



# Housing Authority of the City of Colorado Springs

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*Providing Low-Rent Housing, Golden Circle Nutrition Program and Homeownership Assistance*

## Housing Authority

### 2011 Personnel Policy Manual Acknowledgement

By signing below, I affirm that I have read and understand the 2011 Personnel Policy Manual, and that I agree that:

- The 2011 Personnel Policy Manual is not an express or implied contract of employment, or a legally enforceable promise or representation.
- The Housing Authority retains the sole right in its judgment to modify, interpret, supplement, or cancel, in whole or in part, at any time, and with or without any notice, any part of the 2011 Personnel Policy Manual.
- The 2011 Personnel Policy Manual replaces and supersedes all previous employee manuals, handbooks and policies.
- I am an at-will employee of the Housing Authority, and this means I am free to resign at any time, and similarly the Housing Authority is free to terminate my employment at any time, with or without cause, and with or without advance notice, a statement of reasons, or hearing.
- I have carefully reviewed the 2011 Personnel Policy Manual's Confidentiality Policy, and will strictly comply with its expectations, including those concerning the confidential information of Housing Authority residents and other clients.

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Employee Name (printed)

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Employee Signature

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Date

# **Chapter I**

# **Purpose and Use of Personnel Policy Manual**

## **Part 1**

## **Introduction**

### **MISSION**

The goal of the Housing Authority of the City of Colorado Springs (the Housing Authority) is to assist low to moderate-income families, elderly, and disabled persons to obtain affordable housing that is safe, decent, and sanitary.

### **VISION**

- To enhance the lives of low-income families and seniors by providing decent and affordable housing opportunities.
- To promote and encourage resident self-sufficiency and independence.
- To foster safe, viable neighborhoods through resident participation and community involvement in Housing Authority programs.
- To identify and to utilize resources to their maximum effectiveness in accomplishing the Housing Authority's goals and objectives.
- To promote respect for residents, co-workers, and community.

### **VALUES**

- Integrity
- Honesty
- Respect
- Dignity

The Housing Authority expects employees, staff members, and all representatives conducting business on behalf of the organization, to perform duties in a manner that supports its vision and organizational values.

The Housing Authority expects that personnel performing their respective duties will refrain from violation of Authority policies, corruption, fiscal impropriety or illegal activity, and conduct themselves in a professional, ethical manner in accordance with all state and federal laws.

### **PURPOSE**

The Housing Authority developed the Personnel Policy Manual to provide employees with general guidance concerning common information, rules, and regulations generally accepted by the organization. The Housing Authority recognizes the importance of developing and strengthening employer – employee relationships; promoting collaboration and enabling the Authority to achieve stated goals, mission, and values. Partnerships between the employer and employees promote growth and increases productivity to attain positive client, customer, and resident satisfaction, safety, and security.

All employees receive a copy of the Personnel Policy Manual, and the organization expects individuals to read and become familiar and remain up to date with all policies and procedures.

While the intent of the Personnel Policy Manual is to provide information, policies, and processes for numerous situations, staff understands that the organization is unable to anticipate, or predict, every circumstance related to its needs and business; therefore, the Housing Authority reserves the right to modify any policy or procedure in this Manual at any time, in its discretion, without advance notice or consideration to affected employees.

## **ORGANIZATION**

The Personnel Policy Manual is organized into two major sections comprised of:

- Orientation: briefly discussing the philosophy of the Housing Authority.
- Personnel Policies: information arranged categorically.

**PHILOSOPHY**

The Housing Authority is a public corporation created by the Colorado Springs City Council under the State of Colorado legislation in 1970. The Colorado Springs City Council appointed a five-member Board of Commissioners to govern the activities, provide decision making and establish policy for the organization; promoting the goal of providing decent, safe, and sanitary housing for low-income residents of the City of Colorado Springs.

**HISTORY**

In response to a national need for improvement of housing conditions and the eradication of urban slums, the Congress passed and President Franklin Roosevelt signed the United States Housing Act of 1937. The legislation established a federal agency with the power and funds needed to provide housing to low-income families. On March 10, 1970, the Colorado Springs City Council passed an ordinance establishing the Housing Authority. On April 1, 1970, the Mayor appointed five Commissioners to serve on the Housing Authority Board, implementing the first step of establishing the federal program.

Since 1970, the Housing Authority has undertaken a vigorous program to provide housing and social needs for low-income Colorado Springs residents. Multi-family apartments for the elderly and dispersed, low-density, dwellings for families have been a source of great pride to the organization. Additionally, since 1975, the Housing Authority provides sponsorship for noon meal programs for the elderly throughout El Paso and Teller counties.

## **Chapter II**

## **Employment**

### **Part 1**

### **Employment Process**

#### **GENERAL STATEMENT**

It is the goal of the Housing Authority to employ qualified applicants through employee promotion or local, regional or national recruitment.

#### **EQUAL EMPLOYMENT OPPORTUNITY**

Federal and state law applicable to the Housing Authority prohibits discrimination against any applicant or employee based on race, color, national origin, creed, ancestry, sex, age, religion, veteran status, disability, and sexual orientation.

The Human Resource Department for the Housing Authority strives to ensure that all hiring processes and employment activities, including job classification, compensation, employee relations, employee services, training, and staff development, conform to current legal and regulatory requirements.

Employees with questions or concerns about, or who feel that they have experienced, unlawful employment discrimination are encouraged to bring such issues immediately to the attention of the Human Resource Department, the Assistant Executive Director, or the Executive Director for the Housing Authority.

In circumstances where an employee has a complaint under this policy about the Assistant Executive Director or Executive Director, and the employee does not feel comfortable bringing the matter to the attention of one of the above individuals, the matter can be submitted to the Chair of the Board of Commissioners.

#### **AT-WILL EMPLOYMENT STATUS**

All employees of the Housing Authority are at-will employees. At-will employment means that employment with the Housing Authority has no specific term or duration, and that either the employee or the Housing Authority can terminate employment at any time, with or without cause, and with or without advance notice, a statement of reasons, or a hearing.

#### **NO CONTRACT OF EMPLOYMENT**

The policies in this Manual do not create or constitute an express or implied contract of employment, or a legally enforceable promise or representation. This Manual does not modify the at-will employment status of any employee. The Housing Authority retains the right to modify, interpret, supplement, or cancel any part of this Manual at any time, without providing prior notice or consideration to affected employees. This Manual supersedes and replaces all previous manuals, policies, and procedures.

#### **OPEN DOOR**

The Housing Authority appreciates the opportunity to serve the community through maintaining a strong internal human interest, defined by the organization's "open door" policy. The Housing

Authority welcomes the opportunity to be notified of employee questions and concerns. Employees with questions, issues or concerns about Housing Authority operations or policies and procedures should direct those questions to a supervisor or Human Resources. If an employee feels that the issues are not taken care of in a timely manner or with a solution that appears satisfactory, the employee can request that Human Resources direct the inquiry to the Executive Management Team.

The Housing Authority has specific reporting procedures for employees who believe they have experienced or witnessed unlawful discrimination or harassment, or who have knowledge of violations of the Housing Authority's policy on illegal or unethical business practices, and employees having such concerns are requested and encouraged to use those reporting procedures.

## **EMPLOYMENT PROCESS**

To complement the employment process, the Housing Authority Human Resource Department works with the City of Colorado Springs Human Resources relative to posting Promotional or Open Competitive Announcements. The Housing Authority places advertisements and notifications in a variety of locations to enhance public awareness of available positions. Applications from the City of Colorado Springs Human Resources and various community sources are also received at the Housing Authority Human Resources.

The Housing Authority follows the Section 3 housing guidelines, 12 U.S.C. § 1701u and 24 C.F.R. § 135.1, et seq., to provide economic opportunities to Section 3 residents and other low- and very low-income persons. In compliance with Section 3 procedures, all open positions are advertised by posting flyers in common areas or other prominent areas of housing development(s), advertised in local media, and advertised in other public areas to ensure appropriate levels of circulation. To promote additional efforts to recruit Section 3 residents and other low-and very low-income persons, the Housing Authority works with the local unemployment compensation office (Pikes Peak Workforce Center) to increase circulation of employment opportunities. Candidates applying for positions are required to complete an "Eligibility for Preference" document, and submit proof of participation in a public assistance program, to indicate that a Section 3 resident is seeking employment opportunities.

In the event that a Section 3 candidate is not qualified for the open position, the Human Resource Department maintains files with eligible applicants for future employment opportunities for two (2) years. Section 3 candidates are contacted as soon as positions are open, based on qualifications. Section 3 applicants must submit to drug testing and background checks, skills testing, and all other hiring activities used to identify individual qualifications, education, training, and other requirements of the position.

- Promotional or internal postings are restricted to applications from regular Housing Authority employees and remain posted for a minimum of 3 business days, or as approved by the Executive Director.

Open competitive announcements are job postings that are open to current employees and external applicants and remain posted for a minimum of 5 business days, or as approved by the Executive Director.

## **EMPLOYEE APPLICATION**

Qualified candidates must submit employment applications to the Housing Authority Human Resources no later than the final day of posting. Extensions for extenuating circumstances may be approved at the organization's discretion.

## **HUMAN RESOURCE REVIEW**

The Housing Authority Human Resource Department will review applicant qualifications, determine eligibility and coordinate the review and interview of candidates with hiring departments/managers/executive staff. Only candidates demonstrating appropriate qualifications will be considered for appointment.

## **REFERENCE CHECKS**

Employment references may be required to verify employment history, qualifications, and suitability for employment.

## **EXAMINATIONS**

The Housing Authority reserves the right to utilize written, verbal, or other necessary examinations to determine job knowledge, skills, and qualifications for the position. All examinations maintain specific relationships with the open positions, and are administered to all qualified applicants. Physicals, and other medical examinations, vaccinations, or immunizations may be required based on job classification and duties, at the discretion of the Housing Authority, and are ordinarily administered following a conditional offer of employment and before the successful candidate starts work.

## **RELOCATION EXPENSES**

Relocation expenses may be provided for Executive Management positions, and shall be coordinated with the Housing Authority Human Resources and the Executive Director, usually at the time of the offer of employment. All offers of relocation expenses must adhere to relocation expense guidelines as published by the IRS, and must not exceed the fiscal amount deemed appropriate by the Housing Authorities Executive Management and Board of Commissioners.

## **APPLICANT NOTIFICATION**

Upon making a selection and prior to the notification of interviewed applicants, the selecting authority shall notify the Housing Authority Human Resource Department to coordinate effective date of employment and establish compensation level. The supervisor or Human Resource Department shall contact the candidate to make the job offer and may establish timelines to complete hiring process. Human Resources will ordinarily contact all candidates interviewed to notify of selection. The chosen candidate will receive a written confirmation of the job appointment, including the classification, effective date, salary, and other conditions of employment.

## **IN-PROCESSING**

On or before the first day of employment, the employee shall report to the Housing Authority Human Resource department for in-processing. The procedure consists of a brief employment and benefit orientation, review of this Manual, and completion of new hire documentation.

## **EMPLOYEE STATUS/DESCRIPTION**

- **Executive Director:** The Executive Director is a full time, salaried, exempt position that reports directly to the Board of Directors.
- **Assistant Executive Director / Division Manager:** The Assistant(s) are full time, salaried, exempt positions that report directly to the Executive Director.
- **Department Head:** A salaried, exempt position that is responsible for stated department within the division, reporting to the Assistant Executive Directors / Division Managers.
- **Department Supervisor:** An exempt position that has supervisory responsibilities and reports to the Department Head.
- **Regular Employee:** A non-exempt hourly employee working regular schedules and reporting directly to Department Supervisors.
- **Hourly Employee:** An employee working in a non-exempt position, working either full or part time, receiving pay and no benefits.
- **Temporary Employee:** A non-regular employee who is hired under contract for a specified period of time, usually for no more than 6 months. A temporary employee may be hired through sub-contractors and/or employment agencies.

## **CONFIDENTIALITY**

All Housing Authority information concerning residents, individuals on an Authority waiting list, voucher recipients and their families, as well as vendors and contractors of the Housing Authority, is confidential and proprietary to the Housing Authority; an employee having access to such information shall hold the same in confidence and shall not use the confidential information other than for the purposes of conducting Housing Authority business. Sharing and disclosing information to fellow employees is prohibited, unless such information is needed to conduct Housing Authority business. The recipient will not disclose, publish, or otherwise reveal any such confidential information received from the Housing Authority to any party outside of the Housing Authority, except with written authorization of the owner or permission of the Executive Director, or as otherwise authorized by these policies.

Confidential information furnished in tangible form shall not be duplicated, except for purposes approved by Housing Authority Executive Management.

All employees of the Housing Authority are bound by this confidentiality policy. Violation of this policy is grounds for immediate termination or disciplinary action.

## **INVOLUNTARY TRANSFER / DEMOTION**

The Housing Authority may transfer an employee to another position at any time, in its discretion. Factors that may affect a transfer decision can include, without limitation, organizational needs, funding availability and requirements, and employee qualifications and performance.

Such actions may be accomplished within a division with Division Head approval, and between divisions, with approval of the Executive Director; involuntary transfers and demotions will not require posting.

## **APPLICATION FALSIFICATION OR MISREPRESENTATION**

Falsification or misrepresentation of information on the employment application or in the hiring process, or in connection with an application for promotion, shall be grounds for disqualification or discharge whenever it is discovered.

## **EMPLOYMENT RESTRICTIONS**

Individuals who cannot establish proof of their eligibility to work in the United States, as required by applicable federal legal requirements, shall not be employed by the Housing Authority.

An individual may not become or remain an employee of the Housing Authority while under contract with the Housing Authority.

An individual under the age of 16 may not become an employee of the Housing Authority; unless approved to work through a special program or work permit at the discretion of the Executive Management.

## **RELATIVES / NEPOTISM**

In no event will any applicant or employee receive preferential consideration in employment decisions because of a family relationship to another employee.

No two members of an immediate family (spouse, child, parent, in-laws, guardians, brothers, sisters, grandparent, grandchildren, or any person residing in the same residence, including aunts, uncles, cousins, nieces, and nephews) may be employed by the Housing Authority such that one directly or indirectly supervises the other; or such that one has access to Housing Authority confidential information, including personnel or payroll information; or such that one audits, verifies, receives or is entrusted with Housing Authority moneys received or handled by the other.

The Human Resources department must be notified immediately concerning any changes in household status that would result in a violation of this policy. In the event that a change in family circumstances, including marriage, creates a violation of the policy, one, or both, of the employees must seek and obtain employment in another open position (if available) that avoids a violation of the policy, or resign within 90 calendar days of the status change. The Housing Authority has no obligation to transfer an employee to another position in such circumstances.

## **SEPARATIONS**

- **Abandonment of Position:** An employee, absent for 3 consecutive working days without prior approval of the immediate supervisor, may be considered to have abandoned his/her position and be separated from employment.
- **Resignation:** A resignation is a voluntary separation from employment. The Housing Authority requests that a resigning employee provide notice 10 working days prior to the effective date of the resignation. Written verification of the resignation may be required by the immediate supervisor.
- **Discharge:** A discharge (also called termination) is an involuntary separation from employment. All Housing Authority employees are at-will employees, who can be terminated from employment at any time, with or without cause, and with or without advance notice, a statement of reasons, or a hearing.
- **Retirement:** Retirement is a voluntary separation from employment for reasons of age and service or medical condition. To be considered as retired from the Housing Authority, an employee must have made application for retirement prior to the date of separation.

## **REORGANIZATION; REDUCTION IN FORCE**

The Housing Authority may face changing circumstances that affect its operations, including without limitation changes in economic conditions, government requirements, funding and resource availability, business and organizational needs, and facilities and client needs. In its discretion, the Housing Authority may make changes at any time in its structure and staffing, including reorganizing, eliminating or reducing programs, units, personnel, or positions. Employees subject to a reorganization or reduction in force, or whose positions are eliminated, may be subject to discharge from employment, in the Housing Authority's discretion. The Housing Authority does not have a layoff or recall procedure for affected employees.

## **OUT-PROCESSING**

Upon separation, an employee must report to the Department of Human Resources, at a mutually agreed upon time, for the purpose of out-processing. Out-processing includes final disbursement of salary/benefits information and the completion of necessary forms. Final checks will be held until the Human Resource department receives all equipment, tools, keys, badges, and any other Housing Authority property.

## **DRUG AND ALCOHOL TESTING**

Upon suspicion or admission of violation of the Housing Authority's policy on alcohol and illegal drugs, or following an on-the-job accident or injury, or management's determination that an employee's ability to perform duties may be impaired by use of alcohol or illegal drugs, employees may be subject to immediate drug and/or alcohol testing at the Housing Authority's discretion. Such examination shall be conducted by a Housing Authority appointed medical provider and shall be at Housing Authority expense. Employees requested to undergo such testing are expected to report immediately for testing as directed and to cooperate fully with testing personnel.

#### **GENERAL STATEMENT**

It is the goal of the Housing Authority to provide a practical and efficient classification system based on duties, qualifications, expectations, funding, and market analysis. The Housing Authority strives to provide written position descriptions for staff to guide them in their jobs but also to support classifications based on organizational structure and requirements.

This policy and the classification system do not create or constitute an express or implied contract of employment, or a legally enforceable promise or representation concerning employee positions, pay or any other matter.

#### **POSITION ALLOCATION / REALLOCATION**

The Housing Authority Human Resource department seeks to develop and recommend the classification plan, and to allocate or re-allocate positions to new or existing classifications, through factors such as job analysis, evaluation, position audit, funding evaluation, and organizational analysis.

To allocate (open) a new position, or to re-allocate an existing position (redefine duties and title), a Position Description Questionnaire (PDQ) and request is typically completed by the immediate supervisor or a member of the Executive Management and forwarded to the Housing Authority's Human Resource department. The Housing Authority Human Resources department works with the Executive Director to evaluate the request and, if the request is approved by the Executive Director, determine the preliminary allocation/re-allocation of the position relative to classification and salary. Re-allocation of an existing position may be requested by an employee.

#### **RECLASSIFICATION OF INCUMBENT UPON POSITION REALLOCATION**

An employee who occupies a position which is re-allocated may be considered for reclassification effective the pay period following such re-allocation, or effective on approval of the next year's budget, in the discretion of the Housing Authority.

An employee who occupies a position that is to be re-allocated and who does not meet the minimum qualifications of the new classification must be relieved of the duties and responsibilities that caused the re-allocation, secure another position with the Housing Authority or, if none of the above are possible, the employee shall be separated.

#### **PAY UPON RECLASSIFICATION AND UNDERCLASSIFIED POSITIONS**

An employee who occupies a position identified as under-classified shall, upon reclassification, and provided the new classification has a higher salary level, be eligible for an increase in compensation provided the Executive Director approves and determines funds are available. The amount of such increase may be affected by the employee's qualifications for the new position classification. Such action shall be processed by the Human Resources Department and salary increases shall be effective, in the discretion of the Executive Director, on

- The date the budget for the subsequent fiscal year is effective;
- The date the Executive Director signed the PDQ, when the reclassification resulted from duties and responsibilities that changed over time; or
- The date the Executive Director deemed the change effective, with retroactive pay not to exceed 12 months, when the reclassification resulted from a previous or planned point-in-time change to the duties and responsibilities of the position.

### **OVERCLASSIFIED POSITION**

An employee who occupies a position identified as over-classified may, upon reclassification, be placed at a new salary level in the new classification or be "red-lined" if the current salary is above the evaluated salary of the new classification. An employee whose salary is "red-lined" shall not be eligible for an increase in base salary until the evaluated salary of the new classification increases to the level of the "red-lined" salary. In some instances, an employee's salary may be reduced upon reclassification, such as when the position has changed to a position with lesser functions and requirements based on Housing Authority needs.

### **RECLASSIFICATION UPON LOSS OF LICENSE OR CERTIFICATION**

An employee who is no longer qualified for the current classification because of the loss of license or certification must immediately cease to function under the authority of such license or certification. In the Executive Director's discretion, the employee may be permitted a period of time to gain reinstatement of the license or certification, be transferred or reclassified, or be separated. In such a reclassification, the salary of the employee must fall within the salary range of the new classification. Failure of an employee to present to their immediate supervisor the fact that they have lost a required license or certification may result in disciplinary action or immediate termination from employment. In its discretion, the Housing Authority may terminate immediately an employee who has lost a license or certification needed for the position.

## **Chapter II**

## **Employment**

### **Part 3**

### **Compensation**

#### **GENERAL STATEMENT**

The Housing Authority strives to provide a practical, efficient and competitive compensation plan.

#### **GENERAL CLASSIFICATION**

Salary ranges for general classifications shall be published annually in the Housing Authority salary schedule.

This policy and the Housing Authority's compensation plan and classification system do not create an express or implied contract of employment, or an enforceable promise or representation, concerning employee positions, pay, or any other matter.

#### **ENTRANCE RATE OF PAY**

The entrance rate of pay is ordinarily the lowest salary level available in the salary range for the classification to which the employee is appointed. An entrance rate of pay above this salary level may be, upon prior approval in the discretion of the Executive Director, offered to an applicant whose qualifications and/or pay rate prior to employment, exceeds the minimum qualifications for the classification.

#### **SALARY INCREASES**

All progression in the salary range is contingent on (1) funding availability, (2) employee progress in attaining higher level qualifications and/or increased performance in the opinion of the Housing Authority, and (3) recommendations of the supervisor and Executive Management approval.

#### **EXECUTIVE POSITIONS**

The Executive Director entrance pay shall be determined by the Housing Authority Board of Commissioners, and salary adjustments and increases shall be determined and approved by the Board of Commissioners. The Board of Commissioners shall be the decision-making point for elective considerations for the Executive Director, i.e. salary adjustment, leave advances, education reimbursement, etc.

For Assistant Executive Directors/Division Managers, entrance rate of pay is ordinarily determined on the basis of applicant qualifications, previous rate of pay, and/or funding availability with approval in the discretion of the Executive Director. Salary adjustments within the range shall be established annually and shall be determined by performance, funding availability, and other factors, at the discretion of the Executive Director.

Executive positions shall receive a flat monthly reimbursement based on 500 miles of in-town driving per month, with a minimum payment of \$250.00. Out-of-town miles shall be reimbursed at the IRS rate upon documentation of the miles, place and Housing Authority business purpose for which the expense was incurred.

## **PAY UPON PROMOTION, TRANSFER, OR DEMOTION**

Pay upon promotion, transfer, or demotion shall be determined by employee qualifications for the new classification and funding availability, in the discretion of the Housing Authority.

## **EXEMPT/NONEXEMPT CLASSIFICATION**

Non-exempt employees, whose work is typically non-supervisory, non-managerial, and do not require professional level knowledge, skills, or abilities, are entitled to overtime pay under the Fair Labor Standards Act (FLSA). The Authority will pay non-exempt personnel one and one half times the employee's regular hourly rate for any and all hours worked in excess of forty (40) hours per week.

Exempt employees ordinarily perform work where the primary requirements are supervisory, managerial, higher-level administrative functions, or include professional knowledge, skills, and abilities, and are paid on a salary basis. An exempt employee is not entitled to additional pay for overtime hours.

The Housing Authority Human Resources department, in coordination with the Executive Director, shall annually determine and publish exempt/nonexempt classifications.

## **WORK SCHEDULE**

The normal work year consists of fifty-two 40-hour weeks (2,080 hours). The normal work week consists of five (5) work days per week with two (2) consecutive days off. The normal work day consists of eight (8) consecutive hours in any twenty four (24)-hour period which is interrupted by an unpaid meal period. Employees may be required to work other than the normal work year, work week or work day to meet operational requirements.

## **CHANGE IN WORK SCHEDULE**

A change in the normal work schedule for other than emergency situations must be approved by the Division Head and be announced a minimum of seventy two (72) hours prior to implementation. Work schedule changes are ordinarily reported to the Human Resource department to ensure consistency and efficiency in personnel and payroll.

## **RESTRICTED HOURS OF WORK**

Under specified conditions, such as inclement weather, the Housing Authority Executive Director may require that employees do not report for work, or leave the work premises early. Under such direction, an employee may not elect to report for or to remain at work. Employees involved in essential operations and services may, upon determination of the Executive Director, be required to report to work and should make every attempt to arrive at work.

Employees not reporting to work, or sent home early due to weather conditions, or due to issues/concerns deemed necessary by the Executive Director, will receive payment for the full scheduled shift. Personnel on scheduled vacation, personal leave, comp time, or sick time, will continue to use the appropriate leave time for the entire shift.

In the event of inclement weather, a message will be posted on the main Housing Authority telephone number 719-387-6700, and employees should call the number prior to leaving for work.

## **LUNCH PERIODS AND BREAKS**

Non-exempt employees are required to take a minimum of 30 consecutive minutes time off for lunch. The lunch break is unpaid time. Employees are free to leave the work area and Housing Authority premises to eat lunch or run errands.

Non-exempt employees are also required to take one 15-minute paid break period during each 4-hour work period, with the time to be approved by the supervisor.

Limitations: Non-exempt employees must take lunch and break periods, and neither shall be cumulative or utilized to compensate for employee absence, or early release from shift, unless approved by the Executive Director. Break periods and lunch periods include all time an employee is away from work.

Field Employees: Non-exempt employees in the field may take their breaks and lunch at the work site. Employees who are traveling between work sites may, upon approval of the immediate supervisor, take their breaks or lunch en route.

Non-exempt employees whose lunch breaks are interrupted by a call (occurring more than 5 minutes before the end of lunch period) to return to work or to attend to work duties may re-start and take the full 30-minute unpaid lunch period later, and shall report the partial lunch as time worked.

## **HOLIDAY PAY**

Employees shall receive observed holidays off with pay.

Compensation for hours worked on an observed holiday in accordance with a normal work schedule shall be paid at a rate of one and one half times the employee's base hourly rate for all such hours worked.

## **OVERTIME**

All employees may be required to work in excess of the normal work schedule. Non-exempt employees will be compensated for overtime hours (hours worked in excess of 40 hours in the work week) at one and one half times the normal hourly wage. Exempt employees, except as authorized by the Executive Director, will not be compensated for overtime hours worked.

## **DETERMINING OVERTIME HOURS WORKED**

All paid hours including vacation, personal leave, and holidays, will be included in determining hours worked.

## **RATES OF PAY FOR OVERTIME**

A non-exempt employee who is scheduled to work a minimum of forty (40) hours per week will be compensated at one and one half time's hourly rate for those hours worked in excess of the

scheduled work day. A non-exempt employee who is scheduled to work less than forty (40) hours per week shall be compensated at one and one half times base hourly rate for those hours worked in excess of forty (40) hours per week.

An employee who works in excess of sixteen (16) hours per day, or on the last consecutive day off in a work week, or on a day that the Housing Authority observes a holiday, shall be compensated at the rate of one and one half time's regular hourly rate for those hours worked. Additionally, if staff work regularly scheduled days off, the Housing Authority may, in its discretion, pay the employee at one and one half times the regular hourly rate.

### **WORKING TIME ON OVERNIGHT TRIPS**

When an employee is required to travel to a temporary job site or to a management-directed training that takes the employee away from home over night, all time spent working on Housing Authority business, including attending training sessions and meetings, and performing other Housing Authority project work, will be treated as worked hours. Time spent traveling on public transportation or in an automobile on such trips is not treated as working time unless the travel occurs within the employee's normal working hours. Such travel time is counted as working time if it occurs within the employee's normal working hours on regular working days and also during the corresponding hours on nonworking days. Expenses for such travel may be reimbursed as allowed and in accordance with the policy on Business Travel below.

### **OVERTIME APPROVAL**

All scheduled overtime hours must be approved in advance by the immediate supervisor.

### **OVERTIME REFUSAL**

An employee who is required to work scheduled overtime and refuses to do so is subject to disciplinary action, or immediate termination, in the discretion of the Housing Authority.

### **STANDBY**

An employee on standby must be immediately available (the employee should respond to the telephone or radio call as soon as possible, and travel to the work site as quickly as possible, and according to department guidelines) for call-out and capable of performing assigned duties. Such an employee who is unavailable for call-out is subject to disciplinary action or immediate termination.

### **RATE OF PAY FOR STANDBY**

An employee assigned to a standby schedule shall be compensated for those off-duty hours spent on standby at a rate of \$100 per pay period call-out shift.

### **CALL-OUT FROM STANDBY**

Employees called out from standby shall be compensated for hours worked including travel time, at the appropriate overtime rate of one and one half times base salary.

## **EMERGENCY CALL-OUT**

All employees are subject to emergency call-out. Nonexempt employees called out shall be compensated for hours worked at the appropriate overtime rate.

## **AVAILABILITY**

Employees SHALL be required to provide the immediate supervisor with a telephone number at which the employee may be contacted during an emergency.

An employee who refuses to respond to call-out without good cause or who is intentionally unavailable for call-out is subject to disciplinary action, including termination.

## **COMPENSATORY TIME OFF**

Non-exempt employees will not be eligible for compensatory time off.

## **USE OF COMPENSATORY TIME OFF**

Only exempt employees may be allowed compensatory time off. Approval of such time off is in the discretion of the employee's immediate supervisor. Such time off is allowed to permit rest and recovery when an employee has worked for extended periods beyond the employee's usual schedule. Employees do not accrue or earn, and have no entitlement to, compensatory time off; the amount of time taken is determined on a case by case basis in the discretion of the immediate supervisor. Requests for the use of compensatory time off must have the prior approval of the immediate supervisor.

## **MERIT AWARD**

A merit award is compensation for employees to recognize outstanding performance for twelve (12) consecutive months. This payment is a lump-sum discretionary bonus payment, with a value recognized at the Executive Director's discretion.

## **NOMINATION PROCEDURE**

To be considered for a merit award, an employee must be nominated by the immediate supervisor. Such nomination must be sent to the Division Head for approval, then forwarded to the Executive Director for final authorization.

## **AWARD LIMITATIONS**

An employee may receive no more than one merit award in any 12-month period.

## **SPECIAL ASSIGNMENT PAY**

Special assignment pay is additional compensation for temporary assignment to a position of increased responsibility requiring supervision of employees or of an operation. Special assignment pay for an employee temporarily assigned to an executive, or advanced, classification shall be determined by the Executive Director. The award of special assignment pay is at the discretion of the Executive Director.

## **SEVERANCE PAY**

The Housing Authority has no severance pay plan or practice of paying severance pay. Severance pay may be granted in an individual case, based upon the circumstances of the termination, at the discretion of the Executive Director.

## Chapter II

## Employment

### Part 4

### Benefits

#### HOLIDAYS

The following days are 8-hour Housing Authority holidays: New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, and Christmas Day. A holiday that occurs on Saturday will be observed on the preceding Friday, and holidays that fall on Sunday will be observed on the succeeding Monday.

#### PERSONAL HOLIDAY

In addition to the observed holidays, all regular employees shall, after 6 months of employment, receive one 8-hour personal holiday. This may be taken at a time mutually agreeable to the employee and the immediate supervisor. The personal holiday may not be carried over to the following year. Personal holiday time may not be taken in increments of less than 1/2 hour.

#### VACATION

Regular employees shall accrue paid vacation for years of continuous employment according to the following schedule:

Years of Continuous Service	Hours Accrued			Annual Entitlement (Days)
	Biweekly	Semimonthly	Annually	
0 - 5 years	3.38	3.67	88	11
6th year	3.69	4.00	96	12
7th year	4.00	4.33	104	13
8th year	4.31	4.67	112	14
9th year	4.62	5.00	120	15
10th year	4.93	5.33	128	16
11th year	5.23	5.67	136	17
12th year	5.54	6.00	144	18
13th year	5.84	6.33	152	19
14th year	6.15	6.67	160	20
15th year +	6.46	7.00	168	21

#### APPROVAL

Vacation may be utilized only with the prior approval of the immediate supervisor. Subject to the approval of the Executive Management, part or all of an employee's scheduled vacation may be canceled if it is necessary to do so to conduct the affairs of the Housing Authority. Employees are encouraged to identify their desired vacation days for the calendar year to their supervisor in January. Vacation may not be taken in increments of less than 1/4 hour.

## **CARRY-OVER**

All personnel must utilize no less than 75% of annual accrual each year. If employees fail to schedule vacation(s), the time off will be scheduled by Department Supervisor or Department Heads, based on operational requirements. Should an employee not be granted vacation due to operational requirements, and as a result lose vacation at year's end, said employee would be paid for those hours that would be lost at their regular hourly rate.

## **HOLIDAYS DURING VACATION**

Except for employees who work an annual schedule of less than 2,080 hours, holidays that fall within an employee's vacation will not be charged as vacation.

## **SICK LEAVE DURING VACATION**

Should an employee become ill or injured while on vacation, sick leave hours may be exchanged for vacation hours. In such instances, the employee must notify the immediate supervisor at the time of the illness or injury. At such time, the immediate supervisor may request that the employee return with a physician's certification specifying the nature and duration of such illness or injury.

## **VACATION USED FOR SICK LEAVE**

Upon exhausting accumulated sick leave, an employee must use accrued vacation, and personal time.

## **VACATION DONATION**

The Housing Authority allows employees to donate accrued vacation leave that may be used by co-workers in certain circumstances. Please consult the Vacation Donation procedure maintained by the Human Resources Department of more information.

## **VACATION PAID AT SEPARATION**

Upon separation, vacation shall not be accrued beyond an employee's last day of work. At such time, employees shall be paid all accrued but unused vacation.

## **SICK LEAVE**

Sick leave may be utilized for absences caused by illness, injury, temporary disability (including pregnancy/maternity), medical exams, or medical treatment of the employee or the employee's immediate family. Sick leave utilized for the care of the immediate family (spouse, parent, parent-in-law, guardian, child, son-in-law, daughter-in-law, brother, brother-in-law, sister, sister-in-law, grandparent, grandchild, or any family member residing in the employee's household) is limited to available sick leave accrued by the employee under Housing Authority policy unless the employee is eligible for additional unpaid leave for such purposes under the Family Medical Leave Act (FMLA) of 1993.

## **ACCRUAL**

Regular full-time employees shall accrue sick leave at the rate of 8 hours per month of continuous employment. Sick leave may be accrued to a maximum of 1,056 hours plus current year accrual. Part-time employees accrue sick leave at a rate proportionate to their scheduled time.

## **AT WILL EXECUTIVE MANAGEMENT VACATION BENEFIT PROGRAM**

### **Vacation Leave 120 Hour Minimum Accrual Level**

In accordance with current practice, all new hires entering the organization in a classification in band 1 or 2 of the salary schedule will be employed at a vacation accrual level of 120 hours per year. If an employee is promoted to a classification in band 1 or 2 of the salary schedule, the employee's vacation accrual will be increased to the 120 hour minimum if appropriate.

### **Executive Managers Accruing 168 Hours in year 2000/Phased Plan**

All at-will executive managers accruing vacation at a rate of 168 hours per year at the time of program approval (2000) began accruing one additional day of vacation per year to a maximum accrual of 208 hours per year. The accrual rate for all subsequent years of service, following the 12th year, will be 208 hours per year.

Executive management employees accruing 120 hours of vacation per year or more, entered the new accrual schedule at their then current level of accrual when the program was adopted in 2000. For example, an eligible employee, earning 136 hours per year in the regular civilian vacation accrual schedule, entered the At-Will Executive Management Vacation Accrual Schedule at 136 hours when the program was adopted in 2000.

### **At-Will Executive Manager Vacation Accrual Schedule**

<b>At Will Vacation Accrual</b>	<b>Hours Accrued</b>	<b>Annual Entitlement (Days)</b>
1st Year	120	15
2nd Year	128	16
3rd Year	136	17
4th Year	144	18
5th Year	152	19
6th Year	160	20
7th Year	168	21
8th Year	176	22
9th Year	184	23
10th Year	192	24
11th Year	200	25
12th Year	208	26

## **CAP INCREASE ON LEAVE ACCRUAL**

The carry-over allowance of unused vacation time is 2x annual entitlement for eligible at-will managers.

## **ELIGIBILITY**

To be eligible for paid sick leave, the intended use of sick leave must be reported to the immediate supervisor prior to the start of the scheduled workday or prior to leaving the work site. An employee who fails to do so may be subject to disciplinary action or termination.

## **PHYSICIAN'S CERTIFICATION**

A physician's certification supporting the use of sick leave is required after the third consecutive day of absence, at the supervisor's discretion; however, Executive Management may require a physician's certification of illness at any given time prior to the three day procedure.

## **SICK LEAVE WITHOUT PAY**

When the use of paid sick leave exhausts employee's accrual, the employee must use accrued vacation, and/or personal time to exhaust all accruals. Once all accruals are exhausted, employee may request to take sick advance time, at a maximum of 160 hours, at the discretion of Executive Management. The employee may also request to take unpaid sick leave, and approval is in the discretion of the Executive Director. If an employee's illness leave qualifies as Family and Medical Leave, FMLA leave will apply and run concurrently with paid leave time taken for such purposes.

## **SICK LEAVE CONVERSION**

Annually, on November 30, sick leave hours accumulated in excess of 960 hours may be converted to vacation or pay on a two-for-one basis. Employees electing to convert sick leave to vacation will have the converted amount added to their vacation entitlement on January 1 of the following year.

## **PAYMENT FOR UNUSED SICK LEAVE UPON RETIREMENT OR DEATH**

Upon retirement or death, an employee or beneficiary will be paid for one half of the accrued sick leave in excess of 480 hours, not to exceed 240 hours pay.

## **AT WILL EXECUTIVE MANAGEMENT BENEFIT PROGRAM**

In the event of retirement, eligible at-will Executive Managers will be paid for half of their accrued sick leave up to a maximum of 480 hours unless they are a participant in the mandatory Retirement Health Saving (RHS) plan. Participants in the mandatory RHS plan will receive an employer contribution of half of the accrued sick leave up to 480 hours into the RHS plan. Contributions can be used for medical premiums upon separation.

Employees with full coverage insurance provided by a spouse or other employment will be excluded from the mandatory RHS plan.

In the event of death, the employee's estate will be paid for half of the accrued sick leave up to 480 hours. Contributions will not be made to the RHS plan for the employee's estate.

## **SICK LEAVE ADVANCE**

Sick leave with pay, not to exceed 160 hours, may be advanced to an employee upon the approval of the Executive Director, and provided the employee signs a request form (that includes a repayment agreement that authorizes deduction from future paid leave accruals and deduction from the employee's paycheck if not repaid). Such an advance may be made only following the use of accrued vacation and personal time and must be repaid by the employee through future sick and vacation leave accruals. An employee may not loan sick leave with pay to another employee. Employees not returning to work to enable future accruals are required to pay sick advance time back. The amount will be deducted from the employee's final check, or, if there is not enough funding, the employee will be billed for any remaining amount, as provided in the request form repayment agreement.

## **FAMILY LEAVE ELIGIBILITY**

On occasion, employees may find it necessary to be off from work while they are ill or to care for a family member. The Family and Medical Leave Act of 1993 (FMLA) allows eligible employees to take time off for specified family and medical reasons. This policy provides information on the circumstances in which leave is available under the FMLA and the conditions under which it may be taken. If employees have questions that are not answered by this policy, they should contact the Housing Authority's Human Resources Department.

### **1. Definitions**

The Housing Authority's FMLA policy is written with reference to the FMLA and its implementing regulations issued by the U.S. Department of Labor (DOL). What follows are definitions of several important terms used in the FMLA and the Housing Authority's policy. For information on terms not defined below, employees should contact Human Resources.

"Child" means biological, adopted, or foster son or daughter, a stepchild, a legal ward, or a child of a person standing in loco parentis. Except in the case of qualifying exigency leave and military caregiver leave (see below), a "child" must be either under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that leave commences.

For purposes of military caregiver leave (see below), "next of kin" means the nearest blood relative (other than the covered servicemember's spouse, parent, or child) who has been designated in writing by the servicemember for that purpose. If no designation has been made, "next of kin" means nearest blood relative in the following order of priority: (a) those granted legal custody by statute or court order, (b) brothers/sisters, (c) grandparents, (d) aunts/uncles, and (e) first cousins.

"Parent" means the biological, adoptive, step or foster mother or father, or an individual who stood in loco parentis to an employee when the employee was a child.

"Spouse" means husband or wife, as defined in Colorado's law concerning marriage.

"Rolling 12 month period" means the method of calculating available FMLA leave, whereby the Housing Authority looks back at the 12 month period preceding the first day the employee uses FMLA leave to determine what portion of the requisite 12 work weeks of FMLA leave is still available. If the employee used any FMLA leave during the previous 12 month period measured

from the first day the employee uses FMLA leave, the employee will be eligible only for any remaining portion of the 12 work weeks of leave.

## 2. Eligible Employees

Employees are eligible if they have been employed by the Housing Authority for a total of at least 12 months, and have worked for at least 1,250 hours during the previous 12 calendar months, and are employed at a worksite where there are at least 50 employees employed by the Housing Authority within 75 miles of the worksite.

## 3. Reasons for Taking Leave

The FMLA permits an eligible employee to take leave for any of the following reasons:

- For the employee’s incapacity due to pregnancy, for the employee’s prenatal medical care, and for the birth of a child of the employee and the care for and bonding with the child after birth;
- For placement for adoption or foster care, and care for and bonding with a child after placement;
- To care for an employee’s spouse, parent, or child with a serious health condition;
- Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of the employee’s job;
- Because of a “qualifying exigency” as defined in Department of Labor (DOL) regulations, arising out of the fact that the spouse, son, daughter, or parent of the employee is a “covered military member” on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; and
- To care for the employee’s spouse, son, daughter, parent or next of kin who is a “covered servicemember” with a serious injury or illness incurred in the line of duty while on active duty for which he/she is undergoing medical treatment, recuperation or therapy (“military caregiver leave”).

## 4. Amount of Leave

### a. Military Caregiver Leave

Military caregiver leave, when combined with other types of leave under this regulation, may not exceed 26 work weeks during the 12-month period that begins on the first day of such leave.

### b. Other Forms of Family and Medical Leave

For all other forms of family and medical leave combined, eligible employees may take up to 12 work weeks of leave in a rolling 12 month period (looking forward) that begins on the first day of such leave.

### c. Spouses Both Employed by the Housing Authority

If a husband and wife are both employed by the Housing Authority and are both eligible for FMLA leave, their total military caregiver leave, when combined with certain other forms of family and medical leave, may not exceed 26 weeks. In case both spouses are employed by the Housing

Authority and are eligible for bonding leave for the birth, foster placement or adoption of a child, the combined total number of weeks of such leave to which such persons are entitled for care and bonding with a child is 12 work weeks in a rolling 12 month period. In addition, the combined total number of weeks of leave to which spouses both employed by the Housing Authority are entitled for care of a parent with a serious health condition is 12 work weeks in a rolling 12 month period.

## 5. Conditions for Leave

### a. Leave for Serious Health Conditions

Employees may take leave for the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's job. Also, employees may take leave to care for a spouse, parent or child with a serious health condition when such care is medically necessary. Not all illnesses or injuries qualify as a "serious health condition." For purposes of this policy, "serious health condition" means an illness, injury, impairment or physical or mental condition that involves: (i) inpatient care in a hospital, hospice or residential care facility; or (ii) continuing treatment by a health care provider, as defined in the applicable DOL regulations. Employees should contact Human Resources for more information on what qualifies as a serious health condition.

### b. Bonding Leave for Birth/Adoption/Foster Placement

An eligible employee (either the father or the mother) may take leave for care and bonding with a newborn child (bonding leave) of the employee within 12 months following birth. Similarly, leave for care and bonding with an adopted or foster child of the employee following adoption or foster placement must be taken within 12 months following the adoption or foster placement. Such leave must ordinarily be taken in a single block of time, and may be taken on an intermittent or reduced leave schedule only if the Housing Authority agrees in advance.

### c. Pregnancy and Leave Following Birth

A pregnant employee may take leave prior to birth for prenatal medical exams or care, or if her condition makes her unable to work. An employee who has given birth may take leave to recover from the delivery and complications of birth for so long as this qualifies as a serious health condition, and may also take leave for care and bonding with the healthy newborn child in the first year after the child's birth. Both mother and father may take leave to care for the newborn, adopted or foster child if the child suffers from a serious health condition.

### d. Qualifying Exigency Leave

Qualifying exigency leave is available only when the employee's spouse, parent or child is a "covered military member." For purposes of this policy, a covered military member is generally a retired member of the Regular Armed Forces, or a current or retired member of the National Guard or the Reserves, who is called to active duty by the United States government in support of contingency operations. Covered military members do not include: (i) active duty members of the Regular Armed Forces; or (ii) persons called to active duty by a state government.

Qualifying exigency leave is available only for the following 12 circumstances, and only when those circumstances arise out of the covered military member's active duty or call to active duty ("call-up"):

- (1) Short-Notice Deployment: To address issues caused by a call-up with notice of seven days or less;
- (2) Military Events: To attend events related to the active duty or call-up that are sponsored by the military, military service organizations, or the American Red Cross;
- (3) Childcare/School Activities: When necessary due to the active duty or call-up, to:
  - (a) arrange alternative childcare,
  - (b) provide childcare on an urgent but not routine or regular basis,
  - (c) enroll in or transfer to a new school or day care facility, or
  - (d) meet with school or day care staff;
- (4) Financial/Legal Arrangements: To:
  - (a) make or update financial or legal arrangements related to the absence for active duty or call-up, or
  - (b) to represent the military member in efforts to obtain military service benefits during active duty or for 90 days thereafter;
- (5) Counseling: To attend counseling by a non-health care provider for the employee, the military member, or the military member's child, if the need arises from the active duty or call-up;
- (6) Rest and Recuperation: To spend up to 5 days with the military member while on R&R leave;
- (7) Post-Deployment Activities: To:
  - (a) attend arrival ceremonies, reintegration briefings or other military-sponsored activities for 90 days following return from active duty, or
  - (b) to address issues arising from the military member's death on active duty.

In the case of leave for a "qualifying exigency," notice shall be given by the employee as soon as is reasonable and practicable. Also, an employee seeking to take leave for a qualifying exigency must provide a certification supporting such leave issued as provided by regulation. Employees should contact Human Resources for approved certification forms for this purpose.

e. Military Caregiver Leave

Military caregiver leave is available only when the employee is the spouse, child, parent or next of kin of a “covered servicemember.” For purposes of this policy, a covered servicemember is a current member of the Regular Armed Forces, the National Guard or Reserves, or one who is on the temporary disability retired list. Covered servicemembers do not include former service personnel, such as those who are retired, discharged, or on the permanent disability retired list.

Military caregiver leave is available only to care for a covered servicemember who has a serious injury or illness incurred in the line of duty while on active duty for which he/she is undergoing medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability retired list. A “serious injury or illness” is one that may render the servicemember medically unfit to perform the duties of his/her rank, grade, or office.

## 6. Notice of Leave

If the need for family/medical leave is foreseeable, an employee must give the Housing Authority at least 30 days advance notice. If this is not possible, the employee must at least give notice as soon as practicable (normally the same day or the next business day after learning of need for leave). In a case where the employee does not provide 30 days notice of foreseeable leave, the employee may be asked by the Housing Authority to explain why such notice was not practicable.

The employee must provide sufficient information for the Housing Authority to determine whether the leave will qualify as FMLA leave and the anticipated timing and duration of the leave. When the employee seeks leave due to a qualifying reason, for which the Housing Authority has previously provided FMLA leave, the employee must specifically reference the qualifying reason or need for the FMLA leave.

Additionally, if the employee is planning a medical treatment he or she must consult with the Housing Authority in advance regarding the dates of such treatment and make a reasonable effort to schedule such treatment at times that do not unduly disrupt the Housing Authority’s operations, subject to the approval of the employee’s health care provider.

As noted above, in the case of leave for a “qualifying exigency” of an employee whose spouse, child or parent is a member of the Armed Forces, notice shall be given as soon as practicable. Also, an employee seeking to take leave for a qualifying exigency must provide a certification supporting such leave. (Employees should contact Human Resources for the applicable form.)

Eligible employees must use the Housing Authority’s Request for Family/Medical leave form available from Human Resources absent unusual circumstances.

## 7. Medical Certification

If an employee is requesting leave because of his or her own or a covered relative’s serious health condition, or to care for a covered servicemember’s serious injury or illness, the employee and the relevant health care provider must supply medical certification. The employee should obtain a Certification of Health Care Provider form from the Human Resources Department, which may include a list of the employee’s job duties. When the employee requests leave, the Housing Authority will notify him or her of the requirement for medical certification and when it is due (normally 15 calendar days after the request for certification). Failure to provide requested medical certification in a timely manner may result in denial of family/medical leave until it is provided,

with any leave allowed not being subject to FMLA protections, unless there is a sufficient reason for delay.

The Housing Authority, at its expense, may require an examination by a second health care provider designated by the Housing Authority. If the second provider's opinion conflicts with the original medical certification, the Housing Authority, at its expense, may require a third health care provider to conduct an examination and provide a final and binding opinion. The employee and the Housing Authority must act in good faith to select and jointly approve the third health care provider. The Housing Authority may require subsequent medical recertification. Human Resources can provide additional information on the circumstances in which recertification may be requested. Failure to provide requested certification within 15 calendar days, if such is practicable, may result in delay of further leave until the certification is provided.

#### 8. Reporting While on Leave

If an employee takes leave because of his or her own serious health condition or to care for a covered family member, the employee must give notice as soon as practicable (within 2 business days if foreseeable) if the need for leave changes such that the employee needs more or less time off.

#### 9. Leave Is Unpaid

When an employee gives notice of a need for FMLA leave, the employee should designate the date the FMLA leave will begin. FMLA leave ordinarily commences on the date the employee designates as needing time off for qualifying reasons. FMLA leave is unpaid leave, and runs concurrently with other types of applicable paid leave, including paid sick leave, vacation, donated leave and worker's compensation, unless otherwise prohibited by law. Thus, if the employee has accrued and available paid time off applicable to the reason for FMLA leave, this will be applied to and substituted for the first portion of FMLA leave and run concurrently with the FMLA leave period. Once the accrued paid time is exhausted, the remaining portion of any FMLA leave will be unpaid. In no case may the substitution of paid leave time for unpaid FMLA leave time result in receipt of more than 100% of the employee's salary. If an employee has suffered a work related injury or illness, and qualifies for worker's compensation benefits, these will be taken as applicable during the FMLA leave, and the employee will not be permitted or required to substitute and use accrued paid time off in lieu of receiving worker's compensation benefits. If the employee has exhausted all paid leave, FMLA leave will run concurrently with other types of applicable unpaid leave.

#### 10. Medical and Other Benefits

During an approved family/medical leave, the Housing Authority will maintain an employee's health benefits, as if he or she continued to be actively employed. If paid leave is substituted for unpaid family/medical leave, the Housing Authority will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's leave is unpaid, he or she must pay his or her portion of the premium through personal check or money order made out to the Housing Authority. The employee's health care coverage will cease if the premium payment is more than 30 days late. If the payment is more than 15 days late, the Housing Authority will send the employee a letter to this effect. If the Housing Authority does not receive the co-payment within 15 days after the date of this letter, the employee's coverage as an employee under the Housing Authority plan may cease (although continuation options may apply). If the employee elects not to return to work at the end of the leave period (to have returned to work, an employee

must work at least 30 calendar days), the employee will be required to reimburse the Housing Authority for the cost of the health benefit premiums paid by the Housing Authority to maintain coverage during the unpaid leave, unless he or she cannot return to work because of the employee's or a family member's serious health condition or a serious injury or illness of a covered service member that would otherwise entitle the employee to FMLA leave, or other circumstances beyond his or her control.

#### 11. Intermittent and Reduced Schedule Leave

Leave for the employee's own or a family member's serious health condition or for the serious injury or illness of a covered servicemember may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per work week or work day) if medically necessary. Leave due to a qualifying exigency also may be taken intermittently or on a reduced leave schedule, provided adequate notice is given and the Secretary of Labor's certification requirements (if any) are met. If intermittent or reduced schedule leave is unpaid, the Housing Authority will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced schedule leave that is foreseeable based on planned medical treatment or recovery of the employee or a family member (including a covered service member), the Housing Authority may temporarily transfer him or her to an available alternative position which better accommodates the recurring leave or reduced schedule and which has equivalent pay and benefits.

Leave because of birth of a child, foster care placement or adoption of a child may not be taken intermittently or on a reduced leave schedule unless the Housing Authority and the employee both agree.

#### 12. Returning From Leave

Employees on FMLA leave are asked to notify the Human Resources department at least one week before the end of leave to confirm their availability to return to work as approved, and return to work on the scheduled date.

In addition, employees must promptly notify the Housing Authority if: (a) they no longer intend to return to work at the expiration of leave, (b) they wish to return to work at the expiration of leave but may be unable to do so, (c) the circumstances described in the original certification have changed significantly, or (d) they desire an extension of FMLA leave (but not to exceed the total leave authorized by this policy). Such notification must be given in writing to Human Resources.

If an employee takes leave because of his or her own serious health condition, the employee must provide a return to work medical certification that the employee is fit to resume work, and able to perform his essential job duties, unless waived by the Housing Authority. For employees on intermittent leave, the return to work certification is ordinarily required every 30 days if the employee has taken leave during that 30-day period and reasonable safety concerns exist. The employee should obtain a Return to Work Medical Certification Form from the Human Resources Department and provide this to his/her healthcare provider. The Housing Authority ordinarily will attach a job description or other list of duties to the form. Employees failing to provide a Return to Work Medical Certification Form when requested by the Housing Authority will not be permitted to resume work until it is provided.

If an employee does not return to work on the originally scheduled return date, or upon expiration of the family/medical leave, he or she will be deemed to have voluntarily terminated employment

with the Housing Authority, unless he or she has submitted a request to the Housing Authority and been approved for an extended leave (see below) or such extended leave is permitted by other relevant policy or applicable law.

Reinstatement is determined in accordance with applicable law and accompanying regulations, Board policies and regulations, and/or negotiated agreements. Additional information is available from the Housing Authority's Human Resources department.

### 13. Extended Leave

An employee who requires additional leave beyond that permitted under this Regulation should consult the Human Resources department and other applicable Housing Authority policies.

### 14. Repayment of Benefits

In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the Housing Authority may recover from the employee the cost of any payments made to maintain the employee's group health insurance coverage unless the failure to return to work was due to a continuation, recurrence or onset of a serious health condition of the employee or employee's family member, as certified by a physician, or because of the serious injury or illness of a covered service member, that would otherwise entitle the employee to leave under FMLA, or for other reasons beyond the employee's control.

Benefit entitlements based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.

## **HEALTH CARE**

The Housing Authority offers employee and family group health insurance and health maintenance plans for regular employees. The Housing Authority's plans are subject to modification by the Housing Authority.

## **LIFE INSURANCE**

The Housing Authority provides, without cost to the employee, group term life insurance including accidental death and dismemberment coverage for all regular and conditional employees equal to one and one-half times the annual base salary. In addition, at the employee's expense, the Housing Authority offers dependent coverage.

## **PERA: OPTIONAL LIFE INSURANCE COVERAGE**

Optional decreasing term life insurance coverages, at employee expense, are available through the Public Employees Retirement Association (PERA).

## **COVERAGE UPON RETIREMENT**

Upon retirement, the Housing Authority will continue to provide, without cost to the employee, group term life insurance of \$6,000 for the Executive Director, and \$3,000 for all other employees. Dependent coverage is not available at retirement.

## **PERA RETIREMENT**

The Housing Authority is a member, under the umbrella of the City of Colorado Springs, of the State of Colorado Public Employees Retirement Association (PERA) in lieu of participation in the Federal Social Security System. Membership for all personnel is mandatory upon date of employment.

## **CONTRIBUTIONS**

The Housing Authority and member employees contribute to the retirement plan; based upon the employee's gross earnings, at percentage rates established by the State.

## **PROVISIONS**

The PERA Retirement Plan provides for such features as regular retirement, early retirement, general disability retirement, deferred annuity, and survivor benefits. Detailed information on these and other PERA provisions may be found in the PERA booklet "Benefits in Brief - a Summary Plan Description."

## **SEPARATION BEFORE RETIREMENT**

Upon separation, an employee may request PERA refund of employee contributions in accordance with the rules set forth by PERA. Personnel separating from employment must contact PERA to establish funds available for collection.

## **UNEMPLOYMENT PROCESSING**

The State of Colorado Employment Security Act provides that a separated employee may apply for unemployment insurance. Eligibility and the amount of compensation are determined by the State. The Housing Authority pays the entire cost of this benefit. The Housing Authority Human Resources department shall process all documentation required by the State and shall coordinate the Housing Authority participation in the State unemployment insurance program.

## **WORKERS COMPENSATION**

The State of Colorado Workers Compensation Act, administered through Human Resource department, provides that all employees may apply for Workers Compensation benefits for an on-the-job injury. The eligibility, coverage and the amount of compensation are determined by the State. The Housing Authority pays the entire cost of this benefit.

## **INJURY LEAVE/ LIMITED DUTY**

Should an employee be unable to perform the essential functions of their position as a result of an injury which is fully compensable under the Workers Compensation Act, the employee may, at the Housing Authority's discretion, be granted a combination of injury leave and/or limited duty assignment with pay for a cumulative period per accident not to exceed 1,040 hours. In such instance, the Housing Authority shall pay the difference between the State compensation benefit and the employee's base pay, up to 80% of full salary. Injury leave/limited duty, as defined, will be discontinued on approval of medical retirement or when maximum medical improvement has been

determined in accordance with the Workers Compensation system. Employees may not use accruals to compensate for the lost 20% of salaries during Workers Compensation pay.

Employees on injury leave are placed on a limited duty assignment as soon as the authorized treating physician provides a limited duty release and if determined feasible in the discretion of the Housing Authority. Such assignments will be consistent with the restrictions contained in the physician's limited duty release.

Department/Division Heads working with Human Resources may, at the discretion of Executive Management, make available a limited duty assignment within the organization for the returning injured worker or may seek to arrange such an assignment in another Housing Authority.

## **HOURLY EMPLOYEES**

Hourly employees shall be granted injury leave and/or limited duty assignment. In the case of injury leave, the hourly employee's compensation shall be the amount of the State required benefits only.

## **PENALTIES**

If the injury is not fully compensable, the Housing Authority charge shall be reduced by the same percentage as the State assessed penalty. The employee may elect to utilize accrued sick leave and vacation to offset assessed penalties.

## **TIME COMPUTATION**

All time lost during injury leave and limited duty assignment time as a result of a compensable injury, as well as all paid Housing Authority holidays which occur during the recovery period, shall be counted in computing the 2,080 hours maximum benefit.

## **RESTRICTED ACTIVITIES**

An employee on injury leave or limited duty assignment shall not perform any activities, including other employment, self employment, sports, hobbies, etc., which may impede recovery from the injury as determined by the authorized treating physician. An employee on injury leave with the Housing Authority and receiving temporary disability benefits shall not obtain other paid employment during the time off from the Housing Authority. If the employee wishes to pursue other employment, he/she shall resign from employment with the Housing Authority.

## **USE OF VACATION/SICK LEAVE**

Expenditure of vacation or sick leave, pending the determination of compensability, shall be reinstated upon a finding of liability and coverage of this time with disability benefits. An employee on sick leave without pay pending such determination shall be appropriately compensated upon the finding of liability in accordance with state law.

## **LIGHT DUTY ASSIGNMENT (Non Work-Related)**

An employee who is unable to perform the essential functions of their position as a result of an off-the-job injury or temporary disability may be placed on temporary light-duty assignment for a

period usually not to exceed 90 days, provided that work is available, the assignment is feasible and does not create an undue burden for the Housing Authority, and the employee receives a physician's approval.

### **INABILITY TO PERFORM ESSENTIAL FUNCTIONS (Non Work-Related)**

Should the employee be unable to return to the regularly assigned duties and essential functions of their position following light duty assignment, the employee may utilize accrued sick leave and vacation, request sick leave advance, request leave under FMLA, request sick leave without pay, request reassignment to, or be transferred to (in the discretion of the Housing Authority), a position in a classification with duties commensurate with the employee's qualifications and abilities (if such a position exists and is open), apply for a PERA Disability Retirement, or be separated from employment.

If the employee accepts reassignment, the salary of the employee must be adjusted to the salary range of the new classification.

### **LEAVE OF ABSENCE**

A leave of absence is an authorized unpaid period of absence from work that is not covered by vacation, personal holiday or sick leave.

- Thirty days or less - Leaves of Absence without pay of 30 consecutive days or less must be approved in advance by the Division Head and will not interrupt benefit accrual or contributions.
- More than thirty days - Leaves of Absence without pay in excess of 30 consecutive calendar days must be approved in advance by the Executive Director and will interrupt benefits accrual and contributions commencing with the 31st day of leave. Health and life insurance coverage may be continued at the employee's expense, and PERA benefits protected by prior arrangement with the Payroll Section of the City.
- Compensation during leaves - an employee will not be compensated for holiday, vacation, sick leave, or normal paid leaves during the leave of absence without pay.
- Limitations - A leave of absence without pay, including any extensions, may not exceed 12 months, nor may an employee be on a leave of absence without pay for more than 12 months in any 24-month period.

### **SICK LEAVE WITHOUT PAY**

Sick leave of absence without pay may be granted, and subject to the conditions for Leave of Absence, when illness, injury, or convalescence has exhausted accrued sick leave. An employee request for such a leave must include a physician's prognosis and estimated date of return. Such a leave request will be evaluated in light of the needs and resources of the Housing Authority. Sick leave of absence without pay will run concurrently with leave the employee is entitled to take under the Family and Medical Leave Act. Prior to return, an employee must provide to the immediate supervisor a physician's statement certifying that the employee is physically able to resume assigned duties.

- Reassignment after sick leave without pay - An employee who is unable to resume assigned duties may be reassigned to a position in a classification with duties commensurate to the employee's qualifications and abilities, may apply for PERA disability retirement, or otherwise be separated.

Upon such reassignment, the salary of the incumbent must fall within the salary range of the new classification.

## **MILITARY LEAVE**

The Housing Authority provides military leave in compliance with the requirements of USERRA and any applicable state law. Employees who have been called to military duty or training should contact the Human Resources Department as soon as practical.

## **JURY LEAVE**

Any employee called to jury duty shall be granted jury leave of absence and shall be compensated for scheduled hours not worked while on jury duty. Compensation received from the court must be surrendered to the Housing Authority.

## **COURT LEAVE**

An employee who is called as a participant in a non-job related legal proceeding must use accrued vacation and personal leave to make up time from work. Once the employee exhausts all vacation and personal time the Housing Authority may authorize, at the discretion of the Executive Director, an unpaid leave of absence.

## **FUNERAL LEAVE**

A regular employee shall be granted a funeral leave of absence with pay, not to exceed 5 working days, in the event of the death of a member of the immediate family (spouse, parent, parent-in-law, guardian, child, son-in-law, daughter-in-law, brother, brother-in-law, sister, sister-in-law, grandparent, grandchild, or any family member residing in the employee's household). Employee attendance at funeral services for deceased employees may be authorized by the Executive Director. Documentation of relationship to deceased may be required at the discretion of Housing Authority Executive Management.

## **MISCELLANEOUS BENEFITS**

- Credit Union - Membership in the Aventa Credit Union is available for all Housing Authority employees.
- Savings Bonds -The Housing Authority provides employee participation in the United States Savings Bond Program. Savings bonds must be sent as a direct deposit from the employee's check to the Savings Bond Organization.
- Deferred Compensation - A regular employee may participate in the International City Management Association (ICMA) Deferred Compensation Plan.

- Blood Bank - An employee may participate in a Safety Division administered or approved blood bank program and may donate blood on Housing Authority time without loss of compensation. Such time off to donate blood must be mutually agreed upon by the employee and the immediate supervisor.

**GENERAL STATEMENT**

It is the goal of the Housing Authority that employee personal and professional behavior reflect favorably on the employee and the Housing Authority. The Housing Authority expects its staff members, in carrying out their duties, to refrain from corruption, fiscal impropriety, or illegal activity. The Housing Authority expects employees to conduct business honestly, ethically and in accordance with local and state laws, and organizational policies and procedures.

**CONDUCT AND BEHAVIOR**

The Housing Authority expects employees to avoid the following specific behaviors. An employee who engages in these behaviors may be subject to disciplinary action or immediate termination in the discretion of the Housing Authority. This is not intended to be an inclusive list, and conduct or behavior not included in this list may result in disciplinary action or immediate termination.

- Incompetence or unsatisfactory performance.
- Abuse of sick leave or other paid or unpaid leaves.
- Reporting for work impaired or incapacitated due to the use of alcohol or controlled substances used unlawfully under state or federal law, or due to use of non-prescription drugs.
- Abuse or waste, or misappropriation for the benefit of the employee or another person, of Housing Authority equipment, tools, or materials.
- Failure to observe safety rules and regulations.
- Insubordination.
- Violation of Housing Authority policies or procedures.
- Theft of public or private property, including property or funds of the Housing Authority, its employees or clients.
- Acts or threats of physical violence directed towards Housing Authority officials, employees or clientele.
- Intimidation or coercion.
- Harassment.
- Using abusive language or making false or malicious statements concerning any employee, the Housing Authority, or its service.
- Conviction of a criminal offense, including a misdemeanor or a felony.
- Violation of the Hatch Act.
- Conduct unbecoming a Housing Authority employee.
- Entering into a fiscal arrangement formally or informally with non-family residents or applicants to provide financial services to include management of funds, checkbook maintenance, executor of estate, or any other activity which could be interpreted as a financial service.
- Unauthorized return to any Housing Authority establishment after work hours, with the exception of attending a family activity or function; all returns must be authorized by Executive Management.

As noted previously, the above list is not intended to be all-inclusive. It is the goal of the Housing Authority that its employees exhibit behaviors that reflect professional and personal pride in the mission of the Housing Authority.

If an employee engages in any of the specific behaviors listed above, the employee may be subject to immediate termination, or disciplinary action, in the discretion of the Housing Authority.

## **PROFESSIONALISM**

The Housing Authority expects all employees and representatives of the organization to conduct themselves proficiently and with an attitude of providing exceptional service at all times, with all individuals. Every employee will display professionalism, courtesy, and cooperation with clients, vendors, suppliers, co-workers, and others served in the line of operations.

## **ILLEGAL OR UNETHICAL BUSINESS PRACTICES OR CONDUCT**

Employees are expected to safeguard and avoid misuse of funds, records, tangible assets, intellectual property and other property of the Housing Authority; additionally, employees shall avoid conduct that violates applicable laws and organizational ethics and values.

Employees are prohibited from engaging in activities that involve theft, misappropriation, falsification of records, or unauthorized use or possession of Housing Authority funds, materials, tools, equipment or other property. Employees are expected to immediately report any known or suspected violation of applicable state or federal laws, or Housing Authority ethics, policies or procedures. Reporting dishonest or unlawful behaviors should be directed to one of the following, and may be made anonymously:

- Immediate Supervisor
- Human Resource Department
- Higher Level Supervisor
- Executive Director

If employee(s) believes that the Executive Director has violated this policy, and does not feel comfortable reporting to one of the individuals listed above, the employee may report directly to the Chair of the Board of Commissioners.

The Housing Authority strives to maintain confidentiality of reports made under the policy to the extent that circumstances allow; however, complete confidentiality cannot be guaranteed as disclosures may be necessary to address or evaluate the report, provide corrective action, or report to law enforcement or other government agencies/authorities.

## **CORRECTIVE / DISCIPLINARY ACTION**

If, in the opinion of the Housing Authority, an employee displays poor work performance or engages in misconduct, the Housing Authority may apply disciplinary action. Whether the Housing Authority will apply disciplinary action is a matter in the sole discretion of the Housing Authority and is determined on a case by case basis. Forms of disciplinary action include, without limitation, informal counseling, oral warning, written warning, and suspension. The Housing Authority does not have a system of progressive discipline, and the Housing Authority reserves the right to move

directly to immediate termination without first imposing disciplinary action. This policy does not modify the Housing Authority's policy of at-will employment.

## **TERMINATION**

All employees of the Housing Authority are at-will employees, which means that the Housing Authority can terminate employment at any time, with or without cause, and with or without advance notice, a statement of reasons, or a hearing. Termination of employment (also called discharge from employment) is a final decision and there are no grievance or appeal rights. Ordinarily, the supervisor or manager recommends termination to the Department Head and/or Executive Management, and the termination is approved by Executive Management.

## **SEVERANCE POSSIBILITY FOR EXECUTIVE MANAGEMENT**

A paid 30-day notice of termination and the possibility of severance pay and/or benefits up to six months, for an eligible Executive Manager terminated without cause is authorized at the Housing Authority's Board of Commissioners.

## **EXIT DISCUSSION FOR EXECUTIVE MANAGEMENT**

Although there is no appeal process for at-will employees, an eligible employee under the At-Will Executive Management program who is terminated will be afforded the opportunity to have an exit discussion with his/her Director or Board of Commissioners.

## **GRATUITIES**

An employee shall not solicit or accept any gift, gratuity, favor, entertainment, loan, or any other item of monetary value from any person who has, or is seeking to obtain, contractual or other business or financial relations with the Housing Authority, or has interests that may be substantially affected by the employee's performance of assigned duties and responsibilities.

An employee may accept food and refreshment in such instances as a luncheon, dinner meeting, or inspection tour if the instance occurs in conjunction with Housing Authority business.

An employee may accept unsolicited advertising or promotional material at no more than the de-minimis value as defined by the federal tax code, provided its use is restricted to the employee's performance of assigned duties.

## **HONORARIUMS**

An employee who is authorized to provide a service or assistance to another public or private organization while on Housing Authority time and who receives an honorarium or a stipend, shall surrender the same to the Housing Authority.

## **CONFLICT OF INTEREST**

An employee who has a direct or indirect financial interest in any contract with the Housing Authority, in any sale of land, material supplies, or services to the Housing Authority, or to a contractor supplying the Housing Authority shall make known that interest and refrain from

participating as a Housing Authority employee in such sale, in the award or administration of such contract or in any evaluation of such contract or transaction by the Housing Authority or its Board.

Staff may participate in outside businesses and other interests; however, they must not interfere, or have a negative effect on the operations of the Housing Authority, or the performance of the employee, and not performed using Housing Authority time, property, or equipment.

An employee who conceals such interest or violates the requirements of this section may be subject to disciplinary action or termination in the discretion of the Housing Authority.

## **POLITICAL ACTIVITY**

All employees whose employment is in connection with an activity financed in whole or in part by the federal government must restrict activities in political matters in accordance with 5 U.S.C. 1501 et. seq., known as the Hatch Act. The Housing Authority of the City of Colorado Springs is covered by the provisions of the Hatch Act because of an annual Federal contribution required to maintain low rents. Covered employees engaged in political activities in violation of this law are subject to dismissal from employment. The Hatch Act recognizes a covered employee's right to vote as he chooses and to express opinions on political subjects and candidates. Permitted and prohibited activities are as follows:

- Permitted Activities - Covered employees, on their personal time, may, among other things, work actively in the campaigns of candidates for public office; be campaign workers in elections for public office; hold official positions in national, state, or local political parties and be a candidate for such a position in a partisan election; solicit, or collect contributions on behalf of political organizations and candidates; and be candidates for public office in nonpartisan elections.
- Prohibited Activities - Covered employees may not use their official authority or influence for the purpose of interfering with or affecting the results of elections or nominations for office. In addition, they may not coerce, attempt to coerce, command, or advise other covered employees to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

Finally, covered employees may not be candidates for public office in any partisan election. (A partisan election is one in which at least one of the candidates is to be nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.) This latter restriction does not apply to Governors or Lieutenant Governors of states or individuals authorized by law to act as Governor, mayors of cities, duly elected heads of executive departments of states or civil service system, or individuals holding elective office. Further clarification may be received from the Office of Special Counsel, U.S. Merit Systems Protection Board, 1120 Vermont Avenue, N.W. Washington DC 20419.

In addition, Housing Authority employees are expected to comply with the requirements of the Colorado Fair Campaign Practices Act.

## **EMPLOYEE GROUPS**

An employee may not be prohibited from, or coerced into, joining an employee group. An employee group or any member thereof may not solicit membership or conduct business meetings on Housing Authority time.

- Use of Housing Authority Buildings - An employee group may use Housing Authority buildings or facilities after hours to conduct business meetings with the prior approval of the Division Head.

## **HARASSMENT**

The Housing Authority is committed to maintaining a work environment free from unlawful harassment, including “sexual harassment.”

Harassment behaviors prohibited by this policy may include offensive and unwelcome behavior directed to an individual based on the individual’s race, color, creed, national origin, religion, age, disability, sex, sexual orientation, or veteran status, when such behavior is; (a) done in a manner that the employee is made to understand that submission to, or acquiescence to the conduct is a condition for continued employment, or a basis for employment decisions, or (b) so severe or pervasive that it interferes with the individual’s work performance or otherwise creates an intimidating, hostile, or offensive work environment.

Sexual harassment may take the form of unwelcome and/or offensive remarks, jokes, gestures, writings, graffiti, propositions, advances, touches, communication, or other physical or verbal contact of a sexual nature, regardless of the gender of the person committing the offense. The Housing Authority recognizes sexual harassment as inconsistent with a professional work environment; therefore, such activity or behavior is prohibited and is grounds for immediate termination or disciplinary action in the Housing Authority’s discretion.

## **FILING HARASSMENT COMPLAINTS**

- An employee who feels that he/she is being subjected to behavior which constitutes harassment prohibited by this policy is encouraged to clearly inform the individual responsible for the behavior such behavior is unwelcome. If the employee does not feel comfortable speaking directly to the offending employee, or such direct communication does not resolve the problem, the employee should report such conduct immediately to one of the following individuals of the employee's choice:
  - Immediate Supervisor
  - Human Resources, Analyst II
  - Higher Level Supervisor
  - Executive Director
- If the employee believes that the Executive Director has violated this policy, and the employee does not feel comfortable reporting to one of the individuals listed above, the employee may report directly to the Chair of the Board of Commissioners.
- Employees witnessing harassment situations are required to notify one of the persons identified above of the incident, whether the parties involved report the issue or not.

## **INVESTIGATION OF HARASSMENT COMPLAINTS**

**All complaints of harassment will be reviewed and, as deemed appropriate by the Housing Authority, investigated. Such complaints and investigation will be treated to the extent possible in a confidential manner; confidentiality cannot be guaranteed, however, and information obtained in a report or obtained in an investigation may be disclosed to investigate, apply corrective action, disciplinary action or remedial measures, or prevent future harassment.**

## **CORRECTIVE/DISCIPLINARY ACTION**

Retaliation against a Housing Authority employee by other employees or staff members, or by the person named in the complaint, for filing the complaint or cooperating with an investigation or inquiry into a complaint, is expressly prohibited and should be reported to one of the persons listed above.

An employee whose behavior is determined to constitute harassment, or who otherwise violates this policy, is subject to corrective or disciplinary action or immediate termination of employment. The Housing Authority expects that employees who make reports under this policy will act in good faith and without intent to provide false information. Intentional or knowingly false reporting of harassment, sexual or otherwise, may result in disciplinary action or termination for the employee initiating the accusation.

## **BULLETIN BOARDS**

Each division shall designate official bulletin boards in sufficient numbers to assure that all employees have daily access to posted information.

Each employee is required to read and/or have knowledge of information that is posted on official bulletin boards.

- Use of Housing Authority Mail and Bulletin Boards - An employee group may use the Housing Authority's interoffice mail system, and, with the approval of the Department Head and Human Resources, may use bulletin boards for the posting of information.

## **DRUGS OR ALCOHOL ON THE JOB**

An employee who reports to work incapacitated, or whose performance is impaired, as a result of the use of alcohol or unlawful or non-prescribed drugs, is subject to disciplinary action or immediate termination at the discretion of the Housing Authority.

## **ACTION UPON THE FILING OF CRIMINAL CHARGES**

An employee must notify his/her immediate supervisor and department head of any criminal arrest or charge no later than six (6) working days after the arrest occurs or charge(s) filed. Job applicants are expected to inform the Housing Authority of any pending criminal charges or other criminal history according to the instructions of the Housing Authority employment application. If an employee is hired with pending criminal charges, the employee must immediately report the charge and explain the nature of the charge to his/her immediate supervisor and department head.

Criminal charges include any charge, complaint, information of indictment of felony, misdemeanor, public and petty criminal offenses, as defined in the statutes of the United States, any foreign government, the State of Colorado or other states, the city of Colorado Springs, and other city and county governments. Criminal charges shall not include minor traffic and parking offenses. If the Housing Authority becomes aware that a current employee is subject to a criminal arrest or charge, or other criminal proceedings, the department head, in consultation with Executive Management, will evaluate the employee's status with the Housing Authority. As an option, an employee who has been arrested or against whom criminal charges have been filed may be placed on a leave of absence. Such leaves of absence, including pay status, must be approved by the Executive Director. In the case of a leave of absence without pay, an employee may utilize accrued vacation during this period. In its discretion, the Housing Authority may also proceed with termination or disciplinary action regardless of the status of the criminal proceedings. The Housing Authority reserves the right, in its discretion, to determine the duration of any leave.

#### Case Resolution:

- **Notification Requirement:** The employee is responsible for notifying his/her immediate supervisor and department head of the outcome of a criminal proceeding no later than five (5) working days after its conclusion. If the immediate supervisor is unavailable for any reason, the employee must notify Executive Management directly. Failure to notify the appropriate personnel may be grounds for immediate termination.

#### Action Following Case Resolution:

- If one of the following results occurs, an employee on leave may be reinstated, including retroactive salary and benefits, at the discretion of Executive Management.
  - Employee found not guilty.
  - The charges are dismissed or dropped.

The Housing Authority Executive Management reserves the right to take disciplinary action or terminate employment regardless of the outcome of the case, and prior to the conclusion of the case. Retroactive salary and benefits are typically not provided in cases resolved through a finding or plea of guilty, no contest, or deferred sentence, although the Housing Authority reserves the right to evaluate these questions on a case-by-case basis, as a function of the circumstances.

#### Action Following Conviction:

- The Department Head, in conjunction with Executive Management, will determine whether and, if so, what employment action will be taken in the event of a finding of guilty, a plea of guilty, no contest, or a deferred or suspended sentence. Such action may involve disciplinary action, such as a reprimand, warning or suspension, or immediate termination, in the discretion of the Housing Authority Executive Management, or such other action as the Housing Authority Executive Management feels is appropriate.

#### Disciplinary Action:

- The Housing Authority Executive Management reserves the right to take disciplinary or corrective action against an employee, or to impose immediate termination, for activity that it determines constitutes a criminal offense or violation of any local, state, or federal

## **SEARCH & SEIZURE**

All Housing Authority facilities, buildings, furniture, equipment, storage spaces, and other property, including without limitation desks, filing cabinets, lockers, refrigerators, drawers, computers and communications equipment, are subject to search and inspection by the Housing Authority. Employee personal property brought into Housing Authority buildings and premises, and Housing leased property, including parking areas and vehicles, are subject to search and inspection by the Housing Authority.

During such search, Housing Authority property in the unauthorized possession of the employee may be confiscated.

## **BUSINESS-RELATED VEHICLE OPERATION**

Operation of a Housing Authority owned vehicle is restricted to official Housing Authority business. An employee operating a Housing Authority owned vehicle is covered by the Housing Authority's insurance.

An employee must possess a valid, appropriate Colorado Driver's License in order to operate a Housing Authority owned vehicle or personally owned vehicle while conducting Housing Authority business. All employees, whether driving a Housing Authority or a personal vehicle, will provide a copy of a current driver's license to the Human Resource Department. The Housing Authority will conduct a Motor Vehicle Report check on all personnel on an annual basis. Points assessed on individual licenses will be evaluated based on the incident(s), and individuals operating company or personal vehicles could lose driving privileges while on duty until the Motor Vehicle Report status is changed. Personnel required to operate a Housing Authority vehicle and who are unable to do so due to restrictions, points, or loss of license, may face disciplinary action, or immediate termination.

An employee authorized to operate a private vehicle on official Housing Authority business shall be reimbursed for such usage at a rate prescribed by the Housing Authority; based on the IRS approved rates.

The Housing Authority is not liable for damage to a personally owned vehicle while utilized for Housing Authority business. Employees who operate a private vehicle on official business shall carry lawfully required insurance coverage, with coverage and limits as approved by Executive Management. The current acceptable limit for individual insurance coverage is: 100,000 BI each Individual / 300,000 BI each Accident and 100,000 Property Damage. Anyone driving a personal vehicle, no matter what the reason, must provide a copy of current auto insurance with appropriate coverage limits to the Human Resource Department. If insurance is not received, employee will not be authorized to drive personal vehicle for business purposes.

Traffic citations received while operating a vehicle on Housing Authority business are the responsibility of the employee; the employee must report all such traffic citations immediately to the Human Resources Department. Employees must adhere to all driving laws, rules and

regulations, including those requiring the use of a seat belt, and relating to texting, use of cell phones, and other forms of distracted driving.

Housing Authority employees operating a vehicle to conduct business, either personal or company, are restricted from carrying passengers that are not individuals conducting official Housing Authority business.

Employees violating this policy may face disciplinary action, or immediate termination.

## **DRESS CODES**

In order to maintain a good public image and to assure public safety, employees are to dress in attire suitable to the position. Specific dress requirements may be established. The Housing Authority provides a uniform allowance in amounts determined by Executive Management each year to maintenance, inspectors, and meal production employees for sanitation and identification purposes. Other positions may receive a uniform allowance at the discretion of Executive Management. Care and laundering for Housing Authority provided uniforms is the employee's responsibility, and all uniforms shall be surrendered to the Housing Authority upon employment termination or on request by the Housing Authority. Employees are not permitted to purchase clothing with Housing Authority names or logos except where the clothing is purchased with the Housing Authority clothing allowance.

## **OTHER EMPLOYMENT**

An employee who holds a second job with another employer, or who is self employed, shall consider the position with the Housing Authority as primary.

The second job or self-employment may not be conducted during working hours, nor may Housing Authority buildings, supplies, or equipment, including computer equipment and Internet access, be used to conduct such business. Other employment must be reported to the Executive Director in writing.

## **GIFTS FOR EMPLOYEES**

An employee may not be required or coerced to make a contribution for a gift or a favor.

## **BUSINESS TRAVEL**

Employees or Commissioners of the Housing Authority may perform official travel upon authorization by the Executive Director. Attendance at conferences, conventions, and meetings shall be limited to the number of persons necessary to cover the meeting adequately. All in-state travel is authorized by the Executive Director, and all out-of-state travel must receive approval from the Board of Commissioners.

- Actual cost of transportation, taxi fares, telephone calls, telegrams, secretarial services, and similar items incident and necessary to the performance of official business while in travel status, shall be considered reimbursable items.
- Economy air coach or first class rail (lower berth, roomette, and parlor car) shall be used for travel when this class of service is available.

- Actual reasonable expenses for lodging, with receipts to verify all expenditures, may be claimed. Alcoholic beverages are not a reimbursable expense item.
- Reimbursement for meals is determined by the length of stay and amount of travels at the discretion of Executive Management.
- Actual reasonable expenses shall be submitted to the Executive Director within 5 days after return, with the proper receipt documentation. Receipts must be secured for each subsistence or incidental expense. Documentation must include the nature and purpose of the expenditure, date, place, and amount related thereto.
- Reimbursement for use of private vehicle shall be supported by detailed mileage records. Records must include date, destination, purpose, and mileage.

## **TOOLS & EQUIPMENT**

It is the general policy of the Housing Authority to provide tools and equipment necessary for the efficient accomplishment of employee duties. On those occasions when an employee uses personal property to accomplish assigned duties, and that tool or equipment is damaged during use, replacement or repair cost shall be the employee's responsibility.

If an employee is unreasonably careless, abusive or destructive of Housing Authority tools or equipment, that employee shall be required to repair or replace said tools or equipment at the employee's own expense.

#### **GENERAL STATEMENT**

It is the goal of the Housing Authority to provide a safe and healthful workplace. Employees are expected to use sound judgment and to follow safe and careful work practices to avoid introducing or contributing to unsafe work conditions.

#### **RESPONSIBILITY**

It is every employee's responsibility to support and assist with developing, implementing, and assuring compliance with an effective safety and health program. The Housing Authority expects all employees to assist in meeting established federal, state, and city laws and accepted industry practices. The Safety Training from Housing Authority Human Resource department provides technical assistance in support of the development and maintenance of such programs including ongoing training to update employees on preventative measures to minimize or eliminate hazards in the work place and encourage the proper use of safety equipment.

It is the responsibility of the employee to be safety conscious at all times and to follow established safety and health rules and procedures in performing work assignments. It is the responsibility of the employee to request additional information or clarification on assignments that are unclear. Additionally it is the responsibility of the employee to operate all Housing Authority equipment, tools, machinery, and vehicles in accordance with manufacturer guidelines and safety practices. Employees are to wear all appropriate protective equipment including lap and shoulder belts, where provided, at all times while operating or riding as a passenger in a Housing Authority vehicle or private vehicle on Housing Authority business. Employees are to immediately report any unsafe work condition, equipment malfunction, or other situations that could endanger employees or the public to the immediate supervisor and co-workers.

Failure to observe these and other safety rules and regulations shall be cause for disciplinary action or immediate termination, at the discretion of the Housing Authority.

#### **WEAPONS**

The Housing Authority recognizes that the possession, use, or display of weapons on organizational property must be controlled to manage the increased risks associated with weapons on the job. The Housing Authority determines that personnel having permits for concealed weapons may dramatically increase potential violence on company property as: (a) the potential for accidental discharge or misuse of firearms on work premises is increased, (b) the potential for guns, knives, or other weapons used to settle disputes increases, and (c) professional responders to a situation may not be able to distinguish between the victim and the aggressor, creating a dangerous environment for personnel, clients, and bystanders.

Employees of the Housing Authority may not, on any property owned, leased, or controlled by the Housing Authority, possess, or use, any weapon. This restriction extends to anywhere Authority business is being conducted, including organization events, venues, trade shows, trainings, meetings, or any gathering or activity that is an Authority sponsored activity.

The policy applies to all Housing Authority properties, and includes, but is not limited to, buildings, open spaces, residence halls or common areas, parking lots, sidewalks, and vehicles on company property.

Weapons include, but are not limited to: guns, knives with blades over 3 inches long, swords, explosives, or chemicals that can cause harm to another person.

Employees found in violation of the Weapons Policy will be subject to disciplinary action or immediate termination, at the Executive Director's discretion.

### **REPORTING ACCIDENTS / INJURIES**

Employees shall immediately notify their immediate supervisor, and if appropriate, law enforcement authorities of any accident causing damage to a Housing Authority vehicle or property, or injury to an employee requiring professional medical attention.

### **NOTIFICATION OF FAMILY**

Employees are responsible for providing and updating the name of an individual to be contacted in the event of an emergency. This name must be provided to the Housing Authority Human Resources Department. In the event of an emergency affecting the employee, and as a function of the circumstances, the Housing Authority may notify emergency contacts and/or family members listed by the employee.

## **Chapter III**

## **Employee Relations**

### **Part 3**

### **Employee Services**

#### **PERSONNEL RECORDS**

Employee personnel records are maintained in the Housing Authority Human Resource department. The employee personnel record is the property of the Housing Authority.

#### **EMPLOYEE REVIEW**

Employees may review, and upon request, receive a copy of any information in their personnel record. Employee personnel files may not be removed from the Human Resources department, nor may documents be removed from the files.

#### **EMPLOYEE REFERENCE**

When the Housing Authority receives a request from a potential new employer for release of employment information, the Housing Authority ordinarily confirms title, dates of employment and classification history.

#### **SERVICE AWARDS**

It is the policy of the Housing Authority to recognize an employee for length of regular service upon the completion of 5 years of employment and periodically thereafter.

- Length of Service - for the purpose of determining service award shall include all periods of employment in a regular position.

#### **CHANGES IN PERSONAL DATA**

Employees are responsible for notifying the Human Resources department of any change in name, address, or telephone number, or other pertinent employment status update.

#### **PERFORMANCE**

The job performance of all employees should be appraised annually on the anniversary date of employment. Performance appraisals are one method used to communicate with employees about job performance and conduct; other methods include discussion with supervisor, disciplinary action, and termination. Employees should not rely on the performance appraisal as the sole indicator of performance.

## **Chapter III**

## **Employee Relations**

### **Part 4**

### **Training and Development**

#### **GENERAL STATEMENT**

It is the goal of the Housing Authority that its employees are trained and ready to productively accomplish the Authority's mission.

#### **EDUCATIONAL ASSISTANCE**

If budgeted, and at the discretion of the Executive Director, educational assistance and reimbursement for tuition, registration, matriculation, laboratory, and student fees may be paid at a rate established by the Executive Management staff. Such reimbursement shall be limited to a maximum of public in-state rates or their equivalent. The Housing Authority's procedures for tuition and fee assistance may be obtained from Human Resources.

### Part 1

### Computer Usage Policy

#### Overview

#### Purpose

The purpose of this policy is to address all issues relevant to computer usage, specifically e-mail and Internet access, on the Housing Authority's computer and network systems.

#### Authority

This policy has full support from the Housing Authority's management. The information technology (IT) staff and management administer this policy. This policy is currently effective for all Housing Authority employees and computer systems.

#### Continuance

This policy is a living document and may be modified at any time by the IT staff or management.

#### Computer Usage Policy

#### Mission

The Housing Authority provides computer systems for use of its employees in the conduct of official Housing Authority business. The computer systems are the property of the Housing Authority and include computer hardware; approved licensed software; e-mail messages; data and/or the necessary network connections.

#### Definitions

Computer Resources: Computer, network, or data equipment, and/or services, leased, owned, or contracted for or by the Housing Authority, to include:

- Computer and network hardware.
- Computer software, application systems, and programs.
- Data such as records, files, logs, and images which are or have been stored electronically or transmitted using Housing Authority property.
- Messages such as e-mail, created, stored, or viewed on Housing Authority computers.
- Computer or network services, such as Internet, e-mail system, and other programs or applications that reside within or operate as part of the Housing Authority's computing environment.
- Video surveillance cameras and DVR.

Approved Software: Software or programs that are:

- Approved for use by the manager of the department.
- Approved for use within the Housing Authority, as stated in the Software Installation Policy for the Housing Authority.

## **Access**

The Housing Authority is able to monitor or examine messages, data, or software that involves its computing resources. As the owner of the computer systems, the Housing Authority reserves the right to periodically examine, as it deems appropriate, any messages, websites, data or software left on, received, or transmitted using the Housing Authority's computer resources, including logs and usage records.

- Employees should assume that all such messages, websites, data, or software are not private or confidential.
- At the Housing Authority's discretion, messages, websites, data, or software deleted from computing resources may be retrieved.

## **Security and Passwords**

The confidentiality and integrity of data stored on the Housing Authority's computer system must be protected by access controls to ensure that only authorized employees have access. This access shall be restricted to only those capabilities that are appropriate to each employee's job duties. Each employee:

- Shall be responsible for all computer transactions that are made with his/her User ID and password.
- Shall not disclose passwords to others. IT staff should be notified immediately if it is suspected that they may have become known to others. Passwords should not be recorded where they might be easily obtained.
- Should use passwords that will not be easily guessed by others.
- Should log out or lock their computer when leaving a workstation for an extended period. To do this, click [Ctrl] [Alt] [Del] and choose [Lock Computer]
- Shall not use floppy diskettes that have not been adequately screened for viruses.

## **Internet Usage**

The Housing Authority reserves the right to block access from within its network to any sites deemed inappropriate or which have a detrimental effect upon network performance. Employees should not have any expectation of privacy as to their access, viewing, or usage of Internet sites, files transfers, chat sessions, and/or online subscription or delivery.

## **Misuse of Computing Resources**

Employees are expected to properly use the computer resources available to assist in the performance of their assigned job. Computer misuse may result in discipline or immediate termination.

Examples of misuse include, but are not limited to, the following:

- Excessive or Inappropriate Use: An employee's access to the Internet or use of any computing resources may be terminated or limited at the discretion of the employee's immediate supervisor if the usage is interfering with the performance of duties or is otherwise deemed inappropriate.

- Offensive Material: Offensive material includes, but is not limited to, pornography or other sexually explicit material, terrorist sites, and material that includes racial, ethnic, religious, or sexist slurs. It is a violation of Housing Authority policy to intentionally view, store, print, or redistribute any such document or graphic file.
- Personal Economic Gain: The Housing Authority's computing resources must not be used in any fashion for personal economic gain, including private businesses or gambling activities.
- Software Usage: The installation and use of software must be in accordance with the Housing Authority's Software Installation Policy. Usage of approved software must comply with all licensing requirements.
- E-Mail Misuse: E-mailed chain letters, jokes, personal messages, and goods for sale should not be broadcast. Offensive and inappropriate material should not be contained in any e-mail messages.
- Surveillance video: The information recorded from the Housing Authority's video cameras is property of the Housing Authority's and can only be used for work related situations. It is not to be used for personal use, viewed, copied, or removed from the Housing Authority's property for any reason unless specified from Management.

## **Summary**

### **Housing Authority of the City of Colorado Springs computer usage policy**

This policy is designed to enable the Housing Authority and its employees to achieve the Housing Authority's mission and business objectives. Employees who violate this policy may be subject to having IT staff restrict or terminate usage permissions, and/or may be subject to disciplinary action or immediate termination, in the Housing Authority's discretion.

**GENERAL STATEMENT**

In an attempt to promote higher performance and productivity of Housing Authority staff, the organization provides cellular telephones to increase communication abilities. The Housing Authority determines which positions require or benefit from cellular abilities and distributes throughout the organization at management's discretion. The Housing Authority assigns a cellular telephone to the employees in designated positions, at the organization's cost. The Authority also may issue two-way radios or other radio equipment to certain employees.

**USE OF EQUIPMENT**

Proper use of equipment while operating a vehicle or heavy equipment is essential to personal safety. The employee's first responsibility while operating a vehicle or heavy equipment is to practice safe use that strives to avoid accidents or injury. When initiating or receiving calls, employees are responsible for complying with all relevant local, state and federal laws concerning use while driving, including rules prohibiting texting and other distracted driving. Employees are expected to assess the circumstances, including traffic, and to stop the vehicle and/or pull over before answering or placing a call.

**CARE OF EQUIPMENT**

Employees are expected to take reasonable measures to maintain and keep the cellular telephone or radio in good working condition. In the event that a cellular telephone or radio assigned to an individual is lost or damaged as a result of abuse, neglect, or misuse, the employee may be required to pay the Housing Authority the cost of replacement, and the employee may be subject to disciplinary action, or immediate termination, at the discretion of Executive Management.

**TERMS OF USE**

The Housing Authority cellular telephone is not intended to be a substitute for, or a replacement of, any employee's personal telephone. Personal calls made using the Housing Authority phone should be kept to a minimum amount and a reasonable duration. Upon receipt of monthly billing, employees shall identify personal use and reimburse the Housing Authority at a rate determined by the Housing Authority, but no less than the cellular phone providers charge to the organization. Employees are responsible for full reimbursement to the Housing Authority within seven (7) calendar days from the date that billing is received. Failure to make full payments in the specified time frame will result in a paycheck deduction followed by disciplinary action, or immediate termination.

The Housing Authority may inspect or monitor any calls or other communications made using its cell phone, radio and other communications equipment. Reasons for such inspection and monitoring may include quality control, compliance with Authority policies, directives and the law, and equipment maintenance. Employees should have no expectation of privacy concerning calls made on its communications equipment, whether such calls are business related or personal.

**Overview****Purpose**

The purpose of this policy is to address all issues relevant to software installation and deployment on Housing Authority's computer and network systems.

**Authority**

This policy has full support from the Housing Authority's management. The information technology (IT) staff and management administer this policy. This policy is currently effective for all Housing Authority employees and computer systems.

**Continuance**

This policy is a living document and may be modified at any time by the IT staff or management.

**Software installation policy****Mission**

The Housing Authority's IT objective is to enable all employees to perform their tasks with technology that is in good operating condition while appropriately addressing the business needs.

**Installation and support of the Housing Authority's software**

The Housing Authority's IT staff is exclusively responsible for installing and supporting all software on company computers. This responsibility set includes:

- Office desktop computers.
- Network servers.
- Company laptop computers.
- Handheld PDA's.

The Housing Authority's IT staff relies on installation and support to provide software and hardware in good operating condition to the Housing Authority's employees so that they can best accomplish their tasks.

**Current software**

The Housing Authority's IT staff, in coordination with all other departments, has decided upon the following software standards:

**Desktop operating systems**

- Microsoft Windows 7 with critical updates/patches
- Microsoft Windows XP with critical updates/patches

**Server operating systems**

- Microsoft Windows Server 2008, with critical updates/patches
- Microsoft Windows Server 2003, with critical updates/patches

**Network software**

- Visio 2000 or current version
- WS/FTP LE or current version
- Yahoo Messenger 8.0 or current version

- EtheReal
- All software associated with the deployment and/or administration of network hardware

### **Productivity tools**

- Microsoft Office 2007 or 2003 Small Business Edition or Professional Edition
  - Word
  - Excel
  - PowerPoint
  - Access
  - Outlook
  - Publisher

### **Database software**

- All HAB Inc., supplied products with quarterly updates
- ESHA The Food Processor SQL

### **Internet software**

- Netscape Navigator 4.7 or current version
- Internet Explorer 7.0 or 8.0 or current version
- Mozilla FireFox 2.0 or current version
- Microsoft FrontPage 2000 or current version

### **Communication software**

- Symantec ProComm Plus Version 4.8 or current version
- Symantec pcAnywhere Version 12.0 or current version

### **Accessories**

- WinZip 8.0 or current version
- Adobe Acrobat Reader 9.0 or current version
- Symantec End Point Protection 11 or current version
- RealPlayer Basic Edition or current version
- Windows Media Player 10.0 or 12.0 or current version
- SpamBayes
- HP software related to printers and/or cameras

The current software can exist in any one of the following scenarios:

- An IT-created “image” or OEM installation on the hardware
- A Housing Authority IT staff installation procedure that provides for the following:
  - Installation options
  - Upgrade considerations
  - Data conversion
- A shortcut to a network application
- An automated installation through an IT-developed solution that may be used in a rapid-deployment scenario or silent-install situation

Software cannot be present on the Housing Authority's computers in the following scenarios:

- An installation not by a procedure
- A piece of software purchased for one's home computer
- An inappropriate downloaded title from the Internet
- A pirated copy of any title
- A different title from the current software list of this policy
- Any means not covered by the ways that software can exist on the Housing Authority's computers

### **Software licensing**

Most of the software titles on Housing Authority's current software list are not freeware; therefore, the cost of software is a consideration for most titles and their deployment.

It is the goal of the IT staff to keep licensing accurate and up to date. To address this, the IT staff is responsible for purchasing software licenses for the following software categories:

- Desktop operating system software
- Server operating system software
- Network software
- Productivity tools package
- Database software
- Internet software
- Communication software
- Accessories

The other software categories (department-specific titles) are the purchasing responsibility of the department in which they serve. However, the application(s) are still installed and supported by the IT staff.

To control costs, licensing costs are a factor in the decision-making processes that go into client software planning and request approval.

### **Ownership of computer programs**

Any program which is developed, whether at home on a personal computer or at work on Housing Authority time and using Housing Authority equipment, should be thoroughly documented to establish when and where the program was written and by whom. This information is critical for establishing ownership.

Programs written during working hours, using Housing Authority-owned computer equipment, are the property of the Housing Authority. Housing Authority employees have no ownership rights to programs developed under these circumstances. Any use of Housing Authority resources in the development of a program, such as the use of Housing Authority computer equipment or peripherals, makes that program the property of the Housing Authority. This does not apply to programs developed on personal computers which must be modified to run on Housing Authority computers; such programs are the property of the employee. The version of the program modified to run on Housing Authority equipment shall become property of the Housing Authority.

Programs applying to Housing Authority operations, which are developed by Housing Authority employee outside of working hours and using personal (or non-Housing Authority) computers, are

the property of the employee. “Development” is understood to mean both logical design and testing. The employee will be free to market any such software and will be entitled to any revenues generated thereby. An employee who developed marketable software in this manner may not use such software for the performance of his normal duties and then charge the Housing Authority a lease or purchase fee. Conversely, the Housing Authority may not give copies of such programs or the documentation for such programs to other entities without the express written consent of the employee who owns the program.

If the employee decides to use his program at work for the performance of his duties, he should notify his Supervisor of this decision in writing. Notification should include:

- The title of the program
- The date of the development
- The use of the program
- A certification that the program was developed on the employee’s own time without the benefit of Housing Authority computer equipment
- A certification that the employee acknowledges that his voluntary use of the program on Housing Authority equipment entitles the Housing Authority to use the program without charge in perpetuity. The Supervisor should acknowledge in writing that he is aware of the employee’s voluntary use of his program for Housing Authority purposes, certifying that the employee retains ownership and marketing rights to the program, subject to the Housing Authority’s right to the use of the program which the employee has voluntarily made available.

Existing Housing Authority policies concerning the release of computer programs are sufficient to protect from accidental disclosure any employee-written programs which are made available for Housing Authority use. The Housing Authority assumes no responsibility for such disclosures made in violation of existing security policies.

### **Software requests**

If a user is to request software for their computer, the proper method will be to ask the IT staff in person or via e-mail. This method should also be used if software has become corrupt or deleted and needs to be reinstalled. Suggestions are also welcome for software that would increase productivity or help employees of the Housing Authority with their daily computer functions.

### **Software support**

If a user is in need of software support (database, operating system, productivity software, network, Internet, etc), the proper method will be to ask the IT staff in person or via email. The IT staff will then review the problem and either fix the problem themselves, or contact the appropriate outside support personnel. The IT staff will then work with the support personnel directly or put the user in touch with the support personnel to further explain and fix the problem. Under no circumstances should the user contact any outside support personnel on their own.

### **Summary**

#### **Housing Authority of the City of Colorado Springs software installation policy**

This policy is designed to let the Housing Authority and its employees achieve the Housing Authority’s mission and business objectives. Employees who violate this policy may be subject to having IT staff redeploy software and/or hardware solutions, and/or may be subject to disciplinary action or immediate termination, in the Housing Authority’s discretion. Full cooperation with this policy is appreciated so that all goals can be met in accordance with the Housing Authority’s mission and business objectives.