

# Albuquerque Housing Authority

## Employee Manual



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ALBUQUERQUE HOUSING AUTHORITY

*“Empowering people in our community through affordable housing and self sufficiency opportunities.”*

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## INTRODUCTION AND WELCOME

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Welcome to the Albuquerque Housing Authority (AHA). As an employee of the AHA, you are part of a team that has made this agency a community asset, a respected housing authority, and a leader in affordable housing programs. At AHA, every position is important and your role is essential in the agency's mission to empower people in our community through affordable housing and self-sufficiency opportunities.

At AHA we value accountability, service, integrity, compassion and stewardship. These are not just terms to us. They offer direction and help us prioritize as we strive to be known and admired for our inclusive culture, healthy work environment, and exemplary service. We encourage participation by all employees in suggesting and implementing improvements to our agency and its programs.

To ensure the agency's success in accomplishing its mission, this Manual has been prepared to provide you with a basic understanding of the agency's mission, vision, policies, and your responsibilities as an employee. It was prepared to make you aware of what you can expect from AHA – and what the agency will expect from you. Regularly we review our employee policies and make any needed changes to this Manual. Our Board of Housing Commissioners (Board) has reviewed and approved this updated Employee Manual which defines a system based on merit and the principles that generally govern the conditions of AHA employment. I pass it along to you to use as a guideline during your employment with AHA.

Sincerely,

Linda Bridge  
Executive Director

## EMPLOYEE MANUAL POLICY

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The provisions of the Employee Manual are intended for informational purposes and is neither a contract nor a promise of how AHA will address a particular situation. While it is intended to be illustrative of general practice, AHA reserves the right, through its Executive Director (ED), to deviate from these policies in the event of an emergency, the need to preserve public confidence or for the convenience of the employer when necessary to preserve efficient administration. AHA also reserves the right to amend these policies at its sole discretion. Amendment of the Employee Manual may only be made by resolution of the Board.

The provisions outlined in this Manual are applicable to all regular, full-time AHA employees. Temporary, contract, and part-time employees are also expected to abide by the rules and policies of AHA, but do not have the same rights and benefits as regular, full-time employees.

The Employee Manual should be interpreted as a whole rather than interpreting individual sections or sentences in isolation and out of context. The Employee Manual shall be the only source and compilation of official directives for personnel policies unless otherwise superseded by any effective Collective Bargaining Agreements with AHA.

The information we have included in this Manual is necessarily brief and may be subject to change; however, all laws, rules, and Board of Commissioners resolutions from which this handbook is derived can be found directly from those resources. If any information contained in this handbook conflicts with and any of the above, those laws, rules and policies take precedence over the information provided in this Manual.

This Employee Manual does not constitute an employment contract and may be amended by AHA, as necessary. This Manual is meant as a guide, not a complete statement of policy and procedure.

Violations of the policies contained in this Employee Manual may result in disciplinary action up to and including termination of employment. In lieu of termination, other disciplinary action may apply such as, but not limited to, suspension of an employee, administrative leave, demotion, or other disciplinary action.

For additional information on specific procedures and practices regarding implementation of these policies, please contact Human Resources.



## ABOUT ALBUQUERQUE HOUSING AUTHORITY

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AHA is neither a federal agency nor a department of the City of Albuquerque. It is a separate public body corporate that contracts with the United States Department of Housing and Urban Development (HUD) to provide affordable public housing, Section 8 assistance payments, and federal housing program oversight. All operating and capital expenses of AHA, including the employees, are paid for by a combination of rent paid by Public Housing tenants and grant funds from HUD. AHA programs and operating costs are not funded by local municipal tax revenue. AHA is responsible for its own debts, has its own powers of operation and relies on a variety of revenue streams, including performance based contract administration (PBCA) for its income.

### Mission Statement

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The Albuquerque Housing Authority is committed to empowering people in our community through affordable housing and self-sufficiency opportunities.

### Core Values

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**Service** – we empower clients and co-workers through education and opportunities for growth and success.

**Compassion** – we serve our clients and co-workers with understanding, empathy, and respect.

**Accountability** – we achieve organizational excellence by operating as a team, investing in staff training, and embracing the belief that every individual has the capacity to solve problems and fulfill personal goals.

**Integrity** – we are consistent in dealing professionally, honestly, and fairly with the public and each other.

**Stewardship** – we are committed to growing and sustaining AHA’s financial resources and implementing environmentally friendly practices in all operations and facilities.

### Vision Statement

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The vision of Albuquerque Housing Authority is through operational excellence and staff empowerment, the Albuquerque Housing Authority will become a high performing agency that is dedicated to providing quality housing and services that equip residents to succeed.

## Compliance with American with Disabilities Act (ADA) & ADA Amendments Act (ADAAA)

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AHA is committed to the fair and equal employment of people with disabilities and to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship for AHA. AHA is committed to comply with all applicable provisions of the Americans with Disabilities Act (ADA), the Americans with Disabilities act as Amended (ADAAA) and state and local disability laws, as applicable.

It is AHA's policy **not** to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's ability or perceived disability so long as the employee can perform the essential functions of the job with or without reasonable accommodation. In accordance with the ADA, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. If an employee believes that he or she needs a reasonable accommodation, he or she should contact AHA, Human Resources Department.

## Equal Employment Opportunity Statement

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AHA is committed to a policy of equal employment opportunity (EEO) for all employees and applicants for employment, without regard to race, color, religion, sex, age, national origin, citizenship, veteran or military status, sensory, physical or mental disability, pregnancy, sexual preference, gender identity, or any other class that is protected under federal, state or local law.

All employees and applicants will have the freedom to compete on a fair and level playing field with equal opportunity for competition. This EEO policy covers all personnel/employment programs, management practices and decision, including recruitment/hiring, merit promotion, transfer reassignments, training and career development, benefits, and separation from employment.

## GENERAL PRACTICES

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### Employer-Employee Relations and Expectations

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It is the policy of AHA to expect no less than one hundred percent of your effort and responsibility to providing the highest quality services and customer experience and to achieve our goals and objectives. AHA seeks to implement effective personnel policies and to promote positive employer-employee relations, which require all employees to support the organization's best interests.

AHA attempts to enforce workplace policies in such a manner that it does not interfere with, restrain, or prevent employees from engaging in concerted activities, such as activities regarding wages, hours, or other terms and conditions of employment protected under the National Labor Relations Act.

AHA strives to establish and maintain a working environment where there is mutual trust and respect and where everyone is accountable for their own actions and believes themselves to be responsible for the performance and reputation of AHA. All employees are expected to act with integrity and maintain high ethical standards, and in accordance with AHA core values.

AHA expects that all employees will comply with high standards of professional conduct and behavior, including but not limited to the following:

- Follow all AHA policies and procedures.
- Act with honesty and integrity at all times.
- Demonstrate professional conduct and behavior toward customers or any member of the public at all times while in the course and scope of AHA business.
- Develop and maintain a thorough knowledge of, and competence in your job.
- Maintain a positive approach to your work and display a willingness to learn more to improve your performance.
- Work in a cooperative and professional, business-like manner with management/supervision, coworkers, customers, and vendors.
- Show a willingness to follow reasonable work instructions and direction.
- Respect and care for the property and equipment of the company.
- Take pride in your work and yourself, including respect in your appearance and a commitment to the goals of AHA.
- Be willing to ask questions and to discuss freely and openly with your supervisor, Executive Director or Human Resources about any problems or concerns you may have.
- Perform assigned tasks in an efficient and effective manner.
- Work with others at AHA as a member of a team and recognize the importance of working together to meet our customers' needs, communicating clearly, sharing resources and information freely, and willingly do what must be done to assist each other as needed.

### Civility and Respect in the Workplace – Preventing Harassment and Discrimination

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AHA strives to maintain a workplace that fosters mutual employee respect and civility in the workplace, and promotes harmonious, productive working relationships. Our organization believes that discrimination, harassment, and retaliation in **any** form constitute misconduct that undermines the integrity of the employment relationship. All employees, temporary employees, and/or volunteers should be able to enjoy a work environment free from all forms of discrimination, including but not limited to sexual and other harassment. Harassment is a form of misconduct that undermines the integrity of the employment relationship.

AHA policy prohibits conduct that constitute unlawful harassment, discrimination, and retaliation by supervisors, managers and co-workers, as well as by third-parties such as vendors or customers. This prohibition includes harassment based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender, gender identity, gender expression, national origin or ancestry, physical and/or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and/or veteran status, or any other basis protected by federal, state or local law or ordinance or regulation. This policy also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the

perception that anyone has any of those characteristics, or who is associated with a person who has or is perceived as having any of the characteristics. In addition, AHA prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations. All such conduct violates AHA policy.

AHA's Civility and Respect in the Workplace Policy prohibits the following types of conduct:

1. **Discrimination** – Discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees similarly situated to him or her for the sole reason that he or she is a member of a legally protected category. Protected categories include race, color, gender, national origin, sex, age, sexual preference, gender identity, disability, religion, pregnancy, genetic information, military or veteran status, or any other basis protected by federal, state, or local law.
2. **Harassment** – Harassment is any verbal or physical conduct based on an employee's membership in a protected category that is sufficiently severe or pervasive so as to affect an employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment. According to the United States Department of Labor, harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
3. **Sexual Harassment** – Sexual Harassment is defined as: any action that constitutes an unwelcome sexual advance or request for sexual favors, or any verbal or physical conduct of a sexual nature that is (1) related to or conditional to the receipt of employee benefits, including, but not limited to, hiring and advancement; (2) related to or forms the basis for employment decisions affecting the employee; or (3) sufficiently severe or pervasive so as to affect and employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment.
4. **Hostile Work Environment** – A Hostile Work Environment is a form of harassment. It is demonstrated by such severe and pervasive conduct that permeates the work environment and interferes with an employee's ability to perform his or her job. A hostile work environment is actionable in the Equal Employment Opportunity (EEO) process when it is based on allegations of discrimination; e.g., race, color, sex, national origin, religion, age, disability or sexual orientation, or reprisal/retaliation.

No supervisor, co-worker, or other person shall cause an AHA employee to be in jeopardy of losing a job or promotion, be subject to adverse action or retaliation, or otherwise be placed in an intimidating, hostile, or offensive working environment, as the result of being subjected to, rejecting, or reporting harassment.

### Employee Reporting Procedure

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1. Employees who believe they have been subjected to discrimination, sexual or any other unlawful harassment, hostile work environment or retaliation, or believe they have witnessed such conduct, must report this immediately to their immediate supervisor and Human Resources. Human Resources shall be responsible for administering and complying with this policy as it concerns employees.
2. Any reported allegations of the above will be investigated promptly and thoroughly, and the ongoing investigation shall be confidential, with disclosure allowed by law.
3. It is extremely important that any unlawful activities as stated above be reported immediately. Failure to report conduct in violation of this policy, or a delay in the reporting of it, may impede AHA's ability to implement preventive or corrective measures when appropriate.
4. Any employee who interferes with or intimidates an individual or witness for exercising their right to report any of the above actions shall be subject to severe disciplinary action, up to and including termination.
5. Any employee who knowingly makes a false statement during an investigation of any of the above actions will be subject to disciplinary action, up to and including termination.

### Workplace Violence

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Workplace violence by employees is prohibited. Violent behavior directed toward another AHA employee or a member of the general public shall not be tolerated.

Prohibited workplace behavior includes intimidation, verbal threats, physical battery, vandalism, arson, sabotage, the unauthorized display, possession or use of weapons in the workplace, jokes or comments regarding violent acts which are reasonably perceived to be a threat, or any other behavior reasonably perceived to be a threat of imminent harm against an employee or member of the general public.

An employee who witnesses or is the subject of prohibited behaviors must report the incident to their immediate supervisor unless the supervisor is the one exhibiting the prohibited behavior, in which case the employee shall report the behavior to the next highest supervisor within the organization. The employee may also report such prohibited behavior to a supervisor outside their chain of command, if the employee feels circumstances warrant such reporting.

A supervisor receiving the complaint must initiate appropriate action with Human Resources to eliminate the prohibited behavior. Human Resources shall prepare a written response to the employee reporting the incident. This response shall include an acknowledgment of the employee's complaint, a description of the investigation conducted, and the action that was initiated to eliminate the prohibited behavior.

Employees engaging in any prohibited behavior may be subject to mandatory referral for psychological/psychiatric evaluation, counseling or mediation, arrest and prosecution, and/or disciplinary action up to and including termination from employment.

### Anti-Bullying

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AHA is committed to providing all employees a healthy and safe work environment. AHA will ensure that procedures exist to allow complaints of bullying to be dealt with and resolved within AHA, without limiting any person's entitlement to pursue resolution of their complaint with the relevant statutory authority. AHA is committed to the elimination of all forms of bullying.

This policy applies to all employees of AHA. It applies during normal working hours, at work related or sponsored functions, and while traveling on work related business. There will be no recriminations for anyone who in good faith alleges bullying.

Bullying is unwelcome or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior.

Context is important in understanding bullying, particularly verbal communication. While care should be exercised, particularly if a person is reporting alleged bullying as a witness, it is better to err on the side of caution, rather than to let actual bullying go unreported.

An employee who witnesses or is the subject of prohibited behaviors must report the incident to their immediate supervisor unless the supervisor is the one exhibiting the prohibited behavior, in which case the employee shall report the behavior to the next highest supervisor within the organization. The employee may also report such prohibited behavior to a supervisor outside their chain of command, if the employee feels circumstances warrant such reporting.

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Employees engaging in any prohibited behavior may be subject to mandatory referral for evaluation, counseling or mediation, and/or disciplinary action up to and including termination from employment.

### Employee Concerns

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The ED and supervisors are responsible for the day-to-day operations and activities in their respective departments. To that end, they should have the opportunity to act on concerns raised regarding AHA policies and practices. Employees who have concerns about an AHA policy and/or practice shall first bring those matters to the attention of supervisors continuing through the chain of command. Exception: this policy does not prohibit employees who feel that a violation of AHA's policy regarding discrimination, harassment, sexual harassment, hostile work environment, workplace violence, bullying or retaliation has occurred from skipping a level in the chain of command to immediately report a violation or report to a supervisor outside their chain of command, if the employee feels circumstances warrant such reporting.

### **Employment of Relatives (Nepotism)**

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It is the policy of AHA not to employ members of the same family to include regular FT, PT, temporary FT or PT staff. Any exceptions are subject to the approval of the Board and/or HUD.

For purposes of this policy, same family shall include: grandparents, parents (including legal guardians or individuals standing in loco parentis), spouses, siblings, children, grandchildren, in-laws (mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law), and domestic partners. "Domestic partner" means a person with whom another person maintains a household and an intimate relationship, without a legally recognized marriage.

In the event that two (2) employees marry or become domestic partners while employed at AHA, it is within the ED's discretion to determine which employee will remain employed by AHA. This determination will consider, but will not be limited to, each employee's position and length of employment. Failure to immediately disclose such relationships will result in disciplinary action and possible termination of the involved parties.

No family member of any member of the Board of Housing Commissioners shall be hired into a position that violates this policy for the duration of that appointed official's term of office and for one (1) year thereafter. Former tenant/participant commissioners may be excepted from this prohibition under certain circumstances.

### **Employee and Resident Fraternization Prohibited**

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Due to potential conflicts of interest which may arise, including claims of favoritism or abuse, AHA employees are strictly forbidden to fraternize with program residents or persons seeking program assistance. This policy prohibits all business, social, or romantic relationships between AHA employees and program residents or those seeking program assistance, unless the relationship is fully disclosed in writing and with approval by the ED or his/her designee. Any employee who lives in AHA housing or has a relative living in AHA housing or participating in AHA programs must disclose this relationship to the ED. Any questions regarding this policy should be directed to the ED or the Board.

### **Immigration Reform and Control Act Information**

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In accordance with the Immigration Reform and Control Act of 1986, employees will be required to provide proof of identity and employment eligibility. Documents provided, as proof will be maintained in the Records section of AHA separate from the employee personnel files.

### **Hatch Act – Political Activity**

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Section 12(a) of the Hatch Act restricts the political activities of local officers and employees if their principal employment is in connection with an activity of the agency which is financed in whole or in part by federal funds. These restrictions are enforced by the United States Civil Service Commission. The restrictions prohibit, in part, (1) the use of official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office, (2) directly or indirectly coercing, attempting to coerce, commanding or advising any other officer or employee to pay, lend, or contribute anything of value to any party,

committee, organization, agency or person for political purposes, and (3) acting as a candidate for public office in a partisan election. For questions regarding the Hatch Act, please see Human Resources.

Nothing contained herein shall be construed to restrict the right of employees to hold membership in and support a political party, to vote as he/she chooses, to express personal opinions on political subjects and candidates, to maintain political neutrality, or to attend political meetings during non-work hours.

### **Gifts and Gratuities**

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Employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. See AHA's Employee Behavior and Conduct Standards and Conflict of Interest Policy for more information.

### **Conflict of Interest**

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It is particularly important that the employees of AHA refrain from relationships which might be construed or interpreted as evidence of favoritism, coercion, unfair advantage, collusion, or of financial benefit. Employees must communicate matters of conflict of interest, with his/her supervisor, who must, in turn, refer the matter to the ED. See AHA's Employee Behavior and Conduct Standards and Conflict of Interest Policy for more information. AHA procedures will insure the annual collection and centralized storage of these written disclosures.

### **Whistleblower Policy**

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AHA encourages all employees acting in good faith, to report suspected or actual wrongful conduct including, but not limited to improper governmental actions of local government officials and employees.

AHA is committed to protecting individuals from interference with making a protected disclosure and from retaliation for having made a protected disclosure or for having refused an illegal order as defined in this policy.

AHA management and employees may not retaliate against an individual who has made a protected disclosure or who has refused to obey an illegal order. AHA employees may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices for the purpose of interfering with the right of an individual to make a protected disclosure to the individual's immediate manager or other appropriate administrator or manager within AHA, or other appropriate officials about matters within the scope of this policy. It is the intention of AHA to take whatever action may be needed to prevent and correct activities that violate this policy.

Improper government action means any action by a local government officer or employee that is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.



Improper governmental action does not include personnel actions including but not limited to employee grievances, complaints, appointments, transfers, promotions, assignments, reassignments, reinstatements, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, and demotions, violations of local collective bargaining agreements or reprimands.

Retaliatory Action is prohibited against any employee who reports any suspected or actual misconduct. It means any unwarranted adverse change in an employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action. Retaliation also includes hostile action by one employee towards another that was encouraged by a manager, senior manager or official.

Emergency means a circumstance that if not immediately changed may cause damage to persons or property. In case of an emergency, the improper governmental action(s) may be reported to any county, state or federal government official.

### **Proprietary, Confidential, and Personal Information**

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Given the nature of AHA's business, protecting proprietary, confidential and personal information is of vital concern to AHA. This information is one of AHA's most important assets. It enhances AHA's opportunities for future growth, and indirectly adds to the job security of all employees. Therefore, employees must not use or disclose any proprietary, confidential, or personal information that they produce or obtain during employment with AHA, except to the extent such use or disclosure is required by their jobs. This obligation remains even after an employee's employment relationship with AHA ends. Nothing in this policy restricts an employee from discussing his or her wages or other terms and conditions of employment with co-workers or others, to the extent protected by law.

AHA's proprietary information includes all information relating in any manner to the business of AHA and its affiliates, consultants, customers, and business employees that is produced or obtained by AHA employees during the course of their work. All proprietary information that is not known generally to the public or the industry, or is known only through improper means, is confidential information. For example, customer lists, customer files, personnel files, computer records, financial and marketing data, compensation information, process descriptions, research plans, formulas, algorithms, electronic codes, computer programs, source code, technology structures and trade secrets are examples of confidential information which may be contained in e-mails or other electronic media or documents.

Personal information includes personally identifiable information about employees, consultants, program participants or other individuals, such as Social Security numbers, background information, credit card or banking information, health information, or other non-public information entrusted to AHA. There are laws in the United States that protect certain types of personal information, and employees should not disclose personal information about the other individuals to any third party or from one country to another without prior management

approval.

### Drug-Free Workplace Policy

The Drug-Free Workplace Act of 1988 places certain responsibilities on AHA as the recipient of federal grants and contracts to provide a drug-free workplace.

AHA is committed to providing a safe, healthy, and efficient working environment for all employees and those who do business with AHA as well as protecting its reputation in the community. The abuse of alcohol and drugs poses potentially safety, health, and security problems for employees and AHA alike, and the presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing company business or while in an agency property is prohibited. Therefore, AHA has designed this policy to free its workplace from substance abuse. To help achieve this goal, employees are prohibited from inappropriate use of drugs, alcohol or other illegal substances in a manner including but not limited to:

- Using, possessing, distributing, buying, selling, manufacturing, dispensing, or being under the influence of any illegal drug (include the possession of drug paraphernalia) while on AHA premises, constituent premises, in AHA vehicles, or while on AHA business;
  - Consuming alcoholic beverages while on AHA premises, constituent premises, in AHA vehicles, or while on AHA business or time unless specifically approved by the ED; and
  - Abusing inhalants or prescription drugs or possessing prescription drugs that have not been prescribed for the employee by a physician.
  - AHA will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it, if asked.
  - Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.
1. When an employee is asked to submit to drug or alcohol testing, he/she shall be informed of the reason he/she is being asked to submit to a test. An employee who violates AHA's drug-free workplace and substance abuse policy is subject to corrective action up to and including possible termination of employment.
    - a. Use of some drugs is detectable for several days. Detection of such drugs or the presence of alcohol will be considered being "under the influence."
    - b. Refusal to submit to a drug and/or alcohol screen is grounds for immediate termination or can be considered a "voluntary termination."
    - c. In addition, employees are prohibited from the off-premises use of intoxicants and alcohol and possession and use, sale or distribution of illegal drugs, or distribution/sale of prescribed drugs, when such activities adversely affect job performance, job safety, or AHA reputation in the community, in AHA sole opinion. Employees' lockers, desks, vehicles and personal items are subject to search at all times.

- d. Employees must be fit for duty and not be under the influence of intoxicants, alcohol or controlled substances (without a valid prescription for the controlled substances or abuse of controlled substances for which the employee has a valid prescription) when employees arrive for duty and at all times while at work or on duty or when on AHA premises.
  - e. In addition, AHA does not permit any employee to report to work or perform his or her duties while taking prescribed drugs that adversely affect the employee's ability to safely perform his or her job functions. Employees currently taking a medication prescribed by their own physician must carry it in the container labeled by a licensed pharmacist. The taking of any prescribed medication that may affect job safety and performance must be made known to Human Resources so that a determination can be made as to whether the employee may continue working while taking the medication or whether any precautions are necessary, in the event such drugs would impair physical, mental, emotional, or other faculties. (If you have questions regarding the medication that you are taking, please contact your own healthcare provider.)
  - f. AHA prohibits the abuse or use of intoxicants, alcohol, drugs, or controlled substances during working hours. During non-working hours while representing AHA or while dealing or associating with customers or vendors use of alcohol should be in moderation and appropriate conduct is expected. Violation of this policy may result in an employee's immediate removal from the premises and appropriate disciplinary action, which can include termination of employment. Such violations include, but are not limited to, violations of the above; possessing illegal or non-prescribed intoxicants, drugs or alcoholic beverages at work; being under the influence of such substances while working; using while at work; or dispensing, distribution or illegally manufacturing or selling them on AHA premises.
2. Employee drug and alcohol testing – drug and alcohol testing may be conducted when:
    - a. Post-offer/Pre-employment – all candidates who have received a written offer of employment will be required to undergo testing for commonly-abused controlled substances, as a condition of employment or re-employment.
    - b. Reasonable Suspicion – there is reasonable suspicion that an employee is under the influence of an illegal drug, a legal drug not prescribed to the employee, or abuse of legal drug that is prescribed to the employee, alcohol, or any other substance that is impairing the employee's performance, behavior, or conduct.
      - i. Testing: reasonable suspicion – if a supervisor or an agent of the agency suspects that an individual is at work and under the influence of alcohol and/or drugs, the supervisor should notify Human Resources or Executive Director to seek authorization to test the employee. The supervisor will be granted permission to test the employee if sufficient objective and documented symptoms exist to indicate the employee may be under the influence of drugs and/or alcohol. Reasonable suspicion tests will be based upon evidence of unusual job behavior, including but not limited to:
        1. Direct observation of drug and/or alcohol use or the possession of drugs and/or alcohol.

2. A pattern of abnormal conduct or erratic behavior that adversely affects work performance, but not limited to abnormal coordination, appearance, behavior, speech or odor, noticeable declines in the employees productivity or performance, accidents on the job, repeated lateness/absences from work, violent behavior, sensory or motor skill malfunctions, altered appearance or conduct suggestive of same (e.g. glassy eyes, slurred speech, smell of alcohol, etc.).
  3. Arrest or conviction of drug or alcohol-related offense, or the identification of an employee as a focus of a criminal investigation concerning illegal drug use, possession, manufacture, or trafficking.
- ii. Post-Accident/Incident – post-accident/incident testing will be conducted where the employee has been involved in an accident which results in injury to the employee or others, or damage to the property of AHA, employees, customers or others, and there is a reasonable belief that the use of drugs and/or alcohol caused or was a contributory factor to the employee’s impairment and subsequent accident/incident. Where such reasonable belief exists, all employees involved in an accident or contributing to an accident or injury or damage to property or that requires medical attention may be screened to determine whether the employee tests positive for drugs and/or alcohol. If AHA conducts such drug testing to comply with the requirements of a state or federal law or regulation, such testing will be allowed even in the absence of a reasonable belief/suspicion.
  - iii. Return-to-Work – as a condition of continued employment or reinstatement after an incident of drug and/or alcohol related misconduct, on or off the job.
- c. Any employee who is tested under suspicion that they are under the influence of alcohol or drugs at work will not be allowed to return to work until the results are obtained, and/or until the completion of an investigation, if appropriate. During this period, the employee may use paid leave time.
    - i. If the results are negative, the paid leave time will be converted to regular pay.
    - ii. If the results are positive, the employee will be subject to disciplinary action, including suspension without pay and/or termination. All tests with positive results may be paid by the employee. If the employee is suspended they are not allowed to return to the workplace until a test is performed that produces negative results.
    - iii. An employee may be terminated for his/her first violation of the Policy. All employees will be terminated if there is a second violation of the Policy.
    - iv. Refusal to submit to any drug or alcohol test may be considered the same as a positive test result, and will result in disciplinary action up to or including discipline, suspension or possible termination.

3. Confidentiality of Information – all information related to drug and/or alcohol screens is to be kept strictly confidential.
  - a. The information will be kept in the employee’s medical file, which will be maintained separately from the employee’s personnel file. These medical files will be kept locked and secured and access will be limited to certain individuals in the organization.
  - b. Under no circumstances should the results of a drug and/or alcohol screen be discussed with individuals who do not have a work-related need to know.
4. Employees who come forward to admit they have a substance abuse problem prior to AHA’s initiation of disciplinary and/or investigative procedures may, at AHA’s discretion, be granted leave for the purpose of obtaining appropriate counseling, and treatment from a HUD-approved or other accredited counseling/rehabilitation program.
5. Employee Drug and/or Alcohol Related Arrests and/or Convictions – as a condition of employment the employee must abide by the terms of this policy statement. An employee must notify Human Resources if he or she is arrested and/or convicted of a criminal drug or alcohol violation, including being arrested for driving while under the influence of alcohol or drugs included illegal or prescription medication, whether on duty or off:
  - a. Must report the arrest of driving while under the influence of alcohol or drugs to the Human Resources Department within forty-eight (48) hours. Failure to report such an arrest may result in disciplinary action up to and including termination.
  - b. Employee who is convicted under criminal drug statute shall notify their immediate supervisor no later than five (5) business days after such conviction. Failure to report such a conviction may result in disciplinary action up to and including termination. When the violation occurred in the workplace, failure to report will result in instant dismissal. When the violation occurred in the workplace, AHA will notify their U.S. Department of Housing and Urban Development (HUD) office within ten (10) days after receiving notice from the convicted employee.
  - c. Will not be permitted to operate a company owned vehicle while charges are pending. They may be assigned to other appropriate position, if available, until disposition of the charges.
  - d. Will be subject to testing for the presence of alcohol and/or drugs on request of an authorized representative of AHA, with or without cause or reasonable suspicion. Failure or refusal to consent to testing when requested will result in disciplinary action up to and including termination.
  - e. A plea of no contest shall be considered a guilty plea for the purposes of this policy. An employee’s conviction of or a plea of guilty to the crime of driving under the influence of alcohol and/or drugs will result in immediate termination if driving is an essential function and a transfer to an alternate non-driving position is not feasible regardless of whether the conviction is reversed on appeal.

## Fitness for Duty

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AHA is committed to maintaining a safe and productive workplace, and it therefore requires that every employee report to work fit to perform his or her job. For purpose of this policy, “fitness for duty” refers to the readiness of an employee to perform the essential functions of the job. An employee shall not be allowed to work unless he/she maintains a fitness for duty required for the safe performance of essential job functions, with or without reasonable accommodation. Each employee is required to report to work in an emotional, mental and physical condition (including free of the effects of alcohol and drugs) necessary to perform his or her job in a safe and satisfactory manner.

In certain circumstances, AHA may require a fitness for duty examination and the applicable process pertaining to such examinations. This policy applies when AHA has reason to believe that an employee has a medical condition that may impact on performance of the job; or if the employee is having observable difficulty performing his/her work duties in a manner that is safe for the employee and/or for his or her co-workers, or if the employee is posing a safety threat to self or others. If an employee has disclosed a medical condition and/or medication that AHA believes may impact on his/her performance of the job, AHA will follow the ADA process, as appropriate.

## General Office Policies

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### Attendance and Punctuality

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It is the policy of AHA to require employees to report to work punctually, start work promptly at the beginning of their work shift, and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt workflow, customer service, etc. and will be cause of disciplinary action, up to and including possible termination of employment.

### Notification of Tardiness and Absence

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Employees should notify their manager or supervisor as far in advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the manager or supervisor is unavailable, notification should be made to the Human Resources Department. Individual AHA Departments may have specific notification requirements based on business necessity.

In accordance with New Mexico law, employees who are absent from work without giving proper notice for two (2) consecutive shifts during which the employee was scheduled to work (“no-call, no-show”) will be considered as having voluntarily resigned from their position. At that time, AHA will formally note the voluntary resignation.

### Time Reporting Accuracy

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Accurately recording time worked is the responsibility of every employee. For all non-exempt employees, time will be reported and compensated on the basis of the nearest ¼ hour. Federal and state laws require AHA to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all of the time actually spent on the job performing

assigned duties.

Tampering, altering, or falsifying time records or recording time on another employee's time record may result in disciplinary action, including termination from employment.

If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes.

### **Hours of Work**

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Regular work hours for all employees shall be 8:00 a.m. to 5:00 p.m. Monday through Friday, with one (1) hour allotted for lunch and two (2) fifteen minute breaks. Other flexible work schedule options may be available for employees, depending on the staffing needs of each department, and as approved in advance by the employee's immediate supervisor. When establishing flexible work hours for non-exempt employees, supervisors must notify Human Resources to ensure compliance with the Fair Labor Standards Act. Human Resources must be informed of all flex schedules upon approval. Exempt employees are expected to work whatever hours necessary to get the job done.

Alternative work schedules that may include weekends and evenings, or shifts, may be considered for some departments to provide for greater availability and coverage.

### **Telecommute Policy**

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Telecommuting/telework is a business arrangement that allows employees to work from a remote location by electronically linking to AHA whether from home, the road, a client's location, or elsewhere. It is the policy of AHA to permit the use of telework arrangements when such arrangements are pre-approved, assist in meeting operational needs and/or requirements, and maintain a high level of service for its tenants/clients.

AHA considers telecommuting to be a viable alternative work arrangement in cases where individual, job and supervisor characteristics are best suited to such an arrangement. This policy also covers emergency situations which are declared by federal, regional, state, county and local declared emergencies by government. Additionally, telecommuting can be an option offered as a reasonable accommodation in the case of an individual with a disability. This policy complies with all applicable provisions of the Americans with Disabilities Act (ADA) of 1990.

Telecommuting is a work alternative that may be appropriate for some employees and some jobs. It is not an entitlement; it is not a company-wide benefit; and it in no way changes the terms and conditions of employment with AHA. Employees on approved remote/telework arrangements are responsible for maintaining acceptable performance levels, which meet the expectations of the job and department.

Telework shall be voluntary unless specifically stated as a condition of employment, or by directive of AHA management. Telework is not an employee right. This policy creates no employee rights in relation to telework. Management decisions regarding telework are not subject to appeal except as outlined in this policy. Either AHA or the employee may discontinue

the arrangement at any time, giving such notice as provided in the Telework Agreement. Telework may be temporarily suspended due to operational needs of the unit. AHA is committed to assist the teleworking employee by improving the capacity for telework by increasing network access from remote locations. However, current system capabilities do not guarantee access to the central work site's computer system.

To be eligible to telecommute, typically, the nature of the employee's work must be such that face-to-face interaction with internal or external customers or project workgroups is minimal and the employee's tasks can be performed successfully away from the office. The nature of the employee's work and responsibilities must be conducive to a flexible work arrangement without causing significant impact to others due to coverage needs, disruption to performance and/or service delivery.

### Expectations and Responsibilities of Telecommuting Employees

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The employee is responsible for maintaining a safe and ergonomic working environment, including the work area, bathroom, and other areas that may be necessary for working during the telecommuting arrangement. An employee seeking to telecommute must be able to establish an effective means to connect access and communicate with AHA. It is the employee's responsibility to choose services that are sufficiently reliable and compatible with AHA's network and systems to permit the employee to work effectively and efficiently from an alternate location. If an employee chooses to use a personal cell phone, it will be at the employees' expense. AHA is not responsible for costs associated with initial setup of the employee's home office such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space. If requested, employees may be offered appropriate assistance in setting up a safe and comfortable workstation. AHA accepts no responsibility for damage, wear, or repairs to employee-owned equipment.

Employees may be called to work at their regular workplace on their regular telecommuting workday to meet workload requirements. The supervisor should provide as much advanced notice as possible. Under no circumstances will the time traveling from the employee's home to the workplace be considered as hours worked.

- The duties, obligations and responsibilities of an employee who telecommutes are the same as employees at the centrally located workplace. Employees who telecommute are expected to be working at their home, or other approved location, during their telecommuting work schedule.
- Telecommuting employees shall not hold meetings at their alternate workplace where the physical presence of others is required. Employees shall not conduct any unauthorized external work during their telecommuting work schedule.
- Telecommuting shall not be used as a substitute for dependent or childcare. Employees who telecommute are expected to make dependent and child care arrangements during the period they will be telecommuting. (Employees should work with their supervisors if they need to provide some level of daycare throughout the day and need to supplement some of the time with leave.)
- Snow related delays and office closings occurring on a day that an employee is telecommuting will not apply to that employee's work schedule because the employee will not have to commute.



### Requesting Permission to Telecommute

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Employees who would like to explore the option of telecommuting should talk to their supervisor and to Human Resources. AHA will consider telecommuting requests on a case-by-case basis, taking into account factors including appropriateness of the job for telecommuting, tenure, seniority, employee performance, prior disciplinary action, flexibility, the reason(s) for telecommuting and the ability to work independently. Employees who are permitted to telecommute must sign a Telecommuting Agreement and, if approved to telecommute, will be expected to communicate with AHA at a level consistent with employees working at the office or in a manner and frequency that seems appropriate for the job and the individuals involved.

Telecommuting can be intermittent or recurring.

- **Intermittent** – Telecommuting may be appropriate on an intermittent, basis for employees who: are working on special projects requiring limited distractions and increased focus, have a short-term medical need to work from home, have weather-related safety concerns, or are experiencing a family care emergency, etc. Intermittent telecommuting may be approved by the immediate Supervisor/Manager.
- **Recurring** – Telecommuting can be planned and structured or can be a floating/flexible schedule. Before entering into any recurring telecommuting arrangement, employees and their supervisor, with the assistance of Human Resources, will evaluate the suitability of such an arrangement. Each recurring telecommuting request will be assessed on a case-by-case basis and must be approved in advance by the employee's immediate supervisor, Division Manager and Human Resources.

### Telecommuting Equipment and Supplies

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On a case-by-case basis, and subject to change at any time, AHA will determine what equipment, if any, to provide to the employee to facilitate the telecommuting arrangement. AHA accepts no responsibility for theft, loss, damage or repairs to employee-owned equipment. Any equipment that AHA provides to an employee as part of a telecommuting arrangement shall remain the property of AHA, and AHA will maintain that equipment. This equipment must be used for business purposes only. Depending on the circumstances, the employee may be responsible for any theft, damage, or loss of property belonging to AHA. AHA will supply the employee with appropriate office supplies (pens, paper, etc.) for successful completion of job responsibilities. AHA will also reimburse the employee for certain business-related expenses such as phone calls, shipping costs, etc. that are reasonably incurred in accordance with job responsibilities. Unless otherwise agreed to in advance in writing, AHA will not be responsible for any other costs the employee may incur while telecommuting.

### Telecommuting Work Sites

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The telecommuter should designate a workspace, at the off-site work area, for installation of any equipment to be used while telecommuting. This workspace should be maintained in a safe condition, free from hazards to people and equipment. The employee will immediately report any injury sustained while telecommuting immediately to the employee's supervisor. Prior to granting approval to telecommute, AHA reserves the right to require that employees provide floor plans of their remote work sites and/or be subject to a visit by a representative of AHA to determine the appropriateness and viability of the telecommuting space from a technical

standpoint. Given a minimum of 24 hours advance notice, an AHA contracted representative, trained for the purpose of the visit, may make on-site visits to the telecommuter's work site, including residence. The purpose of the visit would be to determine that the work site is safe and free from hazards and, where appropriate, to maintain, repair, inspect or retrieve equipment, software, data and supplies owned by AHA.

### Liability

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Employees who telecommute will be covered by worker's compensation for all job-related injuries occurring during their defined work period. In the event of a job-related incident, accident or injury during telecommuting hours, the employee shall report the incident to their supervisor as soon as possible and follow established procedures to report and investigate workplace incidents, accidents or injuries. Worker's compensation will not apply to non-job-related injuries that occur while telecommuting. The employee also remains responsible for injuries to third parties and/or members of the employee's family on the employee's premises. AHA will not be responsible for injuries to third parties or members of the employee's family that occur on the employee's premises.

### Security and Confidentiality

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While working remotely, employees must take steps to preserve the security and confidentiality of AHA information. Employees must keep confidential documents and materials in secure locations. Employees must maintain password protection to the same extent as required at the workplace, and keep confidential documents and records securely stored. Any suspected loss or theft of AHA documents, materials, or information, as well as any suspected hacks or breaches of security, must be reported to the supervisor immediately.

### All Other Policies Apply

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AHA's telecommuting employees must continue to abide by all other policies and procedures including those in regard to computer use, social media and confidentiality. As a condition of telecommuting, all employees who receive permission to telecommute under this Policy must first sign a Telecommuting Agreement.

### Requests for Leave

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Unless a flexible schedule is agreed to, employees should not permit non-work-related events and activities to disrupt or interfere with scheduled work time. Requests to use sick leave, vacation or other leave must be approved in the same manner as the employee who does not telecommute. If a nonexempt employee becomes ill while working at an alternate work location, the employee must report the hours actually worked and use sick leave for those hours not worked.

### Nonexempt Employees

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Telecommuting employees are not exempt from the overtime requirements of the Fair Labor Standards Act, and therefore must comply with all recordkeeping requirements. Nonexempt telecommuting employees must accurately record and timely report all working time as a

condition of continued participation in the telecommuting program. A supervisor must approve, in advance, any hours worked in excess of those specified per day and per week, in accordance with local, state and federal requirements. AHA may revoke the telecommuting privileges of any employee failing to comply with this requirement.

### **Tax Implications**

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Employees who telecommute from another state or work in several states are responsible for determining their taxes correctly. Employees are encouraged to consult a tax professional to determine the correct method for withholding income taxes.

### **Duration of the Telecommuting Arrangement**

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All telecommuting arrangements are granted on a revocable basis. Consequently, in its sole discretion, AHA may discontinue any telecommuting arrangement at any time, although reasonable advance notice will be provided where practicable. Unless other arrangements have been made, upon termination of the telecommuting arrangement or employment, whichever is first, the employee must return all company property to AHA in good working order, less any normal wear and tear.

### **General Pay Information**

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AHA complies with applicable law and regulations to administer pay policies and programs for its employees. AHA complies fully with all applicable federal and state laws regarding wages and deductions. The discussion and guidance below provide an overview of AHA's employee compensation and pay practices and are for informational purposes only. Therefore, all details may not be described here, e.g., benefits change throughout the year.

1. **Pay Period, Pay Day, Paycheck/Pay Stub** – payroll is processed on a bi-weekly basis. There are twenty-six 26 pay periods per year. A pay period begins on a Saturday and ends on Friday of the second week.
  1. Pay dates are every other Thursday, one week following the end of a pay period. Should a pay date fall on a holiday, payroll be issued the prior work day.
  2. All employees are set up with direct deposit payroll service. Pay stubs listing all deductions are posted in the human resources information system by Friday following the end of the two-week pay period.
  3. All employees should routinely and promptly examine every pay stub received to ensure that it is accurate and correct, and that no improper deductions or improper overpayments have been made.
  4. If an employee has questions, feels that his/her check is incorrect, or that an improper deduction or overpayment has been made, he/she should contact the Finance Department or Human Resources office immediately so that needed corrections can be made as soon as possible.
2. **Administrative Pay Corrections** – AHA will take all reasonable steps to ensure that you receive the correct amount of pay in each paycheck and that you are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, you should promptly bring the discrepancy to the attention of your supervisor and/or Finance or Human Resources so that corrections can be made as quickly as possible. It is the

policy of AHA to reimburse employees for any improper wage deductions and for an employee to reimburse AHA for any inadvertent overpayments.

3. **Pay Deductions** – will be made in accordance with federal and state laws. In addition, AHA makes available certain voluntary deductions as part of AHA’s benefits program. If an employee elects supplemental coverage under one of AHA’s benefits plans, which require employee contributions, the employee's share of the cost will be deducted from his or her check each pay period. If the employee is not receiving a payroll check due to illness, injury, or leave of absence, he or she will be required to pay the bi-weekly cost directly to AHA.
4. **Expenses** – AHA will reimburse approved expenses only when supported by a written report explaining the business purpose. See the AHA Travel Policy for detail on expenses that will be reimbursed and documentation requirements.
5. **Direct Deposit** – AHA’s payroll processing is paperless, using only direct deposit. Direct deposit is offered to all employees as the method by which employees are paid. You must complete the Direct Deposit upon hire. Employees should complete a change as early as possible if their account information is changed for any reason. If a payday falls on a bank holiday, direct deposits are transferred on the last business day prior to the scheduled pay date.
6. **Garnishment of Pay** – AHA is obligated by federal and state law to attach, or withhold, money from an employee’s paycheck for child support, unpaid student loans, unpaid federal, state, local municipality or school taxes, or any other court-ordered payment/debt. The employee’s paycheck may not be garnished for collection of any other unpaid debts.
7. **Error in Pay** – if an employee feels there is an error in their payroll rate, calculation method, or deduction for employee benefits or other questions concerning accumulated paid time off, or other benefits; they should take their concern immediately to Finance and/or Human Resources Department. The more quickly these concerns are made known, the easier it will be to address the issues involved.
8. **Recovering Moneys Owed to AHA** – AHA shall have the right to offset against amounts due and payable to an employee, those liquidated amounts due and payable by the employee to AHA for any reason, with AHA then paying the net amount remaining to the employee in full satisfaction of his or her wages or other amount due, as follows:
  - a. If money owed by the employee to AHA is the result of misappropriation by the employee of moneys or personal property belonging to AHA, amounts owed to AHA may be offset against all wages or other moneys owed to the employee.
  - b. In all other cases of offsets against an employee's wages, AHA may only offset amounts owed AHA against those wages that are above the statutory minimum hourly wage.
  - c. AHA may offset amounts owed to AHA against all sums owed to an employee other than wages.
  - d. Subject to the above limitations, Finance may develop with an affected employee a repayment plan for successive offsets so that the entire amount owed to AHA is not offset on a single occasion; provided, however, that no such plan shall be developed in the instance of any final settlement of accounts, such as when a final check for wages for a terminating employee may be involved.

It is the policy of AHA to comply with applicable wage and hour laws and regulations. The improper pay deductions specified in Title 29 of the code of Federal Regulations 541.602(a) may not be made from the pay of exempt employees who are subject to the salary basis test under the Fair Labor Standards Act (FLSA) as it applies to AHA.

### **Suspensions Without Pay for Serious Workplace Misconduct**

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It is the policy of AHA that all employees, hourly, salaried, exempt and non-exempt, may be suspended for one or more whole days without pay for violations of the workplace conduct rules, whether the violations are committed on or off-site.

### **Overtime Compensation**

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All non-exempt employees may be required to work overtime upon the request of the immediate supervisor, the ED or his/her designee. It is the policy of AHA to comply with the FLSA with regard to overtime compensation for non-exempt employees. Non-exempt employees should not access job-related emails or conduct other business outside of work hours unless approved by supervisor as it may result in overtime.

The base work or work cycle shall only include actual hours worked. The supervisor, the ED or his/her designee shall certify all time worked and recorded. Annual Leave, Sick Leave, Worker Compensation Time, holidays and other leave will not count towards the hours worked in the work cycle for overtime purposes.

Overtime hours for most employees are defined as all hours worked over forty (40) during a normal workweek. Overtime should be avoided, if possible, but if it is required, it must be authorized by the employee's supervisor.

Overtime shall be accrued and compensated for in quarter-hour increments.

### **On-Call Policy**

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AHA recognizes that departments, and/or offices may require non-exempt employees to be "on-call" for the purpose of responding to emergency situations, maintenance calls, etc.

"On-call" time is defined as time spent by an employee, after normal work hours, where the employee is required to wear a pager, cellular telephone, or leave word with the employer as to where he/she can be reached by telephone in the event the employees needs to return to work. According to FLSA, the waiting time while "on-call" is not compensable as long as the conditions placed on the employee's activities are not so restrictive that they cannot use the time effectively for personal pursuits.

Eligible employees are defined as employees classified as "non-exempt" under FLSA. This "on-call" time does not apply to hold over or early call in hours in combination with the normal workday, or pre-scheduled overtime.

### Compensable Travel Time

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**Non-exempt employees** – as a general rule, time spent by a non-exempt employee traveling during regular working hours as part of AHA’s principal business activities is compensable and must be counted as hours worked for purposes of calculating the employee’s regular wages due, and for purposes of calculating overtime pay if the employee works in excess of forty (40) hours in the workweek during which the travel occurs. If a non-exempt employee is required to travel on a non-working day (e.g., Saturday or Sunday) as part of AHA’s principal business activities, then the travel time generally is compensable and must be counted as hours worked if it occurs during what would be normal business hours on a regular work day. Travel by a non-exempt employee as part of AHA’s principal business activities that keeps the employee away from home overnight is compensable to the extent it cuts across the employee’s normal working hours (or corresponding hours on nonworking days). Time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, bus or automobile is not considered compensable work time. In order to manage overtime within approved budget, supervisors have the discretion to adjust a non-exempt employee’s work schedule during the workweek in which travel time occurs so that the employee’s total work hours during that workweek will not exceed forty (40) hours.

### Non-Compensable Travel Time

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Not all time spent traveling by non-exempt employees and not all expenses incurred in connection with such travel are compensable. For example:

- A non-exempt employee who travels from home before the regular workday to work and then returns to his/her home at the end of the workday is engaged in ordinary home-to-work travel, which is not considered compensable travel time under the FLSA and corresponding federal regulations.
- Mileage from home to the airport or train or bus station is not compensable.
- Regular mealtimes while traveling are not compensable.
- Time spent in non-work activities is not compensable.
- Time spent at voluntary social events when traveling.

AHA Travel Policy outline those expenses are and are not reimbursable in connection with travel.

### General Rules Applying to All Travel

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If a non-exempt employee is offered the most economical public transportation, but asks for and receives permission to drive instead, AHA may only compensate the employee for the time to travel on the public transportation offered. Consistent with the above rules, all travel must conform to AHA’s Travel Policy, and an effort must be made to travel by the most economical means possible considering overtime, cost of transportation and available options.

### Outside Employment

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AHA employees may engage in outside employment for no more than twenty (20) hours per week which does not involve conflict of interest or interfere with their performance of duties for AHA. To ensure there is no conflict of interest, supervisors shall at any time be made aware of

any outside employment held by an employee and that information conveyed to Human Resources. A conflict of interest or any job related performance inefficiency related to outside employment may be cause for disciplinary action up to and including termination. Failure of any employee to notify his/her supervisor of outside employment may be cause for disciplinary action up to and including termination.

### **Loss of License, Certification or Other Job Requirements**

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Any employee, who is unable to do their job because of a loss of a required license, certificate, or other job requirement, may be terminated.

### **Grooming and Appearance**

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Since all or most AHA employees come in contact with customers and the general public, employees are expected to dress in good taste with respect to the job they perform, and to be personally well-groomed. Departments may also issue specific grooming and appearance guidelines based on business need and safety applicable to that area, including adhering to AHA guidelines.

If dress or appearance conflicts with the basic AHA guidelines, the supervisor will discuss the issues with the employee and suggest changes. At the sole discretion of AHA, an employee may be sent home to change grooming and/or appearance to comply with the standards which includes adhering to AHA guidelines.

### **Use of Equipment and Property**

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The use of AHA equipment and property for any purpose other than official business is prohibited. Under no circumstances may equipment (which includes AHA issued phones and computers), materials, or facilities be used for personal business.

1. The careless, negligent, or improper use of AHA property or equipment may result in disciplinary action, up to and including termination.
2. AHA reserves the right to examine any and all packages, containers, including but not limited to purses, backpacks, briefcases and lunch boxes or any items brought onto or taken off of the premises.
3. Removing or attempting to remove AHA property without proper permission will result in disciplinary action up to and including termination.

### **Smoking in the Workplace**

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In accordance with HUD, each Public Housing Authority (PHA) must implement a “smoke-free” policy banning the use of prohibited tobacco products in all public housing living units, indoor common areas in public housing and in PHA administrative office buildings. The smoke-free must also extend to all outdoor areas up to twenty-five (25) feet from the public housing and administrative office buildings. This rule improves indoor air quality in the housing; benefits the health of public housing residents, visitors, and PHA staff; reduces the risk of catastrophic fires; and lowers overall maintenance costs. For these reasons, the use of tobacco and smoking (including electronic cigarettes) is not permitted inside AHA buildings or in AHA vehicles or within twenty-five (25) feet from any of the public housing units, buildings and AHA

administrative offices.

### Non-Solicitation Policy

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To avoid disruption of the workplace, no solicitations, collections, circulation of petitions or distributions of literature by employees, tenants or other persons are permitted during working time or in working areas. “Working time” refers to the work time of the employee soliciting, collecting, circulating or distributing as well as the employee to whom such action is directed. “Working time” does not include rest breaks, meal periods or other times before or after work.

“Working areas” includes all offices, reception areas, hallways, conference rooms or other areas where business is conducted. It does not include employee lounges, lunchrooms, restrooms, parking areas or other areas where AHA business is not ordinarily carried out. If an employee observes someone who is not an employee engaging in any of these prohibited solicitation activities at any time, please notify Human Resources immediately.

Employees may promote fundraising events for school related or extracurricular activities as long as it does not distract from work and AHA property is not used in the solicitation.

## POSITION MANAGEMENT

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### Position Status

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1. **Introductory (Working Test Period) Employees:** Newly hired employees are considered introductory for a working test period. Nothing in this policy shall be construed as a guarantee of employment for this period. During this period, introductory employees will be considered ‘at will.’
2. **Regular Full-Time and Part-Time Positions:** Employees are considered regular employees upon satisfactory completion of the designated working test period. Full-time positions are those scheduled to work forty (40) hours per week. Full-time employees are entitled to full benefits. Part-time positions are those who are not working test status and who are scheduled to work 1) 20-40 hours per week or 2) work less than twenty-five (20) hours per week. Positions that work 20-40 hours per week will be eligible for benefits. Positions that work less than 20 hours per week will not be eligible for benefits. They will only receive all legally mandated benefits (such as worker’s compensation and social security).
3. **Temporary Employment:** AHA may directly hire temporary employees (also referred to as term or contract employees) when a short term staffing need arises with a definitive start and end date. Temporary appointments may be made for special project(s) or other work of a temporary nature or when an emergency involving serious impairment of the public business makes it impossible or unnecessary to fill a vacant position through the competitive process. Temporary appointments shall be made by the procedures outlined Recruitment and Selection. (The ED may authorize an exception to the procedures outlined in Recruitment and Selection, though the reason for the exception should be fully documented.) Temporary employees are ineligible for benefits and privileges provided to regular status employees. They will only receive all legally mandated benefits (such as worker’s compensation and social



security). While the short-term nature of these assignments typically would not trigger legally mandated health insurance and retirement benefits, Human Resources will monitor the terms of temporary appointments to insure compliance.

All employees are classified as either “exempt” or “non-exempt,” as specified by FLSA. Typically, “exempt” employees are administrative, executive, and professional personnel who are not eligible for overtime compensation. “Non-exempt” employees are eligible for overtime compensation according to the provisions outlined in this Manual.

### **Request for Personnel**

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AHA will utilize the most effective methods of recruitment, examination, and placement. Job openings for positions may be filled by promoting from within AHA whenever AHA deems such personnel to be the best qualified. The ED will have the authority to fill vacant positions with qualified current AHA employees, including promotions. When AHA deems it necessary to recruit applicants for employment outside AHA, available sources of qualified personnel shall be utilized. The decision to accept an applicant for employment or promotion shall be made by the ED.

Supervisors shall be responsible for notifying Human Resources of a vacancy, or soon to be vacant position in their department. All vacancies to be filled should be announced by Human Resources to all AHA employees, and a vacancy announcement shall be posted for at least five (5) workdays.

### **Recruitment for Vacant Positions**

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The primary goal of AHA’s recruitment policy is to fill vacancies with applicants who best fit the organization’s needs. In pursuing this goal, AHA will adhere to the principles of EEO which dictates that all qualified applicants will receive consideration for employment regardless of their race, religion, color, political affiliation, spousal affiliation, physical or mental disability, serious medical condition, national origin, ancestry, sex, sexual orientation, gender identity, age, military or veteran status.

Employees who apply for a promotion or transfer will be given the same EEO consideration. When a job vacancy exists, the qualifications of an incumbent candidate for a promotion or transfer will be assessed solely on the basis of an individual’s ability to perform the essential job functions, merit, and length of service when applicable.

Human Resources will monitor all recruitment and selection activities to ensure that all laws, policies and other requirements are met. Human Resources is available for consultation on all activities. All final recruitment offers must have the approval of the ED.

Human Resources shall publicize all full-time and part-time vacancies by advertising on a timely basis to ensure that individuals have the opportunity to apply and to be considered for such positions. Applicants will be recruited on the basis of meeting or exceeding the minimum qualifications established for the position.

### Approved Exceptions from Vacancy Announcements

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While the substantial majority of job vacancies meet the criteria for posting, there are a few circumstances that do not warrant advertisement of positions. The following is the listing of special staffing situations that, with the approval of the ED, may be exempted from the competitive job posting process:

- Appointed positions (internal promotion)
- Reassignments or voluntary transfers
- Management directed assignments
- Reorganizations and reductions in force that require reassignment of effected staff to new created or existing vacancies
- Reclassifications of jobs that are currently encumbered that result in a higher or lower grade level
- Positions held by a temporary or emergency appointment in which the person holding the position has demonstrated the qualifications to hold the position on a regular basis.

### Employment Application Forms

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All applications for positions within AHA shall be made via the human resources information system. The web-based, electronic application system shall request details covering education, training, experience, and other pertinent information needed to assess qualified applicants. All applications shall be signed by interviewed applicant(s) attesting to the truth of all statements contained in the submitted electronic application.

To receive consideration, applications must be received before the job announcement is closed. Incomplete applications may be rejected; and where the applicant falsified statements of material fact in the employment application form will be sufficient cause for rejection of the application or dismissal.

### Disqualification

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AHA may reject from further consideration any application or applicant when the following determinations are made:

1. The applicant does not meet the minimum qualifications established for the position or has failed to submit a completed employment application form.
2. The applicant has failed to submit his/her application within the prescribed time limit.
3. The applicant has made false statements of material fact, or practices deception in his/her application.
4. The applicant has an unsatisfactory employment history of such a nature as to demonstrate unsuitability for employment by AHA.
5. Applicants who have negative findings on their criminal history background check.
6. Applicants convicted of felony or misdemeanor convictions will be considered on a case-by-case basis based on job relatedness.
7. Applicants who have been debarred, suspended or subject to Limited Denial of Participation or otherwise restricted from participation in HUD programs may not be hired dependent on job relatedness.
8. After a conditional offer of employment has been made, applicants that failed to pass a

medical examination and/or drug test.

9. The applicant is not eligible for employment in the United States.

## Selection

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Human Resources and/or the hiring supervisor shall review all applications for employment to determine whether the applicant meets the established qualifications for employment. Where appropriate, examinations or assessments may be used which may be written, oral or a combination of these exercises. In all cases, any examination or assessment shall be job related. Examination of employees may also consist of a review of education and experience necessary to perform the duties of the position.

The supervisor shall select the most suitable applicant from the qualified applicants. The applicant may receive a conditional job offer by the supervisor contingent upon the applicant successfully completing any other requirements such as a medical examination, drug test, and criminal history background check. The ED or his/her designee will have a final review and approval of all selections.

All male applicants between the ages of eighteen (18) and twenty-five (25) will be required to provide a copy of the registration card with the Federal Selective Service to show proof of registration at the time of hire.

## EMPLOYEE DEVELOPMENT

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### Job Descriptions

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There are job descriptions for each position in AHA. All new positions must have job descriptions prior to being filled. Maintaining accurate job descriptions is the responsibility of the immediate supervisor. If a major change occurs within a position, the job description should be timely revised to reflect those changes with Human Resources. Job descriptions will be reviewed during the employee's annual performance evaluation or working test period.

Upon hire, transfer, promotion, or re-classification, employees will receive a copy of their job description, which provides a general outline of the duties and responsibilities of their position. (Please note that duties may vary somewhat between individuals within the same classification.) Periodically, these job descriptions are reviewed to ensure that they accurately reflect the duties and responsibilities of each classification. If at any time an employee believes that their job description has become outdated or no longer adequately reflects the nature of their job, the employee should advise Human Resources so that steps may be taken to conduct a review and make any necessary changes.

As a member of the AHA team, on occasion employees may be asked to assist in areas other than their regularly assigned duties. All employees' willingness to work as part of the team is critical to our mission. Keep in mind that all employees are employed to work for the agency, not just to do a specific job. We are all working together toward a common goal.

## Training

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AHA is committed to providing the training necessary to help our employees to succeed in their jobs. Supervisors are responsible for identifying the training needs of their employees and notifying Human Resources of any essential training that is needed. In addition, employees may request additional training that may assist them in the performance of their duties. Such requests should be submitted to the employee's supervisor. Approval of the training requests is within the discretion of the ED or his/her designee.

## Working Test Period

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All appointments to regular positions shall be subject to satisfactory completion of a working test period. The work test period shall be regarded as a final state of the selection process and shall be utilized for closely monitoring the employee's work performance, for obtaining the most effective assessment of a new employee to the position, and for rejecting any employee whose performance is unsatisfactory. Employees serving a working test period do not have appeal rights unless there is an alleged discrimination because of race, religion, color, political affiliation, spousal affiliation, physical or mental disability, serious medical condition, national origin, ancestry, sex, sexual orientation, gender identity, or age. New hired employees and newly promoted who are serving working test period are not eligible to apply for other positions within AHA.

New hired employees in a working test period are not entitled to salary increases afforded other AHA employees.

## Working Test Duration – Extensions

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The working test period shall normally be six (6) months in duration. Supervisors may upon written request seek extension of the working test period, with approval of the ED, up to an additional six (6) months maximum.

## Performance Evaluation (Working Test Period)

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After an employee has completed half (3 months) of the working test period, the supervisor shall complete a performance appraisal using an authorized employee evaluation form and both the supervisor and the employee should review the documents prior to submitting the form to Human Resources, to include a clearly written statement from the employee's supervisor regarding whether the employee's services have been satisfactory or unsatisfactory. During the working test period, the employee's supervisor will communicate regularly with the employee regarding whether they are meeting performance expectations. It is particularly important that an employee on working test period be informed when performance is unsatisfactorily. The supervisor shall timely notify Human Resources, in writing, whether or not an employee is expected to achieve regular status and therefore, satisfactorily complete his/her working test period.

### Dismissal (Working Test Period)

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At any time during the working test period, a supervisor may remove an employee after unsuccessful coaching has taken place and obtaining prior approval from the ED and Human Resources. The supervisor shall immediately provide written notice of the removal to the ED and Human Resources. Employees serving a working test period do not have the right of appeal.

### Promotion Working Test Period

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In the case of promotion to a new position (not including advancement in levels in an existing position), the newly promoted employee shall serve a promotional working test period which will be used in the same manner as is used for new hires. However, a promoted employee serving a working test period is still eligible for the rights and privileges provided regular employees. When an employee is removed during a working test period for failure to perform satisfactorily the duties of the new position documented by performance appraisals, the employee shall be returned to the position held prior to the promotion, or to a similar equivalent position. Should an appropriate vacancy not exist, the employee is subject to termination for failure to pass the working test period of the new position.

### Pay Rates and Ranges

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AHA strives to pay its employees competitive wages and salaries that reflect the requirements and responsibilities of their positions and are comparable to the pay received by similarly situated employees in compatible organizations in the market area.

1. Each job in the organization will be placed in a pay grade, based on its job descriptions and responsibilities. Each grade will have at least minimum, midpoint, and maximum pay rates, with the distance between the minimum and maximum rates constituting the job's range. The dollar limits specified for different pay ranges will reflect both job-evaluation results and survey data on the pay practices of other housing agencies or other comparable companies.
2. Human Resources and the employee supervisor will determine the appropriate in-grade pay rate for employees based on background/knowledge at hiring, and thereafter based on an objective review of each employee's job-related knowledge, experience, performance (indicated by the working test period) and on available budget authority.
3. Through the use of periodic wage and salary surveys and continuing job-evaluation reviews and procedures, AHA will monitor its pay rates, ranges, and practices to keep them updated, equitable, competitive, and consistent. Employees should bring their pay-related questions or complaints to the attention of their supervisor or Human Resources.

### Wage and Salary Increases

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Consistent with the established pay structure and subject to economic resources and budgetary availability, AHA will ensure that employees' pay rates are administered in a fair consistent fashion and that pay increases serve primarily to reward and encourage high performance. AHA reserves the right to review pay rates and grant special increases in order to correct inequities.

1. The primary means by which employees progress through the pay ranges established

for their jobs is to receive merit increases that reflect standard performance and above.

2. Merit increase decisions will be based on the results of an annual evaluation conducted by the supervisor.
3. Employees paid below the minimum of their pay range will be eligible for an increase to the minimum during the annual merit review cycle within budgetary restrictions.
4. Supervisors will be responsible for approving all pay increases for employees in their department.

### **Incentive Compensation Plan**

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AHA's incentive compensation plan that may include merit increases and/or incentive awards will be approved by the Board annually. AHA's annual incentive program is designed to further the initiatives defined in AHA's strategic plan, motivate and reward staff whose performance leads to achievement of company-wide goals.

### **Promotions and Transfers**

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Promotions are defined as an upward advance move to a higher position usually with added salary, status and authority. Transfers will refer to demotions, a shift to a lower position requiring a reduction in salary or to lateral moves from one position to another at the same level, usually with no change in salary. The goal of AHA's promotion and transfer policy is to identify employees who have the skills needed for advancement to higher positions and to give qualified employees an opportunity to be considered for promotional opportunities; or to address employees who might achieve better performance at a lower level of the organization.

1. Current employees who apply following a position posting and who have been in their current position for a minimum of six months will be given consideration for job vacancies, however, AHA reserves the right to recruit outside candidates who have the skills or experiences needed for certain jobs.
2. The supervisor/manager in whose department the vacancy occurs normally will be the person responsible for making a promotional decision. While in-house candidates receive consideration for job openings, promotions are never guaranteed. Employees may prepare themselves for promotional opportunities by participating in employer-sponsored training programs and by pursuing their employee development plan objectives, such as outside educational and training programs.
3. In those instances where a supervisor posts a position, but wishes to consider all qualified employees internal to AHA prior to any outside posting, a notice announcing each job vacancy will be internally posted for a period of at least five (5) consecutive days. Interested employees who meet the minimum qualifications may apply for these positions by notifying Human Resources in writing and completing the appropriate form(s). Newly hired and newly promoted employees must complete the required six (6) month working test period with AHA to be eligible to apply for promotions or transfers.
4. The primary factors taken into account in all promotions decisions will be ability and merit relative to the requirements of the position applied for.
5. AHA reserves the right to transfer employees to different positions when deemed necessary to maintain efficient operations or production. Salaries will be determined

- based on circumstances, merit, and ability.
6. Promotional increases shall be determined based on budget availability each fiscal year and will be calculated on the individual's placement into the new salary using the employee's merit and ability. The recommendation for the increase will be made by Human Resources and the employee's supervisor, based on these factors.
  7. Employees who cannot perform satisfactorily after receiving proper training may be demoted to a lesser position.
    - a. Promoted or transferred employees are considered working test period employees in their new position. Those who fail to perform their duties adequately in their new position may be returned to their previous job, or to a comparable position within their former or new department, if one is available. If no position is available, the employee is subject to termination for failure to pass the working test period of the new position.
    - b. An employee subject to demotion must be qualified to perform the lesser position with a minimum of instruction.
    - c. When an employee's current salary falls within the salary range of the lower level job, it may remain the same or be reduced to that of the lower level job at the discretion of the supervisor and Human Resources, based on budgetary restrictions.
    - d. An employee refusing a job or any vacant position due to demotion will be terminated.

## **EMPLOYEE BENEFITS AND SERVICES**

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### **Eligibility for Benefits**

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All regular employees, full-time and part-time (working over 20 hours bi-weekly) are entitled to available fringe benefits. The type, level, eligibility and costs of the benefit plans are subject to change at any time at the sole discretion of AHA.

Information on benefits may be obtained from Human Resources.

### **Health, Dental, Vision, Basic Life Insurance, Short and Long Term Disability Insurance**

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Employees in positions working twenty (20) hours or more per week are eligible for health, dental, vision, basic life and short and long term disability insurance. Employees may enroll without a medical examination within thirty-one (31) days of the date on which employment begins or during the annual open enrollment period.

Coverage for new hires, their spouse, domestic partner and eligible dependents begins on the first day of the current pay period if the enrollment is completed and required documents are brought to New Employee Orientation (NEO) or submitted to Human Resources by the end of the first pay period. New hires have 31-days from hire date to complete enrollment and provide verification for dependent eligibility and coverage will begin on the first day of the pay period following the submission of the enrollment and certification of dependent eligibility. All information recorded in the enrollment is subject to verification by Human Resources. AHA and

the employee share the cost of contributory premiums.

Definitions and documentation requirements are outlined in the plan documents.

Employees are required to notify Human Resources of a divorce, legal separation or changes in status of a dependent child within thirty (30) days after the date of the event. Failure to provide notification will result in cancellation of benefit coverage for dependents. Coverage begins on the first day of the pay period following the submission of enrollment for qualifying events – see Benefits Booklet for details.

AHA offers many voluntary benefits such as Flexible Spending Accounts (medical reimbursement and dependent care) accident insurance, critical illness and supplemental life insurance.

#### **Payment of Insurance During Leave Without Pay**

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Employees are responsible for paying their insurance premiums regardless of receiving a paycheck. This means if an employee's status is "active" and the employee does not receive a paycheck then the employee will be responsible for paying the employee AND the employer portion of the medical, dental, vision premiums, and also the current deduction(s) for other supplemental benefits in that period. The employee will be responsible for making payment arrangements through the Human Resource and Finance Departments. Payment arrangements depend on the situation and will be looked at on an individual basis. Failure to either make payment arrangements or to make timely payments will result in cancellation of benefits back to the end of the pay period for which the premiums were paid.

During unpaid FMLA leave AHA will continue to pay its share of the insurance premiums for the entire unpaid leave period.

#### **Payment of Insurance While on Military Leave**

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AHA will continue to contribute its share of insurance premiums for the first thirty (30) days of military leave without pay. After that, an employee may choose to continue AHA health insurance for up to eighteen (18) months by making direct payments of the entire premium. Upon reinstatement after tour of duty, employees are permitted to re-enroll.

#### **Continuation of Health Insurance**

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The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 provides for the continuation of health care coverage for a covered employee and covered dependents due to a qualifying event that causes loss of health coverage.

To be eligible for COBRA coverage, the qualified beneficiary must be enrolled in AHA's group health plan on the day before the qualifying event takes place, or a child is born to or placed for adoption with a covered employee during the COBRA coverage period.

A qualifying event is defined as termination of employment (other than for gross misconduct) or reduction in hours of employment; death of a covered employee, a divorce or legal separation of



a spouse from a covered employee; entitlement to Medicare of a covered employee; the child no longer satisfies the plans definition of a dependent child.

COBRA continuation coverage may be available for eighteen (18) months in the event of termination or thirty six (36) month in the event of death, divorce/legal separation, entitlement to Medicare or loss in dependent status.

The covered employee or dependent is required to notify Human Resources of a divorce, legal separation, or change in the status of a dependent child within sixty (60) days after the date of the event. If notification is not received within this time period, COBRA continuation coverage will not be provided.

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## Retirement

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### 401(a) Plan

AHA may add under separate action by the AHA Board of Housing Commissioners a 401(a) Plan. The 401(a) would be an alternative for new employees to participation in the PERA program. Details will be provided in plan documents to be provided at a later date. By electing the 401(a) program instead of the PERA program, the employee will not be entitled to the New Mexico Retiree Health Care Authority program.

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### 457 Deferred Compensation Plan

Participation in a 457 Deferred Compensation Plan is an optional benefit available to eligible employees.

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### Public Employees Retirement Association (PERA)

Eligible employees are required by State of New Mexico law to join the Public Employees Retirement Association of New Mexico (PERA). State law regulates PERA benefits.

A percentage of the employee's gross pay will be deducted each pay period, consistent with the plan currently in effect for the employee group. Any unpaid absences will not be applied to the employee's service credit for PERA purposes.

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## Educational Assistance

AHA is committed to assisting its employees in furthering their education and training through offering a Tuition Reimbursement program to employees attending courses at an accredited college, university, or technical institution. AHA will administer the program based on IRS guidelines on tuition reimbursement.

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## Eligibility

1. All regular full-time employees completing one (1) year of continuous employment are eligible to participate in the Education Assistance program. All requests must be approved in advance by Human Resources.
2. College courses for degrees, certifications, and licenses related to the employee's career

- with AHA will be approved on a first come first served basis, subject to budgetary constraints. All employees must reapply for education assistance at the start of every semester prior to enrollment, to ensure budgetary allowance for the amount applied for.
3. Other courses of instruction may be approved under the following conditions:
    - a. Courses taken for the purposes of improving job skills or knowledge required of the employee at work.
    - b. Courses taken to help qualify the employee for assuming greater responsibilities in job related to the present job or to help the employee qualify for promotions.
  4. AHA will reimburse the employee upon receipt of a written request, a transcript documenting successful completion of the course, based on grade received and proof of payment of the course. “Successful completion” means receiving a grade of “C” or better or the equivalent thereof.
  5. Employees who receive either educational assistance funds or attend AHA paid training of an amount greater than AHA set reimbursement rate (defined below) of two undergraduate courses per year that voluntarily terminate employment within one year of receipt of funds will be required to repay the funds to AHA.

### Tuition Reimbursement Program

Educational assistance will not be awarded if tuition and fees are covered by other sources such as scholarships, grants, etc. Human Resources will compute an average rate for reimbursement per 3 credit hour undergraduate and graduate course annually (“reimbursement rate”). Reimbursement percentages below will be based on the lesser of the actual course cost or the reimbursement rate.

Upon completion of the course(s) at the end of each semester (or quarter), the employee will be reimbursed accordingly once the transcript, receipt of the written request have been submitted to their supervisor and Human Resources:

<u>Grade</u>	<u>Reimbursement Eligibility</u>
A	100%
B	90%
C	80%

## **PAID LEAVE BENEFITS**

### Vacation Leave

All covered employees, including regular full-time, part-time with benefits, and working test, shall accrue vacation leave on a biweekly basis from the date of employment. No vacation leave may be taken by the employee before it is accrued. Vacation leave will accrue through December 31 each year and the excess of seventy-eight (78) biweekly accruals will be dropped from the record at the end of the pay period containing December 31 unless the employee is in Early Retirement or has an effective retirement date of January 1 of the following year. An employee separating from AHA employment will be compensated for the balance of their unused vacation computed to the date of separation. Employees will only be compensated up to 320 hours of accrued and unused vacation upon separation with the only exception being Retirement wherein

there is no limitations to the number of hours. When a legal holiday, which would have been a regular workday for the employee, occurs during vacation, it shall not be charged as vacation leave but as a holiday.

An employee may not use any accrued vacation leave until they have completed thirty (30) days of employment with AHA.

### Vacation Accrual Rate

Months of Service	Regular Workweek	Accrual Per Bi-weekly	Accrual Per Year
0 through 36 months	40 hours	3.85 hours	100 hours
37 months through 96 months	40 hours	4.62 hours	120 hours
97 months through 168 months	40 hours	5.54 hours	144 hours
169 months and up	40 hours	6.16 hours	160 hours

Selected applicants that previously worked for AHA will be given the time from the original date of hire to original leave date for years of service credit for purposes of determining the vacation leave accrual rate.

Part-time employees working twenty (20) hours or more per week will accrue vacation leave on a prorated basis based on the amount of hours regularly scheduled to work.

Vacation leave accrual rate will be prorated when employee is in any unpaid status for eight (8) or more hours, e.g. Absence Without Leave, unpaid suspension, unpaid Family Medical Leave.

Accrued sick leave may not be used in lieu of vacation leave. Any unpaid leave outside of these accruals shall be at the discretion of the ED or his/her designee.

### Scheduling Vacation Leave

Vacation leave should be requested as far in advance as possible and approved at least twenty-four (24) hours in advance of the time it is taken unless specified otherwise by the ED in order to accommodate the particular staffing needs of AHA. When conflicts arise due to operational needs, and two employees have requested the same date and time, the employee with the most service within the department will have first option for approval.

### Sick Leave

Sick leave is accumulated to be taken for a bona fide illness and/or injury, and other medical related necessities such as physician appointments, medical examination, and dental appointments. Sick leave is available for the employee's personal health care as well as for the care of members of the immediate family. Sick Leave may also be used for extended time off following the loss of immediate family is defined as spouse, child, stepchild, parent, stepparent, mother-in-law, father-in-law, brother, sister, grandparent, grandchild or any individual for whom the employee is a court appointed legal guardian up to thirty (30) days. Sick leave shall not be transferred, swapped or traded between employees. All covered employees, including regular

full-time, part-time with benefits, and working test, shall accrue sick leave from the date of employment. The employee shall report any sick leave absence prior to his/her scheduled work shift if possible, and if not, the employee should see that his/her absence is reported within one (1) hour after the scheduled time for the employee to begin work. Sick leave requires the approval of the supervisor or the ED or his/her designee. Sick leave may be taken in quarter hour increments. No sick leave may be taken by the employee before it is accrued.

With ED prior approval, a request may go out to AHA staff to allow an employee(s) to transfer a portion of their accrued sick leave to assist a fellow employee who has a prolonged illness or a medical catastrophe for themselves and/or an immediate family member (spouse, domestic partner, child or parent).

Transfer of sick leave is subject to the following conditions and limitations:

- The ill employee must have exhausted all of his or her own accrued sick and vacation leave
- Prior to obtaining a transfer of sick leave from another employee.
- An employee may transfer up to the amount of sick leave accrued within one (1) year (96 hours) in any fiscal year.
- The transferring employee must have a minimum of sixty (60) hours of sick leave remaining after the transfer.
- Sick leave may not be transferred from a subordinate to a supervisor.
- Human Resources must approve the transfer request. The donated hours will be managed through Human Resources and only given to the employee as needed.

If an employee that receives donated sick leave is on FMLA, the transferred sick leave will run concurrently with the amount of Family and Medical Leave of Absence available to an employee under the FMLA policy, arising out of the same illness or medical catastrophe.

### **Sick Leave Accumulation Rate**

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Sick leave will be accumulated by pay period. The annual accumulation rate for forty (40) hours per week employees shall be 3.70 hours bi-weekly or 96.2 hours per year. Part-time employees with benefits will accrue sick time at a pro-rated amount that is determined based on the amount of hours regularly schedule to work.

Sick leave accrual rate will be prorated when employee is in any unpaid status for eight (8) or more hours, e.g. Absence Without Leave, unpaid suspension, unpaid Family Medical Leave.

### **Accumulation of Sick Leave**

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There shall be no maximum accrual of sick leave. While employed, employees may choose to be paid in cash for accrued unused sick leave in excess of five hundred (500) hours up to a maximum of three hundred (300) hours one time a year. The hours will be paid at a rate of two (2) hours of sick leave for one (1) hour of regular pay. Employees will not be paid for accumulated sick leave upon separation (termination or resignation), with the exception of retirement as defined by the Public Employee Retirement Association of New Mexico (PERA).

Sick leave may be used upon retirement as defined by PERA for Early Retirement at a rate of one (1) hour of sick leave for one (1) hour Early Retirement or paid in cash at a rate of two (2) hours of sick leave for one (1) hour of regular pay, up to a maximum of 1,200 hours.

AHA is under no obligation to provide payment for sick leave accrued by employees, except as outlined above.

### Physician's Certificate

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A medical statement signed by a licensed physician may be required to substantiate sick leave for:

- Absence of three (3) or more consecutive workdays; or
- To support a request for sick leave during annual leave; or
- At any time when absence recurs frequently or habitually, provided the employee has been warned; or
- Whenever the supervisor has reasonable cause to believe that the absence policy has been abused.

### Bereavement Leave

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A maximum of three (3) paid days leave may be used in case of death in the employee, spouse, or domestic partner's immediate family. An additional day may be granted for every 500 miles travel one-way from Albuquerque required attending funeral services. Proof of death may be required.

For purposes of this section immediate family is defined as spouse, child, stepchild, parent, stepparent, mother-in-law, father-in-law, brother, sister, grandparent, grandchild or any individual for whom the employee is a court appointed legal guardian. It also includes a domestic partner and the child, stepchild, parent, stepparent, brother, sister, grandparent or grandchild of the domestic partner.

### Court Appearances

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Employees called for jury duty or to testify as a subpoenaed witness must provide a copy of the notice or subpoena to their immediate supervisor as soon as possible and forward same to Human Resources. While serving on jury duty, the employee shall be considered to be working continuously in the employ of the agency. In return, the employee is required to turn over to AHA any compensation received from the court, up to but not exceeding their regular compensation.

Upon completion of jury duty, employees must present the documentation of their attendance and the amount of pay received to enable them to receive their regular check. Employees who are excused from jury duty and still have more than four hours of scheduled work remaining should return to work for the rest of their shift.

Employees will not be paid for personal court appearances. Examples of "personal" court appearances include, but are not necessarily limited to, cases in connection with the employee's

personal matters, such as traffic court, divorce proceedings, custody proceedings, appearances as directed with a juvenile, cases in which the employee is a named party, etc. Such absences must be applied for a personal time, vacation (if available), or unpaid leave.

### Time off to Vote

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Employees are permitted time off to vote in any municipal, county, state, or federal political party primary or election for which such employee is qualified and registered to vote on the day on which such primary or election is held. Two (2) hours will only be permitted if the employees regular work shift starts less than two (2) hours from the when the polls open or ends less than three (3) hours before the polls close. The time taken off to vote must not exceed two (2) hours, is paid leave and is permitted only if your supervisor is informed at least one (1) working day in advance that an individual plans to take time off to vote. AHA may specify the hours during which the employee may be absent from work to vote. AHA will audit voting time to ensure full compliance with this policy. Time off to vote early is not permitted.

### Holidays

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For eligible employees (in paid status), the following days are designated as holidays:

1. New Year's Day
2. Martin Luther King Day
3. President's Day
4. Memorial Day
5. Juneteenth
6. Independence Day
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day
10. Indigenous People's Day Observed the day after Thanksgiving
11. Christmas Day

Eligible employees are entitled to pay for holidays observed by AHA. Full-time employees are eligible for eight (8) hours of pay on day of holiday. Part-time employees with benefits are eligible for holiday pay at a pro-rated amount that is determined based on the amount of hours regularly scheduled to work.

Employees who are in the unpaid status for any amount of time the day before or the day after the paid holiday will not get the holiday paid.

Working on an AHA paid holiday is discouraged and prohibited unless prior approval is obtained from the respective Deputy Director and/or ED, if applicable.

- Exempt Employees – If it is necessary and in the best interests of AHA to work on a paid holiday, then the employee will be granted floating time off equivalent to the actual number of hours worked on the holiday, which should be taken within the calendar year that the holiday is worked.
- Non-Exempt Employees – Working on a paid holiday generally is prohibited if it will

result in the employee working more than 40 hours in a workweek; however, if the Deputy Director and/or ED determines that it is in the best interests of AHA for a non-exempt employee to work on a paid holiday, then the employee will be granted floating time off equivalent to the actual number of hours worked on the holiday, which should be taken within the calendar year that the holiday is worked. In addition, if the hours worked by the non-exempt employee on the holiday result in the employee working more than 40 hours in a workweek, the employee will receive overtime compensation, at the rate of one and one-half times their regular rate of pay, for each hour of overtime worked in that workweek.

### **Birthday Leave**

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Birthday Leave is granted to all employees in “active status” as of January 1<sup>st</sup> of the calendar year. Birthday leave is a personal holiday, which must be used no later than midnight December 31<sup>st</sup> of the year accrued and may not be carried over to the next calendar year. Employees working less than twenty (20) hours per week are not eligible for Birthday Leave.

The grant of Birthday Leave is not accrued pro rata. If an employee is not in “active status” on January 1<sup>st</sup> of the calendar year, the employee receives no grant of Birthday Leave during that calendar year.

Unused Birthday Leave is not paid out upon separation from employment.

Active Status means an employee who is working and being paid, is on paid time-off, is on an approved leave (military, FMLA, etc.), is on an approved unpaid leave (military, FMLA, etc.). An employee on leave for early retirement is not considered ‘active status’ for purposes of getting birthday leave.

### **Pay During Inclement Weather**

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If AHA must be closed due to inclement weather, administrative leave pay may be granted to employees scheduled to work during those hours of closing at the discretion of the ED or designee. Employees who report for duty in positions essential to the safety and comfort of residents will receive pay for all hours worked including straight time and overtime, as applicable. If an employee reports to work and is excused from duty through circumstance beyond their control, such as a power failure or equipment breakdown, they may be granted administrative leave for the remainder of that workday only.

### **Administrative Leave**

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Administrative Leave is leave-with-pay that is ordered by the ED to meet a need of AHA. An employee may be ordered to be absent from the work place, with pay, while internal investigations are being conducted, while awaiting further communications or hearings, or under any other conditions where the ED considers administrative leave appropriate.

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## Paid Parental Leave

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Parental Leave with pay will be authorized for all employees qualified for benefits who have completed at least twelve (12) months of continuous service and have worked one thousand, two hundred and fifty (1,250) hours within the twelve (12) months preceding the date the Parental Leave will begin. Paid and unpaid absences used in the twelve (12) months preceding the date the Parental Leave will begin and are not counted toward the 1,250 hour total.

Parental Leave will be available for any eligible employee who experiences qualifying event.

- a. A qualifying event includes a birth or the placement of a minor child with the employee for adoption or foster care (excluding the adopting of a stepchild or partner's child) experienced by the employee, the employee's spouse or domestic partner.
- b. Parental Leave will consist of six (6) standard work weeks at full pay to be used within six (6) months of the qualifying event. If an employee is eligible for leave under the Family Medical Leave Act (FMLA), Parental Leave must be taken concurrently with leave under the FMLA.

If an employee does not return to work after the leave entitlement has expired, the employee may be required to reimburse AHA for any health insurance premiums and leave paid by AHA during the period the employee was on Parental Leave if the failure to return to work is not due to the continuation, recurrence, or onset of a serious health condition entitling the employee to leave or other circumstances beyond the employee's control. An employee shall provide certification from the health care provider supporting a claim of inability to return to work for health reasons.

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## LEAVES OF ABSENCE

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### Personal Leave of Absence

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AHA recognizes that there may be the rare occasion when an employee is faced with an emergency or special circumstance and needs to take an unpaid personal leave of absence. The employee's manager or supervisor in conjunction with the Executive Director may grant a personal leave of absence without pay.

Reinstatement following an unpaid personal leave of absence is not guaranteed. Management will attempt to reinstate an employee returning from personal leave of absence into the employee's former position or, if that is not available, a comparable position. If the employee's former position is not available, AHA will consider the employee for any available position for which he or she is experienced and qualified.

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### Absence Without Leave

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An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave under the provisions of these policies shall be deemed to be an absence without leave. Any such absence shall be without pay and may result in disciplinary action, up to and including termination.



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## Military Service and Leave

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AHA will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). An employee that is a member of the Armed Forces reserve organization or the National Guard shall be granted leave in accordance with USERRA.

1. Military leave is a period of unpaid leave due to any employee's service in the military forces of the United States. An employee who leaves the service of AHA to join the military forces of the United States shall be placed on military leave without pay in accordance with conditions set forth in Federal and State Law. Such leave shall extend through a date not to exceed 90 days after the employee is relieved from their military service. Such employees shall be guaranteed to be reinstated to their previously vacated position provided they report to work for AHA within the 90 days of the date of the employee's honorable discharge (as indicated on U.S. Department of Defense Form DD-214) and that the employee is physically and mentally capable of performing the essential functions of the position.

Time so served shall be considered as continuous employment with AHA. The returning employee shall also be entitled to any increase in salary (including market adjustment increases) or any advancement or promotion with would normally be accorded to the incumbent of the position. In essence, the employee should be treated as if they had been continuously employed with AHA.

2. In the event a position, vacated by a person entering the military service, as stated above, no longer exists at the time the qualified employee returns to work, such person shall be entitled to be re-employed in another position of the same status and pay in AHA service.
3. Employees will be given time off without loss of pay while on ordered State or Federal military duty including but not limited to attendance at a service school conducted by the military forces of the United States, and while going to or returning from such duty or school, for a total of 18 days or no more than 144 hours in any one calendar year. In the event the Governor of New Mexico declares an emergency and orders an employee to State active duty as a member of the National Guard, such employee will be paid for a period of not exceeding 30 days or 240 hours total in any one calendar year.

Whenever such an employee is ordered to be on military duty or to attend a service school in excess of the amount of time which will be paid, the employee may use accrued annual leave for such absence or may take a personal leave of absence.

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## Family and Medical Leave

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The federal Family & Medical Leave Act of 1993 (FMLA) as amended, requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

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### Eligibility for FMLA Leave

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Employees are eligible for FMLA leave if they:

1. Have worked for the company for at least 12 months;
2. Have worked at least 1,250 hours for the company during the 12 calendar months immediately preceding the request for leave;

3. Paid and unpaid absences used in the twelve (12) months preceding the date that the FMLA will begin are not counted toward the 1,250 hour total; *and*
4. Are employed at a work site that has 50 or more employees within a 75-mile radius.

The 12 months of service need not be consecutive. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee's USERRA-covered service obligation, or there was a written agreement that the employer intended to rehire the employee after the break in service.

Employees with any questions about their eligibility for FMLA leave should contact Human Resources for more information.

### Basic FMLA Leave

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Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

1. To care for the employee's son or daughter during the first 12 months following birth;
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
3. To care for a spouse, domestic partner, son, daughter, or parent ("covered relation") with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical or child birth; *or*
5. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

### Military Family Leave

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Here are two types of Military Family Leave available

1. **Qualifying exigency leave.** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).
  - a. **For Regular Armed Forces members,** "covered active duty or call to covered active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country (outside of the United States, the District of Columbia, or any territory or possession of the United States, including international waters).
  - b. **For a member of the Reserve components** of the Armed Forces (members of the National Guard and Reserves), "covered active duty or call to covered active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

Qualifying exigencies may include:

- Short-notice deployment (seven or less calendar days)

- Attending certain military events and related activities
  - Childcare or school activities
  - Addressing certain financial and legal arrangements
  - Periods of rest and recuperation for the military member (up to 15 calendar days of leave, dependent on orders)
  - Attending certain counseling sessions
  - Attending post-deployment activities (available for up to 90 days after the termination of the covered military member's covered active duty status, and to address issues arising from death of military member)
  - Attending to parental care needs arising from covered active duty or call to duty (arrange for alternative care for a parent of a military member, provide urgent or immediate care, admit or transfer to a care facility, or attend non-routine caregiver meetings with care facility staff)
  - Other activities arising out of the military member's covered active duty or call to active duty and agreed upon by the company and the employee.
2. **Leave to care for a covered service member.** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during a single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military service member or veteran recovering from a serious injury or illness, as defined by FMLA's regulations.
- a. **For a current member of the Armed Forces**, including a member of the National Guard or Reserves, the member must be undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness.
  - b. **For a covered veteran**, he or she must be undergoing medical treatment, recuperation or therapy for a serious injury or illness. *Covered veteran* means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

An eligible employee must begin leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12-month period may extend beyond the five-year period.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

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### Pay, Benefits, and Protections During FMLA Leave

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**Leave is unpaid.** Family medical leave is unpaid leave (although employees may be eligible for short- or long-term disability payments and/or workers' compensation benefits under those insurance plans, when applicable) if leave is taken because of an employee's own serious health condition.

**Substitution of paid time off for unpaid FMLA leave.** Family and medical leave and paid leave will run concurrently. An employee must use any accrued paid leave for all or parts of any family and medical leave until accrued paid leave is exhausted.

Paid leave will not accrue while an employee is on unpaid FMLA leave nor will the employee be paid holiday pay. The substitution of paid leave for unpaid leave time does not extend the 12-week leave period. Furthermore, in no case can the substitution of paid leave for unpaid leave time result in the receipt of more than 100 percent of an employee's salary.

**Medical and other benefits.** During an approved family medical leave, the company will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the company will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium through the Finance Department. If an employee does not return to work after the leave entitlement has expired, the employee may be required to reimburse AHA for any health insurance premiums paid by AHA during the period the employee was on family or medical leave if the failure to return to work is not due to the continuation, recurrence, or onset of a serious health condition entitling the employee to leave or other circumstances beyond the employee's control. An employee shall provide certification from the health care provider supporting a claim of inability to return to work for health reasons.

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the company will send the employee a letter to this effect. If the company does not receive the co-payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the company for the cost of the premiums paid by the company for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

An employee on unpaid FMLA leave who works fewer hours per pay period than required by PERA in order to earn service credit will not contribute to PERA or earn service credit during that pay period.

**Return to job at end of FMLA leave.** Upon return from FMLA leave, eligible employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

### Employee Responsibilities When Requesting FMLA Leave

If the need to use FMLA leave is foreseeable, the employee must give the company at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to Human Resources using the Request for Family/Medical Leave form available from Human Resources.

If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable under the facts of the particular case. An employee requiring unforeseeable leave must, absent extraordinary circumstances, call his or her direct supervisor and provide sufficient information regarding the employee's need for leave to support a request for FMLA leave. It generally should be practicable for the employee to provide notice of leave within one business day.

When submitting a request for leave, the employee must provide sufficient information for the company to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. *Calling in "sick" is not sufficient.* Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

### Employer Responsibilities

When an employee requests leave, the company will inform the employee whether he or she is eligible under the FMLA. If the employee is eligible for FMLA leave, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the company will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, AHA will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement.

### Medical Certification

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If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from Human Resources. When the employee requests leave, the company will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after leave is requested). If the employee provides at least 30 days' notice of medical leave, he or she should also provide the medical certification before leave begins.

Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The company, at its expense, may require an examination by a second healthcare provider designated by the company, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the company, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The company may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided. Employees may also be required to provide a fitness-for-duty certification upon return to work, or during intermittent leave, as required.

### Reporting While on Leave

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If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact the company on the first and third Tuesday of each month regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

### Exemption for Highly Compensated Employees

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Highly compensated employees (i.e., highest-paid 10 percent of employees at a worksite or within a 75-mile radius of that worksite) may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the agency. (This fact-specific determination will be made by the company on a case-by-case basis.) The company will notify employees if they qualify as "highly compensated" employees if the company intends to deny reinstatement, and of employees' rights in such instances.

### Intermittent and Reduced-Schedule Leave

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Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. If leave is unpaid, the company will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the agency may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and that has equivalent pay and

benefits.

## **COMPUTER, NETWORK, EMAIL, INTERNET POLICIES**

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### **Computer-Network Policy**

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The AHA Computer-Network (network) includes all electronic devices connected to the AHA network, or used for the collection and or processing of any information related to AHA business, including but not limited to, Desktop Computers, Laptop Computers, Cell Phones, PDAs, Printers, Scanners, Fax Machines, Copiers Servers, Storage Devices and Wi-Fi access point.

In addition, it is the responsibility of Albuquerque Housing Authority employees with remote access privileges to Albuquerque Housing Authority's corporate network, whether through an AHA-owned or personally owned device, to ensure that their remote access connection is given the same consideration as the user's on-site connection to Albuquerque Housing Authority and must comply with AHA Remote Access Guidelines.

The network and any data stored on the network is AHA property. There should be no individual expectation of privacy concerning the use of the network. There should be no expectation of individual ownership of any part of the AHA network.

Use of network is a privilege, which may be revoked at any time. Access to the network will be granted to employees by the AHA network administrator. Each employee will be assigned unique user accounts to the systems on the network. Employees will not share their access or attempt to use another employee's access to the network.

The AHA network shall not be used to process data or store electronic files that are not related to AHA business. Electronic devices, that are not the property of AHA, shall not be connected to the network without prior approval from the AHA network administrator. The network may only be accessed with privileges granted by the administrator of the network.

Any employee who discovers a violation of this policy should immediately notify their supervisor. Any employee who violates this policy may be subject to disciplinary action up to and including termination.

### **Electronic Mail (e-mail) Policy**

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This policy applies to any email message created, sent, or received by employees using the AHA electronic mail system.

The AHA email system hardware and software is AHA property. All messages created, sent, or received on the email system are and remain the property of AHA. There should be no expectation of privacy in these messages.

Use of AHA email is a privilege, which may be revoked at any time. An electronic mail 'account' is assigned to each employee. Employees are prohibited from using their AHA

assigned email account for any purposes not related to AHA business. AHA employees are prohibited from accessing any personal non-AHA email accounts on AHA electronic equipment. Any communication sent from that account is the responsibility of the employee assigned to the account. Employees are prohibited from allowing other individuals to send electronic mail from their account and may not use another account to send email communications for their own purposes.

Employees shall not use their AHA email account to apply, enroll or register for anything that is not related to AHA business. If an employee feels that a particular service is job-related and would like to use their AHA email account to register, they should first request approval from a manager.

You should not expect that electronic mail communications made through the AHA system are confidential. At any time and without prior notice, AHA management reserves the right to monitor and examine email, personal file directories and other information stored on company computers. Email correspondence may be accessed by the public as applicable according to the New Mexico Inspection of Public Records Act.

Email communication should follow the same standards that are expected in written business communications. The email system should not be used to send or receive privileged or confidential information or similar materials without prior authorization. The confidentiality of any message should not be assumed. Even when a message is erased, it is possible to retrieve and read the message. The use of passwords for security does not guarantee confidentiality.

Employees shall not use a code, access a file, or retrieve any stored information unless authorized to do so. Employees should not attempt to gain access to another employee's messages without permission.

The email system is not to be used to create offensive or disruptive messages. Among those which are considered offensive include, but are not limited to, any messages which are unethical or which contain sexual implications, racial slurs, gender-specific comments, or other comments that offensively address someone's age, sexual orientation, religious or political beliefs, national origin, or disability. Employees are forbidden from using profanity or vulgarity when posting electronic mail.

Any employee who discovers a violation of this policy should immediately notify their supervisor. Any employee who violates this policy may be subject to disciplinary action up to and including termination.

### **Internet Policy**

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Access to the internet and to the AHA network is a privilege and carries responsibilities reflecting responsible and ethical use. A violation of this policy may subject the employee-user to immediate revocation of system privileges and may result in further disciplinary action, up to and including termination.

All information stored or transmitted on equipment or a network operated by AHA is the



property of AHA. There should be no expectation of privacy in the use of the internet. Personal use of AHA's internet service is prohibited.

At any time and without prior notice, management reserves the right to view, inspect, or otherwise monitor anything downloaded or accessed by employees from the internet and employee use of the internet. This includes personal file directories and any other information stored on AHA computers. Employees should expect that there will be periodic review of internet content to ensure compliance with AHA policy. AHA reserves the right to filter or block any website.

Information transmitted over the internet is never private. It must be treated as available to the public unless it is confidential information and properly encrypted. If you require encryption capability, contact the Technical Program Manager. The employee-user must abide by all federal, state and local laws with regard to information sent through the internet. Employee-users are also prohibited from using internet access through the AHA systems for any other business or profit-making activities. In general, employees should exercise the same restraint and caution in drafting and transmitting messages over the internet as they would when drafting a written business document and should assume that their message will be saved and reviewed by someone other than the intended recipients.

All information downloaded from the internet must be retained in accordance with AHA's records retention policy and records retention schedule.

Employees shall not upload classified and/or proprietary information through the internet without management approval and then only if encrypted by means approved by the Technical Program Manager.

Virus scans are extremely important. Before viewing, executing, or otherwise opening any document, file, etc., downloaded from the internet, a virus scan must be performed against these documents or files. Failure to detect viruses could result in corruption or damage to files and/or unauthorized entry into the AHA network. It is also mandatory that you comply with copyright and trademark laws when downloading material from the internet.

It is expected that employees will use the internet for business reasons and will conduct themselves on the internet in a manner consistent with AHA's philosophy of treating others with respect and dignity. Communications with others on the internet, such as forums or news groups, should be strictly for business purposes and should follow the same standards that are expected in other written business communications. In addition, any posting to public business related forums or transmittal of electronic mail through the internet for personal use must include a disclaimer that the views are those of the employee-user and not of AHA.

The internet shall not be used for any illegal activities; collection and/or transmission of materials in violation of any federal, state, or local laws; conducting the business affairs of another business entity, including a business operated by the employee; messages or information used for personal advertising or solicitation; receiving or transmitting information or messages which are defamatory, abusive, profane, sexually oriented, threatening, or racially offensive.

The validity and integrity of information received or sent over the internet cannot be guaranteed. If additional validity or integrity protection is necessary, additional procedures such as encryption and/or signature verification must be used.

Inappropriate use of the internet may result in disciplinary action, up to and including termination of employment.

## **EMPLOYEE BEHAVIOR AND CODE OF CONDUCT**

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It is the policy of AHA that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. AHA wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity, and value for all of our employees, clients, customers, and other stakeholders. Every employee has a shared responsibility toward improving the quality of our work environment. By deciding and committing to work at this agency, you agree to follow the agency's rules.

Conduct that interferes with operations, discredits AHA, or is offensive to customers or coworkers will not be tolerated. Each employee is expected to work in a cooperative manner with management, supervisors, coworkers, customers, or anyone else associated with the workplace. Employees shall behave in a professional, courteous, and respectful manner to all persons while in the course and scope of performing their duties. Rudeness and unprofessional behavior is not acceptable. Being insubordinate, threatening, intimidating or disrespectful to managers, supervisors, coworkers, or any other individual in the course of conducting business will result in discipline, up to and including termination. Each employee is expected to abide by AHA policies and to cooperate fully in any investigation that AHA may undertake.

This policy is not intended to limit the agency's right to discipline or discharge employees for any reason permitted by law. In fact, while we value our employees, the agency retains its rights to terminate an employee.

### **Standards of Conduct and Behavior**

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Employees are expected to conduct themselves in a positive manner in order to promote the best interests of AHA. The examples of appropriate employee conduct described herein are not intended to be an all-inclusive list. Appropriate employee conduct includes but is not limited to:

1. Following and complying with all company policies, rules, regulations, and Employee Manual;
2. Treating all customers, visitors, and coworkers in a courteous manner;
3. Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to AHA's best interests;
4. Reporting to management suspicious, unethical, or illegal conduct by coworkers, customers, or vendors;
5. Reporting to management any threatening or potentially violent behavior by coworkers;
6. Performing duties with care to protect the safety of customers, employees, coworkers, and the public;

7. Carrying out assigned duties and following reasonable instructions or requests from management;
8. Refraining from any manner or form of discrimination and/or harassment, regardless of whether it is sexual, racial, religious, or related to another's gender, age, sexual orientation, gender identity, disability, or any other protected class under federal or state law;
9. Refraining from misuse, theft, or destruction of company time and/or property or another employee's property;
10. Reporting to work fit for duty and not under the influence of alcohol and/or drugs and refraining from using, selling, or possessing illegal drugs on company premises or while on company business.
11. Wearing clothing and all personal protective equipment (PPE) appropriate for the work being performed;
12. Performing assigned tasks efficiently and in accord with established quality standards;
13. Maintaining good attendance, reporting to work punctually as scheduled, and being at the proper work station ready for work at the assigned starting time, and giving proper notice whenever unable to report on time; and
14. Maintaining cleanliness and order in the workplace and work areas.

### **Prohibited Conduct and Behavior**

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The following conduct and behavior is prohibited and while not intended to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples, and not all-inclusive, of rule infractions or misconduct that may result in disciplinary action, up to and including immediate termination of employment:

1. Failure to follow and comply with all company policies, rules, regulations, and Employee Manual;
2. Engaging in or threatening acts of workplace violence;
3. Engaging in any form of discrimination, harassment, sexual harassment, hostile work environment or retaliation;
4. Reporting to work under the influence of alcohol, illegal drugs, or narcotics or using, selling, dispensing, or possessing alcohol or illegal drugs or narcotics on company premises;
5. Unauthorized disclosure of business and trade secrets or other confidential company information that is not otherwise available to persons or firms outside of AHA;
6. Disclosure of confidential financial data, or other non-public proprietary company information, including but not limited to confidential information regarding business partners, vendors, or customers;  
Falsifying or altering any company record or report, such as an employment application, medical reports, production records, time records, expense accounts, or absentee reports;
7. Stealing, destroying, defacing, or misusing company property or another employee's or constituent/customer's property;
8. Using company communications systems (including electronic mail, computers, Internet access, personal handheld devices, and telephones), and social media in a manner inconsistent with or in violation of AHA policy;

10. Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
11. Failing to follow safety rules and policies;
12. Use of profane or abusive language where the language used is uncivil, insulting, contemptuous, vicious, or malicious;
13. Rudeness or unprofessional behavior toward a customer, constituent, or anyone in contact with AHA;
14. Conduct that is discourteous or disrespectful to a constituent/customer, vendor, or any member of the public while in the course and scope of AHA business;
15. Failing to work in a cooperative manner with management/supervisor, coworkers, customers, and vendors;
16. Being insubordinate, threatening, intimidating, and disrespectful or assaulting a manager or supervisor, coworker, constituent/customer, or vendor;
17. Sleeping on the job without authorization;
18. Playing pranks or engaging in horseplay;
19. Excessive absenteeism or any absences without notice;
20. Unsatisfactory performance or conduct;
21. Other disciplinary reasons, including but not limited to conduct on or off-duty, which may:
  - a. Call into question the employee's ability to perform assigned duties or job functions; or
  - b. Would harm public respect for AHA employees or confidence in the operations of AHA services; or
  - c. Would impair the operations or efficiency of any AHA department.

### **Prohibited Off-Duty Conduct and Behavior**

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In general, AHA will apply its disciplinary policies only to off-duty conduct of employees that affects our business interests. Please be assured that any off-duty conduct such as membership in organizations to promote civil rights, religious practices protected by law, smoking, and other lawful off-duty conduct is not a matter of concern to AHA. Below are examples of off-duty conduct that may affect AHA's interests and which will subject an employee to disciplinary action, up to and including termination of employment include but are not limited to:

- Sexual or other unlawful harassment of employees off duty;
- Illegal conduct that indicates the potential for violence;
- Illegal conduct while on AHA's property while off duty (see "Criminal Activity/Arrests" below);
- Illegal conduct off duty, which causes the employee not to be able to perform his/her essential job functions; and
- Disruptive actions while off duty at an AHA-sponsored event.

### **Criminal Activity/Arrests**

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Involvement in criminal activity, whether on or off AHA property during employment may result in disciplinary action including suspension or termination of employment. Disciplinary action depends upon a review of all factors involved, including whether or not the employee's action

was work-related, the nature of the act, or circumstances which adversely affect attendance or performance.

Employees are expected to be on the job, ready to work, when scheduled. Inability to report to work as scheduled as a result of an arrest may lead to disciplinary action, up to and including termination of employment, for violation of the attendance policy, or job abandonment.

Disciplinary action need not be dependent upon the disposition of any case in court; but will be based on information reasonably available. This information may come from witnesses, police, or any other source if Management has reason to view the source as credible.

## **CORRECTIVE ACTION AND DISCIPLINE**

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It is the policy of AHA that all employees are expected to comply with AHA's standards of behavior and performance and that any noncompliance with these standards must be corrected. Under normal circumstances, AHA endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. AHA does, however, retain the right to administer discipline in any manner it sees fit. This policy does not in any way restrict AHA's right to bypass the corrective action or disciplinary steps/procedures suggested. Further, nothing contained in this policy should be construed to create a 'good cause' standard for dismissal from employment. Each employee, situation and resolution is unique – so the following corrective actions should not be expected to be progressive in nature.

Generally, progressive steps of corrective action will be followed in employee disciplinary matters except in matters AHA or its management determine need to be addressed outside of AHA's progressive system. Appropriate action will be determined based on factors such as severity, frequency, and degree of deviation from expectations and length of time involved. Because a great variety of situations may arise, AHA may need to make decisions related to employment in a manner other than as provided in this policy.

The type of disciplinary action to be imposed is at management's discretion. In some instances, disciplinary or correction action short of termination may be imposed, such as informal counseling, written or verbal warning, probation or suspension from work. In other cases, management may deem it necessary to terminate an employee immediately.

This policy does not in any way restrict AHA's right to bypass the corrective action and/or disciplinary procedures suggested.

### **Suspension**

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A supervisor may suspend an employee with or without pay for a period not to exceed five (5) working days as a form of discipline. The ED must approve recommendations by an immediate supervisor for suspension exceeding five (5) days.

Documentation of the suspension shall be forwarded to Human Resources by the end of the next workday to become a permanent part of the employee's record.

## Termination

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An employee may be terminated by AHA with or without prior notice. All terminations must be approved by the ED or his/her designee.

If an employee is terminated, he/she may be notified by his/her immediate supervisor, section manager, Deputy Director (DD) or ED or his/her designee in writing of the reasons for the termination. Such writing should be delivered personally to the terminated employee or delivered by registered mail to his/her last known address. A copy of the termination letter will be placed in the employee's personnel file and is to be treated as confidential and subject to inspection only in accordance with State law.

## Notification and Response

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Once it has been determined that an adverse action should be taken, the following notification and response procedures will be observed:

### Notice of Intent Regarding the Proposed Adverse Action

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The supervisor and/or the ED will give the employee a written Notice of Intent of the proposed adverse action (demotion or suspension), when possible, ten (10) business days prior to the effective date of the action. The notification shall contain the following:

- The effective date of the action.
- The specific charges or reasons for the action.
- A statement informing the employee that he/she may respond to the ED, DD or Human Resources within five (5) business days of the notice of the proposed action.
- A notice that failure to respond to the ED will result in a waiver to all further appeal rights.

Employee shall sign the notice to acknowledge receipt.

In the event of termination from employment, AHA will not provide a Notice of Intended Discipline. Instead, AHA will issue a Notice of Final Action that will include rights of appeal.

### Employee Response to Proposed Action

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The employee must respond in writing to the ED, DD or Human Resources within five (5) business days of receiving the notice of the proposed adverse action.

### Notice of Final Action

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The ED, DD or Human Resources after considering the employee's response to the notice of intent of adverse action, will give the employee a written notification of the decision on the action to be taken within two (2) business days of the effective date of the action.

### Postponement of Deadline for Further Investigation

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Where the employee responds to the ED, DD or Human Resources and provides new evidence, information or mitigating circumstances, the ED, DD or Human Resources may postpone the

deadline for the final notice of adverse action by a specific number of days to conduct further investigation into the matter, with written consent from the employee. Where the deadline for final notice of adverse action is postponed, the effective date of the final action will be postponed by as many days as needed.

### **Immediate Action – Emergency Conditions**

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The ED may take immediate action against an employee under emergency situations. Examples of emergency situations include but are not limited to: when crimes of moral turpitude are committed, when an employee may be a threat to themselves, a co-worker, the general public, or potential damage to public property or loss of AHA assets, revenues or reserves is possible. The immediate action will be to place the employee on administrative leave with pay pending the outcome of an investigation.

## **INTERNAL COMPLAINT PROCEDURES (GRIEVANCES)**

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### **Open Door Policy**

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AHA believes in fostering a positive working environment in which all employees will be able to achieve their highest potential and accordingly maintains an open door policy. The open door policy is designed to encourage employees to discuss work related concerns or problems with their manager. Employees are encouraged to express any constructive concerns, raise questions and make suggestions for improvement. If an employee has a concern about his or her manager engaging in discrimination, harassment, sexual harassment, hostile work environment, retaliation, or illegal conduct, the employee should discuss the concern with Human Resources. If resolution of the issue cannot be achieved through open discussion, then the employee has the right to present a written grievance. A grievance is an issue raised by an employee relating to the interpretation of rights, benefits and/or conditions of employment.

If employees feel that they are being treated unfairly they are invited to promptly make use of the Open Door Policy in the following way:

#### **Step 1:**

Report Any Concerns to Manager or Human Resources

An employee with concerns about work related issues (except job classifications), including complaints of discrimination and harassment are encouraged to speak directly with their manager in consultation with Human Resources within fifteen (15) calendar days after the incident that is the subject of the complaint. If the complaint is about the conduct of the employee's manager, the employee may skip Step 1 and proceed directly to Step 2 within fifteen (15) calendar days after the incident that is the subject of the complaint.

#### **Step 2:**

Submit Complaint to Human Resources

If the complaint is not resolved at Step 1 and the employee wishes to pursue a grievance, the employee shall submit a written complaint to Human Resources within fifteen (15) calendar days after the consultation with the manager described in Step 1. The complaint

shall set forth in detail the basis for the employee's complaint and the specific relief requested. After the written complaint is filed with Human Resources, a representative from Human Resources or a neutral third party, will meet with the employee and investigate the complaint, as necessary, interview any witnesses with direct knowledge relevant to the complaint, and review any supporting documents or other evidence. As soon as practicable after the conclusion of the investigation, Human Resources or his/her designee will notify the employee of the outcome of the investigation and any action taken to resolve the issue. If the complaint concerns conduct by Human Resources, an employee may skip Step 2 and proceed directly to Step 3 within ten (10) calendar days after such conduct occurred.

**Step 3:****Appeal Decision to the ED**

If the grievance is not resolved at Step 2, the complainant may pursue the grievance further by submitting a written request for review directly to the ED or his/her designee in writing within ten (10) calendar days after being notified of the outcome of the investigation or, in the case of conduct by Human Resources, within ten (10) calendar days after such conduct occurred. The employee's written request for review by the ED or his/her designee shall state the basis for the complaint or disagreement with Human Resources decision and the specific relief that the employee is seeking. The ED or his/her designee will investigate each complaint received, and may interview any witnesses and arrange to meet with the parties involved. As soon as practicable after the conclusion of its investigation, the ED or his/her designee will notify the employee of the outcome of any investigation and his or her decision. This decision is final.

If the complaint concerns conduct by the ED, an employee may skip Step 3 and proceed directly to Step 4 within ten (10) calendar days after such conduct occurred.

**Step 4:****Appeal to the Board of Housing Commissioners**

If the complaint concerns conduct by the ED, a written request for review may be submitted directly to the Chairperson of the Board of Housing Commissioners within ten (10) calendar days after such conduct occurred. The written request for review shall state the basis for the employee's complaint or disagreement with the decision and the specific relief that the employee is seeking. A representative of the Board or his or her designee will investigate each complaint received, and may interview any witnesses and arrange to meet with the parties involved. As soon as practicable after the conclusion of its investigation, the Board will notify the employee of the outcome of any investigation and their decision, which will be considered final.

**Conflict Resolution**

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In any complex operation problems or differences of opinion regarding work matters will occasionally arise between employees and their supervisors, fellow employees, or AHA in general. We encourage you to first bring your problems and questions to your immediate supervisor's attention. Your problem will be thoroughly discussed and evaluated on its merits. If you are not satisfied with your immediate supervisor's response to a job-related problem, then



you should seek mediation or conflict resolution from another member of management or Human Resources. In the event the conflict cannot be resolved internally, AHA will utilize an outside expert source.

## PERSONNEL FILES AND PERSONAL INFORMATION

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### Employee Files

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Official employee files are privileged information, and are only to be used for AHA administrative actions. Any requests from outside agencies for such information will be forwarded to the ED for action and consideration of the request and will be determined as provided by New Mexico law. Employees and their supervisors are permitted to review their employee files during normal business hours as required. In addition, AHA supervisors that have a legitimate business need to review an employee file may schedule a time for that purpose with Human Resources.

### Medical Records

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Medical records pertaining to physical or mental conditions or treatment are **confidential** and are not public records. All such records are the property of AHA and will be maintained by Human Resources. Any medical documents at the department level must be maintained in a separate file apart from personnel information.

Accordingly, these records may be released only to the following:

1. The employee, when requested in writing by the employee; or
2. The employee's representative when authorized in writing by the employee; or
3. To the appropriate party, when ordered by a court; or
4. Other individuals as authorized by the ED or the AHA's Legal Counsel when such release is associated with a claim or cause of action taken by AHA against an employee, or former employee of AHA.

## SAFETY AND HEALTH ADMINISTRATION

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### Safety Policy

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It is AHA's policy to provide safe working conditions for all employees. AHA will comply with the Occupational Safety and Health Act (OSHA) and other applicable federal, state, and local safety laws. All AHA employees must promote accident prevention by using all protective equipment supplied to them by AHA, and by observing the safety regulations of AHA.

See the AHA Safety Policy and Safety Guideline Handbook for details.

### Contagious, Communicable, or Life Threatening Illness

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It is the policy of AHA that employees with infectious, long-term, life-threatening, or other serious diseases or illnesses may work as long as they are able to perform the duties of their job without undue risk to their own health or that of other employees, customers, or members of the public. We support these endeavors as long as you are able to meet acceptable performance

standards. As in the case of other disabilities, we will make reasonable accommodations in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

AHA has a legal obligation and is committed to providing a safe and healthy work environment for all employees, customers and to the public. Accordingly, employees who have been diagnosed with any illness that poses a health hazard to other employees, customers or to the public must immediately disclose this information to their manager or supervisor or to Human Resources. Human Resources shall consult with a physician, if necessary, to assist in making a determination as to the appropriate course of action. All medical information received about the employee will be kept strictly confidential.

### Reporting Accidents and Injuries

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If you are injured as a result of an accident while on duty, regardless of how minor it may seem, you are required to report your injury at once to your supervisor.

Accidents involving AHA-owned equipment should also be reported immediately to your supervisor.

Failure to report an accident or injury could result in loss of Worker's Compensation benefits as well as needed medical attention, and may result in discipline up to and including termination.

### Surveillance

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#### Telephone Monitoring

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AHA may monitor and/or record telephone calls involving one or more AHA employees that are made or received using a AHA-owned or issued telephone. Such monitoring is for business reasons, including but not limited to the evaluation of customer service provided by AHA employees.

#### Video Camera Surveillance

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In an effort to further the safety and security of AHA employees, residents, and property, AHA may use video surveillance cameras to monitor any areas where residents and/or employees do not have an expectation of privacy. These include, but are not limited to, resident and employee work areas, hallways, parking lots, outdoor areas, building entrances and exits, lobbies, and waiting areas. Video surveillance cameras may not be used in areas where employees or residents have a reasonable expectation of privacy, such as restrooms or locker rooms. Video surveillance cameras operated by AHA shall not be directed or zoomed into the windows of any private residence.

Use of video surveillance cameras may be accompanied by signage indicating use of such cameras. When used, signage shall be appropriate for the location and specific placement of the video surveillance camera. Signage content and placement must be approved by AHA department head or his/her designee.

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### Review of Telephone Recordings and Camera Footage

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Telephone call recordings and video surveillance camera images or footage may be monitored or reviewed only by i) AHA department head or his/her designee, ii) federal, state, or local law enforcement personnel, iii) other individuals who are authorized by AHA to view the video or images in connection with a legitimate need or purpose of AHA, and iv) others authorized by law. Video tapes or other media will be stored and transported in a manner that preserves security, but may be accessed as applicable according to the New Mexico Inspection of Public Records Act.

Current and archived tapes or media shall be kept locked and secured.

Any employee who tampers with or destroys a video surveillance camera or any part of the video surveillance system may be subject to disciplinary action up to and including termination, as well as potential prosecution in the criminal justice system.

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### Driving for AHA Business Purposes and AHA Owned Vehicles

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AHA provides AHA-owned vehicles to AHA employees enabling said employees to accomplish their assigned task during normal working hours. Except as specifically stated, AHA-owned vehicles shall be used for AHA business only and will be monitored by Global Positioning System (GPS). Employees should not tamper with the GPS devices. Any use of AHA-owned vehicles after normal work hours and/or while off duty must be justified for work related responsibilities and approved by the ED or his/her designee. Limited (de minimis) personal use incidental to AHA business use for an AHA-owned vehicle may be permitted. Incidental use shall include, but not be limited to brief errands on route to/from business purposes. Such personal use should be very limited. No one other than the AHA employee shall be permitted to operate a AHA owned vehicle.

Employees are encourage to use AHA Owned Vehicles for all business purposes, but may be required to use the employee's personal vehicle in the performance of his/her job duties. The employee will be reimbursed for use of an employee's personal vehicle in the performance of his/her job related duties in accordance with the Finance Policies and Procedures. It is the personal responsibility of the vehicle owner to carry adequate insurance coverage for their protection and for the protection of any passengers. If employee uses their personal vehicle for Albuquerque Housing Authority business they must have current liability insurance meeting or exceeding State-required minimum coverages and provide proof upon request. Mileage will be reimbursed at the regular federal rate. This mileage allowance is in lieu of actual expenses for gasoline, oil, repairs, registration, insurance and depreciation. Therefore, actual expenses for those items will not be reimbursed when your personal vehicle is used for AHA business. Mileage will not be paid for an employee's daily commute to and from work unless otherwise specified by the ED or his/her designee.

Employees that are required to drive for business purposes (either their own vehicle or an AHA owned vehicle) must have a valid driver's license, are required to participate in driver safety classes, and must maintain an AHA insurable driving record. If the employee loses their license for any reason they must notify their supervisor and Human Resources immediately or within forty-eight (48) hours of the loss. Employees who are required to drive for business purposes

must notify their supervisor and Human Resources within 48-hours of an arrest for Driving Under the Influence of Drugs or Alcohol. Employees must also report any incidents that would result in them not meeting AHA insurability requirements. Failure to do so could result in discipline up to and including termination.

## **WORKER'S COMPENSATION**

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Employees are covered under the provisions of the Workers' Compensation Act of the State of New Mexico. If an employee is injured while on the job, such injury must be reported to the supervisor immediately using the First Report of Injury Form. The supervisor must report the injury to Human Resources on the day of occurrence or as soon thereafter as possible.

Employees, who have been injured on the job and cannot perform the essential functions of the job, may be offered a temporary alternative work assignment (where available) which they can perform in their own department or another department in AHA without loss of time or wages.

AHA believes in the importance of employees returning to work. Consequently, where practicable, those employees who have experienced an on-the-job injury which presents them from performing the essential functions of their regular job duties, may, with the approval of the supervisor and with the availability of suitable duties, an employee certified for light duty (temporary alternative assignment) may be assigned tasks outside of their job description, at the regular rate of pay, for a temporary period of time.

Where an employee is injured on the job is unable to perform any work and this is substantiated by a doctor's certificate, they may draw Workers' Compensation, up to the limit stipulated by State Law, starting on the eighth day of disability; or they may receive full pay using accumulated sick leave and/or annual leave for the duration of the disability or until all accrued leave has been exhausted.

In any case, no employee may receive/collect more compensation under any provision or combination of provisions of this section than they would have received had the employee continued to work at their regular job. The employee bears the responsibility if they receive more compensation than was permitted by Workers' Compensation.

## **SEPARATION FROM EMPLOYMENT**

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### **Types of Separation**

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The following identifies the specific types of separations and conditions under which they occur for employees of AHA. They shall be designated as one of the following and shall be accomplished in the manner indicated: Resignation, compulsory resignation, layoff, retirement, and early retirement.

### **Resignation**

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An employee who wishes to resign should give his/her supervisor at least two (2) calendar weeks' and a management employee should give thirty (30) days advanced written notice of the resignation. This time is necessary for AHA to locate and train the employee's replacement, and

it also provides

official notice of the resignation to AHA which will allow the employee to be paid on a scheduled pay date. After submitting a letter of resignation, an employee may not take any leave time other than previously approved/scheduled leave.

Failure to comply with this policy shall be noted in the employee's official record. An employee who resigns in good standing shall be eligible for rehire as a new employee.

### **Compulsory Resignation – Job Abandonment**

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An employee who is absent for two (2) consecutive workdays without obtaining supervisor approval shall be deemed to have resigned which is in accordance with New Mexico law. It is each employee's responsibility to keep his/her address and telephone number current with AHA.

### **Layoffs and Reduction in Force**

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A department head, with the approval of ED or his/her designee, may layoff or reduce the number of personnel in any department for lack of work or lack of budgeted funds. When possible, an advance notice of at least two (2) calendar weeks from the effective date of separation should be given to each employee to be separated from employment due to a layoff or reduction in force. In the event that a layoff or reduction in force becomes necessary, and to the extent possible, consideration will be given to each employee's past performance, and to the organizational needs of AHA.

### **Retirement**

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Employees should plan to begin processing for retirement at least three (3) months prior to the projected date of retirement. Potential retirees should submit a memorandum to their supervisor and Human Resources advising them of their intent to retire, which should include an effective date. A copy of this memorandum and current confirmation from PERA confirming service credit time must be submitted to Human Resources for final processing and approval.

Retiring employees may convert, subject to limitations, their accrued vacation or sick balances to cash payment within one (1) month of their retirement date by submitting a written request to Human Resources for review and approval.

Eligible retiring employees and eligible dependents may elect to transition into the Retiree Health Insurance Plan offered by the State of New Mexico.

### **Requests to Rescind Retirement**

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Written requests to rescind a retirement must be submitted to Human Resources prior to the effective date of retirement. The AHA ED has the authority to approve or disapprove the request. Disapproval may not be appealed.

### Early Retirement

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Immediately prior to retirement from active service with AHA an employee may take leave with pay equivalent to the amount of sick and vacation leave the employee has accumulated subject to limitations outlined in the employee manual. Employees who are eligible for retirement and are under the provisions of a collective bargaining agreement will be governed by the provisions of that agreement. Employees in Early Retirement are not entitled to salary increases afforded other AHA employees. Employees in Early Retirement are entitled to all benefits except vacation, sick, and birthday leave accruals.

Employees should plan to begin processing for retirement at least three (3) months prior to the projected date of retirement. Potential retirees should submit a memorandum three (3) months prior to the projected date of retirement to their supervisor advising them of their intent to retire, which should include an effective date. A copy of this memorandum and current confirmation from PERA confirming service credit time must be submitted to Human Resources for final processing and approval three (3) months prior to the projected date of retirement. Employees who plan to use leave balances for early retirement should begin this process three (3) months prior to their anticipated early retirement date.

### Housing Authority Property

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At the time of separation, all records, assets and property of AHA held by the employee shall be submitted to their supervisor or the ED or his/her designee. The supervisor or ED or his/her designee will sign certification regarding receipt and clearance to this effect. Any amount due because of a shortage in the above shall be paid by the employee when AHA sends an invoice or deduction from final check with the authorization from the employee. In the case of a supervisor termination, all records, assets, and property of AHA held by the employee shall be submitted to the ED or his/her designee.

### Final Pay Check to Separated Employees

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All separation paperwork and final paycheck shall be processed the next pay day for voluntary resignations or in five (5) calendar days for involuntary separations.

Employees who separated in good standing shall receive payment for all earned wages, and those employees who have accrued annual leave shall be eligible to receive payment for unused annual leave within limitations defined previously in this manual.

If any regular status employee dies while in the service of AHA, all compensation due in accordance with Final Pay Check to Separated Employees shall be paid to their named beneficiary, to the legal representative of the employee's estate, or any other legally designated individual.

### Employment References

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An employee wishing to list AHA as a reference should direct inquires to Human Resources. Any supervisor or staff member who receives a request for a reference on a current or former employee shall refer that request to Human Resources. It is the policy of AHA not to give an

employment reference for current or former employees. AHA will verify only employment dates and positions held when contacted for an employment reference, unless the employee or prospective employer provides a consent and release of liability form signed by the former employee. No other data or information will be furnished unless AHA is required by law to furnish such information.

Please be aware that much of the information in your employee records is considered public information under New Mexico law. This means that AHA may share or be compelled to share information in the employee file regarding attendance, performance or other aspects of your employment with individuals or organizations requesting such information.

**EMPLOYEE MANUAL RECEIPT AND ACKNOWLEDGEMENT FORM**

(sign and return to Human Resources)

I acknowledge that I have received the AHA Employee Manual, and that I have familiarized myself with its content. I understand that the policies in the Employee Manual do not constitute a contract, express or implied, of any kind between AHA and me. I understand that all agency policies are subject to change or elimination at any time, without advance notice. Should I ever leave employment with AHA, I agree to return all agency property in my possession, and that the value of any property which I fail to return may be reduced from any pay due and owing to me.

\_\_\_\_\_

Date

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Print Employee Name