

# GEORGETOWN HOUSING AUTHORITY PERSONNEL POLICIES and EMPLOYEE HANDBOOK

**Mission Statement:** The Georgetown [KY] Housing Authority (GHA) is committed to providing quality, affordable housing to low and moderate-income families and individuals in a safe, desirable, non-discriminatory neighborhood setting, fully accessible to all, while promoting economic independence and self-sufficiency to improve the overall quality of life for our residents.

**EEOC:** GHA is an Equal Employment Opportunity Employer. There shall be no discrimination against employees, or applicants for employment on account of race, creed, color, national origin, sex, disability, religion, political affiliation, veteran status, genetic information, sexual orientation, or age. See other employee protections set out in Section 2.07, below.

**At-Will Employment:** Notwithstanding anything to the contrary in these personnel policies, GHA, or an employee may terminate the employment relationship between GHA and its employees at any time for any reason in the sole discretion of either party.

**Severability of Provisions:** In the event any provision of this Personnel Policies and Employee Handbook is held invalid, such invalidation shall not affect the remainder of its provisions.

**Conflict with Current Policies and Procedures:** All GHA policies and procedures in conflict with the provisions of this Handbook are repealed.

**Vision Statement:** GHA's vision is to again be a "High Performing" model public housing authority that it may better serve our residents.

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## **1.00 ORGANIZATION AND BASICS ABOUT YOUR EMPLOYMENT**

### **1.01 Organization Chart:**

The Organization Chart and job descriptions are set out in Appendix A, which is incorporated as part of this Handbook by this reference as if set out in full.

### **1.02 Introduction, NOTICE with EXPLANATION of EMPLOYMENT at WILL:**

GHA exists for the purpose of “providing decent, safe, and sanitary housing for eligible families in a manner that promotes serviceability, economy, efficiency, and stability of the projects, and the economic and social well-being of the tenants.”

GHA anticipates each employee will enjoy successful and fulfilling employment. However, to protect the Authority and its employees from misunderstanding and employment relationships that do not serve the needs of GHA’s residents, GHA must make clear from the beginning, your employment with GHA is Employment at Will.

This Personnel Policy and Employee Handbook (Handbook) does not create an employment contract, nor does it guarantee for any period of time the employment of any employee. As a result of GHA’s employment at will policy, any employee covered by this policy may end his or her employment at GHA at any time, with or without cause, notice, or reason. No Board member, executive director, supervisor, or other member of GHA management is authorized to enter into any agreement guaranteeing employment to anyone. GHA may end the employment of a GHA employee at any time, with or without cause, notice, or reason.

The GHA Board of Commissioners adopted this Handbook as a guide for employees and supervisors in the maintenance and development of their employment relationships and in support of GHA’s mission.<sup>2</sup> The appendices are incorporated by this reference as part of this Handbook as if each appendix was set out in full.

Every provision set out in this Handbook is subject to change by action of the Board. The benefits referred to below reflect the employee benefits in effect on the date this Handbook was adopted.

The Board may, with, or without notice to employees, enact modifications to this Handbook, including the addition, or withdrawal of benefits, policies, or procedures. Modifications to this Handbook shall be reasonably communicated to employees.

Additional departmental guidelines and procedures, consistent with the general purposes of this Handbook and the interests and purposes of GHA, may be established as needed. Such additional departmental guidelines and procedures shall be at the sole discretion of management.

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<sup>2</sup> Adopted at the Board’s regular meeting conducted December 12, 2013.

### **1.03 Work Environment Philosophy:**

We believe GHA should create an environment that allows and encourages all employees to become a vital part of the Authority's mission through the development of better skills, improved efficiencies, improved cost control and improved quality of life for GHA's residents and program participants. This goal is assured by:

- (1) Shared commitment to excellence in the service of our residents and program participants.
- (2) Equitable treatment of our residents and program participants.
- (3) Open communications with our residents, program participants and one another in an atmosphere of mutual trust.
- (4) Strict adherence to ethical standards and applicable law.
- (5) Teamwork with common goals.

#### **1.03A GHA's Expectations of Employees:**

GHA expects from its employees:

- (1) Effective communication and interaction with others;
- (2) Fair, courteous and cooperative in dealings with residents, program participants and public, including working relationships with fellow employees;
- (3) Industriousness: taking advantage of available training; when qualified, helping train others, and providing a day's work, not merely the day's hours;
- (4) Neatness in work and personal appearance;
- (5) Promptness in reporting for work and in completion of assignments;
- (6) Economical use of time, supplies and equipment;
- (7) A job done well, including the taking of responsibility for and commitment to GHA's mission and objectives, through exercise of initiative and response to work requirements with minimum direction;
- (8) Observance of GHA policies and procedures;
- (9) All required certifications for the position applied for, or timely completion of certifications, where a period for completion is provided.

#### **1.03B Employees' Expectations of GHA:**

Employees may expect GHA to provide:

- (1) Fair, courteous, cooperative and impartiality in its dealings with employees;
- (2) Industriousness: providing employees the training, tools and support necessary to do their job;
- (3) Safe working conditions;
- (4) Competitive pay, reasonably established on the basis of job duties and GHA's financial resources;
- (5) Informed, trained and qualified supervisors;
- (6) Recognition of the value of every employee;
- (7) Fair implementation of GHA policies and procedures;

### **1.03C Employees' Expectations concerning Wages:**

- (1) Fair and competitive wage structure consistent with job responsibilities and GHA's financial resources;
- (2) Overtime pay pursuant to Wage and Hours requirements, or, for exempt employees, Compensatory leave for overtime work;
- (3) Bi-weekly paydays (every other Wednesday);
- (4) Holiday pay for 12 days per calendar year (refer to 8.02)
- (5) Payment of wages or salary, upon dismissal or voluntary termination of employment is required by KRS 337.055 [as amended from time to time]. This statute provides:

*Any employee who leaves or is discharged from his employment shall be paid in full all wages or salary earned by him; not later than the next normal pay period following the date of dismissal or voluntary leaving or fourteen (14) days following such date of dismissal or voluntary leaving whichever last occurs. Any employee who is absent at the time fixed for payment by an employer, or who, for any other reason, is not paid at that time, shall be paid thereafter at any time or upon fourteen (14) days' demand. No employer shall, by any means, secure exemption from this section.* History: (Enact. Acts 1974, ch. 275, § 1.)

- (6) Questions, or Complaints concerning employee rights related to Kentucky Wage and Hour Laws should be directed to:

Kentucky Labor Cabinet Division of Employment Standards,  
Apprenticeship and Training,  
1047 US HWY 127 South, Ste. 4,  
Frankfort, KY 40601-4381;  
Phone: (502) 564-3070;  
Fax: (502) 564-2248;  
Web address: <http://Kylabor.Net>

### **1.03D Personal Conduct in the Workplace:**

GHA Employees are expected to maintain highest standards of honesty, integrity and impartiality in the conduct of GHA business. Employees shall comply with and conform to applicable GHA policies, HUD requirements and all other applicable regulations and law. These standards include, but are not limited to, residents' rights to privacy and confidentiality.

### **1.03E Job Descriptions:**

GHA maintains a job description, including qualifications and essential duties, for each employee position. The Board of Commissioners has approved each job description. Current job descriptions are set out in Appendix A, with the Organization Chart.

### **1.03F Attendance Policy:**

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in

emergencies, or when the immediate supervisor gives prior approval. All anticipated absences shall be reported to the immediate supervisor prior to the start of the normal workday. Normal working hours are provided in section 1.05B, below. From time to time, individual departments may alter working hours to meet the needs of that department.

#### **1.04 Understand Your Personnel Policies and Employee Handbook:**

As an employee, you are subject to certain laws and regulations as well as GHA's policies and procedures. You are also entitled to certain benefits. When you have questions about your responsibilities or benefits, consult the table of contents of this book. If you do not find all of the information you need in the Handbook, ask your supervisor, or contact your GHA personnel office. The material set out in the Appendices has the same force and effect as any provision in this Handbook.

#### **1.05 Basics You Should Know About Your Employment:**

GHA commits to equal employment opportunity under the law regardless of race, color, creed, sex, political, or religious affiliation, age, physical or mental handicap.

##### **1.05A Authority and Responsibility:**

(1) **Executive Director (E.D.)**—Subject to the disapproval of the Board of Commissioners, the authority to modify GHA these personnel policies is vested in and exercised by the E.D.

The authority to appoint, promote, transfer, demote, suspend and terminate the employment of GHA personnel is vested in the E.D., except personnel action relating to the E.D., which is reserved to the Board of Commissioners.

No form of gratuity may be rendered between employees and a Board member. No employee has the authority to contact, or discuss GHA business, personnel action, or other employees with the Board of Commissioners, without prior approval from the E.D., or as otherwise authorized by this Handbook.

(2) **Deputy Director (D.D.)**—The D.D. has the duties and responsibilities set out in the Deputy Director job description. In the absence of the E.D., the D.D. shall fill in for the daily responsibilities of the E.D. The foregoing notwithstanding, the D.D. may not take any action that could be described as final action, or as legally binding on GHA.

(3) **Operations Director/ Personnel Officer**—The Personnel Officer shall be designated by the Executive Director and shall be responsible for the day to day matters relating to administering, interpreting and enforcing the GHA's personnel policies and procedures. The Personnel Officer, under the direct supervision of the Deputy Director, responsible for developing procedures and programs to implement the GHA's personnel policies and for communicating the GHA's personnel policies and procedures to all concerned. The Personnel Officer shall enforce the provisions of Equal Employment Opportunity. (Refer to 2.07A.)

(4) **Department Supervisors**—Department Supervisors coordinate and supervise departmental employees' performance to accomplish assigned objectives. Supervisors shall recommend standards of performance for their department's employees. The E.D., or Deputy Director shall approve proposed departmental procedures prior to their implementation.

(5) **Employees**—Employees shall perform their assigned work according to their job description, work plan, and GHA's personnel policies and procedures. The policies, procedures, rules, regulations and other administrative provisions of this Handbook apply to all GHA employees. Nothing contained in these policies supersedes applicable state or federal law.

#### **1.05B Work Schedule: Hours, Business Hours, Lunch and Breaks:**

GHA employees are expected at work on time. Full-time employees work 37.5 hours per week. The typical workweek runs Monday through Thursday 8:00 a.m. until 4:30 p.m. and on Friday 8:00 a.m. until 2:00 p.m. Each workday you will have thirty (30) unpaid minutes for lunch, including travel. Employees are entitled to morning and afternoon breaks of fifteen (15) minutes each.

Administrative personnel shall arrange these breaks so offices continue to function. Each time an employee is not on duty at his or her assigned time, their Supervisor shall complete an Employee Absence/Late/Early Quit Report.

Management has some flexibility in deciding what work hours best meet the needs of a particular task, or project. Deviations from the basic working hours described above shall be documented with written notice of the change to the employee. Deviations from the basic working hours are management decisions, subject to applicable law.

#### **1.05C Work Site Policy:**

The E.D. may authorize alternate work sites and/or alternate hours for GHA employees in order to maximize the productivity of the workforce. Consideration of any request from an employee will be based upon the workload of employee's assigned office, type of work, and benefits to GHA.

#### **1.05D Use of Agency Resources:**

GHA supplies and equipment are not provided for personal use. GHA resources (supplies and equipment) shall be utilized for official business purposes. GHA owned vehicles shall be used only in the performance of official business for GHA, except as authorized by the GHA Board of Commissioners. Any employee operating or responsible for the operation of a GHA vehicle or equipment shall comply with local, state and federal laws or policy governing their use.

### **1.05E Employee Use of Electronic Communications Devices, GHA Issued and Personally Owned:**

GHA recognizes employees' right to carry electronic communications devices issued by GHA, or personally owned. The following shall govern the use of those devices while on duty:

(1) GHA-Issued Communications Devices: Employees in receipt of GHA-issued communication devices [or other equipment] shall be responsible for the safekeeping of that equipment, exercising reasonable efforts to protect the equipment from loss, theft, or damage. Reckless, or irresponsible use of GHA equipment that results in the loss, or damage of GHA equipment may result in the employee having to reimburse GHA for any associated costs of replacement or repair.

GHA's issuance of such equipment to an employee shall be with the expectation that the employee shall utilize the equipment, almost exclusively, for GHA-related business purposes. This equipment is not intended for the employee's personal use, except in emergencies involving employee, or immediate family's health or safety.

(2) GHA-issued communications equipment shall be used in an appropriate manner at all times. Such use shall not disrupt GHA's operation.

Don't tie up GHA communication equipment with personal calls. Long distance calls from the office needed for a personal emergency shall be billed to the employee's personal telephone number, or personal telephone credit card. No personal calls shall be charged to the GHA, except upon express permission from the E.D., or E.D.'s designee.

When using GHA communication equipment, always identify yourself, and your office. Be courteous, speak clearly, and pay attention to the caller. If you must transfer the caller to another line, explain what you are about to do and why. If you are taking a message for someone, repeat the essential details to be certain they are correct and complete. Never leave the caller feeling he or she has gotten the "brush-off." To the caller, you represent GHA. Your telephone skills reflect directly upon the professionalism of your department and this Agency. Employees shall surrender all GHA-issued equipment to GHA immediately upon request.

(3) Personally Owned Communications Devices: Employees may carry and use personally owned cell phones and other personal communications devices during the workday while on GHA property. The employee shall not use such devices while on duty, except for emergencies. The employee, while on, or off duty, shall not use such devices in a manner that disrupts GHA operations, or employees.

(4) Violation of the above rules may subject the employee to disciplinary action.

### **1.05F Employee Use of Social Media Sites, Including Personal Sites:**

(1) GHA duty to protect privacy: GHA has a substantial duty to protect the privacy of its residents, program participants and the integrity of its operation. The unique nature and breadth of reach of social media sites, including personal sites, necessitates GHA's regulation of social media by GHA employees.

(2) Protect Confidential and Proprietary Information: Employees shall not post confidential, or proprietary information about GHA, its employees, residents, or others, to whom GHA and its employees owe a duty of confidentiality. The employee shall adhere to all applicable privacy and confidentiality policies adopted by GHA, HUD and all other applicable authorities.

(3) Do Not Use PHA Name, Logos, or Images: Employees shall not use GHA logos, images, iconography, or other information on personal social media sites. Employees shall not use GHA's name to promote a product, cause, or political party, political candidate, or other matter not related to and approved by GHA.

(4) GHA Time and Property: GHA computers and time on the job are reserved for GHA-related business. Employees shall not use GHA time or property on personal social media sites.

(5) On Personal Sites: If while appropriately on a personal site, an employee is identified as a GHA employee, it shall be clearly noted that any views expressed, posted or published are not necessarily those of GHA.

### **1.05G Systems Privacy**

(1) Information. As used in this section, "Systems" means email, voice mail, GHA computers, internet and all other GHA devices, with which employees communicate, store information, collect data, and all other similar activities.

GHA respects the privacy of its employees. However, e-mail, voicemail, Internet, GHA issued cellular devices and computer network are for official business, and use of this equipment for non-GHA-related purposes is prohibited. All GHA e-mail, voice mail and Internet messages are public records subject to public disclosure pursuant to the Open Records Act.

(2) GHA's Right to Access Information. GHA has installed its email, voicemail and computer network systems to facilitate business communications. The contents of these systems are accessible at all times by GHA. These systems should be treated like other shared filing systems, and not as the employee's personal equipment.

Email and voicemail messages, to the extent these systems are utilized, are GHA records. GHA reserves the right to monitor, obtain, review and disclose all email messages, computer files, voice mail and Internet messages on its computer and communications systems as deemed necessary and appropriate for the purposes of

GHA and without prior notice. By using GHA's email, computer systems, voice mail and the Internet, each employee understands and agrees that:

- (a) These systems are for GHA purposes only;
- (b) That GHA has unrestricted access to those systems and the right to disclose all information communicated, or stored on those systems; and
- (c) Employees have no expectation of privacy in any GHA system, which they are authorized to use as part of their GHA duties.

(3) Required Care In the Use of GHA Email, Voicemail, Internet and Computer Network Systems. Employees must exercise a greater degree of caution in transmitting GHA's confidential information on email, voicemail, Internet and computer network systems than they take with other means of communicating, due to the ease with which such information can be redistributed and the public's access to such information through the Open Records Act. Employees shall take extra care to assure all addressees to which GHA information is sent are appropriate recipients of that information, especially when distribution of information is to multiple recipients.

(4) Recording of Persons, Personal Circumstances, or Events is Prohibited. Employees shall not record, by audio, video or still images, any resident, applicant, residence, voice, or other personal subject encountered as part of GHA operations, except as needed in an emergency situation, or as part of specially assigned, regular, or expressly permitted duties. This restriction is to protect the privacy of GHA residents, applicants, and employees. Included within this prohibition are photographs, pictures, digital images, or audio recordings. This section applies off, or on duty. Any photographs, images or recordings taken with any personal device pursuant to, or in violation of this section, are GHA property. Employees having previously recorded any material in accord with, or in violation of this section shall notify their supervisors at the earliest convenience. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances requiring the recording of those circumstances for the protection of persons' safety, preservation of evidence, or the resulting situation in the furtherance of rendering or enabling aid. Such situations include, but are not necessarily limited to injuries, accidents, criminal acts, GHA property damage, and similar situations.

(5) Release of recordings of Persons, Personal Circumstances, or Events. Employees are prohibited from releasing, or disclosing any recordings related to GHA operations, regardless of their constituting a violation of subsection (4), above, without the E.D.'s express written authority.

#### **1.05H Prohibited Content in Email, Voicemail, Internet and Computer Network Systems and other Equipment**

Employees shall not use GHA's e-mail, voicemail, Internet, computer network systems, or GHA-issued phones, or other electronic devices in any manner that is insulting, defamatory, obscene, harassing, disruptive, or offensive. Employees shall not use this equipment in a manner harmful to the morale of GHA employees, residents or applicants. Examples of prohibited transmissions, or downloads include,



but are not limited to sexually explicit messages or photographs, ethnic or racial slurs, unwelcome propositions, or any other message or content that may be construed to be harassment, disparagement, or disruptive to others based on their actual, or perceived gender, sexual orientation, gender identity, race, color, national origin, citizenship, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state, or local law, ordinance or regulation, or which serves no legitimate purpose and disrupts the orderly conduct of GHA business and service.

Violation of the GHA's policy governing use of email, voicemail, Internet, complete network systems and GHA-issued phones, or other equipment will subject the employee to discipline, up to and including termination.

#### **1.05I Unauthorized Access**

Employees shall not use the password of another employee to gain unauthorized access to another employee's email, voicemail, Internet or area within the computer network systems, including but not limited to secured access software, to which GHA employees may have access.

#### **1.05J Job Safety, General Rules, Smoking**

Each employee is responsible for basic safety precautions to protect yourself and others. Standard extension cords should not be used for heavy-duty equipment such as air conditioners or electric heaters. Electrical overloads can cause fires. Stairways should not be used for stacking boxes, or equipment. Employees shall not block walkways. Objects placed in walkways may cause injury. Employees shall learn building escape routes and procedures. These are designed to ensure employee safety.

Neglecting fundamental safety precautions causes many on-the-job injuries. The following list of safety rules, if followed, will help GHA personnel remain free of injury while on the job. Read these safety rules thoughtfully and practice them for everyone's protection.

#### **General Safety Rules**

- Evacuation Plan: In the event of emergency, all employees shall exit the buildings, administration and maintenance, to the parking lot lying between them. The specific evacuation route to be followed from individual offices within each building shall be posted within each building at prominent designated locations, each of which shall be made known to all employees. Questions concerning evacuation shall be directed to the Operations Director.
- If you discover an unsafe condition, correct and report it immediately.
- Follow proper methods for safely lifting and handling materials. Do not hesitate to ask for help in lifting heavy loads. Always push rather than pull a load.
- Keep traffic lanes, floors, and stairways free from tripping hazards. Keep work areas dry, clean, and orderly at all times.

- Do not improvise with work procedure, if safety may be sacrificed. Safety is not to be sacrificed for the sake of production.
- Know what to do and where to go in case of fire, tornado, or other disaster. Make sure safety notices are properly posted and kept up to date.
- Know the locations of fire extinguishers and how to use them properly.
- Drive safely when operating motor vehicles. Observe posted speed limits and wear seat belts.
- Operate only the equipment for which you are qualified and authorized.
- Do not wear rings, wristwatches, bracelets, neckties, or long sleeves around moving machinery or equipment.
- Ensure that machine safety guards are in place at all times when operating machines.
- Store flammable liquids such as fuels and solvents in approved safety cans. Quantities are also limited by OSHA standards.
- Do not use or work under the influence of alcohol or drugs during working hours. GHA has a firm “Policy on Drugs and Alcohol”.
- Ensure compliance with OSHA regulations.
- Report all injuries to your supervisor, regardless of how minor they may seem at the time.
- Follow “Exposure Control Plan” set out in Appendix M, to eliminate, or minimize employee occupational exposure to blood or other potentially infectious materials
- Refer to Kentucky Occupational Safety and Health Standards for General Industry (29 CFR 1910), or Kentucky Occupational Safety and Health Standards for Construction (29 CFR 1926) for more detailed and/or specific regulation information.
- If you have any questions concerning the safety of GHA personnel, address that question to your supervisor immediately.

If you are injured while on duty, no matter how insignificant the injury might seem at the time, report the injury to your supervisor immediately. Reporting all injuries, even small ones, will assist GHA become more aware of dangers on the job. Please note, an injury that appears insignificant today, may prove a significant health problem tomorrow. Without a documented record of injury, a bona fide claim for Compensation may prove difficult.

## **Smoking**

- Inside Buildings: Consistent with all governmental buildings within the Commonwealth of Kentucky, smoking is not permitted inside GHA buildings. This prohibition does not apply to private residences.
- Outside Buildings: Employees may smoke outside GHA buildings in such locations as would not allow entry of smoke into building entrances.
- Inside Vehicles: Smoking inside vehicles owned by the Authority and near equipment that may be sensitive to smoke is also prohibited.
- Enforcement: This Smoking Policy shall be strictly enforced. Violations may result in disciplinary action.

### **1.05K Drug and Alcohol Free Workplace Policy**

The GHA Drug and Alcohol Free Workplace Policy is set out in full in Appendix B.

### **1.05L Application of Policies and Procedures**

(1) Exemptions from these Policies must be expressly provided: All employees not expressly exempted from coverage of these personnel policies and procedures shall be subject to each of its provisions, unless indicated otherwise from the context.

(2) No Contract Employment is created: The provisions of this Handbook, position classification/job duties, work plan, and salary schedule do not create a contract of employment between GHA and any employee. GHA may modify the provisions of each of these documents at any time, without notice.

### **1.05M Commissioners to Refer all Communications to the E.D.**

- (1) When approached about GHA operations, and
- (2) To minimize the risk of confusion between individuals and the E.D.

GHA Board of Commissioners shall refer, without comment, all complaints, comments and questions from employees, residents, program participants, families or friends to the E.D. Commissioners should advise the person seeking to lodge the complaint, comment, or question, to submit it in writing to the E.D.

The E.D. shall respond in writing within a reasonable period of time. If the individual is not satisfied with the E.D.'s response, it shall be the E.D.'s responsibility, where appropriate pursuant to GHA procedure, to confer with the Board of Commissioners concerning a fair and reasonable resolution to the complaint, comment or question.

Employees shall utilize the Grievance Procedure provided in Chapter 9 for resolution of intra-office complaints. The Board of Commissioners reserves the right to deny an audience to anyone when it appears the subject matter has been handled appropriately under GHA policies and procedures, except as defined and required by the Grievance process.

### **1.05N Workplace Violence**

GHA will not tolerate workplace violence. Violent acts, or threats made by an employee against another person, or another's property is cause for immediate dismissal. If appropriate, such behavior may be prosecuted. This prohibition includes any violence, or threats of violence against the Authority, or its property. This prohibition includes such acts, or threats on GHA grounds, and during GHA hours of operation. This prohibition also includes such acts, or threats off of GHA grounds, or outside GHA hours of operation that under the circumstances, threaten the well being of GHA residents, GHA employees, or otherwise may be reasonably understood to impede GHA's mission of "providing decent, safe, and sanitary housing for eligible

families in a manner that promotes serviceability, economy, efficiency, and stability of the projects, and the economic and social well-being of the tenants.”

Specific examples of prohibited conduct includes:

- Intentionally, or recklessly causing physical injury to another;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging the property of a resident, GHA, or another employee;
- Possession of a weapon while on GHA property, or while on GHA business, except with the authority of the Police Chief. This prohibition applies to all employees, except employees with licenses to carry concealed firearms. Employees with carry concealed licenses are subject applicable state law;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

All potentially dangerous situations shall be reported immediately. GHA shall actively intervene in any potentially hostile, or violent situation. Such behavior will not be tolerated.

#### **1.05O Employees Required to have Drivers License**

Every employee whose job description requires the operation of a GHA motor vehicle must hold a valid Kentucky Driver's License.

Every employee assigned work that requires operation of a GHA motor vehicle shall submit to a Kentucky Department of Motor Vehicles driving records check as a condition of employment. In the event the records check reveals the employee's license is suspended, or revoked GHA shall have cause to withdraw an offer of employment, or terminate employment.

GHA may make periodic checks of employee's driver's license record. No employee without a valid drivers license will be allowed to operate a GHA motor vehicle.

Each employee required to maintain a driver's license shall notify his or her immediate supervisor in the event that license expires, is suspended, or revoked. An employee required to maintain a driver's license, who fails to immediately report the loss of that license, shall be subject to disciplinary action. An employee required to maintain a driver's license, who fails to immediately report the loss of that license while continuing to operate a GHA motor vehicle, shall be subject to immediate termination.

#### **1.05P Absence Without Approved Leave**

**1.05P (1)** A non-exempt employee may not receive pay for unauthorized absence from work. Absence without approved leave may be grounds for disciplinary action, including dismissal. (For specific provisions of the Progressive Disciplinary Policy, See Appendix L, and Chapter 7, below.)

**1.05P (2)** An employee whose absence extends beyond the date for which absence has been approved, or otherwise beyond the date on which all annual leave and/or compensatory leave has been exhausted, may be deemed to have abandoned his, or her position. In the event the employee does return to work, the E.D. may immediately reinstate the employee, may terminate the employee, or grant additional leave without pay. If, when additional leave is granted, the employee fails to return, the position will be declared vacant and the usual procedures followed to fill the position. See Section 8.03. Abandonment [of employment. [“Abandonment of the job has the same effect as a resignation without notice.”]]

### **1.05Q Employee Evaluation Policy**

**1.05Q (1) Employee Evaluation Required, When:** Each supervisor will complete a written performance evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once each year. The Performance Appraisal form is provided in Appendix C. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any weaknesses. After completing the evaluation, the supervisor will review the results with the employee and return the form(s) with the signed acknowledgement to the E.D., or Personnel Office. After review by the E.D., the form(s) shall be included in the employee’s personnel file. As a part of the evaluation, employees have the right to request a conference with the E.D.

**1.05Q (2) Performance Evaluation Procedure:** Daily communication between employees and management is vital to a healthy productive workplace. Nonetheless, periodic evaluations are essential for the creation of a formal record of each employee’s performance and progress over time. This formal record establishes the foundation for personnel actions. A performance evaluation must be conducted for all employees at least annually using the “Performance Appraisal” form provided in Appendix C. The completed appraisal becomes part of an employee’s permanent record.

Performance discussions in conjunction with the evaluation must also provide employees with guidance regarding their ability to meet job requirements. Extraordinary skills or abilities must be recognized as much as areas requiring improvement. Supervisors should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask employees for feedback regarding the employee’s skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is essential to improvement.

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting.

The employee shall be given a blank evaluation form and asked to complete it prior to the evaluation. The employee's completed form shall be compared to the form completed by the reviewer. The meeting should be private without interruptions in a comfortable environment.

- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Report form provided in Appendix C must be completed if any item is rated "Below Normal," or "Deficient." Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **If Employee fails to progress:** In the event the employee fails to meet reasonable expectations, PHA's options are:
  - a. The employee may be discharged;
  - b. If the employee has not completed the initial employment period (probation), the E.D. may extend that period up to an additional six (6) months;
  - c. If the employee has completed the initial employment period (probation), the E.D. may impose a second probationary period of up to an additional six (6) months.
- **At Will Employment:** At any time during this period, including extensions of this period, if the E.D. concludes the employee is not progressing, or otherwise performing satisfactorily, the E.D. may terminate the at will employee.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

- **Ratings:** It is crucial that all reviewers complete the evaluation forms with care and candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of significance be addressed thoroughly and unambiguously in the evaluation form, and verbally with the employee. For clarity, the reviewer shall use the following rating categories as defined:
  - a. Superior: A “Superior” appraisal means the employee consistently exceeds established standards in all areas of responsibility, i.e., all requirements must be met and every objective met beyond established standards.
  - b. Excellent: An “Excellent” appraisal means the employee consistently exceeds established standards in most areas of responsibility. Most requirements must be met and most objectives achieved above the established standards. There must be no critical area where the employee accomplished less than the job requirements.
  - c. Good: A “Good” appraisal means the employee met all job requirements and all planned objectives were accomplished within established standards. There were no critical areas where accomplishments were less than planned.
  - d. Below Normal: A “Below Normal” appraisal means the employee’s performance in one or more critical areas does not meet minimum expectations. The employee must demonstrate significant improvement. The employee has not accomplished all objectives within established standards. The employee has not met all responsibilities.
  - e. Deficient: A “Deficient” appraisal means the employee does not meet minimum standards. The employee’s performance is unacceptable. Too many important objectives have not been accomplished, or responsibilities met. The employee must demonstrate immediate improvement.
- **Conclusion:** After completing the evaluation, the reviewer will return the form(s) with the employee’s signed acknowledgement to the E.D. After review by the E.D., the form(s) shall be placed in the employee’s personnel file. As a part of the evaluation, employees have the right to request a conference with the E.D. Evaluations may be performed by the E.D.

### **1.05R No Entry to Resident Units without Written Authority**

No GHA employee shall enter a resident’s dwelling unit without prior written authority from the supervisor. In the event of emergency, the employee shall first notify his, or her supervisor, before entering, providing a description of the emergency. If there is no opportunity to notify the supervisor prior to entering,

notification shall be given to the supervisor immediately upon resolving the emergency, providing a description of the emergency.

### **1.05S Electronic Transfer of Payroll Funds Required [Direct Deposit]**

Direct deposit is the electronic transfer of payroll funds from the employer to a depository institution designated by the employee. The institution to which the electronic transfer of funds is made then makes those funds available to the employee by the authorized pay date.

As a condition of employment at GHA, full and part-time employees are required to participate in payroll direct deposit, effective upon the distribution of this Personnel Policy and Employee Handbook. Current employees shall have thirty (30) days from the effective date of this requirement in which to execute such forms as are required. New employees shall have thirty (30) days from the date of hire in which to complete enrollment. Direct deposit enrollment requires the employee complete certain steps through the Personnel Office and their bank.

For employees without a bank account, GHA has arranged through Whitaker Bank to set up an account for each employee for direct deposit purposes upon verification of employment. Otherwise, each employee may set up his or her direct deposit account with any financial institution offering that service.

If an employee does not provide the required information concerning an established bank account, GHA may establish a debit account for that employee at Whitaker Bank for the purpose of direct deposit.

You will receive a statement reflecting each direct deposit containing all of the information usually provided by GHA relating to your pay. All direct deposit statements shall be delivered to you at your worksite.

Any problem related to your direct deposit shall be reported immediately to the Personnel Office. Any matter not resolved there shall be reported to the financial institution in which the direct deposit account is located.

### **1.05T Inclement Weather Policy**

GHA hours of operation will not be altered due to adverse weather conditions. GHA services are critical to our residents, requiring employees to be present and working during normal working hours. The E.D. may direct alternate schedules for particular employees as necessary for GHA efficiency, or to provide reasonable accommodation.

In the event weather conditions prevent an employee from reporting to work at the required time, the following shall apply:

1. Missed work, i.e., absence, late arrival, or early departure, due to inclement weather shall be charged to annual or compensatory leave.



2. If the employee has no accumulated annual or compensatory leave, the missed work shall be without pay.

3. An employee on approved leave during the occurrence of inclement weather shall be unaffected by the inclement weather.

## **2.00 EMPLOYMENT POLICIES**

### **2.01 Employment At-will**

Except for the E.D., an employee position governed by an employment contract, all GHA employees are at-will employees. At-will employment means employment with no specific term, or guaranteed duration. The employee or GHA may terminate at-will employment at any time, with or without cause, with or without advance notice, with or without a statement of reasons, and without a hearing.

No GHA employee has a contract of employment, except the E.D. The policies set out in this Handbook do not create an express or implied contract of employment. The policies set out in this Handbook do not create a legally enforceable promise, or representation upon which the employee may rely for continued employment. No provision, or combination of provisions, contained within this Handbook, modify the at-will employment status of any employee.

### **2.02 Effect of Provisions of this Handbook**

#### **2.02A Supersedes Prior Policies**

The procedures and guidelines in this Handbook supersede and replace all prior personnel policies. The procedures and guidelines in this Handbook will remain in effect until modified, or replaced by the Board of Commissions.

#### **2.02B GHA's Right to modify Policies an Handbook**

GHA retains the right to modify, interpret, supplement, or cancel any provision of this Handbook at any time, without prior notice. GHA will not implement modifications without reasonable notice to employees.

#### **2.02C Distribution of Handbook and Subsequent Modifications**

The personnel office is responsible for developing procedures by which notice is given to GHA employees of the provisions of this Handbook and any modifications and amendments made to this Handbook.

#### **2.02D Assistance in Understanding, Administration and Compliance**

The personnel office is responsible for assisting personnel in understanding GHA policies, administration of GHA policies, and compliance with policies, including consistent policy interpretation. The personnel office's role in policy administration is always subject to E.D. direction.

### **2.03 Definitions**

When used in these policies and procedures, the following words and phrases shall have the meaning indicated below, unless the context clearly indicates otherwise.

**Absence**-The failure of an employee to be on the job at any time during his/her scheduled hours of work (including overtime), arriving after the scheduled starting time or leaving before the scheduled quitting time.

**Absence Without Leave**-An unapproved absence from work.

**Anniversary Date**-The date an employee begins employment and the same date in the following years.

**Appeal**-A request made to a higher or different authority for a review of a disciplinary action.

**Application**-A GHA approved document used by an individual to seek employment and also, submission of such completed form for consideration for hiring.

**Appointing Authority**-The Executive Director (E.D.).

**Authorization**-The establishment and funding of a position in the budget.

**Compensatory Leave Time**-Time awarded for work beyond forty (40) hours worked in a single workweek. For each hour of such time worked, the exempt employee is eligible to accumulate compensatory leave time. [Non-exempt employees shall receive overtime pay for comparable time worked.]

**Compensation**-All forms of valuable consideration earned by, or paid to an employee for service in an employment position with GHA, including pay and fringe benefits.

**Demotion**-Reassignment of an employee by action of management, from one position to another having potentially lower salary and less responsibility.

**Department Supervisors**-The supervisors of support staff and maintenance.

**Discipline**-Any effort to instruct an employee concerning on-the-job conduct requiring redirection.

**Dismissal**- Subject to every employee being at will The involuntary separation of an employee. Full-Time, part-time, and temporary employees serving original probation may be dismissed without cause. Full-time, part-time and temporary employees may be dismissed for cause, e.g., unsatisfactory job performance and/or disciplinary reasons.

**Employee**-All persons employed by the GHA.

**Employee, Full Time**-An employee that is regularly scheduled to work at least the GHA standard workweek of thirty-seven and one-half (37½) hours established by the Board.

**Employee, Part-Time**-An employee that is regularly scheduled to work less than the GHA standard workweek of thirty-seven and one-half (37½) hours.

**Employee, Probationary**-An employee, newly-hired or newly-promoted, that has not yet completed a probationary period of up to six (6) months. The E.D. may extend the probationary period up to a maximum of twelve (12) months to further evaluate the employee's performance. Any employee not progressing satisfactorily, regardless of having completed the initial probationary period, upon which the E.D. imposes a subsequent probationary period of up to six (6) months.

**Employee, Temporary**-An employee appointed for a limited period of time (less than 12 months) to perform specific and/or transitional work, and whose employment is terminated at the end of that time.

**Evaluation**-A procedure used by a supervisor for rating an employee's overall work performance to document quality of service and identify areas for improvement. The Performance Appraisal instrument is utilized to evaluate each employee. The procedure and evaluation form are provided in Section 1.05Q and Appendix C.

**Grievance**-An employee's expressed written dissatisfaction (complaint) with conditions of employment or unjust treatment. The procedure is provided in Section 9.

**Immediate Family**-An employee's immediate family is defined differently for different purposes, e.g., the group identified as the immediate family under the Federal Family Medical Leave Act (spouse, child, parent), differs from the group identified in the Employment of Relatives, §2.10, which defines immediate family as "spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household." Therefore, reference should be made to each section in which immediate family has significance. The significant other's gender is not relevant.

**Job Description**-A written statement of duties and responsibilities (work plan), which are included in the position classification under the heading "specific duties".

**Layoff**-Termination of an employee because of abolishment of his/her position due to lack of work, projected or actual reduction in funding, a material change in the organization relating to mission or the need for reorganization to gain more efficiency and productivity from work force.

**Leave of Absence**-An approved absence from work.

**Minimum Requirements**-The minimum qualifications necessary to perform the work of a given class.

**Overtime**-Hours actually worked by an employee in excess of 40 hours per week (7 days).

**Pay Rate**-A specific dollar amount, expressed either as an annual rate, a monthly rate, a biweekly rate, or an hourly rate.

**Personnel Record**-A confidential file maintained by the Personnel Office for each employee consisting of application for employment, records of transfers, promotions, pay changes, evaluations and disciplinary actions and other relevant material.

**Position**-A grouping of duties and responsibilities, which require the employment of one person to fulfill.

**Position, Exempt**-An exempt position is executive, administrative, or professional in nature. This position is not covered by the provisions of KRS 337.285, e.g., requirement of time and a half pay for work over forty (40) hours per week. Management must apply appropriate tests to determine whether an employee is exempt from the provisions of Fair Labor Standards Act.

**Position, Non-Exempt**-A non-exempt position is every employee position other than those identified above as exempt. These positions are covered by the provisions of KRS 337.285, e.g., requirement of time and a half pay for work over forty (40) hours per week.

**Probation Period**-A working test of at least six (6) months in duration, during which a newly hired or newly appointed employee is required to demonstrate positive adjustment and fitness by satisfactory performance of the duties of the position to which the employee has been appointed, i.e., evaluation rating of Good or better. The E.D. may extend the probationary period up to a maximum of twelve (12) months to further evaluate the employee's performance. In the event an employee is not progressing satisfactorily, regardless of having completed the initial probationary period, the E.D. may impose the probationary period up to a maximum of twelve (12) months to further evaluate the employee's performance.

**Promotion**-A reassignment to an employee position having potentially higher pay and greater responsibility.

**Reassignment**-Movement of an employee, by action of management, from one position to another requiring similar qualifications, and offering similar pay, duties and responsibilities.

**Re-Employment**-Rehiring a former employee.

**Reprimand**-Formal, documented, employee discipline for violation of established work rules, policy, procedure or conduct.

**Resignation**-A voluntary separation.

**Separation**-Termination of employment.

**Subject To Call**-A period of time in which an employee is required to be available to perform required work outside normal working hours.

**Suspension**-An involuntary leave of absence.

**Transfer**-Movement of an employee from one position to another requiring similar qualifications, and offering similar pay, duties and responsibilities.

**Vacancy**-An unoccupied established position.

**Work Rules**-Prescribed regulations and guidelines for employee behavior.

**Work Week**-The standard workweek for all departments of GHA is 37.5 hours per: Monday through Thursday from 8:00 a.m. to 4:30 p.m.; and Friday 8:00 a.m. to 2:00 p.m. The workweek is subject to employees receiving a thirty (30) minute lunch and two (2) fifteen (15) minute breaks each day.

## **2.04 Conflict of Interest**

(1) GHA employees shall neither purchase, make personal use of, nor accept without charge, GHA supplies, equipment, vehicles, tools, materials, or other property, including salvage items, without prior approval of the E.D. Employees shall not accept gifts, or gratuities of concrete intrinsic value from any firm, or person with whom GHA does, or is apt to do business.

(2) Care should also be exercised to avoid any conduct, which would give the appearance of giving, or receiving unwarranted preferential treatment, or consideration to any outside firm, or individual.

(3) For a more complete statement of the ethical obligations of all persons associated with GHA, see the Code of Ethics and Standards of Conduct set out in Appendix D. That Appendix includes:

- (a) KRS 80.080, which provides any “member or employee not to be interested in [any housing authority] project;”
- (b) The “Conflict of Interest” section from GHA’s Annual Contributions Contract (ACC); and
- (c) An excerpt from the Federal Procurement Regulations.

(4) GHA officers, i.e., E.D., Deputy Director, Operations Manager must also refer to the City of Georgetown Ethics Ordinance.

## **2.05 Confidential and Proprietary Information**

### **2.05A Personal Information**

(1) See the “Department of Housing and Urban Development Privacy Principles” set out in Appendix E. Unauthorized disclosure of confidential information shall be sufficient cause for disciplinary action, including dismissal.

(2) In addition to the above personal information protection, it is GHA’s policy that all information concerning GHA’s business is confidential. Any willful intentional

disclosure of GHA confidential information to unauthorized persons shall be sufficient cause for disciplinary action, including dismissal.

### **2.05B Confidential Business Information**

The following information is to be handled confidentially by GHA employees in the course of carrying out their assigned responsibilities:

- (1) Business information of an impersonal nature, the disclosure of which would be detrimental to GHA's interest.
- (2) Information of a personal nature and certain types of business information that must be controlled on a strict need-to-know basis.
- (3) Any communications requesting, or furnishing legal opinion, analysis or advice.
- (4) Extra-sensitive information, the unauthorized disclosure of which would result in grave damage to GHA.
- (5) Notwithstanding markings on an envelope, or package delivered to GHA, which indicate it is to be opened only by the individual employee to whose attention it is addressed, or by a person designated in writing to act in his, or her absence on, all envelopes and packages delivered to GHA shall be opened by the E.D.
- (6) Two other definitions are essential in understanding the policy and procedures regarding the handling of proprietary information:
  - (a) Authorized Persons: Individuals who have been authorized to receive and handle confidential information.
  - (b) Need to Know: Any individual to whom proprietary information must be disclosed in the performance of his or her regular duties has a need to know.

### **2.05C Proprietary Business Information**

The following System information is Proprietary Information

- (1) Financial, marketing, statistical data.
- (2) Budget information.
- (3) Bid proposals and contract negotiations.
- (4) Layoffs (contemplated, or in planning).
- (5) Periodic business reports and summaries.

### **2.05D GHA Personnel Records-Confidential and Secured**

- (1) GHA maintains a personnel record on each employee. Each contains all information relevant to his or her employment, including, but not necessarily limited to, employment application, evaluations, leave records, pay, benefits, and related information.

- (2) The Personnel Office shall maintain the official personnel file for each employee. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis.
- (3) Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access.
- (4) Upon request, employees may inspect their own personnel files at a mutually agreeable time on GHA's premises in the presence of the E.D., Personnel Officer, or a designated supervisor. The employee will be entitled to see any records used to determine his, or her qualification for employment, promotion or wage increases and any records used for disciplinary purposes. Employees may not remove any items from their personnel file. Employees may request and receive a copy of any document they have signed relating to their obtaining employment. Employees may add to their personnel file written or other documentation supporting their understanding of any disputed item.
- (5) The information contained in the personnel and medical files for each employee are confidential under law. With few exceptions, that information is available to the employee for review. Exceptions to this availability are:

- (a) Letters of reference solicited prior to employment;
- (b) Ratings, reports, or records obtained prior to employment;
- (c) Medical records, which may be disclosed only under very limited circumstances in strict accordance with applicable law;
- (d) Records of an investigation undertaken by management, or records relating to the investigation of a possible criminal offense;
- (e) Documents related to a judicial proceeding;
- (f) Documents that would violate confidentiality of another employee;
- (g) Documents used for employee planning; and
- (h) Information contained within a document otherwise appropriate for disclosure to the employee that is otherwise exempt from open records disclosure, e.g., information of a personal nature [pertaining to another person] where the public disclosure thereof would constitute a clearly unwarranted invasion of [that other person's] personal privacy.

These exceptions are subject to the provisions of KRS 61.884<sup>3</sup> and KRS 61.878 (3) & (4) set out below.<sup>4</sup>

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<sup>3</sup> KRS 61.884 provides: "Any person shall have access to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of KRS 61.878."

<sup>4</sup> (3) No exemption in this section shall be construed to deny, abridge, or impede the right of a public agency employee, including university employees, an applicant for employment, or an eligible on a register to inspect and to copy any record including preliminary and other supporting documentation that relates to him. The records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, lay-offs, disciplinary actions, examination scores, and preliminary and other supporting documentation. A public agency employee, including university employees, applicant, or eligible shall not have the right to inspect or to copy any examination or any documents relating to ongoing criminal or administrative investigations by an agency.

(4) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the nonexcepted material available for examination.



- (6) Personnel records shall be maintained at all times confidential and secure.
- (7) Release of these records shall only be in accordance with this policy, and applicable federal and Kentucky law.
- (8) An employee may object to particular material placed in his, or her file on grounds of inaccuracy. Such objection shall be made through the Grievance Procedure provided in Chapter 9 of this Handbook. The employee may choose to place in the personnel file a statement relating to the material.
- (9) In order to assure personnel records are current, all employees are asked to notify the Personnel Office promptly of the following changes. Failure to promptly report these changes may affect employee benefits.

- (a) Name
- (b) Address
- (c) Telephone
- (d) Marital Status
- (e) Dependents
- (f) Awards and Honors
- (g) Beneficiaries
- (h) Person to be notified in case of emergency
- (i) Additional education and training

- (10) GHA employee personnel records are confidential and shall not be left unsecured, nor removed from the GHA offices.
- (11) GHA shall take every reasonable precaution to maintain the privacy of personnel records. There are, however, limited circumstances in which GHA will release information contained in personnel, or medical records to persons outside GHA. These circumstances include:

- (a) In response to a valid subpoena, court order or order of an authorized administrative agency;
- (b) To an authorized governmental agency as part of an investigation of the (local unit type's) compliance with applicable law;
- (c) To GHA agents and attorneys, when necessary;
- (d) In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the (local unit type) are parties;
- (e) In a workers' compensation proceeding;
- (f) To administer benefit plans;
- (g) To an authorized health care provider;
- (h) To first aid or safety personnel, when necessary; and
- (i) To a potential future employer, or other person requesting a verification of your employment as described in the following section titled, "Requests for Employment Verification and Reference Procedure."

### **2.05E Requests for Employment Verification and Reference Procedure**

The E.D. shall be notified of all inquiries and written requests for references, or employment verification regarding current, or former employees. The Personnel Office shall prepare responses to such requests. The E.D. shall approve all responses

prior to release. Under no circumstances shall any information be released over the phone.

In response to a request for information, the E.D. will verify only an employee's name, dates of employment, job title, department and final salary. No other data, or information will be furnished unless (1) GHA is required to release the information by law, or (2) the employee, or former employee authorizes GHA in writing to furnish this information and releases GHA from potential liability arising out of that release.

#### **2.05F Open Records**

Protections provided by this section are subject to applicable open records law. Kentucky law governing open records requirements for public agencies is found at KRS 61.870 to 61.884 and KRS 61.991. GHA responsibilities under the Open Records and Meetings is set out in Appendix P.

#### **2.05G Disposal of Confidential, or Proprietary Information**

(1) When it is no longer appropriate to retain confidential, or proprietary information, it shall be disposed of by shredding. Personnel authorized to access the information to be shredded shall perform the transmittal and shredding of the material in a secure manner.

(2) Obsolete material that must be securely shredded includes, but is not necessarily limited to, spoiled copies, overruns, carbons, typewriter ribbons, and any other material containing confidential, or proprietary information.

#### **2.05H Information to be Clearly Marked “Confidential”**

The employee, who originates, or reproduces confidential, or proprietary information, is responsible for marking, or stamping such material as Personal and Confidential, System Confidential, or Legal Confidential. The marking should appear at the top and bottom of the first page of the document, as well as in a visible position when the document is folded, or rolled.

#### **2.05I Reproduction of Confidential, or Proprietary Information**

Any department that is responsible for reproducing proprietary information (“reproduction” in this context includes typewriting) shall assure access to the material is permitted only to individuals with a need to know. If the nature or volume of the information being reproduced makes controlled access impractical, area controls should be instituted until the work is completed.

#### **2.05J Storage of Confidential, or Proprietary Information**

When not in use, or in transit, confidential, or proprietary information should be stored in a cabinet, or other container secured by a lock. The combination, or key shall be

similarly safeguarded. The combination, or key shall not be kept in an unlocked desk, or file cabinet as a convenience for daily access.

## **2.06 Political Activities**

### **2.06A Hatch Act Restrictions on Employees' Political Activities**

To protect you from political pressures in your job and assure federal/state funding, certain restrictions have been placed upon your political activities.

Full-time and part-time GHA employees, whose employment with GHA is their primary employment, are subject to the provisions of the Hatch Act, as amended. Every eligible employee may exercise his, or her right to vote in all legal elections. However, GHA employees shall not:

- (a) Engage in any political activity while on duty;
- (b) Be required as a duty of office or employment or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
- (c) Coerce or compel contributions for political or partisan purposes by any other employee of GHA, or use official authority or influence to coerce the political action of any person or party;
- (d) Use any GHA supplies or equipment for partisan political purposes, or engage in political activity during assigned GHA duty hours, or engage in political activity while wearing uniforms or other markers indicating GHA as employer;
- (e) Be a candidate for public office in a partisan election;
- (f) Be a candidate for public office in a non-partisan election, unless on unpaid leave of absence which has been authorized by the E.D., or his, or her designee for such purpose.
- (g) Any GHA employee who wishes to run for a Federal, State, or Local elective office in a non-partisan election may request permission from the E.D., or his/her designee, to be placed on an unpaid leave of absence for the duration of the campaign, which leave may not exceed 90 days.
- (h) Unauthorized solicitation of GHA employees on GHA premises. This prohibition applies both to GHA employees during working hours and to outsiders.
- (i) Violations of these prohibitions should be reported immediately and may result in disciplinary action up to and including termination.

### **2.06B Political Activities Allowed by Hatch Act**

The Hatch Act, as amended, allows full-time and part-time GHA employees, whose employment with GHA is their primary employment, to:

- (a) Express your political views and opinions;
- (b) Attend political rallies, receptions, and parties. Be a member of a political party.
- (c) Contribute money to political organizations, or attend political fundraising functions;

- (d) Actively campaign for candidates for public office in partisan and nonpartisan elections;
- (e) Campaign for and hold elective office in political clubs and organizations;
- (f) Participate in any activity not specifically prohibited by law, or regulation.
- (g) Display political stickers/posters at your home, wear political badges, or buttons while off duty. Employees may display political stickers on a private automobile.

### **2.06C Partisan Elections**

An election is partisan if any candidate in that election represents a political party, whose presidential candidate received votes in the last presidential election.

### **2.06D Questions Concerning Permitted Political Activity**

If you have any questions regarding whether you may, or may not be involved in any particular political activity, seek advice from your supervisor, or GHA personnel office.

## **2.07 Equal Opportunity and Related Protections**

### **2.07A EEOC**

GHA is committed to the principles of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972, and the corresponding laws of the Commonwealth of Kentucky. Pursuant to applicable law, and the GHA Board's determination that the best interests of its employees represents the best interests of GHA, under no circumstance will GHA discriminate on the basis of age, disability, sex, genetic information, national origin, pregnancy, race/color, religion, creed, marital, or political status, affectional, or sexual orientation, domestic partnership status, cellular or blood trait, disability, including AIDS, or HIV infection, gender identity, or expression, and/or any other characteristic protected by law, including being subject to call into service in the United States armed forces.

Manifestations of such discrimination will not be tolerated within the GHA workforce. Decisions regarding hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee, or prospective employee. If any employee or prospective employee feels he or she has been treated unfairly, they have the right and are encouraged to address the concern with their supervisor, the E.D., or GHA's attorney. If such a matter is addressed through GHA's attorney, the employee is assured that the attorney shall assure compliance with the mandates of law and this policy. Nonetheless, the employee is advised GHA's attorney represents GHA, not the employee.

GHA's EEO and related policies adopted by the Board of Commissioners at regular meeting held February 21, 2012, are set out in Appendix F.

## **2.07B Americans with Disabilities Act [ADA]**

In compliance with ADA, as amended, and the corresponding law of the Commonwealth of Kentucky, GHA does not discriminate with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability. GHA will endeavor to make each of its work environments handicap assessable. Each future facility construction or renovation will be in accordance with applicable barrier-free Federal and State regulations and the ADA Accessibility Guidelines.

GHA shall make reasonable accommodation to known physical or mental limitations of all employees and applicants with disabilities, provided the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on GHA. GHA's reasonable accommodation policy adopted by the Board of Commissioners at regular meeting held February 21, 2012, is set out in Appendix F.

GHA shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. The E.D. and/or the Board of Commissioners shall make all decisions regarding reasonable accommodations. Employees assigned to new positions, as a reasonable accommodation, will receive wages appropriate to that new position. ADA does not require GHA to offer permanent "light duty," to relocate essential job functions, or to provide personal use items such as eyeglasses, hearing aids, wheelchairs.

Employees should also offer assistance, to the extent possible, to any member of the public that requests, or needs an accommodation when visiting GHA facilities. Any questions concerning proper assistance should be directed to the E.D., or the Operations Manager.

Guidelines for GHA hiring practices and reasonable accommodation are set out in Appendix F.

## **2.07C Anti-Harassment/Sexual Harassment Policy**

GHA's policy prohibits sexual harassment of an employee by another employee, a supervisor, Board member, or any other person working for or connected to the Authority. GHA's policy prohibits sexual harassment occurring in the workplace, or at any other location at which GHA sponsored activity takes place. GHA's policy prohibits sexual harassment of non-employees by GHA employees. The policy is not intended to regulate personal morality, or an employee's personal life. This policy grows out of GHA's commitment to maintaining its workplace free of sexual harassment.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

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

Regarding unwelcome sexual advances toward non-employees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;
- Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

Each employee that believes he or she is witness to, or has been subjected to sexual harassment is asked to notify immediately a supervisor, the Personnel Office, or the E.D. GHA shall take no retaliatory action, nor tolerate retaliatory action against an employee for reporting suspected behavior that violates this section. The procedure by which employees may report, or file a complaint for behavior in violation of this section is set out in Appendix G.

Harassment of GHA employees by non-employees, in connection with their GHA duties, should also be reported pursuant to this Anti-harassment policy. Any employee experiencing harassment by a non-employee, or that observes harassment of an employee by a non-employee, should report such harassment as provided in this section. Appropriate action will be taken against any non-employee.

Notification given by an employee to appropriate personnel concerning any alleged harassment is essential to the success of this policy in particular, and GHA in general. GHA cannot resolve a harassment problem unless it is reported. It is the responsibility of all GHA employees to bring these matters to GHA's attention so behavior in violation of this policy may be corrected, or eliminated.

Violation of this policy will subject employees to disciplinary action, up to and including immediate discharge.

### **2.07D Family and Medical Leave Act of 1993**

The Federal Family and Medical Leave Act (“FMLA”) applies to GHA employees. Information concerning eligibility is set out in Appendix H. Information may also be obtained from the Personnel Office.

### **2.07E Employees Encouraged to Report**

Employees have the right and are encouraged to report any activity, policy or practice reasonably believed to violate a law, policy, rule, or regulation. Employees are asked to report such behavior, without fear of retaliation. This right shall be regularly communicated to all GHA employees. The specific employee complaint procedure is outlined in Chapter 9, below. GHA shall regularly advise employees of the right to report such violations and the procedure for doing so. Employees will be asked to sign a written acknowledgement that notice of this right and procedure has been received, read, and understood. This acknowledgement will be included in the employee’s personnel file. All reports are taken seriously and promptly investigated.

GHA shall take no any retaliatory action, nor tolerate retaliatory action against an employee for any of the following:

- Disclosing, or threatening to disclose to a supervisor, E.D., or other official or an activity, policy or practice the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice the employee reasonably believes is a violation of a law, or rule or regulation promulgated pursuant to law; or, is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

GHA acknowledges its responsibility to maintain a workplace free of violations of law and individual rights. To do so, however, GHA must have the assistance of every employee. Every employee is encouraged to bring violations to GHA’s attention. Otherwise, GHA may be unable to provide the working environment desired and intended by this organization and its employees.

However, disclosure is not required where:

- (1) The employee is reasonably certain one, or more members of GHA management are aware of the violation;
- (2) Where the employee reasonably fears physical harm; or
- (3) The situation is emergent in nature.

Otherwise, employees are encouraged to report all such violations in writing using the Employee Grievance form set out in Appendix M. Reports concerning substantive rights violations, e.g., EEO, or Sexual Harassment, need not be in writing for GHA to be legally obligated to address the violation. Reports of matters not comprising rights violations, e.g., errors in sick time computation, may not be addressed unless submitted in writing with detail sufficient to address the issue.

It is important to give GHA notice of matters an employee believes should be addressed. It will be difficult to address problems GHA is unaware of.

### **2.07F Conformance with Law depends upon Open Communication**

GHA strives to maintain a workplace not simply in compliance with law, but which provides a healthy and safe working environment; one that encourages and stimulates employees, and provides every employee opportunity for a meaningful and fulfilling work experience. This goal can be reached only if GHA's Board, management and employees commit to the creation and maintenance of that workplace.

Such commitment must include our mutual pledge to work together, to look out for one another, and when needed provide for one another. None of this is possible unless we also commit to open communication with one another.

### **2.08 Work Force Reduction Policy**

GHA may institute employee layoffs for reasons of economy, efficiency or other business-related reasons. Prior to implementation of layoffs, however, GHA will first consider alternatives. Decisions related to work force reduction are not reviewable by grievance.

### **2.09 Outside Employment**

Outside employment is defined as paid employment performed by a GHA employee during hours that employee is not on duty for GHA. Prior GHA approval of outside employment is required to avoid conflicts that would likely diminish the employee's ability to perform his or her job duties with GHA. No outside employment will be approved, which is reasonably expected to impair the efficiency of GHA's services, or creates a conflict of interest with the GHA employment.

Prior to accepting outside employment, employees shall submit a written request to his or her Supervisor. The Supervisor shall review the request and submit it along with a



recommendation for approval, or disapproval to the E.D. The request shall state the type of work, name and address of the place of employment and anticipated hours of work.

The E.D. shall make the final decision. Approval shall not be unreasonably withheld. The request shall be approved upon a showing of the following:

- (1) The employee has arranged with the outside employer to be relieved of his or her duties anytime GHA calls the employee for emergency services;
- (2) There is no conflict of interest as described in §2.04, above; and
- (3) The employee's ability to perform his or her GHA job effectively would not be diminished by the outside employment.

No GHA employee that holds outside employment shall use on-duty time at GHA to promote, or pursue that outside employment. No GHA employee shall perform work as a professional, contractor, or subcontractor for an outside employer, if that work is intended for submission to GHA for review, approval, or inspections, e.g., rehabbing property to be leased under the Housing Choice Voucher Program. No employee shall use any equipment, supplies, or office space owned by the Housing Authority for outside employment purposes.

## **2.10 Employment of Immediate Relatives**

For purposes of this section, immediate relative includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household.

GHA does not prohibit the employment of immediate relatives. However, related employees may not be employed in positions where one relative would:

- (1) Have authority to appoint, remove, discipline or evaluate the performance of the other; or
- (2) Other circumstances that place relatives in a situation of actual or reasonably foreseeable conflict of interest.

An employee will not be promoted, or transferred into a position, which would permit a violation of this section.

### **3.00 EMPLOYMENT PROCESS**

#### **3.01 Filling Vacancies Position**

##### **3.01A Policy and Procedures**

(1) The E.D. coordinates the employment recruitment process for all vacancies ensuring compliance with applicable Federal and State law. Employee positions are filled as described in the Board approved job description. GHA shall affirmatively encourage applications from minorities, women and GHA residents.

(2) To the extent practicable, GHA will fill vacant employee positions from within the organization by promotions and transfers of existing employees. Before a new hire is made, current employees will be notified of the vacancy and given five (5) days in which to make application for the vacancy. The E.D., and/or Personnel Office will review interested employee's qualifications for promotion, or transfer to that position.

(3) Where interested and qualified candidates are not available from within the organization, applications on file may be considered. If applications on file do not yield qualified candidates, vacancies will be advertised. GHA will utilize and target that level of advertising reasonably calculated to reach a sufficient segment of the public to yield an appropriate pool of qualified candidates.

(4) The E.D. shall take additional steps as necessary to encourage qualified applicants from diverse backgrounds. All GHA advertisements shall prominently proclaim:

**“GHA is an equal opportunity employer.”**

(5) General GHA Human Resource Management forms are included in Appendix N.

(6) Final decisions related to hiring are in the E.D.'s discretion.

##### **3.01B Announcement of Vacant Positions (Internal Posting)**

(1) To be eligible for a vacant GHA position, GHA employees must have been at their present job assignment for at least twelve (12) months, with a current favorable performance evaluation.

(2) GHA Employees shall submit an application with the Personnel Office. Each qualified employee will be referred to the supervisor of the position to be filled.

(3) The GHA supervisor over the vacant position will interview each employee referred for consideration.

(4) The applicant most qualified will fill the vacant position.

(5) GHA retains the right to transfer and/or reassign a successful employee after the probationary period.

### **3.01C Qualifications Used in Recruiting**

In recruiting and screening applicants, GHA applies minimum requirements reasonably related to the prospective employee's successful performance of the position, seeking the applicant with the skills and abilities reasonably anticipated to be effective in the job to be filled. Qualifications commonly required of employees by most employers, e.g., honesty, sobriety, industry, and other desirable characteristics, though not necessarily specified in the job description, are implied.

(1) GHA strives to offer employment to the best applicant possessing the greatest array of qualifications for the job requirements. GHA makes its commitment to equal opportunity clear in numerous sections of this Handbook and its daily operations.

(2) The minimum age for most GHA positions is eighteen (18) years.<sup>5</sup> There is no maximum age limit. A high school diploma, or equivalent is the minimum educational requirement for all GHA employees. For good cause, the E.D. may waive, or allow additional time in which to satisfy this requirement. There are GHA jobs that require greater educational requirements. Those greater requirements are clearly stated in the applicable job descriptions.

(3) Tests reasonably calculated to indicate an applicant's ability, or aptitude for the vacant position may be administered.

(4) All applicants shall supply references. There should be at least three (3) personal references, preferably from persons having known the applicant for at least five (5) years. There should also be work-related references dating back no more than ten (10) years. The applicant should anticipate the Personnel Office investigating each reference.

(5) Former employees that have left GHA in good standing may be reemployed. If offered employment, the former employee's prior period of employment will not be considered when determining uninterrupted length of service. The former employee's prior period of employment may be utilized for establishing vesting privileges pursuant to the requirements of ERISA. Information may be obtained from the Personnel Office.

(6) Disabled workers, or persons with qualified physical/mental disabilities will be considered for employment on the basis of their capabilities for a particular job. Disabilities, which do not interfere with the employee's performance of the job's essential functions, shall not disqualify an applicant, provided the disabilities of "an individual shall not pose a direct threat to the health or safety of other individuals in the workplace." 42 U.S.C. §12113(b) Qualification standards.

### **3.01D Application for Employment**

(1) Applications shall be made on forms specified by the Personnel Office. To be considered, an application must be received on or before the filing deadline specified

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<sup>5</sup> Co-Op students are exempt from the minimum requirements provided by this section.

in the GHA announcement of the vacant position. The application is a confidential document. It may not be accessed by anyone not directly involved in the hiring process, unless otherwise required by law.

(2) Every applicant must sign his or her application. The applicant's signature is understood as applicant's certification of the truthfulness of each statement contained in the application. The Personnel Office may require applicants to provide additional proof of claimed qualifications, e.g., education, experience, certifications, etc., made on the application. The Personnel Office shall conduct necessary background checks.

(3) Applications for certain positions may be accepted on a continuing basis. Otherwise, applications are accepted only for vacancies.

(4) The E.D., or Personnel Office shall determine the number of references prospective administrative employees must provide in support of an application of employment. Resumes may be required along with the required application form. Every applicant may be required to undergo a background check, including, but not limited to criminal background, credit check,<sup>6</sup> and drug screen.

### **3.01E Interviews**

(1) The Personnel Office and Supervisor shall conduct the initial interview.

(2) The E.D., and/or the Deputy Director shall conduct the second interview.

### **3.01F Categories of Employment**

GHA employees are classified full-time, part-time, or temporary;

- 1) **Full-time employee** is an at-will employee that works 37.5 hours, or more per week. Management may require overtime, which will be compensated by overtime pay, or compensatory leave on a regularly scheduled basis;
- 2) **Part-time employee** is an at-will employee that works less than 37.5 hours per week, but on a regularly scheduled basis;
- 3) **Temporary employee** is an at-will employee that works for a limited period (less than twelve (12) months) in order to perform specific tasks of a temporary, or transitory nature. Hours worked by temporary employees may not exceed one hundred (100) per month, the number established by law and applicable to the County Employees Retirement System (CERS) as the threshold at which the employee becomes a "regular full-time" employee and required to participate in the Kentucky Retirement System.

Employment of temporary employees shall not exceed twelve (12) months duration. GHA may not re-hire a person in a temporary position at the conclusion of the permitted period. Temporary positions are non-renewable. Employees

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<sup>6</sup> Credit checks may be required only for prospective employees seeking positions with responsibility over money.

classified as temporary employees should not have contributions withheld from their creditable compensation.<sup>7</sup>

Within these categories of employment and in accord with these policies and applicable law, for reasons serving the interests of the organization, GHA may promote, demote, reassign, transfer, or take other personnel action.

GHA may also assign an employee temporarily to work in a position of greater responsibility and higher pay for the purpose of acquainting the employee with the duties, required skills and responsibilities of that position. Such a placement assists GHA in determining an employee's qualifications for promotion. Such a placement informs the employee of the training and skills needed for promotion. Temporary placement of this type shall not exceed six (6) months. There would be no increase in pay during this type of temporary placement.

GHA may assign an employee temporarily to work in a position of lesser responsibility and lesser pay. Temporary placement of this type shall not exceed six (6) months. There would be no reduction in pay during this type of temporary placement, unless the assignment is due to a demotion for cause.

Full time employees shall occupy job positions established by the Board. All GHA employees may be placed on-call to be available to work on very short notice. Applicable law shall govern pay for periods in which an employee is on-call.

Employees in established full time positions are entitled to all GHA benefits. Part-time and temporary employees are not entitled to benefits, except as required by federal, or state law. Only the E.D. may direct an entitlement to benefits contrary to this provision. Such an entitlement must be in writing and signed by the E.D. Notwithstanding the foregoing, E.D. approval of benefits contrary to this provision must be approved by the applicable benefit provider, i.e., in the case of insurance, the insurer would have final approval.

### **3.02 Screening of Applicants/Examination**

#### **3.02A Screening**

The Personnel Office will screen all applicants. The screening of applicants includes the review and verification of information contained in the applications and supporting documents. The Personnel Office shall perform preliminary interviews and/or testing as applicable.

All employees in positions requiring the handling of money shall be bondable. All employees in positions requiring operation of a GHA motor vehicle shall possess a valid Kentucky Driver's License and comply, as applicable, with Kentucky's motor vehicle liability insurance requirements.

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<sup>7</sup> An employee's creditable compensation is that compensation, which must be reported to KRS.

All applicants must have a high school diploma, or General Education Diploma (GED). For good cause, the E.D. may waive, or allow additional time in which to satisfy this requirement.

The applicant must submit appropriate documentation establishing his/her identity and his/her right to be lawfully employed in the United States as determined by the Immigration Reform and Control Act of 1989.

Application documents will be reviewed for completeness, job and education qualifications, or equivalents by the requirements of the applicable job description. Subject to applicable law, the Personnel Office shall review the applicant's ability to perform the essential functions of the position sought, stability of the applicant's work history, whether that work history includes nepotistic situations, previous GHA employment and rehire status, and references. The Personnel Office may review any other lawful information discovered during this process that bears upon the applicant's ability to perform the essential functions of the job applied for.

Information gathered from the application process shall be confidential and disclosed only to GHA personnel directly involved in hiring decisions. The information may also be disclosed to state and federal agencies as authorized by state or federal law.

The applicant shall fully cooperate with GHA in the production of references, obtaining signed releases, consent forms, criminal history records, and any other information required by GHA policy, and state and federal law. Failure to fully cooperate with GHA requirements will result in the applicant's removal from employment consideration.

The E.D., or designee may also interview all applicants deemed qualified after review of pertinent documentation. Extent of reference verification is at the E.D.'s discretion.

### **3.02B Examination of Applicants**

GHA may use nondiscriminatory, job-related selection techniques in the examination of job applicants to assist in the determination of whether an applicant possesses the skills necessary to perform the essential duties of the job.

The Personnel Office is responsible for planning, preparing, administering and, when necessary, validating examinations required of applicants.

### **3.02C Conditional Offer of Employment**

Upon completion of GHA's review of all non-medical information, GHA shall make a determination as to whether the applicant is the best-qualified applicant for the position. GHA shall then extend a conditional offer of employment to the best-qualified applicant. The conditional offer shall be conditioned only upon applicant successfully completing the physical and/or psychological examination and drug and alcohol screening. See Section 3.02D, following, for a summary of the Americans with Disabilities Act requirements of a conditional offer of employment.

A sample of a conditional offer of employment letter is provided in Appendix N. The purpose of the conditional offer of employment is to assure the applicant that he/she has the job upon successful completion of specific requirements tailored to the applicant's qualifications for the essential functions of the position. The conditional offer shall also include a description of the employment package, which the applicant may expect in the event the stated conditions are satisfied.

This conditional job offer does not alter in any way the at-will status of employment.

### **3.02D Physical and/or Psychological Examinations**

Pursuant to the Americans with Disabilities Act (ADA), after a conditional offer of employment is made and prior to commencing employment, the E.D. may require applicants to pass a physical and/or psychological examination to insure they can perform the essential functions and duties of the position, without unreasonable risk injury to themselves, or others. The same post-offer physical examination must be required of all applicants for a particular position. The E.D. may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. GHA will select the physician to perform all required physical examinations. GHA is responsible for the cost of all required physical examinations.

All medical records of employees and prospective employees are confidential and shall be maintained by the E.D. separately from the employee's personnel file. Medical exams may include tests for drug and alcohol use.

### **3.02E Unconditional Job Offer**

Upon satisfactory completion of the physical and/or psychological examination and drug and alcohol screening, the E.D. shall issue an unconditional job offer. The unconditional offer of employment letter shall fully outline the offered terms of employment. The letter shall establish a deadline for acceptance.

### **3.02F Reasonable Accommodation**

GHA will make reasonable accommodation to known physical and mental limitations of applicants with disabilities, provided the individual is otherwise qualified to safely perform the essential functions of his or her job and provided the accommodation does not impose an unreasonable hardship on the Authority. See Appendix F for the full statement of GHA's policy regarding reasonable accommodation.

## **3.03 Disqualification of Applicants**

GHA may disqualify an applicant for good cause, including, but not limited to the following:

- Does not meet the minimum requirements established for the particular position;

- Has a disability that renders him, or her unable to perform safely the essential duties of the position, and for which no reasonable accommodation may be made;
- Has made a false material statement during the application process;
- Has used, or attempted to use pressure, bribery or other coercive means to secure an advantage in the selection process;
- Has directly, or indirectly obtained information regarding an examination to which the applicant is not entitled;
- Has participated in the compilation, administration or correction of the examination taken, or has previously seen, or had access to such test;
- Has been found cheating to gain an advantage in any way on an examination;
- Has failed to submit an application correctly, or within the prescribed time;
- Has established an unsatisfactory employment, or personnel record at GHA, or elsewhere demonstrating unsuitability for GHA employment;
- Has willfully violated GHA policies and procedures;
- Has been previously employed with GHA and terminated in poor, or questionable standing;
- Failed to receive a passing score on the Reid Report, or Reid Survey; or
- Was convicted of misappropriation of funds, which shall disqualify the applicant immediately from consideration, or of a violent, or drug-related offense, or felony.

GHA shall notify in writing each unsuccessful applicant.

### **3.04 Appointing Authority**

The E.D. is vested with GHA's personnel authority. The E.D. makes all final decisions on the appointment, promotion, transfer, demotion, or suspension of GHA employees. The E.D. makes all final decisions on the termination of GHA employment.

### **3.05 New Employee Orientation**

The Personnel Officer and the new employee's immediate supervisor shall take the new employee through orientation within the first week of employment. New employees shall report to the Personnel Office for final processing upon arriving for his or her first day on the job.

GHA's formal new employee orientation program consists of two (2) phases:

- Phase I – Personnel Department
- Phase II – Immediate Supervisor

It is important that each new employee complete each phase of the orientation program. The new employee must be conscientious in his or her effort. GHA must extend every effort to make the new employee comfortable and feel welcome.



### **3.06 Probation**

New employees, or present employees moving into to new employment positions, will be hired, promoted, or reassigned subject to an initial employment period (probation) of up to six (6) months. During this initial employment period, the new employee, or newly assigned employee will be provided training and guidance and the opportunity to demonstrate suitability for the new position. The E.D. may waive the probationary period for present employees moving into to new employment positions.

During probation the employee must demonstrate fitness for the position by actual performance of the duties and responsibilities to which the employee has been assigned. The employee is expected to maintain a Good or higher Performance Appraisal rating, as determined by his/her evaluation, and the E.D. During this period, it is also the employee's responsibility to gain familiarity with and abide by GHA's policies and procedures.

Any interruption of service during probation will not be counted as part of the probationary period. Persons re-employed in a different position from the one last held at GHA, may be required to complete a new probationary period.

New employees may be discharged at any time during this period, including extensions of this period, if the E.D. concludes the employee is not progressing, or otherwise performing satisfactorily. At the end of the initial employment period, the supervisor will conduct an employee evaluation as directed in the "Performance Appraisal Procedure" outlined in section 1.05Q, above.

If the E.D. concludes the employee is not progressing, or otherwise performing satisfactorily, but determines to extend to the employee additional opportunity to demonstrate suitability for the position, the E.D. may extend the initial employment period up to an additional six (6) months.

In the event an employee, who previously completed a probationary period, is not progressing satisfactorily, the E.D. may impose a subsequent probationary period of up to a maximum of twelve (12) months to further evaluate the employee's performance.

Nothing in this section alters, or limits GHA's employment at-will policy. Notwithstanding any provision in this Handbook, employment with GHA is at-will and may be terminated by GHA, or employee at any time, with or without cause, or notice.

## **4.00 PAYROLL POLICIES AND PROCEDURES**

### **4.01 Wage and Hour Policies, Salary and Rate Limitations**

#### **4.01A General Provisions**

GHA is subject to and complies with applicable Wage and Hour Laws of the Commonwealth of Kentucky. No GHA employee will be compensated at a rate less than minimum wage established by the Commonwealth of Kentucky.

The E.D. is responsible for compliance with State and Federal Labor Regulations. The E.D. has determined the GHA employee positions that are exempt from required overtime compensation and those that are not. In making that determination, the E.D. complied with the Fair Labor Standards Act (FLSA) Tests for Exemption Provisions. These exemptions shall be reviewed periodically for continuing compliance.

#### **4.01B Employee Pay, Limitations**

There are currently no statutory or regulatory limitations on the pay of GHA employees. Pay increases are not guaranteed, but contingent upon available funding. GHA intends to develop a salary schedule, which provides the minimum and maximum salary range for each employee position. At such time as it is adopted, it will be included in this Handbook and provide for each employee a reference to the potential income available for each employee.

All newly hired employees, transfers, promotions, will be compensated at a level commensurate with the demands of the new position and the qualifications the employee brings to the position. Determination of pay is within the E.D.'s discretion and the confines of the Board adopted budget. During difficult economic times, GHA funding is at times not certain from one month to the next. The E.D.'s ultimate responsibility, however, is to achieve for GHA a more efficient operation in the pursuit and achievement of the agency's mission.

### **4.02 Overtime and Compensatory Time**

#### **4.02A Overtime Pay and Compensatory Leave**

(1) Overtime pay. Employees are required to work as assigned and to perform the specific and related tasks listed in the job description and work plan. This includes work during regularly scheduled hours as well as overtime should the need arise. Overtime is time actually worked in excess of forty (40) hours in one workweek (7 days). Paid time off for vacation, sick leave, holidays, or for other reasons is excluded from determination of overtime. GHA will provide advance notice of the need for overtime hours, when practicable. However, GHA reserves the right to require overtime without advance notice. Working overtime without approval of the E.D., or designee, may subject the employee to disciplinary action.

Employees in non-exempt positions shall be paid at the rate one and one-half times their regular rate for each hour actually worked in excess of forty (40) hours in one workweek (7 days).

(2) Compensatory leave. Employees in exempt positions will be granted compensatory leave time on an hour for hour basis for hours actually worked in excess of forty (40) hours in one work week (7 days). Employees shall accrue no more than seventy-five (75) hours of compensatory time. Maximum accrual amount is as of December 31<sup>st</sup> of each year. No overages shall be carried over into a new year. After completion of the original probation period, an employee whose employment is terminated, whether by GHA action, or the action of the employee shall be compensated for his or her accrued, but unused compensatory leave. GHA may compensate the employee by issuing a lump-sum check, subject to withholdings, no later than the next regular payday.

#### **4.02B Advance Approval for Working Overtime and on Paid Holidays**

(1) No employee shall work in excess of two (2) hours overtime, without advance written approval from the E.D., or Deputy Director.

(2) No employee shall work on a paid holiday, without advance written approval from the E.D., or Deputy Director.

#### **4.02C Advance approval for Compensatory Leave**

Exempt employees wishing to take accrued compensatory leave must complete an Compensatory Leave Request form provided in Appendix N and receive advance written approval of the immediate supervisor, and the Deputy Director or E.D.

#### **4.03 On-call and Pay for On-call**

An employee may be required to be available to meet work requirements that arise outside of the employee's normal duty hours. GHA's usual practice is to alternate employees' on-call duty on a weekly basis. Employees required to be on-call shall be compensated for time actually worked while on-call as provided by applicable Commonwealth of Kentucky regulation. 803 KAR 1:065 Hours worked, §3(4) On-call time, provides:

An employee who is required to remain on-call on the employer's premises or so close thereto that he cannot use the time effectively for his own purposes is working while on-call. An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on-call.

Hours "worked" while on-call are subject to overtime requirements described above. In addition to the hourly pay described above, an employee assigned to on-call duty and required to carry a beeper for the week shall receive a premium of \$75 in addition to his, or her weekly pay.

An on-call employee required to carry a beeper is not restricted in his or her usual off-duty activities. However, an employee unable to report to duty when signaled must arrange for a backup, or contact the supervisor.

## **5.00 TRANSFER, REASSIGNMENT, PROMOTION or DEMOTION**

### **5.01 Transfer**

An employee employed in an established position may request a transfer from that position to a comparable position by making written request for transfer through the Personnel Office to the E.D. To be considered for transfer, the employee must occupy an established position and have:

- (1) Have successfully completed probation;
- (2) Maintained performance evaluations at or above the level of “Good Performance;”  
and
- (3) Possess qualifications for the requested position.

The position to which transfer is requested must be vacant at the time the request is made. The transfer shall not affect the employee’s salary. Documentation of the request and the transfer, if granted, shall be recorded in the employee’s personnel file.

### **5.02 Reassignment**

The E.D. may reassign an employee to a new or existing position in order to improve the efficiency of operation of the GHA. The employee to be reassigned must occupy an established position and have:

- (1) Have successfully completed probation;
- (2) Maintained performance evaluations at or above the level of “Good Performance;”  
and
- (3) Possess qualifications for the requested position.

The reassignment may result in an adjustment of the employee’s salary. Documentation of the reassignment shall be recorded in the employee’s personnel file.

### **5.03 Promotion**

Any employee occupying an established position may apply for promotion to a higher position by making the request through the Personnel Office to the E.D. To be considered for the promotion, the employee must occupy an established position and have:

- (1) Maintained performance evaluations at or above the level of “Good Performance;”
- (2) Possess qualifications for the requested position; and
- (3) Have successfully completed probation.

The position to which promotion is requested must be vacant at the time the request is made. Promotion will result in an increase in the employee’s salary. Documentation of the promotion shall be recorded in the employee’s personnel file.

#### **5.04 Demotion**

The E.D. may demote an employee for job performance, disciplinary reasons, or upon the employee's request.

An employee that has not demonstrated an ability to perform the duties, skills or responsibilities of his/her position for a period of not less than six (6) months, may be demoted, to a position of lesser responsibilities and lesser pay. Nothing in this section requires demotion. The employment of the employee failing to demonstrate an ability to perform his/her duties may be terminated, as that employee is an at-will employee.

An employee may not be demoted to a position for which he/she does not possess the minimum qualifications. No employee may be demoted to a position, if that action requires another employee to be demoted, or reassigned, other than as provided above. A demotion is effective upon E.D. approval. Demotion will result in the reduction of the employee's salary. Documentation of the demotion shall be recorded in the employee's personnel file.

An employee may appeal a demotion that results from disciplinary action through the Grievance Procedure provided in Chapter 9, below.

#### **5.05 Probation**

Each employee placed in a new position pursuant to this Chapter shall successfully complete a probationary period as described in §3.06.

## 6.00 BENEFITS

### 6.01 Eligibility for Benefits

Full-time employees, including those on probation, receive the benefits outlined in this chapter:

(1) Benefits<sup>8</sup> available to all full-time employees from first day of employment:

- Paid Holidays
- Paid Sick days
- Paid Vacation days (May not be used during probation, without express approval from E.D.)
- Health, Dental, Vision and Life insurance<sup>9</sup>
- Social Security
- Unemployment Insurance
- Worker's Compensation Insurance
- Compensatory Leave
- Health Savings Account
- Flexible Spending Account
- AFLAC
- KY Deferred Compensation
- Credit Union
- Uniforms
- Premium for on-call employees

(2) After completion of probation, which is at least six (6) months, but not more than twelve (12):

- Participation in a KY Retirement Systems program (includes additional Life Insurance Policy).

(3) After Twelve (12) Months of Employment:

- Eligibility under the Family Medical Leave Act. See Appendix H.

(4) Eligibility for benefits for part-time or temporary employees would require authorization by the E.D., or by the Board.

### 6.02 Holidays

Eligible employees will be granted the day off, with regular pay for the following holidays, a total of twelve (12) days.

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<sup>8</sup> This list includes all benefits GHA makes available to the employee. GHA does not bear the cost of each of these employee benefits.

<sup>9</sup> Insurance through the County's employee medical insurance plan is effective the first of the month next succeeding the employee's first day of employment.

- First day of January (New Year's Day)
- Third Monday in January (Martin Luther King, Jr. Day)
- Third Monday in February (President's Day)
- Last Monday in May (Memorial Day)
- Fourth Day of July (Independence Day)
- First Monday in September (Labor Day)
- November 11 (Veterans Day)
- Fourth Thursday in November (Thanksgiving)
- Fourth Friday in November (After Thanksgiving)
- Twenty-Fourth Day of December (Christmas Eve)
- Twenty-Fifth Day of December (Christmas Day) and
- Last Day of December (New Year's Eve)

Supervisors may require employees to work on holidays. Non-exempt employees shall be paid for work required on paid holidays according to §4.02A, above. Exempt employees shall receive comp time according to §4.02A, above.

When a holiday falls on Saturday, the previous business day shall be the GHA holiday. When a holiday falls on Sunday, the following business day shall be the GHA holiday. In order for an employee to be paid for a holiday, he/she must work his/her last scheduled day before and his/her first scheduled day after the holiday, unless the absence(s) is/are approved in advance.

### **6.03 Annual Vacation Leave**

Length of service of a full-time employee or other eligible employees shall determine the amount of annual vacation leave earned each year; maximum accrual amounts are as of December 31<sup>st</sup> of each year. No overages shall be carried over into a new year:

<u>Years of Service</u>	<u>Monthly Accrual</u>	<u>Maximum Accrual</u>
Less than 5 Years	10.0 hours	200 hours
5 Years to 10 Years	12.0 hours	240 hours
10 Years and Over	14.0 hours	280 hours

#### **6.03A Maximum Vacation Leave**

No compensation will be paid to employees for vacation hours in excess of maximum allowed.

#### **6.03B Accrual of Vacation Leave Begins**

Employees that begin work on, or before the 15<sup>th</sup> of the month shall accrue vacation leave for the month. Employees that begin work on, or after the 16<sup>th</sup> of the month shall not accrue vacation leave for the month.



### **6.03C Vacation Leave not Taken During Initial Probation**

Vacation leave may not be taken by employees prior to successful completion of the original probation period, except upon approval by the E.D. Employees on probation as a result of promotion, demotion, or transfer may take accrued vacation leave.

### **6.03D Time for Requesting Vacation Leave**

Vacation leave of less than five (5) consecutive days should be requested at least fourteen (14) days in advance of the first day requested off. The request must be made on the leave form found in Appendix N. The request must be approved by the employee's supervisor.

Vacation leave of five (5) days, or more shall be requested at least one (1) month in advance. The request must be made on the leave form found in Appendix N. This request must be approved by the E.D.

### **6.03E Payment for Accrued Vacation Time**

After successful completion of the original probation period, an employee that terminates his/her employment with GHA shall be compensated for accrued unused vacation leave. GHA may compensate the employee by issuing a lump-sum check, subject to withholdings, on the next regular payday, but in no event later than fourteen (14) days after the effective date on which employment is terminated.

### **6.03F Accrual of Vacation Leave During Absence**

Employees absent because of sickness, off-duty injury, or non-work-related disability may use accrued vacation, or comp time during the time off after accrued sick leave has been exhausted.

Vacation leave will not be charged for any holiday recognized in §6.02, above, that falls within the period of an approved vacation. Vacation leave may not be approved for use in less than 1/4 hour units. The same limitation applies to comp time.

### **6.03G Vacation Leave and Re-employed Employee**

When a former employee is re-employed, the E.D. shall determine whether the person is considered a new employee for vacation leave purposes upon review of the employee's record.

### **6.03H No Payment if Employment Ends Prior to Completion of Initial Probation**

An otherwise eligible employee shall not be compensated for accumulated vacation leave if that employee's employment is terminated prior to successful completion of the initial probation period.

### **6.03I Recording Keeping**

The Personnel Office shall insure records are kept for each employee's annual vacation leave allowance, vacation leave accrued, vacation leave used, and the vacation leave available.

## **6.04 Sick Leave**

### **6.04A Rate of Accumulation**

Full-time employees shall accumulate sick leave for each full calendar month of continuous service at the rate of ten (10) hours per month.

### **6.04B Maximum Accumulation; No Payment for, Exception**

Employees may accrue no more than 975 hours. Employees shall not be compensated for unused sick leave hours upon separation from the GHA, except that employees retiring under the GHA retirement plan may receive credit for sick leave as determined by applicable provisions of the KY Retirement Plan in effect at time of separation.

### **6.04C Basis for Use**

Sick leave credit may be utilized by employees when they are unable to perform their duties because of non-job related sickness, or injury or when they are quarantined, or when their absence from work is required due to sickness in the immediate family. For the purpose of this section, "immediate family" is defined as a member of the employee's household for whom the employee is responsible; exceptions to this definition shall be approved in advance by the E.D.

### **6.04D Prior Approval Required, Exception**

All foreseeable use of sick leave shall require prior written approval of the Department Supervisor. Otherwise the supervisor must be notified at least fifteen (15) minutes before the shift the employee is scheduled to work, unless justifiable extenuating circumstances can be substantiated. Failure to notify Department Supervisor in a timely manner may result in disciplinary action.

### **6.04E Documentation; Leave during Work Hours**

Sick leave taken shall be limited to the amount accrued. When an employee takes sick leave, the supervisor, or Personnel Office may require a statement from a medical doctor, or psychologist before allowing the employee to receive sick leave pay during the period of absence. Accrued sick leave may be requested for doctor's appointments when such appointments cannot be made outside regular work hours.

#### **6.04F Accrual of Sick Leave Begins**

For accrual purposes, a new employee who reports for work on or before the 15<sup>th</sup> of any month shall accrue the full amount for that month; if employed on or after the 16<sup>th</sup> of any month, a new employee shall begin accruing sick leave the beginning of the following month.

#### **6.04G Request Form Required**

An employee applies for sick leave by completing the sick leave form provided in Appendix N and submitting it to the immediate supervisor. The sick leave form, which is submitted to the immediate supervisor, must contain the reason for the sick leave request. Failure to submit the completed form, including the reason for the requested sick leave, in advance of the scheduled work time for which leave is requested, may be cause for denial of sick leave with pay for the period of absence.

#### **6.04H Minimum Sick Leave to be Taken**

Sick leave and/or absence for a part of a day that is chargeable to sick leave may not be approved for use in less than 1/4 hour units.

#### **6.04I Use and Accrual of Sick Leave During Paid Leave**

Employees injured on the job and for which injury compensation is paid by Worker's Compensation Insurance may use sick leave for any missed work for which Worker's Compensation Insurance did not pay.<sup>10</sup> Sick leave will continue to accrue at the regular rate during a paid leave of absence due to personal illness, injury or incapacitation.

#### **6.04J Sick Leave and Re-employed Employee**

When a former employee is reemployed, the E.D. shall determine whether the person shall receive any unused sick leave credit from the previous employment period.

#### **6.04K Recording Keeping**

The Personnel Office shall insure current and accurate records are kept for sick leave accrued and taken for each employee.

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<sup>10</sup> "Once the disabled worker has been unable to work for more than seven (7) days, he/she is entitled to TTD benefits for each day thereafter. If the disability exceeds two (2) weeks of lost time from work, the employee is then entitled to payment of benefits for the first seven (7) days." This information provided by KY Department of Workers' Claims, website visited 2-21-14, <http://www.labor.ky.gov/workersclaims/Publications%202/2011%20DWC%20Guidebook.pdf>

#### **6.04L Fraud Connected to Sick Leave**

Any employee fraudulently taking sick leave, or otherwise dishonestly participating in Sick Leave, shall be subject employee to GHA's Progressive Disciplinary policy.

#### **6.04M No Sick Bank, but Donations may be Allowed**

GHA has too few employees to establish a sick bank. GHA, however, permits employees to donate sick leave to fellow employees from sick leave accrued in excess of seventy-five (75) hours. A request to donate sick leave shall be made on the appropriate form provided in Appendix N, and be subject to approval. Approval will be withheld only if it appears the requested donation was not requested knowingly and voluntarily.

### **6.05 Benefits During Work-Related Disability Leave**

#### **6.05A Compensation**

Any employee that suffers a work-related injury or illness shall be compensated at a negotiated rate with the Workers Compensation Insurance carrier pursuant to the Workers Compensation laws of Kentucky.

#### **6.05B Accrual of Sick and Vacation Leave**

Accrual of sick leave and vacation leave shall be limited to the first six months of disability leave for each illness or injury.

#### **6.05C Payment toward Insurance Premiums**

During the first six months of disability leave, the GHA shall continue to pay employer portion of health and life insurance premiums. After six months, the employee shall be fully responsible to pay all insurance premiums (medical, health and life, etc.) prior to the beginning of the month(s) covered.

### **6.06 Maternity Leave**

#### **6.06A Circumstances under which Maternity Leave is Available**

Maternity leave may be granted for employees with temporary disability due to adoption, pregnancy, childbirth, or any impairment thereof, and miscarriage for a period as determined by the employee's medical doctor. In addition, upon recommendation of a medical doctor, GHA reserves the right to require extended maternity leave if the normal duty assignment would be a hazard to either the employee or child.

## **6.06B Compensation**

The employee may use any accrued sick leave, accrued compensatory leave, accrued vacation leave and the remaining period will be time off without pay.

## **6.07 Bereavement Leave**

Full-time employees scheduled to work may be granted up to three (3) working days off without loss of pay in case of death of spouse, children, parents/step-parents, siblings, grandparents, or in-laws as defined for employee. A reasonable extension of time may be granted at the discretion of the E.D.

## **6.08 Military Leave**

### **6.08A Eligible Employees**

GHA employees who are members of a reserve component of the US Armed Forces, or of the Reserve Corps of the US Public Health Service, shall receive all protections provided by law. Refer to Appendix I for Reservists' Rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

### **6.08B Compliance with Federal Law**

GHA complies with federal law when employees are called to active duty.

## **6.09 Jury Duty/Court Subpoena, or Summons**

### **6.09A Compensation**

GHA employees called to jury service shall be compensated at their normal rate of pay while on jury duty. Employees serving on jury duty shall be absent from work only during times required by their jury service.

### **6.09B When Employee is Party to Court Proceeding**

Employees summoned as a party to a legal proceeding unrelated to GHA are not entitled to leave with pay, but may use accrued vacation leave, or comp time during the absence.

## **6.10 Insurance**

### **6.10A Group Insurance**

GHA may make available group hospitalization, including major medical coverage, life insurance coverage, and dental insurance coverage, to all eligible and qualified employees. The extent of coverage, dates for enrollment and cost to the employee, if any, will be determined by specific contract limitations and allowances. As soon as

practicable, employees will be given advance notice of specific coverage. For current coverage, refer to Appendix J.

### **6.10B Unemployment Insurance**

Eligible employees of GHA are covered by the Kentucky Unemployment Insurance Law, KRS 341.050 -.051.

### **6.10C Workers' Compensation Insurance**

Workers' Compensation Insurance, as mandated by Kentucky law, covers GHA full-time employees. For information, refer to Appendix K.

## **6.11 Retirement Plan/Social Security**

All full-time GHA employees shall participate in the County Employee Retirement System (CERS), a plan administered through the Kentucky Retirement Systems. The terms and conditions of this plan are established by the plan requirements, including the respective contributions by GHA and GHA employees. To participate in CERS, GHA employees must complete their initial probation, which is at least six (6) months, but would not exceed twelve (12) months. Current information is available from the Personnel Office. Additional questions concerning the Kentucky Retirement Systems should be addressed to:

Kentucky Retirement Systems  
1260 Louisville Rd  
Frankfort, KY 40601  
Telephone: (502) 696-8800, or (800) 928-4646  
Fax: (502) 696-8822  
Email: [krs.mail@kyret.ky.gov](mailto:krs.mail@kyret.ky.gov)

GHA employees are covered by the provisions of the Social Security Act. Current information, including the respective contributions by GHA and GHA employees, is available from the Personnel Office. Additional questions concerning Social Security, or Medicare coverage should be addressed to:

Division of Local Government Services  
PO Box 639 Frankfort KY 40602-0639  
Telephone: 502/564-3952 Fax: 502/564-2124  
Web page address: <http://sssa.ky.gov>

## **7.00 PROGRESSIVE DISCIPLINARY POLICY and GUIDELINES**

### **7.01 Introduction**

GHA's policy is to be fair and consistent in the administration of its rules, regulations, and procedures, including administration of this disciplinary action policy. When problems arise, emphasis is on improvement and/or correction, not punishment. However, willfully, continued, or inexcusable breaches of employment rules, regulations and procedures must be dealt with firmly in accordance with a uniform policy that applies to all employees. GHA's "Progressive Disciplinary Policy and Guidelines" is set out in Appendix L.

Standard ranges of penalties and uniform administration of disciplinary actions for various types of work deficiencies and undesirable conduct for all employees are outlined below. The Personnel Office shall ensure that the policy is being followed. Each supervisor shall be trained on this policy, understand and follow the policy as written. Each employee shall receive and be responsible for reading and understanding this policy.

"Ranges" of actions are recommended for many of the offenses, or deficiencies anticipated within this organization. Ranges are intended to reflect the varying degrees of severity for any offense, or deficiency. For example, absent without approved leave could vary from being late to work by five (5) minutes to being absent for days without informing anyone within the organization of the reason for the absence. Reasonable effort shall be made to insure the policy is administered fairly across all departments to the extent that similarities exist within separate departments. However, it is the ultimate responsibility of the E.D., with technical assistance of the Personnel Office to administer the policy fairly and consistently for all GHA employees.

In lieu of, or in conjunction with actions authorized by this chapter, an employee, who previously completed a probationary period, but is not progressing satisfactorily, may be subjected to a subsequent probationary period of up to a maximum of twelve (12) months to further evaluate the employee's performance.

In the event any part or parts of this policy is in conflict with applicable State or Federal law, State or Federal law shall supersede to the extent of the conflict.

### **7.02 At-Will Status of Employees not Affected**

The provisions of this Chapter, notwithstanding, each GHA employee is an at-will employee and may be terminated at any time, with or without cause, notice, or stated reason.

### **7.03 Grievance Procedure for Review of Disciplinary Action**

Except for termination of employment, a GHA action for which a grievance may not be filed, an employee that feels unjustly disciplined may file a grievance seeking

review of that disciplinary action. This review shall be conducted according to the employee grievance procedure provided in Chapter 9, below. No employee will be discriminated against as a result of the appropriate use of the grievance and appeals procedure.



## **8.00 TERMINATION OF EMPLOYMENT**

### **8.01 Separation**

Separation is the termination of the employment of a GHA employee. Separation may occur for several reasons and may be voluntary, or involuntary. Either GHA, or the employee may terminate the employment relationship between GHA and the employee at any time for any reason in the sole discretion of either party. GHA employees are at-will employees and may be dismissed at any time, with or without cause, notice, or reason.

Any employee unable to perform required duties due to loss of a necessary license, or other job requirement may be discharged from GHA employment.

Separation from GHA employment shall be documented by completing appropriate forms for placement in the employee's permanent record.

Subject to applicable law, an employee will receive all compensation due on or before the next regularly scheduled payday after employment ends.<sup>11</sup> All GHA property should be returned at the time of termination. GHA shall take reasonable steps to recover GHA property remaining in the employee's possession, e.g., keys, phones, tools, supplies, badges, credit cards, equipment, records, or Personnel Policy and Employee Handbook.

Employees leaving employment with GHA are encouraged to participate in an exit interview. This interview allows GHA to learn, as appropriate, the reasons for the employee's resignation, obtain a forwarding address and exchange additional information helpful to both employee and GHA. Refer to Appendix N for Exit Questionnaire form.

### **8.02 Resignation**

An employee intending to resign should notify the Personnel Office, or E.D. in writing at least ten (10) working days in advance. This notice is not required in order for the resignation to be effective. As an at-will employee, every employee may resign without notice at any time. Reasons for this requested notice are:

- (1) To assure the employee has opportunity to learn about consequences, rights and obligations arising out of the planned resignation, e.g., vacation days, application requirements for retirement, or requirements for COBRA medical insurance coverage. This information shall be provided to the employee through a confidential exit interview with the E.D. A COBRA notification letter will be sent to the employee's home address.<sup>12</sup>

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<sup>11</sup> KRS 337.060 prohibits GHA from withholding a portion of an employee's final paycheck to recoup the cost of lost, stolen or damaged equipment. See KRS 337.060 set out in Appendix O, for other prohibited withdrawals from an employee's final paycheck.

<sup>12</sup> GHA's group health plan shall provide covered employees and their families with specific notices explaining their COBRA rights, rules for how COBRA continuation coverage is offered, how qualified beneficiaries may elect continuation coverage, and when it may be terminated.

GHA hopes the exit interview will also include an open discussion with the employee concerning the employee's experience and ways of improving that experience for other employees; and

(2) For the employee to assist the supervisor and co-employees by providing information concerning current projects and assistance in training a replacement.

During these last two (2) weeks of employment, the employee may not use paid time off, except paid holidays. The Personnel Office, or E.D. will prepare an Employee Action form reflecting pay, or other funds owed the employee. No later than the last day of work the employee shall return all GHA property, including Employee Identification Card, all keys and equipment.

The employee will be asked to sign a Termination of Employment Memo, in which GHA and the employee will record amounts owed by GHA to the employee and GHA property to be returned by the employee. This memo will be retained in the employee's personnel file.

In the event the employee refuses to sign the memo, that refusal shall not jeopardize the employee's claim for the actual amount owed, if the employee disputes the actual amount owed.

Failure to provide notice of intent to resign and cooperation with exit interview may adversely affect the employee's opportunity for re-employment.

### **8.03 Abandonment**

An employee absent from work for three (3) consecutive work days without notifying his, or her immediate supervisor, or the Personnel Officer of the reason for the absence will be considered to have abandoned the job. Abandonment of the job has the same effect as a resignation without notice. At the discretion of the E.D., the employee may be deemed to have abandoned, and therefore resigned without notice, at any time after the third (3<sup>rd</sup>) day. An employee deemed to have abandoned his or her position under this section, is not entitled to a grievance concerning his or her abandonment.

### **8.04 Layoff**

GHA may, due to lack of projected or actual funds, a reduction in work, or a need to reorganize to improve efficiency and productivity of workforce, find it necessary to reduce the number of employees through layoff. Layoffs, if needed, will be made in a manner, which preserves, or enhances GHA's efficiency.

The order in which employees will be laid off shall be based upon GHA needs and consider each employee's performance appraisals. When appropriate, employees subject to layoff would first be considered for reassignment within GHA. Reassignment may include demotion to an available position, with corresponding adjustment to pay.

The Personnel Office, upon the E.D.'s direction, will provide affected employees advance written notification of at least ten (10) working days. The affected employee has no right to file a grievance seeking review of the layoff decision.

Employees that have been laid off may have their names entered on a re-employment list and be given consideration for re-employment at such time as there is a vacancy for which that employee is qualified.

#### **8.05 Dismissal**

Dismissal, discharge, or termination is an involuntary separation from employment. GHA employees are at-will employees. Either GHA, or the employee may terminate the employment relationship between GHA and the employee at any time for any reason in the sole discretion of either party. GHA employees are at-will employees and may be dismissed at any time, with or without cause, notice, or reason.

Termination of, or discharge from employment is a final decision, from which there is no right to file a grievance. All decisions to terminate employment are made by the E.D.

#### **8.06 Severance Pay Unavailable**

By law, GHA is unable to offer employees severance pay. However, in appropriate circumstances, an employee whose employment is terminated, will be given up to two (2) weeks notice, which period would be at regular pay.

#### **8.07 Retirement**

Questions concerning retirement and GHA retirement benefits should be directed to the Personnel Office well in advance of employee's anticipated retirement date. The Personnel Office will assist each employee in his or her preparation for retirement to assure there are no lapses in benefits. GHA has no mandatory retirement age.

#### **8.08 Death**

Separation from employment shall be effective as of the date of an employee's death. All compensation due to the employee at the time of death shall be paid to the employee's estate.

## **9.00 EMPLOYEE GRIEVANCE PROCEDURE**

### **9.01 Purpose of the Grievance Procedure**

Employees are expected to follow GHA's policies and the directions of the immediate supervisor. At times employees will misunderstand or disagree with a supervisor's directive or action. Ordinarily, such misunderstandings and disagreements can be resolved through informal communication. There will be times, however, they cannot. GHA has established this Grievance Procedure for employees who are unable to satisfactorily resolve misunderstandings and disagreements with a supervisor through informal communication.

The Grievance Procedure outlined in this section should not be used to bypass normal lines of authority, or informal techniques of conflict resolution. Except when a grievance concerns an immediate supervisor's directive or action, disagreements or complaints should be brought to the attention of the immediate supervisor prior to filing a grievance. A grievance is appropriate only after reasonable effort is made to resolve the conflict. Decisions shall be based on substantial evidence in the record, meaning sufficient relevant evidence gathered during consideration of the grievance as would persuade a reasonable person accept as adequate to support the conclusion.

The foregoing notwithstanding, all grievances shall be decided in management's sole discretion.

### **9.02 When the Grievance Procedure is Appropriate**

A grievance may be appropriate in situations including, but not limited to:

- (1) Alleged unfair, serious management-related, or policy-related decisions;
- (2) Disciplinary action;
- (3) Denial of leave time;
- (4) When an employee believes he or she has been: harassed, discriminated against or retaliated against.

Examples of complaints, which are not grievable, include, but are not limited to:

- (1) Objection to poor performance appraisal;
- (2) Disagreement with GHA policy, vis. implementation of GHA policy;
- (3) Termination of employment.

If at any time, an employee believes he or she is being threatened, harassed or retaliated against because a grievance has been filed, or a conflict brought to the attention of a supervisor, or the Personnel Office, the employee should contact the Personnel Office, or E.D. immediately.

### 9.03 Grievance Process

**9.03A Step 1. Discuss Conflict with immediate supervisor.** The employee shall attempt to resolve the conflict through informal communication with the immediate supervisor. If you are not satisfied with the supervisor's response or do not receive a response within five (5) business days, you may elect to file a formal grievance.

**9.03B Step 2. Filing a formal grievance.** If the employee is not able to resolve the conflict through the immediate supervisor, a formal written grievance shall be filed with the Personnel Office.<sup>13</sup> A formal grievance shall be in writing, on the required form entitled "Employee Grievance Form" and provided in Appendix N. The formal grievance shall include a brief statement of the employee's grounds for filing the grievance, including as appropriate, what happened and when, who was responsible for the action complained of, why the employee believes the action is inappropriate, and what relief the employee is seeking. Once the grievance is filed, it will be logged and copied as appropriate to those persons that must be included in any resolution.

**9.03C Step 3. Grievance Hearing.** The Personnel Office shall determine whether the subject of the formal grievance is properly considered through the grievance procedure. If the subject of the grievance is not appropriate for this process, the employee shall be informed of that decision. If the employee that filed the grievance believes the finding of inappropriateness is in error, he or she may appeal that decision to the E.D. This appeal shall be limited to the question of whether the subject is appropriate for the grievance procedure. Appeal of this preliminary decision shall be undertaken pursuant to section 9.03E, below.

If the Personnel Office determines the issue is appropriate for the Grievance Procedure, the employee may be granted a hearing. The Personnel Office will notify the employee and all others necessary to the resolution of the grievance of the date, time, and place of the hearing. A good faith effort shall be made to schedule the hearing within a reasonable time after the grievance is filed. The more serious the circumstances, the sooner the hearing should be held. Guidelines for conducting the hearing are set forth below.

**9.03D Step 4. Decision.** The employee shall receive a written decision within a reasonable time after the hearing. Decisions shall be based on substantial evidence in the record, meaning sufficient relevant evidence gathered during consideration of the grievance as would persuade a reasonable person accept as adequate to support the conclusion. In the event the employee disagrees with the decision, he or she may appeal it to the E.D. This appeal to the E.D. must be filed in writing with the Personnel Office within five (5) working days after receiving the initial decision. The Personnel Office will notify the appropriate persons of the appeal.

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<sup>13</sup> If the grievance involves a supervisor, or the Personnel Officer, the grievance may be filed directly with the E.D. If the grievance is against the E.D., or Deputy Director, the employee should file the grievance with the Personnel Office, who shall promptly deliver the grievance to the Board Chair. If the grievance is against the Chair, the employee will be afforded one (1) hearing conducted by an external hearing officer.

**9.03E Step 5. Appeal.** The E.D., or designee, who shall not be involved in the subject of the complaint, shall conduct a review of the grievance decision. The employee seeking review may supplement the record with information pertinent to the review. The E.D. may request other persons involved in the matter to supplement the record. This review is the final step in GHA's Grievance Procedure. The Personnel Office will notify the appropriate persons of the pending review. Guidelines for the conduct of this review are set forth below.

The E.D., or designee, shall render a written decision upon completion of the review. This decision shall be made by the E.D., or designee and will be given to the employee within a reasonable time after completion of the hearing. A decision made following an Appeal Hearing is GHA's final decision.

### **9.03F Guidelines for the Conduct of Grievance and Appeal Review**

- (1) Employees shall represent themselves at the grievance hearing.
- (2) Employees may present witnesses, documents, or other evidence. The proceeding shall not follow formal evidentiary rules. Evidence shall be limited to matters pertinent to the grievance, with leeway afforded.
- (3) The person presiding over a hearing may ask questions of any witness. The person presiding may also call witnesses to present additional evidence, if it appears such additional witnesses would assist resolution of the grievance.
- (4) During the hearing, the employee may ask questions of any witness;
- (5) Decisions rendered by the person presiding over a hearing will be based on a preponderance of the evidence. Decisions shall be based on substantial evidence in the record, meaning sufficient relevant evidence gathered during consideration of the grievance as would persuade a reasonable person as adequate to support the conclusion.
- (6) The employee for good cause may request a hearing be rescheduled. Requests to reschedule shall be made in writing and delivered to the Personnel Office at least two (2) days before the hearing. The decision to reschedule a hearing shall be in the sole discretion of the Personnel Office.
- (7) The person presiding over the hearing may proceed to a determination of the grievance if the employee fails to appear for the hearing after proper notice.
- (8) Should the Personnel Office determine resolution of the grievance should be expedited or delayed, he or she may refer the matter to the E.D., or when appropriate, the Board Chair, for appropriate action. The E.D., or his or her designee, may modify the grievance procedure timetable in the interest of GHA's operation.

(9) If an employee requires a reasonable accommodation in connection with a grievance hearing or other aspect of the Grievance Procedure, he or she should contact the Personnel Office.

**9.03G Mediation may be Available**

GHA may require mediation through the League of Cities for any dispute otherwise appropriate for the grievance process provided by this Chapter.

## **10.00 TRAVEL REGULATIONS**

### **10.01 Travel Reimbursement**

10.01A Travel regulations are set out in Appendix Q.



## 11.00 APPENDICES

### 11.00 Appendices

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