

Board Approved Policy:

Guide To Conduct

Approved: October 1989

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All PHA employees share responsibility for keeping their departments operating in a safe, efficient, effective and orderly manner. In order to accomplish this objective, certain rules, regulations and practices are necessary. This PHA Guide to Conduct outlines the policies and rules which we believe will be an aid in maintaining sound working relationships without infringing unduly upon an employee's private life. It is the policy of the PHA before taking action, to examine each case individually, considering the nature of the violation, the past record and the service of the employee(s) involved. Be sure you know the rules and what is expected of you. Your good judgment and willingness to cooperate will do the rest.

- A. The following and related types of misconduct endanger good working relationships and cannot be tolerated. Violations of this type can result in disciplinary action up to and including discharge.
1. Conviction for a criminal offense or of a misdemeanor which adversely reflects upon the Agency, or interferes with the employee's job or work performance; or
 2. Commission of a criminal offense or of a misdemeanor which adversely reflects upon the Agency, or interferes with the employee's job or work performance; but if such act is, at the time of the charge being considered, involved in a criminal proceeding before a grand jury or the courts, the employee so charged may request a leave of absence, until such time as the criminal proceedings are terminated, and such requests shall be granted; provided he/she shall execute a waiver of all right to pay during said postponement; and provided further that the employee may have the hearing or investigation proceed at any time on ten days notice in writing; or
 3. Violation of any of the PHA rules, regulations and policies. Any other failure to comply with the provisions of the applicable contract, agreement or policy for the employee groups which includes his/her title; or
 4. Violation of any lawful and reasonable official regulation or order, or failure to comply with any lawful and reasonable direction made and given by his/her supervisor, where such violation or failure amounts to an act of insubordination or a serious breach of proper discipline which resulted or might be reasonably expected to result in loss or injury to the PHA or PHA employees or residents of public housing or to the public; or

5. Commission of an act which amounts to an act of insubordination whether such act was committed while on duty or off duty; or
6. Offensiveness in language or conduct toward PHA employees, residents of public housing or the public; or
7. Incompetent or inefficient performance of the duties of his/her position (specific instances to be charged); or
8. Carelessness, negligence or unauthorized use and/or care of PHA's, other PHA employees', residents' and/or public property; or
9. Use of threat, or attempt to use political influence or other improper influence, on securing promotion, leave of absence, transfer, change of grade, pay or character of work; or
10. Direct or indirect solicitation of receipt of any assessment, subscription, or contribution for any political party or political purpose whatsoever in the violation of the Hatch Act; or
11. Inducement or attempt to induce a PHA employee to commit an unlawful act or to act in violation of any lawful and reasonable regulation or order; or
12. Acceptance of any fee, gift, item of value or services offered by a person or donor whose intention may be to influence the nature of PHA services provided to him/her or to improve his/her status in relation to PHA operations; or
13. Absence from duty without leave contrary to the PHA rules, regulations and policies or failure to report after leave of absence has been disapproved or revoked or canceled or fraudulent requests for leave with pay; however, if such absence or failure to report is excusable in the judgment of the Executive Director, he/she may waive the charges; or
14. Any false statements or fraudulent conduct or deception, or connivance with any person in making any false statement, engaging in any fraudulent conduct, or in attempting any deception in any official PHA business; or
15. Any false statement or fraudulent conduct in order to obtain compensation from the PHA; or assistance of any employee in fraudulently obtaining compensation from the PHA; or
16. Being under the influence of chemicals and drugs and/or alcohol which adversely affects job performance; or

17. Selling chemicals, drugs and/or alcohol to PHA employees, PHA residents and/or the public while on duty or on PHA property; or
18. Acts or incidents in which physical violence by an employee was present or threatened while on PHA premises, or during working hours; or
19. Acts which interfere with normal productive operations or which cause a safety hazard; or
20. Employment or acts outside of the Agency which interferes with Agency operation or effects the employer-employee relationship; or
21. Possession of firearms or illegal weapons on Agency property while on or off duty or elsewhere while the employee is acting in the course and scope of their employment; or
22. Failure to report accidents and/or personal injuries which occurred on duty; or
23. Performing duties for PHA residents in exchange for money and/or other goods and services above regular compensation during working hours or after scheduled work hours; or
24. Unauthorized or inappropriate work attire; or
25. Failure to report: vehicle accidents; revocation or suspension of driver's license, and citation while driving PHA vehicles or while driving personal vehicles on PHA business, if your job requires a driver's license; or
26. Failure to use safety clothing and equipment while performing assigned tasks or violation of the PHA's safety standards; or
27. Conducting personal business on PHA time or using PHA facilities for personal business.

B. For disciplinary purposes, the Executive Director shall have the power to reprimand, suspend without pay, reduce, or discharge any employee subject to the appeal process as stated in the appropriate labor agreement or personnel policy. This includes where certain disciplinary powers have been delegated to supervisors.

1. **Oral Reprimand**
Supervisory staff have the authority to issue oral reprimands for just cause to employees without the Executive Director's prior approval. No document is to be placed into the employee's personnel file regarding the

oral reprimand, although the supervisor should retain a memo for his or her own files to document the incident.

2. Written Reprimand

Supervisory staff have the authority to issue written reprimands for just cause to employees without the Executive Director's prior approval after first clearing the wording of the written reprimand with the Department Director and the Human Resources Officer. Copies of the written reprimand will be placed in the employees' personnel file. All written reprimands are to be clearly labeled "written reprimand."

3. Suspension Without Pay

Supervisory staff have the authority to suspend employees without pay for just cause for up to three (3) working days without the Executive Director's prior approval after first clearing the wording of the suspension document with their Department Director and the Human Resources Officer. All suspensions without pay shall be issued in writing stating the charges against the employee (an oral suspension without pay is acceptable only in extreme circumstances when it is critical to remove the employee from the premises immediately and then follow-up with a written suspension letter). A copy of the suspension document will be placed in the employee's personnel file.

A suspension without pay for just cause for four or more working days may be imposed at the discretion of the Executive Director.

4. Demotion

Voluntary Demotion

An employee may elect to request a reduction to a position of a lower pay grade providing;

1. The employee meets the qualifications for the lower position; and
2. The vacancy exists in the lower classification, and
3. The Executive Director, after consultation with the affected department head(s), approves the demotion.

A request for a voluntary demotion must be submitted in writing (Application for Change in Employment Status form) and include a statement that the requesting employee fully understands that should the demotion be granted, the employee's salary will be affected.

Employees who voluntarily or involuntarily demote to a job classification with a lower pay grade must have a salary change to the lesser of:

1. The salary range maximum of the lower pay grade or
2. A 5% pay decrease for a movement of one pay grade and an additional 1% pay decrease for a movement of each additional pay grade (for example, a demotion from pay grade 9 to 8 will be 5% less, pay grade 9 to 7 will be 6% less, etc.)

Involuntary Demotion

At the Executive Director's discretion, involuntary demotion may be used in lieu of discharge for an employee who has been determined to be either inefficient or under qualified or unreliable or has been advanced beyond the employee's capacity. Demotions of this type must be supported by documentation which reasonably substantiates the necessity for the demotion. Budgetary cutbacks may also require demotion of employees in compliance with the appropriate labor agreements and personnel policies. The policy on salary adjustments for involuntarily demoted employees is the same as for employees accepting voluntary demotion.

Special Note

It is not the intent of this procedure to supersede or abridge any provisions of any labor contract where applicable.

An employee elected to accept a voluntary or involuntary demotion shall receive a performance appraisal within six months of accepting the lower position.

During the promotional probationary period, employees may be returned by the PHA to their previously held job classification without a break in their seniority, length of service for the purpose of benefits, and shall be compensated at the monthly salary received prior to the promotion (including a general increase if applicable.)

During a promotional probation period, a promoted employee may elect to return to the employee's previously held job classification, provided there is a vacancy.

5. **Discharge**
Regular employees who are to be discharged for just cause will first be suspended according to the provision in the appropriate labor agreement or personnel policies.