

Dighton Housing Authority

Personnel Policy

The policies and procedures in this manual are not intended to be contractual commitments by the Dighton Housing Authority, and they shall not be construed as such by employees. The policies and procedures are intended to be guides to management and are merely descriptive of suggested procedures to be followed. No policy is intended as a guarantee of continuity of benefits or rights.

The local Housing Authority is a public body, politic and corporate, duly organized and existing pursuant to Massachusetts General Laws, Chapter 121B, Section 3. The Board of Commissioners is legally responsible for the overall operation of the Authority. The Board consists of five (5) individuals, four (4) members elected and the Commonwealth appoints one (1) member. An Executive Director and the Authority Staff administer the day-to-day activities of the Authority.

Positions:

Executive Director
Maintenance Mechanic

Hiring Procedures:

The Authority will post any positions in at least two (2) newspapers. All applications accepted for review by a Selection Committee, formed by the Board of Commissioners, followed by paper screening and personal interviews. Strict adherence to Affirmative Action Regulations.

Executive Director Hiring Procedures:

The Board shall form a selection committee to review applications, followed by a paper screening and personal interviews. The Authority shall follow the Executive Director Hiring Guidelines published by the Department, as well as General Administration of Local Housing Authorities (760 CMR 4.00) and Occupancy Standards and Tenant Participation (760 CMR 6.00). The process shall include strict adherence to Affirmative Action Regulations. When the final selection is made by the Board, the following shall be submitted to the Department for review and approval; a one page summary of the selection process, resumes of the finalists, an extract of the minutes at which the vote was taken to appoint the selected candidate, a copy of the job description, as well as three original copies of the proposed contract with the new Executive Director, executed by the Chairman and the appointee and attested to by an Authority official. The proposed contract must be reviewed and approved by the Department of Housing and Community Development (DHCD).

Personnel Employment:

The Board of Commissioners of the Dighton Housing shall select, hire, and discharge all employees. The Board of Commissioners shall select, hire, and discharge the Executive Director.

Probationary Period:

The first 180 calendar days are considered probationary period for all newly hired employees to provide both employee and administration an opportunity to assess performance. Termination may be made at any time during the probationary period without cause. Probationary employees are eligible for holiday pay, funeral leave and jury duty make-up pay. Probationary employees are not eligible for personal leave, sick leave, or vacation time. When employee has successfully completed his/her probationary period, he/she will be eligible for personal leave, sick leave, and vacation retroactive to the date of hire.

Job Security:

The Executive Director of the Authority does not have job tenure or civil service status. All other employees, after five (5) years of uninterrupted service, tenure will be granted.

Nepotism:

No member of the immediate family of a Dighton Housing Authority Board Member or of an administrative or supervisory employee shall be eligible for employment in any capacity at the Dighton Housing Authority without prior written approval from DHCD.

Performance Review:

The Executive Director will review the performance of an employee once a year in July. This review will give the employee an opportunity to discuss his/her performance and learn what he or she can do to improve him/herself.

Promotions:

Vacated or newly established positions shall be filled by the promotion of qualified employees to the fullest extent consistent with requirements by the Labor and Industries Board and/or DHCD.

Transfers:

Employees are subject to transfers within the organization as to practicable positions where their highest skills will be best utilized. When transfers of personnel are necessitated by organizational changes, every effort shall be made to place affected employees in positions, which does not involve a reduction of their salaries. In making transfers within the organization, due consideration shall be given to the desires of the employees involved.

Demotions:

An employee shall be subject to demotion under the following conditions:

- a. If he/she has been found unsuited for his/her present position but may be expected to give satisfactory service in a lower paying position.
- b. If his/her position has either been abolished or reallocated to a lower paying class and he/she cannot be transferred to a position of equal pay. It shall be clearly indicated on all papers that the transaction in no way reflects on the employee's performance or ability.
- c. For disciplinary reasons.

Reduction in Work Force:

If it is necessary to reduce personnel, the selection of employees to be retained shall be based primarily on their relative ability and efficiency and the necessity of the job involved. Other things being equal, length of service shall be given consideration. At least two weeks notice prior to such dismissal shall be given an employee, except for persons employed for a specific period of time.

Resignations:

An employee who desires to terminate his/her employment is required to submit a written resignation at least two weeks in advance, setting forth his reason for resigning. Failure to give proper notice may result in forfeiture of any earned vacation time due.

Personnel Records:

An official personnel file shall be maintained on each employee of the Authority and shall include a copy of the annual performance review. Employees shall have the right to examine the contents of their file in the presence of the Executive Director after providing reasonable notice. If a review or letter critical of the employee is filed, a copy shall be provided to the employee who may prepare a written response to be attached to the report/letter as a permanent record.

Employment Terms and Conditions:

Maintenance Employees:

Full-time hourly maintenance employees work a forty (40) hour workweek. Any change to the hours, on behalf of the employee, are to be in writing to the Executive Director and are subject to the Executive Director's discretion. Full-time hourly maintenance employees are entitled to a half-hour (1/2) lunch period each workday. All full time employees are allowed a fifteen (15) minute relief period in the morning and ten (10) minute relief period in the afternoon. In addition, a ten (10) minute wash-up period is allowed to maintenance employees before lunch and before the end of the workday. Relief periods and wash-up periods are to be regarded as on-duty periods during which employees are to be continually held accountable for their employment responsibilities.

Administrative Employees:

Part time employees working at least 20 hours per week shall be entitled to participate in the Authority's pension, health/life insurance, deferred compensation program and shall be entitled to paid holidays as outlined in the policy. Part time employees who work at least 20 hours per week shall be entitled to sick time and vacation time this is proportionate to a full time employee in the same department.

Overtime:

All employees are to understand that they will be expected to respond to overtime/compensation calls as a term and condition of their employment, except in cases defined as personal hardship. Overtime of maintenance employees is calculated at the rate of one and one-half hours for each hour worked in excess of the regular workweek.

Attendance:

Punctuality is required. If an employee knows that he/she will be absent or late, the Executive Director must be notified one hour prior to duty. Emergency situations will be evaluated on an individual case basis. In all instances, employees are required to contact the Executive Director directly. An employee who is absent without prior authorization or approval will be considered absent without leave and his/her pay shall be reduced accordingly. Disciplinary action, including termination of employment, may also be taken. Absences without authorization will forfeit the employee's right to each vacation and sick leave normally earned during such absence. Employees who are suspended for disciplinary reasons shall not accrue benefits during such absences.

Payment of Wages:

Employees are paid weekly for the prior Saturday through Friday period. Employees shall receive their paychecks on Monday. If Monday is a holiday or if the employee is going to be off on Monday the employee shall receive their paycheck the previous workday.

Medical Examination:

A pre-employment medical examination maybe required at the discretion of Management.

Salary Increases:

The Executive Director's salary is determined by the guidelines established by the Department of Housing and Community Development. Maintenance wages are established by the Department of Labor and Industry.

Dress Code:

The Authority has purposely avoided rigid rules regarding attire. The Authority relies on each individual's good judgment to select, within a broad range of acceptable standards, dress which is appropriate to a business or work environment. In some cases, the Authority will approve the use of uniforms or similar attire.

Clothing Allowance:

The Authority will purchase each full time maintenance employee a pair of steel-toed boots once a year at a maximum of \$150.00.

Employee Benefits:

All permanent employees, working more then twenty hours per week, shall be entitled to the benefits listed below after successful completion of their probationary period.

Vacation:

All full time employees are entitled to an annual vacation leave with pay as set forth below:

1 st day through 1 year	5 days per year
1 year through 4 ½ years	10 days per year
4 ½ years through 9 ½ years	15 days per year
9 ½ years through 19 ½ years	20 days per year
20 years or more	25 days per year

Vacation time used shall not coincide with that of any other employee without consent of the Executive Director.

Two week notice of intent to vacation to be given to the Executive Director.

Vacation Scheduling:

Vacations shall be accrued based on the fiscal year. Vacation taken in advance of its accrual will be subject to prior approval of the Board. A maximum of five (5) day's accrued vacation maybe carried forward to the next fiscal year. Every effort will be made by the Executive Director to arrange vacations with due consideration to the employee's desire. However, vacations must ultimately be scheduled at the convenience of the Housing Authority. An employee must complete a six (6) month probationary period before he/she becomes eligible to use his/her accrued vacation leave. An employee who terminates during the probationary period will not be paid accrued vacation. No pay will be granted in lieu of taking vacation. In case of termination by reason of retirement, resignation, discharge or death, the employee or his/her estate shall be entitled to a cash allowance on an earned basis at his/her appropriate vacation rate for time worked. Benefit entitlement shall cease at the end of the last day actually worked. Earned vacation leave will not be earned while employee is out on workmen's compensation. In no event shall vacation leave exceed two (2) full weeks consecutively or the equivalent of ten (10) consecutive working days, without consent of the Executive Director. Scheduling for use of earned vacation leave will be determined on a seniority basis.

Holiday Leave:

Permanent full time and part time employees are eligible for leave of absence with pay on ~~eleven~~ twelve (12) ~~(11)~~ holidays as set forth below:

- New Years Day
- Martin Luther King Day
- Washington's Birthday
- Patriot's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day
- Juneteenth Independence Day

All employees hired prior to October 2002 are entitled to the above holidays and the following:

Good Friday
½ work day before New Years
½ work day before Christmas

If a paid holiday falls on a Saturday, the preceding Friday will be observed as a paid holiday. If a paid holiday falls on a Sunday, the following Monday will be observed as a paid holiday. If the holiday falls on a Monday or Friday the Executive Director will take another day off in compensation for the holiday. If a holiday falls within a person's vacation leave or sick leave, no charge will be made to such vacation or sick leave. An employee required to work on a holiday will receive compensatory time off or time and a half for hours worked.

Sick Leave:

Permanent employees, who work more than twenty hours per week, will be entitled to one and one quarter (1 ¼) day's sick leave upon each completed month of employment with a maximum accumulation of 180 days. After an absence of five (5) consecutive working days, employee must present a physician's letter from his/her physician stating the reason for his/her absence and a tentative date of employee's ability to return to full duty. There will be no buy back of accrued sick leave if an employee terminates employment. Upon retirement, voluntary or involuntary, or death, sick leave can be bought up to 20% of total sick days at a maximum of five thousand dollars (\$5,000.00). In the case of a new full time employee, no paid sick days are allowed during the six (6) month probationary period. Days earned during the first six (6) months of work shall be credited and usable after completion of the probationary period.

Sick leave shall be granted at the discretion of the Authority to employees only under conditions as follows:

When they are incapacitated for the performance of their duties by sickness or injury;

When through exposure to contagious disease the presence of the employee at his/her post of duty would jeopardize the health of others;

In the case of serious illness of husband, wife, child, parent or either spouse, he/she may be granted sick leave with pay not to exceed seven (7) days of the fifteen (15) days granted within any fiscal year;

Bereavement Leave:

Leave without loss of pay shall be allowed to full time and part time employees for any period of consecutive calendar days, before or after the day of the funeral, not in excess of the following:

Unless otherwise on leave, all employees shall be granted leave without loss of pay for a period not exceed three (3) working days in the event of the death of an employee's spouse, mother, father, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandfather, grandmother or grandchild.

Personal Leave:

Employees shall be granted time off for which he/she will be paid to conduct personal business. Such leave shall not exceed three (3) days in any one calendar year. If an employee has worked for the Authority for less than one year they will receive the following days off:

Date of hire:	Number of personal days granted:
July 1 – September 30	3 Days
October 1 – December 31	2 Days
January 1 – March 31	1 Day
April 1 – June 30	0 Days

No compensation will be made for unused days, nor can unused days be carried over to the next calendar year.

Civil Leave:

The Authority recognizes that jury duty is a civic responsibility. A permanent employee on jury service will be paid the difference between the fee for such services and his/her regular duty pay. This payment will be made upon presentation of documentation of the amount of fee received exclusive of expenses paid to the individual. When a summons is received, notification must be made immediately to the Executive Director.

Employees must report to work at all times not required to be in court and report to your Supervisor daily as long as you are required to be in court.

At the discretion of the Executive Director, an employee may also be granted Civil leave with pay when performing emergency duty with the Civil Defense in connection with a national emergency or disaster, or for the purpose of voting when the polls are not open at least two hours before or after the employee's schedule working hours or for extended jury duty.

Military Leave:

In the event of a short-term absence for military training such as Reserves, or Nation Guard, a leave of absence shall be granted to a permanent employee upon approval of the Executive Director. Such employees will be reimbursed for the difference between their military pay and their Authority salary upon presentation of documentation as to the amount earned as military pay, such reimbursement not to exceed seventeen (17) calendar days.

Maternity Leave:

The Authority will comply with the statutory requirement governing maternity leave.

Leave Without Pay:

Permanent employees may apply, in writing, for leave of absence without pay. The employee must use all accrued sick and vacation time prior to going on leave without pay. Upon approval of the Housing Authority Board, such leave may be granted for good cause for a period not to exceed three (3) months. While permanent employees are in a no pay status they are not eligible for any benefits.

Group Health and Life Insurance:

A program of insurance is offered to all permanent employees. The plan provides for accidental death and dismemberment insurance, life insurance, dental insurance, basic health insurance and major expense benefits. The employee contributes 15% and the Authority contributes 85% of the premium cost. Participation is optional. Employees who elect to join are automatically covered with a basic life insurance plan.

Workmen's Compensation:

Employees who sustain accidental injuries or death during the course of their employment will receive compensation in accordance with the Massachusetts Workmen's Compensation Act (Mass. General Laws, Chapter 152). The Housing Authority presently carries insurance for this purpose. No cash salary or wages shall be paid by the Authority to any person for any period for which weekly total incapacity compensation under Chapter 152 is payable except that:

Such salary or wages maybe paid in full until any overtime or vacation which the said employee has to credit has been used, and such salary or wages maybe paid in part until any sick leave allowance or holiday entitlement which the employee has to his/her credit has been used. An employee entitled to any such allowance may take such allowance as, when added to the amount of any Workmen's Disability Compensation payment, will result in payment of his full salary or wages.

Retirement:

All permanent employees, who work more than twenty hours per week, must participate in the statutory retirement plan. Under the present state of the law, contributions are made to the plan by the employee equal to an established percentage of base salary. The Authority contributes an amount as established by law.

Travel:

For those employees authorized to use private vehicles, the Authority pays for approved mileage at an established rate set by Department's Budget Guidelines.

Disciplinary Actions:

An employee may be suspended from duty without pay for inefficiency, incapacity, insubordination, conduct unbecoming a public employee or other good cause. Examples of the foregoing for which an employee may be suspended are:

- *habitual lateness or absenteeism
- *leaving work without permission or relief
- *dishonesty
- *use of narcotics
- *influence of alcohol
- *revealing confidential information
- *falsify personnel or agency records, including time cards
- *loss of a trade license necessary and pertinent to his/her employment
- *refusal to carry out assignment
- *refusal to report for work considered an emergency by the Executive Director
- *any form of gross misconduct
- *unauthorized use of Authority tools, equipment, facilities, truck
- *harassment or discrimination against fellow employees/tenants

Disciplinary actions shall be per the following stages:

1. oral warning
The Executive Director meets with the employee to discuss the circumstances on which the warning is based, the improvement required and the consequences of failure to improve as required. The discussion is documented as an oral warning on the appropriate Housing Authority form and retained in the employee's personnel file.
2. written warning
A written warning may be the first step in the event of a more serious offense such as negligence or irresponsibility on the job. The discussion is documented as a written warning on the appropriate Housing Authority form and is retained in the employee's personnel file.
3. final written warning (with or without suspension)
If there is no sufficient improvement in performance or if misconduct recurs this step may be used as a final warning. Suspension without pay may be the first step in the event of a very serious offense which does not appear to warrant discharge. Suspension without pay may also be considered as an alternative to discharge if such a step would offer the opportunity for rehabilitation of a valued employee. A final written warning may be issued without a suspension if it is determined that a suspension is not necessary to ensure the employee's understanding of the seriousness of the conduct or if in the judgement of the Executive Director a suspension would be counter-productive.
4. discharge
If there is not sufficient improvement in performance or if misconduct recurs or without regard to prior disciplinary action in the event of every serious misconduct such as theft, dishonesty, willful and deliberate insubordination, or other reasons as defined in the discharge policy.

Benefit Loss:

Employees who are suspended for disciplinary reasons shall not, during the period of such suspension, accrue credit for vacation leave, sick leave, personal leave or any other type of leave. Employees who are discharged shall automatically lose any earned and unused leaves, except accrued vacation. In addition, the employee will be taken off group insurance and notice sent to the retirement board.

Hearings:

Employees who are suspended or discharged, shall have the right to a hearing on the reason for such action as a matter of Authority Policy.

Such hearing must be requested by the employee, in writing, and presented through established lines of authority as follows:

- First, to the Executive Director;
- Second, to the Board, if the employee so requests. On matters requiring a hearing panel, a minimum of three (3) Board members shall be present.

Outside Employment:

Although outside employment is not strictly prohibited, such employment is not encouraged. Outside employment shall not be permitted if it violates, or appears to violate M.G.L. Chapter 268A (Conflict of Interest) or the Commonwealth's the regulations contained in General Administration of Local Housing Authorities (760 CMR 4.00). Otherwise lawful outside employment is further prohibited if it interferes with the operation of the Agency; if it adversely affects the health of the employee, or if it poses a risk of injury. In the event of illness or injury resulting from, or aggravated by, outside employment, the affected employee will be denied sick leave or workman's compensation that may be in effect at the time.

Amendment:

The Personnel Policy may be amended or updated to comply with DHCD policy or local public practice. Such amendment will be made by resolution of the Authority Board and must have DHCD approval.

Approved by Board Action at its Tuesday, October 8, 2002, Meeting.





Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**
Jane Swift, Governor ♦ Jane Wallis Gumble, Director

NOV 21 2002
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November 13, 2002

Ms. Robbie A. DeSouza, Executive Director
Dighton Housing Authority
300 Lincoln Avenue
North Dighton, MA 02764

Dear Ms. DeSouza,

I have reviewed your revised Personnel Policy and note that you have incorporated all of the changes proposed in our letter of August 8, 2002. Your policy, which the Dighton Board adopted at their October 8, 2002, meeting is therefore approved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carole E. Collins".

Carole E. Collins, Director
Bureau of Asset Management



Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lieutenant Governor ♦ Jennifer D. Maddox, Undersecretary

BOCS
6/18/2021

PHN 2021-09

To: All Local Housing Authority (LHA) Executive Directors and Board Members
From: Ben Stone, Director, Division of Public Housing
Re: Juneteenth Independence Day Guidance
Date: May 20, 2021

Need to Know:

1. New state holiday of June 19th (“Juneteenth Independence Day”) for Commonwealth Employees (see <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4/Section7>.)
2. LHA employees are not Commonwealth employees. If the applicable labor agreements and/or personnel policy do not already automatically provide paid leave for all state holidays referenced in M.G.L. c. 4, sec. 7, cl. 18, the Board has discretion to vote on whether or not to add the newly recognized Juneteenth holiday to its personnel policy. Please note that changes to labor agreements must be collectively bargained before they can be implemented.
3. If LHA board votes to include June 19th/Juneteenth as a paid holiday for any employees, DHCD strongly recommends it do so for all employees. Note guidance below on treatment in Executive Director (ED) contracts.

New State Holiday

“Juneteenth Independence Day” is now an official Massachusetts state holiday. Governor Baker signed the holiday into law on July 24, 2020, to recognize “[the continued need to ensure racial freedom and equality](#).” Juneteenth is an annual celebration that commemorates the emancipation of the last slaves in the former Confederate territory on June 19, 1865, a full two and a half years after the Emancipation Proclamation.

June 19, 2021 will be the first day Juneteenth is celebrated officially in Massachusetts, and Commonwealth employees will receive paid holiday benefits for it this year. The holiday will fall on a Saturday this year and be observed on the Saturday. Next year, Juneteenth will fall on Sunday, June 19, 2022, and like all state holidays falling on Sunday, it will be observed on the following Monday (June 20, 2022).

How Does This Affect the LHA?

- A) First, the LHA will need to ensure that it follows any legal obligations that currently exist to recognize the holiday. LHA’s are not automatically obligated by state law to provide employees with holiday pay for Juneteenth, as they are not Commonwealth employees, but they may be obligated to do so under their existing personnel policies and/or collective bargaining agreement(s) (“CBA”). An LHA’s obligation to provide holiday pay and/or paid time off for this new state holiday ultimately depends on the language in its personnel policy and/or CBAs. LHAs should review their CBAs/personnel policy to see if it expressly includes by reference the state holiday

law (M.G.L. c. 4, sec. 7, cl. 18.) or holidays defined by another entity such as the Commonwealth or their municipality.

- B) If the LHAs personnel policy only includes a paid day off for specifically enumerated holidays, the LHA Board may vote to add Juneteenth to their paid holiday list for employees, if it determines that this is in the best interest of the LHA after considering all relevant factors including, but not limited to, finances, labor relations, leadership, morale and peer organization standards.

Additional Considerations

For LHAs with unionized staff, if the LHA Board does not vote to add the Juneteenth Independence Day holiday acting on its own, the union will have to bargain with the LHA to include Juneteenth as a paid holiday. LHAs are encouraged to consult with their labor attorney regarding this new holiday, particularly if they are preparing for or engaged in contract negotiations.

If the holiday is added to the LHA's holiday list, Juneteenth Independence Day must be treated equivalently by the LHA to all other similarly bracketed holidays in Massachusetts, which include New Years Day, Memorial Day, July 4th, and Labor Day. DHCD also strongly recommends that if the board elects to add the holiday for any employee the holiday should be made available to all employees of the LHA on an equivalent basis.

For Executive Directors whose holiday days are defined by contract rather than by reference to the personnel policy holiday list, the Board may vote to add the holiday through a contract addendum. The LHA does not need to submit this addendum to DHCD so long as it contains no other terms; as this PHN constitutes DHCD's written approval of a contract amendment whose sole purpose is to add this holiday. As the state NAGE 6 bargaining unit has received this new holiday as an additional paid day off it is an approvable benefit for LHA EDs under DHCD guidance in [PHN 2019-29: Clarification of DHCD Standards for Reviewing Benefits Provisions of LHA ED Contracts](#).

How Does This Affect the LHA?

A) First, the LHA will need to ensure that it follows any legal obligations that currently exist to recognize the holiday. LHAs are not automatically obligated by state law to provide employees with holiday pay for Juneteenth, as they are not Commonwealth employees, but they may be obligated to do so under their existing personnel policies and/or collective bargaining agreements ("CBA"). An LHA's obligation to provide holiday pay and/or paid time off for this new state holiday ultimately depends on the language in its personnel policy and/or CBA. LHAs should review their CBA/personnel policy to see if it expressly includes by reference the state holiday