# CHAPTER 108 - PERSONNEL

## CONDENSED

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Sec. 108:01.01. STATEMENT OF PURPOSE. It is the purpose of this Section 108:01 to establish policies and procedures for the administration of employer-employee relations in the Authority, the formal recognition of employee organizations and the resolution of disputes regarding wages, hours, and other terms and conditions of employment.

Sec. 108:0102. DEFINITION OF TERMS. The words and terms defined herein shall have the following meanings when used in these Personnel Rules (Chapter 108). Any term not defined herein which is defined in Government Code Section 3500 et. seq., commonly referred to as the Meyers-Milias-Brown Act, shall have the meaning set forth therein.

(a) AUTHORITY: The Housing Authority of the City of Los Angeles.

(b) COMMISSION: The Board of Commissioners of the Authority.

(c) CONFIDENTIAL EMPLOYEE: An employee who is privy to information leading to decisions of Authority management affecting Employer-Employee Relations.

(d) CONSULT OR CONSULTATION: Oral or written communication for the purpose of presenting or obtaining views or advising of intended actions.

(e) DAY: A calendar day unless otherwise specified.

(f) DEPARTMENT HEAD: A supervisory employee having significant responsibilities for formulating or administering Authority or departmental policies and programs.

(g) DETERMINING BODY OR OFFICIAL: The body or official who has final authority to make a decision on matters under discussion within the scope of representation.

(h) EMERGENCY: A circumstance requiring quick action which was not planned for by the determining body or official; or, a sudden unexpected happening; or, an unforeseen occurrence or condition; or, a pressing necessity.

(i) EMPLOYEE REPRESENTATION UNIT: A group of employees constituting an appropriate unit for representation as provided in Section 108:0104.

(j) EMPLOYER-EMPLOYEE RELATIONS: The relationship between the Authority and its employees and recognized employee organizations, or when used in a general sense, the relationship between management and employees or employee organizations.
(k) EXECUTIVE DIRECTOR: The Executive Director of the Authority.

(l) GRIEVANCE: Any dispute by an aggrieved party alleging the misinterpretation or misapplication of a provision of the written Memorandum of Understanding or a provision of the written Personnel Rules.

(m) IMMEDIATE SUPERVISOR: Refers to the supervisor or person to whom the employee (including supervisory employees) reports or is responsible and from whom assignments, instructions, directions and review of work performed are received.

(n) IMPASSE: A deadlock, after a reasonable period of time, in the meet and confer process between the Authority's Management Representative and representatives of recognized employee organizations on matters concerning which they are required to meet and confer in good faith or over the scope of matters upon which they are required to meet and confer.

(o) MANAGEMENT EMPLOYEE: An employee having significant responsibilities for formulating or administering Authority or departmental policies and programs.

(p) MANAGEMENT REPRESENTATIVE: An individual designated by the Executive Director to carry out the Authority's Employer-Employee relations responsibilities as specified in this section.

(q) MEET AND CONFERENCE: The mutual obligation of the Authority's Management Representative and representatives of recognized employee organizations to meet and confer within a reasonable period of time in order to exchange proposals and to endeavor to reach agreement on matters within the scope of representation. This obligation does not compel either party to agree to a proposal or to make a concession.

(r) MEMORANDUM OF UNDERSTANDING: A written memorandum jointly prepared by the parties incorporating matters on which agreement is reached through meeting and conferring between the Authority's Management Representative and representatives of a recognized employee organization. The memorandum shall be presented to the Commission for ratification.

(s) PERMANENT EMPLOYEE: An employee who is appointed to a full-time (or part-time) permanent position and has satisfactorily completed a probationary period.

(t) PERSONNEL OFFICER: A responsible supervisor who is the Department Head of the Personnel Department.

(u) QUALIFIED EMPLOYEE ORGANIZATION: An organization which includes employees of the Authority, which has as one of its primary purposes representing such employees in their relations with the Authority, and which has complied with the conditions specified in this section.

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(v) RECOGNIZED EMPLOYEE ORGANIZATION: A qualified employee organization which has been certified by the Commission as the majority representative of employees in an appropriate employee representation unit in accordance with the provisions of this section. Such certified majority representative shall be the exclusive representative of the employees in the unit, subject to the right of employees to represent themselves as provided in this section.

(w) RESPONSIBLE SUPERVISOR: Refers to those supervisors, generally Department Heads and Project Managers, who are delegated responsibility and authority, subject to the provisions of Chapter 108, for performing supervisory functions such as initiating requests for the establishment of positions or the reclassification of existing positions; employing and terminating personnel; initiating requests to fill established positions; initiating requests for review of compensation rates; and approving, adjusting, or modifying performance reports. This listing is intended to be descriptive and not inclusive or exclusive.

(x) SUPERVISORY EMPLOYEE: An employee having responsibility, in the interest of the Authority, to hire, transfer, suspend, promote, assign, discharge, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such responsibility is not of a merely routine or clerical nature, but requires the use of independent judgment.

Sec. 108:0103. PETITION FOR CERTIFICATION.

(a) An employee organization that seeks recognition by the Authority for the purpose of meeting and conferring as the exclusive representative of employees in an appropriate unit shall file a petition with the Authority's Management Representative containing the following information and documentation:

(1) Name and address of the employee organization.

(2) Names and titles of the officers and any representatives of the employee organization.

(3) A statement that the employee organization has, as one of its primary purposes, the representation of employees in their employment relations with the Authority.

(4) Information as to whether the employee organization is a Chapter or Local of or maintains direct or indirect continuing affiliation in any matter with, or is in any manner supported or financed by any regional, state, national, or international employee or other organization; and, if so, the name and address of each such
(5) Copies of the employee organization's current constitution and bylaws, and those of any organization with which it is affiliated or otherwise associated.

(6) The job classifications or titles of employees in the unit claimed to be appropriate.

(7) A statement that the employee organization has in its possession written proof, signed within six (6) months of the date upon which the petition is filed, to establish that not less than thirty percent (30%) of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the Authority and a statement as to the number of persons claimed to be employed in the requested unit. Such written proof shall, upon request by the Authority Management Representative, be submitted for confirmation and verification as an express condition precedent to the obtaining of an election pursuant to the provisions of this section.

(8) A statement that the employee organization wishes to be certified as the exclusive representative of the employees in the unit claimed to be appropriate.

(9) A statement that membership in the employee organization is not denied because of race, religious creed, color, sex, marital status, national origin or ancestry, or physical handicap.

(10) A declaration under penalty of perjury by the Chief Executive Officer of the employee organization stating that all of the matters set forth in subsections (1) through (9) above are true and correct to the best of such officer's knowledge and belief.

(b) Any change in the information required by this section shall be duly filed with the Authority's Management Representative in the same manner as the information in the original petition.

Sec. 108:0104. UNIT DETERMINATION.

(a) The Authority's Management Representative, after reviewing the petition filed by an employee organization seeking recognition, if there has been compliance with the requirements of the petition for certification, shall determine whether the proposed unit is appropriate. The following factors, among others, shall be considered in making such determination:
(1) The community of interest among employees in the pro-
posed unit, and the community of interest between such
employees and other employees of the Authority.

(2) The effect of the composition of the proposed unit on
the efficient operation of the Authority and the
efficient conduct of employer-employee relations
matters.

(b) In the establishment of appropriate units:

(1) Professional employees shall not be denied the right to
be represented separately from non-professional
employees by a professional employee organization con-
sisting of such professional employees.

(2) Management employees or confidential employees, shall
not be included in the same unit with other employees
and may not represent such employees on matters involv-
ing wages, hours, or other terms and conditions of
employment.

(3) No unit shall be established solely on the basis of the
extent to which employees of the proposed unit have
organized.

(4) Employees who are full-time "Peace Officers" shall have
the rights to which they are entitled under Government
Code Section 3508 to join or participate in employee
organizations which are composed solely of such Peace
Officers, which concern themselves solely and exclu-
sively with the wages, hours, working conditions,
welfare programs, and advancement of the academic and
vocational training in furtherance of the police pro-
fession, and which are not subordinate to any other
organization.

(c) Management and Confidential employees as defined in
Section 103:0102 shall be designated by departments in consul-
tation with the Authority's Management Representative. Management and confidential employees shall not represent any employee organization which represents other employees on matters within the scope of representation. In the event a dispute arises with a qualified employee organization over such designations, the matter may be resolved by the Executive Director or the Director's designee.

Sec. 108:0105. NOTICE. After the employee representation unit
has been determined to be appropriate, the Authority's Management Representative shall post a notice of the petition for recogni-
tion. The notice shall be posted on employee bulletin boards.
The notice shall remain posted for fifteen (15) work days. The
notice shall consist of a copy of the petition for recognition.
Sec. 108:0106. INTERVENTION.

(a) If an employee organization wishes to intervene, the employee organization shall file an intervention with the Authority's Management Representative within (15) work days after the date that the notice of Petition for Recognition was posted.

(b) The intervention shall be signed by an authorized agent of the employee organization and shall include the information set forth in Section 108:0103, and show that thirty percent (30%) of the employees in the unit claimed to be appropriate have designated the employee organization to represent them.

(c) The Authority's Management Representative shall post the notice of intervention. It shall remain posted for ten (10) days following receipt of the intervention.

Sec. 108:0107. EXCLUSIVE RECOGNITION. After the filing by an employee organization of an appropriate petition, and after determination of an appropriate unit, and after an opportunity for intervention, the Authority's Management Representative shall arrange for a secret ballot election to be held. Such election shall provide the employees in an appropriate employee representation unit with the right to determine if they wish to be represented and, if so, by which employee organization. Such an election shall also be used to determine the question of decertification of a recognized employee organization pursuant to section 108:0108. A decertification election may be held concurrently with a representation election where the Authority's Management Representative considers it appropriate to do so. All employee organizations submitting petitions which have been determined to be in conformance with this section shall be included on the ballot. The choice of "no organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leave of absence, and who are employed by the Authority in the same unit on the date of the election. An employee organization shall be formally certified as the Recognized Employee Organization for the appropriate employee representation unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three (3) or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two (2) choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a run-off election. There shall be no more than one (1) valid election pursuant to any petition in a 12-month period affecting the same unit. In the event that the parties are unable to agree on a third party to conduct an
election, the election shall be conducted by the California State Conciliation Service.

Sec. 108:0103. PROCEDURE FOR DECERTIFICATION.

(a) A Decertification Petition alleging that the Recognized Employee Organization no longer represents a majority of the employees in an employee representation unit shall be filed with the Authority's Management Representative. No election pursuant to such petition shall be held until completion of the Recognized Employee Organization's first year of recognition. Any such petition may be filed not more than one hundred and twenty (120) nor less than sixty (60) days prior to the expiration date of an applicable Memorandum of Understanding, or at any time if no such Memorandum of Understanding is in effect. A Decertification Petition may be filed by two (2) or more employees or their representative, or an employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

(1) The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.

(2) The name of the employee representation unit and of the Recognized Employee Organization sought to be decertified as the exclusive representative.

(3) An allegation that the Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit.

(4) Proof of employee support that at least thirty percent (30%) of the employees in the employee representation unit no longer desire to be represented by the Recognized Employee Organization. Such proof shall be submitted for confirmation to the Authority's Management Representative or to a mutually agreed upon neutral third party within the time limits specified in this section.

(5) An employee organization may, in satisfaction of the Decertification Petition requirements of this section, file a Petition in the form of a Recognition Petition that evidences proof of employee support of at least thirty percent (30%) and otherwise conforms to the requirements of Section 108:0103.

(b) The Authority's Management Representative shall initially determine whether the Petition has been filed in compliance with the requirements of this section. If the determination is in the negative, the Authority's Management Representative shall offer to consult thereon with the representative(s) of
such petitioning employees or employee organization, and, if such determination thereafter remains unchanged, shall return such Petition to the employees or employee organization with a statement of the reasons therefore in writing. If the determination is in the affirmative, the Authority's Management Representative shall give written notice of such Decertification or Recognition Petition to the Recognized Employee Organization and to unit employees pursuant to Section 108:0105.

Sec. 108:0109. MODIFICATION OF EMPLOYEE REPRESENTATION UNITS.

(a) Requests by recognized employee organizations for modifications of employee representation units may be considered by the Authority's Management Representative. Such requests shall be submitted in the form of a Recognition Petition, and shall contain a complete statement of all relevant facts and reasons in support of the proposed modified employee representation unit. The Authority's Management Representative shall process such petitions as other recognitions petitions filed pursuant to this section.

(b) The Authority may propose that an employee representation unit be modified. The Authority's Management Representative shall give written notice of the proposed modification to the Recognized Employee Organization and, upon request, shall consult with the recognized employee organization. Thereafter, the Authority's Management Representative shall determine the modification pursuant to the requirements of this section and shall give written notice of such determination to the Recognized Employee Organization. Any disagreement regarding the Authority's modification of a representation unit is appealable to the Executive Director for final determination.

Sec. 108:0110. MEETING AND CONFERRING.

(a) The scope of meeting and conferring between the Authority's Management Representative and representatives of Recognized Employee Organizations is as defined by law.

(b) Meeting and conferring shall not be required on any matter preempted or specifically provided for by Federal or State law, regulation, or other requirement binding on the Authority; nor shall meeting and conferring be required on the exercise of Employee Rights or Management Rights as defined in this section. Rules and regulations adopted pursuant to Government Code Sections 3504.5 and 3507 and proposed amendments thereto are excluded from the scope of meeting and conferring but are subject to consultation.

Sec. 108:0111. REFERRAL OF REQUESTS. Requests on matters within the scope of meeting and conferring or consultation which are submitted to the Commission shall stand automatically referred to the Authority's Management Representative for review and processing pursuant to the provisions of this section.
Sec. 108:0112. IMPASSE PROCEDURE.

(a) If after a reasonable period of time the Authority's Management Representative and representatives of a Recognized Employee Organization reach an impasse, either party may request the Commission to resolve the impasse.

(b) The party declaring the existence of impasse shall set forth in writing to the Commission the issues in dispute and the justification for such party's position in the dispute. A copy shall be delivered to the other party who shall have fifteen (15) days to file a written response to the Commission setting forth a contrary justification and/or objections to any or all issues claimed to be at impasse.

(c) The review by the Commission shall be based only on the written submission of issues and the written response to such submission. The Commission may instruct the parties to resume meeting and conferring or may issue a written determination of the issues at impasse.

(d) The determination of the issues by the Commission shall be final and binding; and, in the absence of agreement by the parties, the Commission may adopt as policy the determination of the issues.

Sec. 108:0113. ADVANCE NOTICE.

(a) Reasonable written notice shall be given to each recognized employee organization of any rule, resolution or regulation relating to matters within the scope of representation.

(b) Notwithstanding any of the foregoing requirements, in cases of emergency when the Authority determines that a rule, resolution or regulation must be adopted immediately without prior notice to or consultation with any recognized employee organization, the Authority shall provide such notice and an opportunity to meet and confer or consult, as is appropriate, at the earliest practicable time following the adoption of such rule, resolution or regulation.

(c) The provisions of subsections (a) and (b) shall not apply to any ordinance, rule, resolution or regulation prepared or adopted to implement a Memorandum of Understanding.

Sec. 108:0114. AVAILABILITY OF DATA.

(a) The Authority will make available to employee organizations such information pertaining to employer-employee relations as is contained in the public records of the Authority, subject to the limitations and conditions set forth in the California Public Records Act.
(b) Such information shall be made available during regular office hours in accordance with law and the Authority’s standard practices.

(c) Information which shall be made available to employee organizations includes regularly published data covering subjects under discussion.

(d) Upon the setting of an election by the Authority, the Management Representative shall, upon request of a qualified employee organization approved for inclusion on the ballot, furnish a list of the names and departments of employees in the representation unit. The list shall be made available at a reasonable time in advance of the election.

(e) Reproduction of any documents made available to employee organizations pursuant to this section may be requested by the employee organization and shall be provided by the Authority at a cost of ten cents (10¢) per page to the employee organization.

Sec. 108:0115. EMPLOYEE RIGHTS. Employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing pursuant to the provisions of this section for the purpose of representation on matters of employee relations other than those excluded herein. Employees also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the Authority unless represented by a recognized employee organization. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against because of the exercise of these rights. All employees of the Authority whose duties involve the supervision of the work of other employees shall recognize that to this extent they are representatives of management and, accordingly, shall exercise special care to avoid acts or statements which may be interpreted as violating this Section 108:0115.

Sec. 108:0116. AUTHORITY RIGHTS.

(a) All Authority rights, powers, authority and functions to the full extent of the law, shall remain vested exclusively in the Authority except to the extent expressly limited by the specific provisions of this Chapter 108. It is expressly recognized that such rights, powers, authority and functions include, but are by no means limited to, the right to establish and administer policies, procedures and standards; to direct and schedule the work force; to hire, promote, demote, transfer and lay off employees; to reprimand, suspend, discharge and otherwise discipline employees; to determine the number of employees and the duties to be performed; to maintain efficiency; to establish, expand, reduce, alter, consolidate or abolish any job classification, operation, or service; to determine staffing requirements;
to control and regulate the use of facilities, supplies, equipment and other property; to determine the number, location and operation of work sites; to determine the assignment of work; to require overtime work; to determine the qualifications required and size and composition of the work force; to discontinue, reorganize or combine any operation despite any consequent reduction or other change in the work force; to introduce new or improved methods of operations regardless of whether or not the same cause a reduction in the work force; to establish and change rules, regulations, policies and practices; to determine the extent to which the work required shall be performed by employees; to determine the number of supervisors and other jobs or positions; and the right to determine the means of selection, transfer and promotion of employees to said positions and jobs; to determine work standards; to schedule hours of operation and work; to determine the scope of the Authority's activities and the location of such activities; and to determine the materials and equipment to be utilized.

(b) The Authority shall not be required to meet and confer in good faith on any subject preempted by Federal or State law or by the enabling laws affecting the Authority, nor shall it be required to meet and confer on Authority rights as defined in this section. Proposed amendments to this section are also specifically excluded from the scope of meeting and conferring.

Sec. 108:0117. EMPLOYEE ORGANIZATION RIGHTS.

(a) All formal meet and confer sessions between individual organizations and the Authority shall be held during regular working hours in the offices of the Authority, unless otherwise arranged.

(b) Reasonable time off without loss of pay shall be granted to employees serving as authorized representatives of recognized employee organizations when formally meeting and conferring during regular working hours with the Authority's Management Representative on matters within the scope of representation. The number of employees granted such time off shall not be more than three (3). Only those employees whose active participation in the conduct of such meetings is necessary shall be authorized paid time off.

(c) Work time shall not be used, under any circumstances, for the purpose of soliciting employee organization membership. Responsible supervisors may authorize the judicious use of work time for other employee activities when such activities are determined to be in the best interests of the Authority. The Authority does not and will not recognize any practice by virtue of any act or series of acts by any employee contrary to this subsection (c).

(d) Authority space and facilities may be used after working hours by employees or employee organizations for the
purpose of holding meetings subject to the established policies
governing the use of community space. All meetings which utilize
Authority space and facilities shall be open to the public.

(e) Expendable and non-expendable Authority property
(including stencils, paper and mimeograph machines) shall not be
used in performing any function related to the activities of
employee organizations.

Sec. 108:0118. ADMINISTRATION OF PERSONNEL AND EMPLOYER-EMPLOYEE
RELATIONS PROGRAM.

(a) Executive Director. The Executive Director is empow-
ered under Article V of the Bylaws to make appointments and to
administer all personnel actions involving employees of the
Authority, subject to the provisions of the Bylaws and the
personnel policies established by the Commission.

(b) Supervisory Personnel. While personnel and employer-
employee relations within the Authority have been centralized to
the degree necessary to assure uniform administration of
personnel policies and procedures, each supervisor has a basic
responsibility for promoting good employer-employee relations and
interpreting the personnel program to the employees.

(c) Commission. While provision has been made for delegat-
ing the administration of the personnel and employer-employee
relations program, the Commission is charged by law with the
responsibility for all official acts of the Authority. In recog-
nition of this fact there is incorporated in the Authority's
personnel policies a grievance review procedure (Section
108:0306) which permits appeal to the Commission regarding
employee discharges, demotions and suspensions of five (5) or
more days.

Sec. 108:0119. PERSONNEL POLICIES AND PROCEDURES.

(a) Applicability. The policies and procedures set forth
in this Chapter 108 shall apply to all employees in the service
of the Authority except contract employment and per diem
employees.

(b) Distribution. Personnel policies and procedures now in
effect, or as hereafter may be established or promulgated, will
be provided to all Authority employees for their information and
guidance.
SECTION 108:02. JOB CLASSIFICATIONS

Sec. 108:0201. BASIS FOR JOB CLASSIFICATION AND ALLOCATION. Job classification shall be established on the basis of a comprehensive study of the objectives and organizational needs of the Authority. Related tasks shall be combined in a logical manner so as to create full-time positions. Individual positions shall be allocated to classifications, in accordance with the allocation factors generally recognized by the central personnel agencies of local public jurisdictions.

Sec. 108:0202. ESTABLISHMENT AND REVISION OF CLASSIFICATION PLAN. The Personnel Officer shall establish job classifications in accordance with the foregoing requirements and shall develop a classification plan consisting of a list of the titles of classifications by series to which all positions are to be allocated, and a written description for each classification of positions which includes an appropriate title, a general statement of duties and a description of the distinguishing features and typical duties of the position. The classification descriptions shall be considered as descriptive and explanatory, and not necessarily inclusive or exclusive. The Classification Plan shall be revised by the Personnel Officer in accordance with the needs of the service.

Sec. 108:0203. CLASSIFICATION OF NEW POSITIONS. Whenever a request is made for authorization of a new position, the Personnel Officer shall allocate the position to the appropriate classification or if no existing classification is appropriate, shall establish a new job classification and prepare a classification description for it. In an emergency situation, the Executive Director may approve an acting appointment and classification pending a subsequent classification study.

Sec. 108:0204. THE USE OF CLASSIFICATION TITLES. The classification titles as set forth in the classification plan shall be used in connection with all official records and communications of the Authority, including personnel, payroll, budgeting, and accounting. No person shall be appointed to or employed in a position under a classification title which has not been approved by the Personnel Officer as appropriate to the duties to be performed except as provided in Section 108:0203.

Sec. 108:0205. REQUESTING RECLASSIFICATION OF A POSITION. In the event a responsible supervisor feels that a position under such supervisor's jurisdiction is improperly classified, either on the basis of the original allocation or on the basis that the duties and responsibilities have changed, the supervisor may request a reclassification study of the position. Such requests shall be directed to the Personnel Officer in writing and shall include full supporting details.

Sec. 108:0206. RECLASSIFICATION OF EMPLOYEES. Nothing in this Chapter 108 shall operate to prevent the reclassification of an
employee at the time such employee's position is reclassified, provided that the change in duties which brings about the reclassification of the position is the result of gradual change and not the result of assigning to a position and the employee duties which are regularly assigned elsewhere.

Sec. 138:0207. WORKING OUT OF CLASSIFICATION.

(a) Working out of classification is defined for the purpose of this section as the performance of tasks by an employee which are not consistent with the classification to which such employee's position has been allocated.

(b) Employees shall not be required to work out of classification except in cases of emergency or in temporary absence of other employees.

(c) Working out of classification shall not be construed to warrant reclassification of a position or an employee except in cases where it is demonstrated that all of the tasks being performed by the employee working out of classification should and must be associated with the position in order to realize optimum effectiveness.

(d) A permanent employee shall be compensated for working out of classification in a higher rated position only if such employee has received a temporary promotion.

Sec. 138:0208. JOB DESCRIPTIONS. Each supervisor will be provided with copies of the current job descriptions for each classification of the positions under such supervisor's jurisdiction. Supervisors will provide each employee assigned to them with a copy of the current job description for the employee's classification. Supervisors will assist employees in reading and understanding the duties and responsibilities set forth in such employees' job descriptions.
SECTION 108:03. WAGES

SEC. 108:0301. ESTABLISHMENT OF PAY PLAN. The Personnel Officer shall prepare and recommend a Pay Plan which establishes minimum and maximum rates for each classification. In determining appropriate pay rates, the Personnel Officer shall consider the prevailing rates being paid for comparable services by other enterprises, both public and private, the current cost of living, experience in recruiting employees at rates currently in effect, and the financial policies and conditions of the Authority. To be effective, the pay rates must meet HUD requirements and be adopted by the Commission.

SEC. 108:0302. REVIEW AND REVISION OF PAY PLAN. The adjustment of the established Pay Plan shall be based upon criteria noted in Section 108:0301. The adequacy of established pay rates shall be evaluated annually during the sixty (60) day period next succeeding June 1. The adjustment date is August 1 of each year and adjusted pay rates shall become effective with the payroll period which begins nearest that date unless otherwise determined by the Commission.

SEC. 108:0303. PAY RATES FOR NEW EMPLOYEES. The Authority shall pay new employees at the first step of the appropriate salary schedule. However, when it is determined that unusual circumstances exist, the Executive Director may authorize a higher salary step placement. Unusual circumstances may include, but are not limited to the following:

(a) The applicant to be appointed has experience and skills which exceed those of other applicants available for the position and such experience and skills are required;

(b) The advanced step hiring is applied to a limited number of difficult to fill positions; and

(c) In exempt classifications, where the employee has demonstrated exceptional performance in the position.

SEC. 108:0304. PAY RATES FOR PROMOTED EMPLOYEES.

(a) Promoted employees shall be placed on the first step in the pay schedule applying to the new position which provides not less than a five percent (5%) salary increase except that such increase shall not exceed the maximum salary of the new position.

(b) Permanent employees who are temporarily promoted to higher level positions will not be eligible for merit increases from their permanent positions while temporarily promoted. At the conclusion of temporary promotions and upon return of employees to their permanent positions, such employees shall be automatically eligible to receive the merit increases to which they otherwise would be entitled.
Sec. 108:0305. PAY RATES FOR EMPLOYEES IN RECLASSIFIED POSITIONS.

(a) Upward Reclassification. An employee serving in a position which has been reclassified upward in salary shall be placed on the first step in the higher salary range which provides no less than a five percent (5%) increase except that such increase shall not exceed the maximum salary for the reclassified position.

(b) Downward Reclassification. Employee(s) in a classification which has been reclassified downward in salary shall have all rights held in previous classifications and receive the same compensation received prior to such reclassification or be compensated at the top step of the schedule of the previously held classification, whichever is lower. Employees whose classifications have been reclassified downward in salary shall continue to receive all annual salary adjustments for a period of no more than three (3) years from the effective date of reclassification.

Sec. 108:0306. ELIGIBILITY FOR MERIT INCREASES.

(a) Eligibility. Employees of Plans B, C and D shall be eligible for merit increases provided the required length of service of each salary step has been completed. In computing length of service on the salary step, credit shall be given for all time served on the step including periods of leave, except leave without pay for periods exceeding fifteen (15) working days.

(b) Plan A - Manual and Maintenance Classifications. Plan A employees shall be paid on a flat rate plan.

(c) Plan B - Clerical and Office Classifications. Plan B employees shall be eligible to move from Step 1 to Step 2 after an elapsed period of not less than six (6) months but must serve an elapsed period of not less than one (1) year on each salary step to be eligible for additional merit increases.

(d) Plan C - Supervisory and Administrative Classifications and Plan D - Housing Patrol Classifications. Plan C and D employees must serve an elapsed period of not less than one (1) year on each step to be eligible for merit increases.

Sec. 108:0307. PART-TIME POSITIONS. Any employee who works less than forty (40) hours a week shall be compensated on a part time basis, provided, however, that no employee shall be required to work a regular part time schedule of less than four (4) hours per day. The rate of wages and benefits shall be determined by the relation between the actual number of hours worked to the rate specified for full time employment in the classification.

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Sec. 108:0309. TEMPORARY POSITIONS. Positions established for an anticipated period of less than six (6) months shall be deemed temporary and shall be paid as follows:

(a) Per Diem Positions. Temporary positions established for an anticipated period of less than sixty (60) work days shall be paid at an hourly rate as follows:

(1) Plan A - Per Diem. Per diem employees in Plan A shall be paid in accordance with duly established wage rates including health, welfare, vacation and other fringe benefit contributions to the appropriate fund for the craft (or service) involved as provided under the Memorandum of Understanding.

(2) Plans B, C, and D - Per Diem. Per diem employees in Plans B, C, and D shall be paid at an hourly rate equivalent to the third step of the appropriate salary schedule, but shall not be eligible to receive Authority fringe benefits as provided in the subsequent sections of this Chapter 108.

(b) Casual Positions. Temporary positions established for an anticipated period of more than sixty (60) work days and not more than six (6) months, shall be paid as follows:

(1) Plan A - Casual. Casual employees in Plan A shall be paid an hourly rate equivalent to the flat rated monthly salaries of permanently assigned employees of like classifications and shall receive in addition such fringe benefits as provided by the Authority in subsequent sections of this Chapter 108.

(2) Plans B, C and D - Casual. Casual employees in Plans B, C, and D shall be paid an hourly rate equivalent of the first step of the established salary schedule for the classification and shall receive in addition such fringe benefits as provided by the Authority in subsequent sections of this Chapter 108. Hiring above the first step may be accomplished in accordance with Section 108:0303.

Sec. 108:0309. PAY RATES FOR REINSTATED EMPLOYEES. Reinstated employees shall be placed on the first step in the salary range assigned to the classification in which they held permanent status prior to leaving the Authority. Such employees shall be required to serve an elapsed period from the date of reinstatement as provided in Section 108:0305 to become eligible for merit increases. Exceptions to this rule are subject to the requirements of Section 108:0303. This section does not apply to the reinstatement of employees after disciplinary action.
SECTION 108:04. HOURS OF WORK

Sec. 108:0401. REGULARLY SCHEDULED WORK PERIOD. Except as otherwise provided in this section, the hours of employment shall not exceed eighty (80) in any fourteen (14) day period. The regularly scheduled work week shall be Monday through Friday except that the Authority may change the work week of individual employees, work sites and classifications to meet operating conditions, provided that employees so affected shall receive at least five (5) working days notice of any change in the regularly scheduled work week. When the regularly scheduled work week is other than Monday through Friday, said work week shall be scheduled so as to provide at least two (2) consecutive days absence from duty during each calendar week.

Sec. 108:0402. REGULARLY SCHEDULED WORK DAY. The work day shall be comprised of not more than eight (8) consecutive hours during any twenty-four (24) hour period. However, special hours of work may be promulgated by the Authority after meeting and conferring with appropriate recognized employee organizations.

Sec. 108:0403. OFFICE HOURS. Normal office hours for the Authority shall fall between 7:30 a.m. to 5:30 p.m. On an emergency basis, or where the scheduling of maintenance employees dictates, the work day of an individual employee may be changed from time to time on a routine basis to accommodate the needs of the Authority. Said changes can only be made with the approval of the Department Head.

Sec. 108:0404. LUNCH PERIODS.

(a) The following designated periods of time will constitute the regular lunch periods; however, these periods may be altered by the Authority after notice to the recognized employee organization:

1. Plan A: Thirty (30) minutes.
2. Plans B and C: Forty (40) minutes.

(b) Lunch periods, except as otherwise determined by the Authority with notice to the recognized employee organization, shall be scheduled between the hours of 11:30 a.m. and 1:30 p.m. by the responsible supervisor.

Sec. 108:0405. REST BREAKS.

(a) Plan A employees shall be provided with a fifteen (15) minute rest break in the morning.

(b) Plans B and C employees shall be provided with a ten (10) minute rest break in mid-morning and mid-afternoon.
Sec. 108:0406. AUTHORIZATION OF OVERTIME. As a matter of general policy, the Authority is opposed to the working of overtime by employees and will provide adequate staff to handle normal operations. However, employees may be required to work overtime at the discretion of the responsible supervisor. Each Department Head shall, by specific delegation, determine and identify those supervisors who shall be empowered to authorize or require overtime in the following types of situations:

(a) To take care of operating emergencies and breakdowns in the developments or other facilities operated by the Authority;

(b) To handle peak workloads or to finish incompleted work when it is not possible or practicable to employ additional personnel;

(c) To meet temporary conditions where the Authority is unable to secure qualified personnel to fill authorized positions; and

(d) On other occasions as deemed necessary in the judgment of the responsible supervisor.

Sec. 108:0407. RESTRICTIONS ON OVERTIME. Employees shall not be allowed to accrue overtime to perform work which is elective with the employee and for which adequate time is available during normal working hours.

Sec. 108:0408. RATE OF OVERTIME PAY.

(a) Plan A, Plan B and Plan D employees will be compensated for overtime worked at the rate of one and one-half (1 1/2) times their regular hourly rate.

(b) Plan C employees will receive compensatory leave credit at the rate of one and one-half (1 1/2) hours accrued for every hour worked up to a maximum of one hundred (100) hours accrued.

(c) Plan D supervisory employees may receive compensatory leave credit at the rate of one and one-half (1 1/2) hours accrued for every hour worked in lieu of overtime compensation to a maximum of one hundred and twenty-five (125) hours accrued; thereafter, they must be compensated at one and one-half (1 1/2) times their regular hourly rate.

(d) All compensatory leave accrual and use must be with the concurrence of the responsible supervisor.

(e) Employees who leave the service of the Authority shall be paid a lump sum equivalent to any available compensatory leave balance earned up to the time of separation to the allowable maximum accrual provided in this section.
Sec. 108:0409. DETERMINING OVERTIME.

(a) For purposes of this rule, overtime represents time worked under the following conditions:

(1) Beyond the normally scheduled work day except that employees shall not be entitled to overtime compensation for the additional hours of work in a day required by a flexible scheduling program (e.g. 4/10 Plan);

(2) Beyond the normally scheduled work week; and

(3) On a holiday, or day off in lieu of a holiday, except that where an employee works both such days, the accrual of overtime attributable to the holiday shall be limited to one day. This provision shall not be applicable to Housing Patrol Officers. The Authority may at its discretion require these employees to work on a holiday and take a day off in lieu thereof providing that said employees shall not be required to work in excess of the regularly scheduled work day and work week.

(b) For purpose of overtime determination, sick leave or other leaves with pay shall be considered as time worked.

(c) Accumulating overtime under more than one (1) of the conditions in subsection (a) for the same period of time shall not be permitted.

(d) Overtime shall be computed in tenth-hour units as follows:

1 - 6 minutes worked = .1 hour
7 - 12 minutes worked = .2 hours
13 - 18 minutes worked = .3 hours
19 - 24 minutes worked = .4 hours
25 - 30 minutes worked = .5 hours
31 - 36 minutes worked = .6 hours
37 - 42 minutes worked = .7 hours
43 - 48 minutes worked = .8 hours
49 - 54 minutes worked = .9 hours
55 - 60 minutes worked = 1.0 hours

(e) When an employee is required to make a special trip to an Authority facility after having completed the required day's work, or on a holiday, or on a regular day off, such employee shall receive a minimum of two (2) hours overtime including travel time if any.

(f) When overtime is worked immediately following the close of the employee's regular work day, a meal allowance of $3.00 shall be paid to the employee upon completion of two (2) or more actual hours worked.

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Sec. 108:0410. EMERGENCY (UNSCHEDULED) OVERTIME.

(a) When an employee is "called out" without advance notice, for the purpose of handling an emergency which necessitates a special round trip to an Authority facility, said employee shall receive travel time and mileage allowances as set forth below. An employee shall not receive travel time pursuant to this provision if the overtime worked immediately precedes and is continuous with such employee's regularly scheduled work day. Nor shall an employee be eligible except where the employee is required to report to an Authority facility which is physically removed from such employee's regular duty station; in which event the employee shall receive mileage reimbursement as provided below.

(b) Overtime shall be allowed for round trip travel on the basis of twenty (20) minutes (1/3 of an hour) for every seven (7) miles or portion thereof provided that not more than two (2) hours travel time shall be allowed for any single round trip.

(c) Employees who use their personal automobiles for purposes of transportation pursuant to the provisions of this section shall receive reimbursement for mileage in accordance with established travel policies.

Sec. 108:0411. SCHEDULED OVERTIME.

(a) When an employee receives notice prior to the conclusion of any regularly scheduled working day that such employee will be required to work overtime, prior to the next regularly scheduled work day, such employee shall not be eligible to receive travel time and mileage allowances as provided above, except where a special round trip is required outside the hours of the regular work day, or where the applicable Department Head authorizes travel time when special circumstances warrant.

Sec. 108:0412. OVERTIME ASSIGNMENTS. Insofar as is feasible, allocation of overtime shall be equally distributed among employees of affected classifications.
SECTION 1013:05. HOLIDAYS

Sec. 1013:0501. OFFICIAL HOLIDAYS. The following days shall be observed as official holidays by the Authority:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Lincoln's Birthday
- Washington's Birthday
- Three (3) Hours (employee designated)
- Memorial Day
- Independence Day
- Labor Day
- Admission Day
- Veteran's Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

Any day on which a State-wide Election is held.

The Christmas holiday shall begin at 12 Noon on the last regular working day preceding Christmas Day.

The New Year's holiday shall begin at 12 Noon on December 31 whenever said date falls during the regular work week, Monday through Friday.

Sec. 1013:0502. HOLIDAY CALCULATIONS.

(a) When a holiday falls on a Saturday, the previous Friday shall be observed as the official holiday; if the holiday falls on a Sunday, the following Monday shall be observed as the official holiday.

(b) To be eligible for three (3) hours "employee designated" holiday time, an employee must have been hired by June 30 of a particular year and must use the three (3) hours by the end of the same calendar year. If the three (3) hours are not used by the end of the calendar year, they are forfeited. Use of such time requires prior supervisory approval and does not apply to temporary employees (Casual or Per Diem).

(c) No deduction in pay shall be made for the above holidays provided that the employee received pay either the last work day preceding the holiday or the next regular work day following the holiday.

Sec. 1013:0503. RELIGIOUS HOLIDAY. Employees may at their discretion elect to absent themselves from duty in order to observe a religious holiday; provided they so advise their responsible supervisor not less than five (5) working days in advance of the holiday. Said absence from duty shall be charged to accrued vacation or compensatory leave or shall otherwise be construed as leave without pay.
SECTION 108:06. VACATION, SICK LEAVE AND OTHER ABSENCES

Sec. 108:0601. CATEGORIES OF ABSENCE. Absence from duty may be either unauthorized or authorized as follows:

(a) Unauthorized. Unauthorized absence means absence from duty which has not been authorized in accordance with the provisions of this section. Employees on unauthorized absence receive no pay and may be subject to disciplinary action or considered to have resigned (or abandoned) their position, in accordance with Section 108:1003.

(b) Authorized. Authorized absence or "leave of absence" means absence from duty which is authorized under the provisions of this section and which entitles the employee to return to work at the end of the leave without going through the employment or reinstatement process. A leave of absence may be either with or without pay.

Sec. 108:0602. LIABILITY OF AUTHORITY. The Authority shall be free from any liability for payment of compensation or damage now or as hereafter provided by law for the death or injury of any employee of the Authority when the death or injury is unrelated to work tasks.

Sec. 108:0603. SERVICE CREDIT IN ACCRUING LEAVE BENEFITS. In connection with the accrual of vacation and sick leave, credit for service shall be computed in accordance with the following provisions:

(a) Employees shall be allowed credit for all time served with the Authority including periods of authorized absence except leave of absence without pay for periods exceeding one hundred and twenty (120) consecutive working hours.

(b) Employees serving one half (1/2) month or more in any given month shall be credited with a full month's service. Employees shall receive no credit for service of less than one half (1/2) month in any given month.

(c) Fractional hours shall be rounded off to nearest whole hour.

Sec. 108:0604. HOLIDAY CREDIT FOR EMPLOYEES ON LEAVE WITH PAY. If a holiday or day off in lieu of a holiday occurs during a period when an employee is on a leave of absence with pay, the employee shall be paid for the holiday as though such employee was on active duty; provided, that where the employee is on partial pay sick leave, the employee shall be compensated for the holiday on a partial pay basis. No deduction shall be made from the accrued amount of leave available.

Sec. 108:0605. VACATION LEAVE. ACCRUAL AND AVAILABILITY. Monthly salaried employees shall accrue vacation leave as noted
below for each full calendar month of service. Vacation accrued in one (1) month will be available for use in the next succeeding month. Employees may not have accrued at any one (1) time more than an amount equal to twenty-four (24) times their monthly accrual.

(a) Employees with less than four (4) years of service shall accrue vacation leave at the rate of six and seven tenths (6.7) hours of vacation for each full calendar month of service.

(b) Employees with four (4) years of service, but less than fifteen (15) years of service, shall accrue vacation leave at the rate of ten (10) hours of vacation for each full calendar month of service.

(c) Employees with fifteen (15) or more years of service shall accrue vacation leave at the rate of thirteen and four tenths (13.4) hours of vacation for each full calendar month of service.

(d) Persons on fractional or part-time assignments shall accrue vacation directly proportionate to a full-time assignment; provided that vacation allowance shall be accrued only on total assignments of twenty (20) hours a week or more.

(e) For the purposes of computing vacation seniority where there has been a break in service, prior service shall be counted where a monthly salaried employee was laid off for lack of work and rehired within three (3) years of the date of separation, or where a permanent employee has resigned and has been rehired within three (3) years of the date of separation.

Sec. 108:0606. LUMP SUM VACATION PAYMENT FOR SEPARATED EMPLOYEES. Employees who leave the service of the Authority shall be paid for all vacation accrued to date but not to exceed an amount greater than twenty-four (24) times their monthly accrual rate.

Sec. 108:0607. SCHEDULING VACATIONS. Vacations shall be taken at a time convenient to the responsible supervisor with right of appeal to the Department Head. Supervisors shall assume the initiative and responsibility for establishing vacation schedules to fit the needs of their work programs. The following requirements shall be observed in carrying out such responsibility:

(a) Whenever practicable at the discretion of the responsible supervisor not less than two-thirds (2/3) of annual vacation exceeding five (5) days should be taken at one (1) time.

(b) Maximum consideration shall be given to the personal preferences of individual employees in scheduling vacations, however, when two (2) or more employees simultaneously request the same or overlapping vacation periods, the request of the
employee with the highest Authority seniority shall prevail over all others.

(c) Vacations shall be scheduled so as to eliminate the need for vacation relief. Vacation relief will be provided only in situations where the work performed by the employee scheduled to take vacation requires continuous processing and cannot be permitted to accumulate or cannot be performed satisfactorily by another employee during the vacation period. Where need for vacation relief is anticipated, the responsible supervisor shall, through the chain of command, obtain approval from the Executive Director before establishing vacation schedules.

(d) When dates of an employee's vacation have been firmly established, the responsible supervisor shall give the employee not less than ten (10) working days notice of any change in such employee's vacation schedule; provided, that where the employee's services are to be terminated at the conclusion of vacation, the employee may be placed on vacation at the convenience of the responsible supervisor without regard to any previously established vacation schedule. Otherwise, the employee shall enjoy the right to take vacation at the scheduled time unless the employee voluntarily agrees to delay taking vacation for the convenience of the supervisor. An employee desiring to return to work at an earlier date than specified on the schedule may do so only with the concurrence of the responsible supervisor.

Sec. 108:0608. FULL PAY SICK LEAVE ACCRUAL.

(a) Full pay sick leave shall be accrued on the basis of eight (8) hours for each calendar month of employment not to exceed eight hundred (800) hours.

(b) Persons on fractional or part-time assignments shall accrue full pay sick leave in direct proportion to a full-time assignment, except that no sick leave shall be accrued on assignments of less than twenty (20) hours a week.

(c) Full pay sick leave accrued during any one (1) month becomes available for use only at the beginning of the next succeeding month.

Sec. 108:0609. USE OF FULL PAY SICK LEAVE FOR VACATION PURPOSES. Employees shall be entitled to use full pay sick leave for vacation purposes subject to the following limitations:

(a) Sick leave shall not be used for this purpose if it will have the effect of reducing the total accrued sick leave balance below four hundred and eighty (480) hours.

(b) Not more than forty (40) hours of sick leave may be used for this purpose during any any vacation leave.
(c) The use of sick leave for this purpose shall be subject to the same scheduling requirements as vacation leave.

Sec. 108:0610. PAYMENT OF ACCRUED FULL PAY SICK LEAVE BENEFITS ON SEPARATION OR DEATH. Upon separation from the employment of the Authority, employees shall receive cash payment for all accrued full pay sick leave up to six hundred and two (602) hours subject to the following limitations:

(a) The rate of payment shall be based upon the regular monthly compensation of the employee at the time of separation. If an employee is separated because of failure to return from a leave, the rate of payment shall be based upon the regular monthly compensation of the employee at the beginning of the leave.

(c) When separation is caused by death, payment shall be made to the estate of the deceased employee.

Sec. 108:0611. ELIGIBILITY FOR PARTIAL PAY SICK LEAVE. When accrued full pay sick leave is exhausted, employees may claim partial pay sick leave equivalent to seventy percent (70%) of full pay subject to the following conditions and limitations:

(a) There shall be deducted from partial pay sick leave the estimated value of disability benefits which the employee is eligible to claim from the State of California. In the event the actual payments by the State are less than the amount deducted as the estimated benefits, the employee shall be eligible for an adjustment by filing a written request with the Authority.

(b) Employees shall not be eligible to claim partial pay sick leave until all full pay sick leave has been exhausted. In addition, to be eligible to claim partial pay leave benefits the employee must incur the appropriate waiting period which coincides with the waiting period required to establish eligibility for disability benefits payable by the State of California.

(c) An employee who is the recipient of partial pay sick leave shall promptly furnish to the Authority upon request any determination made by the State relating to the eligibility to claim disability benefits. In the event the Authority should ascertain that an employee has been denied disability benefits by the State of California, the circumstances shall be investigated by the Authority. If investigation establishes that the employee is eligible for partial pay sick leave under these rules, said benefits shall be paid even though the State has disallowed the claim.

Sec. 108:0612. ACCRUAL OF PARTIAL PAY SICK LEAVE. One hundred and four (104) hours of partial pay sick leave shall be accrued on January 1 of each year subject to the following limitations:
(a) The first accrual for new employees shall be directly proportionate to the period of service preceding the accrual date. In case of re-employment, the first accrual shall be on the same basis as initial employment.

(b) The annual accrual provided hereunder shall be proportionately reduced for all leaves of absence without pay in excess of fifteen (15) working days.

(c) The maximum accrual shall not exceed one thousand and forty (1040) hours or twenty-six (26) weeks.

(d) The Authority reserves the right to abandon this plan for partial pay sick leave when and if the costs thereof exceed nineteen tenths (.19) of one percent (1%) of the payroll for any consecutive six (6) month period.

Sec. 108:0613. PURPOSES FOR WHICH SICK LEAVE MAY BE USED.

(a) Personal illness or injury which incapacitates the employee for duty; provided, however, that sick leave shall not be granted where the state of incapacity is attributable to moral turpitude on the part of the employee;

(b) To undergo medical, dental, or optical examination or treatment;

(c) For acute bereavement which shall be interpreted to mean loss by death of persons closely related by blood or marriage, or, if persons not closely related, persons whose domestic relations are close;

(d) When an employee is quarantined;

(e) When an employee is required to care for and attend a member of such employee's immediate family who is afflicted with a contagious disease, or when through exposure to contagious disease, the presence of the employee at work would jeopardize the health of others; or

(f) When an employee is unable to work because of pregnancy, childbirth or related medical conditions. Additional unpaid leave may be requested following childbirth and recovery therefrom pursuant to Sec. 108:0624.

Sec. 108:0614. LIMITATIONS ON USE OF SICK LEAVE.

(a) To receive pay while absent on sick leave, the employee must notify the immediate supervisor of such employee's absence within the first two (2) working hours or conclusively establish that such employee was unable to do so because of reasons beyond the employee's control. In addition, if the employee is absent on sick leave for more than one (1) day, the employee shall keep
the immediate supervisor currently informed as to the date the employee expects to return to work.

(b) An employee who becomes ill on vacation and desires to claim sick leave rather than vacation, must make such a request to the responsible supervisor within forty-eight (48) hours after the hour on which the employee desires sick leave compensation to begin.

(c) Evidence pointing to the fact that sick leave is habitually taken shall be construed as sufficient cause for disciplinary action as provided under Section 108:09.

(d) The responsible supervisor may require a doctor's certification verifying an illness before approving use of sick leave.

Sec. 108:0615. SUPERVISORY DISCRETION TO RELIEVE EMPLOYEES FROM DUTY. Responsible supervisors shall have the discretion to place employees on sick leave when in the judgment of the supervisor, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's duties.

Sec. 108:0616. WORKERS' COMPENSATION BENEFITS.

(a) Continuance of Full Pay. For the first seven (7) days of absence due to an injury or illness qualifying under the Workers' Compensation Statutes of the State of California, the employee concerned shall receive sixty percent (60%) partial pay provided that said absence was on the recommendation of an authorized physician treating the industrial injury or illness. After twenty-one (21) days of temporary disability qualifying under Workers' Compensation, the Authority, in conjunction with its Workers' Compensation carrier, shall reimburse the employee for the additional forty percent (40%) of such employee's full pay for the first seven (7) days.

(b) Optional Use of full Pay Sick Leave. After seven (7) days, the employee may continue to draw full pay from accrued full pay sick leave and/or vacation leave until such accruals are exhausted; provided said utilization of leave shall be prorated to provide the ten percent (10%) of normal pay otherwise forfeited under Section 108:0616(c).

(c) Partial Pay Leave. After seven (7) days of illness qualifying under Workers' Compensation benefits or after the utilization of the employee's full pay leave benefits, employees shall receive compensation equivalent to ninety percent (90%) of normal pay less compensation benefits payable by the California State Compensation Insurance Fund. No employee shall be paid partial pay income under this rule unless said employee is at the
same time receiving weekly temporary disability payments from the California State Compensation Insurance Fund.

(d) Termination of Benefits. All full and partial pay benefits in Workers' Compensation cases shall cease either upon the employee's return to active employment, receipt of a Disability Retirement from the Public Employees' Retirement System, award by the California State Industrial Accident Commission, or separation, whichever is first, provided, however, that in the case of separation, the Authority must satisfactorily demonstrate that the employee will be unable to resume normal activities within the foreseeable future as determined by all the relevant facts of the particular case.

Sec. 108:0617. PERSONAL BUSINESS LEAVE.

(a) Employees may be allowed to use three (3) days of accumulated sick leave each year for personal business leave.

(b) Personal business leave shall not be cumulative from year to year.

(c) Requests for personal business leave shall be presented to the immediate supervisor on an AC-4 form not less than five (5) working days prior to the time off requested except under legitimate, unforeseen circumstances.

Sec. 108:0618. BEREAVEMENT LEAVE. Employees shall be allowed three (3) days of paid bereavement leave each calendar year for loss by death of persons related by blood, marriage or adoption.

Sec. 108:0619. JURY DUTY OR OTHER PUBLIC PURPOSE LEAVE. Employees receiving letters or summons for jury duty must notify their supervisor immediately. If absence is required by an official order from another governmental jurisdiction for jury duty or other public purpose, leave with pay shall be granted for the period of absence provided that:

(a) the order has not been brought about through misconduct or connivance by the employee;

(b) Any jury or witness fees received by the employee shall be remitted to the Authority, excluding mileage allowances which may be retained by the employee; and

(c) The absence will not seriously impede the operations of the Authority.

Sec. 108:0620. COURT APPEARANCE LEAVE. If an employee, other than a litigant in the case, is required to be absent to appear before a grant jury or in a criminal case before a court within the State of California or in a civil case being tried within Los Angeles County, in response to a subpoena duly served, such employee's regular salary shall be continued during the period of absence, provided that:

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(a) Each date of necessary attendance in court or before a
grand jury, other than the date specified in the subpoena, shall
be certified to by the clerk or other authorized officer of such
court or grand jury; and

(b) In any case in which a witness fee exclusive of mileage
allowance is payable, such fee shall be collected by the employee
and remitted to the Authority.

Sec. 108:0621. CITY HELD ELECTION LEAVE. Any employee entitled
to vote in an election held in the City of Los Angeles shall be
allowed up to two (2) hours off with pay for the purpose of
voting, provided that:

(a) The employee gives advance notice that such employee
will be unable to cast a ballot either before or after work; and

(b) Said employee presents the voting stub to the super-
visor not later than the day following the election.

Sec. 108:0622. ABSENCE BECAUSE OF EPIDEMICS OR EMERGENCIES.
Employees shall be paid their regular salary for a period not to
exceed three (3) working days during which the employees' place
of employment is closed because of quarantine, epidemic, or other
conditions involving the health or safety of employees; provided,
that the employee is ready, able and willing to perform customary
or other reasonable and suitable duties. The Authority shall
endeavor to assign the employee to work elsewhere.

Sec. 108:0623. MILITARY LEAVE.

(a) Temporary Military Duty for employees in National
Guard, Naval Militia, Reserve or Peace Corps.

(1) Any employee who is a member of the National Guard,
Naval Militia, Reserve or Peace Corps of the United
States shall be entitled to be absent from duty for a
period not to exceed one hundred and eighty (180) days
while engaged in the performance of ordered military or
naval duty and while going to and returning from such
duty.

(2) If an employee has been in the service of the Authority
for a period of at least one (1) year prior to the date
upon which such employee's absence begins, the employee
shall be paid for the period of thirty (30) days for
such absence and shall be subjected to no loss or
diminution of vacation or holiday privileges or be
otherwise prejudiced by reason of such absence.

(b) Rights of Employees entering the Armed Forces of the
United States.
(1) In time of war or national emergency as proclaimed by the President or Congress or when armed forces of the United States are serving outside the United States or territories pursuant to order or request of the United Nations or while any national conscription act is in effect, any employee who leaves the Authority to join and does join without unreasonable delay the armed forces of the United States or who as a member of the National Guard, Naval Militia, Reserve or Peace Corps of the United States, is ordered to duty and serves in compliance therewith, shall have the right to return to a former or comparable position provided that the employee is released from service on a basis other than dishonorable and the employee returns to the Authority within three (3) months after termination of active service, but not later than six (6) months after the end of war or national emergency, or other specified contingency.

(2) Upon return to a former or comparable position, the employee shall have the rights and privileges in the position that such employee would have enjoyed if the employee had not been absent therefrom; provided, that the employee shall not be entitled to sick leave, vacation or salary for the period of leave in the armed forces.

(c) Thirty days pay for employees entering Armed Forces. Any employee who has been continuously employed by the Authority for a period of at least one (1) year prior to the date of joining the Armed Forces or Peace Corps, pursuant to the provisions of Section 108:0623 (b) (1), shall receive salary for the period of thirty (30) days of such absence; provided, however, that any such employee shall be allowed only one (1) such payment in connection with each period of war or national emergency or other specified contingency.

Sec. 108:0624. LEAVE WITHOUT PAY AT REQUEST OF THE EMPLOYEE.

(a) Basis for Granting. A leave without pay at request of the employee is granted when it is considered desirable to permit the employee to be absent from duty without pay for reasons other than those specifically outlined in other leave categories. Such leaves that are of primary benefit to employees shall be interpreted as a privilege rather than a right. The granting of such leave will be at the sole discretion of the Authority. Employees may continue insurance coverage during the period of unpaid leave by pre-paying the entire insurance premium to the Authority.

(b) Limited Leaves. Responsible supervisors may authorize limited leaves without pay, or may delegate authority to authorize such leaves, not to exceed fifteen (15) consecutive work days subject to the following limitations:
(1) The leave of absence shall not seriously impede or otherwise adversely affect the normal operations of the Authority;

(2) All leaves of absence where a replacement is required shall be subject to the advance concurrence of the Executive Director; and

(3) Leave granted pursuant to this policy shall not exceed twenty (20) working days per calendar year.

(c) Extended Leaves. Leave without pay for periods exceeding fifteen (15) consecutive working days may be granted subject to the approval of the responsible supervisor and the advance concurrence of the Executive Director. Extended leaves of absence may not exceed six (6) months, except that, for good cause, such leaves may be extended once for a maximum of six (6) months upon concurrence of the responsible supervisor and the Executive Director.

(d) Revocation of Leave. Any leave of absence without pay may be revoked by the responsible supervisor or the Executive Director when the good of the service may require it or when evidence shows that the absent employee is engaging in activities for which leave would not have been granted originally.

Sec. 108:0625. LEAVE WITHOUT PAY AT CONVENIENCE OF THE AUTHORITY. In planning the work program, the Authority will make a concerted effort to provide continuity of employment for all permanent employees. However, where conditions beyond the control of the Authority result in a situation in which there is insufficient work to provide such continuity of employment, said employees may, at the election of the Authority, be placed on leave without pay in accordance with the following provisions:

(a) Reasons for Placing Employee on Leave. Employees may be placed on leave without pay because of insufficient work attributable to:

(1) Inclement weather;

(2) Inability to secure supplies, materials or equipment;

(3) Fluctuating work load which is not subject to scheduling and control; or

(4) Curtailment of operations in connection with the disposition of housing facilities operated by the Authority.

(b) Maximum Amount of Leave. No employee shall be required to take leave without pay under the provisions of this section in excess of twenty-two (22) working days during any calendar year.
(c) Pay Allowance for Employees Placed on Leave After Reporting for Work. When employees, with no previous notice that work would not be available, report for work in good faith and are placed on leave without pay for that day or a portion thereof, said employees shall be paid as follows:

1. Employees who perform no work shall receive pay for two (2) hours at their regular rate.

2. Employees who work less than four (4) hours shall receive pay for four (4) hours at their regular rate.

3. Employees who work more than four (4) hours shall receive pay for eight (8) hours at their regular rate.

(d) Selection and Review Rights. Employees placed on leave without pay pursuant to this Section 108:0625 shall be selected in the order provided in Section 108:1002 LAYOFFS at each respective work location and shall have the right to request a grievance review to determine disputes with regard to seniority.
SECTION 108:07. EMPLOYMENT, PROMOTION AND REPLACEMENT

Sec. 108:0701. EXCLUSION FROM COVERAGE. The provisions of this section do not apply to the employment of per diem employees.

Sec. 108:0702. BASIS FOR PERSONNEL SELECTION.

(a) Entrance Level Positions. All appointments to the service of the Authority shall be made on the basis of merit as determined by objective appraisal of ability, skill, training and experience.

(b) Above Entrance Level Positions.

(1) Vacancies occurring in positions above the entrance level in a given classification series shall be filled through promotion insofar as it is feasible. When vacancies are anticipated, the qualifications of Authority employees who are in logical line for promotion shall be appraised. If there are insufficient applicants within the Authority, then applicants who are not employees of the Authority will be considered. The vacancy shall be filled by the person who is deemed to be best qualified to perform the work involved. In evaluating the qualifications of employees, consideration shall be given to any special qualifications which an employee may have acquired as a result of such employee's experience with the Authority, providing that this experience bears a direct relationship to the duties of the vacant position. Time served in qualifying classifications shall be a factor in promotion, but shall not be considered as the sole qualification for promotion.

(2) The Authority desires to encourage the development of career employment opportunities in the field of public housing and has established procedures to facilitate the positive identification of promising employees who possess capacity for future growth. A planned program of work experience and training opportunities is available to these employees in order to prepare them for promotion.

Sec. 108:0703. RESTRICTIONS ON EMPLOYMENT.

(a) Citizenship. In accordance with the provisions of the State Labor Code, any person employed by the Authority must be a citizen of the United States, or a resident of the State of California who has indicated intent to become a citizen of the United States.

(b) Employment of Relatives. Relatives of employees will receive equal consideration with all other applicants. Preferential treatment in employment matters is not permitted.
employees shall not occupy positions in which one (1) relative supervises another relative, or one (1) relative is in a position to affect the compensation of or to influence employment decisions affecting another relative. If, during the course of employment, two (2) or more previously unrelated employees become related and are situated in any of the above circumstances, the Authority may require that one (1) or more of those involved transfer or resign. In such circumstances, every reasonable effort will be made to accommodate the qualifications and needs of the employees involved. If conflicts of interest or management problems of safety, supervision, or security occur as a result of the interaction of related employees, the Authority may require one (1) or more of those involved to transfer or resign. The terms "relatives" and "related employees" include persons related by blood, marriage, or adoption as well as employees involved in relationships characterized by the permanence, duration and stability normally associated with family relationships or marriage.

(c) Loyalty. No person shall be employed by the Authority who fails to uphold the Constitution of the United States and of the State of California.

(d) False Representations. Persons who make material false representations in connection with securing employment with the Authority will be subject to having their employment rights revoked.

Sec. 108:0704. CAUSES FOR DISQUALIFICATION.

(a) The Authority may reject an application, refuse to examine an applicant, remove the name of an applicant from a Certified Hiring List, or refuse to employ an applicant:

(1) Who does not meet the requirements set forth in the bulletin announcing the examination.

(2) Who is physically or mentally unfit to perform the duties of the position.

(3) Who has been convicted of a crime which bears a direct relationship to the position for which the applicant is being considered.

(4) Who has been dismissed or resigned in lieu of discharge from any position for any cause which would be cause for dismissal from Authority service; or whose record of employment has not been satisfactory in Authority service or with any other agency or firm.

(5) Who has abandoned any position in Authority service or has been absent from duty without leave of absence duly granted.
(6) Who has made knowing material false statements or who has attempted any fraud or deception in connection with obtaining or retaining employment with the Authority.

(7) Who refuses to execute the loyalty oath as prescribed by law.

(8) Who refuses to be fingerprinted.

(9) Who has secured confidential information concerning an examination which might give such applicant unfair advantage over other applicants.

(10) Who contacts, or attempts to contact, any Personnel Office employee or rater in an examination regarding examination content, other candidates' scores, or to seek confidential examination information.

(11) Who refuses to take or fails to pass the prescribed medical examination.

(12) Whose name appears on a promotional list and has been separated from Authority service.

(13) Who is not a citizen when citizenship is a legal requirement for appointment to the position.

(b) Notice of Non-Acceptance. The person against whom action is taken under Section 108:0704 shall be notified, in writing, of the reasons thereof.

(c) Appeals. Any person aggrieved by any ruling of the Personnel Officer with regard to the examination, eligibility or disqualification of an applicant, or concerning the withholding of a name from certification, may appeal such ruling. A letter must be served on the Personnel Office of the Authority within ten (10) work days after notice of such ruling. Such appeal letter must set forth specific facts upon which the appeal is based. The Personnel Office of the Authority will respond to all such appeals in writing and the decision of the Personnel Officer of the Authority shall be final, except as provided in Section 108:0709.

(d) Applications Not Returned. All applications when completed and filed become the property of the Authority and thereafter may not be returned to the applicant.

Sec. 108:0705. RECRUITMENT OF APPLICANTS.

(a) Publicity and Announcement.

(1) The Authority shall take positive steps to assure that recruitment publicity is effectively disseminated among employees and throughout the employment market generally.

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(2) The format of recruitment announcements shall follow the pattern usually utilized by Civil Service Agencies and shall list the classifications in which vacancies are anticipated; the desirable qualifications; the established compensation rates; and all other factors pertinent to the positive recruitment of employees.

(b) Encouraging applicants. The Authority shall take positive steps to attract applicants who possess superior qualifications.

(c) Application Form. All applicants for employment with the Authority shall, as a preliminary step, complete the prescribed Application for Employment form.

(d) Limitation on Acceptance of Applications. The Executive Director or the Director's designee may designate and limit the occasions when the applications will be accepted, and may also limit the number of applications which will be accepted to a specified number, according to the needs of the service as long as prior notice is given on the recruitment announcement.

Sec. 108:0706. APPLICATIONS AND APPLICANTS.

(a) Qualifications for Examinations. To qualify for examinations, an applicant must:

(1) Meet the requirements specified on the Recruitment Bulletin.

(2) File an application in accordance with established procedures.

(3) Not have been disqualified from a particular examination or failed to pass said examination of the Authority within one (1) year if a Security Officer or Housing Patrol Officer applicant, or within six (6) months for all other classifications.

(b) Qualifications for Promotional Examinations.

(1) In addition to meeting the requirements of (a) above, an applicant for a promotional examination must be an employee who has a regular appointment. Probationary employees may be allowed to compete in promotional examinations.

(2) Applicants for promotional examinations who will meet the minimum requirements within three (3) months of the last day for filing applications as stated on the bulletin may file an application, compete in the examination and be placed on the Certified Hiring List. Appointment will be withheld, however, until the three (3) month requirement has been met. This date and
withhold status will be stated on the Certified Hiring List.

(c) Filing Applications.

(1) No application will be accepted until a Recruitment Bulletin has been posted.

(2) Only the Authority approved application form will be accepted.

(3) Applications must be received in the Personnel Office not later than 4:30 p.m. on the last day for filing as listed on the Recruitment Bulletin.

(4) The Personnel Officer may, if sufficient reasons are shown, accept an amendment to an application after the designated date and time for filing has passed.

(5) In cases of any dispute as to the time of filing, the official time recorded on the application shall be conclusive.

Sec. 108:3707. QUALIFICATIONS EVALUATION. Except as otherwise provided herein, all positions shall be filled from employment lists established in accordance with the following provisions:

(a) Methods of Evaluation. The qualifications of applicants for employment shall be evaluated by the Personnel Office through the use of written examinations; interviews; performance tests; physical examinations; appraisals of training, education, and experience; or by other appropriate means as determined by the Personnel Officer.

(b) Unless otherwise stated in the examination bulletin applicants must achieve a minimum rating of 70% including promotional seniority credit. Failure of the applicant to achieve the minimum rating required on any portion of the evaluation process shall disqualify the applicant from subsequent parts of the evaluation process.

(c) Experience Credit for Employees. The Personnel Officer shall apply a credit to be allowed employees with permanent status who have Authority experience. This credit is to be added to an employee's final qualifying score when so stated on a Promotional or Open/Promotional bulletin. Employees with permanent status shall receive promotional seniority credit of one (1) point for each year of continuous service to a maximum of five (5) points.
Sec. 108:0708. CERTIFICATION OF HIRING LISTS.

(a) As a result of an examination, scores for each part of the examination will be computed, seniority added in Promotional examinations, Sec. 108:0704 applied, and a final score determined. Final scores will be rounded to the nearest whole score.

(b) The names of applicants who pass will be placed on the lists in the order of the rank of their whole scores. All applicants with the highest whole score will be recorded in Rank 1; those with the second highest whole score in Rank 2; and other applicants so grouped into succeeding ranks.

(c) Notification of Examination Results. As a result of the examination process, all applicants will be notified as to whether they qualified or failed to qualify for placement on the Certified Hiring List. Those who qualified will be notified of their final score, the rank of their final score, their scores for each part of the examination, their seniority points (if appropriate), and the number of applicants with the same or higher whole scores.

Sec. 108:0709. QUALIFICATION EVALUATION REVIEW.

(a) If an applicant sets forth specific reasons at any stage of the qualification process to demonstrate that the Authority has acted in a discriminatory, arbitrary or capricious manner in evaluating the applicant's qualifications as compared to how other applicants have been evaluated or that an error has been committed, the applicant may request a review in accordance with the provisions of this Section 108:0709.

(b) Request for Review of Qualifications Evaluation Records. The applicant shall notify the Personnel Officer that such applicant is aggrieved or dissatisfied as provided in (a) above and desires to have a Qualifications Evaluation Review Advisory Committee review, on the applicant's behalf, the qualifications evaluation records. Notice to the Personnel Officer must be timely so that disputes can be settled prior to publication of appointments or certified hiring lists. Requests for Qualifications Evaluation Reviews which are not filed within ten (10) days from the date that the employee would first have reasonably been aggrieved will not be accepted.

(c) Review of records by Advisory Committee. Qualifications Evaluation Review Advisory Committee shall be appointed by the Personnel Officer, except that an employee who participated in the qualifications evaluation may not be a member of a Qualifications Evaluation Review Advisory Committee. An applicant may have written or oral input to the Committee before the decision is reached. In studying the claim the Committee may, if it so desires, have access to the applicant's answer sheets and such other papers and records as may be pertinent to establish that the applicant's qualifications have not been evaluated in an
arbitrary and/or inconsistent manner as compared with the evaluation of other applicants' qualifications or that an error has not been committed; provided, however, that the identity of other applicants shall not be disclosed to the Committee.

(d) Decision by Executive Director. Within ten (10) days subsequent to review and consultation with the Qualifications Evaluation Review Advisory Committee, the Executive Director shall render a written decision to the applicant. The Executive Director's decision shall be final.

Sec. 108:0710. EXPIRATION AND EXTENSION OF CERTIFIED HIRING LISTS.

(a) All certified hiring lists shall expire and become void six (6) months after the date on which created, but may be extended at the discretion of the Executive Director for a period not to exceed six (6) months.

(b) Applicants whose names remain on an extended certified hiring list shall be notified in writing with written notice to the appropriate Recognized Employee Organization when the list is extended.

Sec. 108:0711. WAIVER OF CERTIFIED HIRING LISTS FOR ENTRANCE LEVEL CLASSES.

(a) When positions are to be filled in entrance level classifications for which no certified hiring lists are available, the Executive Director may waive the establishment of a certified hiring list if, in the Executive Director's opinion, the employment market will not provide sufficient competition to warrant the establishment of certified hiring lists or the appointment is necessary to prevent the stoppage of the Authority's business, or to meet extraordinary exigencies.

(b) Applicants who are referred for placement when such waiver is in effect, shall be eligible for permanent appointment without going through the formal qualifications evaluation process. Where the Executive Director determines that the condition of the employment market does not warrant waiver of certified hiring lists, applicants shall be referred for placement as temporary appointments for a period of ninety (90) work days pending establishment of certified hiring lists. In cases where the certified hiring list is not established, the Executive Director may extend the temporary appointment for an additional period not exceeding ninety (90) work days.

Sec. 108:0712. TYPES OF APPOINTMENT.

(a) Permanent Appointment. A permanent appointment conveys to the employee, subject to the satisfactory completion of a probationary period, all the rights and privileges provided in Chapter 108.
(b) Temporary Appointment.

(1) Except as otherwise specifically provided in this Chapter 108, temporary appointment conveys to the employee the same rights and privileges that are granted to the employees under permanent appointment.

(2) A temporary appointment shall be made when an employee is engaged to fill a position for an anticipated period of less than six (6) months, even though the employee was referred from a certified hiring list.

Sec. 108:0713. REQUEST FOR REFERRAL OF APPLICANTS. A responsible supervisor must request approval of the Personnel Officer to fill an authorized position. To the extent possible, requests should be made at least two (2) weeks before the date of the anticipated vacancy in order to allow adequate time for processing.

Sec. 108:0714. REFERRAL AND APPOINTMENT FROM EMPLOYMENT LISTS.

(a) Order of Using Employment Lists.

(1) Transfer Lists.

(2) Re-employment Lists.

(3) Certified Hiring Lists.

(b) Referral of Applicants. The names of applicants within the three (3) highest whole scores shall be considered for referral as follows:

(1) If a department has one (1) vacancy, at least six (6) names shall be referred; seven (7) names for two (2) vacancies; eight (8) names for three (3) vacancies; and a like ratio of names provided for more than three (3) vacancies.

(2) If there are fewer than the required number of names within the top three (3) whole scores, all of the names within the next whole score will be considered regardless of the number of persons within that whole score, so that at least five (5) more names than vacancies shall be referred.

(3) Less than three (3) whole scores of applicants can be referred as long as the whole scores referred will provide the required minimum number of names.

(4) If the number of applicants in the top three (3) whole scores is excessive for the number of vacancies, the Personnel Officer may use either the top two (2) whole scores, the top one (1) whole score or use a job
related screening device to reduce the number of applicants to a more reasonable number.

(c) Appointment. All applicants referred for review shall be considered and the appointment made by the responsible supervisor in accordance with the needs of the service and without necessary respect to the ranking of applicants on the certified hiring list.

(d) Withholding of Referrals. Applicants whose names appear on a certified hiring list may be withheld from referral under the following conditions:

(1) If an applicant waives referral on two (2) consecutive occasions, it shall be deemed justifiable for the Authority to assume that the applicant is not available for employment. The Personnel Officer shall notify the applicant in writing that such applicant has been removed from the certified hiring list and may be restored only by meeting the requirements of the subsection. If the applicant desires to be restored to the certified hiring list, such applicant must provide the Personnel Officer with a written request for restoration setting forth reasons acceptable to the Personnel Officer for the prior waivers of referrals. If the reasons are acceptable to the Personnel Officer, the applicant will be notified in writing of restoration to the certified hiring list. If the applicant waives one (1) referral following restoration, such applicant will be permanently removed from the certified hiring list.

(2) If an applicant is referred but not appointed by a responsible supervisor, the applicant shall not be referred again to that supervisor in connection with vacancies in the classification for which the applicant was refused appointment, unless the supervisor requests that the applicant be referred.

Sec. 108:0715. REFERRAL AND APPOINTMENT IN ABSENCE OF CERTIFIED HIRING LISTS.

(a) Entrance Level Classifications Where Certified Hiring List is Waived. When appointments are to be made to entrance level classifications for which the establishment of certified hiring lists have been waived in accordance with the provisions of Section 108:0711, applicants who are referred shall be eligible for permanent appointment.

(b) Entrance Level Classifications Where Certified Hiring List is not Waived. Where the establishment of certified hiring lists for entrance level classifications has not been waived, applicants shall be eligible for temporary appointment pending the establishment of certified hiring lists.
(c) Above Entrance Level Classifications. When appoint-
ments are to be made to above-entrance level classifications for
which appropriate certified hiring lists are not available,
vacancies shall be filled by temporary appointments not to exceed
ninety (90) work days pending the establishment of an appropriate
certified hiring list. Such temporary appointments may be
extended for a period not to exceed ninety (90) work days upon
approval by the Executive Director. The Authority must provide
the appropriate recognized employee organizations with notice of
the extension.

Sec. 108:0716. TERMINATION OF TEMPORARY APPOINTMENTS.

(a) Temporary appointments shall be terminated and an
appointment made from an appropriate certified hiring list not
later than thirty (30) work days after appropriate list is
established.

(b) Any permanent employee who is given a temporary
appointment to a position in another classification pending a
qualifications evaluation, and who fails to qualify or qualifies
but is not appointed from the certified hiring list, shall be
reinstated to a position in the classification in which the
employee has permanent status.

Sec. 108:0717. ASSIGNMENT TO PROBATIONARY STATUS.

(a) After each permanent appointment from a certified hir-
ing list, an employee shall serve a complete period of probation.

(b) Upon reinstatement of an employee after separation, or
upon a voluntary change to a new classification, the appointing
power shall require such employee to serve a probationary period.
This section does not apply to the reinstatement of employees
after disciplinary action.

(c) No new probationary period results from a transfer, or
reduction of an employee who previously completed a probationary
period in that classification. In no case shall a person be
required to serve an additional probationary period when
appointed from a reemployment list to a permanent position of the
same or lower level from that which the employee was laid off and
had satisfactorily completed a prior probationary period.

Sec. 108:0718. LENGTH OF PROBATIONARY PERIOD.

(a) The period of probation shall be no less than six (6)
or more than twelve (12) calendar months from the date of
appointment, as established for each classification:

(1) Class A employees: Six (6) months.

(2) Class B employees: Six (6) months.

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(3) Class C employees: Twelve (12) months.

(4) Class D employees: Twelve (12) months.

(b) Interruption of Probationary Period. Whenever the probationary period of an employee is interrupted due to an appointment to another classification and the employee subsequently returns to the original classification, the appointing supervisor shall require the employee to serve the balance of the original probationary period before the probation is complete.
SECTION 103:08. TRANSFERS

Sec. 103:0801. VOLUNTARY TRANSFER.

(a) Procedure. Permanent employees who wish to transfer to another organizational unit within the Authority for their own convenience may submit to the Personnel Department a P-19 "Request for Transfer," stating specific locations. The employee's name will be placed on a Transfer List, within classification, in order of the date of the employee's submission of the request, provided all eligibility requirements as set forth in subsection (b) are met. The request for transfer will be reviewed by the recipient Responsible Supervisor for approval or denial at the time the position becomes available. If the request is denied, the employee will be notified immediately in writing of the reason for denial.

(b) Eligibility. Probationary employees, employees with less than satisfactory current evaluations, and employees who have been subject to discipline (demotion or suspension) within six (6) months from the date of request shall not be eligible to be considered for transfer.

(c) Appointment. As openings occur within the employee's classification and at requested location(s), the employee with the most senior date of request for transfer will be referred for review as provided for in subsection (a).

(d) Time Limitations. An employee transferred under this section may not submit another Request for Transfer for a minimum period of one (1) year from the date of transfer. The Request for Transfer is in effect for one (1) year from the date of approval and not the date of submission. Thereafter, it becomes null and void.

Sec. 103:0802. ADMINISTRATIVE TRANSFER.

(a) Recommending Transfers. Responsible supervisors may, in order to protect or promote the best interests of the Authority or the public, recommend the transfer of any employee under their supervision.

(b) Effecting Transfers. Whenever it is administratively determined that a transfer is necessary in order to protect or promote the best interests of the Authority or the public, the Executive Director shall be empowered to transfer employees between and among the various organizational units of the Authority subject to the following conditions:

(1) Prior to completing a proposed transfer, the responsible supervisor shall endeavor to secure the concurrence of the employee. However, in the event a transfer is determined to be in the best interests of the Authority, the Executive Director may complete such
transfer over the protests of any or all of the parties concerned.

(2) Both the employee and the responsible supervisors involved in a transfer shall be given a minimum notice of five (5) work days prior to actual consummation of a transfer. Such notification will be confirmed in writing to the employee by the responsible supervisor.

(3) Employees shall only be transferred from a permanent to a permanent position within the same classification and such transfer shall not result in a loss of compensation.

(c) Right of Appeal.

(1) If an employee can demonstrate that the requirements of subsection (b) have been violated, such employee may file a grievance pursuant to Section 108:14 or, if included in an employee representation unit, the appropriate Memorandum of Understanding.

(2) If an employee files an appeal of an administrative transfer except as provided in subsection (c)(1) above, such employee may file a written appeal setting forth the reasons therefore and the remedy requested. Such written appeal shall be filed with the Executive Director within five (5) work days of the notice of administrative transfer. The Executive Director shall consider the appeal and the Executive Director's decision shall be final.
SECTION 108:09. DISCIPLINE

Sec. 108:0901. DEFINITIONS.

(a) "Suspension" means either the temporary removal of an employee from such employee's position without pay as a disciplinary measure; or the removal of an employee during investigation of charges pending dismissal.

(b) "Discharge" means the separation, dismissal or removal of an employee from the service of the Authority for cause.

(c) "Demotion" means a reduction in classification and pay for cause.

Sec. 108:0902. AUTHORITY TO SUSPEND, DEMOTE OR DISCHARGE. Responsible supervisors for cause may suspend, demote or discharge employees under their jurisdiction subsequent to notifying the appropriate Department Head and Personnel Department of such action and further, subject to the provisions of this section.

Sec. 108:0903. CAUSES FOR SUSPENSION, DEMOTION OR DISCHARGE. No employee having permanent status may be suspended, demoted or discharged except for cause. Examples of specific causes which meet this requirement are as follows:

(a) Incompetency, inefficiency, insubordination, discourteous treatment to the public or fellow employees, or any other adverse failure of personal conduct which is in conflict with or otherwise adversely affects the best interests of the Authority; provided, that upon demand of the accused employee, specific instances must be set forth as to any cause enumerated under this heading.

(b) Habitual and/or excessive use of alcoholic beverages, drinking alcoholic beverages on the job or on Authority property or reporting for duty in an intoxicated condition.

(c) Use or possession for use or sale of illegal narcotics or controlled substances on the job or on Authority property.

(d) Receipt of a performance rating below the point set by the Executive Director as "acceptable," provided the rating is supported by proof of the factors on which it is based.

(e) Participation in political activity or solicitation of political recommendations on Authority property or any other political activity in contravention of the Hatch Act as amended.

(f)

(g) Habitual absenteeism or tardiness from work or abuse of sick leave privileges.
(h) Incapacity to perform prescribed duties and/or tasks, when no reasonable accommodation can be provided.

(i) An indebtedness status which is in conflict with or otherwise adversely affects the best interests of the Authority. Three (3) processed garnishments within one (1) year shall be considered contrary to the Authority's best interest under this provision.

(j) Making of material false representations in connection with employment, retention, or promotion by the Authority, including falsification of statements on the Application for Employment form.

(k) Purposeful disclosure of bids in advance of bid openings.

(l) Willful violation of any part of these rules.

(m) Employment in addition to that of the Authority which is in conflict with the best interests of the Authority.

(n) Any fraternization with tenants detrimental to the landlord-tenant relationship or which otherwise tends to compromise the Authority's fiduciary relationship with its tenants.

(o) Participation in any monetary transaction in the form of wagering, gambling or games of chance, whether legal or not, on Authority premises.

Sec. 108:0904. DISCHARGE, DEMOTION AND SUSPENSION PROCEDURE.

(a) Notice of Intent. Whenever a responsible supervisor intends to suspend for five (5) days or more, demote or discharge a permanent employee, the supervisor shall notify the Personnel Department and give the employee a written Notice of Intent to Discipline which states:

(1) The discipline action intended.

(2) The specific charges upon which the action is based.

(3) A factual summary of the grounds upon which the charges are based.

(4) Notice of the employee's right to respond to the charges either orally or in writing to a responsible supervisor.

(5) The employee's right to review and copy all the materials upon which the intended discipline is based.
(6) The date, time and person before whom the employee may respond in no less than five (5) days.

(7) Notice that failure to respond at the time specified shall constitute a waiver of the right to respond.

(b) Final Notice. If, after the response or the expiration of the employee's time to respond to the Notice of Intent, the responsible supervisor decides to proceed with disciplinary action, a Final Notice shall be served upon the employee either in person or by mail and shall be effective when served.

Sec. 108:0905. REMOVAL OF EMPLOYEE FROM DUTY.

(a) Where retention in active work status would be detrimental to the best interests of the Authority, employee or other employees, the employee may be removed from duty immediately or within less than ten (10) work days after service of the Notice of Intent. However, such removal shall not cause the employee loss of pay or benefits except as provided in (b) of this section.

(b) When the employee has committed an overt act of misconduct which posed or continues to pose a clear and present threat to the health and safety of persons on property owned or managed by the Authority, such employee may be removed immediately from duty and from pay status.

Sec. 108:0906. APPEAL PROCEDURES. Whenever a permanent employee has been discharged, demoted or suspended without pay for five (5) or more work days, such employee may appeal according to the following procedure:

(a) Within ten (10) work days after service upon the employee of the Final Notice (15 days if service is by mail), the employee may appeal the disciplinary action to the Executive Director.

(b) Every appeal shall be taken by way of written Notice of Appeal filed with the Executive Director prior to the expiration of the appeal period.

(c) An appeal shall contain a notice of the employee's intent to appeal, setting forth specific facts upon which the appeal is based, a specific reference to the disciplinary action from which the appeal is taken and the nature of the relief sought. Every Notice of Appeal shall be signed by the appellant or a designated representative.

(d) Within ten (10) work days after receipt of the Notice of Appeal, the Executive Director shall either appoint a Hearing Officer to conduct a formal hearing on the appeal or schedule a hearing at which the Executive Director will act as the Hearing Officer.
(e) At this hearing, the employee may present documentary evidence, testimony, and witnesses.

(f) Within twenty (20) work days after the hearing, the Hearing Officer or Executive Director shall render a decision. The Hearing Officer's decision shall be advisory to the Executive Director.

(g) If the employee is not satisfied with this decision, the employee may appeal the disciplinary action to the Commission.

(h) This appeal shall be taken by way of written Notice of Appeal filed with the Commission within ten (10) work days of receipt of the Executive Director's/Hearing Officer's decision.

(i) An appeal shall contain a notice of the employee's intent to appeal, setting forth specific facts upon which the appeal is based, a specific reference to the disciplinary action from which the appeal is taken and the nature of the relief sought. Every Notice of Appeal shall be signed by the appellant or a designated representative.

(j) The Commission may hear the appeal or designate a Hearing Officer from an independent agency to conduct the hearing on the appeal.

(k) The Commission or the Hearing Officer shall hear the matter and shall render a written decision after the conclusion of the hearing.

(l) If the decision is rendered by the Hearing Officer, it shall be advisory to the Commission. The Commission shall review the advisory recommendation of the Hearing Officer and render a decision.

(m) The decision of the Commission shall be final and binding.
SECTION 108:10. LAYOFF, RESIGNATION, AND OTHER TERMINATIONS

Sec. 108:1001. RIGHTS OF TERMINATED EMPLOYEES. An employee who submits a resignation or who is notified of impending layoff shall have the right to a personal conference with the responsible supervisor. Rights and benefits available to the employee shall be discussed at this time. The employee may have any representative such employee chooses present at this conference. Notification of this opportunity shall be made in writing to the employee's last known address indicating in general the rights and benefits that may be available to the employee. The Recognized Employee Organization shall receive a copy of this notice if the employee occupies a position included in the employee representation unit.

Sec. 108:1002. LAYOFFS. It is the policy of the Authority to take all reasonable steps to stabilize employment for employees. However, where lack of work, lack of funds, reorganization, technological changes or other conditions leave no alternative but to reduce the total number of employees, the Authority will reduce personnel in accordance with the following provisions:

(a) Layoff Area and Level.

(1) The Authority will determine administratively which positions are to be eliminated. Once this determination has been made, all employees occupying positions in that classification will be considered for the purpose of determining the order of layoff.

(2) All employees in a classification shall be considered without regard to location or organizational unit, whenever a layoff is to occur in such classification.

(3) The Authority shall meet and confer with the appropriate recognized employee organization regarding the impact of employee layoffs.

(b) Layoff Lists. The Authority will compile a Layoff List for the various classifications of employees as conditions may require. Layoff Lists shall be based upon the layoff seniority of employees in the classification affected. Layoffs will be accomplished on the basis of the layoff lists and the provisions of this section. A copy of the appropriate layoff list shall be available for inspection by an employee who is laid off or displaced pursuant to this section.

(c) Determining Layoff Seniority.

(1) Layoff seniority shall be based upon the actual time an employee occupies an affected classification or a higher classification, except as provided below.
(2) In determining layoff seniority, employees shall be allowed credit for all time worked and for all periods of authorized absence within the classification, except absence without pay for periods exceeding fifteen (15) work days.

(3) Where there has been a break in employment within the affected classification, credit shall not be given for prior service, except in the case of a permanent employee who has been separated because of a reduction in force and subsequently re-employed.

(d) Normal Order of Layoff. Employees in the same classification shall be laid off in the following sequence:

(1) Group 1, Temporary Employees. This group includes employees who do not have permanent status in the classification involved in the layoff. The order of layoff within the group will depend upon the needs of the service, as administratively determined.

(2) Group 2, Permanent Employees. Permanent employees shall be laid off in accordance with layoff lists as compiled according to this section except as otherwise provided in Section 108:1002(e).

(3) Determining Ties. Where two (2) or more employees have the same amount of seniority, the order of layoff will be determined administratively, on the basis of the qualifications of the employees with regard to the needs of the service. This order of layoff will be determined by the Personnel Office for Authority-wide layoffs and by the respective Department Heads for intra-departmental layoffs.

(e) Exception to Normal Order.

(1) An employee performing the necessary duties which cannot be taken over by any other available employee with more seniority without serious disruption of the activity involved may be retained, although employees with greater seniority may be affected adversely. A written statement of the reasons for such exceptions shall be entered in the personnel file of the employee so retained and a copy shall be made available to such employees as may be adversely affected by such action.

(2) Employees who are laid off before employees with less seniority, pursuant to the provisions of this section, have the right to request a grievance review under the provisions of Section 108:14, except where an employee with less seniority is retained for the purpose of completing a function which will be discontinued within ninety (90) work days and will be ineligible for
reassignment to another position within the same classification.

(f) Displacement.

(1) Permanent employees who are displaced from their positions by the reduction in force process described herein shall be entitled to placement rights in any classification of the same or lower salary rank in which they formerly held permanent status or for which the Authority determines them to be qualified.

(2) Displaced permanent employees shall automatically have their placement rights and re-employment list rights established by the Authority.

(3) Permanent employees who are displaced by other employees under this section are entitled, in turn, to the placement rights contained in this section.

Sec. 108:1003. RESIGNATION AND JOB ABANDONMENT.

(a) Definitions. Resignation and Job Abandonment represent actions taken by the employee:

(1) Resignation occurs when the employee tenders a written notice of such employee's intention to resign.

(2) Job abandonment occurs when the employee fails to report for duty or, is absent from regularly assigned duties for five (5) consecutive work days without prior authorization, or fails to report for duty the day following the expiration of leave of absence, without securing a leave extension.

(3) On the second working day of an unauthorized absence the supervisor shall send a telegram or overnight letter to the employee's last known address, on file, advising that should the employee fail to report to work within three (3) work days or receive authorization for such absence, the employee will be deemed to have resigned.

(4) Employees separated from employment for job abandonment will be reinstated with such charge removed from the employee's record upon presentation of justification for the absence such as severe accident, severe illness, or false arrest.

(b) Notice to Authority. All employees are expected to give two (2) weeks notice of their intention to resign. Failure to give sufficient notice or job abandonment will be entered on the employee's record and may prejudice the employee's chances of future re-employment with the Authority, particularly if the
resignation or job abandonment disrupts or otherwise inconveniences the work of the Authority.

Sec. 108:1024. REEMPLOYMENT RIGHTS OF TERMINATED EMPLOYEES.

(a) Employees Who Have Been Laid Off.

(1) Permanent employees who have completed their probationary period and who have been laid off or displaced shall be automatically placed on a reemployment list for two (2) years for the classification from which they have been displaced.

(2) Permanent employees who have not completed their probationary period will be automatically returned to the certified hiring list from which they were appointed.

(3) Temporary employees do not have the privilege of being placed on a reemployment list.

(b) Employees Who Have Resigned in Good Standing.

(1) Any former employee who has enjoyed permanent status and who has resigned or otherwise been separated while in good standing, may be considered for reinstatement to a position in the former employee's classification for a period of three (3) years after resignation or separation.

(2) An employee who desires to be reinstated shall submit a written request to the Personnel Office. In the event the request is granted, the name of the former employee shall be placed on an appropriate reemployment list and referred to fill vacancies as provided under Section 108:0714.

(c) Promoted Employees Who Fail to Pass the Probationary Period. An employee who has attained permanent status in a classification and who subsequently is promoted and given permanent status in a higher classification subject to the satisfactory completion of the probationary period and who fails to perform satisfactorily the duties of the new position, shall be returned automatically to such employee's former permanent classification.

Sec. 108:1005. LETTERS OF RECOMMENDATION FOR TERMINATING EMPLOYEES.

(a) General Letters. It is the policy of the Authority to refrain from writing any form of general recommendation letters for terminating employees, either expressing a personal opinion of the supervisor or expressing the official opinion of the Authority with respect to the services rendered by the departing employee.
(b) Letters Pertaining to Specific Positions. Upon receipt of a written authorization signed by the former employee, the Personnel Office will respond to specific inquiries from former employees and prospective employers regarding such former employee's qualifications to perform in specific positions for which they may be under consideration.

Sec. 108:1006. RETIREMENT. The Authority is a contracting agency with the California State Public Employees' Retirement System (PERS) and all employee retirements will be made according to this contractual agreement and the Public Employees' Retirement Law of the State of California.
SECTION 108:11. OBLIGATIONS OF EMPLOYMENT

Sec. 108:1101. GENERAL OBLIGATIONS OF ALL EMPLOYEES. In order to attain its objective, the Authority needs and expects the wholehearted cooperation and efforts of every employee. Therefore, it is inherent in the employer-employee relationship that each employee is obligated to render honest, efficient and economical service in the performance of duties.

Sec. 108:1102. SPECIAL OBLIGATIONS OF SUPERVISORY AND ADMINISTRATIVE EMPLOYEES. It shall be understood by all employees who occupy supervisory and administrative positions that the conditions of their employment impose the following special obligations:

(a) To develop the necessary skills and other attributes to accept and properly discharge the authority and responsibility of their present positions or prospective promotional positions.

(b) To participate in the formulation of administrative policies and procedures and to bring forth contributions which will facilitate the operations of the Authority.

(c) To exercise discretion and judgment in the administration of policies and procedures and to at all times represent the interests of the Authority to the best of their ability.

(d) To plan their own work and that of the organizational unit for which they are responsible in order to achieve mutually understood objectives in accordance with predetermined time schedules.

(e) To develop employees capable of rendering a distinct contribution to the operating effectiveness of the Authority.

(f) To continuously appraise and evaluate the performance of employees and to take disciplinary action when employee performance does not meet the minimum requirements of the position or is otherwise in conflict with the best interests of the Authority.

(g) To observe the regular working hours and be subject to the other conditions of employment.
SECTION 108:12. PERFORMANCE RATING

Sec. 108:1201. BASIS FOR RATING EMPLOYEE PERFORMANCE. The work performance of all employees shall be appraised by the immediate supervisor in accordance with the provisions of this section. Performance rating forms shall be designed in a manner that will evaluate all phases of performance as accurately as possible.

Sec. 108:1202. EMPLOYEES SUBJECT TO RATING.

(a) All probationary employees will be rated at least two (2) times during their probationary period.

(b) All employees on merit steps 1 through 4 will be rated prior to advancing to the next step.

(c) All other employees will receive an annual performance rating.

Sec. 108:1203. RATING STANDARDS. Overall ratings shall be expressed by the following terms and definitions:

(a) For Permanent Employees.

(1) Outstanding. All work performance is consistently well above the standards of the position.

(2) Good. A substantial part of the work performance is above the standards of the position.

(3) Satisfactory. Work performance consistently meets the standards of the position.

(4) Improvement Needed. A significant part of the work performance is below the minimum standards of the position and it is reasonable to expect that the employee will bring performance up to acceptable standards. When this rating is given, a new evaluation must be made within a period not to exceed three (3) months from the day on which the employee is served with the Improvement Needed evaluation, except that the rating period may be extended by the length of any approved leave during the three (3) months. Such follow-up evaluation shall bear an overall rating other than Improvement Needed. If no follow-up rating is submitted at the end of the three (3) months, the employee will be administratively rated as "Satisfactory."

(5) Unsatisfactory. A large portion of the work performance is inadequate and definitely substandard. When this rating is given, factual evidence must be presented and be accompanied by a discharge or demotion. This rating will only be given when preceded by an "Improvement Needed" evaluation and/or other
disciplinary actions. This evaluation, along with the accompanying demotion or discharge, may be appealed in accordance with Personnel Rule Section 108:0906.

(b) For Probationary Employees during Probationary Status.

(1) Satisfactory. Work performance is equal to or above the standards of performance for the position.

(2) Unsatisfactory. Work performance is inadequate and below the standards of performance for the position. When this rating is given, factual evidence must be presented and be accompanied by a Notice of Rejection During Probation.

Sec. 108:1204. LESS THAN SATISFACTORY RATINGS.

(a) An overall summary evaluation of "Improvement Needed" or "Unsatisfactory" will:

(1) Prevent completion of the probationary period and said rating is not subject to grievance review for probationary employees.

(2) Prevent advancement from one (1) merit step to the next.

(3) Prevent application for promotion or transfer.

(b) The above restrictions are automatically removed when the next overall summary evaluation is "Satisfactory" or above.

Sec. 108:1205. DOCUMENTATION.

(a) Narrative information must be presented in writing to substantiate the ratings of Outstanding, Good, Improvement Needed and Unsatisfactory for permanent employees.

(b) Unsatisfactory ratings for probationary employees must be supported in writing.

Sec. 108:1206: RESPONSIBILITY FOR PREPARING TIMELY REPORTS. It is the responsibility of the immediate supervisor to prepare timely reports. Reports which are not completed prior to the completion of a probationary period or an anniversary date may not be used as restrictions as provided in subsection 108:1204 above.

Sec. 108:1207. GRIEVANCE REVIEW AND OTHER REMEDY.

(a) Grievance Review. The right to request a Grievance Review as provided in Section 108:14 is limited to those permanent and non-probationary employees who receive an overall summary evaluation of "Improvement Needed." The right to appeal
as provided in Section 108:0905 is limited to those permanent and non-probationary employees who receive an overall summary evaluation of "Unsatisfactory" when accompanied by a demotion or discharge.

(b) Other Remedy. An employee who receives a performance rating which such employee considers unacceptable shall be entitled to file a written response with the immediate supervisor and the Personnel Office. The employee's written response will be attached to the performance rating and placed in the employee's personnel file.
SECTION 108:13. OUTSIDE ACTIVITIES AND INTERESTS

Sec. 108:1301. POLITICAL ACTIVITY. The policy of the Authority regarding the political activities of its employees shall be to recognize and conform with the provisions of the Hatch Act.

Sec. 108:1302. CONFLICT OF INTEREST. It is the basic policy of the Authority not to abridge any employee's civil or political liberties or other constitutionally guaranteed rights. However, the Authority is obligated to take reasonable steps to protect the public interest and Authority policy requires employees to refrain from participating in activities or enterprises which are in conflict with the public interest or with their duties as employees of the Authority. It will be the responsibility of every employee to notify the Executive Director of any potential conflict of interest.

Sec. 108:1303. RELATIONS WITH CONTRACTORS, VENDORS AND TENANTS. All employees are hereby placed on notice to avoid contractual relationships with contractors, firms, or other organizations who, without prior approval of the Authority in or during the performance of any contract with the Authority, employ or offers to employ employees of the Authority. The acceptance of any form of earned or unearned gift or emolument from active or prospective contractors, vendors and/or tenants shall be considered to be in conflict with the best interests of the Authority, and employees who accept said gift or emolument shall be subject to disciplinary action pursuant to the provisions of Section 108:39.

Sec. 108:1304. OUTSIDE EMPLOYMENT. With approval of the Department Head, employees may engage in outside employment that is not in conflict with the interests of the Authority. Employees are required to have on file a notification of outside employment form with their respective department heads. Notification forms will be reviewed semi-annually by the Executive Director or designee.
SECTION 108:14. GRIEVANCE REVIEW

Sec. 108:1401. PURPOSE. The purpose of the Grievance Procedure is to provide a method for the resolution of grievances. In addition to filing a formal grievance, an employee has the right to file a discrimination complaint with the California Department of Fair Employment and Housing and Equal Employment Opportunity Commission. This Grievance Procedure shall apply only to employees not included in an employee representation unit.

Sec. 108:1402. DEFINITION. A grievance is a claim by an employee that an express term of this Chapter 108 has been violated by the Authority and that such employee's rights have been abused by such violation.

Sec. 108:1403. LIMITATIONS OF GRIEVANCES. Employees shall not use the Grievance Procedure:

(a) For the change of an established policy, standard, or procedure.

(b) For the discharge of a temporary employee who has not achieved permanent status in any classification.

(c) For the rejection during probation of any probationary employee.

(d) For the receipt of a performance evaluation with an overall rating of "Satisfactory" or better.

(e) For a suspension of five (5) or more days, or demotion, or a discharge which may be appealed pursuant to Section 108:0906.

(f) For any disputes for which a different method of review is specifically provided by this Chapter 108.

(g) For an employee who has been laid off for lack of work or lack of funds except an appeal of such layoff only on the basis that the employee was laid off before employees with less seniority as provided under Section 108:1002.

(h) For an employee who has been administratively transferred.

Sec. 108:1404. PARTICIPATION OF EMPLOYEES AND REPRESENTATIVES IN GRIEVANCES.

(a) Employees shall have the right to represent themselves individually in the presentation of grievances or may request representation of their choosing at any level of the grievance process. When an employee elects to be represented in a grievance, the Authority will ordinarily deal directly with the representative in processing the grievance. The grievant may be
required by either party to be present in meetings for purposes of discussing the grievance.

(b) Grievance meetings will normally be conducted during regular work hours. Released time without loss of compensation will be provided to the grievant and, if requested, no more than one (1) employee representative for the purpose of attending such meetings.

(c) An Authority employee selected as a representative in a grievance is required to obtain the permission of the immediate supervisor to be absent from duty to attend a grievance meeting. The employee representative shall give the immediate supervisor reasonable advance notice to insure that such absence will not unduly interfere with Authority operations.

(d) Authority employees who have direct, first-hand knowledge of the event giving rise to the grievance may be called as witnesses by the grievant, and may attend grievance hearings on paid Authority time subject to the notice requirements of (c) above.

Sec. 108:1405. PENDENCY. The filing or pendency of a grievance shall not delay or interfere with implementation of any Authority action during the processing thereof.

Sec. 108:1406. NON-BINDING COMMUNICATION. Processing and discussing the merits of a grievance shall not be considered a waiver by the Authority of the defense that the matter is not grievable or that the grievance should be denied for other reasons which do not go to the merits.

Sec. 108:1407. EFFECT OF TIME LIMITS. If a grievance is not filed by the grievant at any step in accordance with the time limits of this Procedure, it shall be deemed withdrawn. All time limits and grievance steps may be shortened, extended, or waived, but only by mutual agreement confirmed in writing or recorded stipulation.

Sec. 108:1408. GRIEVANCE PROCEDURE.

(a) Level One - Informal Discussion with Immediate Supervisor. An employee must first discuss a grievance with the immediate supervisor within ten (10) days of the occurrence or within ten (10) days of the date the employee knew or should have known of the occurrence. If the decision of the immediate supervisor is not acceptable to the employee, the employee may file a written grievance as provided in (b) of this section. Back pay awarded pursuant to Section 108:14 shall be limited to fifteen (15) days prior to the commencement of the procedure in Level One.

(b) Level Two - Appeal to Department Head. An employee whose grievance is not satisfactorily resolved by the immediate
supervisor may request a hearing before such employee's Department Head, in accordance with the following provisions:

(1) Request must be made on Form P-16, "Request for Grievance Review," within ten (10) days from the date the immediate supervisor rendered a decision.

(2) The grievance must state the facts upon which the grievance is based, identifying the specific provisions of this Chapter 108 which are alleged to have been violated and the remedy requested.

(3) The Department Head will arrange for the hearing to be held within ten (10) days from the date the appeal was received.

(4) The Department Head shall render a decision, in writing, within ten (10) days from the date of the hearing. This decision shall be handed or certified mailed to the employee. If no notice of further appeal is given by the employee within ten (10) days of the date the decision was rendered, the grievance shall be considered closed.

(c) Level Three - Appeal to the Executive Director. An employee whose grievance is not satisfactorily resolved by the appropriate Department Head may request a hearing before the Executive Director or the Director's designee in accordance with the following provisions:

(1) Request must be made by written memorandum within ten (10) days from the date the Department Head rendered a decision. Said request must reference the original P-16 and stipulate the reasons for which the employee is pursuing the grievance.

(2) A formal hearing with the Executive Director or the Director's designee shall be held within ten (10) days from the date the appeal is received.

(3) The Executive Director or the Director's designee shall render a decision in writing, within ten (10) days from the date of the hearing. This decision shall be handed or certified mailed to the employee. The decision of the Executive Director or the Director's designee shall be final.

Sec. 108:1409. ROLE OF THE PERSONNEL OFFICE. A representative of the Personnel Office shall be available to assist with the resolution of a grievance at the request of the Department Head, the supervisor, employee, and/or a representative.
SECTION 108:15. PERSONNEL FILES

Sec. 108:1501. INSPECTION. Performance Evaluation and all other data relating to employee performance shall be maintained in the personnel file and shall be open to the inspection of the Commission, the Executive Director or the Director's designee, the Personnel Office, the supervisors with a need to know, the employee concerned, and/or the employee's authorized representative. Employee authorization for the employee's representative to review the file must be in writing. Nothing contained herein is to be construed to require disclosure of information which could otherwise be privileged or confidential as provided by law.

Sec. 108:1502. FILING PROCEDURE. If material is placed in the personnel file, the document must so indicate. Material relating to performance may be reduced to writing and maintained only if the employee has been given an opportunity to read the material prior to its being submitted for inclusion in the file. The employee shall acknowledge reading such material by signing the actual copy to be filed, with the understanding that such signature merely signified reading the material to be filed and does not necessarily indicate agreement with its contents. The signature of a witness to an employee's refusal to sign will meet the requirements of this section. The employee shall receive a copy after signing.

Sec. 108:1503. RESPONSES AND REPRODUCTIONS. The employee shall have the right to answer any material filed and this answer shall be attached to the file copy. Such material shall not be used exclusive of this answer. An employee, upon request, shall receive reproductions of any material in the file at a cost to the employee of ten cents ($0.10) per page.

Sec. 108:1504. GRIEVANCE MATERIAL. No material pertaining to use of the grievance procedure shall be included in the employee's personnel file.

Sec. 108:1505. POSITIVE MATERIAL. Information of a positive nature received by the Authority pertaining to the performance of an employee shall be placed in the employee's personnel file upon the employee's request. The employee shall be advised of any such material received.

Section 108:1506. INCORRECT MATERIAL. Material will be removed or otherwise deleted from the personnel file in the event an employee and the Authority agree that the material is incorrect.
SECTION 108:16. FAIR PRACTICES

Sec. 108:1601. PROVISIONS. There shall be no discrimination as provided by State and Federal law against any employee by the Authority or any recognized employee organization on the basis of race, color, religion, national origin, sex, age, or physical handicap.

Sec. 108:1602. INTERNAL REMEDY. Employees who believe there has been a violation of Section 108:1601, may seek the advice and assistance of the Affirmative Action Officer of the Authority and/or may file a grievance in accordance with Section 108:14 Grievance Review.

Sec. 108:1603. EXTERNAL REMEDY. The remedy contained in Section 108:1602 does not bar an employee from the exercise of such employee's right by law to file a discrimination complaint with the California Department of Fair Employment and Housing and the Equal Employment Opportunity Commission.
SECTION 108:17. SERVICE RECOGNITION

Sec. 108:1701. SERVICE AWARD PINS. Service pins shall be awarded to all employees upon completion of ten (10) years of total service with the Authority, and upon completion of each five (5) year period thereafter.

Sec. 108:1702. CERTIFICATES AT TIME OF TERMINATION.

(a) Employees who retire with a minimum of five (5) years of service.

(b) Employees who have completed ten (10) years of service and terminate in good standing.

(c) Other employees whose service warrants recognition as determined by the appropriate Department Head or the Executive Director.

Sec. 108:1703. AWARD OF SERVICE RECOGNITION. The appropriate Department Head and/or Executive Director, as the circumstances may indicate, shall be responsible for determining the manner in which service pins and certificates are awarded.

Sec. 108:1704. ROLE OF THE PERSONNEL OFFICE. The Personnel Office shall be responsible for the custody of service pins and certificates and shall issue same upon request, after verifying compliance with the eligibility requirements of the section.
SECTION 108:18. EMPLOYEE DRESS CODE

Sec. 108:1801. GENERAL PROVISIONS. Employees of the Authority are required to dress appropriately for the jobs they are performing. Therefore, the dress regulations contained in this section shall be followed.

Sec. 108:1802. MAINTENANCE SHOPS AND GROUND AREA.

(a) Employees working in Stores, Central Shops or in grounds area must wear the prescribed Authority uniform. No combination of civilian attire and prescribed uniform will be permitted unless authorized. Shirttails must be tucked in and uniforms must be neat, clean and in good repair.

(b) Appropriate footwear and other prescribed safety equipment must be worn where applicable.

Sec. 108:1803. CENTRAL OFFICE AND MANAGEMENT OR ADMINISTRATIVE OFFICES.

(a) Male Employees.

(1) Plan "B" male employees must be neat in appearance and wear appropriate attire for a business office. The wearing of ties shall be optional.

(2) All Plan "C" male employees must wear shirts and neckties appropriate for a business office.

(3) Shirttails must be tucked in. All garments must be neat, clean and in good repair.

(4) Apparel which is deemed to be inappropriate for a business office includes, but is not limited to: T-shirts, sweatshirts, work or western-style blue jeans, overalls, or shorts.

(b) Female Employees.

(1) Female employees must wear apparel appropriate for a business office.

(2) All clothing must be neat, clean and in good repair.

(3) Apparel which is deemed to be inappropriate for a business office includes, but is not limited to: T-shirts, spaghetti strap dresses, halter tops, bare-midriff or sheer blouses, shorts, work or western-style blue jeans, skirts or dresses of extremely short length and low-cut necklines or evening wear dresses.
Sec. 108:1804. GENERAL REQUIREMENTS FOR MALE AND FEMALE EMPLOYEES.

(a) Footwear: Footwear must be appropriate for the work environment and functions being performed. Tennis shoes, thongs, clogs, thong-style sandals, or other similar footwear are not appropriate.

(b) Hair: Hair must be neat, clean and well groomed. Hair rollers, curlers, hair clips, hair ornaments, bandanas and scarves, other than decoration, will not be worn. Hair must be tied or covered in such way as to secure it away from the face when working in an area wherein it may present a health or safety hazard. Hats will not be worn by office employees in the office.

(c) Facial Hair: Beards, mustaches and sideburns must be maintained in a neat and well-groomed fashion.

(d) Jewelry: Jewelry is acceptable except in areas wherein it constitutes a health or safety hazard.

(e) Good personal hygiene is required.
SECTION 108:19. CONSTRUCTION

Sec. 108:1901. The rights, powers and authority of the Commission in all matters, including the right to maintain any legal action, shall not be modified or restricted by this Chapter 108. The provisions of this Chapter 108 are not intended to conflict with the provisions of Chapter 9.7 and 10, Division 4, Title 1 of the Government Code of the State of California, Sections 3300 and 3500, et seq., as amended.
SECTION 108:20. SEPARABILITY

Sec. 108:2001. JUDICIAL DETERMINATION. If any provision of this Chapter 108 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Chapter 108. The Commission hereby declares that it would have adopted this Chapter 108 and each provision thereof irrespective of the fact that any one (1) or more provisions be declared invalid or unconstitutional.

Sec. 108:2002. SUPERSESSION. If any of the provisions of this Chapter 108 are in conflict with a Memorandum of Understanding adopted by the Commission, the Memorandum of Understanding shall prevail.
CONDUCT OF APPEAL HEARINGS

The purpose of this Appendix is to set forth the procedures to be followed when an employee submits for and receives a hearing for the purpose of making final and binding determination in a matter subject to appeal under Section 108:0906.

I. APPEAL TO THE COMMISSION

All appeals to the Commission must be made in writing and directed to the Chairperson in accordance with Section 108:0906(h) and (i).

II. HEARING BODY

Upon receiving an appeal which complies with the foregoing, the Commission shall consider the matter at its next regular meeting and determine at that time whether the matter shall be heard before the entire Commission or two (2) or more members thereof and if the latter shall make such appointments as may be appropriate. The Commission may elect to designate a hearing officer pursuant to Section 108:0906(j).

III. NOTICE OF HEARING

The Commission, delegated members thereof, or designated hearing officer shall set the matter for hearing and shall provide at least five (5) work days notice in writing to the appellant of the date and place of said hearing. The Commission shall make every effort to set the hearing date within the next two (2) regular Commission Meetings if the Commission is to conduct the hearing.

IV. RIGHTS OF THE APPELLANT

The appellant shall be required to attend the requested hearing and may be entitled to:

A. Testify under oath.
B. Request Authority employees to testify in the appellant's behalf.
C. Cross-examine all witnesses and participants in the hearing.
D. Present such evidence as the Commission, members or hearing officer, deems pertinent to the inquiry.
E. Argue appellant's own case.

The appointing power and any other person whom the Commission, Board, or hearing officer finds to be interested in the matter shall be entitled to the same privileges.
Failure of the appellant to appear for the hearing, without reasonable and just cause, shall be deemed a retraction of the appeal.

V. CONDUCT OF THE HEARING

The burden of proof is on the appointing power, therefore, it will be the responsibility of the Authority to present its case to the Commission. The appellant or a representative will have the right of final rebuttal.

The appellant or a representative may then present their case, in which case the Authority will have the right of final rebuttal. The hearing shall be formal but not conducted according to the technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence of which responsible persons are accustomed to rely.

Hearsay evidence may be admitted for any purpose but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

VI. TESTIMONY OF APPELLANT

The appellant may be required to testify or be cross-examined as to any matter relevant to the hearing.

VII. FINDINGS AND DECISION

If the hearing is not held before the full Commission, written findings shall be submitted to the Commission for its approval. If the Commission accepts such findings, it need not read the record of the hearing; if it declines to accept such findings, it must read the record after which it may adopt the findings made by the Hearing Board, or hearing officer, or make its own findings.

VIII. TRANSCRIPT OF THE HEARING

Hearings shall be recorded by tape; the cost of said record shall be equally borne by the parties to the appeal.
HACLA SMOKING POLICY

The City of Los Angeles has adopted a Smoking Ordinance regulating place of employment. The Ordinance (No. 159498) amends Section 41.50 of the Los Angeles Municipal Code and requires all employers to adopt, implement, and maintain a written smoking policy.

As an employer, the following is to serve as the official smoking policy of the Housing Authority of the City of Los Angeles.

DEFINITIONS:

"Places of Employment" means all facilities which employees normally frequent during the course of employment, including work areas, public counter areas, lounges, lunchrooms, cafeterias, and conference rooms.

"Smoke" or "Smoking" means carrying or holding a lighted pipe, cigar, or cigarette of any kind, or the emitting or exhaling of smoke of any kind.

Regulated Areas:

Facilities to be designated as non-smoking areas include:

1. Restrooms;
2. Elevators;
3. Nurses Aid Stations or similar facilities;
4. At least two-thirds of the seating capacity and floor space in cafeterias, lunchrooms, and employee lounges.

Work Areas, including public counter areas and departmental conference rooms, are to be regulated as follows:

1. Efforts shall be made by Department Heads, Managers or Supervisors to accommodate the desires of both smokers and non-smokers.

2. A smoke-free work area should be provided to non-smokers to the maximum extent possible, but expenses need not be incurred to make structural or physical modifications in providing these areas. Methods of accommodating the desires of smokers and non-smokers may include, but are not limited to, changing desk assignments, rearranging furniture, moving partitions, providing smokeless ashtrays, or improving ventilation. Such changes should not require relocation of electrical and telephone outlets or revisions to office lighting and air distribution systems.

6-21-85  73
3. Specific work areas may be designated as non-smoking areas.

4. Private enclosed offices occupied exclusively by smokers and all outdoor areas are exempted from the above regulations.

Posting of Signs

The description of "No Smoking" areas in work areas, worksite lunchrooms, and employee lounges shall be the responsibility of each Housing Authority Department Head, Manager, or Supervisor. To insure uniformity of signs, "No Smoking" sign requests shall be forwarded to the Authority's Personnel Office. Sign requests shall be submitted in writing and clearly set forth the exact location of each sign. The signs shall be posted not less than five (5) feet and not more than eight (8) feet above floor level and shall be of sufficient number and location to cause the message of at least one of the signs to be clearly visible, legible, and readable.

IMPLEMENTATION OF POLICY/COMPLAINTS:

The intent of this policy is to emphasize cooperation between smokers and non-smokers. It is important to recognize that each work space is different and that regulation must be considered on a case by case basis. All employees and Management are encouraged to seek fair and equitable accommodations and to resolve disputes in a spirit of compromise conducive to maintaining harmonious working relationships. It is expected that complaints regarding smoking can be handled by supervisors and most disputes between smokers and non-smokers resolved informally. Such policy, however, shall not preclude employees from filing formal grievances, according to appropriate Authority grievance procedures, where there are allegations that this policy has been violated.

NOTIFICATION TO EMPLOYEES:

This policy is being communicated in writing to all current Housing Authority employees. All new employees shall be notified of this policy by the Personnel Office at the time they are processed for authority employment. In addition, new employees hired to work in designated "No Smoking" areas should be so advised prior to employment.

PENALTIES:

In accordance with Los Angeles Municipal Code Section 41.50, it is unlawful to smoke in posted "No Smoking" areas, to willfully destroy or mutilate "No Smoking" signs, or to discriminate against employees exercising their rights under this policy. Any employee failing to comply with the requirements of this policy
may be subject to Housing Authority disciplinary procedures, as well as the criminal penalties set forth in Ordinance No. 159498.
HOUSING AUTHORITY OF THE CITY OF LOS ANGELES
INTEROFFICE MEMORANDUM
8809-521

TO: All Authority Employees
FROM: Joseph R. Reyes, Personnel Officer
SUBJECT: REVISION OF PERSONNEL RULES
APPENDIX 108:C - SEXUAL HARASSMENT POLICY
DATE: September 23, 1988

On February 4, 1988, Mayor Bradley re-issued a strengthened Executive Directive I-A on sexual harassment, making all City Departments more accountable for implementing and monitoring their sexual harassment policies and clearly defining procedures for employees who wish to file complaints.

On September 16, 1988 the Authority’s Board of Commissioners adopted Resolution No. 5749 which complies with the Mayor’s Executive Directive I-A (Revised) and which provides the Housing Authority and its employees a strengthened sexual harassment policy and a complaint procedure for employees who believe that they have been sexually harassed.

Please review the new policy and complaint procedure thoroughly and update your copy of the Personnel Rules by replacing Appendix 108:C (Sexual Harassment Policy - adopted 11/15/85) with the newly adopted Appendix 108:C (Sexual Harassment Policy and Complaint Procedure - adopted 9/16/88). Your Manager/Supervisor has a signature form which you need to sign acknowledging your receipt of the revised policy.

If you have any questions relative to the new policy/procedure, please contact Robert Smith, the Authority’s Sexual Harassment Counselor at (C13) 483-6440, extension 337.

Thank you.

JRR/bos
cc: Fred Babinski, CHPS
      Judy Tanzawa, AFSCME
      Art Carolan, Building Trades
      Lt. Thompson, FSA
SEXUAL HARASSMENT POLICY (REVISED)
AND
COMPLAINT PROCEDURE

POLICY

The Housing Authority of the City of Los Angeles, in accord with official City of Los Angeles policy as established in the Mayor's Executive Directive No. I-A dated January 22, 1981 and Executive Directive I-A (Revised) dated February 4, 1988, remains committed to providing its employees a working environment free of sexual harassment, intimidation, and coercion.

Sexual harassment is a form of sex discrimination and is a violation of Housing Authority policy, official City policy and State and Federal law.

It shall be the policy of the Housing Authority that sexual harassment in the workplace is unacceptable and will not be condoned or tolerated.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or sex-based nature when:

1) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment;

2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,

3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Acts constituting sexual harassment are not necessarily limited to acts by a male toward a female, but can be committed by and against persons of both sexes. The behavior can be verbal, non-verbal, or physical. Examples of verbal harassment could include sexual comments, suggestions, jokes, or innuendos; non-verbal harassment could include suggestive looks, leering, ogling, pictures or calendars; and physical harassment could include "accidentally" brushing against someone's body, "friendly" pats, squeezes, or pinches, or forced sexual relations. Acts constituting sexual harassment are not limited to the examples provided.

Housing Authority policy, City policy, and State and Federal law require that prompt and appropriate action be taken to deter sexual harassment and discipline employees who sexually harass others. Authority managers and supervisors have the duty and responsibility to take all necessary steps to promote and maintain a working environment free of sexual harassment, intimidation, and coercion.

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The Housing Authority's designated Sexual Harassment Counselor is Robert Smith. His telephone number is (213) 483-6440, extension 337, or (213) 484-5694 (direct).

Complaints of sexual harassment should be reported to the immediate supervisor, to the Authority's Sexual Harassment Counselor, or to the Authority's Personnel Officer. In all cases, complaints of sexual harassment will be fully and completely investigated. Where violations of the Authority's anti-harassment policy are found to have occurred, Authority managers and supervisors are required to take appropriate remedial action in accord with Authority procedures for administrative discipline.

The following Sexual Harassment Complaint Procedure has been developed specifically for use by employees who believe that they have been sexually harassed.

COMPLAINT PROCEDURE

Employee Rights and Responsibilities

Every employee is entitled to work in an environment free from sexual harassment or coercion. Any employee who believes she or he has been sexually harassed should take the following steps:

1. If able to do so, an employee who perceives comments, gestures, or actions of a sexual or sex-based nature by another employee or supervisor to be offensive should clearly communicate to that person that such behavior is unwelcome.

2. The employee should immediately report the sexual harassment to her or his supervisor, to the Authority's Sexual Harassment Counselor, the Authority's Personnel Officer, or may seek assistance from the Mayor's Office. ALL EMPLOYEES ARE ASSURED THAT THEY MAY MAKE A SEXUAL HARASSMENT COMPLAINT WITHOUT FEAR OF RETALIATION BY HOUSING AUTHORITY MANAGEMENT OR THEIR IMMEDIATE SUPERVISOR.

3. The employee has the right to a confidential conference with the person to whom the sexual harassment complaint is made.

4. Each complaint of sexual harassment will be fully and completely investigated by the Housing Authority's Sexual Harassment Counselor.

5. All investigations will be handled with discretion, sensitivity and due concern for the dignity of those involved.

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6. All investigations will be as thorough as necessary. All persons named as potential witnesses by the employee will be contacted as required during the course of the investigation. Anyone who is alleged to have committed acts of sexual harassment will be contacted during the investigation and permitted to make a statement.

7. Any employee who observes or is otherwise aware of an incident of sexual harassment should cooperate in any investigation. ALL EMPLOYEES ARE ASSURED THAT THEY MAY COOPERATE IN SUCH INVESTIGATION WITHOUT FEAR OF RETALIATION OR REPRISAL BY HOUSING AUTHORITY MANAGEMENT OR THEIR IMMEDIATE SUPERVISOR.

8. Employees may expect a timely resolution of all complaints.

Responsibilities of the Housing Authority's Sexual Harassment Counselor

An employee who feels she or he has been sexually harassed may choose to file a complaint with the Authority's Sexual Harassment Counselor. The Sexual Harassment Counselor has the following responsibilities:

1. Upon receipt of a sexual harassment complaint, the Counselor shall meet with the complaining employee at the employee's earliest convenience. The Counselor shall fully inform the employee about the Authority's sexual harassment policies and formal grievance procedures and shall answer any questions that the employee may have regarding the Authority's policy.

2. The Counselor shall listen to the employee's complaint and discuss the complaint with discretion, sensitivity and due concern for the dignity of the people involved.

3. The Counselor shall fully record and document the complaint.

4. The Counselor shall conduct a complete and timely investigation into the complaint, including conducting interviews as appropriate with witnesses and others who may be involved.

5. Upon completion of the investigation, the Counselor shall draft a report on the investigation. Copies of the report shall be provided to the Authority's Executive Director and the employee.

6. If the employee is not satisfied with the way the sexual harassment complaint has been resolved, the Counselor shall fully inform the employee of his or her additional rights under the law. These rights include filing complaints with state or federal regulatory agencies or courts.

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4. The Authority's Discrimination Complaint (Grievance) Procedure

The Authority's Personnel Rules and/or appropriate Memoranda of Understanding (MOU) give Authority employees the right to file a written complaint (grievance) when an employee believes an Authority action, procedure or practice to be discriminatory. Sexual harassment is a type of discrimination. Complaints filed under the Personnel Rules or MOU procedures must be filed within the specified deadlines.

Federal and State Regulatory or Judicial Action

Employees who feel they have been sexually harassed may have the right to file complaints with state and/or federal regulatory agencies and/or in state or federal court. Time limits for filing complaints with regulatory agencies vary and employees should check directly with those agencies for specific directions.

The federal and state regulatory agencies may be contacted at the following addresses:

Equal Employment Opportunity Commission (Federal)
255 East Temple, Fourth Floor
Los Angeles, CA 90012
(213) 894-1000

Department of Fair Employment and Housing (State)
322 West 1st Street, Room 2126
Los Angeles, CA 90012
(213) 897-1997

Conclusion

Employees who have questions about the rights and obligations set forth here should contact the Authority's Sexual Harassment Counselor. All employees should be familiar with the rights and obligations set forth here and should conduct themselves in a manner consistent with this policy.

Leila Gonzales-Correa
Executive Director

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POLICY PROHIBITING DISCRIMINATION OR RETALIATION AGAINST EMPLOYEES FOR DISCLOSING INFORMATION RELATED TO ILLEGAL OR IMPROPER ACTIONS

It is the policy of the Board of Commissioners that no officer or employee of the Housing Authority shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce or discriminate against any other officer or employee or any other person whatsoever who in good faith reports discloses, divulges or otherwise brings to the attention of the Board of Commissioners or any other appropriate agency any facts or information relative to:

- actual or suspected violation of any law, rule or regulation;
- mismanagement;
- gross waste of funds;
- abuse of authority;
- specific and substantial danger to public health or safety.

Any Authority officer or employee who has the authority to take, direct others to take, recommend, or approve a personnel action, shall not use that authority in a manner that will result in the taking or failure to take a personnel action with respect to any employee as a reprisal against an employee who reports, discloses, divulges or otherwise acts in a manner as identified above.