. At this point, the project continues to be under budget, largely due to construction cost savings.

CEQA

Not applicable.

RECOMMENDATION

Accept the Monthly Development Report for Rosefield Village.

ATTACHMENTS

None

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Sylvia Martinez', with a stylized flourish at the end.

Sylvia Martinez, Director of Housing Development



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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Joseph Nagel, Construction Project Manager

Date: January 11, 2023

Re: Accept Monthly Report on Construction in Progress.

BACKGROUND

There were a number of costs and planned portfolio projects described in the Reserve Policy and other approvals from the May 2022 Housing Authority of the City of Alameda (AHA) Board of Commissioners meeting. Because of the large number of items currently underway, staff will provide a periodic update on Construction In Progress (CIP) activities.

DISCUSSION

1. Independence Plaza-

The Board approved up to \$1,850,000 in funds to complete the Independence Plaza balcony and guardrail repairs are awaiting final approval of the permits from the building department. Permit applications were submitted electronically to the building department on June 16, 2022 for all five (5) buildings (703, 705, 707, 709, 711) and four (4) were approved and received on September 6, 2022. Balcony repair work began and as of December 28, 2022, repairs have been completed on 36 of 53 balconies and all 25 of the additional guardrails.

Alameda Affordable Housing Corporation (AAHC) was notified that one of the buildings, building 707, is located within the FEMA Special Flood Hazard Area (SFHA). Due to this building being located within the FEMA SFHA, there were additional documents required (detailed construction cost estimates, and an appraisal of the existing structure). The staff were able to provide a FEMA Flood Survey that showed the building was above the FEMA flood zone.

The permit for the 5th and final building (707) was approved by FEMA and the City of Alameda Building Department on December 20, 2022 and the repairs to the final 17 balconies have begun. We expect this scope of work to be complete by the end of February 2023.



2. 701 Office/Maintenance Garage Conversion

- a. Architect RFQ-The RFQ for a design architect was issued on September 19, 2022. Eight Architect Responses/ proposals were received for the conversion. Final Interviews will be conducted January 3-15, 2023 and we anticipate having an Architect chosen by January 16, 2023 .
- b. GC RFP- The RFP for a General Contractor is being drafted and this RFP is expected to be issued by May 1, 2023.

3. Tilden Commons – Security & Readiness for AHA Maintenance

At the recently acquired AUSD property at 2615 Eagle Ave., smoke detectors, security alarms and cameras have been installed to properly secure the property. AAHC is currently working with the security system vendor to provide replacement smoke detectors. The smoke detectors originally installed were defective and caused false alarms. Approximately half of the replacements were delivered and installed by the first week of December as the vendor is facing supply chain issues. When the replacement smoke detectors are installed and operational, the maintenance staff is expected to move in.

4. Physical Needs Assessments

AAHC has contracted with the consulting firm PPA (Physical Property Analysis LLC) to conduct PNA's (Physical Needs Assessments) on the portfolio of properties. All of the assessments have been completed and the reports have been received. AAHC has provided a separate report (AAHC Meeting 01/11/2023 - Item 5.B.) with an overview of the findings and projections.

FISCAL IMPACT

The Board has approved funds from the Construction in Progress section of the 2022 Reserves Policy (May 2022 BOC).

CEQA

None.

RECOMMENDATION

Accept Monthly Report on Construction in Progress.

ATTACHMENTS

None

Respectfully submitted,



Joseph Nagel, Construction Project Manager



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FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Louie So, Director of Finance

Date: January 11, 2023

Re: Accept the Annual Review of the Investment Policy.

BACKGROUND

In February 1996, the Housing Commission adopted by resolution a revised Investment Policy for the investment of program funds provided by the U. S. Department of Housing and Urban Development (HUD) and to allow for less restrictive investment of non-HUD program funds. Because of legislation passed by the Federal and State governments during 1995 and 1996, all government agencies are required to review the investment policy at a public meeting of their officials once each year.

DISCUSSION

California Government Code Section 53646 requires that the Housing Authority Finance Director file an annual investment policy with the Board of Commissioners. It also requires that the Finance Director file a quarterly report with the Board of Commissioners on the status of all investments, including compliance with the adopted investment policy and a certificate that the expenditure requirements for the next six months can be met. California Government Code Section 53600.3 provides that each person or governing body investing public funds is a Trustee and, therefore, is a fiduciary subject to the Prudent Investor Standard. It further provides that the primary objectives when investing public funds are the safety of principal, preservation of liquidity and the return of an acceptable yield, in that order. The regulation also prohibits the use of specific investment vehicles and limits the use of others, including reverse repurchase agreements. HUD also mandates that housing authorities establish cash management procedures and comply with requirements governing the type of instruments in which they may invest. The types of investments permitted under the State and Federal legislation are not different from the types of investments currently held by the Housing Authority. Our current investments are with Local Agency Investment Fund (LAIF) and California Asset Management Program (CAMP) as previously approved by the Board. Note that the California Employers' Retiree Benefit Trust (CERBT) is a Section 115 trust dedicated to prefunding Other Post-Employment Benefits and is held by CalPERS.



The attached redline version has been reviewed by the Housing Authority of the City of Alameda's (AHA) General Counsel. There are only a few minor changes this year.

FISCAL IMPACT

Fiscal impact is dependent on the returns generated from these investments in LAIF, CAMP, and CERBT.

CEQA

N/A

RECOMMENDATION

Accept the Annual Review of the Investment Policy.

ATTACHMENTS

- 1. Investment Policy 2023 - (TRACKED CHANGES)

Respectfully submitted,

Louie So

Louie So, Director of Finance

INVESTMENT POLICY Updated January 2023~~2~~

SCOPE:

This Investment Policy (the "Policy") applies to all liquid assets of the Housing Authority of the City of Alameda (the "Housing Authority" or the "Authority") and its legal affiliates, including Alameda Affordable Housing Corporation and Island City Development. These funds are accounted for in the ~~Consolidated~~ Annual Comprehensive Audited Financial Statements, which includes the Housing Choice Voucher program and the Single Room Occupancy Program.

PRUDENCE:

The standard of prudence to be used by investment officials shall be the "prudent investor" standard (California Government Code 53600.3) and shall be applied in the context of managing an overall portfolio. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, persons acting on behalf of the Housing Authority shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

OBJECTIVE:

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives, in priority order, of the investment activities, shall be:

1. **Safety.** Safety of principal is the foremost objective of the investment program. Housing Authority investments will be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
2. **Liquidity.** The investment portfolio will remain sufficiently liquid to enable the Housing Authority to meet all operating requirements which might be reasonably anticipated and shall always have the ability to convert sufficient securities in the portfolio to cash to meet contingency needs. A portion of the portfolio may be placed in money market mutual funds or funds which offer same-day liquidity for short-term funds.
3. **Return on Investments.** The investment portfolio will be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into

INVESTMENT POLICY

account the investment risk constraints and the cash flow characteristics of the portfolio. (California Government Code 53600.5)

DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from Section 401(E) of the HUD/PHA Annual Contributions Contract and California Government Code Sections 53601, et seq. Management responsibility for the investment program is hereby delegated to the Executive Director, who shall establish written procedures for the operation of the investment program consistent with this investment policy.

Procedures should include references to safekeeping, Public Securities Administration repurchase agreements, wire transfer agreements, collateral/depository agreements, banking services contracts, as appropriate. Such procedures will include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Executive Director.

The Executive Director is responsible for all transactions undertaken and will establish a system of controls to regulate the activities of subordinate officials. The Executive Director is a trustee and a fiduciary subject to the prudent investor standard. (California Government Code 53600.3)

The Executive Director may delegate day-to-day investment decision making and execution authority to an investment advisor, subject to Board selection and approval of that advisor and written agreement with the advisor. The Authority must be able to revoke the investment advisor's authority at all times and without notice. Eligible investment advisors must be registered with the Securities and Exchange Commission (SEC) under the Investment Advisors Act of 1940. The advisor will follow the Policy and such other written instructions as are provided by the Authority.

ETHICS AND CONFLICTS OF INTEREST

All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

Officers and employees involved in the investment process will refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Executive Director will select financial institutions on the basis of credit worthiness,

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INVESTMENT POLICY

financial strength, experience and minimal capitalization that are authorized to provide investment services. No public deposit shall be made except in a qualified public depository as established by State laws.

For brokers/dealers of government securities and other investments, the Executive Director will select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the Executive Director will have received from said firm a signed Certification Form. This form will attest that the individual responsible for the Housing Authority's account with that firm has reviewed the Authority's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the Housing Authority that are appropriate under the terms and conditions of the Investment Policy.

AUTHORIZED AND SUITABLE INVESTMENTS:

1. The Housing Authority is empowered by HUD Notice PIH 96-33 (reinstated by PIH 2002-13) to invest HUD funds in the following:
 - a. United States Treasury Bills, Notes and Bonds;
 - b. Obligations issued by Agencies or Instrumentalities of the U. S. Government;
 - c. State or Municipal Depository Funds, such as the Local Agency Investment Fund (LAIF) or California Asset Management Program (CAMP) or pooled cash investment funds managed by County treasuries;
 - d. Insured Demand and Savings Deposits, provided that deposits in excess of the insured amounts must be 100 percent collateralized by securities listed in "a" and "b" above;
 - e. Insured Money Market Deposit Accounts, provided that deposits in excess of the insured amount must be 100 percent collateralized by securities listed in "a" and "b" above;
 - f. Insured Super NOW Accounts, provided that deposits in excess of the insured amount must be 100 percent collateralized by securities listed in "a" and "b" above;
 - g. Certificates of Deposit (CDs) issued by federally- or state-chartered banks or associations. Not more than 30 percent of surplus funds can be invested in CDs;
 - h. Repurchase/Reverse Repurchase Agreements of any securities authorized by this Section. Securities purchased under these agreements will be no more than 102

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INVESTMENT POLICY

percent of market value; (See special limits in HUD Notice 96-33 and CGC 53601.0.)

- i. Sweep Accounts that are 100 percent collateralized by securities listed in "a" and "b" above;
 - j. Shares of beneficial interest issued by diversified management companies investing in the securities and obligations authorized by this Section (i.e., Money Market Mutual Funds) Such Funds must carry the highest rating of at least two (2) national rating agencies. Not more than 20 percent of surplus funds can be invested in Money Market Mutual Funds;
 - k. Funds held under the terms of a Trust Indenture or other contract or agreement, including the HUD/PHA Annual Contributions Contract, may be invested according to the provisions of those indentures or contracts;
 - l. Principal only STRIPS; and
 - m. Any other investment security authorized under the provisions of HUD Notice PIH 96-33.
2. The Housing Authority is empowered by California Government Code (CGC) Sections 5922 and 53601 et seq. to invest non-HUD funds in the following investment instruments authorized for California local agencies under the provisions of California Government Code Sections 5922 and 53601:
- a. Bonds issued by the City of Alameda;
 - b. United States Treasury Bills, Notes and Bonds;
 - c. Registered state warrants or treasury notes or bonds issued by the State of California;
 - d. Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California;
 - e. The California Local Agency Investment Fund (LAIF), California Asset Management Program (CAMP), and other pooled investment funds sponsored by the State of California, County Treasuries, and other local agencies or Joint Powers Authorities;
 - f. Obligations issued by Agencies or Instrumentalities of the U. S. Government;
 - g. Bankers Acceptances with a term not to exceed 180 days. Not more than 40 percent of surplus funds can be invested in Bankers Acceptances and no more than 30 percent of surplus funds can be invested in the bankers acceptances of any single commercial bank;

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INVESTMENT POLICY

- h. Commercial Paper of “prime” quality of the highest ranking or of the highest letter and number rating as provided for by a national recognized statistical rating organization (NRSRO) with a term not to exceed 180 days. Commercial paper cannot exceed 10 percent of total surplus funds, provided, that if the average maturity of all Commercial paper does not exceed 31 days, up to 25 percent of surplus funds can be invested in Prime Commercial paper. Additionally, the Housing Authority may purchase no more than 10 percent of the outstanding commercial paper of any single issuer;
- i. Negotiable Certificates of Deposit issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the California Financial Code), a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. Negotiable Certificates of Deposit shall be rated in a rating category of “A” or its equivalent or better by an NRSRO. Not more than 30 percent of surplus funds can be invested in Negotiable Certificates of Deposit;
- j. Repurchase/Reverse Repurchase Agreements of any securities authorized by this Section. Securities purchased under these agreements will be no less than 102 percent of market value. Reverse repos cannot constitute more than 20 percent of AHA’s portfolio. Reverse repos are also limited to 92 days unless the minimum spread between the rate on investment and cost of funds is guaranteed in writing. (See special limits in CGC 53601.)
- k. Medium term notes, not to exceed five (5) years of U. S. corporations organized and operating within the United States which are rated in a rating category of “A” or its equivalent or better by an NRSRO. Not more than 30 percent of surplus funds can be invested in medium term notes;
- l. Shares of beneficial interest issued by diversified management companies investing in the securities and obligations authorized by this Section (i.e., Money Market Mutual Funds). Such Funds must carry the highest rating of at least two national rating agencies. Not more than 15 percent of surplus funds can be invested in Money Market Mutual Funds. In addition, no more than 10 percent of AHA’s portfolio may be invested in any single mutual fund.
- m. Funds held under the terms of a Trust Indenture or other contract or agreement may be invested according to the provisions of those indentures or agreements;
- n. Collateralized bank deposits with a perfected security interest in accordance with the Uniform Commercial Code (UCC) or applicable federal security regulations;
- o. Any mortgage pass-through security, collateralized mortgage obligation, mortgaged backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate or consumer receivable backed bond of a

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INVESTMENT POLICY

maximum maturity of five (5) years. Securities in this category shall be issued by an issuer rated in a rating category of "A" or its equivalent or better for the issuer's debt as provided by an NRSRO and rated in a rating category of "AA" or its equivalent or better by an NRSRO. No more than 20 percent of surplus funds can be invested in this category of securities; and

- p. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank of Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by an NRSRO and no more than 30 percent of surplus funds can be invested in this category of securities.

The Authority will limit investments in any one non-government issuer, except investment pools and money market funds, to no more than 5% regardless of security type.

The Board of Commissioners may, at times, further reduce the selection of types of investment to be used by the Advisor or Executive Director by a formal vote.

Where this Policy specifies a percentage limitation for a particular security type, that percentage is applicable only on the date of purchase. Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular issuer or investment type. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.

Credit criteria listed in this Policy refers to the credit rating at the time the security is purchased. The Authority may from time to time be invested in a security whose rating is subsequently downgraded. In the event a rating drops below the minimum allowed by this Policy, the Executive Director will review and recommend an appropriate plan of action to the Board no less frequently than quarterly. If the Authority has an Investment Advisor, the Investment Advisor will notify the Executive Director and recommend a plan of action.

- 3. Also, see CGC 53601 and Attachment A to HUD Notice 96-33, "HUD Approved Investment Instruments," for a detailed summary of the limitations and special conditions that apply to each of the above listed investment securities. CGC 53601 and Attachment A are attached and included by reference in this Investment Policy.

- 4. The Housing Authority will not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

COLLATERALIZATION:

Investment Policy
1//~~2022~~2023

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INVESTMENT POLICY

1. The percentage of collateralization on repurchase agreements will conform to the amount required under CGC 53601 (i)(2).

SAFEKEEPING AND CUSTODY:

1. All security transactions entered into by the Housing Authority will be conducted on delivery-versus-payment (DVP) basis.
2. All securities purchased or acquired will be delivered to the Board of Commissioner of the Authority by book entry, physical delivery, or by third-party custodial agreement. (CGC 53601)

DIVERSIFICATION:

It is the policy of the Housing Authority to diversify its investment portfolio. The Authority will diversify its investments by security type and, within each type, by institution. Assets will be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Diversification strategies will be determined and revised periodically. In establishing specific diversification strategies, the following guidelines will apply:

1. Portfolio maturities will be matched against projected liabilities to avoid an over concentration in a specific series of maturities.
2. Maturities selected will provide for stability and liquidity.
3. Disbursement and payroll dates will be covered by the scheduled maturity of specific investments, marketable U. S. Treasury Bills or Notes or other cash equivalent instruments, such as money market mutual funds.

MAXIMUM MATURITIES:

To the extent possible, the Housing Authority will attempt to match its investments with anticipated cash flow requirements. Where there is no anticipated cash flow requirement on an investment, no investment shall be made in any security, which at the time of the investment, has a term remaining to maturity in excess of five years, unless the Board had granted express authority to make that investment no less than three months prior to the investment (CGC 53601).

INTERNAL CONTROL:

The Housing Authority shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

INVESTMENT POLICY

PERFORMANCE STANDARDS:

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

REPORTING:

The Executive Director shall submit to each member of the Board of Commissioners a quarterly investment report. The report will include:

1. A complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed by third party contractors.
2. The source of the portfolio valuation. In the case of funds invested in the Local Agency Investment Fund (LAIF), and California Asset Management Program (CAMP), FDIC Insured accounts or county investment pools, current statements from those institutions will satisfy the above reporting requirements. The report will also include a certification that:
 - a. All investment actions executed since the last report have been made in full compliance with the Investment Policy; and
 - b. The Housing Authority will meet its expenditure obligations for the next six months. [CGC 53646(b)]
3. The Executive Director will maintain a complete and timely record of all investment transactions.



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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Janet Basta, Director of Human Resources and Operations

Date: January 11, 2023

Re: Adopt the Resolution to Amend the Housing Authority's Revised Employee Policies and Procedures Handbook, Last Revised 1.11.2023, Effective 1.12.2023.

BACKGROUND

The Housing Authority of the City of Alameda (AHA) became an autonomous agency in 2012 and adopted new personnel policies that replaced the City's Employee Handbook and the ACEA and MCEA Memorandums of Understanding. In drafting the 2012 Personnel Policies, staff sought guidance from a variety of sources and perspectives. Sample personnel policies from the Housing Authority Risk Retention Pool (HARRP) provided a good starting place. Attorneys skilled in human resources and applicable California and federal laws prepared these policies. Subsequently, Liebert Cassidy Whitmore completed a thorough review of the AHA Personnel Policies to certify legal compliance at both the state and federal levels on November 4, 2014. A revised version, retitled Employee Policies and Procedures Handbook, was subsequently reviewed by Liebert Cassidy Whitmore and approved by the Board on December 21, 2016, and again on February 16, 2022. Various changes have triggered some policy changes since then and have been approved by the Board.

DISCUSSION

This month, a revised version of the Employee Policies and Procedures Handbook (aka Employee Handbook) is being brought to the Board for review. The document has been thoroughly reviewed by attorneys with Liebert Cassidy Whitmore, who certify compliance with state and federal levels.

The Employee Handbook is being brought to the Board in track changes format so changes are more easily identifiable. Changes that have been made since the February 2022 version was approved were incorporated into the manual and are not shown in track changes format as they have already received Board approval. Once approval is secured for the proposed revisions, track changes will be removed, and the page numbers and change log at the end of the document will be updated to reflect the final version.



Many of the proposed changes are changes proposed to reflect changes to regulations or laws applicable to AHA. Additionally, some general clean-up and clarification of policies or language was completed, including incorporating general neutral language throughout the Employee Handbook. Primary content changes include:

1. Changes were made to the Sick Time and Unpaid Leaves policies to reflect the passage of AB1041, which provides leave rights to care for a "designated person" and impacts sick leave and California Family Rights Act (CFRA) leaves effective January 1, 2023.
2. Changes were made to the Bereavement and Funeral Leave policy to reflect the passage of AB1949, which provides for up to 5 days of bereavement leave for the death of a covered family member effective January 1, 2023.

AHA Management is requesting that these changes be approved effective January 12, 2023. It is noted that, should any employee(s) need leave or time off for family members or situations covered under either AB1041 or AB1949 prior to the effective date of the Employee Handbook, AHA will provide such time in order to be compliant with these new regulations.

FISCAL IMPACT

There is minimal fiscal impact to the proposed changes in policy. Some additional costs associated with leave administration, for example costs to continue benefits for employees on leave, may occur due to the broader eligibility categories.

CEQA

Not applicable to this item.

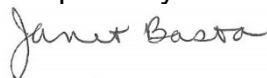
RECOMMENDATION

Adopt the Resolution to Amend the Housing Authority's Revised Employee Policies and Procedures Handbook, Last Revised 1.11.2023, Effective 1.12.2023.

ATTACHMENTS

1. Attachment 1 Employee Handbook Rev 1.11.23 Eff 1.12.23 Track Changes
2. Attachment 2 Reso-Amend Employee Handbook 1.11.2023

Respectfully submitted,



Janet Basta, Director of Human Resources and Operations



EMPLOYEE POLICIES AND PROCEDURES HANDBOOK

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WELCOME

Welcome to the Housing Authority of the City of Alameda! Through the efforts of our staff members, the Housing Authority of the City of Alameda has established itself as a leading organization in the community and in the housing industry, and we are excited to have you join our team. As a diverse and vibrant community partner, our goal is to excel in all areas of our work, adapting to new challenges as circumstances and needs change and to provide excellent customer services to landlords, tenants, participants and partners.

Our vision and mission, along with a 2-year Agency plan and the 5-year HUD plan, guide the work that we do. To ensure our continued success, all employees need to understand and conduct their work consistent with our policies and procedures. This Handbook contains important information that you need to know about The Housing Authority, including a summary of our policies, benefits, and work expectations, and we encourage you to use it as a reference throughout your employment with us.

If you have any questions, please do not hesitate to ask either your supervisor or any Director.

Sincerely,



Vanessa Cooper, Executive Director

OUR VISION

The Housing Authority of the City of Alameda shall continue to be recognized for creatively seeking ways to expand the availability of affordable housing throughout Alameda, for caring professional staff, and excellent service provided fairly to all.

OUR MISSION

The Housing Authority of the City of Alameda, in partnership with the entire community, advocates and provides quality, affordable, safe housing; encourages self-sufficiency; and strengthens community inclusiveness and diversity in housing.

OUR GUIDING PRINCIPLES

- Our services, policies and staff considerations shall reflect this agency's value for inclusiveness, diversity and culturally sensitive services
- Our agency goals will be achieved by ongoing collaboration with customers and community partners

AGENCY GOALS AND OBJECTIVES

Goals and objectives are established every five years in conjunction with the Housing Authority's Agency Plan process. In addition, management utilizes a two-year work plan to guide key activities and also maintains a Strategic Plan that sets out overarching goals. Current plans, goals, and objectives are provided to new employees during the onboarding process.

PART ONE: INTRODUCTORY INFORMATION

HANDBOOK USE AND PURPOSE

This employee handbook is designed to help employees familiarize themselves with important information about the Housing Authority of the City of Alameda (hereafter also referred to as AHA, the Housing Authority, and/or the Agency), as well as information regarding their own privileges and responsibilities as employees.

It is not possible to anticipate every situation that may arise in the workplace or to provide information that answers every possible question. Also, future circumstances may require changes in the policies, practices, and benefits described in this handbook. Accordingly, AHA, upon approval by the Board of Commissioners, reserves the right to modify, rescind, supplement, or revise any provision in this handbook. While AHA will make reasonable efforts to provide employees with advance notice of any modifications or revisions to the handbook and will distribute or make available updated pages as revisions are made, advance notice of policy changes may not always be possible. Even in this event, changes to policies apply to Housing Authority employees upon their effective date, unless otherwise pre-empted by legislation. Further, the continuation of working conditions and practices not specifically authorized by resolution of the Board of Commissioners is not guaranteed by the policies in this Employee Handbook. This handbook does not create any contract of employment, express or implied, or any rights in the nature of a contract. Nor should anything in this policy be read or construed as modifying or altering the at-will relationship between AHA and those employees classified as at-will. The policies and procedures in this handbook are intended to replace all previous personnel policies, practices, and guidelines under which Housing Authority employees have worked.

Employees are expected to comply with all Agency policies. Employees who fail to do so will be subject to discipline, up to and including immediate termination.

Any questions regarding the contents of this handbook may be addressed to your supervisor or to the Director of Human Resources and Operations.

AGENCY BACKGROUND

Our Organization: The Housing Authority of the City of Alameda is a political subdivision of the State of California and its jurisdiction includes the City of Alameda. As a result of the Act of 1937, the Alameda City Council passed Resolution No. 2507 on August 6, 1940, establishing the City's need for low-income housing and a housing authority to administer such programs. The Council has appointed a Board of Commissioners to set the policies for the Housing Authority. The Board of Commissioners, usually appointed for overlapping 4-year terms, has seven members. Two of the Board members are tenant representatives and are appointed for 2-year terms by the City Council.

The AHA Executive Director is the staff person responsible to the Board of Commissioners. The Executive Director is also charged with the responsibility of carrying out Board policy and is generally responsible for the efficient administration of Housing Authority programs. The Executive Director (and designated personnel) has the authority to enforce the policies approved and adopted by the Board of Commissioners, and has specific authority for:

- **Budget Limitations:** All operations of the Housing Authority are subject to the operating money made available by the budgets as approved by the Board of Commissioners. The continued employment of any person is therefore subject to the funds available. The Executive Director has the right to reassign duties and responsibilities and to reclassify positions as necessary for sound fiscal and operational management, within the limitations of approved operating budgets.
- **Personnel Actions:** The Executive Director has the responsibility for all personnel decisions, including but not limited to: hiring, firing, granting promotions, approving merit increases, laying off, demoting, transferring to regular status, transferring to probationary status, and approving suspension or termination of any employee occupying positions approved by the Board of Commissioners, excluding the position of Executive Director, which is a contract management position responsible to the Board of Commissioners.
- The Executive Director may choose to delegate certain administrative procedures in the Employee Handbook to the Director of HR and Operations or the Deputy Executive Director.

The Executive Director (or designee) may make temporary amendments to the Employee Handbook in two exceptional circumstances:

- To respond to a change in federal, state or local law, or
- To respond to an emergency impacting the agency as a whole (e.g., a pandemic, environmental hazard, major threat or damage to the physical building, etc.).

Any such temporary changes must be reported in writing to the Board no later than the next regular monthly Board meeting.

YOUR RESPONSIBILITIES AS A PUBLIC EMPLOYEE

Employees of a public agency have specific responsibilities beyond those of private sector employees. For example, new employees are expected to read and sign an Oath of Allegiance at the commencement of employment. Additional responsibilities are outlined below.

Responsibilities under Title VI, Section 504 and California Government Code Section 12921

Employees of the Housing Authority have specific responsibilities. With respect to any housing accommodations, facilities, services, financial aid or other benefits, the Housing Authority, its officers, trustees, directors, agents, servants, employees, successors, and all persons in active concert or participation with any of them, agree to refrain from any acts which on the grounds of race, color, religion, national origin, ancestry, sex, gender, gender identity, gender

expression, sexual orientation, marital status, familial status, source of income, genetic information, medical condition, physical disability or mental disability, or any other category protected by law:

- Deny a person such benefits.
- Provide such benefits to a person, which are different from those provided to others.
- Subject a person to segregation or separate treatment in any matter related to such benefits.
- Restrict a person in any way from access to such benefits or enjoyment of any advantage or privilege enjoyed by others in connection with such benefits.
- Treat a person differently from others in determining whether the person satisfies any occupancy, admission, enrollment, eligibility, membership or other requirement or condition which the person must meet.
- Deny a person an opportunity to participate in the program or activity through the provision of services or otherwise provide the person an opportunity different from what is afforded others who participate.
- Deny a person the opportunity to participate as a member of a planning or advisory board, which is an integral part of the program.
- Represent because of race, color, religion, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, marital status, familial status, genetic information, source of income, medical condition or disability that dwellings are unavailable for rental when they are, in fact, available.

Guidelines for implementation of these responsibilities will be provided to all employees. Employees are required to acknowledge receipt and understanding of their responsibilities at the time of hire, and periodically throughout the course of employment.

Conflict of Interest / Misuse of Funds

The Housing Authority is committed to conducting business in accordance with its mission and high ethical standards. Central to the standard of ethical conduct is the Housing Authority's policy that employees shall have no direct or indirect interest, financial or otherwise, nor shall they engage in any business transaction or professional activity, or incur any obligation of any nature that is in conflict with the carrying out of their duties in the public interest. A conflict of interest is a situation in which an employee's personal or economic interest does or may interfere with, influence, appear to interfere or influence, or is, in the judgment of AHA, incompatible with the employee's duties and responsibilities at the Housing Authority of the City of Alameda or with AHA's general activities. A conflict may exist even if the conflict or incompatibility has no adverse impact on job performance.

All employees must follow the Housing Authority's standards of conduct as outlined in the Housing Authority's Administrative Plan and detailed later in this Handbook. All employees must report any actual, potential, or prospective conflicts of interest to their supervisor(s).

All employees are prohibited from soliciting or accepting gifts or gratuities of any value from outside parties, including, but not limited to vendors, contractors and tenants/program participants. Any gifts that are offered should be declined politely and respectfully. In some circumstances, it may not be possible to return a gift, such as a consumable item. In such cases,

employees may accept the gift, but the gift giver should be advised that future gifts should not be offered. Such gifts should be provided to HR and logged. These may then either be donated by the agency to a non-profit or be made available to all employees.

In accordance with California's Political Reform Act, certain employees named in the Housing Authority's Conflict of Interest Code are required to file a Form 700 at the time of hire and on an annual basis. In some circumstances, contractors may also be required to file a Form 700.

Confidentiality

Careful custody and handling of AHA files, documents or materials (in hard copy or electronic format) containing confidential information is of critical importance to AHA and the community that we serve. Each employee is responsible for safeguarding against the theft, loss, unauthorized use or disclosure of confidential information and for following AHA's policies and procedures addressing confidentiality. Employees who have access to such information must take whatever steps are necessary to assure that AHA confidential information is handled, stored, transmitted or destroyed in a manner which will protect against loss or misuse.

All applications and records concerning any individual applying for or receiving public services that are made or kept by this Agency are confidential and are not open to examination for any purpose that is not directly connected with program administration. Except for purposes directly connected with and necessary for program administration, employees shall not publish, disclose or use any confidential information pertaining to an applicant or employee, or an applicant or recipient of our Federal Housing Programs. Confidential matters include, but are not limited to:

- Employee or client names, physical or electronic addresses, telephone numbers, social security numbers, and medical/health information.
- Information contained in employee personnel or benefits files, including but not limited to items such as records of disciplinary actions, performance evaluations, benefits application forms, beneficiary information, etc.
- Anything marked "Confidential" or "Personal", such as incoming mail, internal documents marked with these terms, etc.

Housing Authority employees are also prohibited from publishing or disclosing any list of persons who have applied for or are receiving state or federally funded public social services, whether that list is an official list or a list compiled from official sources. The Housing Authority's Confidentiality Policy provides additional and more specific guidance.

Certain positions in the agency, including all Directors, all Finance staff, and the Executive Administrative staff, have expanded access to confidential personnel and employee relations information and are designated as confidential staff.

Employees are expected to maintain AHA confidential information as confidential even after separation from the Housing Authority. Employees will return, at AHA's request at any time and/or upon termination of employment, to AHA all documents, papers, computer files or

storage devices, web application passwords, or any other material in their possession that may contain or be derived from AHA confidential information.

Requests for documents or information from outside persons or entities including those that may be governed by the Public Records Act must be referred immediately to the Executive Director.

Political Activities

Public employees are expected to separate their personal political activities from activities that are sponsored by the public agency they serve. Therefore, AHA employees shall not:

- Engage in political activities during work hours.
- Use their office/employment position to influence elections or nominations, or for other political purposes.
- Solicit or receive political contributions from other employees.
- Engage in political campaigning, or solicit or receive political contributions on AHA premises or using AHA's electronic systems.
- Require or advise other employees to make political contributions.
- Use political influence in connection with their employment status.

Responsibility in a Disaster

Public employees may be called upon to become Disaster Service Workers in the event of a disaster. Supervisors will provide guidance to individual employees on how each is expected to respond.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Housing Authority of the City of Alameda to afford equal opportunity in all aspects of employment to all persons without discrimination on the basis of race, religion (including religious dress or grooming), sex (including gender, gender identity, gender expression, transgender, as well as pregnancy, childbirth, breastfeeding, or related medical conditions), national origin, ethnicity, ancestry, citizenship, age, physical or mental disabilities, color, marital status, registered domestic partner status, sexual orientation (including homosexuality, bisexuality, or heterosexuality), genetic information, medical condition (including cancer and genetic characteristics), military or veteran status, exercise of rights under the Pregnancy Disability Leave Law or the California Family Rights Act, or any other basis protected by applicable federal, state, or local law. This policy shall apply to all employees and applicants for employment, and unpaid interns, and extends to all phases of employment, including recruitment, hiring, training, promotion, demotion, transfer, discipline, discharge or layoff, rehiring, compensation, and benefits. It is the responsibility of everyone in management to ensure that equal consideration is given to all applicants and employees in personnel actions. Please see the Discrimination and Harassment policy in the Standards of Conduct section for additional information and guidance.

REASONABLE ACCOMMODATION

Absent undue hardship or direct threats to the health and safety of employee(s) or others, the Housing Authority provides employment-related reasonable accommodations to:

1. Qualified individuals with any known physical or mental disability, both applicants and employees, to enable them to perform essential job functions;
2. Employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider, which may include a temporary transfer to a less strenuous or hazardous position for the duration of her pregnancy if the transfer can be reasonably accommodated;
3. Employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
4. Employees who request reasonable accommodation to address a conflict between religious belief or observance, including religious dress and grooming practices, and any employment requirement.

REASONABLE ACCOMMODATION OF PROTECTED DISABILITIES

The Housing Authority complies with the employment-related reasonable accommodation requirements of the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (and any subsequent revisions or amendments thereto), including the interactive process to identify possible reasonable accommodations of protected disabilities. The Housing Authority is committed to taking all actions that are necessary to ensure equal employment opportunity for persons with disabilities in accordance with applicable federal, state, and local laws, using the following guidelines:

1. **Request for Accommodation.** An employee or applicant who desires a reasonable accommodation in order to perform [his/her/their](#) essential job functions should make a request, preferably in writing, to the Director of Human Resources and Operations. A form is available from Human Resources. If a request is made verbally, AHA will either request that the employee put the request in writing or document the verbal request that the employee has made. The request must identify both the job-related function(s) at issue and the desired accommodation(s). Alternatively, employees may make their request to their direct supervisor, who will be responsible for communicating the request for accommodation to Human Resources.
2. **Requests for Medical Information.** Following receipt of the request, the Housing Authority may require reasonable documentation from a health care provider of the existence of a disability and that an accommodation is necessary. The Housing Authority may also require an employee to undergo a fitness for duty examination at the Agency's expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The Housing Authority may also require that an Agency-approved physician conduct the examination.
3. **Interactive Process.** After receipt of any requested reasonable documentation of disability and need for accommodation and/or fitness for duty report, the Housing Authority will arrange for one or more discussions, in person or via telephone or video conference call, with the employee or applicant. The purpose of the interactive

discussion process is to work in good faith to explore fully all feasible potential reasonable accommodations.

4. **Case-by-Case Determination.** The Housing Authority determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. AHA will not provide accommodation(s) that would pose an undue hardship upon Housing Authority finances or operations, or that would endanger the health or safety of the employee or others.

COMPLAINT PROCEDURE FOR COMPLAINTS OF DENIAL OF REASONABLE ACCOMMODATION

Complaints of denial of reasonable accommodation shall be directed to the Executive Director. Applicants and employees are encouraged to bring such complaints to AHA's attention promptly, so that it can address them promptly.

The Executive Director shall investigate the complaint and make a determination regarding whether a reasonable accommodation can be provided. As part of this complaint resolution procedure, the Executive Director may require the applicant/employee and an AHA representative to meet to discuss potential reasonable accommodations and to try to agree on a specific reasonable accommodation. The Executive Director shall have the authority to determine which reasonable accommodation, if any, shall be provided. The Executive Director's decision is final and binding as to AHA's reasonable accommodation obligations.

PART TWO: EMPLOYMENT AND HIRING POLICIES

WORK ELIGIBILITY

Verification of Authorization to Work in the United States

To comply with federal law, the Housing Authority of the City of Alameda employs only United States citizens and non-citizens who are lawfully authorized to work in the United States. All employment is conditioned upon receipt, by the Director of Human Resources and Operations, of acceptable documentation establishing identity and authorization to work in the United States and completion of an I-9 form within the timeline established by the U.S. Citizenship and Immigration Services (USCIS).

Background Checks

The Housing Authority of the City of Alameda believes that hiring qualified individuals contributes to our overall strategic success, and background checks serve as an important part of the selection process. The information collected helps AHA promote a safe work environment for our current and future employees, as well as program participants and residents. Therefore, all offers of employment are made conditioned upon receipt of a satisfactory background check to verify the accuracy of the information provided by the applicant during the selection process.

The Housing Authority checks criminal history records as part of the applicant selection process for all positions. Reports received are interpreted in accordance with the Equal Employment

Opportunity Commission’s guidelines for consideration of conviction records in employment decisions. Unless required by law, the Housing Authority will not deny employment to any applicant solely because he or she has been convicted of a crime. The Housing Authority may, however, consider the nature, date and circumstances of the offense, evidence of rehabilitation, as well as whether the offense is relevant to the duties of the position sought by the applicant.

With a candidate’s prior written authorization, AHA may also collect credit information on applicants consistent with the guidelines set forth by the federal Fair Credit Reporting Act (FCRA). Credit information is generally required for finance-related and all senior management level positions.

All background checks, with the exception of employment references, are conducted by a third-party agency. The Housing Authority complies with all applicable federal, state and local laws, including fair employment practices and equal employment opportunity, when conducting background checks. All information obtained from the background check process will only be used as part of the employment hiring process and will be kept strictly confidential.

Pre-Employment Physical

A post-offer, pre-employment physical examination is required if noted on the position description. For such positions, any offer of employment, and/or continued employment will be conditional, subject to satisfactory completion of, and passing, such physical examination.

California Driver License and Insurance

All positions within the Agency require a valid California driver’s license and the ability to meet the driving record requirements for coverage under the Housing Authority’s “standard” auto liability policy. Such drivers, and any other drivers who will be authorized to drive an Agency vehicle, are required to sign an Authorization for Release of Driver Record Information at the commencement of employment. Assignment of driving responsibilities is conditional upon receipt of a satisfactory report from the State of California, Department of Motor Vehicles. If an applicant or employee cannot meet these requirements due to a disability or medical condition, [he/she/they](#) should notify the Director of Human Resources and Operations to discuss possible accommodations.

Should an employee who is required to drive in the performance of [his/her/their](#) duties be excluded from the “standard” automobile policy, agency liability and the impact on agency operations will be examined. Continued employment will be dependent upon the circumstances and the employee’s ability to continue to perform the duties of the position without liability or unreasonable inconvenience to the agency.

Please refer to AHA’s Vehicle Use and Accident Reporting Procedures for additional information.

EMPLOYEE CLASSIFICATIONS

Staff members are placed into classifications based on their job description and applicable wage/hour laws. All employees are classified as exempt or non-exempt; exemption classification may be changed only with written notification from Housing Authority Management.

- Exempt Employee: An executive, administrative, or professional employee who is exempt from the overtime requirements of the Fair Labor Standards Act (“FLSA”). Exempt employees are not eligible for, and will not be paid, overtime.
- Non-exempt Employee: An employee (generally paid by the hour) who is eligible for overtime pay under the FLSA.

All employees are additionally classified as regular full-time, regular part-time, probationary, contract or temporary. These classifications determine eligibility for benefits, subject to the terms, conditions and limitations of each benefit program, unless otherwise stated in a contract employee’s contract. With the exception of positions held by temporary employees, these positions are on the Schedule of Authorized Positions contained in the Housing Authority’s budget.

- Regular Full-Time Employee: An employee who is regularly scheduled to work [an average of 36 hours or more per workweek/72 hours per pay period](#), and who is not in a temporary or probationary status. Regular full-time employees are eligible for all benefit programs offered by AHA.
- Regular Part-Time Employee: An employee who is regularly scheduled to work fewer than [an average of 36 hours per week/72 hours per pay period](#), and who is not in a temporary or probationary status. Part-time employees receive pro-rated benefits, where indicated, based on actual hours worked, plus any other legally mandated benefits such as workers’ compensation insurance.
- Probationary Employee: An employee in a probationary period (see section below for definition). A probationary employee is eligible for any benefits that [he/she/they](#) would have in a regular full-time or part-time position, subject to probationary period requirements.
- Contract Employee: An employee working under a contract which outlines wages, benefits and working conditions of the position, and which takes precedence over any conflicting terms in the Employee Handbook. Contract employees may work on a full-time or part-time basis, and are “at will” employees, meaning that the employee or AHA may terminate employment at any time, with or without notice and with or without cause, unless otherwise stated in their contract.
- Temporary Employee: An employee whose employment is normally for a defined period of time or a particular project. Temporary employees are not eligible for any Housing Authority benefits or leave provisions unless required by law. Temporary employees are “at will” employees and the employee or AHA may terminate employment at any time, with or without notice and with or without cause.

CHANGES IN EMPLOYEE CLASSIFICATIONS

Changes in employee classification may occur when a significant job change occurs (for example, a promotion or a change in work hours, etc.) that is intended to last for more than four (4) months.

PROBATIONARY PERIOD

Employees are considered probationary beginning with their date of hire. Probationary employees have all the rights and privileges of regular employees **except** they may be separated from the Housing Authority without cause, without prior notice, and without the right of appeal or hearing. During the probationary period, which is considered to be the final phase of the employment selection process, performance will be carefully evaluated and a determination made regarding whether the employee's job performance is sufficient to pass the probationary period. The fact that an employee has successfully completed the probationary period does not, however, guarantee continued employment for any period of time.

- **Duration of Probationary Period:** All appointments to a regular position will be probationary for a period of no less than 12 months. Time worked in a different class or position is not considered as part of the probationary period. AHA reserves the right, and has the sole and absolute discretion, to extend the duration of the probationary period when such an extension is determined to be appropriate and necessary.
- **Separation of Probationary Employee:** A probationary employee may be separated from employment with the Housing Authority without cause, without prior notice, and without the right of appeal or hearing. Additionally:
 1. A probationary employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which ~~he/she~~[the employee](#) was promoted, unless ~~he/she~~[the employee](#) is discharged, or unless the former position is no longer available (i.e., the position has been filled or eliminated).
 2. A probationary employee who receives a promotion during the initial probationary period with AHA and is subsequently rejected from the promoted position will not be reinstated to the prior position but will be separated from Agency employment.

CHANGE OF POSITION

- **Transfer:** Employees may be transferred as deemed appropriate by the Housing Authority. Transfers include movement within or between departments or to different work assignments. If an employee does not have all the skills required for the position to which [the employee](#) ~~he/she~~ is transferred, training will be provided. Employees have the opportunity to accept or reject a transfer. If an employee rejects a transfer determined to be in the best interest of the Housing Authority, or if the position originally held by the employee is eliminated, discharge or layoff may be necessary. Any

eligible employee dissatisfied with [his/her/their](#) transfer may pursue the steps of the Grievance Procedure, outlined in the Standards of Conduct section of this Handbook.

- **Demotion:** In the event an employee is not performing [his/her/their](#) job satisfactorily or must be removed from a position, the employee may be demoted, subject to the procedures outlined in the Disciplinary Procedures section of this Handbook. [Employees who are demoted are not required to complete a new probationary period, but their performance in the role in which they are demoted to will be closely monitored.](#)

JOB DESCRIPTIONS

All employees shall be provided with copies of their job descriptions. Job descriptions are intended to present a descriptive list of the range of duties performed by employees; they are not intended to reflect all duties performed within the job, and employees may be required to perform duties not set forth in the job description. Job descriptions may be rewritten in the event of major new job responsibilities or other significant, ongoing changes in duties.

JOB POSTINGS

The Housing Authority attempts to find the most qualified candidates to fill position vacancies. This is accomplished through a combination of internal and external recruiting. Consideration will be given to the advancement of current employees, and employees are encouraged to apply for promotions or transfers for which they feel they are qualified.

Job openings will be of two types: Promotional (in-house) or Open (the general public may apply as well as staff). Job vacancy announcements will contain information about the required qualifications and experience, as well as instructions on how to apply. Promotional job opening announcements will be sent to all staff, posted in locations visible to current staff only, or posted on the AHA website and designated as promotional opportunities only. Open job vacancies will be advertised in appropriate internal and external recruiting sites, generally simultaneously.

The decision to post positions as promotional or open, and to fill positions from within or to hire from outside is made solely by AHA.

In-House Promotions

The Housing Authority encourages employees to apply for promotions to positions for which they are qualified. Promotions and transfers shall be based on the ability, qualifications, and potential of the candidates for the position. Employees must have attained regular status with the agency in order to be eligible for promotion (in other words, employees are not eligible to be promoted during a probationary period, whether initial or promotional), unless the Executive Director authorizes an exception. Employees who are interested in posted positions should submit an employment application prior to the closing date on the job announcement. If an employee is interested in applying for a promotion, the employee may also wish to discuss the matter first with [his/her/their](#) immediate supervisor, department head, or the Director of Human Resources and Operations. [As part of the application evaluation process of internal candidates who apply for either promotional or open job vacancies, references will be obtained](#)

[from current or prior AHA supervisor\(s\) and the employee's past performance will be reviewed and considered.](#)

Offers of Employment

The Executive Director will approve all employment offers. Only the Director of Human Resources and Operations and the Executive Director have the authority to extend job offers. All offers of employment will be in writing.

HIRING OF RELATIVES

The Housing Authority of the City of Alameda is aware that relatives of employees or Commissioners may occasionally seek employment with AHA. The Housing Authority does not discriminate in its employment and personnel actions on the basis of marital or familial status.

Notwithstanding this policy, however, in the interest of avoiding conflicts of interest, or appearances of conflicts, the Agency retains the right to refuse to appoint a person to the same department or division where a "close relationship" to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The Department Director is responsible for determining if such a potential for adverse action exists or not, and this determination is then reviewed and approved by the Executive Director or [his/her/their](#) designee. AHA will also utilize the following guidelines with respect to nepotism:

1. Current employees may not interview or make employment-related decisions with respect to relatives who seek employment with AHA.
2. Current employees may not supervise relatives under any circumstances.

For purposes of this policy, the definition of "close relationship" is:

- Spouse/registered domestic partner;
- Employee's, spouse's or domestic partner's child (natural child, legally adopted child, or a child for whom the employee, spouse, or domestic partner has been awarded court-appointed legal guardianship) or grandchild;
- Parent, step-parent, or grandparent of employee or spouse/domestic partner;
- Brother, sister, half-brother or sister, or brother-in-law or sister-in-law; and
- Aunt, uncle, niece or nephew

When two existing employees become closely related, and a determination has been made that the potential for creating adverse impact as described above exists, the Director, in conjunction with the Executive Director (or designee) will make reasonable efforts to minimize potential problems through reassignment of duties or transfer. If the Housing Authority is unable to make an acceptable accommodation, then the two individuals will be notified that one of the employees must separate from AHA employment. The Housing Authority reserves the right to decide which employee must separate. Any such separation is not considered to be disciplinary; however, it may be appealed pursuant to the procedures outlined in the Disciplinary Procedures of this Handbook.

It is expected that all employees, regardless of any relationship status, will conduct themselves professionally in their interactions with each other and with other employees working at AHA.

EMPLOYMENT OF MEMBERS OF THE BOARD OF COMMISSIONERS

To preserve the objectivity and integrity of the Housing Authority's Commission, any Commission member who wishes to apply for employment with AHA must first resign from the Commission. The State of California Fair Political Practices Commission may have additional rules on hiring of Board Members as employees.

OUTSIDE EMPLOYMENT

The Housing Authority does not generally preclude employees from holding another job during off-duty hours (i.e., those hours during which an employee is not scheduled or otherwise required to work or be on call), and will not unreasonably deny such requests, as long as employees can effectively meet the performance standards for their positions with the Agency, the outside employment does not conflict with the employee's AHA work schedule, they request approval before starting the outside employment, and there is no actual or perceived conflict of interest with any other party involved. Employees are advised to think seriously about the effects that such extra work may have on the limits of ~~his/her~~their endurance, overall personal health, and effectiveness with the Agency. AHA will hold all employees to the same standards of performance and scheduling demands, including, for certain positions, being able to respond in emergencies, and cannot make exceptions for employees who also hold outside jobs. Further, all employees, whether they hold an outside position or not, are expected to devote their full time and attention to AHA duties during work hours, and are not to use Agency resources or time for matters unrelated to their position.

Employees who wish to hold outside employment are required to submit an Application to Engage in Outside Employment form to their supervisor, for review by the Executive Director. The Executive Director will determine if the outside employment, activity, or enterprise is compatible with the employee's employment at the Housing Authority. If the Executive Director determines such activity is compatible, or would be if any conditions or restrictions applied, ~~he or she~~they will authorize the activity and specify the conditions/restrictions in writing, give the employee the outside employment authorization, and place a copy of the written authorization in the employee's personnel file and/or in electronic retention records. Secondary-Outside employment may not begin until it is approved by AHA. Any employee dissatisfied with the Executive Director's decision may pursue the steps of the Grievance Procedure, outlined in the Standards of Conduct section of this Handbook.

[As part of the employment offer process, job applicants will be required to disclose any outside employment they propose to continue if/while employed by the Housing Authority. Such outside employment is not approved until authorization has been provided by the Executive Director as described prior.](#)

An employee must promptly report in writing to the Executive Director any of the following changes that may occur during the year of an authorized outside employment: the outside employment ends; or the authorized employment changes as to the number of work hours, location, or types of duties.

Any outside employment authorization may be revoked or suspended under the circumstances listed below. An employee may appeal the revocation or suspension as provided in this Policy.

1. The employee's work performance for the Housing Authority declines; or
2. An employee's conduct or outside employment conflicts with the conditions of the outside work authorization or is incompatible with the employee's work for the Housing Authority.

Under no circumstances may an employee use any Housing Authority equipment, vehicles, tools, supplies, machines, or any other item that is Agency property while engaged in any outside employment, activity or enterprise.

PART THREE: EMPLOYEE DEVELOPMENT

PERFORMANCE MANAGEMENT

Effective performance management is critical to the success of the Housing Authority as employees need to know what is expected of them in order to carry out our strategic plan and achieve our mission. Supervisors are expected to provide ongoing, timely feedback and coaching to their staff so that employees know what is expected of them and how they are performing so any issues can be addressed in a timely manner. Employees are expected to engage in dialogue with their supervisor to ensure a clear understanding of performance expectations and to identify any areas needing improvement. Employees are also provided with an input form that they may complete to provide written input into the performance review process; it is expected that all exempt staff will complete this form prior to the scheduled review meeting. Completion of the form is optional for non-exempt employees. Performance reviews also provide an opportunity to discuss professional development goals and advancement or promotional opportunities that may be available. Performance review guidelines are provided by Human Resources for supervisors and employees to follow during the evaluation process.

Supervisors are to provide performance feedback to probationary employees at least every three months until regular status is attained, with a formal, written evaluation completed six months from the date of hire and at the end of the probationary period. Thereafter, reviews are done on an annual basis, to coincide with the approximate anniversary of the employee's start date with AHA as long as the employee is actively at work. If an employee receives a promotion or has a change in position/classification, a new probationary period will begin, and the pattern of evaluations will follow the guidelines above for probationary employees. At the completion of the probationary period, the employee's annual review date will be adjusted.

Performance reviews, signed by the employee and supervisor and reviewed by the Director of Human Resources and Operations, will be placed in the employee's personnel file. The written input form from the employee may also be included in the file at the employee's request. Employees are provided with a copy of their review and have the opportunity to provide input to and comment on it in writing within 10 business days of the evaluation. An employee does not have the right to appeal or submit a grievance regarding any matter relating to the content of a performance review.

In the event that an employee's overall performance is rated as less than satisfactory or specific areas are identified that are in need of improvement, the supervisor should develop a written performance improvement plan for the employee. Performance improvement plans should include specific goals for improvement along with the strategies and timeline to improve performance. Supervisors should notify and work with the Director of Human Resources and Operations when any performance issues are identified that require a written improvement plan.

The failure of a supervisor to perform an employee's review as outlined above in no way alters an employee's status. Recommendations for step increases, attainment of regular status, or change of status must be made by the Supervisor and approved by the Executive Director. Supervisors may perform additional mid-term reviews and extend review periods or probationary periods as deemed necessary.

PROFESSIONAL DEVELOPMENT

The Housing Authority encourages the professional growth and development of employees through a variety of means, including in-house trainings, access to webinars, membership affiliations with professional organizations, and attendance at educational conferences, meetings or seminars. To allow the Housing Authority to plan for and provide support for these efforts, all employees should discuss development goals with their supervisor at least annually as part of the performance review process.

The Housing Authority will consider employee requests to pay for membership dues and license renewals in job-related professional organizations when those fees become due after the start of employment with AHA. Employees may make this request through their supervisor, and written approval by AHA is required prior to payment or reimbursement. Employees who wish to attend a job-related conference, meeting or seminar must also make this request through their supervisor, and obtain advance written approval, prior to payment or reimbursement for the cost of the training. Further, certain positions may require subject-specific certifications that employees must obtain by attending trainings and passing exam(s) offered in conjunction with the training. Generally, AHA will pay the cost of registration and travel for any required certification, but reserves the right to limit the number of opportunities to obtain certification should the employee not be successful in passing the exam on the initial attempt.

Detailed information about procedures for submitting professional development requests can be obtained from Human Resources.

PART FOUR: EMPLOYEE BENEFITS

Once an employee satisfies all applicable eligibility requirements, the eligible employee may participate in the Agency's benefit program that includes:

- Health, Dental and Vision Insurance
- Life, Long-Term Disability, and Accidental Death & Dismemberment Insurance
- Retirement Benefits
- Flexible Spending Account Plans
- State Disability Insurance and Paid Family Leave
- Deferred Compensation
- Employee Assistance Program
- Educational Assistance and Tuition Reimbursement
- Credit Union
- Workers' Compensation
- Unemployment Insurance

Eligibility requirements and further information concerning these benefits programs is explained below, at new employee orientation, and updated as necessary through individual meetings and communications with staff.

The Housing Authority reserves the right to change insurance plans and benefits under those plans, to change the employer share of premium payments for the plans, if any, or change the amount it pays employees who opt out of the plan(s), with or without notice, consistent with any legal obligations it may have. In general, the employer share of premiums is approved by the Board of Commissioners and communicated to employees prior to each Open Enrollment period.

The benefits described below are available to regular, full-time employees. Benefits for part-time, temporary, and contract employees may be different. Additional information is available from Human Resources.

DEFINITION FOR ELIGIBILITY

For the purposes of benefits coverage, "eligible dependents" is defined as spouse or domestic partner and eligible dependent children. The definition of an eligible dependent may be established by the insurance provider, or in the case of CalPERS, by state law, in which case AHA will follow the most stringent definition that applies. Documentation of eligible dependent status must be provided by the employee for dependents to be enrolled in any benefit plan(s) prior to enrollment.

CAFETERIA PLAN

The Housing Authority's benefits program is managed through an IRS Section 125 Cafeteria Plan for active employees. The cafeteria plan will be available to all active employees to pay for

some or all of the costs of qualified benefits as defined by law. If the cost of the employee's benefits is more than the approved contribution amount, the difference will be deducted from the employee's paycheck on a pretax basis. The monthly Cafeteria Plan dollar amount (flex benefit contribution) is determined on an annual basis and approved by the Board of Commissioners prior to open enrollment; the Commission shall approve the value of flex benefit contributions that shall be made towards 1) health insurance and, 2) dental and vision insurance. Part-time employees who are eligible for any of the benefits listed below may receive a Cafeteria amount on a pro-rata basis. With these funds, each participating employee is able to choose the following coverage:

- Health Insurance (through the State of California's Public Employees Retirement System (CalPERS))
- Dental and Vision Care Insurance

HEALTH INSURANCE

Health insurance is offered as part of the benefits package to regular, full-time employees and regular, part-time employees who regularly work 20 hours or more per week. Currently, a choice of health insurance plans is offered through the State of California's Public Employees Retirement System (CalPERS). Detailed information about plan offerings can be found on the PERS website at www.calpers.ca.gov.

The Housing Authority contributes the statutory minimum PEMHCA contribution towards employees' health care costs for employees enrolled in the Authority's CalPERS medical insurance program. Retirees enrolled in the Authority's CalPERS medical insurance program will also receive the statutory minimum PEMHCA contribution amount as provided under Housing Authority Resolution Numbers 852 and 853 and in accordance with Government Code section 22892(c).

In addition to the PEMHCA minimum contribution, current employees will receive a health flex contribution to the cafeteria plan that can only be used for health insurance and is not available to be taken in cash. See the above section on Cafeteria Plan for more information. If the cost of the employee's benefits is more than the approved contribution amount, the difference will be deducted from the employee's paycheck on a pretax basis.

Under certain circumstances, and in compliance with CalPERS and/or Affordable Care Act requirements, some temporary employees and their eligible dependents may be offered health insurance. Human Resources will provide information to affected employees. AHA shall determine the employer share of premiums, if any, it shall make for temporary employees. Any balance of premium costs is borne by the employee and shall be deducted from the employee's paycheck.

Employees may opt out of health insurance. Employees eligible for any cash-in-lieu benefit, must provide the following in order to receive the cash-in-lieu: (1) proof that the employee and all individuals for whom the employee intends to claim a personal exemption deduction ("tax family"), have or will have minimum essential coverage through another source (other than

coverage in the individual market, whether or not obtained through Covered California) for the plan year to which the opt out arrangement applies (“opt out period”); and (2) the employee must sign an attestation that the employee and [his/her/their](#) tax family have or will have such minimum essential coverage for the opt out period. An employee must provide the attestation every plan year at open enrollment or within 30 days after the start of the plan year. The opt-out payment cannot be made and AHA will not in fact make payment if the employer knows that the employee or tax family member does not have such alternative coverage, or if the conditions in this paragraph are not otherwise satisfied.

DENTAL INSURANCE

Dental insurance is offered as part of the benefits package to regular, full-time employees and regular, part-time employees who regularly work 30 hours or more per week. Annually, the Housing Authority establishes the annual employer contribution to the Agency Cafeteria Plan that can be made for dental and vision insurance. If the cost of the employee's benefits is more than the approved contribution amount, the difference will be deducted from the employee's paycheck on a pretax basis.

VISION INSURANCE

Vision insurance is offered as part of the benefits package to regular, full-time employees and regular, part-time employees who regularly work 30 hours or more per week. Annually, the Housing Authority establishes the annual employer contribution to the Agency Cafeteria Plan that can be made for dental and vision insurance. If the cost of the employee's benefits is more than the approved contribution amount, the difference will be deducted from the employee's paycheck on a pretax basis.

INSURANCE CONTINUATION (COBRA)

Upon termination or other qualifying event, employees covered under a health insurance plan have certain legal rights to remain on the insurance plan at their own expense for up to eighteen (18) months (more in some cases) through benefits under COBRA. More information regarding COBRA coverage, costs, and administrative procedures is available from the Human Resources department at the time employment ends or when an employee has a question or provides notification about other qualifying events.

Employees who experience a qualifying event must provide written notice within 60 days after the qualifying event occurs to Human Resources. This written notice must include the name of the employee, the type and date of qualifying event, the name of the insurance plan, and the names of the individual(s) eligible for COBRA. In particular, for your dependents to be eligible for COBRA continuation coverage, you must inform us if:

- You and your spouse experience divorce or legal separation
- A dependent child loses eligibility for coverage as a dependent child

LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE

Regular employees who work 30 or more hours per week are eligible for a basic life and accidental death and dismemberment insurance benefit paid for by AHA. Coverage is currently 1.5 times annual salary up to a maximum of \$100,000. Additionally, employees may elect voluntary life insurance coverage at their own expense for themselves, their spouse/partner and/or dependent children at their own expense. The cost of premiums for the employee only may be paid on a pre-tax basis; dependent coverage must be paid for on an after tax basis. AHA does not make any contribution towards voluntary life insurance premiums.

Voluntary life insurance may only be elected at the time of hire or during open enrollment and, depending on the amount requested and election date, may be subject to medical underwriting and approval by the insurance company.

LONG TERM DISABILITY INSURANCE

Regular employees who work 30 or more hours per week are eligible for long term disability insurance benefits paid for by AHA. The current benefit amount is 66.67 percent of salary (maximum payment \$7,000 per month), subject to a waiting period and age restrictions.

PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)

All regular, full-time employees are eligible to become members of CalPERS, a defined benefit retirement pension plan for public employees in California. Other categories of employees may be eligible for membership in CalPERS. Please contact Human Resources if you have questions about your eligibility.

Employees enrolled in CalPERS are required to make a pre-tax retirement contribution to CalPERS through payroll deduction; contribution rates are set by CalPERS and are dependent on the employee's membership status (i.e., classic or new member). Additional information about PERS is available from Human Resources or can be found at the CalPERS website: www.calpers.ca.gov.

FLEXIBLE SPENDING ACCOUNT

All regular employees who work 30 or more hours/week may enroll in the Housing Authority's flexible spending account ("FSA") program, which allows employees to set aside pretax dollars to be used for eligible medical, dependent care, or transit expenses that qualify under rules established by the IRS. For information about current annual election limits and a comprehensive list of reimbursable expenses, please review the FSA materials provided by Human Resources.

STATE DISABILITY INSURANCE (SDI)

The law requires that a small percentage of each employee's wages be deducted each pay period for State Disability Insurance ("SDI"). SDI, which is administered by the State of

California's Employee Development Department (EDD), provides for partial replacement of wages lost because of a non-work related accident or illness.

For employees who apply and qualify, SDI benefits, which are paid by the State, begin after the seventh day of illness or accident. Eligible employees will be paid a percentage of their regular earnings for a maximum period provided by law.

It is the employee's responsibility to notify the Director of Human Resources and Operations when a claim for disability compensation has been filed, and to provide proof of compensation from EDD. Information and claim forms can be obtained from the local EDD office or the EDD website: <http://www.edd.ca.gov/disability>.

PAID FAMILY LEAVE (PFL) INSURANCE PROGRAM

Housing Authority employees are also covered under the state-administered Paid Family Leave (PFL) insurance program. PFL is an employee-paid benefit that provides partial wage replacement when an employee is taking approved time off work to care for a seriously ill parent, child, or spouse/registered domestic partner, sibling, grandparent, grandchild, or parent in-law, or to bond with a new minor child.

While the state may grant PFL benefits when an employee is taking leave to care for a sibling, grandparent, grandchild, or parent in-law, please note that employees are not eligible to take Family/Medical Leave under FMLA for these situations, but may be eligible for CFRA leave. Employees who wish to request a leave of absence to care for a family member should contact Human Resources regarding available leave options.

Up to eight weeks of PFL benefits may be paid in a 12 month period. EDD determines eligibility for benefits, and per EDD, there is no waiting period before PFL benefits begin. Information regarding eligibility and claim forms are available from the local EDD office, from the EDD website at: <https://edd.ca.gov/disability/paid-family-leave/>, or by calling 1-877-238-4373.

DEFERRED COMPENSATION (457 AND ROTH IRA)

Any full-time employee is eligible to defer a portion of ~~his/her~~their compensation on a pre-tax or after-tax (Roth) basis by participation in a Section 457 deferred compensation plan and/or a Roth IRA. Section 457 contributions may be made on a pre-tax or after-tax basis, while Roth IRA contributions are made on an after-tax basis. Contributions for both types of plans may be made through regular payroll deductions. Contributions are voluntary; there are no employer contributions. See Human Resources for additional details.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Housing Authority's Employee Assistance Plan (EAP) is designed to provide confidential assistance to full-time employees by providing professional consultation, assessment, and

referral. The EAP is available to employees and their families at no charge. Contact Human Resources for more information.

EDUCATION ASSISTANCE AND TUITION REIMBURSEMENT

The Housing Authority may reimburse employees who voluntarily take educational courses that may benefit their job performance or provide preparation for promotional opportunities. The Executive Director and Department Director will make the final determination on requests for reimbursement. The current maximum amount available per employee per calendar year is \$1500. The Executive Director will set the amount annually, dependent on the availability of sufficient funds.

To be eligible for education assistance, the education and training must be:

1. Related to the employee's occupational area or of demonstrated value to AHA;
2. Through an accredited educational institution/program and is a required course for a degree or certificate program; and
3. Completed during the employee's own time.

An employee who applies for education assistance must have completed the initial probationary period, demonstrate satisfactory performance, and may not have had any documented disciplinary action, at a written warning or higher level, taken against him/her during the one year period prior to application. To apply, the employee must submit a written request to [his/her/their](#) supervisor outlining the type of degree or certificate program, anticipated date of completion, course of study and planned classes, and projected program cost, including tuition, academic fees, and books.

Reimbursement, if approved, shall be made when the employee completes the course or training, and receives a passing grade of C or better or passing certification requirements. Costs for programs of study that extend beyond one year may be submitted on an annual basis. Expenses must be validated by receipts, and a copy of the final transcript or certification must be presented. Reimbursement will be restricted to registration fees for tuition costs and books listed in the course description that are required to complete the class or course. No reimbursement shall be made for late fees, parking fees, or any electronic equipment.

If an employee voluntarily terminates employment with the Housing Authority and received tuition reimbursement assistance, [he/she/they](#) will be required to reimburse the Housing Authority in full for any tuition assistance received during the last six months prior to [his/her/their](#) departure.

CREDIT UNION

Housing Authority employees may be eligible to join a credit union; please see Human Resources for more information.

WORKERS' COMPENSATION

The Housing Authority carries Workers' Compensation insurance coverage as required by law to protect employees who are incapacitated by injury or illness arising out of their employment. This insurance provides qualified employees with medical, surgical, and hospital treatment in addition to payment for loss of earnings that results from work related injuries or illnesses. The cost of this coverage is paid completely by the Housing Authority.

Injuries, regardless of how minor, must be reported immediately to a supervisor. The employee will be required to complete ["a Housing Authority incident report form"](#) as soon as possible, and is provided with the "Employees Report of Injury" (DWC1) within one day of the injury. When medical treatment is required, the employee will go or be taken to Concentra Medical Center, Kaiser On-The-Job Center or another care center approved by the workers compensation insurer, or after hours to the closest hospital (as posted in each work area), unless the employee has a written Predesignation of Personal Physician form which has been signed by the Physician on file prior to injury.

The Agency shall continue wages for time needed for the employee to attend the first visit for a work injury, plus reasonable travel time (e.g., travel to/from the nearest Concentra or Kaiser Center). For subsequent visits or treatments for a work injury, employees must use their paid leave balances for any time away from work.

UNEMPLOYMENT INSURANCE

When an individual's employment terminates, [he/she/they](#) may be eligible to receive unemployment compensation. This State-provided insurance provides a weekly income for qualifying individuals who were subject to involuntary termination or lay off. The amount of compensation varies with the individual because it is based on earnings. A claim must be filed with the State by the terminating employee in order to collect this benefit.

MEDICARE

All employees contribute to Medicare, with a deduction made from each employee's gross earnings in accordance with the law. The Housing Authority contributes an amount equal to that paid by each employee.

SOCIAL SECURITY AND PARS

The Housing Authority of the City of Alameda **does not** participate in Social Security; retirement contributions are made solely through CalPERS. Employees who are not eligible for membership in the CalPERS retirement program are enrolled in PARS (Public Agency Retirement Services) instead. Contact Human Resources if you would like additional information about PARS.

PART FIVE: PAID TIME OFF

VACATION LEAVE

The Housing Authority provides paid vacation time to regular full-time employees and part-time employees so that they may take time off to relax, recuperate and recharge.

Accrual

Vacation leave is earned by eligible full-time regular employees in accordance with years of service. Vacation credit is accrued to each eligible employee beginning with the first day of regular employment up to a maximum yearly accrual according to the following schedule:

MAXIMUM VACATION ACCRUAL					
Years of Service	Paid Days of Vacation	Years of Service	Paid Days of Vacation	Years of Service	Paid Days of Vacation
1 through 4	10	12	18.5	19	22
5	15	13	19	20	22.5
6	15.5	14	19.5	21	23
7	16	15	20	22	23.5
8	16.5	16	20.5	23	24
9	17	17	21	24	24.5
10	17.5	18	21.5	25 or more	25
11	18				

The Executive Director may grant an increase in the annual maximum accrual up to a total of 20 working days of vacation with pay upon employment to recognize previous applicable experience. The employee shall continue to earn an additional 0.5 working days of vacation per year for every year completed up to the maximum accrual of 25 days. Employees hired after [the date of publication of this Handbook February 17, 2022](#) who are granted a higher amount of leave than in the table above do not receive the additional 0.5 working days of vacation per year until such time as their regular rate of accrual catches up to the amount granted.

Regular part-time employees will accrue a pro-rata leave balance based upon actual hours worked. No other classification of employees earns paid vacation time.

Employees on Leave without Pay status do not earn vacation leave. Employees who are on paid leave will continue to earn vacation leave, though the amount earned will be prorated based on the number of hours the employee is being paid by AHA from the employee's accrued leave.

In 2020, the Housing Authority increased the accrued vacation bank cap from 250 hours to 350 hours. Moving forward, the Housing Authority will gradually reduce the accrued vacation cap down so that no employee, with the exceptions below, may have an accrued vacation bank of more than 250 hours at a time.

The gradual reduction of the accrued vacation cap will proceed as follows. From January 1, 2022 through December 31, 2022, the vacation accrual cap shall be maintained at the temporary raise to the accrual cap of 350 hours, so that employees can continue to accrue a

maximum of 350 hours during this time period. Once the employee hits the cap, no additional vacation will accrue until the employee takes sufficient vacation to bring [his/hers/their](#) vacation bank below the cap. From January 1, 2023 through December 31, 2023, the accrual cap will be reduced by 50 hours, to 300 hours. Once the employee hits the cap, or continues to maintain a prior existing balance that exceeds the cap, no additional vacation will accrue until the employee takes sufficient vacation to bring [his/hers/their](#) accrued vacation balance below the cap.

Effective January 1, 2024, the vacation accrual cap will be reduced again by 50 hours to 250 hours. This reduction will be subject to the same rules outlined above. Once the employee hits the cap, or continues to maintain a prior existing balance that exceeds the cap, no additional vacation will accrue until the employee takes sufficient vacation to bring [his/hers/their](#) accrued vacation balance below the cap.

Any accrued unused vacation time will be rolled over into the following year. If an employee has accrued more than 300 hours on December 31, 2022, the accrued unused vacation time will be rolled over into the following year but no additional vacation will be accrued until the balance of vacation leave is below the cap of 300 hours that will be in place effective January 1, 2023. If an employee has accrued more than 250 hours on December 31, 2023, the accrued unused vacation time will be rolled over into the following year but no additional vacation will be accrued until the balance of vacation leave is below the cap of 250 hours that will be in place effective January 1, 2024.

As an exception to the above vacation cap reduction policy, employees hired on or before January 1, 2019 and all Director positions shall have a permanent vacation accrual cap of 300 hours.

Scheduling

For newly hired probationary employees, no accrued vacation time can be taken until three months after the first day of employment.

All vacation time must be requested and approved in advance through the electronic timekeeping system and according to the guidelines below:

<u>Amount of Vacation Leave Requested</u>	<u>Advance Notice Required</u>
2 days or less	2 business days
3 or 4 days	5 business days
5 days or more	10 business days

The only exceptions to the above will be when time off is required for unforeseen or emergency circumstances. Due to the impact of unplanned time off on Agency operations, supervisors may require documentation of the need for unforeseen or emergency leaves, particularly when this occurs frequently or an employee has a pattern of poor attendance.

All approvals for vacation leave requests are subject to the availability of adequate leave at the time of leave usage. Employees are not generally entitled to time off without pay unless authorized by law, Housing Authority policy, or by authorization of the Executive Director. Accordingly, employees who do not have adequate vacation leave available for their approved time off may be required to modify the request to conform with the employee's available balance of vacation leave or cancel their requests. Employees are encouraged to plan ahead and monitor their leave balances to ensure they have enough paid leave to cover any planned time off.

Vacation leave will be scheduled at times mutually convenient to the Housing Authority and employee. Employees are encouraged to submit their requests as early as possible; requests for vacation leave will be considered up to 12 months in advance and are generally handled on a first come, first served basis. However, to facilitate scheduling during periods when it is anticipated that multiple employees may request time off (e.g., 4th of July, Thanksgiving, or December holiday periods), AHA may, at its sole discretion, notify employees of a designated timeframe that requests for these times must be submitted for consideration. In the case of conflicting requests, the supervisor will talk with the employees to try to work out a mutually-agreeable arrangement. If that cannot be done, priority for leave will be based on seniority. Department Directors may establish separate guidelines for the number of employees and types of positions that can be on vacation concurrently to ensure adequate coverage of their department's work functions.

Requests to cancel vacation leave of five days or more must be submitted no less than three business days in advance of the date that the leave was to commence, and must be approved by the employee's supervisor. The supervisor and/or the Agency reserve the right to require an employee to use requested vacation leave, particularly in cases where other staffing arrangements have been made to cover the employee's time off.

Sick Leave During a Scheduled Vacation Period

An employee who is ill or injured while on vacation may be able to use accumulated paid sick leave, if any, instead of paid vacation upon presentation of satisfactory medical documentation to [his/her/their](#) supervisor.

Payment

The Housing Authority does not make any advance payments of vacation time (i.e., employees will not be paid for vacation time before it is accrued). AHA strongly recommends that employees arrange for direct deposit of [his/her/their](#) pay checks so that vacation pay that is requested in advance through the timekeeping system can be automatically paid and deposited. No responsibility can be taken by AHA for live checks provided to an employee.

Vacation Pay at Termination

Upon termination of employment, employees will be paid for any accrued and unused vacation at his or her rate of pay at the time of separation, and will be paid on the next regular pay date.

HOLIDAYS

The Housing Authority provides 11 paid holidays for full-time employees. The Housing Authority observes the following holidays:

New Year's Day	Martin Luther King, Jr. Day
President's Day	Memorial Day
Juneteenth	Independence Day
Labor Day	Veteran's Day
Thanksgiving Day and following Friday	Christmas Day

Each year, the Housing Authority will publish a calendar of holidays and office closures for the following year, including alternate holidays for those employees whose flex day falls on a holiday. If a particular holiday falls on a Saturday, the preceding Friday shall generally be observed. If the holiday falls on a Sunday, the following Monday shall generally be observed. All regular full-time employees are provided a paid day off for each holiday up to the number of hours they are regularly scheduled to work on that day. Part-time employees who are regularly scheduled to work on a holiday will be paid for that holiday up to the number of hours they are regularly scheduled to work. No other classification of employees is eligible for holiday pay, unless otherwise specified.

If a non-exempt employee is scheduled or required to work on a Housing Authority observed holiday, the employee will be paid for the holiday. In addition, non-exempt employees will receive time and one-half in pay for all hours worked on such holiday. Employees on vacation at the time a holiday occurs will not have that day counted as vacation pay, but will instead receive holiday pay as described above.

FLOATING HOLIDAYS

Floating holidays allow employees to have additional paid leave to cover absences for personal reasons such as religious observances or to supplement vacation, sick and holiday leave. All regular full-time employees and probationary employees for whom January 1 falls after their hire date receive three and one-half days (28 hours for employees on a 40 hour-based workweek, 26.25 hours for employees on a 37.5 hour-based workweek) on January 1 of each year that they may request to use between January 1 and December 31. Regular part-time employees will be granted floating holiday hours pro-rated based on the percentage of time they are regularly scheduled to work, and on the schedule described above. No other classification of employees receives floating holidays.

If an employee is on a leave of absence, whether paid or unpaid, on January 1, floating holiday hours are not granted until the employee returns to active status.

Employees may carry over unused floating holiday hours to subsequent years. However, employees cease earning floating holiday hours beyond a maximum of three and one-half days, or their pro-rated hours, as defined above based on employment status and workweek hours. In the succeeding year, employees will receive on January 1 only the number of floating holiday hours that will bring their total to the appropriate maximum as defined above.

Guidelines for requesting floating holiday use are the same as those described for vacation leave above.

Upon termination of employment, employees will be paid for any unused floating holiday hours at his or her rate of pay at the time of separation, and will be paid on the next regular payroll date.

Floating Holidays and New Probationary Employees

Employees who are otherwise eligible for floating holidays and are initially hired during a calendar year receive a floating holiday allocation at the time of hire that is prorated for the remainder of the calendar year based on the hire date. Eligible employees may request to use floating holiday leave on or following the day that it is received, including during any period of their probationary period that falls in the calendar year in which they were hired.

SICK TIME

Paid sick leave is a benefit provided to protect employees in the event of their own, or a family member's, illness, injury, or other medical emergency. AHA will not tolerate abuse or misuse of an employee's sick leave.

Accrual

Paid sick leave shall be accrued by full-time and probationary full-time employees at the rate of 7.5 hours (8 hours for maintenance workers) per month worked. Part-time employees will accrue sick leave on a pro-rata basis, based on the employee's scheduled work hours. Sick leave is not accrued to employees on Leave without Pay status. Accrual of paid sick leave will continue to employees who are on a paid leave status, though accrual is prorated based on the number of hours the employee is being paid by AHA from the employee's accrued leave.

Temporary employees, whether full-time or part-time, shall be provided with three days (24 hours) of sick time at the time of hire, and on January 1 of each year. Temporary employees may not use sick time until their ninetieth (90th) day of employment.

Regular employees' accrued, unused sick time may be carried over from one year to the next, and, unlike vacation time, there is no limitation on the amount of sick time a regular employee may accrue. Sick time balances for temporary employees will not be carried over from year to year.

Sick Time Use

Employees may use their accrued paid sick leave for any one of the following reasons:

- For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
- For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member:
 - Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis)
 - Spouse or Registered Domestic Partner
 - Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child)
 - Grandparent
 - Grandchild
 - Sibling
 - [Employees may also request sick leave to care for a designated person identified by the employee at the time of the sick leave request to the extent permitted by AB 1041. Employees are limited to one designated person per 12-month calendar year period for paid sick leave use.](#)
- To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
 - A temporary restraining order or restraining order.
 - Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.
 - To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
 - To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
 - To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
 - To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

Eligible new regular employees may use accrued sick time during their probationary period, beginning on their hire date, and may use paid sick time as soon as it accrues.

When a Housing Authority-paid holiday occurs while an employee is absent from work on authorized paid sick leave, no deduction will be taken from the employee's accumulated sick leave balance.

If sick leave is exhausted, regular employees who are not on leave of absence are required to use vacation and/or floating holiday leave to the extent necessary to bring their pay to an amount equivalent to their scheduled work hours. (See Part 6: Unpaid Time Off and Leaves of Absence for additional information related to leave usage during a leave of absence).

Notification

An employee unable to report to work because of an illness or injury must provide notification no later than one-half hour after the start of the employee's scheduled workday by calling the Absence Reporting Line at 1-510-649-5529. Notification must be provided on each additional day of absence, except in cases where the employee is on an approved leave of absence or has provided documentation of the need to be off work for a specific period of time.

When an employee knows in advance of the need for sick time use, i.e., for scheduled medical/dental appointments or procedures, sick leave must be requested in advance through the electronic timekeeping system.

Health Care Provider's Certification

Employees who are absent for more than three days due to their own illness or injury are required to provide a doctor's statement certifying that the employee may safely return to work. However, the Housing Authority may require a health care provider's note to substantiate the medical need for an absence from work of any duration, including for medical/dental appointments, particularly when an accumulation of absences seems to establish (in the supervisor's judgment) a problematic use of sick time. In no event, however, shall an employee be required to provide substantiation for the use of sick leave for the first three days of sick leave used during any calendar year that involves the illness of the employee or [his/her/their](#) family member.

All employees, including temporary employees, who use paid sick leave to address issues related to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.

Coordination of Benefits

If there is an extended absence, the employee is encouraged to apply for any other available compensation and benefits for which [she/he/they](#) may be eligible. The paid sick leave benefit is coordinated with any payments that the employee is eligible to receive, e.g., State Disability Insurance (SDI), Paid Family Leave (PFL), workers' compensation, or other such paid benefit, such that the employee does not receive more than 100 percent of [his or her/their](#) regular pay while on leave.

Payment

The Housing Authority does not make any advance payments of sick time (i.e., employees may not use sick time before it is accrued).

Sick Leave at Termination

No payment is made for accrued, unused sick time upon separation or at any other time. However, regular employees who are rehired within 12 months from their date of separation shall have their sick leave balance at the time of separation reinstated. Temporary employees who are rehired within 12 months from their date of separation also shall have their sick leave balances reinstated and each will be provided with three days of sick time, as described above, up to a combined maximum of six days of sick time. A temporary employee who worked at least 90 days in the initial employment with the Agency may immediately use reinstated sick leave. A temporary employee who had not worked 90 days in [his/her/their](#) initial employment period with the Agency must work the remaining amount of the 90 day-qualifying period before becoming eligible to use accrued sick leave.

Employees who retire directly from AHA are eligible, under the Agency's contract with CalPERS, to receive credit in the form of additional service time for a portion of any accrued sick leave balance they have at the date of separation. Please visit the CalPERS website or see Human Resources for more information.

JURY DUTY/WITNESS LEAVE

Any employee who is summoned to serve jury duty, or subpoenaed or ordered by a judge to appear as a witness in court (other than as a litigant) will be granted paid time off for the duration of the jury duty/witness service for a maximum of two weeks on any occasion that the employee is required to physically be present in court. If additional jury duty leave is required beyond the two-week period, leave shall be provided as unpaid time off, and the employee serving jury/witness duty may elect to use any accrued paid vacation and/or floating holiday time during the unpaid portion of the leave.

The employee must submit a copy of the official summons or subpoena to [his/her/their](#) supervisor upon receipt and at least five calendar days prior to the beginning date of such duty or service. Proof of attendance from the court will be required in order to receive jury/witness duty pay. When an employee is excused from jury or witness duty in time to report for at least one-half of [his/her/their](#) regularly scheduled shift, the employee is required to report for duty.

Public employees are not entitled to court compensation except for mileage reimbursement for any portion of jury duty that is paid by the employer. Thus, an employee must remit to the Agency any pay received as juror fees or witness fees during any Agency-paid portion of leave. Mileage reimbursement may be retained by the employee.

BEREAVEMENT AND FUNERAL LEAVE

Bereavement Leave

In the event of a death in the employee's immediate family, ~~the an~~ employee [who has worked for at least 30 days before the leave commences](#) may request up to ~~four five~~ working days off ~~with pay~~ per occurrence. [Paid bereavement leave under this policy is limited up to a maximum of eight paid bereavement days per calendar year, with no more than four paid days per](#)

occurrence. Employees who request the fifth day are required to use accrued sick, vacation or floating holiday leave for the time off; employees may request unpaid leave if accrued paid leave balances are not sufficient for the requested time off. Time off for bereavement beyond two occurrences per calendar year is not eligible for AHA-paid bereavement leave but employees may request to use accrued sick, vacation or floating holiday leave, or may request unpaid leave if accrued paid leave balances are not sufficient for the time off. Regular part-time employees may be granted bereavement leave pro-rated based on the percentage of time regularly scheduled to work.

Bereavement leave must be completed within 3 months of the date of death, and may be taken intermittently or all at one time. If the leave is taken later than 2 weeks after the day of death, the usual advance notice periods for time off are required. Bereavement leave does not apply if the death occurs while the employee is on leave without pay.

For this section, “immediate family” is defined as parents, siblings, spouse or domestic partner, children, mother- or father-in-law, grandparents, grandchildren, children of domestic partner, step-parents, step-children, or step-siblings, where there is a child-rearing relationship.

Employees who wish to request time off for bereavement purposes for individuals not covered by the definition of “immediate family” must request vacation or floating holiday leave following AHA’s policies for use of those leaves.

~~-In order to qualify for bereavement pay, the employee may will be required by AHA to provide a death certificate (or other proof of death) and proof of relationship. documentation of the death within 30 days of the first day of the leave. The documentation includes, but is not limited to, a death certificate, a published obituary, or a written verification of death, burial or memorial service from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency.~~

Funeral Leave

With supervisory approval, a full-time regular employee may be granted up to four hours of paid funeral leave to attend the funeral of a co-worker or former co-worker. Part-time employees may be granted time off as a personal leave without pay.

TIME OFF TO VOTE

The Housing Authority encourages its employees to fulfill their civic responsibilities by voting in elections. Generally, the polls are open for several hours in the morning and evening after regularly scheduled work hours. Accordingly, the Housing Authority expects employees to make every effort to vote either before or after work hours. However, if the employee does not have sufficient time before or after work to vote, the Housing Authority will provide up to two hours off to vote, without loss of pay, provided the employee gives at least two (2) working

days' advance notice, in writing, of the need. AHA reserves the right to require time off to vote to be taken at the beginning or end of the employee's shift.

PART SIX: UNPAID TIME OFF AND LEAVES OF ABSENCE

Unless authorized by law, Housing Authority policy, or by authorization of the Executive Director, employees are not entitled to leave of absence or time off without pay. The Housing Authority may provide unpaid leaves of absence to employees in a variety of circumstances. Employees who are considering requesting a leave of absence are encouraged to meet with the Director of Human Resources and Operations as early as possible to discuss the details of the leave and to coordinate the integration of benefits and payroll.

Employees may request a leave of absence without pay for a qualifying personal or family illness, qualifying exigency arising from a call to active duty, or justifiable personal or other reasons. "Without pay" means that AHA will not pay for time on leave except for available vacation, floating holiday, sick leave and/or comp time that the employee concurrently uses consistent with this policy. Additionally, if the employee is in a paid leave status (due to concurrent use of accrued leave), any Housing Authority-paid holidays that fall within the leave period will be paid as holidays. Any holiday that occurs after all paid time off benefits have been exhausted will be without pay. Unless required by law, employees on any type of unpaid leave do not accrue additional benefits such as vacation, sick leave, holiday pay, increases in salary, or fringe benefits. Generally, no seniority shall accrue during any unpaid portion of the leave.

The Following General Information is Applicable to All Unpaid Leaves

REQUESTS FOR LEAVE

As soon as an employee learns of the need for a leave of absence, the employee should submit a written request for leave to [his/herttheir](#) supervisor and provide a copy to Human Resources. If the need for the leave is foreseeable, employees are required to provide at least 30 days' advance notice. Approval of the leave may be delayed if timely notice is not provided. If the employee learns of the need for leave less than 30 days before the leave is needed, the request must be made as soon as possible.

INTEGRATION OF BENEFITS

If an employee on leave is receiving State Disability Insurance ("SDI") or Paid Family Leave ("PFL") or Workers' Compensation benefits, and the employee has not exhausted [his/herttheir](#) accrued paid benefits with the Housing Authority, AHA will generally integrate the outside paid benefit with the employee's accrued paid benefit (to the extent permitted by law) so that total compensation for the pay period does not exceed the employee's regular wages.

Employees on approved leaves under this section, who receive SDI, PFL, or Workers' Compensation benefits, must promptly notify Human Resources of the dates and amount of payment(s) so that AHA can make arrangements for integration.

MEDICAL CERTIFICATION

Human Resources will notify the employee if medical certification is required for a requested leave to be approved. If the reason for leave is the employee's own injury or illness, medical certification of the employee's ability to return to work, with or without reasonable accommodation, at the conclusion of the leave is required before the employee will be permitted to return.

COMMUNICATIONS DURING LEAVE

Employees on leave must provide a report of their status and intent to return to work to the Director of Human Resources or, in their absence, the Human Resources Manager, every two weeks. Employees are required to respond promptly to requests from HR while on leave. Information will be sent to employees via their personal email, and employees will be asked to provide their contact information prior to leave. If contact information changes, employees must immediately contact HR.

RETURNING TO WORK

When applicable, an employee returning from approved leave will return to the original job held when the leave commenced, or to an equivalent job with equivalent pay and benefits. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously working.

The Housing Authority's actions upon failure to return to work will be based upon the reason the employee does not return, as outlined below:

- If an employee fails to return to work after their leave entitlement has been exhausted or expires, the AHA shall have the right to recover its share of health plan premiums for the entire leave period and proceed with termination, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or ~~his or her~~their family member that would entitle the employee to leave or because of circumstances beyond the employee's control.
- If upon return from leave an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the Housing Authority will engage in the interactive process with the employee to identify a potential reasonable accommodation(s). The employee will not be allowed to return to work until a reasonable accommodation is implemented or the employee is otherwise able to perform the essential functions of his or her position with or without reasonable accommodation.

CONCURRENT RUNNING OF LEAVES

If an employee is on a leave that qualifies under more than one law (e.g., leave for a serious health condition under the FMLA/CFRA that is also a Workers' Compensation injury; pregnancy disability leave that is also a serious health condition under the FMLA), the leave time will run concurrently to the extent permitted by law.

PROBATIONARY STATUS DURING LEAVES

If an employee is on an approved leave of absence of any length or on unpaid leave for greater than 40 hours in total during the initial probationary period or any subsequent probationary period due to a change in position, an amount of time equivalent to the time the employee was on the leave of absence and/or unpaid leave shall be added to the probationary period to allow the Agency sufficient time to evaluate the employee's performance. Should this occur, the employee's anniversary date will be reset accordingly.

UNPAID LEAVES

The most common types of unpaid leaves are described below. Please see Human Resources for additional information about any leaves of absence, or if you have a need for leave that is not covered by the descriptions below.

Family/Medical Leave under the Family and Medical Leave Act and the California Family Rights Act ("FMLA"/"CFRA")

The Housing Authority will provide family and medical care leave for eligible employees as required by state and federal law. Rights and obligations that are not specifically set forth below are provided for in the regulations implementing the federal Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA). To the extent allowed under the law, FMLA leave runs concurrently with, and is not in addition to, the leave entitlements provided by the CFRA. Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination. Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA's job restoration or maintenance of health benefits provisions.

Eligibility and Leave Duration

Eligible employees, defined as those who have at least one year of service with the Housing Authority, and who have worked at least 1,250 hours in the 12 month period before the date the requested leave will begin, may request an unpaid, job-protected leave of up to 12 workweeks in a 12-month period for any of the following reasons:

- For incapacity due to pregnancy or prenatal care (FMLA leave only; see also Pregnancy Disability Leave);

- Under the FMLA and CFRA, leave is permitted to care for the employee’s child after birth, or following placement for adoption or foster care (“baby bonding”) within one year of the birth or placement;
- Under the FMLA and CFRA, leave to care for a child, parent, or spouse who has a serious health condition;
- Under the CFRA only, leave is permitted to care for a domestic partner, grandparent, grandchild, or sibling who has a serious health condition. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA;
- Under the CFRA only, leave is permitted to care for a designated person who has a serious health condition. In this section, a designated person is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. In accordance with AB 1041, AHA shall limit an employee to one designated person for which CFRA leave may be used per 12-month period, using the same period as that which is used to define CFRA eligibility, and the employee may make the designation at the time of the request for CFRA leave. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA;
- Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of their position. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider;
- Leave for a variety of “qualifying exigencies” arising out of the fact that an employee’s spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation;
- Under the CFRA only, leave for a variety of “qualifying exigencies” arising out of the fact that an employee’s domestic partner is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA; or
- Under the FMLA, leave to care for a spouse, son, daughter, parent, or “next of kin” who is a covered service member of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces; or who is a veteran who was discharged or released within the past five years and is undergoing medical treatment, recuperation or therapy for a serious injury/ illness. The injury or illness may constitute an exacerbation of a pre-existing condition and may also manifest itself before or after the member became a veteran. This leave can run up to 26 weeks of unpaid leave during a single 12-month period;
- To care for the employee’s child after birth, or following placement for adoption or foster care (“baby bonding”) within one year of the birth or placement;
- For the employee’s serious health condition that makes the employee unable to work at all or unable to perform the essential functions of his or her position (FMLA/CFRA); or
- To handle “qualifying exigencies” arising out of the fact that the employee’s spouse, registered domestic partner, child, or parent is on covered active duty, or is called to

active duty, in support of contingency operations as a member of the Armed Forces, including the National Guard or Reserves. The general categories of “qualifying exigencies” include: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, additional activities, and parental care arrangements. (FMLA/CFRA)

The 12-month period shall be a rolling 12-month period measured backward from the date leave is taken. It is continuous with each additional leave day taken.

Additional guidelines for leave duration include:

- **Minimum Duration of Leave:** If leave is requested for the birth of a child, or for adoption or foster care placement of a child with the employee, the basic minimum duration of such leave is two weeks. This leave must be concluded within one year of the birth or placement of the child. However, an employee is entitled to leave ~~for~~ [onefor one](#) of these purposes (e.g. bonding with a newborn) for less than two weeks’ duration (but for at least one day) on any two occasions.
- **Parents Both Employed by AHA:** Under the FMLA, if both legal parents are employed by AHA and are entitled to leave, the parents will be limited to a combined total of 12 workweeks of leave in a 12-month period. However, under the CFRA, if both legal parents are employed by the AHA and are entitled to leave, each parent is entitled to take 12 workweeks of leave during any 12-month period.
- **Parents Both Employed by AHA:** If both parents of a covered servicemember are employed by the Agency and are entitled to leave to care for a covered servicemember, the ~~the~~ parents will be limited to a combined total 26 work weeks during the 12-month period.

Coordination of Accrued Leave and Benefits

To the extent permitted under the law, the Housing Authority requires employees to substitute paid leave accruals while on an FMLA or CFRA leave. State Disability Insurance (SDI), Paid Family Leave (PFL), Workers Compensation benefits, and Long Term Disability (LTD) benefits may be coordinated with accrued leave so that an employee receives up to full pay. Once accrued paid benefits are exhausted, the remainder of leave, if any, is unpaid.

Generally, employees taking FMLA/CFRA leave must use accrued paid sick (if applicable), floating holiday, and vacation time during the leave. The exceptions to this are:

- Employees on FMLA/CFRA leave for their own serious health condition and who are receiving temporary disability benefits (SDI) or workers’ compensation benefits may elect to use their paid leave to supplement their disability benefit up to an amount that, when combined with the disability benefit, does not exceed their regular pay for the pay period.

- Employees taking leave to care for a family member, [including a designated person under CFRA under AB 1041](#), or for baby bonding are required to use accrued vacation or floating holiday leave. They are not required to use accrued sick leave, but may elect to do so, and may elect the order in which accrued leave is used.
- Employees on FMLA leave due to pregnancy disability may elect whether or not to use floating holiday or vacation time during the leave.

Insurance Coverage

- **Group Health Insurance During Unpaid Leave:**

Employees on FMLA/CFRA leave retain their employer-paid group coverage (i.e., health, dental, vision, life and AD&D, and long-term disability insurance) up to a maximum of 12 weeks in a rolling 12-month period under the same terms applicable before the employee takes leave.

- **Payment of Premiums:**

An employee may elect to continue coverage of other, voluntary benefits for which the employee is responsible for paying the entire premium, (e.g., voluntary life and AD&D insurance), so long as he/she/they continues to pay the entire cost of the premium(s) while on leave. Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using his or her paid leave) or direct payments (if the employee is not using his or her paid leave). The Authority will inform employees on Family/Medical Leave who are in unpaid status to whom direct payments should be remitted to for continued coverage.

- **Recovery of Premiums:**

If an employee fails to return to work after his or her leave entitlement has been exhausted or expires, AHA shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of a continuation, recurrence, or onset of a serious health condition of the employee or his or her family member that would entitle the employee to leave, or because of circumstances beyond the employee's control.

Employees on an unpaid leave that does not qualify for FMLA/CFRA must pay their insurance premiums when they are off work for five (5) consecutive days, as allowable by the plan or statute, even if leave is accrued and used subsequently. Human Resources will provide information about payment options to employees, which may include COBRA, self-pay (for CalPERS health insurance), or direct pay options.

Certification

An employee will be required to provide certification of the need for Family/Medical Leave according to the following guidelines:

- **Timely Provided Certification:** The employee should provide at least 30 days' advance notice where the need is foreseeable. When the need for leave is not foreseeable, the

employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. For foreseeable leave due to a qualifying exigency, an employee must provide notice for leave as soon as is practicable, regardless of how far in advance such leave is foreseeable.

- **Requirements of the Certification:** The Housing Authority requires that an employee's request for leave due to a serious health condition affecting the employee or a family member [or a designated person under AB 1041](#), or due to a covered servicemember's serious injury or illness, be supported by a written certification from a health care provider*. If leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his or her position. The first time an employee requests leave because of a qualifying exigency, AHA may require the employee to provide a copy of documentation issued by the military, in accordance with the FMLA. The Housing Authority may require second or third medical opinions, at the Housing Authority's expense, and an employee to report on [his/her/their](#) status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

***Health care provider** is defined as:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
 2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;
 3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
 4. Nurse practitioners and nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
 5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
 6. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.
- **Failure to Provide Adequate or Timely Certification:** If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to

cure any such deficiency. If an employee fails to timely provide certification, AHA may delay or deny use of FMLA/CFRA leave until the required certification is provided, or deny FMLA/CFRA protections following the expiration of the time to provide an adequate certification.

- **Second and Third Medical Opinions:** If AHA has a good faith, objective reason to doubt the validity of a certification of the employee's claimed serious health condition, AHA may require a medical opinion of a second health care provider chosen and paid for by the Agency. If the second opinion is different from the first, the Housing Authority may require the opinion of a third provider jointly approved by the Agency and the employee, but paid for by the Agency. The opinion of the third provider will be binding. The Housing Authority will provide the employee with a copy of the second and third medical opinions, where applicable, without cost, if requested by the employee.
- **Intermittent Leave or Reduced Schedule:** For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son or daughter, grandparent, grandchild, sibling, ~~or~~ parent-in-law, or designated person per AB 1041 with a serious health condition, or to care for a covered servicemember with a serious injury or illness, the employee must provide medical certification that the requested leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The Housing Authority may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

Employment Status

If the leave is only protected under the FMLA, and not the CFRA, the employee's unpaid absence will be considered a break in service for purposes of determining seniority.

Returning to Work

When an employee is on leave for his/her/their own serious health condition, the Housing Authority requires written medical certification by a health care provider of an employee's ability to return to work. Failure to provide such certification will result in denial of reinstatement. Upon expiration of an authorized leave, the employee will be returned to the same, or to a comparable, position to the extent required by law.

Non-FMLA/CFRA Medical/Family Leave

Part-time employees who have at least one year of continuous service with AHA, and who are not otherwise eligible for leave under the FMLA/CFRA may nonetheless request a discretionary leave of absence for any of the reasons allowed for FMLA/CFRA leaves with the exception of leave for a designated person under the CFRA per AB 1041. The employee must provide evidence of one of the reasons for leave as stated in the FMLA/CFRA, and provide 30 days' advance notice if the need for the leave is foreseeable.

If approved, leave will not exceed a maximum duration of eight work weeks within a rolling 12-month period. Employees must exhaust any and all accrued sick leave, floating holiday, and vacation time during the leave. Once all accrued, available leave is exhausted, the leave is unpaid and no vacation or sick leave will accrue. The employee's unpaid absence will be considered a break in service for purposes of determining seniority.

Part-time employees on this leave who are otherwise eligible for employer-paid group coverage (i.e., health, dental, life and AD&D, and long-term disability ~~insurance~~ ~~with insurance~~) with the Housing Authority will have paid group coverage insurance coverage through the end of the pay period in which their unpaid leave commences. Thereafter, employees may continue coverage under AHA's group insurance plans at their own expense. The sole exception to this is employees on pregnancy disability leave, who remain covered by AHA health benefits during their approved leave.

Upon expiration of an authorized leave of this kind, AHA will seek to return the employee to the same, or a comparable position.

Pregnancy Disability Leave ("PDL")

An employee disabled by pregnancy, childbirth, or a related medical condition is entitled to up to four months (defined as one-third of a year, 17 1/3 weeks, or 693 hours) of disability leave per pregnancy. Related medical conditions include, but are not limited to, severe morning sickness, the need for prenatal or postnatal care, childbirth, postpartum depression, gestational diabetes, preeclampsia, mastitis, and loss or termination of the pregnancy and recovery therefrom.

PDL does not need to be taken all at once, but can be taken on an as-needed basis as required by the employee's health care provider, including intermittent leave or a reduced work schedule, all of which counts toward the employee's four month entitlement. If taken on an as-needed basis, every effort should be made to minimize the disruption to Housing Authority business.

Pregnancy disability leave is without pay. Employees on PDL are required to first use accrued sick time during the leave, and may elect to use, or not to use, accrued vacation and PTO. However, employees who are FMLA-eligible, **and** concurrently taking PDL leave, **and** receiving benefits under SDI, may use their accrued leave to supplement their disability benefit up to an amount that, when combined with the disability benefit, does not exceed their regular pay for the pay period. Once accrued paid benefits are exhausted, the remainder of PDL, if any, is unpaid.

Employees on PDL retain their employer-paid health insurance during their approved leave (i.e., up to a maximum of four months) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the

duration of the leave. Eligible employees who take CFRA leave for baby bonding (or other qualifying reason) following their PDL leave, may receive employer-paid health insurance for up to an additional 12 workweeks. In some instances, the Agency can recover from an employee premiums paid to maintain health coverage if the employee fails to return following the PDL.

Employees will retain their employee status during the period of the approved PDL, and the absence will not be considered a break in service for purposes of determining seniority.

Upon timely return at the expiration of PDL or after transfer to a reduced work schedule, the employee is entitled to return to the same position. If the same position is no longer available (e.g., position eliminated due to a reduction in force), the Housing Authority will offer a position that is comparable in terms of pay, location, job content, and promotional opportunities, unless no comparable position exists. The Housing Authority requires written medical certification by a health care provider of an employee's ability to return to work at the end of a PDL exceeding three days in length.

If the employee fails to return to work, refer to the process outlined in the Returning to Work section above that addresses all unpaid leaves.

Industrial Injury Leave

Employees who sustain any illness or injury arising out of and in the course of their employment and are deemed to have a temporary total disability under Workers' Compensation laws are entitled to a medical leave until the earlier of the following:

- The employee is released to return to work; or
- The employee is determined to be permanently unable to return to [his/her/their](#) usual duties.

It is the employee's responsibility to immediately report any work-related injury to [his/her/their](#) supervisor, who will provide the employee with the Employee's Report of Occupational Injury form and the Housing Authority Incident Report. These forms are used to determine eligibility for Workers' Compensation. Employees requesting leave are required to submit medical certification of the need for leave.

Employees must exhaust all accrued paid time off during this leave, and before taking unpaid leave. Any such pay will be coordinated with third-party benefits received by the employee through Workers' Compensation. The exception to this is that employees receiving workers' compensation benefits whose leave runs concurrent with FMLA/CFRA leave are not required to use their paid leave but may elect to do so in order to supplement their disability benefit up to an amount that, when combined with the disability benefit, does not exceed their regular pay for the pay period.

Employees who are otherwise eligible for paid health insurance with AHA, and who do **not** have FMLA/CFRA leave running concurrently, will have paid health insurance coverage through the end of the pay period in which the unpaid portion of their leave commences or during which

FMLA/CFRA leave expires. Thereafter, employees may continue coverage under the Housing Authority's group insurance plans at their own expense. Human Resources will provide information about payment options to employees, which may include COBRA, self-pay (for CalPERS health insurance), or direct pay options.

Employees returning from industrial injury leave will be returned to the same, or a comparable position, to the extent required by law.

Military Duty Leave

A Housing Authority employee will be granted a military leave of absence to carry out military obligations in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state law. In accordance with federal and state law, the employee must give his/her their supervisor advance notice of upcoming military service, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable, and provide a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the department head may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave. Please see HR for additional information about the continuation of pay and benefits, which may be in place for up to 30 days during a military duty leave.

Personal Leave of Absence

In addition to the previously described leaves, and in an effort to recognize the needs of employees for time off for reasons other than those described above, the Housing Authority may consider granting a personal leave of absence without pay. Personal leaves are limited to a maximum of two months in any two year period (measured in a rolling 24-month period). Personal leaves may not be added to or run consecutively with any of the previously described leaves.

All regular employees of the Housing Authority who have completed their probationary period may request an unpaid personal leave of absence. Job performance, attendance, and work/program requirements will all be taken into consideration before a request is approved. Requests for unpaid personal leave may be denied or granted by AHA within the sole discretion of the Executive Director.

Requests for a personal leave of absence must be submitted in writing to the Executive Director and must state specifically the reasons for the request and the proposed dates for beginning and ending the leave. Thirty days' notice is required if the need for leave is foreseeable.

Personal leaves, if granted, are without pay. Any accrued paid time off (i.e., accrued sick (if applicable), vacation, floating holiday and comp time) must be exhausted prior to the commencement of a personal leave.

Insurance benefits may be continued at the employee's own expense during any unpaid personal leave.

~~Employees on personal leave status for any reason are responsible for maintaining communication with their immediate supervisor or the Executive Director or designee regarding their situation no less than once each month.~~ An employee is required to return from the personal leave on the originally scheduled return date. If the employee is unable to return, he/she/they must request an extension of the leave in writing within five business days before expiration of the leave, explaining the reason for and requested duration of the additional leave sought. If the leave is not extended, the employee must return to work on the originally scheduled return date or the employee will be considered to have voluntarily resigned from his/her/their employment. Extensions of leave are considered only on a case-by-case basis.

School Activities Leave

In accordance with California Labor Code section 230.8, employees may take up to forty hours off without pay in any single school year, and no more than eight hours in any calendar month of the school year, with the exception of emergencies, to participate in activities at their child's school (grades K-12) or licensed child care facility. Under School Leave, employees may also take time off to find, enroll and/or re-enroll in a school (grades K-12) or a licensed child care provider as well as to address school or licensed child care provider emergencies. To be eligible for such leave, the employee must be a parent, stepparent, foster parent or standing in loco parentis, guardian or grandparent with custody of the child.

Employees requesting School Leave must provide their Supervisor with reasonable advance notice of the planned absence and provide documentation of the school activity (a letter from the school, event announcement etc.) as verification that the employee participated in the activity on a specific date at a particular time. An employee who takes time under this policy must utilize any existing vacation leave or floating holiday leave first. If the employee has no accrued paid time off, the time off will be taken without pay.

Other Forms of Leave

Other forms of leave may be available to employees who are victims of domestic violence, sexual assault or other crimes, are military spouses, emergency responders, or organ donors; or who require leave for volunteer firefighter or Civil Air Patrol service, as required by law. Please contact the Director of Human Resources and Operations for more information.

LEAVE DONATION PROGRAM

Eligible employees may participate as donors and recipients in the leave donation program, which provides a mechanism for assisting employees who have exhausted paid leave due to a serious or catastrophic illness or injury. This program allows a Housing Authority employee to donate his/her/their accrued paid vacation to a specific, eligible employee who has exhausted his/her/their own available leave balances.

“Serious or catastrophic illness or injury” is defined for purposes of this policy as the employee’s own medical condition which requires [him/her/them](#) to be absent from work for more than twenty (20) consecutive work days, or the illness or injury of the employee’s immediate family member requiring the employee’s care (which results in the employee’s absence from work for more than 20 consecutive work days).

Eligibility to Receive Benefit

To be eligible to receive leave donations, an employee must have been employed in a regular full-time position for a minimum of one year and have completed their initial probationary period; must be absent from work due to a “serious or catastrophic illness or injury” (as defined above, and as verified by a physician’s certification); and must have exhausted all earned leave balances (including sick leave, compensatory time, vacation, and floating holiday credits). The request may be initiated prior to the anticipated date leave balances will be exhausted; however, no retroactive requests will be permitted (i.e., employees will not be granted donations for time off already treated as unpaid leave).

To be considered for a leave donation, the requesting employee, family member of the requesting employee, or another person designated in writing by the requesting employee must submit a request for such a donation to: Housing Authority of the City of Alameda, Human Resources Department, 701 Atlantic Avenue, Alameda, CA 94501. [Alternatively, requests may be emailed to \[hr@alamedahsg.org\]\(mailto:hr@alamedahsg.org\)](#). The determination of whether to award an employee leave donation and the maximum amount of leave that can be donated to the employee shall be at the Executive Director’s sole discretion and shall be final.

Benefit

Donated leave will be changed to its cash value at the donor’s base rate of pay and then credited to the recipient in equivalent hours of paid time off at the recipient’s base rate of pay. For as long as the receiving employee remains in a paid status, seniority and all other benefits will continue, with the exception that paid sick leave and paid vacation will not accrue during any period of donated paid leave, and employees will not receive holiday pay for any holidays that fall during any period of donated paid leave. Generally, the period of donated paid leave may not exceed three months; however, the Executive Director may decide to extend or restrict the total period of donated paid leave on a case-by-case basis.

When using donated leave, disability, paid family leave, or workers compensation benefits will be integrated with donated leave, just as they are when non-donated sick or vacation leave is used.

Donating Leave Credits

Donations are voluntary and may be made by any regular full-time employee who has completed [his/her/their](#) initial probationary period and has accrued paid time off. Other rules include:

1. Only vacation leave may be donated. ~~Comp time, floating holiday and sick leave~~ are not eligible for donation.
2. The total amount of time donated by any one employee may not exceed 40 hours.
3. Leave donations, if made, must be in four hour increments.
4. An employee may not donate leave hours that would reduce ~~his/her~~their vacation balance to less than one week (i.e., either 37.5 or 40 hours) at the time of donation.

If the receiving employee does not use all transferred leave for the intended use, any balance will remain with the receiving employee until that employee's separation from the Housing Authority. Unused donated leave will not be returned to the donating employee(s); once the donation is made, it is a final transaction.

Upon approval of an eligible employee's request for leave donations, the Executive Director or designee will post a notice of an eligible employee's need for donations on bulletin boards accessible to employees or will communicate the need for leave donations via email; confidential medical information shall not be included in this notice. Employees wishing to donate should contact the Director of Human Resources and Operations or designee. The Director of Human Resources and Operations will review all donations and notify employees if their donation will be accepted. Donations may generally be made for a period of 45 days after the donation request and physician certification is received, dependent on the need for continued leave donations; the Executive Director or Director of Human Resources and Operations may limit the donation period should adequate donations to cover the requested leave period be received. Employees may request leave donations not more than one time in each one year period beginning on the date of first request.

The Leave Donation Program is designed to be as confidential as possible, and is strictly voluntary. Employees who donate benefits will be made aware of the value of their donation. The recipient of benefits will be made aware of the value of their benefits received. Individual donations and the identities of donors are confidential, and will not be disclosed except on a need-to-know basis for administrative purposes.

PART SEVEN: WORK HOURS AND PAY

PAY PERIODS AND PAY DAYS

For all employees, the standard pay period is biweekly, and each paycheck covers work performed through the completion of the previous two-week work period. Paychecks are normally distributed every other Friday. Direct deposit is encouraged, but it is not mandatory.

Employees will receive an earnings/leave statement showing earnings and mandatory and voluntary deductions for each pay period. Each employee is responsible for notifying ~~his/her~~their supervisor if ~~she/het~~they believes there is a discrepancy on ~~his/her~~their earnings statement.

WORK DAY AND WORK WEEK

Normally, the workweek consists of 40 hours, and the workday consists of eight hours. Designated positions (including part-time positions) may have a shorter workweek of 37.5 hours and/or workday of 7.5 hours. The Executive Director (or designee) sets daily work schedules and any options for hours of work (e.g. start and/or end of shift times).

OVERTIME

Overtime is time an overtime-eligible employee actually works in excess of 40 hours in his or her designated work week. Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating Fair Labor Standards Act (FLSA) overtime pay; paid time off will not be counted. Overtime-eligible employees who are directed to work overtime must do so. Employees may only work overtime when approved in advance by a department head. Employees who have a flexible work schedule must also have advance approval for working any hours in excess of their approved work schedule, whether or not those hours will be eligible for overtime pay.

WORK PERIOD

The Housing Authority has declared a seven-day work period which begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m. for all non-exempt positions.

BREAK/REST PERIODS AND MEAL PERIODS (NON-EXEMPT EMPLOYEES ONLY)

All non-exempt employees are provided a 15-minute paid rest period (i.e., break) for each four-hour period of work or major portion thereof per workday, one in mid-morning and one in mid-afternoon. The rest period shall be taken at a time designated by the employee's supervisor. Rest periods may not be used to extend the meal period or to leave work early.

Meal periods are provided to employees who work more than five (5) hours per shift. Eligible employees are required to take a daily meal period, at a length and time established by the supervisor, except that employees who are scheduled to work for 6 hours or less per day may opt to forgo their meal period. Meal periods will be no less than 30 minutes or more than one hour in length and are unpaid. Employees may not skip meal breaks to shorten the workday. Employees are free to come and go, and are not to perform any work during their meal periods. When being relieved of all duties during lunch is not possible due to Housing Authority work requirements, employees will be paid for their meal period. Any employee who works more than 12 hours per day will receive a second meal period of 30 minutes.

Rest Periods during Late Night/Early Morning Work

At times, particularly during emergencies, it may be necessary for certain staff to work late at night or early in the morning. In addition to overtime pay that is provided for this work, staff who work more than two (2) hours between 11:00 p.m. and 7:00 a.m. will be provided with one hour of paid rest period for every two hours worked. This rest period shall generally commence

at the start of the next regularly scheduled shift, unless the employee's services are otherwise required to continue past the start of [his/her/their](#) shift. Payment for the rest period will be at the regular straight time rate, and will count as hours worked for purposes of calculating overtime.

FLEXIBLE WORK SCHEDULES

Employees may have the option to request a reduced work week, or the Executive Director may designate certain positions as subject to a flexible work schedule. Any employee requests for a reduced work schedule – or to stop flexing – must be submitted in writing, and are reviewed and approved by the supervisor and the Executive Director. Generally, once an employee's request for a flexible schedule is approved, the employee may not return to a regular schedule unless required to do so for agency business needs.

Employees currently working 75 hours per pay period may request a reduction to 72 hours; employees currently working 80 hours per pay period may request a reduction to 76 hours. Vacation and sick leave accrual are not affected by the adjusted work week option, nor is a non-exempt employee's hourly rate of pay affected. Since non-exempt employees will be working fewer hours, however, actual earnings are reduced accordingly. Exempt employees' salaries will not be affected by a reduced work week option, unless an exempt employee performs no work during the work week. Additional information about flexible work schedules is available from Human Resources.

The Housing Authority reserves the right to designate work schedules for employees on flexible work schedules, to rescind or alter the types of flexible schedules offered, if any, and to require employees to work flexible schedules or rescind flexible schedules subject to business needs and budget restrictions and upon two weeks written notice to the employee. Unless an exception is made by the Executive Director, new employees who would otherwise be subject to a 75 hour per pay period schedule will be placed on a flexible (72 hour per pay period) schedule upon hire.

TIMEKEEPING REQUIREMENTS

An employee's accurately-recorded time card is one of the best ways to ensure the employee receives the correct amount of pay. AHA utilizes an electronic timekeeping system, and all employees are required to submit an electronic time card every other week, on the Monday prior to payday. Non-exempt employees record actual hours worked and leave taken; non-exempt employees must report all hours worked and are strictly prohibited from performing any work "off the clock". Exempt employees report only leave taken, and report their leave usage in two-hour increments only. Any type of absence must be recorded on the time card and approved by the employee's supervisor.

In the event that a non-exempt employee does not record hours consistent with [his/her/their](#) scheduled work hours, the employee is required to use vacation and/or floating holiday leave to the extent necessary to bring their pay to an amount equivalent to their scheduled work hours.

Employees are responsible for ensuring that their time cards are accurate, complete, and submitted on time. Non-exempt employees should notify their supervisor no later than the end of the next business day if they fail to clock in or out, report leave used incorrectly, or have any other adjustment that needs to be made so that corrections can be completed in a timely manner. Falsification of time cards or repeated inaccurate reporting of time will subject the employee to discipline, up to and including immediate termination.

PAYROLL DEDUCTIONS

Your payroll and earnings deductions are detailed with your paycheck. Federal and State laws require deductions from every paycheck for federal and state withholding taxes, Medicare taxes, state disability insurance, garnishments or wage attachments, and employee contributions to either the CalPERS or PARS retirement program. Other voluntary deductions may be made from an employee's paycheck with the employee's authorization. These deductions may include, but are not limited to, insurance premiums, contributions to a deferred compensation program, and deductions to fund flexible spending account elections.

REVIEW YOUR PAYCHECK

The Housing Authority makes every effort to ensure its employees are paid correctly. If a mistake is made, and called to the Housing Authority's attention, it promptly will make any correction that is necessary. Employees should review their paychecks to make sure they are correct. If an employee believes a mistake has occurred or has any question, they should notify their supervisor no later than the end of the next business day.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for the Housing Authority. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under federal and state law, exempt employees' salaries are subject to certain deductions. For example, unless state law requires otherwise, your salary can be reduced for the following reasons:

- Full-day absences for personal reasons
- Full-day absences for sickness or disability
- Partial-day absences for personal leave or sick leave
- Full-week disciplinary suspensions for infractions of our written policies and procedures
- Family and Medical Leave absences (either full- or partial-day absences)
- To offset amounts received as payment for jury and witness fees or military pay
- The first or last week of employment in the event you work less than a full week
- Any full work week in which you do not perform any work
- Daily unpaid disciplinary suspensions if the discipline is for a violation of a workplace conduct rule

In any work week in which you performed any work, exempt employees' salaries will not be reduced for any of the following reasons:

- Your absence on a day because the Housing Authority has decided to close a facility on a scheduled work day
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work
- Any other deductions prohibited by state or federal law

Unless state law provides otherwise, deductions may be made to your accrued leave for full- or partial-day absences for personal reasons, sickness or disability. If you believe you have been subject to any improper deductions, you should immediately report the matter to your supervisor.

PART EIGHT: COMPENSATION AND SALARY ADMINISTRATION

DETERMINATION OF PAY RATES

The Housing Authority desires to attract and retain strong performing employees, and accordingly attempts to pay competitive wages to its employees. To determine appropriate compensation rates for positions, AHA will take into account information about current wages and, where information is available, benefits of pertinent local agencies, and will evaluate the relationship between jobs within AHA and other public agencies. AHA will determine how often pay rates should be reviewed. Generally, AHA plans to review pay rates at least every four years unless data indicates review on a more or less frequent basis is appropriate.

WAGE RANGES AND STEPS

The Housing Authority has established a wage range for each class of position title listed in the Schedule of Authorized Positions approved by the Board of Commissioners. Each position, with the exception of the Executive Director and contract [Resident Manager](#) positions, is assigned a wage range, and each range currently has five steps or rates of pay. Wage ranges are subject to adjustment and change by the Board of Commissioners as conditions warrant. The Salary Schedule shows all salary and wage ranges available, whether any positions are currently assigned to those ranges or not, and the corresponding rate for each step with each range, including monthly and biweekly rates (applicable to exempt employees) and hourly wages (for non-exempt employees) at each step. The current Pay Schedule showing titles, wage ranges, and monthly rates is posted on the AHA website.

The steps within each range shall be administered in the following manner:

- The first step of each range is the beginning wage level and is the standard hiring rate for a class or position. The Executive Director has the authority to hire an employee above Step 1 of the applicable range. Generally, AHA seeks to hire job applicants at

Steps 1-3 of the assigned range unless doing so would risk the applicant not accepting the Housing Authority's job offer.

- Employees may be considered for advancement to the next step assigned to their position after a minimum of one year of satisfactory probationary service, and upon the performance evaluation and recommendation of the supervisor with approval of the Executive Director. Advancement to the next step in subsequent years may occur with each year of satisfactory service until the employee attains the top step of the range assigned to [his/her/their](#) position.
- The top step of each range is the final step for employees who attain and maintain a thoroughly satisfactory standard of work performance. Employees at the top of their range are eligible for any adjustments made to the range due to cost of living adjustments or re-evaluation of the wage rate schedule, but are not eligible for any further step increases so long as they remain in the same position or wage range.
- The Executive Director has the authority to approve an employee for a salary advancement of more than one step. Generally, this would only be considered when there is a need to adjust an employee's salary for internal equity reasons, or when an employee was hired at the bottom of the salary range and has demonstrated exemplary performance.

RECLASSIFICATION RESULTING IN RANGE DECREASE (Y-RATE)

When the Housing Authority deems it necessary to reclassify an employee for reasons other than misconduct, substandard performance, and/or other disciplinary action (i.e., due to position reclassification or when a position is assigned to a lower wage range as a result of a compensation study), and such action places that employee in a position receiving lower wages, the employee's wages will remain at the same step already attained. The employee will not receive any cost of living increases granted by the Board of Commissioners until such time as the range currently assigned becomes equal to or greater than that of the previously held position.

WAGE ADJUSTMENTS

Cost of Living

The Housing Authority will employ a method to compensate employees for cost of living adjustments, if any, to the extent that funds are available. Cost of living adjustments (COLA) may be considered no more frequently than annually and require approval from the Board of Commissioners. There is no guarantee of a cost of living increase in any year.

Transfers and Promotions

In the case of lateral transfers, (i.e., transfers to another position within the same range), only fully qualified employees who meet the minimum requirements of the transfer position are eligible to be placed at the same step they attained prior to the transfer. The Executive Director shall determine the appropriate step to which transferring employees are assigned.

Employees promoted within the Agency will be placed within the wage range for the new position with step assignment determined by the Executive Director. In no event will a promotion result in a wage decrease.

The decision of within-range placement in other instances of voluntary position classification changes will be made by the Executive Director. Employees are urged to consider the effect of reclassification when applying for positions within the agency, and to ask questions of their supervisors or Human Resources. It is the employee's obligation to keep [him/herself/themself](#) informed of the impact that changes of position may have on compensation.

Demotion in Lieu of Layoff

In the event that a position is eliminated and the employee holding that position is therefore subject to termination, AHA may, should a position assigned to a lower wage range be available that the employee is qualified for, offer such position to the employee. If the employee accepts the position, the employee shall be assigned to the wage range for the new position, with the assigned step within the range determined by the Executive Director.

OVERTIME PAY

Employees may occasionally be asked to work beyond their normally scheduled hours. When this occurs, supervisors should attempt to provide as much advance notice as possible. Opportunity for overtime (or work hours beyond the employee's regular schedule) on a particular job normally will be given to the employee who has been working on that job during the regular shift, or may be rotated among employees when multiple employees have been performing similar work. Generally, overtime is not offered to an employee who is underperforming.

The Housing Authority provides overtime compensation to non-exempt employees for all hours worked in excess of 40 hours per workweek. All overtime (or work hours beyond the employee's regular schedule) must be approved in advance by the supervisor, except in the cases of emergency call-outs, with approval documented in the electronic time card.

In all cases, non-exempt employees will receive compensation at one and one-half their regular rate of pay for each overtime hour worked. For computation purposes, "hours worked" does not include paid vacation, sick leave, AHA-paid holidays, floating holidays, or any other paid time off. Unpaid sick leave, personal leave or any other unpaid time away from work is also not considered hours worked.

Exempt Employees and Overtime

Exempt employees are paid a fixed salary that is intended to cover all of the compensation to which they are entitled. Because they are exempt, such employees are not entitled to additional compensation for extra hours of work. Accordingly, the Agency does not maintain any time off plan or arrangement with exempt employees. Neither extra compensation nor time off will, under any circumstances, be owed or payable to an exempt employee during employment or upon separation from the Housing Authority's employ for any reason.

ON-CALL AND EMERGENCY CALL COMPENSATION

Maintenance personnel who live within 40 miles of Alameda may be required to perform rotating weeks of on-call service. A non-exempt employee will be compensated for one and one-half hours of straight time pay for each day of on-call service, even if that employee is not actually called into service. On-call service is assigned at the discretion of AHA and may be eliminated, suspended, or reassigned at any time. Hours compensated for on-call service are not considered hours worked for purposes of calculating overtime.

A non-exempt regular employee on call who is called back to work will be compensated for time worked at the usual overtime rate of pay for the employee's position for a minimum of two hours of work, irrespective of the number of hours worked during the work week. This provision also applies to other maintenance and non-maintenance employees who may be called back to work in the event of an emergency. This provision does not apply to instances in which the employee is called to report less than two hours before [her/his/their](#) regular starting time and is working from the time [she/he/they](#) reports through [his/her/their](#) regular starting time. Emergencies that require an employee to work past the normal end of [his/her/their](#) shift will be considered hours worked for purposes of calculating overtime, and are also not subject to on-call/call-in provisions.

For more information about on-call and emergency call procedures, maintenance personnel may refer to the Maintenance [On-Call](#) Procedures document.

BILINGUAL PAY

The Executive Director (or designee) may designate employees to receive bilingual pay based on the translation needs of the Housing Authority and the employee's ability to provide the service. Bilingual pay may be authorized on either a continuing or temporary basis (i.e., for a specific activity).

Two levels of continuing bilingual pay are provided by the agency. In order to receive **continuing certified** bilingual pay, employees must pass a language proficiency exam administered by a provider of AHA's choice. Employees that are not certified through the language proficiency exam but demonstrate bilingual communication capacity are eligible for **continuing basic** bilingual pay. Designated employees will receive a taxable salary augmentation for their additional service at a rate determined by AHA in conjunction with the budgeting process. The rate for continuing certified bilingual pay will generally be two times the rate paid for continuing basic bilingual pay, and will be authorized by the Board during the budget process. The Human Resources Department will maintain a current list of positions and employees certified to receive the bilingual pay incentive. Employees certified to receive continuing bilingual pay receive this pay regardless of whether or not any bilingual services were actually provided during the period of compensation, and are expected to be available to provide these services as needed, including during events or meetings that may occur outside of normal business hours.

In order to receive **temporary** bilingual pay, employees must be able to demonstrate their bilingual capacity, but do not need to be certified by AHA's outside provider. Employees may be compensated at the rate of \$50 per month for up to 3 months in a calendar year. Temporary bilingual pay is authorized at times when services are anticipated to be needed, but an employee approved for temporary bilingual pay does not necessarily need to provide bilingual services during the approved period to receive bilingual pay.

Only non-exempt employees are eligible to receive either form of bilingual pay, regardless of language. However, exempt employees with language skills in one of the Agency's LEP languages may also be eligible for either form of bilingual pay. Exempt employees with non-LEP language skills may be required to provide interpretation or translation services if needed. The Executive Director may authorize bilingual pay for exempt employees for other (non-LEP) languages as needed.

NOTARY PUBLIC STIPEND

The Executive Director (or designee) will designate which employees shall serve as notary publics for the AHA. Those employees, and only those employees, are eligible to receive a monthly stipend in the form of a taxable salary augmentation for their additional service at the rate of \$50.00. This stipend is paid whether or not any notary services were actually provided during the period of compensation. As a condition of receiving notary public stipend pay, designated employees are expected to be available to provide notary public services as needed, including during events or meetings that may occur outside of normal business hours.

The Human Resources Department will maintain a current list of employees designated to receive the notary public stipend.

SHOES/BOOTS ALLOWANCE

Affected maintenance employees may request reimbursement for the purchase of steel or hard toe safety boots or shoes that are required for [his/her/their](#) position and which must be worn as a condition of employment. The maximum reimbursement rate is authorized by the Board during the budget process. There is no limit on the number of shoes/boots that the employee purchases with the annual allowance. Please see the Maintenance Staff Uniforms policy in Section Nine: Work Practices and Environment for more information about maintenance staff attire.

ACTING PAY

An employee who is assigned by the employee's supervisor and approved by the Executive Director, to perform a job in a higher classification during the temporary absence of another employee will receive "acting pay" during the assignment. Unless otherwise approved by the Executive Director, acting pay is set at the first step of the classification to be held temporarily as long as the amount is not less than five (5) percent above the current salary step of the employee assigned to the acting position. To be eligible for acting pay, the temporary assignment must not be for less than one full pay period.

Where an employee is assigned a temporary working classification due to the performance of duties that are above [his/her/their](#) normal classification and for which there is no classification available, the employee may be eligible to receive acting pay at the discretion of the Executive Director. Acting pay will be paid at no less than five (5) percent over the employee's current hourly wage, even if this temporary increase is at a level higher than the top of the wage range to which the employee is assigned.

PART NINE: WORKPLACE HEALTH AND SAFETY

DRUG & ALCOHOL-FREE WORKPLACE

As part of the Housing Authority's ongoing commitment to a safe and healthy workplace, the Housing Authority maintains a drug and alcohol-free workplace. Any employee who reports to work while under the influence of drugs or alcohol runs the risks of endangering [his/her/their](#) safety and the safety of others, destruction of or damage to personal or AHA property, and a loss of productivity and workplace morale.

All employees are required to understand and comply with the Housing Authority's drug and alcohol-free workplace policy. Employees conducting Housing Authority business regardless of location are prohibited from all of the following:

- Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensing of alcohol or a controlled substance in either Housing Authority workplaces or wherever Housing Authority business is performed.
- Reporting to work while under the influence of alcohol or a controlled substance.

Use of prescribed medications and drugs in accordance with physician's instructions is not a violation of this policy, as long as the medications or drugs do not interfere with the employee's ability to perform [his/her/their](#) duties. An employee must notify [his/her/their](#) supervisor before beginning work when taking medications or drugs that could interfere with the safe and effective performance of duties or the operation of Housing Authority equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the Housing Authority may require medical clearance.

If the Housing Authority reasonably suspects that an employee is under the influence of alcohol or drugs, the employee shall be prevented from engaging in further work and may be detained for a reasonable time until [he or she/they](#) can be safely transported from the work site. If the Housing Authority has reasonable suspicion that an employee is under the influence of alcohol or drugs, the Housing Authority may require the employee to submit to AHA's drug/alcohol testing procedure. "Reasonable suspicion" is based on objective factors a reasonable person would believe that the employee is under the influence of drugs or alcohol at work. Examples of objective factors include, but are not limited to: unusual behavior, slurred or altered speech, body odor, unkempt appearance, red or watery eyes, unsteady gait, lack of coordination, sleeping on the job, a pattern of abnormal or erratic behavior, a verbal or physical altercation, puncture marks

or sores on skin, runny nose, dry mouth, dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, inappropriate wearing of sunglasses, tremors, an accident involving agency equipment or property, or other evidence of recent drug or alcohol use. In order to receive authority to test, the supervisor must record the facts that support reasonable suspicion and discuss the matter with the Executive Director or designee. If there is a reasonable suspicion of drug or alcohol abuse at work, the employee will be relieved from duty and placed on sick leave until the test results are received. Refusal to submit to the Housing Authority's drug/alcohol testing procedure may constitute insubordination and subject the employee to discipline.

The Housing Authority has established an Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees who think they may have an alcohol or drug usage problem are urged to seek confidential assistance from the EAP. Employees should contact Human Resources for additional information about the EAP.

As a condition of employment, Housing Authority employees are expected to abide by the terms of this policy and are required to notify the Housing Authority of any criminal drug statute conviction occurring in the workplace within five days of the conviction. Disciplinary action will be taken against those who violate this policy.

SMOKING

For health and safety considerations, the Housing Authority discourages smoking. Smoking by employees, including the use of e-cigarettes or other unregulated nicotine products, is prohibited in all locations on Housing Authority property, including office/maintenance areas, dwelling units/grounds, and vehicles, and while conducting AHA business, regardless of location.

SAFETY AND SECURITY

The Housing Authority strives to provide a secure work environment for our employees and visitors. It is the policy of AHA to provide and maintain safe and healthful working conditions. Every AHA employee shares a responsibility for the prevention of accidents and everyone is expected to cooperate to the fullest to make sure our agency is a safe place to work. Employees are required to be safety conscious and to report immediately any unsafe or hazardous condition directly to [his/her/their](#) supervisor or the Injury and Illness Prevention Program (IIPP) Administrator. Employees also are required to participate in regular safety trainings, to read and follow the Housing Authority's Safety Policies and Rules, and to become familiar with AHA's IIPP, provided as separate documents.

Our main building is equipped with an alarm system that is activated during non-business hours via a rotation system by exempt staff at 701 Atlantic, and exterior doors/gates that are locked at all times (except the front entrance door) as are reception area doors that provide access to the interior of the office. Other AHA offices maintain systems that allow for the safety and security of employees assigned to work in those locations.

Each employee is required to comply with all AHA security procedures and immediately report any breach of security to [his/her/their](#) supervisor. These procedures include, but are not limited to the following:

- Immediately report lost or stolen keys/access badges or missing AHA property to your supervisor.
- Employees may be responsible for the cost of replacing lost or stolen AHA property, such as parking lot remotes, badges, and keys.
- Employees may not keep or store AHA equipment or keys/badges in vehicles except while travelling to or from work.
- Copying or giving AHA keys/badges, alarm codes, or parking lot remote controls to an unauthorized individual is strictly prohibited.

We encourage employees to be prudent about bringing personal items to work. The Housing Authority is not responsible for losses resulting from theft or damage to employees' personal property.

VIOLENCE IN THE WORKPLACE

The Housing Authority is committed to providing a safe, violence-free workplace. Therefore, the Housing Authority strictly prohibits employees, consultants, customers, visitors, vendors, or anyone else on Housing Authority premises or engaging in a Housing Authority-related activity from behaving in a violent or threatening manner. This policy applies in any location where Agency business is conducted, including vehicles and parking lots. As part of this policy, the Housing Authority seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring. Any violation of this policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

Prevention of workplace violence begins with the recognition of potential early warning signs and the establishment of agency procedures for responding to any situation that presents the possibility of violence.

Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of Housing Authority employment. The Housing Authority has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

Workplace Violence Definition

Workplace violence is defined as any conduct that causes an individual to reasonably fear for [his or her/their](#) personal safety or the safety of his [or her/their](#) family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:

- Threats of any kind or acts of physical harm directed toward an individual or [his/her/their](#) family, friends, associates, or property
- Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others
- Destruction of, or threat of destruction of Agency property or another employee's property
- Fighting, challenging another person to fight, or participating in dangerous or threatening horseplay
- Striking, punching, slapping, or assaulting another person
- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise
- Harassing or threatening phone calls or electronic communications
- Surveillance of or stalking another person
- Other behavior that suggests a propensity towards violence, such as belligerent speech, excessive arguing or swearing, sabotage or threats of sabotage of Housing Authority property, or a demonstrated pattern of refusal to follow AHA policies and procedures
- Defacing AHA property or causing physical damage to the facilities
- With the exception of security personnel, bringing weapons or firearms of any kind on Housing Authority premises or while conducting Housing Authority business.

Reporting

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor, or anyone else, [he/she/they](#) should notify any manager or supervisor immediately. The Housing Authority will take appropriate steps to provide security, such as: placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation; asking any threatening or potentially violent person to leave the site; or immediately contacting the appropriate law enforcement agency.

Employees are required to report to the Executive Director or designee if any restraining order is in place, or if any potentially violent non-work-related situation exists that could result in violence in the workplace. Employees may be required to obtain a restraining order against a particular individual in the interest of staff safety.

Investigation

All reports of workplace violence will be taken seriously and investigated promptly and thoroughly. In appropriate circumstances, the Housing Authority will inform the reporting individual of the results of the investigation. To the extent possible, AHA will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, in order to protect individual safety. AHA will not tolerate retaliation against any employee who reports workplace violence.

Corrective Action and Discipline

If the Housing Authority determines that workplace violence has occurred, the Housing Authority will take appropriate corrective action, including possible discipline of offending

employees up to and including termination. The appropriate corrective action will depend on the particular facts but may include oral or written warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, the Housing Authority will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

Under certain circumstances, the Housing Authority may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, the Housing Authority may require that the employee participate in counseling, either voluntarily or as a condition of continued employment.

Employee Assistance Program

Any employee who believes that he or she may have a problem that could lead to violent behavior is encouraged to seek confidential assistance from the Employee Assistance Program (EAP). For information about accessing the EAP, contact Human Resources.

PART TEN: WORK PRACTICES AND ENVIRONMENT

PUNCTUALITY AND ATTENDANCE

All employees are expected to be responsible and demonstrate respect for fellow employees by establishing a record of punctuality and regular attendance. Attendance and punctuality are important to the efficient operation of any business, and are factors considered in evaluating an employee's overall job performance. Employees are expected to be present and ready to work at their scheduled work time each day and for the duration of their work shift. Non-exempt employees must adhere to their scheduled workday, and any established break and meal periods. Frequent tardiness, excessive absenteeism, or abuse of sick leave will not be tolerated, and will result in disciplinary action.

Employees who are unable to report for work for any reason must notify their immediate supervisor no later than one-half hour after their regularly scheduled start time on the first day and each subsequent day of an unscheduled absence by calling the Absence Reporting Line at 1-510-649-5529. Employees must indicate the type of leave needed (i.e., sick or vacation), and the probable duration of the absence or the planned arrival time at work if tardy. Upon returning to work, employees must promptly and accurately record any absences in the electronic timekeeping system.

An employee is deemed to have resigned from his/her/their position if he or she/they is/are absent for three consecutive scheduled work days/shifts without prior authorization and without notification during the period of the absence. The employee will be given written notice, at his or her/their address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the employee's unauthorized absence. An employee who promptly responds to the agency's written notice, within the timeframe set forth in the written notice, can arrange for an appointment with the Executive Director or designee before final action is taken, to explain the unauthorized absence and failure of

notification. An employee separated for job abandonment will be reinstated upon proof of justification for such absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. No employee separated for job abandonment has the right to a post-separation appeal.

LEAVING DURING WORK HOURS

Non-exempt employees who leave the premises during their work time for any reason unrelated to their job must get approval from their supervisors (or designated alternates) for any period of absence prior to leaving work. As a courtesy and to ensure an appropriate level of management coverage, exempt employees who need to leave work unexpectedly are requested to notify their supervisors as well.

TELECOMMUTING

Telecommuting is a work arrangement in which some of the employee's work is performed at home. Telecommuting is a privilege that may be appropriate for some employees and some jobs. It is not an entitlement or an Agency-wide benefit. Performance expectations of an employee are the same regardless of work location.

The Housing Authority may allow exempt staff the option to telecommute on an occasional, informal basis for a limited period of time when the employee's work can reasonably be carried out from home without unduly impacting either the employee's own level of work productivity, or that of ~~his/her~~their fellow employees or any subordinates, including providing for an appropriate level of overall management presence in the office. All informal telecommuting arrangements are made on a case-by-case basis at the discretion of the supervisor in consultation with the Director of Human Resources and Operations and are memorialized in writing in advance. Supervisors should know the specific work to be performed and the projected amount of time expected before granting permission for short-term, informal work-at-home arrangements. All employees who telecommute, even on an occasional, informal basis, are responsible for ensuring a safe home workplace and taking appropriate steps to safeguard AHA confidential information. AHA reserves the right to designate only certain exempt positions as eligible for telecommuting.

The Housing Authority may also designate positions approved for telecommuting in response to an emergency or similar occurrence, or on an ongoing basis. Positions authorized to telecommute on a regular basis are designated by the Executive Director, who also has the authority to determine the level of telecommuting that is allowed and when telecommuting is no longer required. Employees that telecommute on other than an infrequent, informal basis, are required to have a telecommuting agreement and safety self-certification checklist on file with Human Resources.

GUESTS AND VISITORS

Employees must discourage frequent or regular visits from family or friends to ensure that the workplace is not unduly interrupted and to maintain a professional atmosphere for both employees and the public. Should it be necessary for a friend or family member to call on an employee during business hours, visits are to be kept to a minimum and visitors are to be directed to areas away from other employees and/or the public so as not to be disruptive. The employee being visited may not perform any work during the visit to ensure work accuracy and client confidentiality.

All visitors are required to sign in upon arrival at the AHA office. Visitors are to remain in the reception area until escorted by the appropriate employee, and must remain in the company of an employee at all times while in the AHA office.

While AHA is sensitive to employees' dependents' needs, it is not appropriate for minor children or other minor visitors of employees to be in the workplace during working hours, except for very brief visits. In those cases where minors are in the workplace, they must be directly supervised by the employee at all times.

In the interest of maintaining the health and well-being of all AHA employees, visitors who are ill should not be brought to the workplace. AHA provides sick leave so that employees may provide care for their sick dependents at home. Employees may contact AHA's Employee Assistance Program for assistance with finding emergency care providers for sick dependents.

Any supervisor is authorized to ask visitors to leave the office should it be deemed necessary.

BREASTFEEDING-FRIENDLY WORKPLACE

The Housing Authority encourages employees and management to have a positive, accepting attitude toward working women and breastfeeding. AHA promotes and supports breastfeeding and the expression of breast milk by employees who are breastfeeding their babies.

It shall be the policy of the Housing Authority to provide:

- Information about breastfeeding support prior to an employee's leave for pregnancy disability or related condition, including providing a copy of this policy when an employee inquires about or requests parental leave.
- Reasonable amount of break time to express milk or breastfeed. In the event that an employee requires additional break time, other than the scheduled rest or meal periods, additional unpaid time off will be provided for this purpose. Supervisors are encouraged to consider flexible break times, schedules, or other reasonable accommodation to meet employees' needs.

- A designated room within the AHA office, which shall be furnished with an electrical outlet, comfortable seating, a table, appropriate signage, and be free from intrusion to ensure privacy while the employee is expressing milk.
- Access to a sink with running water and a refrigerator for storing milk.

All other employees should avoid interrupting an employee during an authorized break under this policy, except to announce an emergency or other urgent circumstance.

Employees have the right to request lactation accommodation, and should make their request, preferably in writing, to the Director of Human Resources and Operations. A form for making a lactation accommodation request is available from Human Resources. Human Resources will respond to the request, and will provide a written response to the employee and shall notify the employee if AHA cannot provide break time or a compliant location. Employees have the right to file a complaint with the Labor Commissioner for any violation of Labor Code sections 1030, et seq., which governs lactation accommodations.

USE OF FACILITIES AND PROPERTY

Employees are asked to treat Housing Authority property as they would their own. Specifically, employees are to keep their work area and AHA common areas clean and well maintained and limit their use of AHA equipment to work-related purposes. Employees are required to receive written supervisory approval before removing any Housing Authority property from the premises. Employees may decorate their work spaces, as long as such decorations are consistent with AHA policies. Employees must consult with the Director of Human Resources and Operations before displaying items in or making any alterations to public spaces or common areas.

TOOLS AND EQUIPMENT

The Housing Authority supplies employees with all tools and equipment necessary to carry out assigned duties. Employees are responsible for the safekeeping of all tools and equipment. Use of agency tools or equipment for other than official Agency business, loss of equipment, or any unusual damage above and beyond normal wear and tear are grounds for disciplinary action. Responsibility for replacement due to normal wear and tear lies with the Housing Authority.

INSPECTION OF TOOL BOXES/DESKS/COMPUTERS/VEHICLES

Tool boxes, desks, computers, agency vehicles, etc., are the property of the Housing Authority and are provided to employees for their use and convenience during work hours. As a result, Housing Authority employees have no expectation of privacy in their use of any Agency equipment or resource. It is understood that the Housing Authority has the right to open and inspect any such tool boxes, desks, computer directories, or vehicles, as well as any contents, effects, or articles that are contained in same at any time, with or without advance notice or the employee's personal consent. This includes, but is not limited to, inspections of emails,

history of Internet usage, logs of calls made and received on Agency telephones and Agency-issued cellular phones/smart phones, text messages sent and received on Agency-issued cellular phones/smart phones, and voicemail on Agency telephones and Agency-issued cellular phones/smart phones. Inspections may be conducted before, during or after working hours by the employee's supervisor or a department head when there is a customer service or business or program related need. For situations involving suspected inappropriate conduct, the Executive Director or Director of Human Resources and Operations shall designate the individual(s) authorized to carry out the inspection

USE OF MOTOR VEHICLES

Employees must follow the Housing Authority Vehicle Use and Accident Reporting procedures provided as a separate document, and are required to sign an acknowledgement that they have received the information. Assignment of driving responsibilities, in either an agency vehicle or in the employee's own vehicle, is conditional upon receipt of a satisfactory report from the State of California, Department of Motor Vehicles.

Employees who use their own automobiles for travel on authorized AHA business will be reimbursed for mileage at the rate established by the Internal Revenue Service. Employees must have prior supervisory approval for the use of personal vehicles and must have on file in advance of using their personal vehicle, a copy of their driver license and evidence that they obtained at their own expense the minimum insurance coverage for property damage and public liability.

Employees who wish to use an agency vehicle must reserve the vehicle and sign it in and out on the day of use. Use of agency vehicles for personal reasons is strictly prohibited.

EXPENSE REIMBURSEMENT

Reasonable and customary expenses incurred in the performance of one's job or to attend trainings/conferences will be reimbursed. Reimbursement requires prior authorization by the employee's immediate supervisor and/or Department Director or Executive Director, written approval of actual expenses, and completion of a signed expense reimbursement form with all required documentation/receipts attached.

Employees must follow the Housing Authority's Training and Travel and Reimbursement Policy, provided as a separate document, including submitting any expenses no later than 60 days following the date(s) the expenses were incurred. Employees are expected to be prudent with expenses, particularly when traveling.

DRESS GUIDELINES

The Housing Authority's objective in establishing guidelines for work attire is to enable our employees to be comfortable in the workplace, while also projecting a professional and businesslike image in dealing with other employees, volunteers, and the general public. All employees are asked to observe good grooming and personal hygiene habits, and are expected

to dress in a manner appropriate for their position in the agency as discussed below. The following guidelines have been developed to provide general parameters for appropriate work attire and to help employees exercise good judgment about similar items that are not specifically addressed.

Basic Guidelines

Regardless of whether it is a regular work day or a designated “casual dress day,” clothing must be clean, neat, and fit properly. In all situations, clothing should be comfortable and practical for work, but not distracting or offensive to others. Employees may observe dress and/or grooming practices consistent with their religious beliefs; any employee requiring special clothing accommodations for any reason should advise [his/her/their](#) supervisor in advance.

Work attire that is inappropriate for the workplace includes clothing that is revealing, tight fitting (such as spandex pants or leggings), tank tops or shorts, mini-skirts/dresses, athletic/exercise wear, see-through clothing, or clothing that shows bare shoulders, back or midriff, or that exposes underwear. Clothing with inappropriate wording or logos, such as offensive images or wording including profanity also may not be worn. Treatments to clothing that are inappropriate for the workplace include clothing that is torn, frayed, ripped, or excessively worn.

Regular Work Days

All employees should wear casual business attire on Mondays through Thursdays, and a clean and neat appearance should be maintained at all times. Casual business attire may include denim skirts or dark-rinse, colored, or trouser-style jeans as long as they are professional in appearance (e.g. full length, not frayed or ripped). Footwear must be in good repair and appropriate for the work environment and functions performed. When performing office-based work, open-toed shoes and sandals may be worn so long as they are an appropriate style for the workplace. When performing off-site work, sturdy closed-toe shoes must be worn at all times.

Employees should use good judgment about whether or not business casual attire is appropriate on a daily basis. For instance, casual attire is not appropriate for meetings or other work scheduled where formal business attire, such as a suit and tie, pantsuit, or dress/skirt and jacket, is customary and more appropriate.

Casual Dress Days

The Housing Authority observes “casual Fridays” on which clothing more casual than that allowed for Regular Work Days may be worn, including other styles of jeans as long as they are appropriate for the workplace. However, it is important that employees understand that a neat, professional appearance is always necessary, especially when interacting with the public. As such, if you have an appointment or meeting that involves customers or participants other than members of staff, you should follow the Regular Work Day guidelines provided above.

Under special circumstances (e.g., storage clean-up, moving furniture, etc.) more casual attire may be worn on work days other than Fridays upon supervisory approval. In all situations, clothing should be comfortable and practical for work, but not distracting or offensive to others.

Supervisor Responsibility

Supervisors are responsible for interpreting and monitoring dress and grooming standards and have the authority to make decisions regarding what is inappropriate office or field appearance and to determine what action will be taken when guidelines are not being followed. The action taken will be based on the severity of the infraction, and may include counseling employees whose attire is considered inappropriate or sending the employee home to change into appropriate work attire.

MAINTENANCE STAFF UNIFORMS

Employees in certain maintenance positions are permitted to wear jeans or other sturdy work clothing, though a neat appearance is still important. Maintenance workers are required to wear uniform shirts, which are provided and cleaned by the Housing Authority. AHA may also provide other work/weather/safety related gear or equipment such as jackets, hats, foul weather gear, and gloves to employees who work outdoors. Employees are responsible for the safekeeping of all items they are furnished, must wear AHA-provided attire, and may not substitute personal items for AHA-provided items when on the job site. Damaged or worn gear must be submitted to the Department Head for replacement.

SCENT FREE WORKPLACE

Scents are prohibited in the workplace. Some employees and members of the public suffer from unpleasant and, in acute cases, life-threatening physical effects from scented products. Personal fragrant products (e.g., fragrances, colognes, lotions, powders and other similar products) that are perceptible to others should not be worn by employees. Other fragrant products (e.g., scented candles, potpourri and similar items) and plants are also not permitted in the workplace.

Employees required by medical necessity to use medicinal lotions or skin creams that contain perceptible odors must request a reasonable accommodation from their supervisor or Human Resources.

Employees with other allergies or substance sensitivities are encouraged to make their needs known to the Director of Human Resources and Operations so that appropriate steps may be taken to limit any health risk to the employee.

PARKING

The Housing Authority shall attempt to provide employees with free parking at the AHA office. However, parking spaces are limited and so may be assigned or allocated on a first-come first-served basis at the time of employment by Human Resources. In the event that adequate spaces are not available for all employees, Human Resources will establish a formal parking policy, that takes into account reasonable accommodations, business needs, and where possible employee preference. Additional information about parking procedures may be obtained from Human Resources.

Employees who wish to park their vehicle on AHA property must have a valid license and provide a current insurance certificate on file with Human Resources.

SOLICITATIONS

It is a Housing Authority policy to prevent work disruptions and protect employees from harassment related to solicitations. During working time, employees are prohibited from soliciting or distributing literature or other materials to another employee, nor may employees use AHA's electronic communication systems or display such materials in the public areas of the office, such as the lobby, at any time to do the same. Working time includes the working time of both the employee doing the soliciting or distributing and the employee to whom the soliciting/distributing is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are not engaged in performing their work.

Persons who are not employed by the Housing Authority shall not distribute literature or other materials or solicit employees or visitors on Housing Authority property at any time or for any purpose without approval of the Executive Director.

REFERENCES

The Executive Director (or designee) and the Director of Human Resources and Operations are the only individuals authorized to provide information of any kind regarding current or former employees, volunteers, or vendors.

Generally, only hire and termination dates and, job titles, ~~and earnings~~ are provided in response to a reference or verification of employment request. Except as provided by this policy, all employee information is considered confidential.

PART ELEVEN: INFORMATION AND COMMUNICATION

TECHNOLOGY, VOICE MAIL AND ELECTRONIC MAIL

Housing Authority employees are permitted to use AHA's voice mail, electronic mail, computers, software, temporary or permanent files, networking sites and internet access

(collectively “Technology Systems”) to perform their work and communicate with others for business purposes. Computers and Internet access, telephones and cell phones, and other forms of information technology are provided to employees based upon business needs. The e-mail system is to be used for AHA or work-related email only, and not for personal purposes. Employees must utilize their official Housing Authority email address for all Housing Authority communications sent via email. Employees are prohibited from using their private email address (i.e., Gmail, Yahoo!, Hotmail/MSN, etc.) for Housing Authority business. In no event should Housing Authority’s Technology Systems be used to send jokes, comments or information to others that may be perceived as discriminatory, harassing, offensive, disruptive, or otherwise in violation of any AHA policy. Any technology provided by the Housing Authority may not be used to send material that disparages an individual, company, or business entity, or to disclose personal information without authorization.

Employees may not install, copy, stream, or download software onto AHA computers unless authorized to do so by the ~~Senior Management Analyst~~[Director of Administrative Services](#) or the Director of Human Resources and Operations. Employees also are prohibited from downloading any personal files onto work computers, as this may result in reduced capacity, slower computer speed for all employees, and maintenance and support issues. In addition, it places the employee’s computer and the entire AHA network at risk for viruses, compromised network security, and other problems.

Non-exempt employees are prohibited from accessing any AHA Technology Systems, including email, from outside the office or during non-work hours, unless otherwise approved by the Executive Director or designee.

Employees do not have any ~~right of~~[right of](#) privacy in any Housing Authority Technology Systems, including email sent to or received by AHA computers or transmitted via AHA’s servers and networks. The Housing Authority may monitor and/or search the contents of all voice mail, computer files, and electronic communications (including email) to promote the administration of AHA’s operations and policies or for any other business reason. By these provisions AHA employees should not have an expectation of privacy when utilizing AHA technology.

Use of personal technology devices during work time is discouraged. Further, no employee may use unauthorized personal devices, software, or other technology in conjunction with Housing Authority property or Technology Systems.

All employees are provided training on and required to sign an acknowledgment that they have reviewed and understand AHA’s Information Technology Policy at the time of hire and periodically during the course of employment.

USE OF AGENCY-ISSUED CELL PHONES

All Housing Authority cell phones are provided as a tool to conduct Agency-related business. Agency cell phones are issued on an as-needed basis with the approval of the Executive Director. All Housing Authority employees shall use such devices in a responsible, appropriate,

and safe manner. All employees assigned communications equipment shall assume the responsibility to use the equipment in accordance with the provisions of this policy and the Housing Authority's Information Technology Policy.

- Employees are prohibited from installing any third party equipment or applications to Agency cell phones unless approved by the employee's supervisor in writing.
- Employees have no expectation of privacy as to data residing in telecommunications devices and /or voice mail. The Housing Authority may inspect that data at any time and without notice, as permitted by state and federal law.
- Employees shall protect Housing Authority cell phones from loss or damage. An employee assigned an Agency phone is responsible for its good care and will be required to reimburse the Agency's cost for any damage, or lost cell phones due to negligence. If a device is damaged, fails to work properly, or is stolen or lost, the employee shall immediately notify the Executive Director.
- Agency cell phones should only be used by employees in the performance of their official duties. Personal use of Housing Authority cell phones is strictly prohibited and will result in disciplinary action and reimbursement of charges for personal use.

USE OF PERSONAL CELL PHONES

The Housing Authority recognizes the need for employees to be able to be contacted in the event of an emergency or other urgent situation. Employees are expected to observe the following guidelines, however, to avoid unnecessary disruption in the workplace and maintain productivity:

- Cell phones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow.
- Employees may carry and use personal cell phones while at work on a sporadic basis. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action. Department heads reserve the right to request that the employee provide cell phone bills and usage reports for calls made during the working hours of that employee to determine if use is excessive.
- Employees are prohibited from making or receiving calls on a cell phone while driving within the course and scope of employment, unless the employee has a hands-free device, and texting or emailing while driving is prohibited at all times. Please see the Vehicle Use and Accident Reporting procedure for more information.

SOCIAL MEDIA

The Housing Authority respects the right of employees to use social media for self-publishing and self-expression during personal time on their own devices. To assist employees in making responsible decisions about their use of social media as it relates to their employment, the Housing Authority has established the following guidelines for appropriate use of social media. Housing Authority employees may not:

- Use AHA-owned equipment or software to conduct personal blogging or social network activities

- Use their Housing Authority email address to register on social networks, blogs, or other online tools utilized for personal/social purposes unless authorized by the Executive Director
- Post photographs of other employees, clients/customers, or vendors on personal posts
- Link from a personal blog, social network, or website to the Housing Authority's website without identifying yourself as a Housing Authority employee
- Provide any references or statements of endorsement for other AHA employees on social media sites; any references provided must be done in accordance with the Housing Authority's References policy contained in this Handbook

On personal social media sites, each employee should express only personal opinions, and must never represent ~~him/herself/themself~~ as a spokesperson for the Housing Authority. If AHA is a subject of content the employee is creating, the employee must be clear and open about the fact that ~~he/she/they are is~~ an employee of AHA; it must be made clear that these views do not represent those of AHA and the employee is not speaking on behalf of AHA. If the employee intends to post content regarding AHA, it is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of The Housing Authority of the City of Alameda."

Employees should understand that they are personally responsible for their commentary on blogs and social networks and can be held personally liable for commentary that is slanderous, obscene, defamatory or libelous by any offended party. Further, employees must comply with the agency's Confidentiality policy when using social media. Employees should remember that colleagues, supervisors, and agency partners often have access to the online content that is posted. Inappropriate postings that may include discriminatory remarks, harassment, threats of violence, or similar inappropriate or unlawful conduct will not be tolerated. Any conduct on social media that adversely affects an employee's job performance, the performance of fellow employees, or otherwise adversely affects staff, volunteers, contractors, vendors, or any other people who work on behalf of or receive services from the Housing Authority is not permitted. Please refer to the ethics section of the AHA Information Technology Policy for additional details.

EMPLOYEE INFORMATION

It is important that personnel files contain up-to-date information regarding each employee. Employees should inform Human Resources immediately whenever there are changes in their personal data (such as address, telephone number, marital status, domestic partnership, number of dependents, and the person to notify in case of emergency), that may affect their pay, benefits, or communications with the Housing Authority.

Additionally, AHA maintains an emergency communications system to enable information to be sent to employees outside of work hours. Employees may opt into this system to include receipt of text messages from AHA on their personal cell phones.

PERSONNEL FILES

Employees have the right to inspect their personnel records relating to their performance or to any grievance concerning them during regular office hours, upon written request to the Director of Human Resources and Operations. An inspection request form is available from Human Resources and on AHA shared drives that employees may use to make their request. Records will be made available for inspection within 30 days of receipt of the written request. An appointment to inspect the file may be made with the Director of Human Resources and Operations, who will accompany the employee or [his/her/their](#) representative while [he/she/they](#) inspects the file. Employees may obtain copies, at their own cost, of any document in their personnel file to the extent required by law. Personnel records are the property of the Housing Authority and are not allowed to be taken from the office of the Director of Human Resources and Operations without prior written authorization. No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

Prior to making a copy of any personnel records or allowing inspection, the Housing Authority may redact the names of nonsupervisory employees. Under no circumstances will the Housing Authority provide access or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; and ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

The Housing Authority will furnish the employee with one copy of all performance reviews and written reprimands or warnings prior to placement of such documents into the employee's personnel file. Employees are encouraged to retain these documents for their records. The employee may be required to acknowledge the receipt of any document entered into [his/her/their](#) personnel file.

INTERNAL COMMUNICATION

Bulletin boards, mailboxes, meetings, and office e-mail are used to communicate important information to employees on a regular basis. Each employee is responsible for reading posted or distributed information on a timely basis.

MEDIA RELATIONS

Employees should not respond to any inquiries or requests received from a newspaper, radio or television station, or any other type of media for comments or statements on behalf of the Housing Authority. Instead, employees should refer such requests to the Executive Director. The Executive Director will respond directly or provide written authorization to another staff member to serve as AHA spokesperson.

PART TWELVE: STANDARDS OF CONDUCT

Employee Handbook

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DISCRIMINATION AND HARASSMENT

The Housing Authority does not tolerate discrimination or harassment in the workplace or in a work-related situation based on an individual's race, color, religion (including religious dress and grooming), sex (including gender, gender identity, gender expression, transgender, as well as pregnancy, childbirth, breastfeeding, or related medical conditions), national origin or ancestry, citizenship, age, marital status, registered domestic partner status, physical or mental disability, medical condition, sexual orientation (including homosexuality, bisexuality or heterosexuality), genetic information, military or veteran status, having taken a protected leave, or any other basis protected by law, or based on a perception that an individual has any of these characteristics, or based on a perception that the individual has any of these characteristics, or that the person is associated with a person who has, or is perceived to have, any of those characteristics. – **All such discrimination or harassment is prohibited and is a violation of the Housing Authority's workplace conduct rules.** Conduct need not arise to the level of a violation of state or federal law to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline up to termination or other appropriate sanctions.

This policy covers the conduct of all Housing Authority employees, volunteers, and unpaid interns as well as conduct of persons with whom the Agency contracts to do business, such as independent contractors, suppliers, or vendors when the conduct is directed at, or involves, an Agency employee, volunteer, or contractor. Under certain circumstances, harassment can also include conduct taken by those who are not employees, volunteers or contractors, such as elected officials, members of the Board of Commissioners, appointed officials, or even members of the public.

Harassment can take many different forms and may include, but is not limited to:

- Verbal conduct such as epithets, derogatory or degrading comments, slurs, or unwanted comments and jokes made on the basis of a protected classification. This includes inappropriate comments about appearance, dress, physical features, gender identification, or race, ethnic or sexually-oriented stories and jokes.
- Visual conduct such as derogatory posters, cartoons, drawings, emails or gestures related to a protected classification. This includes pinching, grabbing, patting, or making explicit or implied job threats or promises in return for submission to physical acts.
- Physical conduct such as blocking normal movement, restraining, touching, or otherwise physically interfering with the work of another individual.
- Demanding or threatening that an employee's job, advancement, compensation, assignment, or other benefit is dependent upon submission to sexual demands, performing or submitting to actions of a sexual nature, or toleration of harassment.
- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination.

Sexual harassment under this policy includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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.

Internal Complaint Procedure

Anyone who believes [he/she/they](#) has [yes](#) been discriminated against or harassed in connection with [his/her/their](#) employment, services, or volunteer capacity at AHA, or has observed or is aware of such discrimination or harassment, or who believes [she/he/they](#) has [yes](#) been subject to retaliation, should immediately notify any of the following individuals:

- Any supervisor or manager, or the other exempt personnel assigned to HR,
- The Director of Human Resources and Operations, or any other member of Housing Authority Management, or
- The Executive Director or designee.
- If a complaint is about the Executive Director, the Chair of the Board of Commissioners should be notified. The email address is: boardchairBOC@alamedahsg.org.

There is no need to follow the chain of command. Any supervisor or manager who receives a complaint should notify the Executive Director immediately, or the Director of Human Resources and Operations in the Executive Director's absence. Complaints may be made verbally or in writing.

A prompt and, to the extent possible, discreet investigation will be conducted, and appropriate corrective action commensurate with the severity of the offense will be taken for any conduct deemed to violate this policy or otherwise to be inappropriate. The Housing Authority also will take reasonable steps to protect the complainant from further harassment, discrimination or retaliation, and take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

Option to Report to Outside Administrative Agencies

Both the state and federal governments have agencies whose purpose is to address unlawful harassment, discrimination and retaliation in the workplace. An individual has the option to report harassment, discrimination and retaliation to these agencies, both of whom offer legal remedies and a complaint process.

- For the State of California, the agency is called the Department of Fair Employment and Housing ("DFEH"). The local address and telephone number for the DFEH is: 39141 Civic Center Drive, Suite 250, Fremont, CA 94538, Phone: (510) 789-1085. For the federal government, the agency is called the Equal Employment Opportunity Commission ("EEOC"). The local address and telephone number for the EEOC is 1301 Clay Street, Suite 1170-N, Oakland, CA 94612-5217, Phone: (800) 669-4000.

Other Reporting Option

The Housing Authority may provide an additional option for third party reporting of harassment, discrimination, and other workplace wrong doing, such as theft or fraud. AHA currently provides employees with access to an Employee Protection Line, which provides for 24/7 reporting which may be done anonymously. Employees may call 1-800-576-5262 or go to www.employeeprotectionline.com to make a report. AHA's code number is 10311.

Retaliation is Prohibited

Adverse conduct taken against any individual for complaining of, reporting, or participating in any investigation of a complaint of harassment or discrimination is strictly prohibited. "Adverse conduct" includes but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination, spreading rumors about a complainant, shunning and avoiding an individual who reports harassment or discrimination, or making real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Individuals are protected by law and by Housing Authority policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the DFEH or EEOC, or for otherwise participating in any proceedings conducted by the Housing Authority under this policy and/or by either of these agencies.

Each department head shall endeavor to provide a work environment that is free from harassment and discrimination. Anyone who is found by the Housing Authority to have violated this policy, or whose conduct is found otherwise to be inappropriate, will be subject to appropriate corrective action, up to and including immediate termination of employment.

WORKPLACE CONDUCT

The Housing Authority is committed to promoting the highest standards of personal and professional conduct, and requires of its employees cooperation, efficiency, productivity, and compliance with its policies and procedures. While it is not possible to provide an exhaustive list of the types of conduct that are impermissible, examples of conduct that may result in disciplinary action, up to and including immediate termination, include, but are not limited to, any of the following:

- Ongoing substandard job performance
- Excessive tardiness or absenteeism, unauthorized absenteeism, or failure to observe work schedules
- Rudeness or discourtesy toward a fellow employee, supervisor, volunteer, tenant, or member of the general public
- Dishonesty, making any false representation or statement, or making any omission of a material fact
- Falsification of one's own or another employee's time card
- Working overtime without authorization or refusing to work assigned overtime, except under extenuating circumstances

- Fighting, roughhousing, violent or threatening language or gestures, or conduct that is abusive, hostile, discourteous, offensive or disrespectful (such as slandering or ridiculing others, making false accusations, humiliating others in public, shunning/ostracizing others, or the sabotage or undermining of a person's work performance), or other conduct of a bullying nature-
- Possessing a weapon or firearm on Housing Authority property
- Theft, deliberate damaging, or unauthorized use of Housing Authority property or the property of another employee or tenant; or unauthorized use of Housing Authority time or property for personal gain
- Failing to follow established safety or security procedures; knowingly creating an unsafe work situation for oneself or any coworker; or failing to report an on-the-job injury
- Refusing to perform a work-related duty when directly instructed to do so by a supervisor or member of management
- Refusing to cooperate with the investigation of a work-related matter
- Conviction, meaning any judicial determination of guilt, of a crime that has a nexus to the employee's job duties
- Unapproved outside employment or activity, or other enterprise that constitutes a conflict of interest with service to the Housing Authority
- Violation of the Housing Authority's discrimination and harassment, drug & alcohol free workplace, conflict of interest, or confidentiality policies
- Any conduct that impairs, disrupts or causes discredit to the Housing Authority, to the public service, or other employees
- Violation of any other Housing Authority policy, rule or regulation.

OPEN DOOR POLICY

The Housing Authority has an open door policy that encourages employee participation in decisions that will affect them and their daily professional responsibilities. Employees who have a difference of opinion, misunderstanding or conflict with another AHA employee are encouraged to address the situation directly with the employee(s) involved. This policy also encourages employees who have job-related problems or complaints to talk them over with their supervisor or a manager at any level of management who they feel can help them. The Housing Authority believes that employee concerns are best addressed through informal and open communication.

To the extent possible, AHA will maintain confidentiality in addressing and resolving concerns brought to its attention. However, in the course of investigating and resolving concerns, some dissemination of information to others on a need-to-know basis may be necessary.

No employee will be retaliated against for raising a concern in good faith.

DISCIPLINE, TERMINATION, AND GRIEVANCE PROCEDURE

Discipline and Termination

It is mandatory that all employees observe AHA's Workplace Conduct policy and perform to the best of their abilities at all times. Disciplinary action will be taken when the employee's conduct or performance does not meet expectations for [his/her/their](#) position, adversely affects the work of [his/her/their](#) department, or violates Housing Authority policy. The following constitutes the Housing Authority's policy regarding disciplinary actions:

1. Policy Coverage

The following categories of persons can be terminated at-will and have no rights to any of the pre- or post-disciplinary processes or procedures in this policy: (a) temporary employees, (b) provisional or seasonal employees, (c) probationary employees, (d) any person who serves pursuant to a written employment contract, and (e) any person who is designated "at-will" in any Housing Authority policy, document, acknowledgement, resolution or ordinance. While individuals in these categories do not have rights to pre- or post-discipline processes, AHA may nonetheless employ disciplinary steps in an effort to address and resolve performance issues or conduct that would not be cause for immediate termination.

2. Causes for Discipline

Regular full-time employees and part-time employees may be counseled, warned, suspended, demoted, discharged or incur a reduction in pay for performance or conduct issues including, but not limited to, behavior that violates AHA's Workplace Conduct Policy, described in the previous section.

3. Administrative Leave

A department director may place an employee on an administrative leave with pay pending a potential disciplinary action. Administrative leave with pay is authorized: (a) when the department director believes that the employee's continued presence at the work site could have detrimental consequences for Housing Authority operations, including situations where the employee appears to be a danger either to [him/herself/themselves](#) or to others; or (b) pending investigation into charges of misconduct. If the charges against the employee are substantiated by the investigation, appropriate disciplinary action may be taken in accordance with these procedures.

4. Types of Discipline

Generally, the Housing Authority will practice progressive discipline, which includes counseling, oral warnings, written warnings, suspension, demotion or pay reduction, and termination. By using progressive discipline, we hope that most employee performance problems can be corrected at an early stage. Although one or more of these steps may be taken in connection with a particular employee, no formal order or system is necessary; AHA may advance to whatever disciplinary step it concludes is appropriate for the circumstances, and any, all, or none of the following disciplinary steps may be invoked. Supervisors are required to consult with the Director of Human

Resources and Operations prior to the issuance of any discipline, with the exception of employee counseling and oral warnings.

The types of personnel actions and/or discipline are:

a. Counseling

The supervisor counsels the employee, generally following a minor offense in an effort to eliminate possible misunderstandings and to identify what constitutes acceptable conduct or performance. A memo documenting the counseling will be prepared by the supervisor and retained in the supervisor's file. Counseling may not be appealed by the employee.

b. Oral Warning

The supervisor issues an oral warning to an employee when poor performance or misconduct warrants a disciplinary action more severe than supervisory counseling. An oral warning will be memorialized in writing and retained in the supervisor's file. An oral warning may not be appealed by the employee.

c. Written Warning

A supervisor may discipline an employee by furnishing [him/her/them](#) with a written statement of the specific reasons for reprimand and a notice of the corrective action required. A written warning is designed to make sure that the employee is aware of the misconduct or performance problem, including the degree of seriousness, and the consequences if the problem is not corrected. Written warnings are signed by the employee to acknowledge receipt, and a copy of the warning will be retained in the employee's personnel file. The employee has the right to have a written response attached to the warning in [his/her/their](#) personnel file if the response is submitted to the Human Resources Department within 10 working days of the date the warning was received. Written warnings may not be appealed by the employee.

d. Suspension

A department director may suspend an employee from [his or her/their](#) position without pay for cause, generally for serious or ongoing offenses. Unless the employee poses an imminent danger to [him/herself/themself](#) or others, the department director must secure approval for the suspension from the Executive Director or the Director of Human Resources and Operations prior to imposing the suspension. Documents related to a suspension shall become part of the employee's personnel file when the discipline is final. An employee subject to suspension will receive prior written notice and appeal rights as described below.

e. Demotion

A department director may demote an employee from [his or her/their](#) position for cause, generally for serious or ongoing offenses. The Executive Director or Director of Human Resources and Operations must approve the demotion prior to imposition unless the

employee poses an imminent threat to [him/herself/themself](#) or others. Documents related to a demotion shall become part of the employee's personnel file when the discipline is final. An employee subject to demotion will be entitled to prior written notice and appeal rights as described below.

f. Reduction in Pay

A department director may reduce an employee's pay for cause, generally for serious or ongoing offenses. The Executive Director or Director of Human Resources and Operations must approve the reduction in pay prior to imposition unless the employee poses an imminent threat to him/herself or others. A reduction in pay for disciplinary purposes may take one of two forms: (1) a decrease in salary to a lower step within the salary range, or (2) a decrease in salary paid to an employee for a fixed period of time. Documents related to a reduction in pay shall become part of the employee's personnel file when the discipline becomes final. An employee subject to a reduction in pay is entitled to prior written notice and appeal rights as described below.

g. Discharge

A department director may discharge an employee from [his or her/their](#) position for cause. The Executive Director or Director of Human Resources and Operations must approve the discharge prior to imposition unless the employee poses an imminent threat to [him/herself/themself](#) or others. Termination can result from a single serious offense that violates AHA policy, such as, but not limited to, theft, fighting, or other acts of violence at work, or it can be the final step in a process designed to correct offenses or performance deficiencies.

Documents related to discharge shall become a part of an employee's personnel file when the discipline becomes final. A discharged employee is entitled to prior written notice and appeal rights as described below.

5. Skelly Process – Pre-Disciplinary Procedure for Suspension, Demotion, Reduction in Pay, or Discharge

Only regular, for-cause employees have the right to the conference and appeal processes outlined in this Section.

a. Notice of Intent to Discipline

The employee will be provided a written notice of intent to discipline in the event of a proposed suspension, demotion, reduction in pay or discharge. Such notice will contain:

- i. The level of discipline intended to be imposed;
- ii. The specific charges upon which the intended discipline is based;
- iii. A summary of the facts upon which the charges are based;
- iv. A copy of all written materials, reports, or documents upon which the intended discipline is based;

- v. Notice of the employee's right to respond to the department director regarding the charges within 5 calendar days from the date of the Notice, either by requesting a conference, or by providing a written response, or both;
- vi. Notice of the employee's right to have a representative of his or her choice at the conference, should he or she choose to respond orally; and
- vii. Notice that the failure to respond at the time specified shall constitute a waiver of the right to respond prior to the imposition of discipline.

b. Employee's Response and the Skelly Conference

- i. If the employee requests a conference to respond orally to the charge(s), the conference must be scheduled at least seven calendar days after the date of the Notice. The conference will be an informal meeting with the department director, at which the employee has an opportunity to rebut the charges against him or her and present any mitigating circumstances. The department director will consider the employee's presentation before determining any final disciplinary action. The Executive Director (or, in the Executive Director's absence, the Director of Human Resources and Operations) may designate, in his or her sole discretion, an independent hearing officer to conduct the Skelly Conference.
- ii. The employee's failure to make an oral response at the arranged conference time, or the employee's failure to deliver his or her written response by the date and time specified in the notice, constitutes a waiver of the employee's right to respond prior to the imposition of the discipline. In that case, the proposed disciplinary action will be imposed on the date specified.

c. Final Notice of Discipline

Within five calendar days of receipt of the employee's timely written response or within five calendar days of the informal conference, the department director will either (1) dismiss the notice of intent and take no disciplinary action against the employee, (2) modify the intended disciplinary action, or (3) impose the intended disciplinary action. In any event, the department director will prepare and provide the employee with a notice that contains the following:

- i. The level of discipline, if any, to be imposed and the effective date of the discipline;
- ii. The specific charges upon which the discipline is based;
- iii. A summary of the facts upon which the charges are based;
- iv. A copy of all written materials, reports, or documents upon which the discipline is based; and
- v. A statement of the nature of the employee's right to appeal.

6. Evidentiary Appeal Pursuant to Grievance Procedure

A regular, for-cause employee may appeal a final notice of discipline in the form of suspension, demotion, reduction in pay, or termination by delivering a request for

appeal to the Executive Director, pursuant to the Grievance Procedure For Evidentiary Appeal of Discipline, below.

Grievance Procedure

The Housing Authority has established the following grievance procedure that is available to all regular employees who have completed the probationary period.

The Housing Authority wishes to provide each employee fair and impartial treatment. Employees can use this procedure to address any disciplinary action or any claim of unfair treatment relating to their wages, hours or working conditions. Oral and written warnings are not subject to appeal. Failure by the grievant to comply with any of the time limits in this grievance procedure shall constitute an automatic waiver and/or withdrawal of the grievance. Failure by the Housing Authority to comply with any of the time limits in this grievance procedure shall entitle the employee to move his or her grievance to the next available step of this grievance procedure.

1. Procedure for Evidentiary Appeal of Discipline

This subsection 1 applies to appeals of final notices of discipline only. A regular, for-cause employee may appeal a final notice of discipline in the form of suspension, demotion, reduction in pay, or termination by filing a written request for an appeal, which must be received by the Executive Director no later than seven calendar days from the date of the notice of final discipline.

The Executive Director will conduct an evidentiary hearing and issue written findings and a decision. The Executive Director may designate, in his or her sole discretion, an independent hearing officer to conduct the evidentiary hearing and render a written recommended decision. If the Executive Director conducts the hearing, his or her written decision shall be final administrative action. There is no process for reconsideration.

If the Executive Director was not the appeal hearing officer, he or she shall review the findings and recommendations of the designee who served as appeal hearing officer and may then affirm, revoke, or modify the findings, recommendations, or disciplinary action taken. The decision of the Executive Director is the final administrative action. There is no process for reconsideration.

The Housing Authority will mail a copy of the final written findings and decision, along with a proof of service of mailing that confirms that each of the parties and each of the parties' representatives were mailed the final written findings and decision. This includes mailing a copy directly to the employee. It shall be the responsibility of the employee to inform AHA of [his/her/their](#) address. Pursuant to Code of Civil Procedure section 1094.6, the parties have 90 days from the date of the proof of service of mailing of the written findings and decision to appeal the decision to the Superior Court in and for the County of Alameda.

2. Procedure to Grieve Non-Disciplinary Matters

The following procedure applies to all grievances, other than appeals of final notices of discipline.

a. Informal Step

Before filing a formal written grievance, no more than seven calendar days following the act or omission giving rise to the grievance, or no later than seven calendar days following the date upon which the employee reasonably should have known of the act or omission, the grievant shall attempt to resolve the grievance through an informal conference with the grievant's immediate supervisor. The supervisor shall respond to the employee's concerns within seven calendar days following the informal conference.

b. Step 1

If the matter is not resolved at the informal step, no later than seven calendar days following the supervisor's response at the informal step, the grievant must present the grievance in writing to the immediate supervisor. The written grievance shall contain a clear, concise statement of the grievance, the specific provision(s) of the policy allegedly involved, and the specific remedy sought. The immediate supervisor shall communicate a written decision to the employee within seven calendar days after receiving the grievance.

c. Step 2

In the event the grievant is not satisfied with the decision at Step 1, the grievant may appeal the decision to the department director or [his/her/their](#) designee within seven calendar days. The department director or [his/her/their](#) designee shall communicate a decision within seven calendar days after receiving the appeal.

d. Step 3

In the event the grievant is not satisfied with the decision at Step 2, the grievant may appeal the decision to the Executive Director within seven calendar days. If necessary for due process considerations, the Executive Director may forward written appeals of discipline to an independent appeal officer, for review and consideration. Failure to meet this time limit by the grievant shall constitute an automatic waiver and withdrawal of the grievance. The Executive Director or designee shall communicate a decision within seven calendar days after receiving the appeal. The decision of the Executive Director is final. No decision or action may deny the legal right of any employee to seek recourse as may be allowed by law.

If the Executive Director, or the designated representative, determines that it is appropriate to do so, a grievance may be returned to a prior level for reconsideration.

3. Additional Provisions

Employees are encouraged to utilize this procedure without fear of reprisal. No employee will be discriminated or retaliated against because the employee has elected to use this procedure.

If an employee fails to initiate a grievance or request a review of any decision to the appropriate step within the time limits established in this policy, the grievance shall not be subject to further review.

This policy does not apply to claims involving alleged sexual or other forms of unlawful harassment or discrimination. Such claims must be made pursuant to the Agency's Discrimination and Harassment policy.

PART THIRTEEN: ENDING EMPLOYMENT

VOLUNTARY TERMINATION OF EMPLOYMENT

Employees who find it necessary to resign are requested to give advance notice in writing to their supervisor specifying the last day at work; this date will be considered the effective date of resignation. Full-time and regular part-time employees are expected to give at least two weeks' advance notice of the effective date of resignation. If AHA asks an employee who has voluntarily resigned to leave AHA employment before the end of the notice period (e.g., if a replacement is to begin immediately [or services are not needed during the notice period](#)), AHA may elect, [but is not required](#), to pay the employee for the entire notice period, up to a maximum of two weeks. Employees who do not provide the requested notice will be considered ineligible for rehire and the date of resignation will be the last day of actual work. [In the event of a notice period of less than two weeks, the Executive Director \(or designee\) reserves the right to waive the provision that the date of resignation be the last day of actual work and may retain the employee through the entire notice period as business needs or conditions require.](#)

A resignation becomes final when the Executive Director or Director of Human Resources and Operations accepts the resignation in writing. Once a resignation has been accepted, it is final and irrevocable. A resignation can be accepted by the Executive Director or Director of Human Resources and Operations even if it is submitted less than two weeks prior to the planned resignation date.

PAYROLL AND THE RETURN OF HOUSING AUTHORITY PROPERTY

All employees separating from AHA will receive their final paycheck at the next regularly scheduled payroll date. Employees are required to turn over all keys, access cards, parking lot remotes, agency credit cards, passwords, documents, and any other AHA-furnished uniforms,

tools and equipment to the Director of Human Resources and Operations before leaving on their last day of work. Employees must also remove all personal belongings from their workspace on or before their last day of work; employees will not be allowed to re-enter the office for this purpose after their last day of work without prior authorization from the department director. In the event that an employee is not able to retrieve their own belongings prior to the absence, resignation or termination date, AHA reserves the right to do so as well as to determine the manner in which personal belongings are returned to the employee.

REDUCTION IN FORCE

Layoffs

While the Housing Authority will endeavor to avoid layoffs, it may initiate a layoff (aka reduction in force) if it determines that such action is warranted based on economic circumstances, operational reasons or other factors that it deems important to Housing Authority operations, (e.g., significant changes in HUD regulations or requirements, loss of a grant or contract, or a change in business model). AHA reserves the right to determine when and whether it is necessary to implement a reduction in force (RIF), which employees would be affected, and the method of implementation. Generally, AHA shall give primary consideration to the needs, circumstances, and operational needs of AHA. The following terms and conditions are guidelines which AHA anticipates it will apply in the event of a RIF. Since AHA cannot foresee the future circumstances that may impact AHA funding and programs, it reserves the right to change the below terms and conditions at any time, at its sole discretion.

To reduce the potential need to eliminate position(s), the Housing Authority may take any or all of the following actions:

- Employees may be hired for temporary or fixed term positions, with the duration of the position dependent on the availability of funding. Employees hired for temporary positions are not eligible for separation or severance pay under this policy.
- The Housing Authority may reduce positions through attrition rather than lay-off, as long as a workforce can be maintained that supports the program and operational needs at the time.
- The Housing Authority may require all or a portion of employees to opt for the flex work week for a definite or indefinite period of time.
- The Housing Authority may require all or a portion of employees to go on furlough (i.e., work fewer hours per week or take a specified period of time off work without pay).
- The Housing Authority may reduce a position(s) from full-time to part-time dependent on program needs and availability of funding.

Should the need arise to eliminate positions, AHA shall determine if the RIF will occur on an agency-wide basis, or in one or more departments and /or classifications. Once AHA determines there is a need for layoffs and determines in which areas of the agency they will occur, layoffs will generally be made in the following order:

1. Temporary employees
2. Part-time employees
3. Full-time employees in their initial probationary period

4. Regular, full-time employees

Layoffs of regular, full-time employees will be based on seniority within a job title, except as otherwise provided. Seniority is defined as the length of continuous paid employment with the Housing Authority (and City of Alameda), calculated from the date of original hire, including the probationary period as a full-time employee. Time spent in leave without pay status is excluded, except as required by law.

So long as employees are in good standing, layoffs of employees will be based on seniority with the least senior employee being the first to be laid off. The Executive Director, may, however, elect a different order of layoff if:

- It can be demonstrated that an employee who would otherwise be subject to layoff possesses special skills, training, or abilities that are required by the Housing Authority; or
- A more senior employee's past job performance or disciplinary record justifies an alternative order for layoffs. Under this policy, an employee would be considered not to be in good standing if the employee: 1) received an overall rating of less than "meets expectations" on the most recent performance review conducted, 2) one or more written warnings were given to the employee in the 12 month period preceding the layoff, and/or 3) the employee has been on a Performance Improvement Plan and has not shown satisfactory improvement, even if the PIP is not concluded at the time of layoff. Additionally, a record of any discipline for serious misconduct for reasons other than performance would be justification for an alternate order of layoff, even if the conduct did not result in termination at the time of the event.

An employee subject to layoff may be allowed, in lieu of layoff, to demote to a lower paying classification previously held by the employee, if such position is vacant; employees have no right to "bump" another employee from such a position. The Executive Director has the discretion to make an exception to "bumping" for titles of non-exempt positions which include multiple levels, currently Housing Specialist and Maintenance Technician positions. Should an employee accept a position at a lower salary and level of responsibility, such employee will be required to reapply for any higher level positions that become available in the future.

Employees who are laid off, with the exception of temporary employees, will be provided either a minimum of two weeks advance notice of the layoff or in-lieu-of-notice pay equal to two weeks' straight-time wages.

Insurance benefits, and continuation of such benefits, are subject to the same terms and conditions as any terminating employee.

Pre-Layoff Review

An employee who has been noticed for layoff, and who has any questions or concerns about the layoff decision or process may make an appointment to be heard by the Executive Director

for an informal pre-layoff review. The employee must request this meeting in writing within five work days from the date of the notice of layoff. The Executive Director's decision is final.

Re-employment

Employees who are laid off or who are eligible to demote or transfer in lieu of layoff will have, for a period of one year, re-employment rights to future vacancies in the position previously held. The Housing Authority will maintain a preferred list with the names of the employees laid off in inverse order of layoff. Future vacancies in those affected positions will first be filled from the preferred list in inverse order of layoff, provided that the employee retained or rehired is capable of performing the work required, and did not have any disciplinary action imposed at a written warning or higher level in the six months prior to layoff. A former employee offered re-employment will have seven days to accept the offer. If a former employee does not accept re-employment within seven days, the next person on the list will be offered re-employment.

EXIT INTERVIEWS

Human Resources staff (or the Executive Director when HR personnel leave) will schedule an exit interview with each employee who voluntarily leaves the Housing Authority prior to the last day of work. These conversations allow employees to communicate their views on their work, agency operations, training needs, and the work environment, as well as provide the employee with an opportunity to discuss benefits and insurance. Although exit interviews are voluntary, employees are encouraged to participate in them and to speak frankly about their employment experience with the Housing Authority.



ACKNOWLEDGEMENT OF RECEIPT

RECEIPT OF MANUAL

I have received a copy of the Housing Authority of the City of Alameda’s Employee Policies and Procedures Handbook dated ~~February 16, 2022~~January 11, 2023. I understand that it contains important information on Housing Authority policies, as well as, my privileges, rights, and responsibilities as an employee. I understand and agree that it is my responsibility to familiarize myself with and abide by these policies. I further understand that the Housing Authority may change, rescind or add to any policies, benefits, or practices described in the Handbook.

I have read and understand the Employee Policies and Procedures Handbook, and I understand that I am governed by its contents.

Signature

Date

Print Name

CHANGE LOG

Item	Date
Original adoption of Personnel Policy by Commission	4/18/2012
Adoption of expanded definition of family for Paid Sick Leave policy eff 1/1/15	12/17/2014
Adoption of resolution to make expanded definition of family retroactive to 7/1/14	1/21/2015
Adoption of changes to Paid Sick leave policy to comply with Healthy Workplace Healthy Family Act eff 7/1/15	6/17/2015
Adoption of change to Declaration of Work Period and Deferred Compensation (to reflect addition of Roth IRA) policies	7/22/2015
Adoption of changes to Holiday policy, including Floating Holidays eff 1/1/16	11/18/2015
Adoption of revised Discipline, Termination, and Grievance Procedure	8/17/2016
Revision to Personnel Policy including: <ol style="list-style-type: none"> 1. Revision of title and format, and reorganization of content 2. Edits and rewording that did not change policy intent, but clarified or added to policy 3. Addition of: <ol style="list-style-type: none"> a. Complaint Procedure for Complaints of Denial of Reasonable Accommodation b. Changes in Employee Classifications c. Employment of Members of the Board of Commissioners d. Professional Development e. Definition of Eligibility (Benefits section) f. Paid Family Leave g. Social Security (to clarify that AHA does not participate) h. Floating Holiday (separated from Holiday policy) i. Review Your Paycheck j. Cell Phone Allowance k. Telecommuting l. Breastfeeding-Friendly Workplace m. Use of Facilities and Property n. Expense Reimbursement o. Scent Free Workplace p. Parking q. Use of Agency-Issued Cell Phones r. Use of Personal Cell Phones s. Internal Communications t. Open Door Policy 4. Deletion of: Employee Recognition Program 5. Significant changes to: 	12/21/2016

<ul style="list-style-type: none"> a. Outside employment, to clarify the procedures for approval and administration of employee requests b. Benefits policy, including clarification of Cafeteria Plan and active and retiree health benefits c. Vacation policy, to include a standard cap on accrual and a pay-out provision d. Sick leave, to ensure compliance with various laws regulating accrual and use of sick leave e. Jury Duty/Witness Leave, to limit length of service f. Bereavement and Funeral Leave, to institute an annual cap on leave provided under this policy g. Overtime policy, to reflect overtime based on a 40 hour workweek for all positions and use of paid leave does not count as hours worked h. Flexible Work Schedules, to clarify administrative procedures i. Reclassification Resulting in Wage Decrease (Y-Rate), to change policy with respect to application of COLA j. Bilingual Pay policy, to incorporate content from separate policy and clarify eligibility and administrative procedures k. Personnel files, with addition of procedures for access l. Workplace Conduct policy was streamlined m. Language and procedures in Discipline, Termination, and Grievance Procedures (previously adopted on 8/17/16) n. Reduction in Force/Layoff policy and procedures 	
Change to Part 8: On-Call and Emergency Call Compensation	2/15/2017
Change to Part 7: Timekeeping, to change exempt reporting increment to 2 hours	8/21/2019
Changes to Part 5: Vacation Policy, to change eligibility to use vacation to 3 months and clarify approval criteria; Part 8: On-Call and Emergency Call Compensation to change mileage criteria; and Part 10: Breastfeeding-Friendly Workplace to clarify administrative procedures	1/16/2020
Change to Part 5: Vacation, to provide for a temporary increase to the accrual cap	12/1/2020
Change to Part 5: Holidays, to add Juneteenth to AHA's observed holidays	6/24/2021
Change to Part 5: Vacation, to provide for a gradual return to the standard vacation cap	10/20/2021

<p>Revision to Employee Policies and Procedures Handbook including general clarifying changes, and formatting. Primary changes included:</p> <ul style="list-style-type: none"> a. Deletion of Compensatory Time Off (CTO) b. Deletion of Cell Phone Allowance c. Deletion of Vacation Pay Out d. Addition of Probationary Status During Leaves e. Addition of Notary Public Stipend f. Addition of School Activities Leave g. Increase in the amount of the Education Assistance and Tuition Reimbursement, and changes to structure and amount of Bilingual Pay h. Changes to Dress Guidelines i. Multiple changes to Unpaid Leaves section to make current with regulations 	<p>2/16/2022</p>
<p>Change to permanent vacation accrual cap</p>	<p>10/19/2022</p>
<p>Revision to Employee Policies and Procedures Handbook including general clarifying changes, incorporation of gender-neutral language and the addition of a Communications During Leave section to Unpaid Time Off and Leaves of Absence. Primary changes to make policies consistent with current regulations included:</p> <ul style="list-style-type: none"> a. Changes to Sick Time and Unpaid Leaves sections b. Changes to Bereavement and Funeral Leave sections 	<p>1/11/2023</p>

HOUSING AUTHORITY OF THE CITY OF ALAMEDA

*Resolution No.*_____

ADOPT REVISED EMPLOYEE POLICIES AND PROCEDURES HANDBOOK

WHEREAS, the Housing Authority Board of Commissioners adopted the AHA Personnel Policies April 12, 2012; and

WHEREAS, the Housing Authority Risk Retention Pool (HARRP) provided a model for the personnel policies; and

WHEREAS, Liebert Cassidy Whitmore completed a thorough review of the AHA Personnel Policies and certified legal compliance at both the state and federal levels on November 4, 2014; and

WHEREAS, Liebert Cassidy Whitmore completed a thorough review of the AHA Employee Policies and Procedures Handbook rev.12.21.2016, eff.1.8.2017 and again on 2.16.2022, eff. 2.17.2022 and certified legal compliance at both the state and federal levels;

WHEREAS, Liebert Cassidy Whitmore completed a thorough review of the proposed revisions to the AHA Employee Policies and Procedures Handbook and has certified legal compliance of the policies at both the state and federal levels;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Alameda hereby approves and adopts the revised Employee Policies and Procedures Handbook rev. 1.11.2023, eff. 1.12.2023.

ATTEST:

Carly Grob, Chair
Board of Commissioners

Vanessa M. Cooper
Secretary

Adopted: _____



Housing Authority
of the
City of Alameda

PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Vanessa Cooper, Executive Director

Date: January 11, 2023

Re: Adopt Resolution of the Board of Commissioners of the Housing Authority of the City of Alameda Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361.

BACKGROUND

On March 17, 2020, Governor Newsom issued Executive Order N-29-20 which allowed for relaxed provisions of the Ralph M. Brown Act (Brown Act) that allowed legislative bodies to conduct meetings through teleconferencing without having to meet the strict compliance of the Brown Act. All provisions of Executive Order N-29-20 concerning the conduct of public meetings via teleconferencing expired on September 30, 2021.

DISCUSSION

Assembly Bill 361(Chapter 165,Statutes of 2021) (AB 361) was signed into law by the Governor on September 16, 2021, and went into effect immediately. It amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology after the September 30, 2021 expiration of the current Brown Act exemptions as long as there is a "proclaimed state of emergency" by the Governor. This allowance also depends on state or local officials imposing or recommending measures that promote social distancing or a legislative body finding that meeting in person would present an imminent safety risk to attendees. Though adopted in the context of the pandemic, AB 361 will allow for virtual meetings during other proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk. AB 361 will sunset on January 1, 2024.

AB 361 requires the following to continue to conduct teleconferenced meetings:

1. Notice of the meeting must still be given in compliance with the Brown Act, and the notice must include the means by which the public may access the meeting



- and provide public comment remotely.
2. The public must be provided access to the meeting via a call-in option or internet-based service option and allowed to “address the legislative body directly.” The Alameda Affordable Housing Corporation does not have to provide an in-person option for the public to attend the meeting.
 3. The meeting must be conducted “in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.”
 4. If there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment, no further action can be taken on agenda items until the issue is resolved, even if this means stopping the meeting at that point and continuing all remaining items.
 5. The Board of Directors cannot require comments to be submitted before the start of the meeting. The public must be allowed to make “real time” public comment.
 6. Reasonable time for public comment must be provided. If the Board provides a timed public comment period, the public comment period must be left open until the time expires.
 7. All votes must be taken by roll call.
 8. The Board of Directors must approve a resolution making findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter to continue to conduct teleconference meetings under AB 361. The body must find it has reconsidered the circumstances of the state of emergency and either 1) the emergency continues to impact the ability to meet safely in person, or 2) State or local officials continue to impose or recommend social distancing.

In light of AB 361, the continuing COVID-19 State of Emergency declared by the Governor, the continuing Local Emergency declared by the City of Alameda, the continuing recommendations by the County of Alameda Health Officer of social distancing as a mechanism for preventing the spread of COVID-19, and the continued threats to health and safety posed by indoor public meetings, staff recommends the Board of Directors adopt the proposed Resolution making the findings required to initially invoke AB 361.

The procedures currently set up for Board of Directors' meetings, which provide public attendance and comment through a call-in or internet-based service option, satisfy the requirements of AB 361. The Executive Director, or designee, will work with the Board to ensure that meeting procedures for all teleconferenced meetings comply with AB 361. Continued reliance will require the Board of Directors to adopt a new resolution making required findings every 30 days.

FISCAL IMPACT

None.

CEQA

N/A

RECOMMENDATION

Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Directors Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361.

ATTACHMENTS

1. DRAFT RESOLUTION No. 10XX - AB 361 Resolution (01.11.23)
2. AB 361.pdf 2021_danprint

Respectfully submitted,

A handwritten signature in blue ink that reads "Vanessa Cooper".

Vanessa Cooper, Executive Director

HOUSING AUTHORITY OF THE CITY OF ALAMEDA
Resolution No. 10XX

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF ALAMEDA RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR OF THE STATE OF CALIFORNIA ON MARCH 4, 2021, AND MAKING FINDINGS AUTHORIZING CONTINUED REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF COMMISSIONERS PURSUANT TO BROWN ACT PROVISIONS, AS AMENDED BY ASSEMBLY BILL NO.

361

WHEREAS, the Housing Authority of the City of Alameda ("Housing Authority") is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners; and

WHEREAS, all meetings of the Housing Authority's Board of Commissioners are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Housing Authority's Board of Commissioners conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist within the jurisdiction of the Housing Authority which includes the City of Alameda, specifically, on March 17, 2020 the Governor of the State of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, as a result of the COVID-19 pandemic the California Department of Health and the Health Officer of the County of Alameda continue to recommend measures to promote social distancing. Additionally, On March 17, 2020, in response to the COVID-19 pandemic, the City Council of the City of Alameda, declared a local emergency as set forth in Ordinance No. 3267; and

WHEREAS, the Board of Commissioners does hereby find that the COVID-19 pandemic has caused, and will continue to cause, imminent risk to the health and safety of attendees meeting in person for a Board of Commissioners' meeting, and the COVID-19 pandemic has caused conditions of peril to the safety of persons within the jurisdiction of the Housing Authority that are likely to be beyond the control of services, personnel, equipment, and facilities of the Housing Authority, and desires to ratify the proclamation of a local emergency by the City of Alameda, ratify the proclamation of a state of emergency by the Governor of the State of California and ratify the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing; and

WHEREAS, as a consequence of the local emergency and state of emergency the Board of Commissioners does hereby find that the Board of Commissioners of the Housing Authority shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board of Commissioners shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code section 54953; and

WHEREAS, when holding teleconferenced meetings under abbreviated teleconferencing procedures permitted under the Brown Act, the Housing Authority will ensure access for the public by complying with all requirements set forth in Government Code section 54953(e), including, but not limited to, giving notice of the meeting and posting agendas, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF ALAMEDA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Reconsideration. The Board hereby reconsiders the circumstances of the state of emergency.

Section 3. Ratification of the City of Alameda's Proclamation of a Local Emergency. The Board hereby ratifies the City of Alameda's proclamation of a Local Emergency as set forth in Ordinance No. 3267 adopted on March 17, 2020.

Section 4. Ratification of the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing. The Board hereby finds that state and local officials continue to recommend measures to

promote social distancing. The Board further hereby ratifies the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing and finds that, as a result of the state of emergency, meeting in person would present imminent risk to the health or safety of attendees.

Section 5. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020, and hereby finds that the state of emergency continues to directly impact the ability of the Board of Commissioners and members of the public to meet safely in person.

Section 6. Remote Teleconference Meetings. The Housing Authority's Executive Director, and designee, and the Board of Commissioners are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continued teleconferencing and conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 7. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the adoption of this Resolution, or, (ii) such time as the Board of Commissioners adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Commissioners of the Housing Authority may continue to teleconference without compliance with Government Code section 54953(b)(3).

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the City of Alameda this 11th day of January, 2023, by the following vote:

AYES: NOES: ABSTENTIONS: ABSENT:

ATTEST:

Vanessa M. Cooper
Secretary and Executive Director

Carly Grob, Chair
Board of Commissioners

Adopted: January 11, 2023

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor’s Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

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