



AGENDA
THE HOUSING AUTHORITY OF THE COUNTY OF MONTEREY
POLICY COMMITTEE MEETING

DATE: WEDNESDAY, AUGUST 14, 2024

TIME: 2:30 P.M.

QR CODE:



LINK: <https://us02web.zoom.us/j/3501891938?pwd=N3d4QWM3MjRQQUtnYnYwZ3dtekxDdz09&omn=89642140314&from=addon>

Phone: (669) 900-6833 (*9 to raise hand, *6 to unmute)

Meeting ID: 350 189 1938

Passcode: 438419

LOCATION: Housing Authority of the County of Monterey
Central Office
123 Rico Street, Salinas, CA 93907

ALTERNATE LOCATIONS WITH ZOOM CONNECTON OPEN TO THE PUBLIC:

*Kathleen Ballesteros's Open Meeting Location:
713 Las Casitas Dr., Salinas, CA 93905*

*Yuri Anderson's Open Meeting Location:
2616 1st Avenue, Marina, CA 93933*

1. CALL TO ORDER

2. ROLL CALL

Commissioner Francine Goodwin
Commissioner Kathleen Ballesteros
Commissioner Yuri Anderson

PRESENT

ABSENT

3. COMMENTS FROM THE PUBLIC

4. MINUTES

- A. Approval of the Minutes of the Policy Committee Meeting held on May 8, 2024.
- B. Approval of the Minutes of the Policy Committee Meeting held on June 12, 2024.

5. DISCUSSION

- A. Narcan Administration Policy Review
- B. Military Leave Policy
- C. Salary Administration Policy
- D. Paid Personal Time
- E. Confidential and Classified Information Data Policy
- F. Exempt/Non-Exempt Status and Overtime Policy

6. COMMISSIONER COMMENTS

7. ADJOURNMENT

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This agenda was posted on the Housing Authority's Bulletin Boards at 123 Rico Street, Salinas, CA.
The Board of Commissioners will next meet at the Regular Board Meeting on **August 26, 2024, at 5:00 p.m.**
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MINUTES OF THE POLICY COMMITTEE OF
THE HOUSING AUTHORITY OF THE COUNTY OF MONTEREY
HELD MAY 8, 2024

SUMMARY MINUTES

1. CALL TO ORDER/ROLL CALL (Pledge of Allegiance)

CALL TO ORDER:

Commissioner Yuri Anderson called the meeting to order at 2:33 p.m.

2. ROLL CALL:

PRESENT:

Commissioner Yuri Anderson

Commissioner Kathleen Ballesteros

Commissioner Francine Goodwin

Also present: Zulieka Boykin, Executive Director; Recorder: Gabriela Rivero

ABSENT:

3. COMMENTS FROM THE PUBLIC

4. DISCUSSION

The Policy Committee meeting for the Housing Authority of the County of Monterey, began with the Pledge of Allegiance and a roll call, confirming the presence of all commissioners. The meeting's focus was on establishing the groundwork for reviewing and updating the authority's 80 policies, many of which are outdated or redundant. The discussion included plans to systematically address these policies, beginning with a review of those related to public housing, which is no longer under the authority's purview. The committee also discussed addressing the Project-Based Vouchers (PBV) policy in the next regular board meeting, given its significance and the inquiries surrounding it.

The committee agreed to have Human Resources and relevant directors present in future meetings to aid in policy discussions. Additionally, a strategy was proposed to review the Memorandum of Understanding (MOU) with the SEIU union alongside related policies, ensuring consistency. The meeting concluded with nominations for committee chair and vice-chair, with Commissioner Yuri Anderson and Commissioner Francine Goodman being appointed, respectively. The next meeting was scheduled for June 12th at 2:30 p.m.,

with further discussions planned on the PBV policy and outdated policies. The meeting adjourned with plans for a follow-up on committee-related matters.

5. COMMISSIONER COMMENTS

The commissioners collectively thanked everyone involved in today's meeting.

6. ADJOURNMENT

With no additional matters to address, the Board concluded the meeting and adjourned it to 2:57 p.m.

Respectfully submitted,

Gabriela Rivero
Executive Assistant/Clerk of the Board

Chairperson

ATTEST:

Secretary

Date



MINUTES OF THE POLICY COMMITTEE OF
THE HOUSING AUTHORITY OF THE COUNTY OF MONTEREY
HELD JUNE 12, 2024

SUMMARY MINUTES

1. CALL TO ORDER/ROLL CALL (Pledge of Allegiance)

CALL TO ORDER:

Yuri Anderson called the meeting to order at 2:30 p.m.

2. ROLL CALL:

PRESENT:

Commissioner Yuri Anderson, Chair
Commissioner Kathleen Ballesteros
Commissioner Francine Goodwin

ABSENT:

Also present: Zulieka Boykin, Executive Director; James Maynard-Cabrera, Director of Human Resources. Recorder: Gabriela Rivero

3. COMMENTS FROM THE PUBLIC

- A. Amy Salmina, Coast and Valley Property Management
- B. Alex Soltero
- C. Cindy Hyatt, Downtown Streets
- D. Audrey Wardwell

4. DISCUSSION

- A. HACM Policies Overview
- B. Narcan Administration Policy Review

The Policy Committee meeting of the Housing Authority of the County of Monterey (HACM) began with a roll call and public comments. The committee emphasized HACM's commitment to a thorough and collaborative approach to policy review, with Mr. Maynard-Cabrera presenting a structured system for the ongoing review and updating of policies. This includes the introduction of a new handbook designed to align closely with HACM's mission and operational goals. The discussion touched on the importance of reviewing and potentially revising outdated policies, such as the salary program administration policy and the introduction of a new NARCAN administration policy to address a critical response to the growing concern of opioid overdoses in the community. The committee discussed the need for a regular review schedule for all agency policies to ensure they remain aligned

with the latest HUD regulations, industry best practices, and labor laws. This review process would also consider the timing of union negotiations. The approach to policy revision was further detailed, with the committee agreeing on the importance of involving legal counsel to ensure compliance and readiness before presenting any changes to the board.

5. COMMISSIONER COMMENTS

Commissioners expressed appreciation for the work done in consolidating and reviewing policies.

6. ADJOURNMENT

With no additional matters to address, the Board concluded the meeting and adjourned it to 3:19 p.m.

Respectfully submitted,

Gabriela Rivero
Executive Assistant/Clerk of the Board

Chairperson

ATTEST:

Secretary

Date



NARCAN Administration Policy

I. PURPOSE

The Housing Authority of the County of Monterey (HACM) recognizes the importance of equipping our staff with the necessary knowledge and skills to respond effectively to opioid overdoses within our community. Naloxone (referred to in this policy by the common brand name “NARCAN”) is a life-saving medication used to rapidly reverse opioid overdose, and its proper administration can potentially save lives. This policy outlines the guidelines and procedures for the administration of NARCAN by authorized personnel at HACM.

II. SCOPE

This policy applies to all employees of the Housing Authority of the County of Monterey who may encounter situations involving opioid overdose while performing their duties.

III. POLICY

- a) Authorized Personnel: Only designated personnel who have completed the required NARCAN training provided by HACM, or an approved external provider, are authorized to administer NARCAN at HACM.
- b) Training and Certification: All designated personnel must undergo initial NARCAN training and receive certification prior to administering the medication. Additionally, regular refresher training sessions may be required to ensure competency and knowledge retention. Participation in this training is voluntary, and employees will not be mandated to administer NARCAN if they are uncomfortable doing so.
- c) Storage and Accessibility: NARCAN kits will be securely stored in designated locations throughout HACM facilities, accessible only to authorized personnel. These locations will be clearly marked and easily accessible in case of emergencies.
- d) Recognition of Opioid Overdose: Designated personnel should be able to recognize the signs and symptoms of opioid overdose, including but not limited to respiratory depression, unconsciousness, and pinpoint pupils.
- e) Administration Protocol:

- 1) In the event of a suspected opioid overdose, designated personnel should immediately assess the situation and ensure their own safety.
 - 2) Authorized personnel may administer NARCAN when they are reasonably and in good faith believe someone is exhibiting signs and symptoms of opioid overdose and that person needs emergency medical care. NARCAN should be administered promptly at the scene of the emergency, and according to the manufacturer's instructions.
 - 3) Authorized personnel retain discretion under this policy to administer or not administer NARCAN depending on the relevant circumstances surrounding the emergency situation.
 - 4) Emergency medical services (EMS) should be contacted immediately, even if the individual responds positively to NARCAN, as further medical attention may be required.
 - 5) Designated personnel should remain with the individual until EMS arrives, providing any necessary assistance or information. EMS must be informed that NARCAN has been administered.
- f) Documentation: Following the administration of NARCAN, designated personnel must complete an incident report detailing the circumstances, dosage administered, and any other relevant information. This report should be submitted to the appropriate supervisor as soon as possible.
- g) Confidentiality: All information related to the administration of NARCAN, including the identity of the individual receiving the medication, should be treated as confidential and handled in accordance with HACM's privacy policies and applicable laws.
- h) Compliance: Failure to comply with this policy may result in disciplinary action, up to and including termination of employment, depending on the severity and circumstances of the violation.
- i) Review and Revision: This policy will be reviewed periodically to ensure its effectiveness and compliance with relevant laws and regulations. Any revisions or updates will be communicated to all relevant staff members.

NARCAN Administration Policy

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT AND REVIEW

I, _____, (print full name) acknowledge that I have received and read the NARCAN Administration Policy of the Housing Authority of the County of Monterey. I understand my responsibilities as outlined in this policy and agree to comply with its provisions. This policy is not a commitment and does not establish terms or conditions of employment or form an employment contract.

Employee Signature

Date

HR Representative Signature

Date



MILITARY LEAVE POLICY *(Replaces current military leave policy #355)*

I. PURPOSE

To provide employees paid time off during military leave of absence.

II. SCOPE

This policy applies to all eligible employees of the Housing Authority of the County of Monterey (HACM).

III. POLICY

HACM shall provide up to **30 days** of military leave of absence with pay and all applicable benefits as provided under Division II, Part I, Chapter VII of the California Military and Veterans Code. HACM shall comply with regulations governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

IV. PROCEDURE

1. Request for Leave:

- Employees who are active in the armed forces must complete a Request for Leave of Absence Form prior to any military leave.
- Employees must also provide a copy of their military orders.

2. Compensation and Benefits:

- During the first 30 days of military leave, HACM shall pay the employee's salary and continue any applicable benefits.
- After 30 days, if eligible, the employee may request a Leave of Absence Without Pay. Refer to the Leave of Absence Without Pay policy for guidelines.

3. Individual Assessment:

- HACM shall independently assess each request for leave based on the specific circumstances and in accordance with federal and state statutes.



Salary Program Administration Policy *(Replaces policy# 225)*

I. PURPOSE

To maintain a program of internal and external equitable salaries.

II. SCOPE

This policy applies to all positions, except the Executive Director whose salary is determined exclusively by the Board of Commissioners.

III. POLICY

The Housing Authority of the County of Monterey (HACM) strives to pay salaries competitive with those in the local community and industry, recognizing individual effort and contribution to HACM's success. Determination of salary policy is the responsibility of the Board of Commissioners. Administration is handled by the Executive Director. The establishment of newly created positions or as needed to effect salary changes for existing positions is subject to approval by the Board of Commissioners. Salary ranges are subject to adjustment and change by the Board of Commissioners as conditions warrant.

IV. PROCEDURE

The administration of salaries shall be as follows:

A) Salary Ranges

Each position has been assigned a specific salary or salary range. Six Steps are assigned to positions with salary ranges for confidential or bargaining unit positions only. Management positions will be assigned a salary range. Within this framework, an employee's salary will be related to years of service. Employees will receive a salary that is within the assigned salary range. Management and confidential staff salary ranges will be adjusted on an annual basis in accordance with the inflation index for the current fiscal year. Bargaining unit salary ranges will be adjusted in accordance with the Memorandum of Understanding.

B) Management Staff

Management staff salaries will be at the discretion of the Executive Director. Salary increases will be based on performance and determined at the time of the annual performance appraisal.

The minimum annual adjustment to the management salary ranges will be in accordance with the inflation index.

C) Temporary Employees

Temporary employees may be advanced within an assigned salary range in the same manner as regular employees.

D) Part-Time Employees

The Executive Director shall establish rates of pay for part-time employees, subject to approval by the Board of Commissioners. Compensation shall be set in accordance with ability, time, and effort involved.

E) Maintenance Staff

HACM shall follow the salary guidelines as approved by the Department of Labor, where applicable, and the U.S. Department of Housing and Urban Development under the provisions of the prevailing maintenance wage rates, subject to approval by the Board of Commissioners.

F) Compensation for a Portion of the Pay Period

Compensation for a portion of the pay period shall be prorated on a 2,080-hour work year.

G) Steps

Salary ranges with Steps are defined as follows:

Step 1: The minimum of the appropriate salary range will be paid to all qualified employees. New employees will be hired at Step 1 of the assigned salary range. However, the Executive Director may fill a particular position at any Step within the assigned range after due consideration of experience, ability, local labor market, and internal comparability.

Step 2: Employees will be eligible for Step 2 after one (1) year of service, provided they have not received a "Needs Improvement" rating in their performance review. Employees at Step 1 may be advanced to Step 2 at the beginning of the first pay period on or following their one-year anniversary date.

Step 3: Employees will be eligible for Step 3 after two (2) years of service, provided they have not received a "Needs Improvement" rating in their performance review. Employees at Step 2 may be advanced to Step 3 at the beginning of the first pay period on or following their two-year anniversary date.

Step 4: Employees will be eligible for Step 4 after three (3) years of service, provided they have not received a "Needs Improvement" rating in their performance review. Employees at Step 3 may be advanced to Step 4 at the beginning of the first pay period on or following their three-year anniversary date.

Step 5: Employees will be eligible for Step 5 after four (4) years of service, provided they have not received a "Needs Improvement" rating in their performance review. Employees at Step 4 may be advanced to Step 5 at the beginning of the first pay period on or following their four-year anniversary date.

Step 6: Employees will be eligible for Step 6 after five (5) years of service, provided they have not received a "Needs Improvement" rating in their performance review. Employees at Step 5 may be advanced to Step 6 at the beginning of the first pay period on or following their five-year anniversary date.

Assignment to Higher Step Under Exceptional Circumstances

There may be times when an employee has far exceeded and exceptionally demonstrated their abilities and performance during an annual review period. An employee's department head may recommend an employee be advanced to any higher Step, other than the next sequential Step, under these exceptional circumstances. It is the Executive Director's sole discretion to assign advancement to any higher Step.

H) Salary Administration During Status Changes

- Demotion Salary:
When an employee is demoted, the employee's salary will decrease to the next lower salary Step of the applicable position.
- Reemployment Salary:
When an employee is reemployed through the layoff process, the employee's salary shall be at the same Step of the salary range the employee held at the time of the layoff.
- Rehire Salary:
Rehired employees shall be under the provisions of Step 1.
- Transfer Salary:
An employee who transfers from one position to another in the same class or to another class having the same salary range shall be compensated at their current salary Step. The employee shall retain the same eligibility date for advancement to the next higher Step.

I. Bilingual/Biliterate Skill Pay

Employees assigned to designated bilingual/biliterate skill positions shall be paid a bilingual/biliterate pay differential as follows:

1. Basic Skills
Basic skills are defined as those skills primarily required for oral communication and comprehension, such as those used in conversation with clients and citizens. Persons holding such positions will receive twenty-five dollars (\$25.00) per pay period.
2. Advanced Multi-Lingual Skills
Advanced skills are defined as those skills required for written communication and comprehension in a second language, in addition to skills in oral communication and comprehension. Persons holding such positions will receive seventy-five dollars (\$75.00) per pay period.

J. Call Back Pay

A minimum of two (2) hours of paid time will be compensated to any maintenance worker leaving their home in responding to a Maintenance Call after normal business hours.

K. Standby Pay

A Maintenance Worker assigned to standby duty shall be paid \$197.50 per week. A standby assignment is for a period of one week at a time. The employee shall be on call after normal business hours and on weekends to handle maintenance emergencies.

L. Working Out of Classification Pay

When an employee is assigned to and performs all of the duties of a higher vacant position in a higher classification whose salary range is higher than the range of the employee's regular classification, that employee shall be compensated at the Step in the higher classification that provides an increase to the assigned employee of at least five percent (5%). The assignment must be for a duration greater than five (5) consecutive working days and may not exceed six (6) months. Such additional compensation shall begin on the sixth (6th) working day after the assignment to the duties of the higher vacant position. This provision shall not apply when the higher position is temporarily vacant because an incumbent is on vacation.

M. Temporary Special Assignment (TSA)

When special circumstances warrant, the Executive Director may assign an employee to a Temporary Special Assignment (TSA) to a vacant position. The employee shall be compensated at a salary Step that is at least 5% above (no higher than Step 6) the employee's regular salary Step. In no event shall a TSA be assigned because an incumbent is on vacation.

N. Leaves of Absence Salary Administration

1) Over 30 Days

The granting of a leave of absence exceeding thirty (30) calendar days shall not constitute service for advancement to the next higher Step. The employee's eligibility date will be adjusted forward equal to the amount of time required to complete twelve (12) months of service.

2) 30 Days or Less

A leave of absence of 30 calendar days or less shall constitute service.

3) Work-Related Injuries or Illnesses

Any leave of absence granted for an employee suffering from work-related injuries or illnesses and who is receiving temporary disability insurance under Workers' Compensation shall not affect an employee's date of advancement to a higher Step.

O. Salary Review Frequency/Eligibility Date

The first salary review after employment will occur at the end of one year of service unless a probationary or introductory period has been adjusted; this is referred to as the eligibility date. Subsequent salary reviews are conducted annually based on the employee's eligibility date unless an eligibility date has been adjusted. Salary increases are not granted automatically, but only as a result of demonstrated performance, documented by a job-related performance

evaluation and continued job-related development. It is the Executive Director's prerogative to withhold an employee's Step increase upon finding a lack of satisfactory performance or normal job-related development.

1. Demotion

A demoted employee's annual eligibility date shall be the effective date of such demotion.

2. Promotion

A promoted employee's annual eligibility date shall be the effective date of their promotion.

3. Reemployment



Paid Personal Time-Off Policy *(Replaces policy# 360)*

I. PURPOSE

To provide a means for employees to secure limited time off when such time is needed for jury duty, witness leave, and voting.

II. SCOPE

This policy applies to employees as specified below.

III. POLICY

The Housing Authority of the County of Monterey (HACM) grants paid time off to eligible employees for jury duty, witness leave, and time off to vote.

IV. PROCEDURE

A) Jury Duty or Witness Leave

Any employee, in court as a witness or on jury duty, is entitled to court leave. Such leave will be with pay. The employee will report all income received from the court, except mileage, to the payroll administrator. Court income shall be integrated with the employee's regular pay to ensure the employee does not receive more than their normal salary. It is the employee's responsibility to report any income on a timely basis.

The employee must give HACM reasonable notice of impending service or be subject to discipline. The employee must submit a copy of the official summons to the Human Resources representative prior to the beginning date of such duty or service.

A temporary employee may not be reinstated if employment was for a pre-established period and said period ended before the termination of the employee's jury or witness service.

B) Time Off to Vote

Employees who are registered voters and lack sufficient time outside work hours to vote in local, state, and national elections may take up to two (2) hours off work with pay for this

purpose. Employees requiring time off must notify their supervisor or department head at least two (2) days before voting day and must present a voter's receipt to their supervisor or department head upon return to work from voting. Time off to vote shall be scheduled at the beginning or end of a work shift.

C) Benefit Coverage

Employees will continue to be covered under all insured benefit plans, if eligible, while on paid personal time off.

D. Extended Jury Duty or Witness Leave.

It is the employee's responsibility to maintain contact with their supervisor or department head when jury duty or witness leave extends beyond five (5) working days.



CONFIDENTIAL AND CLASSIFIED INFORMATION DATA POLICY

The Housing Authority of the County of Monterey (HACM) is committed to maintaining the confidentiality and security of information. This policy outlines the guidelines for handling confidential and classified information, as well as acceptable use of the network and network security provided by Adaptive Information Systems.

Confidentiality of Information

All employees, including those directly responsible for the collection, maintenance, use, and dissemination of information about individuals, are required to keep such information confidential. This includes, but is not limited to, information about personal lives, employment history, medical history, financial or marital status. Such information shall not be disclosed to unauthorized persons or entities. Information about the Authority's clients, tenants, landlords, contractors, suppliers, and/or employees shall not be divulged to anyone other than persons authorized to receive such information. Employees should also be cautious to avoid inadvertent verbal disclosures, including outside the office environment during casual conversations with others.

Confidential Information and Data include, but are not limited to, client and employee files, operating procedures, procedure manuals, financial records, and computer reports. Information contained in tenant, owner, and employee files is not open to the public and is considered confidential.

Release of Information – Procedures

Information shall not be released to an outside entity or individual unless:

1. Authorized written consent from the tenant, owner, or employee has been obtained.
2. There is a court order, action, or subpoena issued.
3. Enforceable and valid direction from another authorized government entity is received.

Additionally, all requests for confidential information must have written authorization from the Department Director in order to release the information. Release of information for Court Orders, Subpoenas, and other governmental fraud investigation units must be approved by the Executive Director. This policy in handling confidential information pertains to both internal (in-house) and external disclosures. Any and all requests for information regarding HACM employees must be handled by the Director of Human Resources. If there is any question about whether any information may be released, employees are to contact their Department Director.

If an appointment is arranged for the review of information/data such as a file or records, the Department Director or their appointee, as appropriate, must be present during the entire review. Under no circumstances shall files and records be left alone with the reviewer.

All files and records must be documented to include the written request for review, who reviewed the file, and the date it was reviewed. All written releases and requests for information shall be included in the files, as well as a list of all documents and information released, the date of release, to whom the information was released, and who authorized the release.⁴

Employee's Responsibilities

Employees are responsible for taking all necessary precautions to assure that proper administrative, technical, and physical safeguards are followed in order to protect the confidentiality of records containing personal information and to ensure that such information is not disclosed to unauthorized individuals or entities.

Confidential information obtained as a result of employment with the Housing Authority of the County of Monterey is not to be used by an employee for the purpose of furthering any private interest or as a means of making personal gains.

Violation or failure to adhere to this policy will result in disciplinary action, including dismissal or other actions, as deemed appropriate under the circumstances.

Acceptable Use Policy

This Acceptable Use Policy ("Policy") outlines the guidelines and rules governing the use of the network and network security provided by Adaptive Information Systems for employees of the Housing Authority County of Monterey. By accessing and utilizing the network, employees agree to comply with this Policy and understand that violation may result in disciplinary action, including termination and legal consequences.

1. Purpose of the Network

- ❖ The network provided by Adaptive Information Systems is intended for business purposes only. Employees must use the network responsibly and efficiently to support the operations of the Housing Authority County of Monterey.

2. Access Control

- ❖ Access to the network is granted based on job responsibilities. Employees are prohibited from sharing their login credentials and must not attempt to access unauthorized resources.

3. Data Security

- ❖ Employees must take measures to ensure the security and confidentiality of data on the network. This includes not sharing sensitive information without proper authorization and using encryption for sensitive communications.

4. Prohibited Activities

- ❖ The following activities are strictly prohibited:
 - Unauthorized access to network resources.
 - Distribution of malicious software or engaging in hacking activities.
 - Transmission of offensive, harassing, or inappropriate content.

- Violation of copyright or intellectual property rights.
 - Use of the network for personal financial gain.
5. Network Monitoring
 - ❖ Adaptive Information Systems may monitor network traffic for security purposes. Employees should have no expectation of privacy when using the network.
 6. Reporting Security Incidents
 - ❖ Employees are required to promptly report any security incidents, including suspected unauthorized access or data breaches, to the IT department.
 7. BYOD (Bring Your Own Device)
 - ❖ If allowed, employees must ensure that personal devices connecting to the network comply with security standards and do not pose a threat to the network.
 8. Acknowledgment
 - ❖ By using the network, employees acknowledge that they have read, understood, and agree to comply with this Acceptable Use Policy.
 9. Consequences of Violation
 - ❖ Violation of this Policy may result in disciplinary action, up to and including termination of employment. Legal action may be taken for activities that violate applicable laws.

Review and Approval

This policy shall be reviewed periodically to ensure its effectiveness and compliance with relevant laws and regulations. Any revisions or updates to this policy will be presented to the Board of Commissioners Policy Committee for review and approval.

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT AND REVIEW

I, _____, (print full name) acknowledge that I have received and read the confidential and classified information data policy of the Housing Authority of the County of Monterey. I understand my responsibilities as outlined in this policy and agree to comply with its provisions.

Employee Signature

Date

HR Representative Signature

Date



Exempt/Non-Exempt Employee Status and Overtime Policy *(Replaces policy# 210 & 220)*

I. Purpose

To define exempt and non-exempt employee status, provide guidelines for determining this status according to law, and administer overtime pay to comply with applicable federal and state wage and hour regulations.

II. Scope

This policy applies to all positions at the Housing Authority of the County of Monterey (HACM).

III. Policy

All positions at HACM will be classified as either exempt or non-exempt in compliance with applicable laws and for pay administration purposes. HACM's overtime pay policy conforms to the overtime provisions of the federal Fair Labor Standards Act (FLSA). Exemption from these provisions will be claimed for an employee only when it can clearly be established that the employee's duties and responsibilities meet the requirements for such an exemption.

IV. Procedure

A) Definitions

Definitions of exempt and non-exempt status are based on provisions of the FLSA and state law. These definitions are summarized as follows:

1. Exempt: Management, supervisory, professional, administrative, and outside sales employees whose positions meet specific tests established by the FLSA and state law, and who are exempt from overtime pay requirements.
2. Non-Exempt: Employees whose positions do not meet FLSA exemption tests and who are paid one and one-half (1 1/2) times their regular rate of pay for hours worked more than forty (40) in one week and/or eight (8) hours in one day.

B) Determination Process

1. Initial Assessment: The exempt or non-exempt status of each position will be determined based on the duties and responsibilities outlined in the job description and assessed against FLSA exemption tests.

2. Uncertain Status: If the exempt/non-exempt status of a position is in doubt, the department head will collaborate with the Human Resources Director to review the position's duties and responsibilities against FLSA exemption tests and make a provisional decision.

3. Final Decision: The Executive Director and/or their designated appointee will review the provisional decisions and make the final determination in all cases.

C) Overtime Pay for Non-Exempt Employees

Overtime pay policies for non-exempt employees include the following principal elements:

1. Regular Time Pay: Non-exempt employees will be paid regular time for all hours worked through eight (8) in one day or forty (40) in one workweek.

2. Overtime Pay: Non-exempt employees will be paid time-and-one-half hours worked more than eight (8) in one day and/or forty (40) in one workweek. The exception to this provision is if an employee is working a flexible work schedule or an alternative work schedule as determined by California law.

3. Holiday Pay: Employees who work on a HACM holiday and are eligible for holiday pay will receive pay at one-and-one-half times (1 1/2) their regular rate for hours worked and will receive eight (8) hours' pay for the holiday.

4. Holiday and Vacation Hours: Paid holiday and vacation hours shall be considered as hours worked for the purpose of determining overtime.

5. Authorization for Overtime: Overtime worked by non-exempt employees must be authorized in advance by the employee's department head.

6. Compensating Time Off: Compensating time off in lieu of overtime payments will not be granted.

7. Pyramiding of Premium Pay: Pyramiding of premium pay will not be granted.