

LUDLOW HOUSING AUTHORITY

PERSONNEL POLICY

Adopted by the Board of Commissioners

February 17, 2021

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INTRODUCTION/APPLICATION OF PERSONNEL POLICIES

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

This Personnel Policy is made up of many policies, all of which pertain to Personnel. These policies shall apply to all Authority employees. To the extent that the terms of a collective bargaining agreement differ from these policies, the collective bargaining agreement shall govern.

II. ABOUT THE AUTHORITY

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

A. EXECUTIVE DIRECTOR

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

The Executive Director shall administer the Authority's personnel policies and may prescribe procedures and forms necessary for such administration. Each employee shall be provided with a copy of the Authority's personnel policies and other employment-related policies. At any time that the personnel policies are amended or new provisions are adopted, the Executive Director shall provide each employee with a copy of such change. Employees shall be required to give written acknowledgement of receipt of policies and amendments provided. These written acknowledgement forms shall become part of the employee's personnel record. In the event an employee refuses to sign said receipt, such refusal will be noted and placed in his/her personnel file.

B. BOARD OF COMMISSIONERS

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

III. GOVERNING PRINCIPLES

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

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

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

The Authority has designated Susan Stanek as the AA/EEO Officer to encourage achievement of AA/EEO goals. Annually, the Authority will review affirmative action results and reaffirm its commitment to affirmative action principles. For more information, see the Authority's Anti-Discrimination and Equal Employment Opportunity (EEO) Policy in the General Personnel Policies section of this Policy, and its Affirmative Action Plan, available at its Office, 114 Wilson Street, Ludlow, MA 01056. Designation of an "Equal Opportunity" (EEO) Officer is required by 760 CMR 4.05. Reference made to Affirmative Action Plan is required by 760 CMR 4.06.

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

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

IV. RECRUITMENT AND SELECTION OF EMPLOYEES

A. INELIGIBILITY FOR EMPLOYMENT

No member of the immediate family of a member of the Authority's Board of Commissioners, or of an administrative or supervisory employee, shall be eligible for employment with the Authority without the prior written approval of DHCD. Immediate family is defined as the applicant, his or her spouse, including their parents, grandparents, children, grandchildren, brothers and sisters, including in-laws. An "administrative or supervisory employee" is defined as including the Executive Director, Assistant Executive Director, General Counsel, Maintenance Supervisor, department head, tenant selector, project manager, and any other Authority employee who has supervisory authority over others or who has administrative responsibility for projects, programs or departments such as tenant selection.

B. RESIDENCY

Residency within the town of Ludlow, is prohibited as a prerequisite for employment except that a residency requirement is permitted in the case of 24 hour on-call maintenance personnel.

C. ADVERTISEMENTS

Advertisements for job vacancies shall be made in accordance with the Authority's Affirmative Action Plan.

D. MINORITY HIRING GOALS

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

E. PRE-EMPLOYMENT SCREENING:

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

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

1. Verification of personal/professional references and other relevant educational and employment history;
2. Verification of any necessary licenses and certifications;
3. Confirmation of valid driver's license (for positions requiring a driver's license) and satisfactory driving history as checked through Registry of Motor Vehicles records; and
4. CORI checks: Criminal Offender Record Information (CORI) checks are required prior to hire. Persons whose criminal background check discloses dispositions of criminal matters reflecting the potential employee's dishonesty, untrustworthiness, unreliability or unsuitability to perform the duties of the position, or reflecting activity which if repeated by an employee, would endanger the safety or security of tenants, household members, employees, or guests or the security of tenants, household members, employees or guests or the security of their property or the property of the Authority, may not be hired. Candidates are required to sign a CORI Acknowledgement Form, authorizing the Authority to conduct the CORI check. Candidates who refuse or fail to sign a CORI Acknowledgement Form will not be considered for employment.

Candidates for employment to positions that require a pre-employment physical, medical screening, and/or a pre-employment drug test, will be sent for such examinations and screenings after a conditional offer of employment has been made. Failure to satisfactorily pass these screenings and examinations may result in rescission of the conditional offer of employment. All persons hired for employment with the Authority are required to present documents showing proof of identity and eligibility to work in the United States, in accordance with federal law.

V. EMPLOYEE CLASSIFICATIONS/HOURS OF WORK

A. FULL-TIME

The regular workweek for full-time employees shall consist of up to 40 hours per week for maintenance staff and 37 ½ hours per week for administrative employees. Full-time employees are entitled to benefits as provided herein.

The daily hours of operation for the Maintenance staff are as follows: Monday through Friday, 8:00 AM to 4:30 PM, with a ½ hour unpaid lunch period. Saturday and Sunday are days off.

The daily hours of operation for the administrative staff are as follows: Monday through Thursday from 8:30 AM to 4:30 PM. The office is closed on Friday, except for the Executive Director who will be in her office. These hours equal 37 ½ hours per week for a full time employee with a ½ hour unpaid lunch period. Full-time employees are eligible for benefits provided by the Authority, subject to any requirements or limitations provided by law, and governed by applicable regulations.

B. PART-TIME

Part-time employment with the Authority is defined as those who work 12 to 16 hours or more but less than 37 ½ hours per week. Full insurance benefits are available to employees who are scheduled to work at least 20 hours per week. Employees who are scheduled to work less than 20 hours per week are not eligible for benefits. Leave benefits accrue on a pro-rated basis for part-time employees who are scheduled to work 20 hours or more per week.

The Tenant Lease Coordinator will work 16-20 hours per week as follows: Monday, Tuesday, Wednesday, 12:30 PM to 4:30 PM. Thursday hours are 8:30 AM to 12:30 PM. These hours are subject to change at the discretion of the Executive Director.

The office secretary/receptionist will work as assigned by the Executive Director. All employees' hours may be changed at the discretion of the Executive Director in order to maintain the efficient operation of the office.

C. TEMPORARY AND SEASONAL

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

Employees are temporary when they work on an "as-needed" basis. The Executive Director may employ temporary personnel as necessary to properly perform authority business. Temporary and seasonal employees serve at the will of the authority and are not entitled to benefits.

D. PROBATIONARY PERIOD

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

At or near the conclusion of an employee's probationary period, the Executive Director, in consultation with the employee's supervisor/Department Head, as appropriate, shall make a determination as to whether the employee has satisfactorily performed his/her duties during the probationary period. An employee shall be notified in writing if he/she has successfully completed the probationary period, and that his/her employment has become permanent.

Employees who do not successfully complete the probationary period shall be terminated, or, in the sole discretion of the Executive Director, shall have their probationary period extended for a period of not more than 3 months.

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

E. OVERTIME/COMPENSATORY TIME POLICY

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

Overtime

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

Unless otherwise required by law or collective bargaining agreement, exempt (eligible for overtime), employees under the Fair Labor Standards Act (FLSA), shall be paid overtime at a rate of 1 ½ times the employee's hourly rate for all hours worked in excess of 40 hours in one work week.

If the employee requests personal or vacation time of one (1) hour up to seven (7) hours, the used time off hours will be calculated as a portion of the 40 hour work week for purposes of overtime pay. For example, an employee works thirty-three (33) hours Monday to Friday and has taken 7 hours vacation time. The employee will receive the equivalent of forty (40) hours' pay. Should the employee work thirty-five (35) hours and has taken seven (7) hours' vacation time, then the total time worked will be calculated as forty-two (42) hours. Forty (40) hours of straight time plus two (2) hours overtime at time and one-half will be paid. The amount taken as personal or vacation time will be deducted from the vacation or personal time accrued earnings of the employee. This calculation does not apply to sick time used.

Compensatory ("comp") Time

If an employee is a non-exempt worker, (an employee who is eligible for pay at 1 ½ times regular pay for hours worked over 40), the employer may not award compensatory time in place of paying overtime compensation. M.G.L. Part 1, Title XXI c.151.

When deemed in the best interest of the Authority, non-exempt full-time employees (supervisory personnel), who work over 50 hours in a work week may be provided with comp time in lieu of payment for overtime hours, subject to the employee's agreement. All comp time accrual is capped at 120 hours. Payment for accrued but unused comp time shall not be made except where required by law.

F. EMERGENCY OVERTIME/RECALL/ON-CALL HOURS

Maintenance staff will be scheduled to carry a beeper on a rotating basis for a period of one week at a time. This beeper puts the employee on call 24 hours per day, for the 7 days of the week they carry the beeper. An extra pay amount of \$80 will be paid to the employee for that week. The employee will also be paid for 2 hours at the overtime rate (1 ½ times salary) for each call/emergency which is covered by him/her.

Except in cases of serious illness, death in the immediate family or previously scheduled out of state trips, maintenance staff will be available for around the clock snow and ice removal. The Maintenance Supervisor (Executive Director) will make determinations about plowing and sanding. However, all Maintenance personnel should be on alert for snow removal duty. Failure to respond during or immediately following a snowstorm is grounds for disciplinary action according to the Progressive Discipline Policy.

VI. GENERAL PAY INFORMATION

COMPENSATION PRACTICES The LHA is required to make payroll deductions in accordance with federal and state tax laws and Hampden County retirement policies. Employees are required to complete the necessary forms to facilitate these deductions. In addition, employees may authorize in writing other voluntary payroll deductions.

The Ludlow Housing Authority utilizes a payroll company to process weekly payroll hours, deductions, etc. All LHA employees are paid weekly.

RETIREMENT All eligible full-time employees, including probationary employees shall participate in the Hampden County Retirement Program. The employee and the LHA shall contribute to the program at the percentage established by the Retirement Board.

Hampden County Regional Retirement System

Agawam Corporate Center

67 Hunt Street, Suite 116

Agawam, MA 01001

Phone: 413-737-1344

Monday - Friday, 8 AM to 4 PM

Online: <https://www.mass.gov/locations/hampden-county-regional-retirement-system>.

Part-time employees, if they choose to participate, pay into the following based on a percentage of their salary:

Great West

P. O. Box 560889

Denver, CO 80256-0889

VII. PERFORMANCE EVALUATIONS

It is the Policy of the Authority to conduct performance evaluations of employees on an annual basis, usually in the month of January. A performance evaluation is the review and rating of all factors relevant to an employee's effectiveness on the job. It involves observation, guidance, training and open communication between the employee and supervisor (Executive Director). For it to be of significant benefit to both the individual employee and the Authority, it should be a continuous process.

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

VIII. PERSONNEL RECORDS

A. CONTENT

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

Letters of commendation or complimentary information from third parties shall also be maintained in the personnel file.

B. PLACEMENT OF NEGATIVE INFORMATION IN PERSONNEL FILE

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

C. AMENDMENT OF PERSONNEL FILE

Once inserted into an employee's personnel file, documents may only be removed or changed if there is a clear and compelling reason to do so. The employee must make such request to the Executive Director who will make a determination as to whether or not the material in question should be removed from the employee's personnel file, or otherwise corrected or amended. If the Executive Director determines that the material will not be removed or corrected, the employee may submit a written statement explaining the employee's position which shall become a part of the employee's personnel record. The statement shall be included when information is transmitted by a third party as long as the original information is retained.

D. LOCATION/ACCESS

A centralized personnel file shall be kept for each employee in the LHA. To ensure the uniformity and confidentiality of employee personnel files, the content of and access to files is limited and shall be controlled in accordance with this Policy. The files shall be kept in a lockbox which can only be opened with the use of a code or key. The code or key will only be given to the Executive Director and the Chairperson of the Board as voted by the Board of Commissioners.

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

IX. REFERENCES/EMPLOYMENT VERIFICATION

All requests for references on present or past Authority employees should be referred to the Executive Director or his/her designee, who shall record and file the date, name, address and telephone number of the individual and company/entity requesting the reference. It is the Authority's policy to only provide the individual's dates of employment with the Authority, the most recent position title, and verification or non-verification of a salary amount, in response to a request for a reference or verification of employment for credit purposes. Where a request for verification of employment and/or salary, for credit purposes, is made to the Authority, and additional information beyond that identified above is requested or required, the Authority will only provide that additional information upon written authorization from the employee.

X. LEAVES AND EMPLOYEE BENEFITS

A. HOLIDAYS

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

| | | |
|------------------|------------------------|------------------|
| New Year's Day | Martin Luther King Day | Presidents' Day |
| Patriots' Day | Memorial Day | Independence Day |
| Labor Day | Columbus Day | Veterans' Day |
| Thanksgiving Day | Christmas Day | |

The Day after Thanksgiving (Black Friday) is not a designated holiday, but has been voted by the Board of Commissioners as a paid holiday for the Authority's employees. The Board of Commissioners may approve other institutional holidays in the best interest of the Authority, in its sole discretion.

Any designated holiday listed above that falls on a Saturday (except New Year's Eve), will be observed by the Authority on the immediately preceding Friday. For any such holiday that falls on a Sunday, the holiday will be observed by the Authority on the Monday immediately following.

B. VACATION

ANNUAL LEAVE:

Employees shall be entitled to the following annual leave with pay based upon years of creditable service, which accrues at the following rate for full-time employees:

| <u>Length of Service</u> | <u>Leave Time (37.5 Hrs)</u> | <u>Leave Time (40 Hrs)</u> | <u>Days Per Year</u> |
|--------------------------|------------------------------|----------------------------|----------------------|
| After 6 months | 6.25 hrs./month | 6.667 hrs./month | 5 |
| After 1 year | 6.25 hrs./month | 6.667 hrs./month | 10 |
| After 5 years | 9.375 hrs./month | 10 hrs./month | 15 |
| After 10 years | 12.50 hrs./month | 13.334 hrs./month | 20 |
| After 20 years | 15.625 hrs./month | 16.667 hrs./month | 25 |

Length of service is calculated from the employee's anniversary date. Annual leave accrual is credited at the end of each month of employment. Annual leave shall be granted on a first-come, first-served basis unless two or more employees request the same time and the vacation requests are received on the same day. In that event, the employee with the most seniority will be granted the time.

Annual leave does not accrue and cannot be taken until an employee has six (6) months continuous employment with the LHA and is no longer designated as a probationary employee. If a person's employment is terminated prior to the end of the six-month probationary period, the employee is ineligible for any annual leave.

Unused vacation leave earned during the previous two (2) vacation years may be carried over on January 1 with approval from the Executive Director for use during the following vacation year. Annual earned vacation leave credit not used by December 31 of the second year it was earned will be forfeited unless it is an emergency.

If annual leave is to be taken for a period of eight (8) hours or longer, the employee shall request authorization for leave from the Executive Director at least seven (7) days before the leave is to commence. Exceptions may be made for emergency situations. The request is to be made in writing and sent to the Executive Director.

If annual leave is to be taken for a period of less than eight (8) hours, the employee shall request authorization in writing from the Executive Director at least five (5) days before the leave is to commence. Exceptions may be made for emergency situations at the discretion of the Executive Director. The request is to be made in writing and sent to the Executive Director.

The Executive Director will grant authorization for annual leave at such times during the calendar year as will best serve the interests of the authority. Preference will be given to employees based on years of employment. If one employee has been granted annual leave and a second employee (with more years of employment) requests the same time off, the second employee's request may be denied because the first employee has already been granted the time. If the first employee's time off has not yet been granted when the second employee requests the time, then consideration will be given to the second employee because the second employee has more time worked.

Unused vacation leave earned during the previous two (2) vacation years may be carried over on January 1 with approval from the Executive Director for use during the following vacation year. For example:

Year one worked - 2018 10 vacation days earned

Year two worked - 2019 10 vacation days earned

20 days vacation carries over into year three - January 1, 2020

If Year one's 10 vacation days are not used by December 31, 2020, they will be forfeited.

Therefore, on January 1, 2021, 10 days from 2019 and 10 days from 2020 are carried forward.

According to MGL, employees who are leaving the Authority's employ must be paid for all accrued but unused vacation leave. This is because vacation leave is treated as "wages" under the state wage act. This does not apply to other paid benefits such as sick leave, personal leave, etc.

C. SICK LEAVE

i. BENEFIT

Full-time (including probationary) employees earn paid sick leave at a rate of 1.25 days with pay at the end of each month of continuous employment. Part-time employees earn sick leave at a pro-rated rate in accordance with the number of hours worked, but in no event will that amount be less than 1 hour of sick leave earned for every 30 hours worked. Sick leave may not be taken before it is accrued.

Per Massachusetts Earned Sick Time Law that took effect 7/1/2015, essentially all employees must earn 1 hour of sick leave for every 30 hours worked, not counting time off due to vacation or other leave, and regardless of whether the employee is full or part time. There is no statutory requirement that we allow for any sick leave "buyback."

Earned sick leave is credited at the end of each month of continuous employment. Accrued but unused sick leave may be carried over from year to year, up to a maximum of 180 days (approximately 6 months) after which no further sick leave will accrue. Thereafter, no sick leave will accrue.

Sick leave is a conditional benefit and is allowed at the discretion of the authority under the following conditions:

- The employee cannot work due to incapacitation from illness or injury, or could potentially infect other workers with a contagious illness.
- The minor child of an employee, whether or not such child lives in the employee's household is ill.
- The spouse, adult child, parent, sibling, grandparent, or grandchild of either the employee or the employee's spouse who lives in the immediate household of an employee is seriously ill.
- The employee gives birth or adopts a child, or the employee has an appointment with a licensed medical or dental professional for purposes of treatment or diagnosis of a medical or dental condition, but only if such appointment cannot reasonably be scheduled outside of normal working hours.
- The Executive Director may send an employee home and charge sick leave if it reasonably appears that the employee has a contagious illness and the presence of the employee at the worksite could jeopardize the health of others.

Purposes

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

1. Employee's own illness, injury or medical condition;
2. The illness, injury or medical condition of the employee's child, spouse, parent, or parent of a spouse;

3. To attend routine medical appointment for the employee, or the employee's child, spouse, parent, or parent of a spouse;
4. To address the psychological, physical or legal effects of domestic violence; and
5. To travel to any appointment, pharmacy, or other location related to the purpose for which it was taken.

Minimum Usage

Sick leave may be used for full or partial day absences. The smallest amount of sick time that an employee can take is one hour. For uses beyond one hour, employees can use sick time in increments of one-half hour.

Notification

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

Certification from Health Care Providers

An employee will be required to provide verification from a health care provider if requesting advance use of sick leave for the purpose of treating a specific illness, injury or medical condition. An employee absent for three (3) or more consecutive working days, will be required to provide verification of illness, injury or medical condition from a healthcare provider. Such verification shall be on the letterhead of the attending physician or medical provider, and shall list an address and telephone number. In the case of lengthy absences (i.e., more than five consecutive work days), the employee may be required to provide periodic updates as to his/her status, including updated verifications from a healthcare provider as to the continued illness, injury or medical condition.

Other Certifications

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

- A restraining order or court document;
- A police record documenting the abuse;
- Documentation that the perpetrator of the abuse was convicted of one or more of the offenses listed in MGL Chapter 265, where the victim was a family or household member;
- Medical documentation of the abuse;
- A statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abuse on the employee or the employee's family; or
- A signed, written statement from the employee attesting to the abuse.

Fitness for Duty Evaluations

When an employee has been absent due to personal illness, injury or medical condition, for more than 15 working days either consecutively or over a 2 month period, the Authority may require the employee to undergo a fitness for duty evaluation by an Authority-designated physician, at Authority expense. The Authority may, at its discretion, accept a fitness for duty certification from the employee's physician in lieu of examination by an Authority-designated physician.

Excessive Sick Leave Use/Abuse

Sick leave is not considered vacation. While employees have the right to earn and use sick leave in accordance with state law and this policy, abuse of sick leave may result in denial of sick leave benefits and/or disciplinary action, up to and including termination of employment. When appropriate, supervisors may counsel employees regarding the excessive use of sick leave.

Abuse of sick leave includes but is not limited to

- a pattern of leaving work when less desirable work project are assigned
- a pattern of taking sick days in conjunction with long holiday weekends, sporting events or the like
- three or more consecutive sick days or portions thereof in any thirty (30) day period without medical documentation
- use of a large percentage of sick leave time without medical documentation, i.e., employee leaves at noon on Monday and calls out on Tuesday and Wednesday
- a pattern of routine sick leave use in any three (3), six (6), or twelve (12) month period
- similar patterns

If the Executive Director believes that an employee is abusing the sick leave benefit, the employee will be notified at an in-person meeting. If, after this meeting, the Executive Director determines that the employee has abused the sick time privilege, the employee may face discipline under the Progressive Discipline Policy. In addition, the employee will be placed on a six(6)-month probationary period during which all sick leave absences must be documented and justified by a medical professional.

If the Executive Director believes that the employee has feigned illness, sick leave pay shall be withheld for that period. Additionally, an employee's failure to provide medical documentation, either after three days of sick time use, or while on a six (6)-month probationary period, shall cause the employee to be subject to disciplinary action under the Progressive Discipline Policy or may have sick leave pay withheld.

Upon separation from employment, all accrued sick leave is forfeited.

ii. SICK LEAVE BUYBACK

In general, an employee is not compensated for any accrued but unused sick leave, when that employee leaves the Authority's employ. An employee who has worked for the Authority for 10 years or more and who retires from the Authority, shall be paid for 20% of his/her total accrued but unused sick leave, at the employee's then-current rate of pay. If the employee has worked less than 10 years, he/she then forfeits all accrued but unused sick leave. For purposes of this benefit, "retire" means an employee who is considered a "retiree" for purposes of the Hampden County Contributory Retirement System under MGL c.32.

iii. SICK BANK

The Sick Leave Bank is designed for use by non-union Authority employees who are undergoing a prolonged illness or disability, or who must care for an immediate family member with an extended catastrophic illness or injury. Prolonged illness or disability is construed to be an absence of twenty (20) consecutive working days or more. Donors and recipients of the Sick Leave Bank must be permanent full or part time employees. The Sick Leave Bank shall be administered by the Executive Director or his/her designee. All applications for leave from the Sick Leave Bank shall be considered on a case-by-case basis. The decision of the Executive Director or his/her designee to award or deny sick leave from the Sick Leave Bank shall be final.

Employees are eligible to participate in the Sick Leave Bank if they are permanent full-or part-time employees with at least one year of service and have exhausted all of their own sick leave benefits and who intend to return to work immediately after the prolonged illness or disability ceases. To be eligible, the employee must not be receiving workers' compensation benefits or other disability or retirement benefits. If the employee's situation qualifies for family and medical leave under the Family and Medical Leave Act (FMLA) and the employee is in fact eligible for FMLA, any leave granted from the Sick Leave Bank will be counted toward his/her FMLA leave entitlement. The employee must submit at his/her own expense medical verification from a licensed physician with the application for the Sick Leave Bank and must submit monthly medical progress reports from a licensed physician for the duration of the leave.

iv. WORKERS' COMPENSATION LEAVE

Any accident or injury sustained during working hours must be immediately reported by the employee to the Executive Director, even if there is no lost time or medical treatment required. The Executive Director will ensure that an "Employee Report of Injury" is completed as soon as possible after the accident or injury.

Authority employees who are injured while at work may be eligible for Workers' Compensation leave and benefits, in accordance with MGL C. 152. An employee who is absent on a Workers' Compensation leave shall not continue to accrue paid benefit time (i.e., vacation, sick, personal leave and holidays) during the time of the Workers' Compensation leave.

If, due to an accident or injury sustained during working hours, an employee is unable to work, the employee shall provide a doctor's note to the Executive Director specifying the length of time the employee is expected to be out of work.

Once Workers' Compensation benefits commence being paid, the employee may use any accrued vacation or sick time to make up the difference between Workers' Compensation payments and the regularly weekly wages. The Authority shall not be responsible for the employee's share of benefit premiums (health insurance, life insurance, etc.) or employee contributions (credit union, etc.), during the time that the employee is out. Employees who are not receiving any benefits from the Authority are required to make arrangements with the Executive Director for payment of the individual's share of benefit premiums. Forms required by the Workers' Compensation unit and the Division of Industrial Accidents shall be used.

A "Return to Work Report" shall be completed by the employee's physician and returned to the Authority when the employee returns to work. The Authority and/or its insurer may request periodic medical information from the employee and his physician(s) regarding the employee's ability to perform the essential functions of the job.

D. PERSONAL LEAVE

All full time employees shall receive three (3) personal days per year, in addition to vacation and sick leave. A personal day is equivalent to the length of the full work day specific to each individual employee. Employees are not compensated for unused personal leave, and personal leave not used in a benefit year is forfeited. Personal time requires approval by the Executive Director, and will be granted in increments of no less than one hour. Employees will notify the Executive Director in the same manner as they would for taking annual leave unless an appointment is unforeseeable.

E. BEREAVEMENT LEAVE

Any employee, including probationary employees may request Bereavement Leave without loss of pay as follows: Three (3) working days immediately following the death of a member of the employee's immediate family as follows: grandparents, parents, brother or sister, children, parents-in-law and any other individual living in the employee's immediate household. In the case of the death of the employee's spouse, five (5) days of paid leave shall be granted to the employee.

Three (3) working days are granted immediately following the death of another member of the employee's immediate family including the employee's grandchild or sibling, a person for whom the employee is legal guardian, or a person living in the employee's household. Two (2) working days following the death of an in-law or step-child and one (1) working day for funeral attendance of another relative not listed above.

Bereavement Leave as mentioned above will not be charged to annual or sick leave and will be granted at the discretion of the Executive Director.

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

F. JURY DUTY

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

G. MILITARY LEAVE

It is the Authority's policy to comply with the applicable provisions of the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Massachusetts Ready Reserve Statute at M.G.L. c. 149, section 152A and any other applicable state or federal law with respect to employment, reemployment and protection of employee benefits during military service. The Authority shall not discriminate against any employee or prospective employee because of past, present or future application for, or membership in a uniformed armed service.

H. PARENTAL LEAVE

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

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

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

2. To be eligible for leave under this policy, an employee is required to provide two weeks' notice in advance of his or her anticipated date of departure, stating his or her intention to return and the anticipated date of return, or as soon as practicable, if the delay in notification is due to reasons beyond the employee's control. Upon return to work, the employee is entitled to be restored to his or her previous position, and to the length of service credit and seniority as of the date of leave.

3. Leave taken pursuant to this Policy will be counted against an employee's annual FMLA leave allowance where applicable.

4. Leave taken pursuant to this Policy shall be unpaid; however, an employee may elect to use any amount of accrued paid leave while on parental leave.

The Authority will continue to pay the employer's share of premiums for health insurance coverage while an employee is out on parental leave. An employee on parental leave under this Policy shall make arrangements to pay his or her share of the premium.

I. LEAVE WITHOUT PAY

In the sole discretion of the Executive Director, leave without pay may be granted to employees once all accrued benefits are exhausted. The leave of absence without pay may be approved for good cause for a period not to exceed 3 months. It may be granted so that the employee may care for his/her children in the event of a spouse who is ill; to provide care for an ill spouse or parent when no other recourse is available. These are examples only and not all-inclusive. The Executive Director's decision to grant or deny a request for leave without pay shall be final. The employee while on leave, is not eligible for any benefits and shall not accrue any benefits, including seniority rights.

Absences without proper authorization or prior approval shall be considered leave without pay and will trigger disciplinary action under the Progressive Discipline Policy. In the case of an employee who has no annual or sick leave available, employees may not transfer any leave listed above to that employee.

J. ACCRUAL OF PAID BENEFIT LEAVE WHILE OUT ON ANY OTHER LEAVE

An employee who is absent from work for any reason where the length of the absence exceeds 2 weeks, shall not accrue any paid benefit leave while on a leave of absence.

The statement under J - corresponds to section X.C.iv. As follows: An employee who is absent on a Workers' Compensation leave shall not continue to accrue paid benefit time (i.e., vacation, sick, personal leave and holidays) during the time of the Workers' Compensation leave.

Please note that under the state's Earned Sick Leave Law, an employee with a break in service with the Authority may, upon return or reinstatement, be eligible to have prior earned but unused sick time credited to his/her sick leave balances, in accordance with this schedule. An employee is not eligible for reinstatement of prior earned but unused sick leave where the break in service is 12 months or more. The following chart, from the Attorney General's Office, explains when an employee with a break in service is eligible for reinstatement of prior earned but unused sick leave.

| Duration of Employee's Break in Service | Employer's Obligation | Employee's Earned Sick Time |
|--|---|---|
| Four months or less | Employer must reinstate all previously accrued earned sick time | All previously earned sick time is reinstated to the employee |

| | | |
|---|--|---|
| <p>More than four months, and up to 12 months</p> | <p>If employee had accrued 10 hours of earned sick time prior to the break in service, the employer must reinstate the earned sick time.</p> <hr/> <p>If employee had accrued less than 10 hours of earned sick time prior to the break in service, the employee is not entitled to reinstatement of any earned sick time.</p> | <p>All previously earned sick time is reinstated to the employee</p> <hr/> <p>Employee has a zero balance of accrued earned sick time on the first day of reemployment.</p> |
|---|--|---|

K. HEALTH INSURANCE

Authority employees who regularly work a minimum of 18¼ hours per week, or 20 or more hours per week for a 40 hour work week, may be eligible to participate in the health, life, and long term disability insurance provided through the Massachusetts Group Insurance Commission (GIC). Information relative to plan offerings and the costs are provided to new employees at the start of employment. Additional information can be found at <http://www.mass.gov/anf/employee-insurance-and-retirement-benefits/oversight-agencies/gic/>.

L. CONTRIBUTORY RETIREMENT SYSTEM

All eligible employees, including probationary employees shall participate in the Hampden County Retirement Program. The employee and the LHA shall each contribute to the program at the percentage established by the Retirement Board.

Hampden County Regional Retirement System

Agawam Corporate Center

67 Hunt Street, Suite 116

Agawam, MA 01001

Phone: 413-737-1344

Online: <https://www.mass.gov/locations/hampden-county-regional-retirement-system>

Open: Monday through Friday - 8:00 AM to 4:00 PM

Part-time employees:

Great West

P. O. Box 560889

Denver, CO 80256-0889

There is a mandatory minimum contribution required for those part time employees who are participating in the Retirement Program.

XI CODE OF CONDUCT

This section addresses not only conflict of interest, but also identifies standards of conduct and disciplinary procedures. To the extent applicable, this Code of Conduct covers not only Authority employees, but also members of the Board of Commissioners, as well as vendors, volunteers, consultants and contractors.

A. RESTRICTIONS ON ACTIVITIES

1. Political Activity

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

2. Conflict of Interest

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

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

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

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

“Employee” shall include all Authority employees and Board Members.

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

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

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

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

Employees are also directed to refer to the Authority’s Procurement Policy for additional information. Violations of this policy, the Procurement Policy, and/or Chapter 268A may result in discipline, up to and including termination of employment.

B. PROGRESSIVE DISCIPLINE POLICY

See addendum A attached to this Manual

XII GENERAL PERSONNEL POLICIES

A. Anti-Discrimination, Harassment (Includes Sexual Harassment), & EEO Policies

1. Equal Employment Opportunity Statement

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

2. Reasonable Accommodation Policy

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

Employees seeking reasonable accommodations may submit their request in writing to: Ms. Robin Carvide, Executive Director, Ludlow Housing Authority, 114 Wilson St., Ludlow, MA 01056; or telephone: 413-589-7272.

3. Prohibition of Discrimination and Harassment

It is the Policy of the Authority to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination, including harassment, whether based upon race, color, sex, religion, national origin, ancestry, disability, age, sexual orientation, gender identity, pregnancy or pregnancy-related conditions, or veteran status, or any other category protected by the state and federal anti-discrimination laws, will not be tolerated. To achieve the goal of providing a workplace free from discrimination, the Authority will implement the procedure described below to address any potentially inappropriate conduct.

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

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

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

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

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

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

4. Definition of Sexual Harassment

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

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

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

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

5. Examples of Prohibited Discriminatory Behavior

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

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

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

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

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

6. Procedures

a. Complaints of Sexual Harassment

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

An employee may file a complaint of sexual harassment by contacting the Executive Director, Robin Carvide at 114 Wilson St., Ludlow, MA 01056 or by phone at 413-589-7272. Alternatively, an employee may file his or her complaint with Susan Stanek, the Affirmative Action/Equal Employment Opportunity officer for the Authority. She can be reached at 413-610-0136 or by mail at Ludlow Housing Authority, Board of Commissioners, 114 Wilson St., Ludlow, MA 01056.

b. Sexual Harassment Investigation

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

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

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

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

d. Confidentiality

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

7. Retaliation

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

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

8. Sanctions

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

9. State and Federal Remedies

In addition to the above, if an employee believes he or she has been subjected to sexual harassment, he or she may file a formal complaint with either or both of the government agencies listed below. Using the Authority's complaint process does not prohibit an employee from filing a complaint with either of these agencies. Please note that both agencies have a short time period for filing a claim (300 days).

The United State Equal Employment Opportunity Commission (EEOC)

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

The Massachusetts Commission Against Discrimination (MCAD)

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

Springfield Office
436 Dwight Street
Second Floor, Room 220
Springfield, MA 01103
Phone: 413-739-2145

Worcester Office
Denholm Building
484 Main Street, Suite 320
Worcester, MA 01604
508-453-9630
508-453-9641

New Bedford Office
Demello International Center
128 Union Street, Suite 206
New Bedford, MA 02740
774-510-5801
774-510-5802 Fax

B. WORKPLACE VIOLENCE POLICY

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

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

1. Definitions

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

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

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

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

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

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

2. Prohibited Behaviors

It is a violation of this Policy to:

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

3. Procedures

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

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

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

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

4. Sanctions

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

5. Employee Assistance Program

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

C. **DRUG AND ALCOHOL FREE WORKPLACE POLICY**

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

1. The following is prohibited:
 - a. Off-Duty: Any use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances or marijuana, except in the case of marijuana where authorized by Massachusetts law.
 - b. On Duty: Any consumption of controlled substances, marijuana (with or without prescription) or alcohol, whether on or off Authority property, or at any other worksite where employees may be assigned, or elsewhere during work hours.
 - c. The use of controlled substances or marijuana (with or without a prescription), or any use of alcohol on non-working time, to the extent that such use: (i) impairs an employee's ability to perform the employee's job; (ii) adversely impacts the safety of the employee or others; (iii) or affects the reputation of the Authority to its tenants, the general public, or otherwise threatens its integrity.
2. Employees who are convicted of substance-related violations under state or federal law in the workplace, including alcohol or marijuana related violations, or who plead guilty, admit to facts sufficient to warrant a finding of guilty, to such charges, must inform their department head or the Executive Director within five (5) days of such conviction or plea.
3. Employees who are convicted or who plead guilty, admit to facts sufficient to warrant a finding of guilty to such drug-related violations, or are found to have consumed or be impaired by controlled substances, marijuana or alcohol while on-duty, may be required to successfully complete a substance abuse or similar program as a condition of continued employment or re-employment with the Authority.
4. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.
5. The Authority recognizes drug and alcohol dependency as an illness and a major public health problem. To that end, the Authority encourages affected individuals to voluntarily seek medical help. Employees who wish to obtain help in dealing with such problems may contact the Executive Director and request leave to enter a program of his/her choice at the expense of the employee and/or his/her insurance company. The request will be granted at the sole discretion of the Executive Director. At the end of the program, a certificate of completion will be presented to the Executive Director. Should the employee fail to adhere to the requirements of the program and/or fail to complete the program, then progressive discipline will follow, up to and including termination, particularly where there is a pattern of deteriorating job performance or excessive absenteeism of the employee associated with substance use/abuse.
6. The Authority may independently refer an employee to the EAP or other substance abuse counseling agency or program for help, particularly where there is a pattern of deteriorating job performance or excessive absenteeism of the employee associated with substance use/abuse.
7. Sanctions: Substance use/abuse, however, does not relieve an employee of job performance standards and obligations. Violations of any and all provisions of this Policy may result in disciplinary action, up to and including termination from employment.

D. SMOKE-FREE WORKPLACE POLICY

The Massachusetts Smoke-Free Workplace Law is primarily intended to protect workers from health hazards resulting from exposure to secondhand smoke. As of July 5, 2004, all Massachusetts workplaces with one or more employees must be smoke-free. Designated indoor smoking areas or smoking rooms are no longer permitted. Moreover, smoking is prohibited in any public building. In addition, effective July 30, 2018, HUD requires all Housing Authorities to be smoke-free, including in and within 25 feet around administrative buildings. Thus, the

Authority is a smoke-free workplace and will not tolerate smoking on its premises. This includes the smoking of marijuana.

Additional information concerning the state's smoke-free workplace law is available at the Massachusetts Department of Public Health website as follows:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/mtcp/smoke-free-workplace/>

E. ELECTRONIC COMMUNICATIONS AND COMPUTER USE POLICY

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

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

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

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

1. Privacy

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

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

2. Security

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

3. Internet Guidelines

While employees increasingly use the Internet as a tool in the workplace, misuse or abuse of the Internet can result in wasted time, as well as potentially violate laws and regulations, or other Authority policies. Therefore, users should adhere to the following Internet Guidelines.

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

v. Users shall not disclose confidential information or promote personal political beliefs, discrimination, sexual harassment, and any unlawful activity; nor shall the Authority's computers be used for private financial gain, or commercial, advertising or solicitation purposes.

vi. Use of the Authority's Systems, including computers, to display any kind of image or document that is obscene, pornographic, sexually explicit or sexually suggestive, is prohibited. Additionally, these materials may not be archived, stored, distributed, edited, or recorded using Authority network, printing, or computing resources.

vii. Users shall not maliciously use or disrupt the Authority's computers, networks, or Internet services; nor breach the Systems' security features; nor misuse or damage the Authority's equipment nor misuse passwords or accounts; nor attempt to access unauthorized sites; nor use the Authority's Systems after such access has been denied or revoked; nor attempt to delete, erase or otherwise conceal any information stored on any portion of the Authority's Systems.

viii. Users shall not access the Internet for non-work related purposes, including but not limited to: social networking sites such as Facebook, Twitter and LinkedIn, non-work related blogs or websites, or personal shopping sites, for example, during work hours and/or using the Authority's Systems.

4. Electronic Mail ("E-Mail") Guidelines

a. The Internet does not guarantee the privacy and confidentiality of information. Sensitive material transferred over the Internet may be at risk of detection by a third party. Users must exercise caution and care when transferring such material in any form.

b. The Secretary of State's Office of the Commonwealth has determined that e-mail qualifies as "public records", as defined in Chapter 4, §7(26) of the Massachusetts General Laws. Therefore, all e-mail sent by or received through the Authority's Systems shall be archived by the Systems administrator. All users shall retain either a printed or digital record of e-mail sent by or received through the Authority's Systems, in the same manner that other paper records are kept by their departments, and in accordance with the Record Retention requirements.

c. Users should be aware that opening programs or files attached to email messages may cause computer viruses to infect the Authority's Systems, and thus should only open such attachments from anticipated and trusted sources.

d. Employees shall not broadcast messages to all employees via e-mail without permission from the Executive Director.

5. Telephone Usage

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

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

6. Sanctions

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

F. TRAVEL AND REIMBURSEMENT POLICY

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

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

Submission of Mileage/Travel/Expense Reimbursement Requests:

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

G. VEHICLE USE POLICY

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

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

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

Employees must wear seatbelts in vehicles so equipped during operation of the vehicle. Employees may not operate Authority vehicles under the influence of alcohol, illegal drugs, marijuana, or prescription drugs or medications which may interfere with effective and safe operation. Employees may not store or transport alcohol, illegal drugs, marijuana, prescription drugs or medication in Authority vehicles, unless authorized by the Executive Director. Employees who operate Authority vehicles must have a valid motor vehicle license issued by the state of their current residence, may be required to provide proof of valid motor vehicle license once every six (6) months, and may be subject to driving records checks conducted through the Registry of Motor Vehicles.

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

Employees who are involved in an accident while operating an Authority vehicle shall notify the Executive Director and where practicable, the appropriate police department who has jurisdiction where the accident happened. The employee may be required to undergo a drug (including marijuana) and/or alcohol test, and/or fitness for duty examination, in appropriate circumstances.

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

Use of Personal Vehicles

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

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

H. JOB-RELATED EDUCATIONAL AID

All job-related education aid for employees must be approved by the Executive Director and is subject to budgetary constraints. Employees are encouraged to improve their skills or acquire new skills and knowledge which will benefit them in their position with the LHA. When the budget permits educational reimbursement, the LHA will reimburse full time employees for the cost of tuition and registration fees for pre-approved courses of instruction provided the following conditions are met:

- Employee must work full-time at the LHA
- Only those courses of instruction that will benefit the employee's job performance, as determined by the Executive Director, will qualify for reimbursement

- The institution offering the course must be an accredited institution of higher learning for the course selected. The course must be the least expensive course locally available.
- Requests for educational aid must be made in writing to the Executive Director and state the school, cost, and relationship to the employee's duties.
- To obtain reimbursement, the employee must receive written approval from the Executive Director prior to the commencement of the course. Upon receiving approval and completing the course with a grade of "C" or better, employees must, within thirty (30) days of receipt of the grade, submit a written request for reimbursement together with all documentation for tuition registration costs along with a copy of the grade report.

I. CHANGE OF NAME AND/OR ADDRESS

All changes to an employee's name, address or telephone number should be reported promptly so that records can be accurately maintained. Changes to marital status and dependents may be required for health benefits. It is the responsibility of the employee to communicate changes to the Group Insurance Commission.

J. PERSONAL APPEARANCE AND DRESS CODE

Office employees are expected to dress in standard business attire projecting a professional attitude and image during working hours. Examples of inappropriate casual attire include but are not limited to: jeans, shorts, cut-offs, revealing or short clothing, tee shirts, halter/tank/tube tops, sweatshirts, sweatpants, flip flops, running shoes/sneakers/boat shoes, and the like. Clothing and personal appearance must be clean and neat.

Maintenance employees may wear jeans with the required uniform shirt/sweatshirt/jacket or combination thereof. Maintenance employees are also required to wear steel-toed boots supplied by the LHA. Clothing and personal appearance must be clean and neat.

Employees who do not report to work in appropriate business attire with basic grooming and hygiene will be dismissed from work by the Executive Director and will forfeit all wages until such employee reports back to work with appropriate attire and proper standards of cleanliness. Additionally, such employee will be subject to disciplinary action.

K. TENANT LEASE

Employees shall be familiar with the tenant lease, conduct themselves in accordance with its terms and promptly report any tenant violations to the Executive Director.

L. CONFIDENTIALITY

Employees must exercise the utmost discretion about all matters of Authority business. Program information received by an employee on a confidential basis for program purposes must be maintained in confidence in accordance with state regulation 760 CMR 8.00. Employees may not share confidential applicant or tenant information with other tenants, members of the general public, the press, or anyone not employed by the LHA and required to have the confidential information. Examples include (but are not limited to): rent or arrearage amounts, disability, accommodations, cleanliness, work undertaken in unit, identifying information, family contacts, damages to unit, complaints, etc.

M PUBLIC RELATIONS AND PRESS RELATIONS POLICY

To ensure that information reaching the public, press and other agencies accurately reflects the programs, policies, plans, practices and procedures of the LHA, the Executive Director is the official spokesperson for the Authority. If the Executive Director is unavailable, the Board Chair will be the official spokesperson. Employees who are questioned about Authority programs, policies, plans, practices and procedures, should direct the questioner to the Executive Director. The Board of Commissioners may designate other employees or Authority members to act as

spokesperson. Violation of this policy by employees may result in disciplinary action up to and including termination.

N. SEARCH POLICY

The LHA reserves the right to conduct searches of its premises for business purposes, both for work-related non-investigatory reasons, and to investigate work-related employee misconduct. The Executive Director will maintain keys to all desks, file cabinets, toolboxes, vehicle boxes, vehicles, lockers, etc. owned by the Authority. Employees are prohibited from using personal locks on any Authority property or in Authority vehicles.

O. TRANSFERS

Internal transfers of personnel may be necessitated by organizational changes. When this occurs, employees will be transferred within the Authority to the extent that it is possible, to a position where their highest skill levels will be utilized. In effecting transfers, every effort shall be made to avoid reductions in compensation. In making transfers within the organization, consideration shall be given to the desires of the employee involved.

P. TERMINATION OF EMPLOYMENT

Voluntary: Employees may voluntarily terminate their employment by submitting a written letter of resignation to the Executive Director setting forth the reasons for the resignation at least two (2) weeks in advance of the intended date of termination of employment.

Reduction in Force: The Executive Director may lay off employees if it becomes necessary due to reorganization resulting in the abolition of positions, shortage of work, or shortage of funds.

If it becomes necessary to reduce personnel, the selection of the employees to be retained will be based on the necessity of the position and the effectiveness of the employee's performance of the job. When the layoff of an employee becomes necessary, the Executive Director shall notify the employee in writing at least two (2) weeks prior to its effective date stating the reasons for such layoff.

Involuntary Termination: Employees may be discharged for failure to successfully complete their probationary periods, unsatisfactory performance, elimination of work suited to their abilities, disciplinary problems, or for other reasons. The Executive Director determines the termination date in these instances.

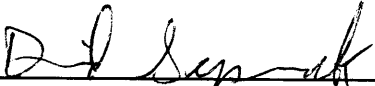
Compliance with the paragraphs of the foregoing sections are subject to M.G.L. c. 31, where the employee has attained civil service status.

Q. DEMOTION

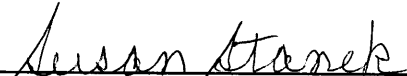
An employee may be demoted if it becomes clear to the Executive Director that the employee is unable to carry out the essential functions of the present position but may be expected to perform satisfactorily in a lower paying position, if the employee's position has been either abolished or reallocated to a lower paying class and the employee cannot be transferred to a position of equal pay, or for disciplinary reasons.

A written notice of the reasons for demotion or reduction in salary shall be furnished to the employee at least ten (10) days prior to the effective date of the action. Demotion of a tenured employee will be in compliance with the Civil Service Statute cited above.

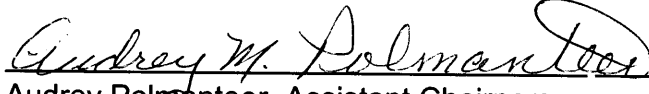
Signed and executed this 17th day of February, 2021 by the Board of Commissioners.



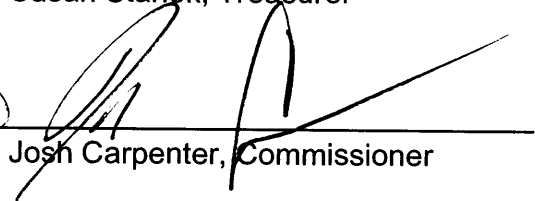
David Sepanek, Chairman




Susan Stanek, Treasurer




Audrey Polmanter, Assistant Chairperson



Josh Carpenter, Commissioner



Robin Carvide, Secretary



Date


ADDENDUM #2 TO:

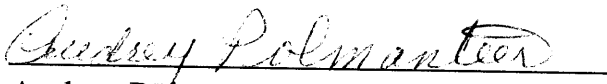
PERSONNEL POLICY

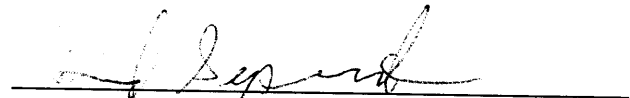
Due to Juneteenth having been passed into law in the State of Massachusetts as an annual legal holiday during the 2021 year, this subject is once again up for a vote before the Board of Commissioners.

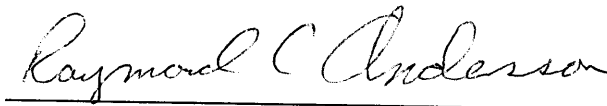
This Addendum to the Personnel Policy regarding the new Juneteenth holiday for the State of Massachusetts is passed by the Board of Commissioners of the Ludlow Housing Authority on this day - March 16, 2022.



Susan Stanek, Chairperson


Josh Carpenter, Vice Chairperson


Audrey Polmanteer, Treasurer


David Sepanek, Member


Raymond Anderson, Member


Robin Carvide, Secretary

Board Meeting Minutes
March 16, 2022

E. Review updated or new policies:

1. Air conditioner policy:

Upon a motion made by Joshua Carpenter, which was seconded by Audrey Polmanteer, it was unanimously voted to amend the current air conditioner policy to add the proposed changes to include: No A/C are to be placed in apartments until May 1. LHA Policy requires that a written request from a tenant with attached medical documentation for a reasonable accommodation for requiring (2) air conditioners, to leave in air conditioners year-round, or to have air conditioner placed in and removed. (Where tenant is physically unable and no family member to help). Maintenance may inspect air conditioner placement, to make sure placement is safe and secure. All in favor

2. No Smoking Policy

Before making any changes to no smoking policy, we will send out survey to all tenants. The Board is looking for what the majority of the tenants want, and the Board will take all suggestions under advisement and vote accordingly.

3. Personnel Policy

Upon a motion made by Joshua Carpenter, which was seconded by David Sepanek, it was unanimously voted to bring back motion, for vote, to add Juneteenth as a paid holiday to the Ludlow Housing Authority Personnel Policy. All in favor 5 "For" and 0 "Against"

4. Maintenance Policy: discussion ensued will table until next month

5. Language Policy: tabled waiting for numbers and access codes