

**TENANT RESOURCE CENTER POLICY HANDBOOK**  
**CHAPTER 18 PERSONNEL POLICY**

Section 18.01 **TITLE.** This chapter shall be known as the personnel policy and may be cited as such.

**Section 18.02 AUTHORITY.** This section is enacted under the authority granted to the board of directors in section 4.01 of the Constitution.

**Section 18.03 DEFINITIONS.** The following words or phrases shall have the definitions indicated when used in this section, except where expressly indicated to the contrary:

- (1) *Acting Appointment* shall mean a temporary appointment of no more than 60 days to a position that has been vacated, while a permanent replacement is being sought.
- (2) *Discharge* shall mean the permanent termination of an employee from the employment of the corporation for just cause.
- (3) *Employee* shall mean any person holding a position created by board policy or identified as such in the corporate budget who performs services directly for the corporation at its discretion and under its control. Employee does not include members of the board of directors, elected officers of the board, members of the corporation, volunteers, or persons who are performing services under contract to the corporation.
- (4) *Full-Time Employee* shall mean any employee hired to work 40 hours per week.
- (5) *Immediate Family* shall have the definition ascribed to it under the Family Medical Leave Act.
- (6) *Job Description* shall mean a document containing all duties, responsibilities and qualifications for a position under the employment of the corporation.
- (7) *Just Cause* shall include, but not be limited to: insubordination, inefficiency, excessive unauthorized absences or tardiness, and violation of board policy, the constitution of this corporation, statutes, or other valid rules, laws or contracts governing the corporation.
- (8) *Leave of absence* shall mean a temporary period away from work, without pay by an employee at the request of the employee.
- (9) *Open recruitment* shall mean recruitment from both within and without the corporate employee structure.

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- (10) *Person with a disability* means a person who:
- a) has a physical or mental impairment that substantially limits one or more of the major life activities of the person;
  - b) Has a record of such impairment, or
  - c) Is regarded as having such an impairment.
- (11) *Personal Days* shall mean unscheduled time away from work with pay because of illness or bodily injury not arising out of the employee's performance of his or her duties, limiting others' exposure to a contagious disease, attendance upon members of the immediate family, or to receive bona fide medical, chiropractic, dental or optical treatment.
- (12) *Project Employee* shall mean a temporary employee, but shall not include a provisional appointee.
- (13) *Probation* shall mean the period immediately following an employee's appointment during which the employee's performance is to be closely scrutinized by the appointing authority to determine if the employee is suitable for permanent retention in the position to which he or she has been appointed.
- (14) *Sexual harassment* shall mean sexual advances, physical contact or verbal or physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an employee's work performance or of creating an intimidating, coercive, hostile, or offensive environment. Conduct which shall be deemed sexual harassment shall include, but not be limited to, the repeated use or display of sexually explicit gestures, verbal comments, written matter or graphic materials in the work setting in the presence of another person or persons in circumstances in which such conduct is known or should be known to be offensive or unwelcome.
- (15) *Supervising Authority* shall mean the board of directors or any officer, committee, board or agent of the corporation who has been granted the authority to supervise employees of the corporation.
- (16) *Suspension* shall mean a temporary absence from work, without pay, at the direction of the appointing authority for just cause.
- (17) *Termination* shall mean the termination of an employee from the service of the corporation and shall include discharge, the conclusion of the term of an acting appointment, or resignation.
- (18) *Unauthorized Absence* shall mean any absence from work without notification and approval of the Executive Director or an employee's immediate supervisor.

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**Section 18.04 EMPLOYEES COVERED BY THIS POLICY.**

- (1) All employees shall be selected and hold their positions under all the terms specified in this policy, except those serving acting appointments, who are subject to the terms specified under sections 18.10 18.11, 18.12, and 18.13.

**Section 18.05 BOARD OF DIRECTORS.** The Board of Directors shall have the following powers and duties:

- (1) Oversight of this personnel policy
- (2) Upon its own initiative to consider amendments or changes to this policy or other board policies related to personnel.
- (3) Authorize proposed wages and salaries for positions.
- (4) To make investigations regarding personnel matters.
- (5) Serve as the supervising authority for the Executive Director.

**Section 18.06 HIRING PROCESS**

- (1) The supervising authority shall make written public announcements for positions open for employment in the corporation. Recruitment announcements shall clearly set forth the position description, pay range, and such other information, as the supervising authority deems relevant. Recruitment announcements shall be posted prominently in the corporate office and such other public places and in such publications as the supervising authority deems relevant, may be advertised in other such venues as the supervising authority may select or as required by contract; and shall be given to the State Job Service Office. Such other announcements as may be required by law or under grant or contractual provisions shall be made.
- (2) The supervising authority shall organize the hiring process and shall plan and hold interviews to determine who shall be recommended for a vacant position. The hiring process and interviews shall be uniform for all applicants to a position under the employment of this corporation.
- (3) All applicants competing in any hiring process for any position shall be informed promptly by the supervising authority for that position whether they have been chosen or not chosen for any position.
- (4) In the event that there are no qualified applicants or that an appointment is not made, the supervising authority may commence re-recruitment in accordance with this section.
- (5) The Executive Director and Board of Directors shall make recruitment efforts to ensure minority representation among applicants for any vacant position(s).

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**Section 18.07 COMPENSATION.** The initial compensation is agreed to between the employee and the Executive Director, not to exceed budgetary constraints. In the case of the Executive Director's hiring, the Board of Directors will conduct the hiring interviews and finalize the compensation agreement.

**Section 18.08 WAGE AND SALARY ADMINISTRATION**

- (1) Written job descriptions shall be provided for all permanent and project employees. This description will specify position title, reporting relationship, positions supervised (if any), purpose of the position, and key responsibilities and assignments. Job descriptions shall be reviewed periodically and updated as needed.
- (2) Salary reviews shall be held for each employee on an annual basis. Individual salary decisions are based on performance and the Tenant Resource Center's ability to pay. The opportunity for salary increase will be at the start of the fiscal year if the budget allows. Pay increases will be determined by the Executive Director and approved by the Board of Directors.

**Section 18.09 PROBATION**

- (1) All newly hired employees shall be on probation for the first three (3) months of employment and shall not have a recourse during said period to the appellate procedure because of being disciplined or released from employment by the Executive Director. The Executive Director shall be on probation for one (1) year, and shall not have recourse during said period to the appellate procedure because of being disciplined or released from employment by the Board of Directors.
- (2) All newly hired employees shall receive a performance evaluation within the last thirty (30) days of their probation, another performance evaluation within six months of that evaluation, and a performance evaluation annually thereafter. The Executive Director shall conduct all staff performance evaluations. The Board of Directors shall complete an annual performance evaluation of the Executive Director. All staff members shall also complete an annual organizational review.

**Section 18.10 DISCIPLINARY PROCEDURES.** It is the intention of the board of directors to secure a fair and effective disciplinary procedure for employees.

- (1) Any supervising authority may:
  - a) Issue a written reprimand
  - b) Suspend an employee without pay for a period not to exceed 30 days.
  - c) Suspend an employee with pay for a period not to exceed 30 days, pending consummation of an investigation to determine the appropriate measure of discipline.
  - d) Discharge an employee

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- e) All such action is subject to the right of appeal of the employee to the appointing authority in the manner set forth herein.
  
- (2) Whenever the Executive Director decides to take action as provided in section 18.10 (1), electronic and/or written notice of such action shall be mailed to the employee's last known address or given to the employee within two (2) working days of the action being taken. The notice shall set forth the provisions of subsections (3), (4) and (5) of this section, shall contain reasons for the action, and shall serve as the formal complaint before the Board of Directors in the event an appeal is taken.
  
- (3) Any non-probationary employee who has been disciplined as provided for in subsection (1) above, may, within (10) ten days of actual receipt or mailing of the notice of such action, file a written demand for an appeal with the Board of Directors.
  
- (4) At the time of filing the notice of appeal, the employee shall file a written response to each of the reasons contained in the notice of disciplinary action and on which the disciplinary action is based. The written response must contain the employee's position on each of the reasons. Nothing in this section limits the discretion of the Board of Directors to allow amendment to the employee's written response when necessary to further the purpose of this policy.
  
- (5) The Board of Directors shall appoint a time and place for the hearing of an appeal; such time to be within (20) twenty working days after the demand for appeal has been made. Within (10) ten working days of the termination of the hearing, the Board of Directors shall determine whether the action complained of was justified, and may affirm or reverse the Executive Director's decision or take such other action as it deems appropriate. The decision of the Board of Directors shall be final.
  
- (6) During the period of suspension of an employee or pending final action on proceedings to review a suspension or dismissal of an employee, the vacancy created may be filled by the supervising authority only by acting appointment.

**Section 18.11 GRIEVANCE PROCEDURES.**

In any organization, disagreements or misunderstandings may occur. It is the policy of the Tenant Resource Center that when disagreements occur, they be settled quickly and with respect for the interest of all individuals involved. It is expected that employees will attempt to resolve differences between them in a professional manner. These procedures are adopted solely for the purpose of establishing a fair and consistent forum for employees. They are in no way intended nor are they to be interpreted as changing the current "at-will" employment status of any employee.

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The grievance procedure is as follows:

- (1) A complaint must be filed in writing with the employee's immediate supervisor within twenty-one (21) calendar days of the date of the incident, who will respond in writing with a decision within twenty-one (21) calendar days. It should be noted that if a person is filing a complaint of discrimination, harassment or retaliation, then there is no time limit for filing the complaint, other than applicable local and state regulations.
- (2) If the complaint cannot be settled with the immediate supervisor, the staff member shall submit his/her written complaint to the Executive Director. Grievances not submitted to the Executive Director within twenty-one (21) calendar days from the date of the grievance or immediate supervisor's decision may be denied as untimely. Again, a complaint of discrimination, harassment or retaliation has no time limit for reporting, other than applicable local and state regulations.
- (3) The Executive Director will acknowledge receipt, in writing, of all written grievances and respond with a decision within twenty-one (21) calendar days. A copy of the complaint and Executive Director's acknowledgement and decision will be placed in the complainant's personnel file.
- (4) Right of Appeal: Allegations of discrimination, harassment or retaliation in the workplace will be taken seriously by both the Executive Director and the Board of Directors of the Tenant Resource Center. To that end, in the event of alleged discrimination, harassment or retaliation in the workplace, employees shall have the right to appeal to the board of directors after the internal grievance procedure has been exhausted. Employees may appeal in writing to the President of the Tenant Resource Center within twenty-one (21) days of the Executive Director's decision.
- (5) Allegations or complaints against the Executive Director may be brought directly to the Tenant Resource Center Board of Directors within twenty-one (21) days of the alleged incident in accordance with the written appeal procedures.
- (6) Allegations of discrimination, harassment or retaliation by the Executive Director may also be brought to the Tenant Resource Center Board of Directors under no time constraints other than applicable local and state regulations.

The procedures adopted herein do not guarantee that the Tenant Resource Center will take any action in response to a complaint or that any resolution will be to the satisfaction of the complainant. The goal of these procedures is to provide a mechanism for lodging complaints and for having them addressed through a clear and consistent process. All decisions of the Tenant Resource Center Board of Directors shall be final.

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**Section 18.12 ACTIVITY INCOMPATIBLE WITH SERVICE PROHIBITED.**

- (1) No employee shall cash checks from, borrow from, or in any manner make personal use of any corporate funds under his or her control or in his or her possession, for any reason whatsoever. Disciplinary action taken as a result of a violation of this subsection shall in no manner limit an employee's liability under any other applicable criminal or civil statute.
- (2) No employee shall engage in sexual harassment of any other person in the course of his or her employment.
- (3) No person subject to this policy may directly or indirectly participate in, or intervene in, any political campaign on behalf of (or in opposition to) any candidate for elective office during paid working hours.
- (4) No person subject to this policy may discharge, reduce in pay, discipline or otherwise discriminate against or retaliate against any employee in the service of this corporation in terms, conditions, or privileges of employment because such employee has made a report of a violation by any other employee of this policy or any other policy, rule or law to any supervisor, appointing authority, member of the Board of Directors, or any other authority.
- (5) Pursuant to U.S. Department of Housing and Urban Development Policy:
  - (a) The Chair of the Board of Directors shall cause to be published a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the work place and specifying the actions that will be taken against the employee for violation of this section, pursuant to these policies.
  - (b) The Board of Directors shall cause to be established a drug-free awareness program to inform employees about the dangers of drug abuse in the work place; the corporation's policy of maintaining a drug-free work place; any available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
  - (c) The Board of Directors shall notify the employee in the statement required by 18.12(a) that, as a condition of employment under this corporation, the employee will abide by the terms of the statement; and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
  - (d) The Board of Directors shall notify the U.S. Housing and Urban Development Department within ten days after receiving notice under 18.12(c) from an employee or otherwise receiving actual notice of such a drug conviction.

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- (e) The appointing or supervising authority shall take one of the following actions within 30 days of receiving notice under 18.12(c), with respect to any employee who is so convicted:
  - (i) Take appropriate personnel action against such employee, up to and including termination; or
  - (ii) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.
  
- (f) The Board of Directors shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

**Section 18.13 DISCRIMINATION PROHIBITED**

- (1) No person in the service of the Tenant Resource Center or seeking appointment thereto shall be appointed, receive a reduction in pay or in any other way be favored or discriminated against because of political or religious affiliations or activities because of sex, race, religion, color, national origin or ancestry, citizenship status, age, handicap/disability, marital status, source of income, arrest record, conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, genetic identity, political beliefs, familial status, student status, domestic partnership status, or status as a victim of domestic abuse, sexual assault, or stalking. This section shall not be deemed to prohibit the making of rational classifications when a bona fide job-related reason exists for the distinction.
  
- (2) It shall be the duty of every supervisor of employees at all levels of this corporation to ensure that all employees under their supervision work in an environment free of sexual harassment as defined in section 18.03(19) of this policy.

**Section 18.14 PERSONNEL FILES AND RECORDS**

- (1) Personnel files are confidential property of the Tenant Resource Center. They shall be kept in a locked place to which only authorized personnel have access and are maintained as long as the law requires. Authorized personnel shall be the Chair of the Board of Directors for the Executive Director, and the Executive Director or his or her designee for all other employees of the Tenant Resource Center.
  
- (2) Personnel files contain records reflecting significant events related to employment with the organization. The Board of Directors shall make rules governing the disposition of Personnel files.



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- (3) Employees may inspect their personnel files as provided by law.
- (4) Employees and board members may not review personnel files other than their own except when necessary to perform their management or supervisory responsibilities.
- (5) No confidential information in an employee's personnel file shall be disclosed except in connection with legal proceedings as required by law or with written consent of the employee.
- (6) Employees will inform their supervisor of any changes in name, address or telephone number to ensure current records.

**Section 18.15 WORK HOURS OF DUTY.** All employees are subject to call before the Board of Directors or other supervising body of this corporation to give information as to their work, functions under their control, and budgetary information. Employees shall be compensated for work performed under this section.

**Section 18.16 OVERTIME.** All jobs within the agency are classified as exempt, salaried, or non-exempt, hourly according to requirements of the Fair Labor Standards Act. Exempt employees are not eligible for overtime compensation. Non-exempt employees are provided overtime compensation as stated in this policy.

**Section 18.17 PROJECT EMPLOYEES.** Whenever there is a need for a project employee, the supervising authority may appoint a qualified person for a limited term not exceeding 390 hours per payroll year. Limited term employees may be paid at an hourly rate which is not less than the living wage.

**Section 18.18 OFFICE HOURS.**

- (1) The corporate office shall maintain regular hours during which the office shall be opened and staffed.
- (2) Regular hours shall be at least seven hours per day from Monday through Friday. Exceptions may be authorized by the Board of Directors.
- (3) The office shall be closed for business on holidays, as holidays are defined in section 18.19.

**Section 18.19 ATTENDANCE AND LEAVE REGULATIONS**

- (1) Holidays shall be paid leave for all full-time employees including: probationary employees, permanent employees, and provisional employees in accordance with the following rules.

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- (a) The following days shall be holidays: New Year's Day and New Year's Eve, Martin Luther King Jr.'s Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the following Friday, Christmas Day and Christmas Eve Day.
  - (b) Pursuant to approval from the supervising authority, if any holiday falls on a weekend, then the preceding Friday and/or the following Monday shall be considered the holiday.
  - (c) Pursuant to approval from the supervising authority, an employee may work on a holiday and receive an equivalent amount of holiday time to be used within one month before or after the substituted holiday.
  - (d) Pursuant to approval from the supervising authority, an employee may work on a holiday in exchange for an equal amount of time to be used as another religious or culturally celebrated holiday.
- (2) Paid time off (PTO) shall be paid leave for non-probationary employees working at least 32 hours per week, in accordance with the following rules:

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- (a) Employees that have been in the service of this corporation for less than 2 years shall accrue paid time off at the following rate, according to full-time status:
    - 12 hours per month for full-time employees;
    - 10 hours per month for part-time employees working at least 32 hours per week.
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  - (b) Employees that have been in the service of this corporation for 2 years or more shall accrue paid time off at the following rate, according to full-time status:
    - 24 hours per month for full-time employees;
    - 20 hours per month for part-time employees working at least 32 hours per week.
  - (c) Employees may use paid time off for any purpose, including sick leave, vacation, appointments, and personal leave.
- (3) An appointing authority may grant a leave of absence without pay for a period not to exceed six months. An employee shall be entitled to return to the position he or she left before the end of the leave by giving a fourteen-day notice. In requesting the leave, the employee shall state the reason for requesting the leave. No employee may be granted a leave of absence for medical reasons until such employee has exhausted all accrued sick leave remaining in that employee's account.
- (4) For purposes of this section, employment year shall mean the year beginning with the first day of work (following probation) of an employee and ending one year later.
- (5)
- (a) All permanent employees, working at least 32 hours a week for more than one month, may elect to be covered by the Tenant Resource Center Health Plan (Single Plan only).
  - (b) For employees working less than 32 hours per week, there is no eligibility for health insurance coverage.
  - (b) Employees who wish to participate in the Tenant Resource Center Health Plan must inform the executive Director in writing.
  - (c) In the event of employee termination, the Tenant Resource Center will pay the employer's share of the whole month's health plan premium only if the employee terminates after the fifteenth (16<sup>th</sup>-31<sup>st</sup>) of the month. If termination is prior to the fifteenth, the employee will pay the total share of the employee's premium.
  - (d) In the event of termination of employment, an employee may be eligible to continue health coverage for a limited period of time after termination under the federal Consolidated Omnibus Budget Reconciliation Act

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(COBRA). The employee may be required to pay the entire premium for coverage under COBRA.

- (e) The Board of Directors shall adopt and approve the employees' health insurance plans.