

PERSONNEL POLICY

Adopted August 27, 2015

NORTH ANDOVER HOUSING AUTHORITY
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North Andover, MA 01845

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Introduction

The personnel policy of the North Andover Housing Authority (NAHA) has been adopted through majority vote of the Board of the NAHA. This policy is intended to govern the employment of all employees and where applicable sets standards for Board members of the Housing Authority. This policy may be amended from time to time by majority vote of the Board or as a result of changes in relevant laws and regulations. The Executive Director is responsible for providing written communication informing each employee of any changes or amendments to this policy which supersede provisions previously in effect.

This policy is not intended to serve as a contract of employment or as a guarantee of continued employment for any employee.

About the Authority

The NAHA is a public body politic and corporate, which exists for the purpose of providing decent, safe, sanitary, and affordable housing for families, elderly, and handicapped persons of low income. MGL. c. 121B, §5 provides that the NAHA is governed by a five member Board, all of whom serve five-year terms. Four of the Board members are elected in the town elections of North Andover. The fifth Board member is appointed by the Massachusetts Department of Housing and Community Development (State Appointee). Every member, unless sooner removed, shall serve until the qualification of his/her successor. (MGL c. 121B, §5). At the annual meeting of the Authority, the Board elects officers to serve for the following year.

To provide for transparency and fairness, the Board has established the following governing principles.

Section 1. Governing Principles

A. Merit

The NAHA seeks employees of the highest caliber, striving to fill each position with the most competent person available. The NAHA places employees where their talents and abilities can be most effectively used and developed, insofar as NAHA requirements and job opportunities permit. The employment of personnel and all actions affecting employees shall be based on merit, ability and equity.

B. Non-Discrimination

1. Equal Opportunity Employment

The NAHA is an equal opportunity employer and selects employees based on ability and experience. There shall be no discrimination against employees or applicants for employment because of race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, disability, marital status, veteran status, membership in the armed forces, presence of children, or political beliefs consistent with DHCD regulation 760 CMR 4.03(1)(d), and with the principles embodied in Title 6 of the United States Civil Rights Act of 1964 and all applicable state and federal laws. The NAHA shall not discriminate against individuals with disabilities seeking employment and shall make reasonable accommodation to such qualified individuals.

2. Affirmative Action

The NAHA takes affirmative steps to recruit, hire and promote minorities, women, individuals with disabilities and veterans of the Vietnam era while assuring adherence to non-discriminatory practices consistent with DHCD regulation 760 CMR 4.07 or successor provision(s).

3. Tenant Participation

All job opportunities shall be conspicuously posted at the NAHA administration office and maintenance shop and notification sent to all tenant organization leaders. Preference shall be given to qualified tenants in hiring, consistent with equal employment opportunity practices and DHCD regulation 760 CMR 4.07.

C. Work Environment

1. Safety and Health

Employees shall be provided safe, sanitary and healthful working conditions. NAHA carries all appropriate and necessary insurance including workers' compensation insurance for its employees while properly conducting NAHA directed duties.

Any accident or injury sustained during working hours must be immediately reported by the employee to the Executive Director. An affected employee will file a written report of injury as soon as possible after the incident.

The employee must provide a doctor's note to the NAHA specifying the length of time he/she is expected to be out of work. Upon a return to work following an absence due to an accident or injury while working, the employee will be required to provide a physician's statement that he/she is capable of returning to work. During the employee's absence from work under a workers' compensation claim, the NAHA, and/or its insurer, reserves the right to request periodic medical information from the employee, or if represented, his/her attorney and/or his/her physician(s).

While out of work on a worker's compensation claim, the employee shall not accrue benefits including, but not limited to, vacation, sick, personal and holiday leave. Once workers' compensation benefits commence being paid, the employee shall be entitled to use any unused accrued leave time to provide for the difference of workers compensation payments and the employee's regular weekly wages.

The NAHA shall not be responsible for the payment of the employee's cost share of benefit premiums such as medical or life insurance or employee elected contributions to plans such as deferred compensation and credit unions during the time the employee is out on leave. If the employee is not receiving any payment for unused accumulated leave time from the NAHA, the employee is responsible for the direct payment of his/her cost share of benefit premiums.

2. Sexual Harassment

The sexual harassment of any employee of the NAHA, whether engaged by supervisors, coworkers, colleagues or Board members is contrary to the policy of providing a safe, secure and professional work environment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which either becomes a condition of employment or otherwise interferes with the work environment. The NAHA has a separate sexual harassment policy which is consistent with the Massachusetts Commission Against Discrimination's (MCAD) model policy. The NAHA policy is distributed annually to all employees.

3. Drug-Free Workplace

As the NAHA maintains a Drug-Free Workplace consistent with federal requirements, new hires will be required to sign a form agreeing to support and participate in a drug-free work environment. Immediate supervisors are responsible for rendering the probationary evaluation.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on any premises of or in any vehicle owned by the NAHA or while performing NAHA business. Appropriate disciplinary action, which may include termination, will be taken against any NAHA employee for violations of this prohibition.

4. Non-Smoking Work Environment

NAHA provides a non-smoking work environment. Employee smoking is prohibited on and in NAHA owned property except in designated areas. Specifically, prohibited areas include: offices, community rooms, common areas within a building, apartments and NAHA owned vehicles.

Section 2. Standards of Conduct

A. Code of Conduct

Board members, employees and professional consultants employed by the NAHA are considered to be public officials or employees. As such, each is subject to standards specified in MGL c. 268A and DHCD regulation 760 CMR 4.04 which prohibit improper conduct by public officials and employees. Both the statute and the regulation also prohibit conduct which appears to be improper.

B. Privacy and Confidentiality

All employees, Board members and agents must exercise the utmost discretion in regard to all matters of NAHA business. Information collected and maintained shall be limited to that which is required by the program. The NAHA will only permit those employees whose duties require access to have access to personal data. The NAHA will strictly limit Board member access to personal data concerning an applicant, tenant or employee to situations where there is a need for access in order for the Board to conduct business properly. Consistent with MGL c. 66A and DHCD regulation 760 CMR 8.00, personal data is protected and all employees, members and agents of the NAHA are prohibited from disclosing any individuals' personal data.

C. Restrictions on Outside Employment

Pursuant to MGL c. 268A, the Conflict of Interest Law prohibits a housing authority employee from employment by the municipality or by any person or business having a contract with the NAHA. All employees are prohibited from engaging in or accepting employment from tenants, landlords and others doing business with the NAHA. In certain circumstances, outside employment is further prohibited.

No NAHA Board member or employee, or any member of his/her immediate family, (whether on his/her own behalf, or on behalf of another person or entity) shall request, solicit, receive or accept any cash, gift or compensation in any amount from any NAHA tenant or any person or other entity who or which does or may reasonably be expected to do business with the NAHA. No NAHA employee may receive compensation (other than from the NAHA) for goods or services provided to a tenant whether or not such goods or services are provided during working hours or on NAHA property.

D. Nepotism

No member of the immediate family of a Board member or of an administrative or supervisory employee shall be eligible for employment in any capacity at the NAHA without prior written approval of DHCD. The Department may, at its discretion, approve employment of such immediate family member provided that there has been compliance with all pertinent hiring standards and procedures, the individual is qualified for the position, and the appointment has

not been influenced by any consideration other than merit. No NAHA employee shall supervise a member of his/her immediate family. "Immediate family" is defined as the employee's spouse, his/her children, parents, grandparents, grandchildren, brothers and sisters, including in-laws. All such relationships will be disclosed and reported annually to DHCD as part of the NAHA's annual operating budget certification as consistent with 760 CMR 4.04.

E. Political Participation

The political activities of NAHA employees are subject to specific prohibitions under the Federal Hatch Act (5 USC §§1501-1508) and pursuant to MGL c. 268A, the state Conflict of Interest Law and other prohibitions consistent with MGL c. 55, §§13-17 and MGL c. 56, §§34-36. These prohibitions continue to be in effect if an employee is on leave of absence. NAHA employees are also prohibited from advancing their candidacy or the candidacy of others during work hours or while on NAHA premises. While at work or on NAHA premises, employees are also prohibited from soliciting campaign contributions or displaying any visible demonstrations of support for any candidate. Although employees are free to express their political opinions, they may not imply or appear to imply that this represents the opinion of the NAHA as consistent with 760 CMR 4.04.

In addition to any restrictions on political activity imposed by federal law, no NAHA Board member or employee shall solicit or receive campaign contributions, or conduct political activities during work hours, on NAHA property or by use of NAHA resources, or shall improperly use his/her official position to coerce or influence others in political campaigns.

Employees will be given a copy of the *Hatch Act and Political Activities Statement*. Violation of the Hatch Act or MGL c. 268A may result in disciplinary action, up to and including removal.

F. Public Relations

To insure the accuracy and continuity of information, the Executive Director, or his/her designee, shall act as the official spokesperson of the NAHA. Otherwise, no other employee or member in his/her role may represent the NAHA. All employees and members of the NAHA shall refer any press or public inquiries concerning NAHA activities to the official spokesperson.

Section 3. General Employment Information

A. Authority to Effect Personnel Action

The final authority to appoint and promote personnel is vested in the Executive Director. The authority to suspend, separate or demote any employee will be vested in the Executive Director subject to review and approval of the Board of Commissioners.

B. Pre-Employment Screening

The purpose of the pre-employment screening policy is to establish fair, uniform and consistent pre-employment screening procedures. Once a preliminary employment decision has been made, but before an offer of employment is extended, items of the application and resume will be verified. These include prior employment references, education, personal references and an individual's criminal record consistent with MGL c. 151B, §4 and DHCD regulation 760 CMR 4.05. Applicants for positions that require a valid driver's license will also be subject to a check of their driving records with the Registry of Motor Vehicles. Applicants must be 18 years of age or older, except in certain temporary seasonal jobs, for which the minimum age requirement is 16.

Prospective maintenance employees shall be sent for a physical examination only after a conditional job offer has been made. The purpose of the physical examination is to determine whether the individual can perform the essential functions of the job, with reasonable accommodation, if necessary. This will be performed by a physician selected by the NAHA at the NAHA's expense.

As the NAHA maintains a Drug-Free Workplace consistent with federal requirements, new hires will be required to sign a form agreeing to support and participate in a drug-free environment.

C. Probationary Period

Newly hired employees will be in a probationary period until they have completed 3 months of continuous employment with the NAHA. During this period, the employee's performance will be reviewed by his/her supervisor to ensure that his/her level of performance is consistent with the standards and expectations of the NAHA. The Executive Director may extend the probationary period for a period of up to 3 months if the evaluation of the employee is unsatisfactory. Failure to meet these standards and expectations can result in the termination of employment during the probationary period or extension thereof without recourse.

D. Full-Time Employees

The regular work week for full-time employees shall consist of 37½ hours for administrative personnel and 40 hours for maintenance personnel. Full-time employees are entitled to benefits as provided by the NAHA, allowed by law and governed by applicable regulations.

E. Part-Time Employees

Part-time employees are administrative staff who are regularly scheduled to work less than 37½ hours per week and maintenance staff who are regularly scheduled to work less than 40 hours per week. Part-time administrative employees who are regularly scheduled to work at least 18¾ hours per week and maintenance staff who are regularly scheduled to work at least 20 hours per week are eligible to receive health benefits.

F. Seasonal and "As Needed" Workers

Some individuals perform work for the NAHA on a limited "as needed" or a seasonal basis. The Executive Director may employ these individuals as necessary to properly perform NAHA business. Seasonal and "as needed" workers serve at the will of the NAHA and are not entitled to any benefits.

G. Regular Work Hours/Reporting to Work

The work week of the NAHA begins at 12:00 a.m. Monday and ends at 11:59 p.m. Sunday. The daily hours of operation for administrative employees are 8:00 a.m. to 4:15 p.m. Monday through Thursday, and 8:00 a.m. to 12:30 p.m. on Friday. The maintenance staff's hours are 7:00 a.m. to 3:00 p.m., Monday through Friday. Any deviation from these hours must be approved in advance by the Executive Director.

Dependable attendance and punctuality are expected of all employees. Employees reporting to work late are expected to notify the Executive Director and may be subject to a reduction of wages in increments of not less than 15 minutes and/or disciplinary action.

H. Overtime Hours

The *Fair Labor Standards Act* requires that employees in certain categories of jobs receive overtime pay at time and 1/2 of their regular rates of pay for all hours worked over 40 hours in a work week. In determining weekly overtime earned, time off is not counted as time worked. Time off includes vacation days, sick days, personal days, holidays, bereavement, jury duty and other leaves of absence.

Overtime work shall be avoided as much as possible, but may be required by the Executive Director in the interest of efficient operation. All overtime must be approved in advance by the Executive Director or his/her designee.

I. On-Call Hours

Maintenance employees are required to be on-call outside of regular working hours to provide emergency services 24 hours a day. The on-call employee is not required to be at the work-site and is free to use his/her time for his/her own purposes. However, the on-call employee must be able to effectively respond to the site of an emergency situation within 30 minutes of being contacted and be capable of performing the duties required to abate the emergency situation. He/she will be paid a weekly stipend of 3 overtime hours at the individual's rate of pay for carrying the pager/cell phone. If the employee is paged/called and he/she must perform the work, the employee will be paid for the hours worked, including time traveled to and from the site, but not less than 1 hour at over-time rate of the employee's rate of pay.

The maintenance staff must refer to the NAHA definition of emergencies prior to responding to a maintenance on-call work order.

The Maintenance Foreman will evenly distribute on-call time among the staff. Maintenance staff required to standby on holidays will be granted a compensatory work day off, which will be scheduled with and approved by the Maintenance Foreman.

The compensatory day off must be taken off prior to taking a vacation day or a personal day.

J. Compensatory Time

Compensatory time for administrative staff will be avoided as much as possible, but may be required in the interest of efficient operation.

All compensatory time must be pre-approved by the Executive Director.

Maintenance staff required to stand-by on holidays will be granted a compensatory work day off, which will be scheduled with and approved by the Maintenance Supervisor or Executive Director.

K. General Pay Information

The NAHA is required to make payroll deductions in accordance with federal and state tax, Social Security and retirement laws. Employees are required to complete the necessary forms to facilitate these deductions. In addition, employees may authorize in writing other voluntary payroll deductions offered by the NAHA. Full-time and qualified part-time employees may elect to have a portion of their salary withheld for supplemental retirement benefits under the Massachusetts Deferred Compensation Smart Plan (an IRC 457 plan). Employee contributions are deposited in the investment options selected by the participant. Information regarding deferred compensation is provided to all new employees upon the onset of employment, and thereafter upon request.

All NAHA employees are paid weekly. Paychecks or notification of deposit are issued for the weekly pay period ending on Sunday of the previous week for all regularly scheduled and overtime work hours. Completed time cards for the prior week must be submitted by 9:00 a.m. on Monday by the maintenance staff and by noon on Friday for the administrative staff. All employees are paid on Wednesdays. If payday falls on a holiday, direct deposits will be posted by the institution of your designated account either on the preceding day, day of or day after the holiday according to the institution policy.

L. Personnel Records

A record is maintained for all employees. This record is kept in a locked, secure location with access limited to the Executive Director and those whose duties require them to have access to personal data. It contains the employee's application for employment, resume, all pertinent educational records, required income tax forms, benefit election forms, formal performance evaluations, formal disciplinary action documentation and any other pertinent information. Within 5 business days of receipt of a written request, an employee and/or the employee's duly authorized representative shall have access to, as well as the right to inspect, any personal data concerning him/her unless prohibited by law or judicial order. Such review of the employee's personnel record shall be during normal business hours unless otherwise authorized by the Executive Director. Such review shall take place in the presence of the Executive Director or his/her designee. An employee may also make a written request for a copy of his/her personnel record. Such requests will be honored within 5 business days of receipt as pursuant with MGL c. 149, §52C.

In response to a valid request to verify employment for business reference or credit purpose, the NAHA will release, without approval, only dates of employment and most recent position title. Upon written approval, the NAHA will release, in addition to the above, current or final salary and the last five-year job chronologically.

M. Personal Appearance and Dress Code

All employees are expected to maintain a clean, neat and well groomed appearance at all times during working hours. Employees are treated as professionals and expected to dress appropriately. As a general guideline, all administrative employees are expected to wear standard business attire and dress in a manner that reflects a professional attitude and image during working hours. Examples of standard business attire include, but are not limited to suits, dresses, skirts, dress slacks or trousers with appropriate blazers, shirts, sweater or blouses. Examples of inappropriate attire include, but are not limited to overalls, short shorts and cutoffs, shirts with slogans, ill-fitting or revealing clothing, tee shirts, halter/tank/tube tops, sweatshirts, sweatpants and beach shoes.

To ensure a timely response to emergency maintenance calls, employees may return to NAHA in clothing other than their uniform, but are expected to wear suitable protective clothing and necessary safety items.

The NAHA provides its maintenance staff with 5 shirts, 2 pants and 2 sweatshirts annually. The NAHA also provides up to \$100 each year toward the purchase of a proper pair of work boots and \$125.00 toward the purchase of work pants. Employees will purchase their own work boots and pants and then submit a purchase receipt to the NAHA.

Employees are responsible for the care and maintenance of the uniforms and outerwear and must wear the actual clothing that they presented a receipt for reimbursement for. NAHA uniforms and outerwear are only to be used while performing a work related activity for the NAHA. If an employee misuses their uniform or outerwear and fails to maintain said items in

good, clean condition, he/she will be required to replace these items at their own expense. Failure for a maintenance worker to present himself/herself for work in a clean and acceptable uniform can lead to loss of the clothing allowance and possible disciplinary actions.

Employees who do not report to work in appropriate attire may be dismissed from work by the Executive Director or his/her designee with forfeiture of pay until such employee reports back to work in appropriate attire.

Business casual wear for the administrative staff may be allowed for Fridays or office clean up days as designated by the Executive Director.

N. Use of Authority Vehicles and Property

All employees are expected to use NAHA equipment and property to conduct official NAHA business only. NAHA equipment and facilities are not intended for personal use as consistent with DHCD regulation 760 CMR 4.04 (2)(i).

Employees who operate NAHA vehicles must be properly licensed for the vehicle, and must provide proof of a valid license to the Executive Director periodically. NAHA vehicles shall be parked on a designated NAHA property after normal business hours. Employees involved in a motor vehicle accident in which the NAHA's vehicle is involved shall immediately report the accident to his/her supervisor. Operators shall not transport any passenger(s) other than those traveling on official business, unless otherwise approved by the Executive Director.

O. Electronic Systems/Internet Use

1. Internet Use

The NAHA provides internet access as an additional tool to enable employees to perform their jobs. It is expected that employees will use the internet to improve their job knowledge, to access technical and other information on topics which have relevance to the NAHA and to communicate with their peers in other government agencies and in the private sector for the purpose of conducting NAHA business.

Internet users should apply the same reasonable and appropriate standards of care in using the internet as they would the telephone. Users should be aware that when access is accomplished and they are using addresses and/or domain names registered to the NAHA, they may be perceived by others to be representing the NAHA. Users are not to use the internet for any purpose which could reflect negatively on the NAHA or its employees. NAHA computer systems are for job-related responsibilities and are not provided for personal use. Employees are specifically prohibited from:

- a. Accessing, retrieving or printing text and/or graphics that exceed the bounds of accepted standards of good taste, or could constitute a violation of the NAHA's sexual harassment policy.
- b. Engaging in unlawful activities or any other activities which could discredit the NAHA.
- c. Engaging in personal or commercial activities on the internet, including offering services or merchandise for sale and/or purchasing services or merchandise on-line.
- d. Engaging in any activity which could compromise the security of the NAHA's computer system.
- e. Accessing the NAHA's computer system or e-mail system remotely unless authorized by the Executive Director.

Employees who access the internet are subject to having their activities monitored by electronic and manual system security means. Using the NAHA's computers to access the internet constitutes consent to such monitoring and an acknowledgment that such activities are not private. Also, employees should be aware that all e-mails created or received by an employee of a governmental entity are public records and subject to the requirements of the Public Records Law as defined in MGL c. 4, §7, clause 26.

2. Personal Electronic Devices

The use of personal electronic devices, such as cell phones, Blackberries and/or iPhones for personal communications, including text messaging, should be limited in the workplace during business hours. If it is determined that an employee is using work time in excess to make personal calls, the employee is subject to progressive discipline.

P. Performance Evaluation

A performance evaluation is the review and rating of all factors relevant to an employee's effectiveness on the job. It involves observation, guidance, training and open communication between the employee and supervisor. For it to be of significant benefit to both the individual employee and the employer, it should be a continuous process.

A performance evaluation should be seen primarily as a development tool. Its purpose is to assess an employee's job related strengths and weaknesses and to develop his/her competence to the fullest. In a correctly executed evaluation, the supervisor and the employee work together to find the means by which the employee's abilities can be strengthened and directed.

The employee and his/her supervisor will meet annually to set goals and objectives and review past performance appraisals and past goals and objectives. Evaluations shall become a part of the employee's personnel record and shall be considered in effecting personnel actions. An employee shall be given an opportunity to provide written response or comment to his/her

performance evaluation. Any employee's written responses or comments to his/her performance evaluation shall become part of his/her personnel record.

Q. Progressive Discipline

The employees of the NAHA are expected to conduct themselves in a professional, courteous and helpful manner while adhering to high standards of productivity. Individuals may be disciplined for actions not in accordance with conduct expected of NAHA employees. Progressively more severe penalties may be imposed on an employee each time any given offense is repeated. Upon employment all employees will be given a copy of the Authority's Progressive Discipline Policy.

The Progressive Discipline Policy indicates how behavior that is considered unacceptable for the professional performance of duties as an employee of the NAHA will be managed.

R. Grievance Procedure

Employees shall have the right to present grievances. Any employee who is grieved by an action taken by a tenant, a fellow employee, a supervisor, the Executive Director or a Board member must submit the grievance in writing to the Executive Director. The Director shall receive and act promptly on the complaint. If the employee is not satisfied with the Executive Director's decision, he/she may appeal it to the NAHA Board who will act on it at the next scheduled meeting or within a reasonable amount of time.

S. Travel

In order to perform the duties and responsibilities of the position, employees and Board members may be required to travel. All such travel shall be approved by the Executive Director and may require the use of other than NAHA owned vehicles. Each trip to a destination outside of the NAHA's jurisdiction shall specifically have prior authorization. Attendance at conferences, conventions and meetings shall be limited to the number of persons necessary to cover the meetings adequately.

Compensation for necessary travel shall be limited to the least expensive means of transportation and necessary allowable expenses and shall be paid by the NAHA. Allowable expenses may include taxi fares, parking, tolls, telephone calls, electronic communications, and meals, as defined below and similar items necessarily incidental to the performance of official business. Where it has been determined that travel by private car is more advantageous to the NAHA, compensation shall be made at the rate established by DHCD. In addition, employees who are authorized to use their own motor vehicles in the course of the performance of their regular job duties are also entitled to compensation at DHCD's established rate. Travelers are expected to exercise good judgment and a proper regard for economy when incurring travel expenses.

An employee will not be reimbursed for travel from his/her home to his/her primary work site. Whenever automobile travel is involved, signed records of car expenditures and mileage or in the case of a privately owned automobile, of mileage only from the starting point to the end point, shall be submitted and approved before payment. However, if an employee does not go to the office prior to or returning from traveling on NAHA business, they shall only be paid for the shortest distance traveled to the site whether it be from the home or office for the first and last trip of the workday. Compensation rates will not exceed 100% of the mileage between the trip start and end points as computed by Mapquest, GoogleMaps, or other similar Web-based services. Travel compensation requests for mileage must be submitted within 30 days of the travel. Furthermore, if 2 or more persons travel in the same automobile, only 1 of these persons shall be reimbursed for mileage or for car expenditures.

Employees shall be compensated for the reasonable cost of meals and gratuities when on travel assignment for the NAHA. Such meal costs while on travel for state-aided housing programs are not to exceed amounts approved by DHCD and outlined in the budget guidelines.

Compensation shall be made upon submission of receipts to the Executive Director. Compensation for alcoholic beverages, entertainments, personal services and conveniences and incidental food and beverages is not permitted.

Section 4. Reassignment

A. Transfers

Internal reassignment of personnel may be necessary due to operational reorganization as a result of funding implications or other program changes to achieve efficient operations. When this occurs, employees will be transferred within the authority, to the extent that it is possible to a position where their highest skill levels will be utilized. In effecting reassignments every effort shall be made to avoid reductions in hours and/or compensation.

B. Promotion

Employees who expressed an interest in a vacated or newly-created position will be considered. Due regard shall be given to the capability and initiative demonstrated by the employee's past performance, any special training or education which the employee has completed, the employee's ability to effectively work with supervisors, co-workers and NAHA clients, seniority and the specific qualifications for the position. An employee requesting a promotion must understand that his/her former job will be filled as soon as possible. If the employee is dissatisfied or unable to perform appropriately in the new position, the possibility of returning to the former position may no longer exist.

C. Demotions

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

- The employee’s position has been either abolished or changed.
- The employee has been found unsuited for his/her position but may be expected to give satisfactory service in a lower paying position.

D. Termination of Employment

1. Voluntary Termination

Voluntary termination is at the employee’s discretion. A written letter of resignation setting forth the reasons for the resignation shall be submitted to the Executive Director at least 2 weeks in advance of the intended date of termination of employment.

2. Reduction in Force

If it becomes necessary to reduce personnel, the selection of the employees to be retained will be based on the necessity of the job position and the effectiveness of the employee’s performance of the job. Other things being equal, length of service shall be given consideration. At least 2 weeks advance notice prior to a layoff shall be given. Tenured employees will be laid off in accordance with MGL c. 31, §§41-45.

3. Involuntary Termination

Employees, other than the Executive Director, may be discharged for failure to successfully complete their probationary periods and for reasons of unsatisfactory performance, disciplinary problems or other reasons. The termination date in these instances is determined by the Executive Director. Employees who have 5 or more years of uninterrupted employment with the NAHA will be discharged in accordance with MGL c. 31, §§41-45.

Section 5. Benefits

A. Holidays

The following holidays shall be observed:

New Year’s Day	Labor Day
Martin Luther King Day	Columbus Day
President’s Day	Veteran’s Day
Patriot’s Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving Day
Independence Day	Christmas Day

And any other day that may be declared a holiday by the Governor of the Commonwealth, the General Court or the municipality.

All holidays shall be taken on the day in which they fall. If the holiday falls on a Saturday, it shall be taken on the Friday prior. If the holiday falls on a Sunday, it shall be taken on the Monday following.

Full-time employees will be paid for holiday time off. Part-time employees shall be paid at 24% of their weekly hours worked. This rate is based on a 25 hour work week.

Any maintenance employee required to work on a holiday will be compensated at 1½ rate for the hours worked in lieu of the observed holiday.

All employees must work the day before and the day after the holiday or be in a paid leave status in order to receive pay for the holiday.

If a holiday occurs during a period when an employee is on an authorized leave, the employee's leave time shall be adjusted to reflect holiday leave as applicable.

B. Vacation Leave

Full-time employees shall earn vacation leave as follows:

- 15 days accrued vacation time for the first 5 years of uninterrupted service.
- 20 days accrued vacation time after 5 years of uninterrupted service.
- 25 days accrued vacation time after 10 years of uninterrupted service.

Part-time employees shall earn vacation leave as follows:

- 3 weeks of accrued vacation time, based on the total amount of weekly hours worked, for the first 5 years of uninterrupted service
- 4 weeks of accrued vacation time, based on the total amount of weekly hours worked, after 5 years of uninterrupted service.
- 5 weeks of accrued vacation time, based on the total amount of weekly hours worked, after 10 years of uninterrupted service.

Vacation time may not be taken prior to the successful completion of the employee's probationary period.

Written requests on the NAHA vacation request form for use of accrued vacation shall be subject to the prior approval with reasonable notice to the Executive Director or his/her designee. The Authority reserves the right to request that an employee resubmit their request with a different leave period indicated if prior approved requests from other employees reduce staff availability below the minimum staff complement required to provide adequate services to the Authority's clientele. The Executive Director is the sole determiner as to what is the minimum acceptable staff complement.

Employees may carry over unused paid vacation leave; however, accrued vacation leave may not exceed 25 days during any given year. Once an employee reaches an accrual of 25 days they will not accrue addition vacation until the employee uses vacation time and falls below the 25 days.

Upon termination of employment, the employee shall receive payment for unused accrued vacation hours. If termination is caused by death, such payment shall be made to the employee's legal beneficiary.

C. Sick Leave

Full-time employees shall accrue sick leave at the rate of 1¼ days per month. Part-time employees shall accrue sick leave at the rate of .667 days per month worked. This rate is based on a 25 hour work week.

A doctor's statement may be required upon the employee's return for an absence of 3 consecutive work days or in the event the NAHA has identified an apparent abuse of sick leave. The employee's failure to provide such documentation may be considered just cause for disciplinary action. Sick leave shall be granted for a sickness or injury of the employee or immediate family.

Intent to be out of work on sick leave must be reported by the employee directly to the Maintenance Supervisor for Maintenance staff or to the Executive Director no later than 8:00 a.m. for Administrative staff and 7:00 AM for Maintenance staff on the day of the absenteeism. Problem absenteeism will be addressed through disciplinary action.

Sick leave can be used on an hourly basis. For instance, an employee who leaves work during the work day or arrives late because of illness or the need to attend to an ill family member will only be charged for the time away from work. It is the responsibility of the employee to document the time of their arrival or departure in writing immediately upon their return to the workplace during working hours.

Sick leave includes absence due to an illness or injury to a member of the employee's immediate family, or other medical emergencies involving the immediate family. The word "immediate" as used above is to include the employee's mother, father, brother, sister, dependents (children, step-children, foster children), grandchildren, spouse, grandparents, mother-in-law and father-in-law.

For employees who retire after 10 years of service, up to 20 days, if available, of unused sick leave will be paid.

For employees who retire after 20 years of service, up to 40 days of unused sick leave will be paid, if available, plus one additional week for each year of service after 20, up to a maximum of 12 weeks. Under no circumstances will any person be paid more sick time than they have accrued.

Upon retirement or upon death of an employee who dies while in the employ of NAHA, a lump sum payment equal to the value of the amount of time that the employee would have received

upon termination. In the event of termination due to death, such payment shall be paid in the following order of precedence:

1. to the surviving beneficiary or beneficiaries, if any, lawfully designated by the employee under employees' retirement system; and
2. if there is no such designated beneficiary, to the estate of the deceased. It is understood that any such payment will not change the employee's pension benefit.

Otherwise, an employee whose service with the NAHA is terminated shall not be entitled to any compensation in lieu of his/her accumulated unused sick leave.

D. Personal Leave

On January 1st of each year, full-time employees shall be granted 2 personal days to be used throughout the year. Part-time employees working a minimum of 25 hours shall be granted 1 personal day to be used throughout the year. Personal days are granted on a pro-rated basis in the first year of employment.

Personal time cannot be carried over to the next year. Use of personal leave shall be subject to the prior approval with reasonable notice to the Executive Director.

Vacation time, sick time or personal time must be used to attend to personal matters during regular working hours.

E. Military Leave

An employee, who leaves his position to enter military service in time of war or any period of national emergency as declared by the President in connection with national defense or by reason of being drafted, shall be carried on the rolls in a military leave status.

Upon his/her honorable discharge from military service, he/she shall be entitled to be restored to his/her same position or to a position equally acceptable to him/her for which he/she is qualified, provided he/she applies for re-employment within 90 days after his/her discharge or before the expiration of any statutory right to re-employment.

Employees who are on military leave pursuant to their duties as reservists of the armed forces or members of the National Guard shall be entitled to paid leave in accordance with the provisions of MGL c. 33, §59.

F. Bereavement Leave

In the event of a death in the immediate family of an employee, he/she will be granted leave with pay in the amount of 4 working days and such leave shall not be charged to sick leave or vacation leave. Immediate family shall include: spouse, mother, father, brother, sister,

children, grandparents, mother-in-law and father-in-law, grandchildren, or any other dependents and inter-dependents living in the household. In the event of the death of a remaining relative not mentioned above, leave with pay in the amount of 1 working day will be granted.

The Executive Director may grant or extend Bereavement Leave on a case by case basis should circumstances warrant special allowances.

G. Court Leave

Pursuant to MGL c. 234A §48 employees who are legally served a summons or subpoena requiring their service as a member of a jury will be granted court leave with pay. The employee must notify the Executive Director of the dates to serve and anticipated length of absence immediately after receiving the notice. The employee must provide the NAHA with verification of said attendance.

The pay of any employee who has received a subpoena for jury service will continue at the regular rate. All reimbursements received shall be turned over to the NAHA to be credited against regular salary. Payments by the Court to the employee for travel expenses at the prevailing rate may be retained by the employee.

Any employee legally served with a summons or subpoena relating to NAHA business will not be charged personal, vacation or sick leave time.

In either case, the employee will be expected to return to work promptly upon his/her release by the Court provided he/she is released and there are 2 or more hours left in his/her work shift.

H. Maternity Leave

Full-time female employees who have completed their 3 month probationary period or any extension thereof may take up to 8 weeks of unpaid leave for the purpose of giving birth or adopting a child pursuant to MGL c. 149, §105D. Please refer to the *Leave of Absence* section for benefit information.

I. Unpaid Leave

Leave without pay status may be granted with the approval of the Executive Director after one full year of employment. As specified in Section I, Maximum Use of Leave, the combined use of paid and unpaid leave in any calendar year cannot exceed 12 weeks. This does not have to be a

continuous period of time. Any leave of absence that exceeds 12 weeks in any calendar year will free the NAHA to take steps required by business necessity to declare a position vacant and to hire or promote to fill the vacancy. Only in cases of serious illness will an exception be made to this policy and only to the extent that the reasons are consistent with the Family Medical Leave Act of 1993.

Unpaid leave can be used for medical reasons involving the employee or an “immediate” family member of the employee (as defined in Section C, Sick Leave). Unpaid leave up to 12 weeks can also be taken for the birth or adoption of a child. It does not matter if the employee or the employee’s spouse is pregnant. This use of leave is intended to be consistent with the requirements of the Family Medical Leave Act of 1993.

Leave without pay status may not be granted for the purpose of seeking or accepting other employment. With the approval of the Board of Commissioners and the concurrence of the Executive Director, the twelve week limit can be extended.

During an approved period of unpaid leave, all basic health and insurance benefits will still accrue. Paid vacation and sick leave will not accrue, but the clock will move forward on the total months of service as it affects the accrual rate. Once an employee returns from an unpaid leave the accrual of paid vacation and sick leave will restart. No seniority will be lost for an approved unpaid leave.

J. Maximum Use of Leave

Employees of the NAHA are limited to a maximum use of leave of 12 weeks in any calendar year. These 12 weeks can consist of paid leave such as vacation, sick leave, and with permission of the Executive Director, personal leave and unpaid leave. As the NAHA is a small organization with staff of less than 15 employees, leaves of longer than 12 weeks impair the organization’s ability to perform its mission and places an unfair burden on other staff. Business necessity requires that a limit be placed on time away from the workplace.

The only exception is for leaves required for serious medical conditions of the employee or an immediate family member. Up to 12 weeks each 12 month period can be taken by an employee for their own needs or to care for an immediate family member (husband, wife, child, parent or legal dependent) under the Family and Medical Leave Act of 1993. This is 12 contiguous weeks above and beyond any leave used in the calendar year prior to the start of the leave. At the end of the 12 weeks, the employee would be required to return to full duty, resign, retire or be terminated. Leaves that span from 1 calendar year into another would still be limited to 12 weeks. With the approval of the Board of Commissioners and the concurrence of the Executive Director, the twelve week limit can be extended on a case-by-case basis should circumstances warrant special allowances.

K. Inclement Weather or Special Circumstances

If the NAHA is open and an administrative employee chooses not to come to work or to work a partial day due to inclement weather or other special circumstances, such as disruptions in transportation services or driving conditions, the employee is considered absent for personal reasons. The employee should take accrued vacation time or unused personal time for such absence. If such leave is not available, the NAHA will make a deduction in pay commensurate with time absent. If the NAHA is closed for reasons of inclement weather or special circumstances, the NAHA will not make any deductions in pay or charge employees leave time.

L. Leave of Absence

Requests for personal leave of absence will be considered on an individual basis, taking into consideration the reason for the request, the employee's length of service, attendance, performance and the NAHA's staffing requirements. Any leave of absence without pay will be granted only after all accrued vacation and personal days are exhausted. Upon approval of the Executive Director, such leave may be granted for good cause for a period limited to 1 month. This leave must be requested in writing, and any extension must be treated as a new request.

An employee on an approved leave of absence is on a break in service and will not accrue any leave time and will assume the full cost of health benefits. If an employee does not return from an approved leave of absence, his/her termination date will be effective on the day that his/her unpaid leave began. Absences without proper authorization or prior approval shall be considered leave without pay and may be considered sufficient cause for suspension or dismissal.

M. Job-Related Educational Aid/Tuition Reimbursement

All job-related educational aid for employees must be approved by the Executive Director. Employees are encouraged to improve their skills or acquire new skills and knowledge which will benefit them in their position with the NAHA. Subject to budgetary constraints, the NAHA will assist employees with the cost of tuition and registration fees for pre-approved courses of instruction, provided that all of the following conditions are met:

1. Employee must be a full-time employee of the NAHA.
2. Only those courses of instruction that will benefit the employee in the performance of his/her job, as determined by the Executive Director, will qualify for compensation.
3. The institution offering the course must be an accredited institution of higher learning. The course must be the least expensive course reasonably available.
4. Requests for educational aid must be made in writing to the Executive Director and should state the school, course, cost and relationship to the employee's job duties.
5. To obtain compensation, the employee must receive written approval from the Executive Director prior to the commencement of the course.
6. Upon receiving approval and completing the course with a grade of "B" or better, or pass in a pass/fail grading system, employees must submit a copy of the grade report within 30 days of receipt of the grade. A written request for financial assistance together with all

documentation for tuition and registration costs must also be submitted.

Through their voluntary participation in education programs outside regular working hours, satisfactorily completed approved courses will be reimbursed at the rate of 100% of the cost per course. No more than 2 courses per semester are eligible. Cost of books, material and incidental fees will not be covered.

N. Health, Life and Long Term Disability Insurance

The NAHA offers health, life and long term disability insurance through the Commonwealth of Massachusetts Group Insurance Commission (GIC). In order to participate, an employee must work a minimum of 18¾ hours per week, or 20 hours per week for a 40 hour work week. Information relative to the plans offered and the cost to the employee is provided to all new employees upon the onset of employment. Additional materials are issued by the GIC annually and are provided to all employees prior to annual enrollment period. If an eligible employee does not elect health insurance coverage through the GIC, he/she must complete a *Health Insurance Responsibility Disclosure Form*.

O. Retirement

The NAHA Board voted that its eligible employees participate in the Essex County Regional Retirement System.

Employees of the NAHA are covered by the Retirement Provisions of Massachusetts General Laws, Chapter 32. The plan is operated by the Essex Regional Retirement System Board. Deductions are made weekly and accredited to the employee retirement account, which is reconciled annually by the retirement board. The terms and contents of the plan are complex with many exceptions and special rules. Employees are encouraged to become familiar with the plan through a booklet available from the Essex Regional Retirement System.

P. Deferred Compensation

Full-time and qualified part-time NAHA employees may elect to have a portion of their salary withheld for supplemental retirement benefits under the Massachusetts Deferred Compensation Plan. The employee's contributions are deposited in the investment options selected by the participating employee. Information regarding deferred compensation is provided to all new employees upon the onset of employment, or available upon request.

Q. Workmen's Compensation

All employees are covered without cost for extended work-related disabilities through Workmen's Compensation Coverage Program. This program protects a significant portion of an employee's income while the eligible employee is unable to work.

R. Credit Union

Employees may participate in the North Andover Municipal Federal Credit Union through a payroll deduction plan.

Section 6. Administration

The Executive Director shall administer the NAHA's Personnel Policy and may prescribe procedures and forms necessary for such administration. Each employee shall be provided with a copy of the NAHA's Personnel Policy and other NAHA employment related policies. At any time that the Board either amends or newly adopts a NAHA employment related policy, the Executive Director shall provide each employee with a copy of such change. Employees shall periodically give written acknowledgement on the NAHA prescribed forms of receipt of policies and amendments provided. Forms signed by each employee shall become a part of the employee's personnel record.

