

# **Billerica Housing Authority Personnel Policies & Procedures**

**Approved by  
Billerica Housing Authority  
Board of Commissioners  
JULY 8, 2021**

Billerica Housing Authority  
16 River Street

## Table of Contents

	Page
<b>I. Introduction and Application of Personnel Policies</b>	<b>1</b>
<b>II. About the Authority</b>	<b>1</b>
<b>A. Executive Director</b>	<b>1</b>
<b>B. Board of Commissioners</b>	<b>2</b>
<b>III. Governing Principles</b>	<b>2</b>
<b>IV. Recruitment and Selection of Employees</b>	<b>3</b>
<b>1.0 Nepotism</b>	<b>3</b>
<b>2.0 Residency</b>	<b>3</b>
<b>2.1. Pre-Employment Screening</b>	<b>3</b>
<b>1.0 Organizational Goals</b>	<b>5</b>
<b>1.1 Billerica Housing Authority Mission Statement</b>	<b>5</b>
<b>2.0 General Provisions</b>	<b>6</b>
<b>2.1 Equal Opportunity Policy</b>	<b>6</b>
<b>2.2 Political Involvement</b>	<b>6</b>
<b>2.2.1 Non-Permissible Activities</b>	<b>6</b>
<b>2.2.2 Permissible Activities</b>	<b>7</b>
<b>2.3 Authority to Effect Personnel Action</b>	<b>8</b>
<b>2.4 Reasonable Accommodation and Employment</b>	<b>8</b>
<b>2.5 Professional Conduct &amp; Dress</b>	<b>9</b>
<b>2.6 Confidentiality</b>	<b>9</b>
<b>2.7 Cell Phone Policy</b>	<b>9</b>
<b>2.8 E-mail/Text Policy</b>	<b>10</b>
<b>3.0 Employee Classifications/Hours of Employment</b>	<b>10</b>
<b>3.1 Full Time</b>	<b>10</b>
<b>3.2 Part Time</b>	<b>10</b>
<b>3.3 Temporary and Seasonal Employment</b>	<b>10</b>
<b>4.0 Restrictions on Employment</b>	<b>10</b>
<b>4.1 Supervision by Family Members</b>	<b>10</b>
<b>5.0 Restrictions on Activities</b>	<b>11</b>
<b>5.1 Political Activity</b>	<b>11</b>
<b>5.2 Conflict of Interest</b>	<b>11</b>
<b>5.2.1 Prohibitions</b>	<b>11</b>
<b>6.0 Prohibited Conduct and Discipline Policy</b>	<b>12</b>
<b>6.1 Behaviors that May Result in Disciplinary Action</b>	<b>12</b>
<b>7.0 Changes in Employment Status</b>	<b>14</b>
<b>7.1 Transfers</b>	<b>14</b>
<b>7.2 Promotions</b>	<b>14</b>

7.3	Demotions/Suspensions	15
7.4	Terminations	15
7.5	Reductions in Force/Layoffs	15
8.0	Working hours	15
8.1	Extended Work Hours	16
8.1.1	Compensatory Time	16
8.1.2	Overtime	16
8.1.3	Absence Without Authorization	16
9.0	Performance Evaluations	16
10.0	Personnel Records	17
10.1	Content	17
10.2	Placement of Negative Information in Personnel File	17
10.3	Amendment of Personnel File	17
10.4	Location/Access	17
10.5	References/Employment Verification	18
11.0	Leaves/Employee Benefits	18
11.1	Holidays	18
11.2	Vacation Leave Benefit	19
11.3	Sick Leave Benefit	19
11.4	Personal Leave Benefit	20
11.5	Parental Leave Benefit	20
12.0	FMLA/SNLA	21
12.1	Family and Medical Leave of Absence (FMLA)	21
12.1.1	FMLA	21
12.1.2	Use	22
12.1.3	Eligibility	22
12.1.4	Conditions	22
12.1.5	Certification	23
12.1.6	Reduced Schedule	23
12.1.7	Benefits	23
12.1.8	Return to Work	24
12.1.9	Posting	24
12.2	Small Necessities Leave of Absence (SNLA)	24
12.2.1	Use	24
12.2.2	Eligibility	24
12.2.3	Conditions	25
12.2.4	Certification	25
12.2.5	Reduced Schedule	25
13.0	Unpaid Leave	25
14.0	Maximum Use of Leave	26
15.0	Military Leave	26
16.0	Court Leave	26
17.0	Bereavement Leave	26

18.0	Workers' Compensation Leave	26
19.0	Retirement Plan	27
20.0	Health Insurance and Hospitalization Plans	27
21.0	Life Insurance Plans	27
22.0	Credit Union	27
23.0	Deferred Compensation	27
24.0	Salary Administration	28
24.1	Determination of Wage Rates	28
24.2	Executive Director Salary	28
24.3	Administrative Salary Increases	28
24.4	Maintenance Salary Increases	28
25.0	Personnel Administration	28
25.1	Selection of Applicants	28
26.0	Progressive Discipline	29
26.1	Discipline Chart	29
27.0	Separations	30
27.1	Resignations	30
27.2	Dismissal	30
27.3	Reduction in Work Force	30
27.4	Leave Payments	30
28.0	Training & Employee Development	30
28.1	Job Training	30
28.2	Employee Development	31
29.0	Grievance Procedure	31
30.0	Employee Evaluation & Merit System	32
30.1	Evaluation Process	32
31.0	Service Records	32
32.0	General Personnel Policies	32
32.1	Anti-Discrimination, Harassment (Including Sexual Harassment) and EEO Policy	32
32.2	Equal Employment Opportunity Statement	32
32.3	Prohibition Of Discrimination and Harassment	33
32.4	Definition of Sexual Harassment	34
32.5	Definition of Hostile Work Environment	34
32.6	Quid Pro Quo	34
32.7	Examples of Prohibited Discriminatory Behavior	34
32.8	Procedures	35
32.8.1	Complaints of Sexual Harassment	35
32.8.2	Sexual Harassment Investigation	35
32.8.3	Complaints Concerning Other Forms of Discrimination and/or Harassment	35
32.8.4	Confidentiality	35

32.8.5	Retaliation	36
32.8.6	Sanctions	36
32.7.7	State and Federal Remedies	36
33.00	Domestic Violence Leave Policy	37
33.1	Eligibility	37
33.2	Duration of Leave	37
33.3	Reasons for Requesting Leave	37
33.4	Notice	37
33.5	Documentation	38
33.6	Return to Work	38
33.7	Confidentiality	38
34.00	Workplace Violence Policy	38
34.1	Definitions	39
34.2	Prohibited Behaviors	39
34.3	Procedures	39
34.4	Sanctions	40
34.5	Employee Assistance Program	40
35.00	Drug and Alcohol Free Workplace Policy	40
36.00	Smoke Free Workplace Policy	41
37.00	Electronic Communications and Computer Use Policy	41
37.1	Privacy	42
37.2	Security	42
37.3	Internet Guidelines	42
37.4	Electronic Mail (“Email”) Guidelines	44
37.5	Telephone Usage	45
37.6	Sanctions	45
38.00	Travel and Reimbursement Policy	45
38.1	Submission of Mileage/Travel Expense Reimbursement Requests	45
39.00	Vehicle Use Policy	46
39.1	BHA Vehicles	46
39.2	Use of Personal Vehicles	47
	Employee Acknowledgement	48

## **I. INTRODUCTION & APPLICATION OF PERSONNEL POLICIES**

This Personnel Policies Manual has been adopted by the Billerica Housing Authority (“Authority” or “BHA”) Board of Commissioners. It is intended to govern the employment of all employees, and where applicable, set the standards for employees and Board Members of the BHA. These policies may be amended from time to time by a majority vote of the Board of Commissioners, or as a result of changes in relevant laws and regulations.

These policies shall apply to all BHA employees.

These policies are not intended to serve as a contract of employment or a guarantee of continued employment for any employee.

## **II. ABOUT THE AUTHORITY**

The BHA is a public body, politic and corporate, organized and established on March 5, 1965. It exists pursuant to Massachusetts General Laws, Chapter 121B, Section 3. It is governed by a Board of Commissioners (Board), who serves as the policy making body for the BHA. The day-to-day activities of the BHA are administered by an Executive Director and BHA Staff under the general supervision of the Executive Director.

### **A. EXECUTIVE DIRECTOR**

The Executive Director has general supervision over the administration of the BHA’s business and affairs, subject to the direction of the Board of Commissioners, and in compliance with the rules and requirements of the Massachusetts Department of Housing and Community Development (DHCD), and, as applicable, the United States Department of Housing and Urban Development (HUD), and in accordance with all applicable state, federal and local laws. The Executive Director serves as the BHA’s Chief Administrative and Financial Officer, and, as noted above, is responsible for the management of the day-to-day activities and affairs of the BHA. The Executive Director implements the policy directives of the Board, assumes the overall leadership role in guiding programs, fiscal, personnel, and public relations activities.

Authority to appoint, promote, transfer, demote and discharge personnel is vested in the Executive Director.

The Executive Director shall administer the BHAs personnel policies and may prescribe procedures and forms necessary for such administration. Each employee shall be provided with a copy of the BHA’s Personnel Policies and other BHA employment-related policies. At any time that the Personnel Policies are amended or new provisions adopted, the Executive Director shall provide each employee with a copy of such change. Employees shall be required to give written acknowledgement of receipt of Policies and Amendments provided. These signed Acknowledgment Forms shall become part of the employee’s personnel record.

## **B. BOARD OF COMMISSIONERS**

The Board of Commissioners are responsible for general oversight of the BHA and ensuring that all financial and legal obligations of the BHA are met. The Board sets policy for the BHA. The Board appoints the Executive Director.

## **III. GOVERNING PRINCIPLES**

The BHA adheres to certain governing principles, which are more fully explained throughout these policies. In summary, the BHA is guided by the following basic principles:

**Merit:** Employees are hired based upon qualifications and fitness for employment with the BHA. The BHA strives to fill each position with the most competent person available, and places employees where their talents and abilities can be most effectively used and developed, insofar as BHA needs, requirements and job opportunities permit. The employment of personnel and all actions effecting employees shall be based upon merit, ability, and experience.

**Non-Discrimination/Affirmative Action:** The BHA is an Equal Employment Opportunity (EEO) employer, committed to hiring employees based upon merit, ability, and experience, as well as to eliminating discriminatory barriers to employment based on race, color, sex, religion, national origin, ancestry, disability, age, sexual orientation, gender identity, pregnancy or pregnancy-related conditions, or veteran status, or any other category protected by the state and federal anti-discrimination laws. Employees or applicants for employment shall not be discriminated against based upon their membership in a protected class. The BHA shall make reasonable accommodations to qualified employees or applicants for employment with disabilities. The BHA shall take steps to recruit, hire and promote minorities, women, individuals with disabilities, and veterans of the Vietnam era while assuring adherence to non-discriminatory practices.

The BHA has designated an AA/EEO Officer to encourage achievement of AA/EEO goals. The AA/EEO Officer is the Executive Director. Annually, the BHA will review Affirmative Action results and reaffirm its commitment to Affirmative Action principles.

For more information, see the BHA's Anti-Discrimination and Equal Employment Opportunity (EEO) Policy, elsewhere in this Policy, and the BHA's Affirmative Action Plan, available at the Administrative Offices of the Billerica Housing Authority, located at 16 River Street, Billerica, MA 01821

**Politics:** All BHA employees and members of the Board of Commissioners are subject to the provisions of Section 12 (a) of the Hatch Act, the U. S. Department of Housing and Urban Development's (HUD's) Public Housing Authority Ethics Reference Manual, the Massachusetts Conflict of Interest Law (Massachusetts General Laws Chapter 268A), and any applicable regulations promulgated by the Massachusetts State Ethics Commission. While BHA personnel have the right to support political candidates and voice their personal political opinions, such activities should always occur on the employee's personal time without the use of any title, uniform or other indicia of office or employment with the BHA.

For more information about the application of the Hatch Act, please refer to the U.S. Office of Special Counsel (<https://osc.gov/pages/hatchact.aspx>). For more information about the application of the Massachusetts Conflict of Interest Law to political activity, please refer to the State Ethics Commission ([www.mass.gov/ethics](http://www.mass.gov/ethics); <http://www.mass.gov/ethics/notice-public-employee-political-activity-advisory.html>; and <http://www.mass.gov/ethics/education-and-training-resources/educational-materials/advisories/advisory-11-1.html>).

#### **IV. RECRUITMENT AND SELECTION OF EMPLOYEES**

##### **A. INELIGIBILITY FOR EMPLOYMENT**

###### **1.0 NEPOTISM**

BHA employment of relatives of Commissioners and other officials of the BHA is prohibited. A relative is defined as an individual who is related to a Commissioner or Officer as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or grand-child.

The term "Official" or "Officer" means any individual vested with the authority by law, rule or regulation, or to whom the authority has been delegated to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion or advancement in connection with employment in an agency.

###### **2.0 RESIDENCY**

Residency within Billerica is prohibited as a prerequisite for employment except a residency requirement is permitted in the case of 24 hour on-call Maintenance personnel.

###### **2.1 PRE-EMPLOYMENT SCREENING**

Each applicant must meet the minimum qualifications for the position as set forth in the BHA's job description and/or the advertisement for the position.

Once a preliminary employment decision has been made, but before a final offer of employment is made, certain additional pre-employment screenings may occur. That pre-employment screening includes:



1. Verification of personal/professional references and other relevant educational and employment history;
2. Verification of any necessary licenses and certifications;
3. Confirmation of valid driver's license (for positions requiring a driver's license) and satisfactory driving history as checked through Registry of Motor Vehicles records; and
4. CORI checks: Criminal Offender Record Information (CORI) checks are required prior to hire. Persons whose criminal background check discloses dispositions of criminal matters reflecting the potential employee's dishonesty, untrustworthiness, unreliability or unsuitability to perform the duties of the position, or reflecting activity, which if repeated by an employee, would endanger the safety or security of tenants, household members, employees, or guests or the security of their property or the property of the BHA, may not be hired. Candidates are required to sign a CORI Acknowledgement Form, authorizing the BHA to conduct the CORI check. Candidates who refuse or fail to sign a CORI Acknowledgement Form will not be considered for employment.

Candidates for employment to positions that require a pre-employment physical, medical screening, and/or a pre-employment drug test, will be sent for such examinations and screenings after a conditional offer of employment has been made. Failure to satisfactorily pass these screenings and examinations may result in rescission of the conditional offer of employment.

All persons hired for employment with the BHA are required to present documents showing proof of identity and eligibility to work in the United States, in accordance with federal law.

## **1.0 ORGANIZATIONAL GOALS**

### **1.1 BILLERICA HOUSING AUTHORITY MISSION STATEMENT**

The primary mission of the Billerica Housing Authority is to provide decent, safe and sanitary housing opportunities for those of low income, including families, those with disabilities and elders, thereby improving their quality of life. This requires the coordinated efforts of BHA staff under the direction of the Executive Director to use the finite resources of the BHA in a manner that promotes economy of operation and efficiency in the discharge of its public function. In support of its primary mission, stable and consistent performance of all job duties is expected for the benefit of BHA clients, all employees and vendors.

In order for BHA to achieve its primary mission, several functions need to be performed. They include, but are not solely limited to:

- Receipt and review of applications for housing in accordance with pertinent program regulations;
- Waiting list management and assignment of applicants to units through an established lease-up process;
- Maintenance of all elements of the physical facilities of the BHA to extend their useful lives to the fullest in manner consistent with the State Sanitary Code and HUD's Housing Quality Standards;
- Lease enforcement activities that assure the timely collection of rent and the removal of households from the programs whose behavior is contrary to local law or represent an unwillingness to respect the rights of community members;
- Conduct annual reviews of household income and physical conditions of the unit under lease to assure that all program regulations regarding continued occupancy and verification of income for the establishment of an appropriate rent are completed in accordance with regulations;
- Purchase of services, materials and supplies in a manner consistent with federal and local laws and regulations and that provide the best value to BHA without conflict of interest;
- Annual review of physical facilities to determine if requests for modernization funding from an appropriate regulatory agency source of funding is required and to prepare any application required;
- Implementation and maintenance of accounting and record-keeping systems that facilitate financial audit and required budget monitoring activities;
- Pursuit of new resources to expand housing opportunities and address the social service needs of applicants and residents. Programs to promote economic independence for clients also will be pursued to the extent that BHA is eligible to apply and the needs of residents match the program objectives; and
- Conduct a leased housing program that promotes the availability of housing opportunities in the general community for households of low income and work with landlords to assure that all program requirements are being met by all parties.

These functions are delegated to BHA staff by the Executive Director and with concurrence of the Board of Commissioners. The Executive Director is the Chief Executive Officer (CEO) of the BHA and has the final determination on all assignment of duties and performance standards placed on BHA staff. Assignment of duties and performance standards are reflected in the job descriptions provided to staff but are subject to revisions. Staff is subject to re-assignment on a temporary or permanent basis and every BHA employee remains, notwithstanding any other sections of this Personnel Policy, an employee-at-will.

## **2.0 GENERAL PROVISIONS**

### **2.1 EQUAL OPPORTUNITY POLICY**

The BHA is committed to Equal Employment Opportunity (EEO). The BHA will improve the employment status of minorities and women through an Affirmative Action Program. This action is undertaken in recognition of our obligations under a range of laws and requirements including but not solely limited to: Executive Order 11246, Massachusetts Civil Rights Act (MGL Chapter 151B), EOCD Affirmative Action Regulation (760 CMR 33.00), Titles I and II of the Americans with Disabilities Act of 1990, the Civil Rights Act of 1866, as amended, and Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991.

It is BHA policy to:

- Recruit, hire, train and promote persons in all job classifications without regard to race, color, religion, disability, age, gender, sexual orientation, political beliefs, military service, familial status or national origin, except where sex is a bona fide occupational qualification.
- Base decisions on employment so as to further the principle of equal employment opportunity.
- Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.
- Insure that all personnel actions such as compensation, benefits, layoffs, return from layoff, company sponsored training, education assistance; social and recreational programs will be administered without regard to race, color, religion, disability, age, gender, sexual orientation, political beliefs, military service, familial status or national origin.

### **2.2 POLITICAL INVOLVEMENT**

The employees and Officers of the BHA are staff members of a municipal agency and thus, are subject to restrictions on political activity as it relates to the workplace and conduct of BHA business.

These requirements are based in the requirements of MGL Chapter 55 for those employees whose positions are funded in full or in part through the state-assisted housing programs, and the Hatch Act (5 USC Sections 1501-1508), for those employees whose positions are funded in full or in part through federal housing programs.

#### **2.2.1 NON-PERMISSIBLE ACTIVITIES**

1. An employee of the BHA or an Officer may not use his or her authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office. This includes attempts to directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employer to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. This prohibition is aimed at activities such as threatening loss of promotion to any employee who does not vote for certain candidates; requiring employees to contribute a percentage of their pay to a political fund, influencing subordinate employees to buy tickets to political fund raising dinners and similar events; and matters of a similar nature. These prohibitions principally affect supervisors, but are applicable to any covered employee. For instance, employees still may not coerce, command, or advise other employees to make political contributions or to contribute their time or anything of value for political purposes.

2. An employee may not be a candidate in a partisan election for any public office or for any political party office which is obtained through a partisan election. Primary and run-off elections to nominate candidates of partisan political parties are partisan elections for purposes of these requirements. Officers and employees are permitted to be candidates in non-partisan elections. These are elections in which none of the candidates are to be nominated or elected as representing a political party whose candidates for presidential election received votes at the past preceding presidential election.
3. No BHA resources may be used in any manner supporting the candidacy of elected officials. No BHA vehicle may display any form of political signage including bumper stickers. BHA employees may not wear buttons or other symbols of political support of a candidate during working hours. BHA employee vehicles may not display more extensive signage than a bumper-sticker when on BHA property.
4. Employees of the BHA are at no time to directly solicit contributions from residents nor are they to distribute any form of campaign literature to residents while on BHA property.

### **2.2.2 PERMISSIBLE ACTIVITIES**

1. State or local officers or employees subject to the above limitations may express their individual opinions on political subjects and candidates as long as the expression of such opinions does not intrude on the completion of required tasks in a timely and complete fashion.
2. Membership and office-holding in a political party, organization, or club is permitted. Affected employees may attend meetings, vote on candidates and issues and take an active part in the management of the club, organization, or party. However, they may not run as candidates for any political party office in any public partisan election, such as a primary election.
3. Attendance at a political convention and participation in the deliberations or proceedings of the convention or any of its committees are permitted activities. Employees may be candidates for, or serve as delegates, alternates, or proxies at such a convention, so long as such candidacy does not involve a public partisan election (such as a primary election). Volunteer work for a partisan candidate, campaign committee, political party, or nominating convention of a political party is permitted.
4. A BHA employee may campaign for a candidate in a partisan election by making speeches, writing on behalf of the candidate, or soliciting voters to support or oppose a candidate. None of these activities can occur during paid working hours of the BHA nor can an BHA employee distribute campaign materials on BHA property at any time.
5. A BHA employee may attend a political meeting or rally including committee meetings of political organizations, and may serve on a committee that organizes or directs activities at a partisan campaign meeting or rally.
6. Employees may make a financial contribution to a political party or organization. They may solicit and collect voluntary political contributions. They may not, of course, coerce command or advise another covered employee to make such contributions. Direct solicitation of contributions from residents by a BHA employee is not permitted.
7. The federal and state laws that prohibit political activity do not prohibit holding a public office. Hence, if an employee holds an elective office when appointed to a covered position, the employee may continue to serve but may not be a candidate for re-election in a partisan election. Likewise, an employee may accept appointment to fill a vacancy in an elective office while concurrently serving in a covered position. Such an employee should, of course, ascertain from the Executive Director if acceptance of such an appointment may constitute a conflict of interest.

8. An employee may serve at the polls as an election official or clerk, as a checker, watcher, or challenger for a political party candidate in a partisan election.

If you have questions about a specific activity as it relates to MGL Chapter 55, you are encouraged to request clarification from the BHA's Legal Counsel. Requests for clarification should be submitted to the Executive Director, who will forward requests to the Legal Counsel.

The Hatch Act is enforced by the United States Civil Service Commission (USCSC). If you have any questions as to whether this law applies to you or whether specific political activities are allowed, ask the USCSC for help in resolving them. Contact the Office of the General Counsel, USCSC, Room 5H31, 1900 East Street, NW Washington, DC 20415, or telephone 202-632-7600.

### **2.3 AUTHORITY TO EFFECT PERSONNEL ACTION**

The final authority to appoint and promote personnel is vested in the Executive Director. The authority to hire, suspend, separate, demote or terminate any employee, without Board approval, is vested in the Executive Director. The Agent and Representative of the Board of Commissioners will be the Executive Director.

### **2.4 REASONABLE ACCOMMODATION & EMPLOYMENT**

Employment at the BHA is based on proper qualifications and experience that match the essential requirements of the specific job description for the posted position. All applicant evaluation standards are directly related to the position's requirements. If a position requires a medical examination as a contingency of a job offer, it has been established that such an examination is essential to the role of that position within the organization. A drug test is not considered a medical exam and is not subject to "reasonable accommodation".

Although the BHA has less than fifteen (15) employees, which is the threshold for certain Section 504 policy and procedural requirements related to personnel administration, the BHA adheres to the guidelines for "reasonable accommodation" in employment listed below. If a request for a "reasonable accommodation" does not represent a financial burden, administrative burden or undue hardship to the BHA, the BHA will:

- Redistribute marginal job functions among existing positions;
- Transfer an employee to an equal or lower position for which their disability is not an obstacle to sufficient performance of essential job functions; and
- Will make any "reasonable" physical modification to office and program spaces required to permit the employee to perform their essential duties.

The BHA reserves the right to determine what specific options for "reasonable accommodations" related to employment it will take as long as the net effect is equal. All action related to "reasonable accommodation" and employment is on a case by case basis. No prior actions by the BHA are to be considered as precedent for any proposed "reasonable accommodations".

## **2.5 PROFESSIONAL CONDUCT & DRESS**

The operations of the BHA require staff to regularly interact with a broad range of the general public as well as with applicants and residents. BHA staff will present themselves at all times in a professional and courteous manner. This includes appropriate dress. Administrative staff will wear conservative attire and footwear, both in proper condition and repair. Maintenance staff will wear BHA maintenance uniforms including appropriate footwear (or similar attire as approved by the Executive Director). No staff will wear shorts, tee shirts or sneakers.

BHA staff will address members of the public and other staff in a respectful manner at all times and in all situations. Situations may arise in which members of the public, applicants, or residents act in an inappropriate manner towards BHA staff. The BHA will immediately terminate this interaction with the individual. Should the individual be an applicant for housing or current resident, a notation will be made in the applicant's file. Staff is not, at any time, to use abusive or sexist language, nor engage in inappropriate joking relationships with unwilling individuals.

Comments of a sexual or derogatory manner will be not be tolerated. They will be considered potential grounds for termination as they are disrespectful and create an improper professional environmental climate.

## **2.6 CONFIDENTIALITY**

BHA employees have access to "personal data" and may become a "holder" of such personal data (as defined in MGL Chapter 66A) or other information deemed confidential by the BHA. This data includes information provided by applicants as part of the application process for BHA programs, information provided by residents as part of the occupancy management process (recertification, lease enforcement actions or transfer requests), or information on other employees required by supervisory personnel or selected personnel on a business necessity basis. BHA employees are expressly forbidden from sharing any information on applicants, residents or other employees for reasons other than business necessity. Under no circumstances is personal data to be shared with current or potential clients of the BHA, members of the general public, or non authorized BHA employees. Any request for information must be referred to the Executive Director who will require a written request and will determine, in conjunction with BHA Legal Counsel, as to what information is to be made available.

## **2.7 CELL PHONE POLICY**

The BHA provides cell phones for Maintenance Staff and the Executive Director. After hour calls will be handled by the answering service who will contact the assigned "on call" Maintenance Staff if the call is an emergency maintenance request. Use of BHA issued cell phones are subject to the following rules;

1. Cell phones are to be used for BHA related business only.
2. Personal calls (incoming or outgoing) should be kept to a minimum unless an emergency.
3. Individuals are responsible for the phone and accessories (belt clip, charger, etc.) issued to them and will be held accountable for damages considered to be above and beyond normal wear and tear.
4. Monthly bills will be monitored. Personal calls appearing on the bill must be reimbursed to the BHA by the employee.
5. Employees are required to return the BHA cell phone and accessories to the BHA upon request and/or upon leaving the BHA.

## **2.8 EMAIL/TEXT POLICY**

Any computer files or electronic mail (email) and/or text messages maintained, stored, received or sent on or from BHA's computer systems or cell phones are and shall remain the property of the BHA and are subject to being monitored and/or disclosed at any time by the BHA. BHA employees have no privacy interests in email/text messages or passwords, are deemed to consent to BHA's monitoring and disclosure of email messages/texts and will make no claim against the BHA relative to BHA's computer system/email system/texts.

The email system has been installed by the BHA for use in conducting BHA business. Cell phones are for BHA communications only. The email system and/or cell phones shall not be used to transmit messages, either within the BHA or in any communications transmitted outside the BHA that might reflect poorly on the BHA. This includes, but is not limited to, language that may be deemed offensive or construed as harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, age, marital or familial status, physical or mental disability or religious or political beliefs. Also reference Internet Guidelines 37.3 of this Policy.

## **3.0 EMPLOYEE CLASSIFICATIONS/HOURS OF EMPLOYMENT**

### **3.1 FULL TIME**

Full time employment with the Billerica Housing Authority is defined as a minimum of 37.5 hours per week. Full time employees are eligible for benefits provided by the Billerica Housing Authority, subject to any requirements or limitations provided by law, and governed by applicable regulations..

### **3.2 PART TIME**

Part time employment with the Billerica Housing Authority is defined as a minimum of 20 hours per week. Benefits provided to part time employees are prorated on the basis of hours worked per week.

### **3.3 TEMPORARY AND SEASONAL EMPLOYMENT**

Temporary employment is defined as employment not lasting more than three consecutive months in duration. Seasonal employment is defined as employment not lasting more than twenty weeks in a calendar year, and certified as season employment in accordance with regulations of the state Department of Unemployment Assistance. Temporary or Seasonal employees are not entitled to benefits as provided under these policies.

## **4.0 RESTRICTIONS ON EMPLOYMENT**

### **4.1 SUPERVISION BY FAMILY MEMBERS**

No BHA employee shall hold a position in which he or she directly or indirectly would supervise a member of his or her immediate family.

## **5.0 RESTRICTIONS ON ACTIVITIES**

### **5.1 POLITICAL ACTIVITY**

In addition to any restrictions on political activity imposed by federal law, no Authority Board Member or employee shall solicit or receive campaign contributions, or conduct political activities during work hours, on BHA property or by use of BHA resources, or shall improperly use his or her official position to coerce or influence others in political campaigns. Reference also Section 2.2 of this Policy.

### **5.2 CONFLICT OF INTEREST**

BHA personnel are governed by federal and state conflict of interest laws. BHA employees are prohibited from participating in the selection, award, or administration of a contract supported by public funds if a conflict of interest, financial or otherwise, real or apparent, is involved.

Massachusetts General Laws Chapter 268A, the state Conflict of Interest Law, is designed to prevent governmental employees or officials from using their public position to gain any kind of advantage or benefit, not generally available to others, for themselves or their immediate family or their business or employer.

The Policy of the BHA is to ensure compliance with the requirements of Chapter 268A, as they apply to conduct of public officials and employees. In adopting this Policy, however, the BHA expressly reserves the right to enact rules and procedures that are more stringent than the requirements of Chapter 268A. For purposes of this policy, the following definitions apply:

“immediate family” is the employee and his or her spouse, and each of their parents, children, brothers and sisters.

“employee” shall include all BHA employees and Board Members (Commissioners).

**5.2.1 PROHIBITIONS:** Chapter 268A generally prohibits improper conduct by public officials and employees. It also prohibits conduct that appears to be improper. A BHA employee cannot have a financial interest in a contract with the BHA; cannot accept gifts to influence a decision; and cannot accept compensation, other than paid by the BHA, in connection with any matter in which the BHA has an interest.

No BHA employee involved in the solicitation of bids and proposals and the award and administration of procurements of any sort, nor any member of his/her immediate family, during his/her tenure or one year thereafter shall, directly or indirectly, have any financial or other interest in the firm selected for award of, or any property to be included in, or any contract for property, materials, or services to be furnished or used in connection with, any contract or procurement, or the process thereof, for which that employee has been or will be involved in the solicitation of bids or proposals, award or administration.



Both M.G.L. c. 268A and 760 CMR 4.04 contain other standards of conduct that apply to BHA employees. Employees may contact the State Ethics Commission's Legal Division regarding compliance with Chapter 268A.

All employees and Board Members are required to comply with the training requirements under Chapter 268A. More information about these requirements can be found here: <https://www.mass.gov/how-to/complete-the-online-training-program-for-municipal-employees>.

Employees are also directed to refer to the BHA's Procurement Policy for additional information.

Violations of this policy, the Procurement Policy, and/or Chapter 268A may result in discipline, up to and including termination of employment.

## **6.0 PROHIBITED CONDUCT AND DISCIPLINE POLICY**

This Policy outlines the BHA's expectations with respect to prohibited conduct and progressive discipline. The purpose is to encourage and help employees to work together productively and harmoniously, according to the standards of the BHA. It is the Policy of the BHA to provide services in a timely, responsive and professional manner. Inappropriate workplace conduct or behavior can negatively impact the BHA's ability to provide such services, and can otherwise interfere with the efficient operation of the BHA.

The Executive Director relies upon all employees to remain focused on their primary responsibility of serving residents in this manner. Recognizing that situations sometimes arise and employees may not meet these expectations, the BHA must implement a method of corrective counseling.

To that end, the following outlines the BHA's progressive discipline procedure, wherein progressive steps will be followed in employee disciplinary matters, whenever appropriate and practical. Whether progressive discipline steps are required is in the sole discretion of the Executive Director. Progressive discipline shall not be required in matters deemed by the Executive Director to be sufficiently egregious or severe as to call for immediate dismissal, or the imposition of serious discipline without first issuing lesser discipline.

Disciplinary actions may take several forms, for instance: Verbal Warnings; Written Warnings; Suspension and Dismissal. Copies of all written disciplinary actions will be retained in the employee's personnel file, and employees shall be notified of the placement of such material in their personnel files.

### **6.1 BEHAVIORS THAT MAY RESULT IN DISCIPLINARY ACTION**

Employees are prohibited from engaging in any of the conduct listed below and may receive discipline up to and including dismissal for doing so. This list has been established to serve as examples of behavior that could warrant a range of disciplinary

sanctions. It is not exhaustive. Appropriate levels of discipline may be based on the severity of employee behavior.

- Incompetence or inefficiency in performing job duties;
- Violating any lawful and reasonable regulation, order, or directive made or given by a superior, or insubordination;
- Being intoxicated, drinking any intoxicating beverages, or being under the influence of a drug (including marijuana) or narcotic while on duty;
- Unlawfully distributing, selling or possessing alcohol, marijuana or non-prescription drugs when on the job or subject to duty (i.e. "on call");
- Accepting any valuable consideration given with the expectation of influencing the employee in performing his/her duties;
- Loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes operating a motor vehicle or equipment necessary in performing his/her duties;
- Violating any of the provisions of BHA policies, including these personnel policies, or other applicable state or federal law, rules and regulations;
- Displaying disrespectful or inappropriate behaviors toward any individual with whom the employee comes into contact as part of his or her job, including but not limited to residents, fellow employees or supervisors;
- Refusing to do assigned work or failing to carry out the reasonable assignment of a Manager;
- Being inattentive to duty, including sleeping on the job;
- Falsifying any records (including job applications, time cards, or other BHA records) or using official position for personal advantage;
- Being repeatedly or continuously absent or late, being absent without notice or reason satisfactory to the BHA or leaving one's work assignment without appropriate authorization;
- Abuse of Sick Leave;
- Failing to timely report an On the Job Injury;
- Smoking within no-smoking areas or violating the BHA Smoke Free Policy;
- Conducting oneself in any manner that is offensive, abusive or contrary to common decency or morality; carrying out any form of harassment including sexual harassment, and disgraceful personal conduct or language toward the public, fellow employees or supervisors.
- Violating the BHA's vehicle use policy; operating BHA owned vehicles, equipment or private vehicles on BHA business without proper license or in an unsafe or improper manner, or operating any vehicle on BHA property or business in an unsafe or improper manner;
- Having an unauthorized weapon, firearm or explosive on BHA property;
- Appropriating BHA equipment, time or resources for personal use or gain;
- Unauthorized use, misuse, theft, or willful neglect of BHA property, funds, materials, equipment or supplies; unauthorized use or theft of or resident(s)' or co-worker(s)' property or funds;

- Computer abuse, including but not limited to, misuse of computer accounts, unauthorized destruction of files, creating illegal accounts, possession of unauthorized passwords, disruptive or annoying behavior on the computer and non-work related utilization of computer software or hardware;
- Conviction (or in some instances, an arrest) for a felony or for a malfeasance involving moral turpitude;
- Fighting, engaging in horseplay or acting in any manner that endangers the safety of oneself or others. This includes acts of violence as well as threats of violence;
- Interfering in any way with the work of others;
- Stealing or possessing without authority any equipment, tools, materials or other property of the BHA or attempting to remove them from the premises without the approval or permission of the Executive Director;
- Marking or defacing walls, fixtures, equipment, tools, materials or other BHA property, or willfully damaging or destroying property in any way;
- Willful violation of safety rules and/or any BHA policies;
- Any other act or failure to act, which in the judgment of the Executive Director is sufficient to show that the individual is an unsuitable and unfit public employee.

## **7.0 CHANGES IN EMPLOYMENT STATUS**

The following explains the circumstances under which the BHA may make changes in an employee's status. This is meant as a general explanation, and will not describe each and every instance or circumstance in which a change in employment status may be made. The BHA reserves its rights and discretion to make changes in employment status whenever it deems in the BHA's best interests, subject to any procedural rights employees with five (5) or more years of uninterrupted service may have under G.L. c. 31, §§41-45 in the event of a change in status of employment. The following explanations of when the BHA may or will make changes in an employee's status is meant for illustration purposes only, and is not intended to limit the BHA's discretion to make such changes in employment status, within its authority under the law.

### **7.1 TRANSFERS**

The BHA may transfer employees within the organization as far as practicable to positions where their highest skills will be utilized. When transfers of personnel are necessitated by organizational changes, every effort shall be made to place the affected employee(s) in positions that will permit them to retain their pre-transfer compensation level. In making transfers within the organization, due consideration shall be given to the desires of the employee(s) involved.

### **7.2 PROMOTIONS**

Vacated or newly-established positions shall be filled to the fullest extent consistent with efficient operations and by the promotion of qualified employees. Such positions shall be posted in the BHA's central administrative office prior to any public advertisement.

In the event that the Executive Director determines, in his/her sole discretion, that a current employee meets the qualifications of the vacated or new position, and it is in the BHA's best interest that the employee be selected for the promotional position, he/she may appoint such employee to the position. In such situations, no public advertisement of the position is required.

### **7.3 DEMOTIONS/SUSPENSIONS**

Demotions: An employee may be subject to demotion under the following conditions:

- i. Where the employee has been found unsuited for his/her position, but may be expected to give satisfactory service in a lower-paying/lower-graded position;
- ii. Where the employee's current position is abolished or reallocated to a lower-paying/lower-graded position, and the employee cannot be transferred to a position of equal pay;
- iii. Any other instance where it is deemed to be in the best interests of the BHA.

Suspensions: Suspensions without pay are at the discretion of the Executive Director. Employees may be suspended for cause, unless otherwise required by law.

### **7.4 TERMINATIONS**

Employees with 5 or more years of uninterrupted service with the BHA in a particular position, including any promotion or reallocation therefrom, may be terminated by the BHA for just cause. Such terminations shall be conducted in accordance with G.L. c. 31, §§41-45, insofar as applicable. Employees with less than 5 years of continuous service may be terminated for cause.

### **7.5 REDUCTIONS IN FORCE/LAYOFFS**

If it is necessary to reduce personnel, the selection of employee(s) to be retained shall be based primarily on their relative efficiency and the necessity of the job(s) at issue. Other things being equal, length of service shall be given consideration.

### **8.0 WORKING HOURS**

The regular work week for Administrative Staff consists of a minimum of 37.5 hours of work scheduled within regular established office hours. Regular established work hours for all staff are as follows:

- Monday - Friday from 8:00am to 4:00pm
- 1/2 hour for lunch
- 2 fifteen minute breaks, one to be taken in the morning from 10-10:15 and one to be taken in the afternoon from 2:15-2:30. This applies to Maintenance Staff also.

The regular work week hours may be modified/changed by the Executive Director.

## **8.1 EXTENDED WORK HOURS**

### **8.1.1 COMPENSATORY TIME**

Compensatory time will be avoided as much as possible, but may be required in the interest of efficient operation. At the discretion of the Executive Director, BHA employees will be granted compensatory time off within ninety (90) days.

### **8.1.2 OVERTIME**

Overtime work will be avoided as much as possible, but may be required in the interest of efficient operation. All overtime must be approved, in advance, by the Executive Director.

Overtime for Maintenance employees is paid for all work performed in excess of 40 hours per week.

All employees requested to work overtime will be compensated at the rate of 1.5 hours for every overtime hour worked in excess of 40 hours. Maintenance employees are required to be available on a rotational "on call" basis (usually 1 week once every 3 weeks) to handle all requests for after hour emergency maintenance service calls. On Call Maintenance Staff will receive a stipend, determined by the Executive Director, for the week they are "on call". Responses to these calls will be paid a minimum of 1 hour of overtime. If more than 1 hour is required, the employee will be paid at the rate of 1.5 hours for each hour worked.

### **8.1.3 ABSENCE WITHOUT AUTHORIZATION**

Absence without proper authorization or approval may be considered sufficient cause for suspension or dismissal of the employee. Absence without proper authorization or approval exceeding three (3) days by any employee will be regarded as voluntary termination of employment.

## **9.0 PERFORMANCE EVALUATIONS**

It is the Policy of the BHA to conduct annual performance evaluations of employees. 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 BHA, it should be a continuous process.

Evaluations shall become a part of the employee's personnel record, and shall be considered in effective personnel actions, although they are not the only factors considered. An employee may submit a written response to or written comments about his/her performance evaluation, which will be included in the employee's personnel file.

## **10.0 PERSONNEL RECORDS**

### **10.1 CONTENT**

Personnel files are maintained for all employees. Although not exhaustive, the following information and documentation comprise an employee's personnel record: the name, address, date of birth, job title and description; rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the employer in response to an advertisement; all employee performance evaluations, including but not limited to, employee evaluation documents; written warnings of substandard performance; waivers signed by the employee; copies of dated termination notices; any other documents relating to disciplinary action regarding the employee.

All medical information shall be maintained in confidential separate files.

### **10.2 PLACEMENT OF NEGATIVE INFORMATION IN PERSONNEL FILE**

The BHA shall notify an employee within ten (10) days of the BHA placing, in the employee's personnel record, any information to the extent that the information is, has been used or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.

### **10.3 AMENDMENT OF PERSONNEL FILE**

Once inserted into an employee's personnel file, documents may only be removed or changed if there is a clear and compelling reason to do so. The employee must make such request, to the Executive Director. The Executive Director will make a determination as to whether or not the material in question should be removed from the employee's personnel file, or otherwise corrected or amended. If the Executive Director determines that the material will not be removed or corrected, the employee may submit a written statement explaining the employee's position which shall thereupon be contained therein and shall become a part of such employee's personnel record. The statement shall be included when said information is transmitted to a third party as long as the original information is retained as part of the file.

### **10.4 LOCATION/ACCESS**

A centralized personnel file shall be kept for each employee in the Administrative Offices of the BHA. To ensure the uniformity and confidentiality of employee personnel files, the content of and access to files is limited and shall be controlled in accordance with this Policy. Persons authorized to access personnel files shall be limited to the Executive Director and his/her designee. Commissioners are not authorized to access BHA personnel files. The Board of Commissioners, as appointing authority of the Executive Director, may vote to designate one or more members to have access to the Executive Director's personnel file, as may be necessary to ensure the proper performance of the Executive Director.

Employees may request in writing an opportunity to review or receive a copy of his/her personnel file. Employees shall be provided with access within 5 business days of the BHA's receipt of such request. The review shall take place at the place of employment and during normal business hours. The BHA is not required to allow employee to access their personnel files on more than 2 separate occasions in a calendar year; provided, however, that employees are entitled to review their personnel file whenever they are notified of the placement of negative information in the personnel record.

## **10.5 REFERENCES/EMPLOYMENT VERIFICATION**

All requests for references on present or past BHA employees should be referred to Executive Director, who shall record and file the date, name, address and telephone number of the individual and company/entity requesting the reference.

It is the BHA's policy to only provide the individual's dates of employment with the BHA, the most recent position title, and verification or non-verification of a salary amount, in response to a request for a reference or verification of employment for credit purpose.

Where a request for verification of employment and/or salary, for credit purposes, is made to the BHA, and additional information beyond that identified above is requested or required, the BHA will only provide that additional information upon written authorization from the employee.

## **11.0 LEAVES/EMPLOYEE BENEFITS**

Part of the benefits provided by BHA includes various types of Leave. This includes paid holidays, paid vacation leave, paid sick leave, paid personal leave, and paid bereavement leave. A limit of twelve (12) weeks maximum on leave for each calendar year applies to all BHA personnel (see Section 14.0). This limit is based on business necessity as the BHA cannot provide the services required for residents with positions vacant for extended periods of time or intermittent periods that exceed 25% of a work year. The employee's use of Leave other than Sick Leave does not supersede the mission of BHA. Even when on Leave status, employees of the Billerica Housing Authority have an obligation to inform the Executive Director and co-workers of all pending or scheduled business that may occur during the leave period.

### **11.1 HOLIDAYS**

The following holidays with pay will be observed:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Patriots' Day
- Memorial Day
- Juneteenth Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving and Day after Thanksgiving
- Christmas

If any holiday falls on a Sunday, it will be celebrated on the next Monday, and Saturday holidays will be celebrated on the previous Friday. At the BHA discretion, any other day being observed by the municipality may be included as a holiday with pay.

Any employee required to work on a holiday, will be compensated at 1.5 rate for hours worked in lieu of the observed holiday. Compensatory time must be taken within thirty (30) days of the holiday worked. 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 holidays.

## **11.2 VACATION LEAVE BENEFIT**

Paid vacation leave benefit will be granted in accordance with the following schedule:

- One (1) day per month up to ten (10) days during the first year.
- After one (1) year continuous service                      Two (2) weeks
- After five (5) years continuous service                      Three (3) weeks
- After ten (10) years continuous service                      Four (4) weeks
- After fifteen (15) years continuous service                      Five (5) weeks

Part time employees will accrue vacation time on a pro-rated basis.

Employees may “carry over” to the next calendar year up to (5) five paid vacation days; however, all Leave on a combined basis (except special leave) may not exceed fourteen (14) weeks during any given year (see Section 14.0). Any BHA employee desiring to carry over more than five (5) days of paid vacation must request and receive written approval from the Executive Director. An employee is not compensated for any unused vacation benefit upon termination of employment with the Billerica Housing Authority.

Written requests for paid vacation leave must be received at least thirty (30) days prior to the start of the requested vacation leave period. The BHA 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 BHA residents. Vacation days may be taken as individual days if approved by the Executive Director. The Executive Director is the sole determiner as to what is the minimum acceptable staff complement.

## **11.3 SICK LEAVE BENEFIT**

All fulltime BHA employees shall be credited with 1.25 days paid sick time, not to exceed 15 days in one year, for each month an employee is actively employed. Part time employees will be credited sick leave benefit on a pro rated basis. This sick leave benefit can be cumulative, but not in excess of a total of 120 working days.

Any employee who requests sick leave must contact the BHA within one (1) hour of the start of the work day. Approval of the use of sick leave in cases in which BHA is not contacted within the first hour of the work day is at the discretion of the Executive Director. Sick leave can be taken by an employee for the medical care or support of an immediate family member. Employees will be credited with 1.25 days of sick leave the first of each month beginning with the month following the start of their employment.



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 in order to limit the charge to accumulated sick leave to the actual hours away from the workplace during working hours.

Accumulated and unused sick leave will be paid at the rate of 20% of such accumulation upon the death or retirement. For the purposes of this benefit, "retire" means an employee who is considered a "retiree" for purposes of the Contributory Retirement System under G.L. c 32. Employees who are terminated on a "for cause" basis are not entitled to any cash conversion of the Sick Leave benefit. Other than death or retirement, an employee is not compensated for any unused Sick Leave benefit when that employee leaves the employ of the Billerica Housing Authority.

Sick leave includes absence on account of 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, mother-in-law and father-in-law.

In cases where employees are absent because of illness or injury for more than three (3) days, a physician's note must be submitted stating length of time out as well as the physician's authorization to return to work. Employees who refuse to submit to a doctor's examination for the purpose of determining a claim for sick leave benefit or bodily injury are not be entitled to use sick leave. Abuse of sick leave is grounds for termination or other lesser disciplinary actions.

#### **11.4 PERSONAL LEAVE BENEFIT**

Beginning each July 1<sup>st</sup>, each full time active employee will be granted three (3) days of Personal Leave. Any Personal Leave days remaining at the fiscal year end or at termination of employment will be forfeited. This benefit is provided pursuant to the Small Necessities Leave Act ("SNLA"), G.L. c. 149, § 52D

#### **11.5 PARENTAL LEAVE BENEFIT**

It is the policy of the BHA to fully comply with the provisions of G.L. c. 149, § 105D. All BHA employees who have completed the first three consecutive months of employment may be eligible for parental leave, in accordance with law. An employee may be eligible for parental leave, in accordance with law and the following procedures:

1. Eligible employees shall be entitled to up to eight (8) weeks of unpaid leave for the following purposes:
  - a. the birth of a child; or
  - b. placement of a child under the age of 18 (or under the age of 23 if the child is mentally or physically disabled) with the employee adopting or intending to adopt the child [in other words, adoption of a child].

Note that if both parents work for the BHA, they will be entitled to eight (8) weeks of parental leave in the aggregate, for the same child.

2. To be eligible for leave under this Policy, an employee is required to provide two weeks' notice in advance of his or her anticipated date of departure, stating his or her intention to return and the anticipated date of return, or as soon as practicable if the delay in notification is due to reasons beyond the employee's control. Upon return to work, the employee is entitled to be restored to his or her previous position, or to a similar position which has the same status and pay as his or her previous position, and to the length of service credit and seniority as of the date of leave.
3. Leave taken pursuant to this Policy will be counted against an employee's annual FMLA leave allowance, where applicable.
4. Leave taken pursuant to this Policy shall be unpaid; however, an employee may elect to use any amount of a paid leave benefit while on parental leave.
5. The BHA will continue to pay the employer's share of premiums for health insurance coverage while an employee is out on parental leave. An employee on parental leave under this Policy shall make arrangements to pay his or her share of the premium.

## **12.0 FMLA/SNLA**

This Policy describes the eligibility, duration and procedural requirements relating to the administration of leave taken pursuant to the Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2612, et seq., and the Small Necessities Leave Act ("SNLA"), G.L. c. 149, § 52D. The BHA is committed to comply with the FMLA and SNLA, as they may be amended from time to time. In the event of a conflict between the BHA's FMLA/SNLA policy and applicable federal or state law and regulations, said federal/state law and regulations applicable to the BHA and its employees shall prevail.

### **12.1 FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)**

15.1.2 The FMLA allows eligible employees up to twelve (12) weeks of unpaid leave, and in limited cases up to twenty-six (26) weeks of unpaid leave<sup>1</sup> ("FMLA Leave") per year, under the circumstances outlined below. Employees may take leave for the following reasons:

- birth of the employee's child or placement of a child with the employee through adoption or foster care;
- the employee is needed to care for a child, spouse, or parent who has a serious health condition; or
- the employee is unable to perform the functions of his or her position because of a serious health condition; or
- military service-related leaves:

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<sup>1</sup> Twenty-six weeks of leave is available only to employees who are eligible for such leave to care for a covered servicemember who is seriously injured or ill as a result of certain military service, as defined by the FMLA.

- a. Leave for Exigent Circumstances: leave when an employee has a close family member (spouse, son, daughter or parent) who is called to covered active military duty for “any qualifying exigency”; the leave must be for non-domestic military service and applies equally to the families of active duty military and reservists (when called to active duty)
- b. Leave to Care for a Covered Servicemember: leave for an employee to care for a close family member in military service, who is seriously injured or ill as a result of such military service (up to twenty-six (26) weeks of leave).

The terms “serious health condition” and “seriously injured or ill” are defined by law and generally refer to in-patient care, and in some instances out-patient care, by a medical provider.

#### **12.1.2 USE**

Employees are required to use any available paid leave first, as part of the total FMLA leave, before commencing the unpaid portion of the leave. Employees who take leave because of the birth, or placement of a child must first use all vacation benefit, sick leave benefit and personal leave benefit. Employees who take leave because of their own serious illness or to care of a spouse, parent or child, or who take leave to care for a covered servicemember or leave for exigent circumstances, must use all vacation, personal and sick leave benefit.

#### **12.1.3 ELIGIBILITY**

To be eligible for FMLA leave under this policy, an employee must have been employed by the BHA for at least twelve months, and must have worked at least 1250 hours during the twelve (12) month period preceding the commencement of the leave.

#### **12.1.4 CONDITIONS**

- a. *Length of Leave.* In most instances, employees may take no more than twelve weeks (or up to twenty-six weeks to care for a covered servicemember) of FMLA leave in a twelve-month period. The twelve-month period is defined as the 12-month period measured forward from the first date an employee takes FMLA leave. If both spouses are employed by the BHA, they are together entitled to a total of twelve weeks of leave for the birth or placement of a child or care of a sick parent.

An employee eligible to take leave to care for a covered servicemember may not take more than twenty-six weeks of leave in any twelve-month period, in total, regardless of the reason for the leave. Moreover, unlike other forms of leave (as discussed in the preceding paragraph), leave to care for a covered servicemember starts as of the date the employee first takes leave.

- b. *Notice.* Employees wishing to take FMLA leave must give 30 days' notice of foreseeable events. If the event giving rise to the need for leave is not foreseeable, then the employee must give such notice as is practicable under the circumstances. Employees must schedule planned medical treatments with due regard for the BHA's operational needs.

#### **12.1.5 CERTIFICATION**

Employees requesting FMLA Leave must provide medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, parent, or covered servicemember. The medical certification must set forth: the date on which the serious health condition, or serious illness or injury, in the case of a covered servicemember, commenced; the probable duration of the condition; and, the appropriate medical facts within the knowledge of the health care provider regarding the condition. Periodic re-certifications may be required, as permitted by law. In some limited circumstances, the BHA may require a second medical opinion, at its own expense.

#### **12.1.6 REDUCED SCHEDULE**

If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, or the serious illness or injury of a covered servicemember, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the BHA may require the employee to transfer temporarily to a position, with equivalent compensation, which better accommodates recurring periods of absence or a part-time schedule.

#### **12.1.7 BENEFITS**

- a. *Health Coverage.* Employees on leave are entitled to the continuance of group health coverage under the same conditions they received coverage prior to the leave. Employees who contribute to their health insurance premiums via payroll deduction must arrange to pay the premium contributions during the period of unpaid absence, if they wish to retain coverage. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the BHA may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control.
- b. *Other Benefits.* Benefits based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence. Employees do not accumulate sick leave benefit, vacation leave benefit or personal leave benefit while on unpaid leave. While out of Leave, employees do not receive any paid holiday benefit.

### **12.1.8 RETURN TO WORK**

Employees returning from FMLA Leave in accordance with this policy will be restored to their original positions, or to equivalent positions with equivalent pay and benefits. Employees should contact the Executive Director at least two weeks before their return date to make arrangements.

### **12.1.9 POSTING**

The BHA shall post the appropriate document prepared by the U.S. Department of Labor summarizing the major provisions of the FMLA.

## **12.2 SMALL NECESSITIES LEAVE OF ABSENCE (SNLA)**

The Small Necessities Leave Act (“SNLA”), enacted in Massachusetts in 1998, allows eligible employees twenty-four (24) hours of unpaid leave during a twelve-month period for employees to attend to family obligations. Employees may take leave for the following reasons:

- to participate in school activities directly related to the educational advancement of the employee’s child, such as parent-teacher conferences or interviewing for a new school;
- to accompany the employee’s child to routine medical or dental appointments, such as checkups or vaccinations; or
- to accompany an elderly relative of the employee to routine medical or dental appointments, or for other professional services related to the elder’s care, such as interviewing at nursing or group homes.

### **12.2.1 USE OF PAID LEAVE**

Employees may substitute paid leave for leave under the SNLA to the extent that the event occasioning SNLA leave is one that would entitle the employee to paid leave under the BHA’s policies. Personal and vacation time, if available, must be used as part of SNLA leave. However, the use of sick time for SNLA leave will be available only to the extent that such use would otherwise be permissible under the BHA’s policies .

### **12.2.2 ELIGIBILITY**

To be eligible for SNLA leave under this policy, an employee must have been employed by the BHA for at least twelve months, and must have worked at least 1250 hours during the twelve-month period preceding the commencement of the leave.

### **12.2.3 CONDITIONS**

- a. *Twenty-four Hours.* Employees may take no more than twenty-four hours of SNLA leave in a twelve-month period. The twelve-month period is a rolling twelve months, beginning twelve months prior to the proposed commencement of the requested leave.
- b. *Notice.* Employees wishing to take SNLA leave must give at least 7 days' notice in the case of foreseeable events. If the event giving rise to the need for leave is not foreseeable, then the employee must give such notice as is practicable under the circumstances.

### **12.2.4 CERTIFICATION**

The BHA reserves the right to request a certification of the need for SNLA leave.

### **12.2.5 REDUCED SCHEDULE LEAVE**

Leave under this Policy may be taken intermittently on a reduced leave schedule.

## **13.0 UNPAID LEAVE**

Leave without pay status may be granted with the approval of the Executive Director after the first three (3) consecutive months of employment. The combined use of paid and unpaid leave in any calendar year cannot exceed twelve (12) weeks. This does not have to be a continuous period of time. Any leave of absence that exceeds twelve (12) weeks in any calendar year will free the BHA to take steps required by business necessity to declare a position vacant and to hire or promote to fill the vacancy. The Executive Director's decision to grant or deny a request for leave without pay shall be final.

Unpaid leave can be used for medical reasons involving the employee or an "immediate" family members of the employee (as defined in Section 19.0). Unpaid leave up to twelve (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 and 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 Executive Director, the 14 week limit can be extended.

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

#### **14.0 MAXIMUM USE OF LEAVE**

BHA employees are limited to a maximum use of leave of 12 weeks in any twelve (12) month period. 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. The Billerica Housing Authority is a small organization with a staff of less than fifteen (15) employees and thus, leaves of longer than 12 weeks impair the organization's ability to perform its mission and place an unfair burden on other staff. Business necessity requires that a limit be placed on time away from the workplace.

#### **15.0 MILITARY LEAVE**

It is the policy of the Billerica Housing Authority to comply with the applicable provisions of the Federal Uniform Services Employment and Reemployment Rights Act (USERRA) and any other applicable state or federal law, with respect to employment, reemployment and protection of employee benefits during military service. The Billerica Housing Authority will not discriminate against any employee or prospective employee because of past, present or future membership in a uniformed armed service.

Military leave of absence with pay of up to two (2) weeks per year will be granted to employees who are reservists of the Armed Forces or members of the National Guard engaged in active duty, training, or military aid to enforce the law.

#### **16.0 COURT LEAVE**

Time off from work will be granted to employees serving as a witness or jury duty when properly served with a summons or subpoena. The salary of an employee will be unaffected. However, reimbursement received for service will be turned over to the BHA and credited against regular salary. Payment by the court for travel, meals or lodging may be retained by the employee.

#### **17.0 BEREAVEMENT LEAVE**

In the case of the death of a member of the "immediate family" of an employee which includes the employee's spouse, father, mother, brother, sister, dependents (children, step-children, and foster children), parents-in-law, grandparent or grandchildren, up to four (4) days leave, after notice of the death, will be granted with pay.

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

#### **18.0 WORKERS' COMPENSATION LEAVE**

BHA employees who are injured while at work may be eligible for Workers' Compensation Leave and benefits in accordance with Massachusetts General Law Chapter 152. This program protects a significant portion of an employee's income while the eligible employee is unable to work.

## **19.0 RETIREMENT PLAN**

BHA employees are covered by the Retirement Provisions of MGL, Chapter 32. The plan is operated by the Middlesex County Retirement System. Deductions are made weekly and are credited to the employee retirement account which is accounted for annually by the Middlesex County Retirement System. A percentage of the employee salary is deducted from each paycheck and BHA matches it. Vestment eligibility is determined by the Middlesex County Retirement System. The terms and contents of the plan are complex with many exceptions and special rules. Hence, employees are advised to obtain plan details from the County Retirement System.

## **20.0 HEALTH INSURANCE & HOSPITALIZATION**

BHA employees may choose to be covered by BHA's Health Insurance Program.. The plan is for active and retired employees and their dependents.

Employees are eligible to be covered under one of several Health Maintenance Organizations (HMOs) or the Group Indemnity Plans as offered through GIC. Other plans may be offered by the BHA's Health Insurance Program. These plans are offered once a year. Employees can enroll in their chosen plan only during this period.

All employees that are working twenty (20) or more days may join the State Plan after three (3) months of consecutive employment. BHA pays 85% and the employee pays 15% of cost.

## **21.0 LIFE INSURANCE PLANS**

BHA employees wishing to do so may purchase Term Insurance as provided by the Commonwealth of Massachusetts Group Insurance Commission (GIC). A booklet is available explaining the policies.

## **22.0 CREDIT UNION**

BHA employees may participate in the Billerica Municipal Credit Union.

## **23.0 DEFERRED COMPENSATION PROGRAM**

All full-time BHA employees are eligible to join the Commonwealth's Deferred Compensation Program (DCP). The employee must elect this option.

The program offers participating employees the ability to defer a portion of his or her income and thereby accumulate money on a tax sheltered basis.

DCP payments are made by affected employees through payroll deductions.



## **24.0 SALARY ADMINISTRATION**

### **24.1 DETERMINATION OF WAGE RATES**

BHA employees will be paid at rates based upon pertinent local public practice and guidelines established by the Department of Labor, Department of Housing & Urban Development (HUD) and the Department of Housing & Community Development (DHCD). Other periodic pay increases may be established by the Executive Director.

### **24.2 EXECUTIVE DIRECTOR SALARY**

The appropriate compensation rate shall be determined upon review of his/her performance in a manner consistent with the Board's standards, goals and objectives and in accordance with the current DHCD Executive Director salary schedule. Increases will be budgeted every year during review of annual budget.

### **24.3 ADMINISTRATIVE STAFF SALARY INCREASES**

The BHA can grant merit increases based on availability of funds for each full-time and permanent part-time employee. Recommendations for merit increases will be made by the Executive Director.

Merit increases will be determined by consideration of employee performance, duties and responsibilities, the overall compensation structure of the BHA, and salary comparability.

### **24.4 MAINTENANCE STAFF SALARY INCREASES**

For full-time maintenance employees whose salaries are fixed, pursuant to MGL Chapter 121B, Section 29, compensation rates will be paid in accordance with wage rates established by the designated agency of the Commonwealth.

## **25.0 PERSONNEL ADMINISTRATION**

### **25.1 SELECTION OF APPLICANTS**

Persons desiring employment with the Billerica Housing Authority must file written applications setting forth their qualifications, experience, and references.

New employees of the BHA will serve an initial three (3) month Probationary Period. This initial period can be extended for another 3 months for a Probationary Period of up to six (6) months. At the completion of the Probationary Period, the employee will meet with the Executive Director for an initial performance planning session. The Executive Director will monitor the performance of new administrative employees and hold periodic performance reviews as well as monitor the performance of maintenance employees.

The BHA 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.

## 26.0 PROGRESSIVE DISCIPLINE

An employee may be suspended from duty without pay for the following reasons:

1. Disciplinary reasons (up to ten (10) days per incident); or
2. Pending an investigation to show cause (up to fifteen (15) days).

The chart provided below indicates behavior considered unacceptable for the professional performance of duties as an employee of the BHA. The chart also indicates the actions the BHA may take. Certain behavior is grounds for immediate termination. Other behaviors are subject to progressive steps which may result in termination should the behavior be repeated after formal notification of the unacceptability of the behavior. This chart does not cover all behaviors that can lead to disciplinary actions.

### 26.1 Progressive Discipline Chart for BHA Employees

BEHAVIOR	1st Offense	2nd Offense	3rd Offense	4th Offense
Theft of property from BHA, BHA resident or BHA co-worker.	Discharge			
Threatening or intimidating BHA employees or residents.	Discharge			
Use of another employees ID or permitting misuse of one's own ID.	Discharge			
Possession of Illegal weapons or firearms on BHA property.	Discharge			
Misuse or intentional damage to BHA property.	Discharge			
Taking payments from residents to provide special services.	Discharge			
Assaultive behavior.	Discharge			
Deliberately restricting output or sabotage of BHA equipment or property.	10-day suspension	Discharge		
Fighting or any deliberate attempt to start a fight.	10-day suspension	Discharge		
Unprofessional conduct or harassment of BHA resident, applicant or co-worker.	3-day suspension	Discharge		
Failure to report accident or injury.	3-day suspension	Discharge		
Gambling on BHA property.	3-day suspension	Discharge		
Removal or misuse of confidential materials or information.	3-day suspension	Discharge		
Willfully misreporting hours worked by oneself or a co-worker or "punching in" for a co-worker.	3-day suspension	Discharge		
Insubordination by refusing a supervisor's order.	3-day suspension	5-day suspension	Discharge	
Use of alcohol or illegal drugs on BHA property.	Counseling referral	Discharge		
Reporting for work unfit for duty because of alcohol or illegal drugs.	Counseling referral	Discharge		
Unauthorized use of BHA equipment, supplies or materials.	1-day Suspension	Discharge		
Failure to follow specific direction or instructions.	Written Warning	3-day suspension	5-day suspension	Discharge
Unauthorized absence from the workplace.	Written Warning	3-day suspension	5-day suspension	Discharge
Taking early wash-up or otherwise stopping work prior to end of work day.	Written Warning	3-day suspension	5-day suspension	Discharge
Inability to work harmoniously with all co-workers.	Written Warning	3-day suspension	5-day suspension	Discharge

Sleeping on the job.	Written Warning	5-day suspension	Discharge	
Unexcused lateness.	Written Warning	3-day suspension	Discharge	
Failure to use appropriate safety equipment and/or disregard of safety rules.	Written Warning	3-day suspension	Discharge	
Creating or contributing to unsanitary conditions.	Oral Warning	Written Warning	3-day suspension	10-day suspension
Stretching breaks or otherwise wasting time.	Oral Warning	Written Warning	3-day suspension	10-day suspension
Unauthorized soliciting or distribution of printed materials on BHA premises.	Oral Warning	Written Warning	3-day suspension	Discharge
Smoking in unauthorized areas.	Oral Warning	Written Warning	3-day suspension	Discharge
Posting or removing notices from bulletin boards without approval of Executive Director.	Oral Warning	Written Warning	3-day suspension	Discharge

## **27.0 SEPARATIONS**

### **27.1 RESIGNATION**

Any BHA employee desiring to terminate employment is requested to submit a written resignation providing, at minimum, a two (2) week advance notice.

### **27.2 DISMISSAL**

Any BHA employee who gives unsatisfactory service or who has behaved in unprofessional manner contrary to the interests of the BHA may be subject to dismissal by the Executive Director.

The BHA will comply with MGL Chapter 31, Section 41-45 for tenured employees.

### **27.3 REDUCTION IN WORK FORCE (RIF)**

If it is necessary to reduce personnel, the selection of employees to be retained will be based on the relative efficiency and the necessity of the job entailed, the employee's performance and the length of service. At least a thirty (30) day notice prior to termination will be given an employee.

### **27.4 LEAVE PAYMENTS**

No termination leaves or severance payments will be made except for authorized, unused annual leave payments, which will be limited to a maximum of five (5) weeks' pay.

## **28.0 TRAINING & EMPLOYEE DEVELOPMENT**

### **28.1 JOB TRAINING**

Employee training is a requirement for all job classifications. Programs of varying degrees of structure may involve formal classroom work and on-the-job training, which will be offered on a continual basis.

## **28.2 EMPLOYEE DEVELOPMENT**

Although BHA employees are encouraged to make basic decisions concerning their interests and goals, participation in career development is not required. Career development is encouraged through an Employee Performance Planning and Evaluation Process. While participation in career development planning is not in itself the guarantee of promotions, transfers, or any other immediate results, it has been established to be helpful on a personal basis in setting individual goals and enhancing capabilities.

## **29.0 GRIEVANCE PROCEDURE**

BHA employees have the right to present grievances individually or as a group. In doing so, they will be free from restraint, interference, discrimination and reprisals.

A grievance is defined as a violation, misinterpretation or misapplication of the express terms of the Personnel Policy which is rendered in writing and contains a concise statement of the facts upon which the grievance is based and specific provision or provisions alleged to have been violated. A grievance, to be defined as such, must be filed in writing and submitted to Step 1 of the following procedure within ten (10) working days of the occurrence of the facts upon which it is based or from the time that the employee has knowledge of, or should have had knowledge of the occurrence of the facts on which it is based.

### **Step 1**

Informal meeting with the immediate supervisor will occur within two (2) working days of the reporting of the grievance.

### **Step 2**

If not resolved at the Step One review, the employee can request a second meeting with the Executive Director (even if the Executive Director was the immediate supervisor in Step 1 above) and request the decision of the Executive Director following the Step 2 meeting in writing.

### **Step 3**

If, in the event that the grievance is not resolved to the satisfaction of the employee at this point, the employee may present their grievance in writing to the BHA for discussion at the BHA's next regularly scheduled meeting of the Board of Commissioners. In all cases within its jurisdiction, the decision of the BHA Board of Commissioners will be final. In the event that a situation occurs which warrants emergency consideration by BHA and where all concerned parties agree to the urgency, then the three (3) step process may be circumvented and a grievance may be taken directly to the BHA Board of Commissioners for consideration.

The grievance procedure pertains to employees who are currently employed by BHA and former employees who have been separated no longer than thirty (30) days from the date of their termination. The types of complaints covered by the in-house grievance procedure includes, but are not limited to, upgrading, demotion, transfers, layoffs, termination, rates of pay, or other forms of compensation and selection for training.

## **30.0 EMPLOYEE EVALUATION AND MERIT SYSTEM**

### **30.1 EVALUATION PROCESS**

The BHA employee evaluation process is a two step procedure and will be conducted as follows:

1. **Performance Planning** - The performance planning is intended as a systematic process for communication between supervisor and employee to establish job elements and expected performance for the year;
2. **Evaluation and Merit System** - This system will ideally consist of annual reviews in which the employee and the Executive Director will review performance. The Executive Director will determine the employee's merit increase based on the two reviews.

It is BHA policy that the performance of each employee will be evaluated in such a way as to improve work performance. Administrative staff evaluations will be conducted in June and maintenance staff evaluations in March.

BHA objectives for evaluation employee performance are as follows:

- Improving performance through the mutual determination of performance objectives and measures;
- Enhancing career development and professional growth; and
- Satisfying administrative requirements regarding promotion, salary increase, adverse actions, incentive awards and probationary period status.

The Executive Director shall be evaluated annually by the Board of Commissioners.

## **31.0 SERVICE RECORDS**

Service records will be maintained for every BHA employee. Such records will contain information pertinent to his or her BHA employment history including dates and changes of status, employee evaluations, records, disciplinary actions, medical dates and other personal information. This record is available to an individual employee upon request. In response to a valid request to verify employment for business reference or credit purposes, BHA will release, without approval, only dates of employment and most recent position title. Upon written approval, BHA will release, in addition to the above, current or final salary and the last five (5) year job chronology.

## **32.0 GENERAL PERSONNEL POLICIES**

### **32.1 ANTI-DISCRIMINATION, HARRASSMENT, (INCLUDING SEXUAL HARASSMENT) AND EEO POLICY**

### **32.2 EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

The BHA will not discriminate in its employment practices, on the basis of race, color, gender, gender identity, national origin, religious creed, ancestry, age, sexual orientation, disability, pregnancy or pregnancy-related condition, genetic information, military status, or another basis prohibited under state or federal anti-discrimination statutes. This shall include such areas as recruitment, selection, compensation and benefits, professional development and training, reasonable accommodation for disabilities or religious practices, promotion, transfer, termination, layoff, and other terms and conditions of employment.

### **32.3 PROHIBITION OF DISCRIMINATION AND HARRASSMENT**

It is the Policy of the BHA to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination, including harassment, whether based upon on race, color, sex, religion, national origin, ancestry, disability, age, sexual orientation, gender identity, pregnancy or pregnancy-related conditions, or veteran status, or any other category protected by the state and federal anti-discrimination laws, will not be tolerated. To achieve the goal of providing a workplace free from discrimination, the BHA will implement the procedure described below to address any potential inappropriate conduct.

This Policy applies to all employment practices and employment programs sponsored by the BHA. This Policy shall apply, but not be limited, to the areas:

- Recruitment
- Selection
- Compensation and benefits
- Professional development and training
- Reasonable accommodation for disabilities or religious practices
- Promotion
- Transfer
- Termination
- Layoff, and
- Other terms and conditions of employment

This policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media). When the conduct complained of occurs outside of the workplace, the BHA may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this Policy:

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at a BHA-sponsored function;
- whether the conduct occurred during work hours;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

Because the BHA takes allegations of unlawful discrimination and harassment seriously, officials will respond promptly to complaints and, where it is determined that such inappropriate conduct has occurred, will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this Policy sets forth the BHA's goals of promoting a workplace that is free of discrimination and harassment, **the Policy is not designed or intended to limit the BHA's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the legal definitions of discrimination or harassment.**

#### **32.4 DEFINITION OF SEXUAL HARRASSMENT**

Sexual Harassment - That conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which may constitute sexual harassment when:

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

**32.5 DEFINITION OF HOSTILE WORK ENVIRONMENT** : A form of sexual harassment, where pervasive and sexually hostile working conditions unreasonably interfere with an employee's ability to do his or her job.

**32.6 QUID PRO QUO:** Another form of sexual harassment, where tangible job benefits are offered or withheld in exchange for sexual favors.

#### **32.7 EXAMPLES OF PROHIBITED DISCRIMINATORY BEHAVIOR**

It is not possible to list all the circumstances that may constitute discrimination in violation of this Policy. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures, and; any conduct constituting sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. This can include conduct that is aimed at a person's sexual orientation or gender identity.

## **32.8 PROCEDURES**

### **32.8.1 COMPLAINTS OF SEXUAL HARRASSMENT**

If an employee believes that he or she has been subjected to sexual harassment, it is the BHA's policy to provide the employee with the right to file an internal complaint. This may be done orally or in writing.

An employee may file a complaint of sexual harassment by contacting the Executive Director. The Executive Director will be available to discuss any concerns employees may have and to provide information about the BHA's Policy on sexual harassment and the complaint process.

### **32.8.2 SEXUAL HARRASSMENT INVESTIGATION**

When a complaint of sexual harassment is received, the BHA will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The BHA's investigation will include a private interview with the person filing the complaint and with any witnesses. The BHA will also interview the person alleged to have committed sexual harassment. When the investigation has concluded, the BHA will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the BHA will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action.

### **32.8.3 COMPLAINTS CONCERNING OTHER FORMS OF DISCRIMINATION AND/OR HARRASSMENT**

Complaints alleging forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with subparagraphs 30.4.1 and 30.4.2, above, whenever appropriate.

### **32.8.4 CONFIDENTIALITY**

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as any other BHA employee, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.



All employees are reminded of the provisions of G.L. c. 268A, § 23(c)(2), which prohibit a public employee or official from improperly disclosing information that is protected from disclosure under the public records law, and acquired by an employee or official in the course of official duties. Section 23 also prohibits a public employee or official from using such information to further the employee's/official's personal interest. Violations of Section 23 may lead to disciplinary action, up to and including termination.

### **32.8.5 RETALIATION**

Any retaliation against an individual who has formally or informally complained about discrimination, including harassment, or has cooperated with an investigation of a discrimination complaint, is prohibited.

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

### **32.8.6 SANCTIONS**

If it is determined that inappropriate conduct has been committed by an employee, the BHA will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, including termination from employment.

### **30.8.7 STATE AND FEDERAL REMEDIES**

In addition to the above, if an employee believes he or she has been subjected to sexual harassment, he or she may file a formal complaint with either or both of the government agencies listed below. Using the BHA's complaint process does not prohibit an employee from filing a complaint with either of these agencies. Please note that both agencies have a short time period for filing a claim (300 days).

#### **The United States Equal Employment Opportunity Commission (EEOC)**

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: (800) 669-4000  
TTY: (800) 669-6820

#### **The Massachusetts Commission Against Discrimination (MCAD)**

##### **Boston Office**

One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Phone: 617-994-6000  
TTY: 617-994-6196

### **33.0 DOMESTIC VIOLENCE LEAVE POLICY**

The Authority is committed to complying with the Massachusetts Domestic Violence Leave Act, G.L. c. 149, §52E (“DVLA” or “the Act”), as it may be amended from time to time. In the event of any conflict between the BHA’s DVLA policy and the state law and any applicable regulations, the state law/regulations applicable to the BHA and its employees shall prevail. This Policy describes the eligibility and procedural requirements relating to the administration of leave taken pursuant to DLVA.

#### **33.1 ELIGIBILITY**

To qualify for domestic violence leave under the DVLA, an employee or a covered family member must be the victim of “*abusive behavior*.” “Abusive behavior” includes any of the following behaviors: domestic violence, stalking, sexual assault or kidnapping.

*Domestic violence* is abuse against an employee or a covered family member by a current or former spouse, a person with whom the victim shares a child, a person cohabitating with or who has cohabitated with the victim in the past, a relative by blood or marriage, or a person with whom the employee or family member has or had a dating or engagement relationship.

A *Covered family member* includes a spouse, parent, step-parent, child, step-child, sibling, grandparent, grandchild, persons in a substantive dating relationship or who reside together, persons having a child in common, or persons in a guardian relationship. In the case of abuse of a family member, the employee is not entitled to leave if he or she is the alleged perpetrator.

#### **33.2 DURATION OF LEAVE**

If an employee or a covered family member of the employee is a victim of abusive behavior, he/she may take up to fifteen (15) days of unpaid leave in any 12-month period.

Employees are required to exhaust all paid leave before taking leave under the DVLA.

#### **33.3 REASONS FOR REQUESTING LEAVE**

Employees may request leave to address issues directly related to the abusive behavior. This includes seeking medical attention, counseling or victim services. Leave may also be taken to obtain legal assistance, to attend or appear in court proceedings, or to meet with a district attorney or law enforcement personnel. It is not a requirement of the Act that the employee maintain contact with the alleged abuser before being eligible for leave.

#### **33.4 NOTICE**

Employees must provide sufficient advance notice of the decision to use domestic violence leave, unless there is a threat of imminent danger to the health or safety of the employee or a member of the employee’s family. An employee who does not give advance notice must notify the employer within three (3) work days that leave is being taken pursuant to the DVLA. The notice may be provided by certain specified individuals other than the employee.

If an unscheduled absence occurs, the employee has 30 calendar days to produce documentation of the need for leave, in accordance with subparagraph 30.5.5, below.

### **33.5 DOCUMENTATION**

Employees taking leave pursuant to the DVLA may be required to provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior. If requested, an employee is required to provide such documentation within a reasonable period after the request is made. An employee can satisfy this requirement by providing any one of the following documents:

- A protective order issued by a court as a result of abusive behavior against the employee or employee's family member;
- A document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior;
- A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior;
- Documentation that the perpetrator of the abusive behavior against the employee or family member of the employee has admitted to sufficient facts in court, or has been convicted of any offense constituting abusive behavior;
- Medical documentation of treatment as a result of the abusive behavior;
- A sworn statement provided by a counselor, social worker, or health care worker who has assisted the employee or the employee's family member; or
- A sworn statement from the employee attesting that the employee has been the victim of abusive behavior.

### **33.6 RETURN TO WORK**

Employees who take leave pursuant to the DVLA will be restored to their original or equivalent position upon return from leave unless circumstances unrelated to the employee's use of leave would have caused a change in employment status. The BHA shall not retaliate against an employee for exercising his/her rights under the DVLA.

### **33.7 CONFIDENTIALITY**

With limited exceptions set forth by law, information related to the employee's leave shall remain confidential.

### **34.0 WORKPLACE VIOLENCE POLICY**

It is the Policy of the BHA to promote a safe environment for its employees. The BHA is committed to working with all employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously, and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution. Such employees may also be subject to disciplinary action, up to and including termination from employment.

This Policy establishes the standards, procedures and safeguards that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; reduce the potential for violence in and around the workplace; mitigate the negative consequences for employees who experience or encounter violence in their work lives; and ensure that appropriate resources are available to employees who may be victims of workplace violence.

### 34.1 DEFINITIONS

**Workplace Violence** includes, but is not limited to, intimidation, threats, physical attack, domestic violence or property damage and includes acts of violence committed by BHA employees, clients, customers, tenants, relatives, acquaintances or strangers against BHA employees in the workplace. Violent behavior can include actions or communications in person, by letter or note, telephone, fax or electronic mail. Incidents of workplace violence may be acted out individually or take place between employees, employees and clients/residents, employees and acquaintances/partners and employees and the general public.

**Intimidation** is engaging in actions that includes but is not limited to stalking or behavior intended to frighten, coerce, or induce duress.

**Threat** is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future. Threats need not be made in person, but can be made through any means, including but not limited to via telephones or electronically (e.g., via the Internet, email, social media sites or blogs, etc.).

**Physical Attack** is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

**Domestic Violence** is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together or dated.

**Property Damage** is intentional damage to property and includes property owned by the BHA, employees, visitors or vendors.

### 34.2 PROHIBITED BEHAVIORS

It is a violation of this Policy to:

- Engage in workplace violence as defined herein;
- Use, possess or threaten to use a weapon during a time covered by this policy, even if the employee has a License to Carry a Firearm, and
- Misuse authority vested to any employee of the BHA in such a way that it violates this Policy.

### 34.3 PROCEDURES

Employees who observe or who are the victim of violent behavior by anyone on BHA property shall report the incident immediately to the Executive Director, whether or not the alleged offender is a BHA employee. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Billerica Police Department.

All reports of violence will be evaluated immediately, and appropriate action will be taken, where possible, in order to help protect the employee(s) from further violence. Appropriate disciplinary action will be taken when it is determined that an employee has committed threats or acts of violence, in violation of this Policy.

The Executive Director or his or her designee shall be responsible for responding promptly and appropriately to any report of violence in the workplace and conducting an investigation into the alleged incident, when necessary.

Workplace incidents involving emergency and/or criminal activity will be referred to the Billerica Police Department for investigation in appropriate circumstances. The BHA may conduct an administrative investigation concurrent with any criminal investigation, in cooperation with the Billerica Police Department. Such an administrative investigation shall be conducted in a confidential manner, to the extent possible.

#### **34.4 SANCTIONS**

Any employee who is found to be in violation of this Policy will be subject to disciplinary action, up to and including termination from employment. An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including dismissal, in appropriate circumstances.

#### **34.5 EMPLOYEE ASSISTANCE PROGRAM**

Employees who are victims of or witnesses to workplace violence may contact the Executive Director for assistance in developing a personal safety plan in the event of workplace violence.

#### **35.0 DRUG AND ALCOHOL FREE WORKPLACE POLICY**

It is the Policy of the BHA to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of controlled substances is inconsistent with the behavior expected of BHA employees and subjects the BHA to unacceptable risk of workplace accidents or other failures that would undermine the BHA's ability to operate effectively and efficiently. This Policy outlines prohibited workplace conduct with respect to controlled substances (drugs) and alcohol. This Policy complies with the BHA's obligations under the Federal Drug-Free Workplace Act, 41 U.S.C. § 8101, et seq. Although certain uses of marijuana have been legalized in the Commonwealth of Massachusetts, this policy and the following procedures also apply to marijuana use.

1. The following is prohibited:
  - a. Off-Duty: Any use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances or marijuana, except, in the case of marijuana, where authorized by Massachusetts law;
  - b. On Duty: Any consumption of controlled substances, marijuana (with or without prescription) or alcohol, whether on or off BHA property, or at any other worksite where employees may be assigned, or elsewhere during work hours;
  - c. The use of controlled substances or marijuana (with or without a prescription), or any use of alcohol on non-working time, to the extent that such use: (i) impairs an employee's ability to perform the employee's job; (ii) adversely impacts the safety of the employee or others; (iii) or affects the reputation of the BHA to its tenants, the general public, or otherwise threatens its integrity.

2. Employees who are convicted of substance-related violations under state or federal law in the workplace, including alcohol or marijuana related violations, or who plead guilty or *nolo contendere* to such charges, must inform the Executive Director within five (5) days of such conviction or plea.
3. Employees who are convicted or who plead guilty or *nolo contendere* to such drug-related violations, or are found to have consumed or be impaired by controlled substances, marijuana or alcohol while on-duty, may be required to successfully complete a substance abuse or similar program as a condition of continued employment or re-employment with the BHA.
4. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.
5. **Employee Assistance Program:** The BHA recognizes drug and alcohol dependency as an illness and a major public health problem. To that end, the BHA encourages affected individuals to voluntarily seek medical help. Employees who wish to obtain help in dealing with such problems may contact the Executive Director for a referral to the BHA's Employee Assistance Program. The BHA may independently refer an employee to the Employee Assistance Program or other substance use/abuse counseling agency or program for help, particularly where there is a pattern of deteriorating job performance or excessive absenteeism of the employee associated with substance use/abuse.
6. **Sanctions:** Substance use/abuse, however, does not relieve an employee of job performance standards and obligations. Violations of any and all provisions of this Policy may result in disciplinary action, up to and including termination from employment.

### **36.0 SMOKE FREE WORKPLACE POLICY**

The Massachusetts Smoke-Free Workplace Law is primarily intended to protect workers from health hazards resulting from exposure to secondhand smoke. As of July 5, 2004, all Massachusetts workplaces with one or more employees must be smoke-free. Designated indoor smoking areas or smoking rooms are no longer permitted. Moreover, smoking is prohibited in any public building. In addition, effective July 30, 2018, HUD administrative buildings. Thus, the BHA is a smoke-free workplace and will not tolerate smoking on its premises. This includes the smoking of marijuana.

The Massachusetts Department of Public Health has additional information about the State Smoke Free Workplace Law, available at <http://www.mass.gov/eohhs/gov/departments/dph/programs/mtcp/smoke-free-workpla>

### **37.0 ELECTRONIC COMMUNICATIONS AND COMPUTER USE POLICY**

This Policy is intended to provide guidance on the appropriate use of the BHA's electronic communication and information equipment and systems ("Systems"). Such Systems include, but are not limited to, computer workstations, laptops, tablets (such as iPads), hardware and software, electronic mail ("e-mail"), telephones, cellular phones, pagers, "blackberry"-style devices, Smart Phones, facsimile machines, and the Internet.

Use of the BHA's Systems by any employee, contractor, consultant, and/or volunteer ("user") shall constitute acceptance of the terms of this Policy and any such additional related policies that may be issued by the BHA

Access and use of the BHA's Systems is intended for business-related purposes, including communicating with coworkers and colleagues, and researching topics relevant to BHA business. All existing state, federal, and local laws and BHA Policies apply to a user's conduct while using the BHA's Systems, particularly those that govern intellectual property protection, sexual or other harassment, misuse of BHA resources, privacy rights, and confidentiality.

This Policy sets forth general guidelines and examples of prohibited uses of the BHA's Systems for illustrative purposes, but does not attempt to identify all required or prohibited activities by users. Questions regarding whether a particular activity or use is acceptable should be directed to the Executive Director. These guidelines may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the BHA's Systems. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies of the BHA.

### **37.1 PRIVACY**

**Users should not expect any right of privacy in said Systems, including electronic communications and information created or stored on the BHA's Systems.** The BHA retains the right to inspect its Systems, including any BHA-owned or leased computer or electronic communications equipment, any data contained in such equipment, and any data sent or received by that equipment. The BHA will exercise that right when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of the workplace. Users should be aware that appropriately-authorized network administrators may monitor network traffic, and/or access all files, including e-mail files and Internet use history, stored on any equipment.

All electronic files and documents originating from or passing through the BHA's Systems are considered to be the property of the BHA.

### **37.2 SECURITY**

All usernames and passwords are for the exclusive use of the individual to whom they are assigned. The user is personally responsible and accountable for all activities carried out under his/her username, and should take all reasonable precautions to protect his/her password. The password associated with a particular username must not be given or divulged to another person (with the exception of the Executive Director). No one may use, or attempt to use, a username or password assigned to another person, or pose as another user.

### **37.3 INTERNET GUIDELINES**

While employees increasingly use the Internet as a tool in the workplace, misuse or abuse of the Internet can result in wasted time, as well as potentially violate laws and regulations, or other BHA policies. Therefore, users should adhere to the following Internet Guidelines.

- a. Use for Official Business. It is the BHA's policy to restrict Internet access to official BHA business. Use of the Internet for personal matters is prohibited.

b. Authorization. Authorization for Internet access must be obtained through the Executive Director. Once authorization is approved, each user is responsible for the security of his or her account password and will be held responsible for all use or misuse of such account (see Section 33.2 above).

c. Compliance with Laws. Users must not utilize the Internet to knowingly violate any state, federal or local law, or the laws of any other nation. United States copyright and patent laws may apply to information and material(s) accessed through the Internet, and care should be taken to not violate the copyrights or patents of others on or through the use of the Internet.

d. Viruses. All appropriate precautions should be taken to detect viruses, including scanning all computer files (including attachments) that are downloaded and/or opened from the Internet, before installation or execution of such files/attachments. Users should direct any questions regarding the proper use of virus detection software to the Executive Director prior to downloading and/or opening any computer files/attachments.

e. BHA Monitoring. As noted above, users should not have any expectation of privacy as to their computer or Internet usage, including the receipt and sending of e-mail. It is possible for the BHA to monitor Internet usage histories and/or patterns, and the BHA may inspect, without limitation, any portion of its Systems, including files stored either on the computer hard drive or the BHA's server, to the extent necessary to ensure compliance with this Policy or any other applicable state, federal, or local law or BHA policy.

f. Prohibited Practices.

- (i) Users shall not use BHA computers knowingly to download or distribute pirated software or data. Any software or files downloaded via the Internet may be used only in ways that are consistent with their licenses or copyrights. The downloading of games or other programs for amusement/entertainment purposes is strictly prohibited.
- (ii) Users shall not make an unauthorized attempt to enter into another employee's computer (commonly referred to as "hacking").
- (iii) All computer hardware and software shall at all times remain the property of the BHA, and may not be removed from their respective sites or downloaded onto personal computer equipment without the express written approval of the Executive Director. The installation or upgrade of computer software programs on computer hardware, without the express written approval of the Executive Director, is strictly prohibited.
- (iv) Users must not utilize the Internet to deliberately propagate any virus, worm, "Trojan horse," trap-door or back-door program code, or knowingly disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.



- (v) Users shall not disclose confidential information or promote personal political beliefs, discrimination, sexual harassment, and any unlawful activity; nor shall the BHA's computers be used for private financial gain, or commercial, advertising or solicitation purposes.
- (vi) Use of the BHA's Systems, including computers, to display any kind of image or document that is obscene, pornographic, sexually explicit or sexually suggestive, is prohibited. Additionally, these materials may not be archived, stored, distributed, edited, or recorded using BHA network, printing, or computing resources.
- (vii) Users shall not utilize the BHA's Systems for the purpose of sending "chain-letters", unsolicited mass e-mails, or other "spam."
- (viii) Users shall not maliciously use or disrupt the BHA's computers, networks, or Internet services; nor breach the Systems' security features; nor misuse or damage the BHA's equipment; nor misuse passwords or accounts; nor attempt to access unauthorized sites; nor use the BHA's Systems after such access has been denied or revoked; nor attempt to delete, erase or otherwise conceal any information stored on any portion of the BHAs Systems.
- (ix) Users shall not access the Internet for non-work related purposes, including but not limited to: social networking sites such as Facebook, Twitter, and LinkedIn, non-work related blogs or websites, or personal shopping sites, for example, during work hours and/or using the BHA's Systems.

#### **37.4 ELECTRONIC MAIL ("EMAIL") GUIDELINES**

- a. The Internet does not guarantee the privacy and confidentiality of information. Sensitive material transferred over the Internet may be at risk of detection by a third party. Users must exercise caution and care when transferring such material in any form.
- b. The Secretary of State's Office of the Commonwealth has determined that e-mail qualifies as "public records", as defined in Chapter 4, section 7(26) of the Massachusetts General Laws. Therefore, all e-mail mail sent by or received through the BHA's Systems are archived. All users shall retain either a printed or digital record of e-mail sent by or received through the BHA's Systems, in the same manner that other paper records are kept and in accordance with any record retention requirements.
- c. Users should be aware that opening programs or files attached to email messages may cause computer viruses to infect the BHA's Systems, and thus should only open such attachments from anticipated and trusted sources.
- d. Employees shall not broadcast messages to all employees via e-mail without permission from the Executive Director.

### **37.5 TELEPHONE USAGE**

Telephones (including cellular phones, "Smart Phones," and blackberry-style devices) are provided for business use. Personal telephone calls may be permitted, but users should exercise good judgment in making such calls. Excessive usage for non-business related purposes (whether on a personal device or on a BHA supplied device), as well as misuse of telephones, such as to make harassing or threatening calls, may result in discipline, up to and including termination from employment.

Employees are reminded that text messages or other similar messages sent via cell phones, Smart Phones, and blackberry-style devices may constitute public records, and therefore, any such messages pertaining to official business of the BHA should be maintained as public records, in the same manner as e-mail messages. Also reference Cell Phone Policy 2.7.

### **37.6 SANCTIONS**

Violation(s) of this Policy may result in either the suspension or permanent loss of the privilege to use the BHA's Systems. It may further result in disciplinary action being taken against the employee, up to and including termination from employment. Additionally, users shall be personally liable for any losses, costs or damages incurred by the BHA related to violations of this Policy. Similarly, the illegal use of the BHA's Systems may result in referral to law enforcement authorities. Employees shall report violations of this Policy to the Executive Director. Retaliation against another user for reporting a violation or violations of this Policy, including the use of e-mail or the Internet in a retaliatory manner, is strictly prohibited by the BHA.

### **38.0 TRAVEL AND REIMBURSEMENT POLICY**

It is the BHA's policy to reimburse employees for expenses incurred where such expenses are: 1) reasonable and necessary; 2) incurred for a BHA related business purpose; and 3) documented, approved, and submitted timely and properly.

Attendance at conferences, conventions and meetings shall be limited to the number of persons necessary to cover the meeting adequately. Reasonable expenses incurred for travel costs, including transportation, meals, and lodging, shall be reimbursed only for actual costs incurred, and subject to prior authorization. Expenses for meals charged to State-funded programs shall not exceed the limits established by DHCD. Travel authorizations must be approved in advance by the Executive Director. Travel authorizations for the Executive Director must be approved in advance by the Chair of the Board of Commissioners.

### **38.1 SUBMISSION OF MILEAGE/TRAVEL EXPENSE REIMBURSEMENT REQUESTS**

All requests for travel, expense and mileage reimbursements must be submitted timely, and no event later than 30 calendar days after the expense was incurred/travel occurred. Employees must submit a request for reimbursement on forms as may be prescribed by the BHA, signed by the employee. The BHA reserves the right to deny such reimbursement requests where it determines that the request is not legitimate and/or the expense or travel was not authorized. All such expenses must be approved in advance by the Executive Director.

## **39.0 VEHICLE USE POLICY**

### **39.1 BHA VEHICLES**

BHA vehicles may only be used for legitimate BHA business. BHA vehicles include all automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the BHA whether approved for travel on a public way or not approved for travel on a public way.

BHA vehicles shall not be used to transport any individual who is not directly or indirectly related to BHA business. Passengers shall be limited to BHA employees and individuals who are directly associated with BHA work activity (committee members, consultants, contractors, etc.). Family members, tenants or private citizens shall not be transported in BHA vehicles.

The BHA shall not be liable for the loss or damage of any personal property stored or transported in the vehicle.

Employees are expected to keep BHA vehicles clean, and to immediately report any malfunction or damage, or accidents involving BHA vehicles, to the Executive Director.

Employees must wear seatbelts in vehicles so equipped during operation of the vehicle. Employees may not operate BHA vehicles under the influence of alcohol, illegal drugs, marijuana, or prescription drugs or medications which may interfere with effective and safe operation. Employees may not store or transport alcohol, illegal drugs, marijuana, or prescription drugs or medication in BHA vehicles.

Employees who operate BHA vehicles must have a valid motor vehicle license issued by the state of their current residence, may be required to provide proof of valid motor vehicle license once every six (6) months, and may be subject to driving records checks conducted through the Registry of Motor Vehicles.

Employees driving BHA vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws. Employees who incur parking or other fines while using BHA vehicles shall be personally responsible for payment of such fines unless the payment of such fines by the BHA is approved by the Executive Director. Employees who are issued citations for any offense while using a BHA vehicle must notify the Executive Director immediately when practicable, but in no case later than 24 hours. Failure to provide such notice may be grounds for disciplinary action, up to and including termination. An employee who is assigned a BHA vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the employee's motor vehicle license, whether in his or her personal vehicle or in a BHA vehicle, must notify the Executive Director immediately when practicable, but in no case later than 24 hours. Conviction for such an offense may be grounds for loss of BHA vehicle privileges and/or further disciplinary action, up to and including termination.

Employees who are involved in an accident while operating a BHA vehicle may be required to undergo a drug (including marijuana) and/or alcohol test, and/or fitness for duty examination, in appropriate circumstances.

Should the BHA's insurer determine that an employee is "uninsurable," or otherwise refuses to insure an employee while driving a BHA vehicle, the employee may be reassigned, and/or subject to disciplinary action, up to and including termination.

No employee shall use a BHA vehicle for out-of-state use without the prior written advance approval of the Executive Director.

### **39.2 USE OF PERSONAL VEHICLES:**

Employees shall not use a personal vehicle to conduct BHA business unless approved in advance in writing by the Executive Director. All of the above provisions relative to the use of BHA vehicles apply equally to employees' use of personal vehicles while conducting official business.

In accordance with the BHA's Travel and Reimbursement Policy, where an employee uses a personal vehicle for BHA business, he/she shall be reimbursed reasonable mileage costs, at the maximum rate allowed by DHCD.

# Employee Acknowledgement:

This acknowledges that I have received the Billerica Housing Authority’s Personnel Policies. By signing this form, I agree to abide by the Personnel Policies, and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications.

I further acknowledge that I have received and reviewed the Billerica Housing Authority’s Anti-Discrimination and EEO Policy, as well as the Billerica Housing Authority’s Drug and Alcohol-Free Workplace Policy, both contained within the Personnel Policies.

I understand that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, marijuana, or alcohol is prohibited on any property of the Billerica Housing Authority, or while performing official duties for the Billerica Housing Authority, and violation of the Billerica Housing Authority’s Drug and Alcohol-Free Workplace Policy (“Policy”) can subject me to disciplinary action, up to and including termination. I further understand that as a condition of employment, I must abide by the terms of this Policy and will notify the Executive Director of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction. I recognize that the law and associated Policy regarding drugs and alcohol in the workplace are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*To be included in employee’s personnel file.*