

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 5

Resolution No. 54 -2016

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION approving procedures for the appointment, compensation, and separation of employees of the Howard County Housing Commission.

Introduced and read first time May 2, 2016.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Read for a second time at a public hearing on May 16, 2016.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on June 6, 2016.

Certified By Jessica Feldmark  
Jessica Feldmark, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, Section 13.1317 of the Howard County Code provides that the Howard  
2 County Housing Commission shall adopt procedures for the appointment, compensation, and  
3 separation of employees of the Commission; and  
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5           **WHEREAS**, these procedures are subject to approval by the County Council and the  
6 County Executive; and  
7

8           **WHEREAS**, recently passed Council Bill No. 12-2016 and the budget for Fiscal Year  
9 2017 facilitates the separation of Housing Commission employees from County government; and  
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11           **WHEREAS**, while employees of County government, Housing Commission employees  
12 were subject to the County's Employee Manual and Pay Plan; and  
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14           **WHEREAS**, now that Commission employees are separate from County government  
15 and as required by Section 13.1317 of the County Code, the Housing Commission wishes to  
16 adopt Personnel Policies and Procedures, substantially in the form attached to this Resolution;  
17 and  
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19           **WHEREAS**, the Personnel Policies and Procedures were adopted by the Housing  
20 Commission on April 19, 2016; and  
21

22           **WHEREAS**, the County Executive has reviewed and approved these Policies and  
23 Procedures; and  
24

25           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
26 Maryland, this 6<sup>th</sup> day of June, 2016, that the attached Howard County Housing  
27 Commission Personnel Policies and Procedures are hereby approved.

# **HOWARD COUNTY HOUSING COMMISSION**

## **PERSONNEL POLICIES AND PROCEDURES**

This manual establishes personnel policies and procedures applicable to employees of the Howard County Housing Commission ("HCHC" or "Commission"). It is designed to be a reference to guide current employees as well as to provide initial information to new personnel. For situations not covered in the manual, or if you need further information or clarification, please consult the Chief Administrative Officer or the Executive Director.

This manual sets forth policies and procedures. **Nothing in this manual in any way creates a n express or implied contract of employment.** No one at HCHC, other than the Executive Director, is authorized to make any exceptions or changes to these policies and procedures, and changes may be made unilaterally at any time (see Section 23), subject to the approval of the Board of Commissioners.

Each employee is responsible for reading and becoming familiar with the contents of this manual.

### **1. General.**

It is the policy of the HCHC to employ and retain only the best qualified personnel available. To this end, the HCHC will make every effort to maintain both the levels of salaries and benefits to employees on a comparable basis with those provided in similar employment by business and government agencies in the Central Maryland area.

In return, the Commission will accept from each employee only the highest standards of performance, cooperative effort and dedication in the objectives and program of work of the Commission.

### **2. Fair Employment Practices.**

It is the policy of HCHC not to discriminate against anyone, and to afford equal employment opportunity and advancement to all persons regardless of race, creed, religion, disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, gender identity, personal appearance, or familial status.

This policy is to be carried out under the direction of the Executive Director who is responsible for its promulgation and execution. All employees of the Commission who are in supervisory positions are directed to take such steps as are necessary to ensure the continued effectuation of a policy of employment and advancement on the basis of individual merit, which will afford equal opportunity to all persons, and ensure that all personnel actions and practices are administered fairly and consistently.

**3. Recruitment and Hiring Practices.**

a. General.

The decision to hire additional personnel or to replace personnel in the event of separation will be made by the Executive Director. The Executive Director has sole responsibility for hiring full-time, part-time and temporary employees. Job openings will be posted internally for the information of current employees and any employee who is interested and can meet the qualification of the job is encouraged to apply for the open position.

All applicants will be screened. Applicants deemed to be the most qualified will be interviewed and may be tested. References of the selected candidate will be verified. Offers of employment will be made in writing to prospective employees. The written offer of employment will clearly state the conditions of employment, including salary and work hours.

b. Probation.

New employees are hired on a probationary basis during the first six (6) months of employment. An overall evaluation will be made as to whether an employee has the ability to perform his/her duties satisfactorily at any time during the probationary period. All factors involved in the employee's ability to make a positive contribution to the Commission will be considered. This includes productivity, quality of work, punctuality, attendance, ability to learn, initiative, attitude and conduct. Separation from employment may take place at any time during the probationary period if the overall evaluation is unsatisfactory without recourse to any Commission procedure provided herein. At the discretion of the Executive Director, the probation period may be extended for up to an additional six (6) months in order to further assess the employee's performance.

**4. Compensation and Benefits.**

a. Salaries.

Each former Howard County Department of Housing and Community Development employee who accepted permanent employment with HCHC effective July 1, 2016, will retain the same salary that the employee had as a County employee.

Starting salaries offered to new employees will be comparable to those in use in the private business community for jobs of similar characteristics, e.g. complexity, education, skill and prior work experience requirements as well as the most current Howard County Government salary table. Specific salary offers to be made must at all times be established by the Executive Director.

As a part of the annual budget process, the Commission will review and update the rate ranges for all job positions, including cost-of-living adjustments. The Commission will also review individual salaries annually prior to the end of the fiscal year. Salary adjustments may be made or bonuses granted based on an individual's performance evaluation. All increases or bonuses are subject to the availability of funds and Commission approval.

Performance evaluations will be done in written form for all employees one month prior to the end of the fiscal year.

Salaries are paid bi-weekly, every other Friday, for the work period ending twelve days earlier.

b. Retirement Plans.

All employees of the HCHC are eligible to participate in the Howard County Retirement System. The Commission contributes to the Howard County Retirement System at the same percentage of an employee's base salary as the contributions made by the Howard County Government. Employees of the former Howard County Department of Housing and Community Development will maintain their participation in the Howard County Retirement System with no break in service. New employees to the HCHC will participate in the Howard County Retirement System. Employees of HCHC are required to contribute a portion of their salary into the Howard County Retirement System. A copy of the provisions of the Howard County Retirement System is available from the Chief Administrative Officer.

c. Health Benefits.

The Commission makes available health (currently vision included), dental and supplemental life insurance coverage for all full-time employees. Through a memorandum of agreement (contract) between the Commission and Howard County, Maryland, full-time employees of the Commission can participate in the health coverage offered to county employees. The options and cost of coverage varies each year based on the County's negotiated contract with the health providers.

Currently, the Commission offers full-time employees a flexible spending account through Howard County's "County Flex" benefit plan. Information on the coverage and various provisions of the individual plans is available from the Chief Administrative Officer.

d. Life Insurance

A term life insurance program is provided free of charge to all full-time employees through the Howard County Government benefits program. Additional insurance may be purchased by full-time employees through payroll deduction. Details of coverage are available from the Chief Administrative Officer.

e. Disability Benefit Programs

A long-term disability income program is provided free of charge to all full-time employees through Howard County Government upon completion of probation. Details of coverage are available from the Chief Administrative Officer.

f. Continuation of Health Care Coverage

Federal law requires that employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health care coverage at group rates, in certain instances where coverage under the plan otherwise end. Information about eligibility for continued coverage may be obtained from the Chief Administrative Officer.

g. Other County Benefits

Other County benefits, such as the employee assistance program, the deferred compensation program, and voluntary benefits program will be provided in accordance with a memorandum of agreement with the County.

**5. Hours of Work and Attendance.**

a. General.

The standard full-time work week is 40 hours, composed of five, 8 hour work days. The normal work schedule for all full-time employees is Monday-Friday from 8:00 a.m. - 5:00 p.m. with one hour for lunch. The Commission recognizes, however, the need for flexible scheduling, which may be approved at the discretion of the Executive Director. Part-time schedules and work weeks will vary and will be established with each employee as needed.

Employees should be at their desk prepared to commence work at their starting time and should work up until their ending time. All personal matters should be taken care of during the lunch break or outside of normal working hours. Personal phone calls should be strictly limited during working hours.

Should an employee arrive late for work, all late time will be charged to annual leave to the nearest half hour, unless the Executive Director allows the time to be made up at the end of the work day. Lunch breaks should not be substituted for late time.

To ensure that adequate personnel are available at all times to render the best possible service, lunch breaks should be staggered. Each employee must take a minimum of ½ hour meal period without pay for each day worked. While permission may be given on occasion to work through the meal period for unanticipated events, flexible schedules may not circumvent the meal period requirement on a regular or recurring basis.

If an employee is going to be late for work or absent from work, notification should be made prior to 9:00 a.m. to the employee's supervisor and the timekeeper.

b. Alternative Work Schedules.

The Commission endorses the concept of flexible work schedules, including telecommuting, for employees provided that, in the sole determination of the Executive Director, the schedule (i) is regular, (ii) does not conflict with the requirements of the Fair Labor Standards Act or other applicable law, (iii) does not hinder the ability of the office to meet its workload, (iv) provides for adequate office coverage during the normal work day, (v) allows for adequate and appropriate supervision, and (vi) allows for occasional adjustments to accommodate changes in the work environment (e.g., unscheduled but necessary meetings or project deadlines). Alternative work schedules must be approved in writing in advance by the Executive Director. In addition, telecommuting arrangements must meet the requirements of the Commission's risk management policies and procedures.

c. Time Reports

All employees are required to submit to the timekeeper a weekly time report indicating the total hours worked each day for which the employee is to be paid and not paid. Time reports are submitted by the timekeeper on a bi-weekly basis (every other Friday) to the Chief Administrative Officer.

d. Overtime Practices

It is the responsibility of the Executive Director to exercise appropriate controls on hours worked by personnel and to assure correct reporting of the time worked.

The following overtime practices shall apply:

1. The Commission will comply with applicable federal and state law regarding minimum wage and overtime payments. The Commission will classify employees as FLSA exempt or non-exempt and will advise employees of their classification. All questions of personnel classifications should be referred to the Executive Director.

2. It is the policy of the HCHC to limit overtime to those instances where it is necessary to meet deadlines or to clear up a backlog of work. The Executive Director will attempt to provide employees as much advance notice as possible of instances in which they may be required to work beyond normal work hours.

3. Non-exempt full-time employees are entitled to overtime pay for any time worked in excess of 40 hours in any pay week. Overtime pay beyond 40 hours per week will be calculated at 1.5 times the hourly rate.

4. Overtime must be approved by the Executive Director in advance.
5. Exempt employees are not eligible for overtime.

e. Absences.

Absence and lateness, for whatever reason, have a disrupting effect within the office and are to be avoided whenever possible. Chronic absenteeism and lateness adversely impacts the work of the Commission and causes undue burdens on fellow employees. Therefore, good attendance and promptness in reporting for work is expected from each employee of the Commission. When absence or lateness is unavoidable, the employee must notify their supervisor and the timekeeper following established notification procedure. In cases of extended absence, employees must make interim reports to their supervisors as to their progress. Failure to maintain a good attendance record will subject an employee to appropriate disciplinary action up to and including dismissal.

There are times when illness or some other reason makes it necessary to be absent or late. An employee's promptness in reporting an absence permits the Commission to plan accordingly, thereby avoiding possible problems and inconvenience. Therefore, if an employee needs to be absent or to come in late he/she should notify their supervisor as soon as they are aware of the need and at a minimum should notify their supervisor by 9:00 a.m. to report an absence.

f. Inclement Weather Policy

During times of inclement weather or other emergency conditions, the Commission offices will remain open and employees are expected to report, unless the Executive Director orders the office closed or declares liberal leave in effect. If inclement weather or an emergency condition makes it impossible for an employee to report, they are expected to follow normal notification procedures. Time missed will be charged to annual leave. If the office is closed by the Executive Director, employees will be paid as if they had worked.

If the Executive Director declares liberal leave in effect, all personnel designated as essential must report at their normal time. Other employees may elect to report to work, take annual leave, or take leave without pay. If taking leave, the employee must notify their supervisor prior to their normal start time.

6. Leave.

a. Holidays.

The HCHC will be closed, and employees will receive paid leave, on the following national holidays and other specified days:

- New Year's Day



- Martin Luther King, Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day and the day after Thanksgiving
- Christmas Day

In addition, HCHC will be closed, and employees will receive paid leave, on the days between Christmas and New Year's Day.

b. Annual Leave.

The HCHC recognizes that vacations and other time off of work contribute to more effective employee performance and, therefore, has established the practice of accruing annual leave and granting time off with pay to its employees under the conditions and procedures outlined below.

Hours for annual leave are earned on a pay period basis and are accumulated for future use. New employees begin accumulating annual leave on the first day they are employed, but are not eligible to take annual leave during their probationary period of employment.

Annual leave is generally to be used during the calendar year for which it is earned. For former employees of the Department of Housing and Community Development who accepted employment with the Commission as of July 1, 2016, accrual of annual leave may not exceed 40 days at any time. For new employees, accrual of annual leave may not exceed 20 days at any time. . It is not the Commission's policy to grant pay in lieu of vacation.

The accrual of annual leave is as follows for all full-time employees:

<u>Length of Service</u>	<u>Days Accrued/Year</u>	1
1 day but less than 5 years	13 days	
5 years but less than 10 years	16 days	
10 years but less than 20 years	19 days	
20 years +	21 days	

The amount of annual leave earned by an employee is based on that employee's length of service with the Commission. Employees of Howard County Department of Housing and Community Development who joined HCHC on July 1, 2016 receive full credit for their prior service with the County. Annual leave is computed on an anniversary date basis. Increases in the number of days earned resulting from length of service become effective with the first full pay period following the employee's anniversary date.

All annual leave time used should be reported accurately on leave request forms. For reporting purposes, one day of annual leave equals 8 hours and one week equals 40 hours for full-time employees. When using annual leave in less than full day increments, leave should be recorded in increments of one-half hour.

Part-time employees are not eligible to accrue or use annual leave. Employees placed on probation may not use annual leave.

All use of annual leave requires prior supervisory approval. Requests to use annual leave should be submitted as far in advance as possible. A request for annual leave of five or more consecutive work days should be made in writing at least 30 days in advance. Requests may be denied based on staffing needs.

Upon resignation from employment, employees will be paid for their accumulated annual leave; provided that, at the discretion of the Executive Director, employees who fail to give at least 10 working days' notice of their intent to leave HCHC service may have one day of accrued annual leave deducted from their pay for each day short of the required 10 day notice.

c. Sick Leave

Each employee of the Commission is eligible to accrue one day of sick leave per month. Part-time employees are not eligible for sick leave.

Sick leave is available to be used for a personal illness or injury, or a doctor, dentist and other healthcare appointment, or the illness, injury, or healthcare appointment of a child, parent, or spouse of the employee.

In the event of long-term illness, upon expiration of eligible sick leave, employees will have the option of utilizing available annual leave. Employees cannot borrow against unearned sick leave, or borrow sick leave from other employees.

Upon expiration of eligible sick leave and/or annual leave, additional time off may, with the approval of the Executive Director, be taken without pay.

Employees will not be reimbursed for unused sick leave upon separation from employment. Unused sick leave can be carried forward from year to year. Accumulated sick leave can be credited toward retirement in accordance with the policy of the Howard County Retirement System.

Absences due to illness for more than three consecutive days must be substantiated by a physician's certificate.

d. Bereavement Leave.

If an employee requests, the Executive Director may grant paid bereavement leave of up to 3 consecutive work days to an employee upon the death of a member of the employee's immediate family (includes wife, husband, son, daughter, mother, father, brother, sister, parents-in-law, stepmother and stepfather, stepchildren, grandchildren and grandparents of an employee). If an employee requests, the Executive Director may grant paid funeral leave of up to 1 work day to an employee upon the death of the employee's brother-in-law or sister-in-law. Up to 2 additional days of bereavement leave may be granted, at the discretion of the Executive Director, if the death or funeral occurs out of state.

e. Jury Duty

The Commission agrees to pay wages to a regular employee obliged to serve on a jury. Employees are expected to notify the Executive Director as soon as they receive notice of jury duty service. Employees are also required to report to work any day they are not needed in court, and any day they are dismissed by 1:00 p.m. If service on a jury requires an employee's absence from work for more than one day, the employee must notify the Executive Director on each day they will be performing jury duty.

f. Extended Leave of Absence

The Commission will grant full time employees extended leaves of absence with or without pay in accordance with the federal Family and Medical Leave Act (FMLA) and other applicable laws.

g. Workers Compensation Leave

Employees will receive workers compensation benefits and leave in accordance with the County's Risk Management policy.

h. Leave Without Pay

Leave without pay may not be taken without the prior written approval of the Executive Director.

i. Personal Leave

Employees of Howard County Department of Housing and Community Development who joined HCHC on July 1, 2016 and who had unused personal leave under the County system will be allowed to use that leave through December 31, 2016. The Commission will not grant personal leave to employees after December 31, 2016.

## 7. Reimbursement for Out-of-Pocket Expenses

### a. General.

From time to time, employees may need to pay certain business-related expenses with personal funds – e.g., meals while attending out of town meetings, registration fees, train or cab fares, supplies, etc. All reasonable and actual business-related out-of-pocket expenses will be reimbursed, as long as a receipt is submitted. Employees seeking reimbursement for out-of-pocket expenses should complete an expense report and attach the appropriate receipts. Expense report forms are available from the Chief Administrative Officer and should be completed and turned in prior to the end of the following month in which the expense occurred.

Travel advances must be authorized by the Executive Director. Requests for advances must be in writing, should estimate all appropriate costs and must be submitted at least two weeks in advance. Final settlement should be itemized on a formal expense report.

### b. Use of Personal Automobiles on Commission Business

The Commission provides automobiles for use by Commission employees to conduct Commission business out of the office. Sometimes, however, business activities may require employees to use their personal cars on Commission business. When those situations arise, employees will be reimbursed at the IRS-approved rate for each mile driven on Commission business. Out-of-pocket expenses for such things as parking and tolls will also be reimbursed. Employees should submit receipts for out-of-pocket expenses. The rate of reimbursement will be adjusted periodically as the Internal Revenue Service adjusts its allowable rate for reimbursement. It is not the policy of the Commission to provide reimbursement for parking fines or traffic violations.

## 8. Workplace Harassment Policy

### a. General.

HCHC is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Employees have the right to work in an atmosphere which promotes equal opportunities and prohibits discriminatory practices, including harassment.

Harassment, whether verbal, physical, non-verbal or visual, arising in HCHC owned facilities, at work assignments outside of HCHC owned facilities, or at HCHC sponsored or endorsed functions, including social functions, is unacceptable and will not be tolerated. Such harassment is also illegal. Normal, courteous, mutually respectful, non-coercive interaction between employees that is acceptable to and welcomed by both parties, however, is not to be considered harassment under the terms of this policy.

HCHC encourages employees to promptly report all information concerning workplace harassment without regard to the identity of the harasser or victim to Chief Administrative

Officer or the reporting individual's immediate supervisor. HCHC is committed to promptly and thoroughly investigating all complaints of harassment and to taking prompt and effective remedial action to stop such conduct from occurring.

b. Definitions

1. *Workplace Harassment*

Workplace harassment consists of unwelcome conduct that is based on an individual's status (such as race, creed, religion, physical or mental disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, gender identity, personal appearance, familial status, or any other group status), and that results in a tangible employment action, or is severe or pervasive enough that it unreasonably interferes with an individual's work performance or otherwise creates an intimidating, coercive, hostile, or offensive working environment.

2. *Sexual Harassment*

Sexual harassment is a specific type of workplace harassment that consists of behavior of a sexual nature which is not welcome or is personally offensive, and that debilitates morale and interferes with the work performance and effectiveness of its victims. Sexual harassment can occur between members of the same or opposite sex. Unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, physical or non-verbal visual conduct of a sexual nature constitute harassment when:

i. Submission to or rejection of this conduct is used explicitly or implicitly as a factor for decisions affecting hiring, evaluation, promotion or other tangible employment actions. This is sometimes referred to as "quid pro quo" harassment; or

ii. Such conduct is severe or pervasive enough to interfere with an individual's work performance or otherwise render the workplace intimidating, coercive, hostile or offensive to the reasonable person. This is sometimes referred to as "hostile environment" harassment.

3. *Verbal Harassment*

Verbal harassment may include, but is not limited to: unwanted sexual advances or propositions; demands for sexual favors; unwelcome jokes, "kidding" or "teasing"; unwelcome epithets, slurs or negative stereotyping; unwelcome vulgar, offensive or obscene language; unwelcome verbal commentary about an individual's body, sexual prowess or sexual deficiencies; certain types of whistling; and unwelcome telephone calls, voice-mails, text messages or e-mails of a vulgar, offensive and obscene nature.

4. *Physical Harassment*

Physical harassment includes, but is not limited to: leering or staring in an offensive or inappropriate manner; touching, pinching, massaging or grabbing; assaulting; or engaging in coerced sexual acts.

5. *Non-Verbal Visual Harassment*

Non-verbal or visual harassment includes, but is not limited to, creating, possessing, sending or displaying words, jokes, photographs, pictures, cartoons, objects or gestures of a vulgar, offensive, obscene or sexual nature.

c. Persons Covered By This Policy

1. *Employees*: This policy shall apply to all officials and employees. HCHC will not tolerate harassment, whether engaged in by co-workers, supervisors, or appointed officials.

2. *Non-Employees*: This policy also covers non-employees who conduct business with the HCHC or on HCHC premises. For example, HCHC will not tolerate harassment engaged in by a vendor, supplier, or visitor to HCHC premises to the extent that it affects any employee of HCHC while they are at work. HCHC will, to the extent practicable, investigate any incident of alleged harassment by a non-employee and will take any action which is necessary and appropriate after evaluating all the circumstances, including terminating a non-employee's relationship with the HCHC where appropriate. HCHC thus encourages the reporting of all incidents of harassment, regardless of who the offender may be, in accordance with the complaint reporting procedures established in this policy.

d. Reporting Procedures

1. *Informal Procedure*

HCHC encourages individuals who believe they are being harassed ("Reporting Individual") to directly and promptly notify the harasser or offender that his or her behavior is unwelcome. If for any reason a Reporting Individual does not wish to approach the harasser or offender directly, or if such discussion does not successfully end the harassment, the Reporting Individual should notify either his/her supervisor or the Chief Administrative Officer for purposes of speaking with the alleged harasser. While this informal procedure is encouraged, it is not a required first step for a Reporting Individual wishing to report an incident of harassment using the formal complaint procedure outlined below. If the supervisor or Chief Administrative Officer is successful in informally resolving a report of harassment, a written report summarizing the complaint made and resolution achieved shall be promptly completed and maintained by the Chief Administrative Officer.

2. *Formal Procedure*

In the event that a Reporting Individual does not wish to pursue the informal procedure described above, or in the event that the informal procedure does not produce a result satisfactory to a Reporting Individual, the following steps should be followed to report the harassment complaint:

i. A Reporting Individual who believes he or she has been subjected to harassment should promptly report the incident to their supervisor or the Chief Administrative Officer. When a report of harassment is made to an immediate supervisor, the immediate supervisor must immediately file, with the Chief Administrative Officer, a written report of the complaint, as he/she is responsible for overseeing harassment investigations.

ii. All complaints of harassment must be reduced to writing by either the Reporting Individual or the individuals designated above who are authorized to receive complaints. The written complaint is to contain a detailed record or account of the behavior found objectionable, and shall be signed by the Reporting Individual.

The prompt reporting of harassment complaints is strongly encouraged by the HCHC. While HCHC will investigate all complaints of harassment, the late reporting of complaints or information may affect the HCHC's ability to conduct a thorough investigation, and may thereby impair the HCHC's ability to take effective remedial action. Additionally, and while the HCHC has chosen not to impose a specific time frame in which to report harassment complaints, a Reporting Individual should be aware that applicable statutes of limitation may constrain the time for instituting outside legal action.

iii. An allegation of harassment brought to the attention of the Chief Administrative Officer will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. To the extent that the nature of the complaint and the investigation permits, only those involved in the investigation process, including the alleged harasser or any witnesses, may be informed of the alleged victim's identity or the nature of the complaint. It is possible, however, that information regarding the complaint and the investigation will be revealed during the course of legal proceedings.

Complaints will be initially investigated by the Chief Administrative Officer, unless the Executive Director determines another person should be the investigator. During an investigation, an investigator will ordinarily:

1. Confirm the name and position of the Reporting Individual;
2. Identify the alleged harasser;
3. Ascertain all facts in connection with the alleged harassment, by first interviewing the Reporting Individual and the alleged harasser;
4. Determine the frequency of the alleged harassment and the dates and locations where the alleged harassment occurred;
5. Determine the identity and names of witnesses observing the alleged harassment and, when the Reporting Individual and the alleged harasser present conflicting versions of the facts, interview all pertinent witnesses;
6. Determine how the Reporting Individual responded to the alleged harassment and determine what efforts, if any, of informal resolution of the matter were made;
7. Determine whether the Reporting Individual consulted anyone else about the alleged harassment, noting who else was advised of the alleged harassment and the response, if any, to

the disclosure;

8. Determine whether the Reporting Individual knows of or suspects that there are other individuals who may have been harassed by the alleged harasser;

9. Determine whether the Reporting Individual informed other employees of the situation and what response, if any, was received from other individuals;

10. Remind all persons of the HCHC's policy against retaliation for making a complaint of harassment;

11. Identify changes, if any, which occur in the workplace during the course of the investigation; and

12. Keep the Reporting Individual informed as to the status of the investigation.

iv. Unless another procedure is provided by law or determined to be appropriate by the Executive Director upon the facts and circumstances presented in a particular case, upon completing the investigation, the Chief Administrative Officer will report to the Executive Director. The Executive Director will review the investigation, make findings and determine the appropriate action to be taken. The Executive Director will communicate his/her findings and the intended actions to the Reporting Individual, except that a Reporting Individual may not be advised of the specific discipline, if any, to be imposed against an alleged harasser, and to the supervisor of the alleged harasser for action. The supervisor of the alleged harasser will communicate the Executive Director's findings and complaint resolution decision to the alleged harasser. If the Executive Director finds that harassment has occurred, the harasser will be subject to appropriate discipline, as listed below.

e. Discipline

Individuals found to have engaged in misconduct constituting harassment as defined by this policy shall be promptly disciplined. Appropriate sanctions will be determined by the Executive Director. In addressing incidents of harassment, the Commission's response, at a minimum, will include reprimanding the offender and preparing a written record. Additional action may include: referral to counseling, withholding of a promotion; demotion; reassignment; suspension without pay; suspension of leave accrual; or termination/discharge from employment.

f. Appeal to Chairperson.

If a Reporting Individual is dissatisfied with the conduct of an investigation, or if a Reporting Individual believes the complaint resolution decision has failed to alleviate the conditions or circumstances which gave rise to the complaint, the Reporting Individual has the right to appeal the complaint resolution decision. Likewise, if an alleged harasser or other person receiving discipline under this policy is dissatisfied with discipline imposed or specific actions taken as a result of the complaint resolution decision, such person has the right to appeal the discipline imposed or actions taken. The dissatisfied party, in either case, should submit written comments indicating the reasons for their dissatisfaction to the Chairperson of the Commission within fifteen days of receiving the complaint resolution decision of the Executive Director. The Chairperson will then review the dissatisfied party's appeal and the entire investigative record, and may, at the discretion of the Chairperson, grant a hearing. The



Chairperson will present written findings within thirty days of receiving the appeal or within thirty days of any hearing where a hearing is granted.

**9. Smoking Policy.**

The offices of the HCHC are designated as a non-smoking area. That designation covers the entire building, not just individual offices in all properties owned or leased by HCHC. Consequently, smoking is not allowed anywhere in the building, including common or public areas such as conference rooms, lunchrooms, hallways and rest rooms. Employees wishing to smoke on their lunch break or other breaks must leave the building. Smoking is not permitted in any vehicles owned or leased by the Commission.

**10. Dress Policy.**

Employees of the HCHC shall always dress in professional business attire in accordance with a dress policy established by the Executive Director. On occasion, the Executive Director may allow for a casual dress day. Employees who need to dress in other than business attire in order to complete a project or clean-up activity should be sure to have it approved by a supervisor.

**11. Solicitation.**

Non-employees may not come onto HCHC premises to solicit for any cause or to distribute materials or any kind for any purpose, except for commercial sales people calling on the HCHC for legitimate business purposes. Employees who see anyone violating this policy should notify a supervisor immediately.

The HCHC may designate an area for employees to post notices. Notices to be posted must be approved in advance by the Executive Director.

Employees may not solicit another employee for any purpose or distribute materials of any kind during working hours or on the HCHC premises except for that which is necessary to carry out their assigned duties. All participation in community campaigns such as the United Way, American Cancer Society, American Heart Association and other such agencies must be approved in advance by the Executive Director.

**12. Press and Media Relations.**

Contact with the press and other media representatives should be controlled. As a general rule only the Chair of the Board, the Executive Director, or the Community Relations Specialist will routinely talk with the news media to represent the official position of the Commission on issues.

From time to time, the Executive Director may delegate the responsibility to communicate with the media to another staff member.

No news release or any other communication may be sent to the news media without first being reviewed and approved by the Executive Director.

**13. Substance Abuse.**

It is the policy of the HCHC to foster a work environment free from the effects of illegal drugs, misuse of prescription drugs and or alcoholic beverages. Abuse of drugs and alcohol impair judgment which may result in safety risks, injuries and faulty decision making. Therefore, all employees are expected to report to work in a state of mind and physical condition so as not to affect their ability to perform their assigned duties. Possession, use, sale or transfer of illegal drugs or alcohol on HCHC premises is prohibited and will result in disciplinary action up to and including termination.

Any employee observing behavior that indicates possible intoxication shall notify the Chief Administrative Officer or Executive Director immediately. Employees who appear to be intoxicated during the normal work day will be dismissed from work and will not be paid for the remainder of that day. Following such an incident, the Chief Administrative Officer or Executive Director will counsel with the employee on the next workday and will determine if the employee may return to work. A second instance of intoxication will result in disciplinary action up to and including termination.

**14. Confidentiality and Proprietary Information.**

Disclosure of records of the Commission is governed by the Maryland Public Information Act and applicable federal law. General information including agendas and minutes of meetings of the Board of Directors, audited financial statements and other published documents will be made available to the public and the media. Because some information contained in the records of the Commission is confidential, employees receiving requests for information or records should forward the request to the Community Relations Specialist or Executive Director for response. The unapproved release or personal use of confidential information may result in discipline up to and including discharge.

**15. Ethics and Conflicts of Interest.**

Commission employees are subject to the provisions of the Howard County Public Ethics Law. In addition, employees are guided by the Commission's policy on program participation. Employees should contact the Chief Administrative Office or Executive Director for information.

**16. General Safety and Accident Reporting Procedures.**

The HCHC participates in the Howard County Risk Management Safety Program administered by the Office of Risk Management. The objective is to provide a safe and healthful work environment by eliminating unsafe conditions and/or unsafe acts thereby reducing the potential for physical injury to employees, the general public and damage to HCHC property.

Any work related incident which results in a personal injury or sickness to any employee must be immediately reported to the Chief Administrative Officer or Executive Director.

All vehicle or equipment accidents of potential liability, loss or damage will be reported in detail and in writing to the Executive Director or his designee regardless of the degree of severity. All contact with insurance carriers, including accident reporting, will be conducted by the Executive Director or his designee.

It is the direct responsibility of each employee to be vigilant to hazardous conditions, to report them immediately, take remedial action wherever possible and to behave in a manner that would not jeopardize the health, safety and general well-being of other employees or the public.

Employees who violate this policy are subject to disciplinary action up to and including termination.

**17. Violence in the Workplace**

Violence in the workplace is prohibited. During the course of their employment with the HCHC, no employee shall harass, threaten or commit any violent act against another person or employee. Employees shall not intentionally or maliciously damage or destroy the property of another person or employee. No person, employee or guest, may bring weapons of any kind onto HCHC property.

Any employee engaging in conduct prohibited by this policy shall be disciplined. Appropriate sanctions will be determined by the Executive Director and may include reprimand, demotion, suspension without pay or termination.

**18. Emergency Evacuation and Fire Prevention**

So long as the HCHC is housed in the Howard County office building in the Gateway Corporate Park, employees will be covered under the Fire Safety And Evacuation Plan Guidelines prepared by the Department of Fire & Rescue Services and adopted by Howard County Government. All employees of the Commission are given copies of the Plan and are expected to be familiar with it.

Employees will participate in all fire drills and other emergency procedures conducted for employees in the Gateway office building. Employees not participating will be reprimanded.

It is the responsibility of the employee to be familiar with this Plan and any subsequent change as distributed periodically by the Chief Administrative Officer .

**19. Employment Records.**

Personnel records are maintained by the Chief Administrative Officer.

Correct and accurate employment records are essential. Changes in personnel status must be accurate in order to calculate benefits; therefore, it is the responsibility of all employees to notify the Chief Administrative Officer promptly concerning any of the following:

- a. Change of address and/or phone number.
- b. Person to be notified other than the one originally specified in case of accident or other emergency.
- c. Legal change in name.
- d. Change in number of dependents.
- e. Change in beneficiary for benefits.

**20. Secondary Employment.**

Generally, Commission employees may engage in secondary employment provided it does not impair the work of the Commission or violate the County's Public Ethics Law. Employees may not:

- (1) Perform secondary employment activities while on Commission premises or during times when the employee is receiving pay for Commission work;
- (2) Use Commission property or information in connection with secondary employment;
- (3) Engage in outside activities that would violate the Howard County Public Ethics Law.

**21. Separation from Employment.**

Because employees of the Commission are employees "at-will," they have the right to terminate their employment relationship at any time, with or without reason, and the Commission has the right to terminate employees at any time, with or without reason. While the Commission may choose to terminate an employee for cause, cause is not required.

- a. The following list of actions or conduct, which is not intended to be exclusive or to limit in any fashion the Commission's ability to terminate an employee's employment with or without reason at any time, may result in the immediate imposition of discipline which may include termination, probation or suspension subject to discharge. A probation period may be as long as six months. Annual leave will accrue during a probation period but none may be taken during probation. An additional offense during probation may result in immediate termination.
1. Supplying false and/or misleading information as a means of obtaining employment or any falsification of documents or making false statements pertaining to HCHC business.
  2. Use of intoxicating liquor or drugs either during a work day, at a work-sponsored event, or off the job in such a way as to interfere with attendance at work or ability to work.
  3. Theft or willful damage to Commission property or the property of other employees.
  4. Possession of weapons on the job site.
  5. Failure or refusal to perform work as directed or willful neglect of duties.
  6. Immoral conduct or conduct that violates the common decency of fellow employees, the Commission or the community.
  7. Excessive tardiness or absence as determined by the Executive Director.
  8. Use of the Commission for personal advancement contrary to the goals of the Commission.
  9. Violating the privacy of the Commission or unauthorized use of any information gained in the performance of job duties.
  10. Unsatisfactory work performance.
  11. Workplace harassment or any harassing, threatening, intimidating or coercing of any other employees.

b. Other Discipline

Violations of Commission rules and standards, including its standards with respect to excellence of work and compatibility with supervision, may not warrant immediate action under paragraph a. above. Any such violation may be grounds for discipline, and repeated and cumulative violations may result in suspension and/or discharge.

c. Resignations

The Commission would like to have at least two weeks' notice in writing submitted to the Executive Director so that the proper arrangements can be made in the work schedules. This will insure the proper consideration of any application for re-employment and recommendation for future employment.

Employees who resign from the Commission will receive payment for unused annual leave, provided they give the Commission at least two weeks written notice of resignation.

d. Separation Procedures

Upon separation from employment, the employee will be notified verbally by his/her immediate supervisor and in writing by the Executive Director. Except for those dismissed for reasons of misconduct, employees receive two weeks' notice or, at the discretion of the Executive Director, two week's pay in lieu of notice.

Upon notice of separation, the employee must surrender all Commission property issued to the employee, including keys, identification and access cards, and procurement cards, to the Chief Administrative Officer. In addition, the employee must repay and all sums due to the Commissions and, if applicable, prepare and file all financial disclosure statements required under the Howard County Public Ethics Law. Failure to fulfill these requirements within 5 business days after the employee's last day of employment may result in the Commission withholding or offsetting the Commission's costs and expenses resulting from such failure from any wages or other amounts due to the employee.

**22. Problem Resolution.**

Every attempt is made to provide a safe workplace conducive to productive employee activity. An organizational structure has been created to provide a logical and understandable chain of management authority. Employees are required to respect the individuality of other employees.

Where there are problems or conflicts between employees of the HCHC, the Executive Director shall intervene and provide guidance toward resolution. Employees who wish to appeal decisions of the Executive Director may make a written request to the Chair of the Board of Commissioners (the Executive Director must be notified of such an appeal). Upon receipt of a written appeal, the Chair may, at the Chair's sole discretion, convene a meeting of the

Commission. The Commission will review the facts involved and, in consultation with the Executive Director, make a final recommendation to the Executive Director, who will decide the appeal. The ruling of the Executive Director is final.

**23. Amendments.**

Changes or amendments to the Commission's personnel policies and procedures may be made at any time by the Executive Director subject to the approval of the Board of Directors. All changes will be in writing and given to each employee.

ADOPTED BY BOARD OF COMMISSIONERS: April 19, 2016  
APPROVED BY RESOLUTION OF THE HOWARD COUNTY COUNCIL: \_\_\_\_\_

**EMPLOYEE CERTIFICATION AND VERIFICATION OF UNDERSTANDING  
POLICIES AND PROCEDURES  
THE HOWARD COUNTY HOUSING COMMISSION**

I verify that I have received and reviewed the policies and procedures of the Howard County Housing Commission and that I understand their content and meaning and my responsibilities as an employee to abide by these statements or be subject to discipline.

EMPLOYEE SIGNATURE \_\_\_\_\_ DATE \_\_\_ / \_\_\_ / \_\_\_

SUPERVISORS SIGNATURE \_\_\_\_\_ DATE \_\_\_ / \_\_\_ / \_\_\_






# Howard County

## Internal Memorandum

**Subject:** Testimony – CR 54-2016 – Housing Commission Personnel Procedures

**To:** Lonnie R. Robbins, Chief Administrative Officer

**From:** Thomas P. Carbo, Director   
Housing and Community Development

**Date:** May 5, 2016

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Council Resolution 54-2016 approves personnel policies and procedures for the Howard County Housing Commission. The proposed policies and procedures were adopted by the Commissioners on April 19, 2016. Section 13.1317 of the Howard County Code requires approval of the County Council and County Executive.

### Background

Although the Howard County Housing Commission, the County's public housing authority, has always retained the authority to hire its own staff, it has historically used County employees to perform its functions and has reimbursed the County for those services. As the Commission's portfolio and programs have grown in both size and complexity, however, the Commissioners have determined that, for several reasons, it is in its best interest to hire staff directly. Among those reasons, the Commission believes that separate staffing will:

- (a) Avoid the potential for conflict of interest that may arise when the County and Commission are involved in the same transaction;
- (b) Alleviate public confusion and misperceptions about the nature and role of the Commission *vis a vis* the County; and
- (c) Provide greater flexibility in hiring, compensation, and separation of employees, thereby allowing it to better compete with the private sector to recruit and retain specialized personnel.

The Commission's proposed Personnel Policies and Procedures are modeled after a combination of the Economic Development Authority's personnel procedures and the County's Employee Manual. Key provisions include:

- All current employees of the Department of Housing and Community Development whose positions with the County will be eliminated will be offered comparable positions with the Commission beginning July 1, 2016 at the same or greater salary.
- Pursuant to CB 12-2016, all employees will be eligible to participate in the Howard County Retirement System.

- Subject to an agreement with the County, all full-time employees will be able to participate in the County's health care coverage and other benefits, including life insurance and long-term disability.
- Employees will receive paid leave for County holidays plus the days between Christmas and New Year's Day.
- Current employees may carry over annual and sick leave. All employees earn annual and sick leave at the current County rate.
- With approval of the Executive Director, employees may work flexible work schedules and telecommute.
- The Board of Commissioners will establish a pay plan as part of the Commission's annual budget process. The budget may include bonuses based on performance evaluations.
- Employees will be considered "at-will," i.e., they may be terminated with or without cause.
- Employees may appeal decisions of the Executive Director to the Chair of the Board of Commissioners.

In sum, the proposed Personnel Policies and Procedures will provide Commission employees many of the same benefits as they currently enjoy, while allowing for a more efficient personnel system. As a developer and property management business, the Commission needs to be nimble enough to recruit and retain specialized staff to enable it to compete in the real estate market. These policies and procedures will allow it to fill positions quicker with greater flexibility to promote and reward strong performance.

#### Fiscal Impact

The resolution will have no fiscal impact.

The Howard County Department of Housing and Community Development recommends approval of the Resolution.

cc: Allan H. Kittleman, County Executive  
B. Diane Wilson, Chief of Staff  
Jennifer Sager, Legislative Coordinator