

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 36

DATE: January 19, 1999

STAFF: Darin Atteberry

SUBJECT:

Resolution No. 11 of the Fort Collins Housing Authority Amending the Personnel Policies Employee Handbook.

RECOMMENDATION:

Staff recommends adoption of this Resolution.

EXECUTIVE SUMMARY:

On December 18, 1996, the Board of Commissioners for the Fort Collins Housing Authority approved its personnel policies. Since that time, few, if any, changes have been made to these policies. At this time, staff believes that several changes are warranted to improve future amendments to the policies and to improve the employee grievance process.

Resolution No. 11 enables future changes to the personnel policies to be approved by both the Board of Commissioners and administratively by the Executive Director. This makes the approval process similar to that of the City of Fort Collins approach.

Additionally, Resolution No. 11 improves the process for employee grievances, including the establishment of a pre-disciplinary meeting, issue resolution process, and name clearing process.

Finally, this Resolution outlines the role of the City of Fort Collins Human Resource Department in employee disciplinary actions at the Fort Collins Housing Authority.

RESOLUTION NO. 11
OF THE BOARD OF COMMISSIONERS
OF THE FORT COLLINS HOUSING AUTHORITY
AMENDING THE PERSONNEL POLICIES
EMPLOYEE HANDBOOK

WHEREAS, the Board of Commissioners previously adopted the Personnel Policies Employee Handbook (the "Handbook") on December 18, 1996; and

WHEREAS, the Board desires to amend those sections of the Handbook concerning the alteration and amendment of the Handbook so as to provide the Executive Director with the ability to alter and amend the Handbook administratively; and

WHEREAS, the Board desires to amend those sections of the Handbook concerning disciplinary action and the resolution of complaints so as to better establish a grievance and issue resolution process for Housing Authority employees; and

WHEREAS, the employees of the Housing Authority have been provided with not less than ten (10) days notification of the proposed changes to the Handbook which are set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FORT COLLINS HOUSING AUTHORITY as follows:

Section 1. That subsections 1.1 and 1.2 of the Personnel Policies Employee Handbook are hereby amended to read as follows:

1.1 ADMINISTRATION OF PERSONNEL POLICIES

~~The following Personnel Policies and procedures have been adopted by the Board of Commissioners of the Fort Collins Housing Authority.~~ The information contained in this manual is the most current at this time and supersedes all previous handbooks, manual, policies, and procedures. These policies and procedures shall remain in effect until amended or superseded by action of the Board of Commissioners ~~of the Executive Director.~~

Day-to-day administration of these policies and procedures is the responsibility of the Executive Director and the management staff reporting to the Executive Director who are hired or appointed to train, oversee, discipline, evaluate, and reward employees of the Fort Collins Housing Authority as they carry out their appointed

tasks. Interpretation of the policies within this handbook is the responsibility and purview of the Executive Director.

Where situations arise that are not covered by these policies, the Executive Director will take appropriate action, subject to Board of Commissioners' review, at its option.

In the event that the policies contained in this manual are changed by the Board of Commissioners or the Executive Director, employees will be notified of such changes 10 days prior to their adoption by the Board of Commissioners or the Executive Director.

1.2 EMPLOYMENT RELATIONSHIP

The Board of Commissioners of the Fort Collins Housing Authority and the Executive Director reserves the right to alter and amend these Personnel Policies from time to time. To that extent, the provisions contained in these Personnel Policies are only guidelines for the conduct of the relationship between the Housing Authority and its employees and are not employment contract terms. No provisions in these Personnel Policies are to be considered as an agreement on the length or continuation of employment.

The language used in this handbook is not intended to constitute a contract of employment, either expressed or implied. Employees have the right to end their work relationship with the Authority, with or without advance notice or cause. The organization, except where stated expressly, has the same right. The status of your "At Will" employment with the FCHA cannot be changed or modified with any oral or written statement. While various provisions of this manual may refer to termination as a form of discipline, such references shall not be construed to alter the at-will employment status of all employees of the FCHA. The FCHA expressly reserves the right to terminate any employee in its sole discretion at any time without procedure, cause, or prior notice.

Section 2. That subsection 10.3 of the Personnel Policies Employee Handbook is hereby amended to read as follows and a new subsection 10.4 of said Handbook is hereby added to read as follows:

10.3 RESPONSIBILITY FOR DISCIPLINARY ACTION

Ordinarily a supervisor is the first to be aware of potential policy violations among employees in his or her own department. ~~While having unilateral discretion to remove an employee from active duty pending investigation of safety violations, the supervisor must notify the Executive Director of any such action or suspicions of~~

violations or wrongdoing immediately. The Executive Director will determine the most appropriate actions for investigation, discipline and resolution of the problem, often employing the supervisor's assistance in carrying out these actions. Supervisors are responsible for commencing disciplinary action against subordinates when appropriate pursuant to the provisions of these policies.

10.4 PRE-DISCIPLINARY MEETING

Prior to the imposition of a suspension, involuntary demotion, or termination, an employee shall be given notice and the opportunity to be heard in accordance with the following procedure:

A. The employee's supervisor shall provide the employee with written notice describing the performance problem or misconduct, related background information such as previous disciplinary action, type of discipline being considered, date, time and location of a meeting for the employee's response to the memorandum, notice that the employee may waive the meeting, notice that the employee may have an attorney or other representative at the hearing, and a signature line for the employee to acknowledge receipt of the memorandum.

B. Unless waived by the employee, a meeting shall be held before the employee's supervisor to provide the employee with the opportunity to be heard and present information concerning the proposed discipline. The employee may have an attorney or other representative present to provide advice or assistance. The meeting may be tape recorded and facilitated by a Human Resources representative.

C. A decision whether to impose discipline and, if so, what type, will be made after the hearing within a time period determined by the Human Resources Department. If the employee waives the hearing, the decision will be based upon the memorandum and employee's personnel record. The employee will be informed of the decision in writing. Depending on the decision, the employee may file a request for issue resolution or grievance of the decision in accordance with Section 11, hereof.

Section 3. That Section 11 of the Personnel Policies Employee Handbook is hereby repealed and reenacted to read as follows:

SECTION 11- GRIEVANCE AND ISSUE RESOLUTION PROCESSES

11.1 PURPOSE OF THE GRIEVANCE PROCESS

This grievance process is designed to allow employees to seek review of the major employment actions of suspension of three work days or more, involuntary demotion, or termination of employment with the FCHA. The use of the grievance process will serve a "name clearing" hearing function for the protection of any liberty interests that may be impacted as a result of such major employment action. Employees who wish to seek review of employment events or situations not covered by this grievance policy may use the issue resolution process.

11.2 GRIEVANCE PROCEDURE

A. Within ten (10) calendar days after receipt of the written notice of suspension of three work days or more, demotion, or termination, any employee who wishes to grieve such action must file a written complaint with the Executive Director and submit a copy to the City of Fort Collins Human Resources Department. The complaint must contain the following information:

- A. The disciplinary action which is the subject of the grievance;
- B. The events upon which the action was based including the names of persons involved, dates, times and other important facts;
- C. What the employee believes is wrong with the action;
- D. The outcome, remedy or change the employee believes to be appropriate if the grievance is upheld.

B. Upon receipt of a grievance complaint, the City's Human Resources Department shall schedule a hearing to be held before the Executive Director (or designee). The Executive Director (or designee) shall review relevant evidence, including but not limited to written documents and oral testimony, which is offered by the FCHA staff and the employee. The Executive Director (or designee) may also ask questions of the parties and witnesses during the hearing. Following the hearing, the Executive Director (or designee) will make written findings and render a written decision. The decision of the Executive Director (or designee) shall be final. In the event that the Executive Director determines that he or she (or a designee) is unable to serve as the hearing officer, the Executive Director may appoint an independent hearing officer who is not subordinate to the Executive Director to conduct the hearing, consider the evidence, and render a final decision on behalf of the FCHA.

11.3 PURPOSE OF THE ISSUE RESOLUTION PROCESS

This issue resolution process is designed to allow employees to raise and seek resolution of concerns about the terms or conditions of their employment, such as working conditions, work relationships, performance evaluations, violation or application of policies and procedures, discipline, and pay issues. Employees not eligible to use the grievance process may use the issue resolution process for any work-related concern. Employees may only use the issue resolution process for matters which are not grievable.

11.4 ISSUE RESOLUTION PROCEDURE

A. Employees wishing to raise or seek resolution of concerns about issues subject to this policy should first discuss the matter informally with their supervisors. Employees may move directly to step B if they believe that the supervisor cannot satisfactorily address or resolve the issue.

B. If an issue has not been satisfactorily addressed or resolved after discussion with the supervisor, the employee should prepare a brief memorandum explaining the issue and recommending how the issue should be addressed or resolved. The memorandum should be sent to the City's Human Resources Department, to the attention of the Human Resources Director.

C. The Human Resources Director will forward the matter to the Executive Director or the Executive Director's designee and will assign a Human Resources Department representative to act as a facilitator, or assign a facilitator from another subdivision of the FCHA or the City, to assist in addressing and resolving the issue.

D. The Executive Director (or designee), at her or his discretion, may meet with the employee and others to investigate the issue and may require the employee and others to provide further information. The Executive Director (or designee) will respond to the employee raising the issue orally and/or in writing. The decision of the Executive Director (or designee) shall be final.

E. Although there are no formal time limits for raising issues or responding, employees are expected to raise any issue through this process promptly, and not later than six months after the issue arose. Likewise, management will respond as quickly as reasonably practicable under the circumstances in light of the complexity and seriousness of the issue raised and the work load at the time.

11.5 Name Clearing Hearing

A name clearing hearing provides a forum at which an employee or former employee, in response to actions by the FCHA which seriously impugn the person's reputation and impair the person's future employment opportunities, can clear his or her record, name or reputation among the public at large.

Such a hearing is intended to protect the person's constitutionally protected liberty interest in having a good name, record or reputation. The name clearing hearing provides the employee or former employee an opportunity to rebut charges or allegations against him or her for the benefit of the employee's reputation. The name clearing hearing shall not serve to provide a right to continued employment even if the charges are disproved, or to convince the Executive Director that a mistake was made in terminating the employee or in otherwise making a record of employee misconduct.

The grievance process shall fulfill the name clearing hearing function for all employees who are eligible for such process.

All employees and former employees who have not been eligible to participate in the grievance process may request a name clearing hearing if actions by the FCHA have seriously impugned the person's reputation and have significantly impaired the person's future employment opportunities. Such employee or former employee may request a name clearing hearing by making a written request to the Executive Director not more than ninety (90) calendar days from the date the employee or former employee learns of the City's actions. Such hearing shall be held before the Executive Director (or designee) within thirty (30) calendar days following the person's request for a name clearing hearing. The format of the hearing shall be informal in nature and shall be public. The employee or former employee may call witnesses. No transcript of the hearing shall be required unless arranged and paid for by the former employee. No decision, comment or participation by the Executive Director shall be required.

Section 4. That a new subsection 12.4 of the Personnel Policies Employee Handbook is hereby added to read as follows:

12.4 EXIT INTERVIEWS

Where practicable, the Executive Director (or designee) shall endeavor to offer an employment exit interview for any employee leaving employment with the FCHA. This interview allows an employee to express his or her views on the work environment and job requirements, operations and training needs. It also provides an employee with the opportunity to discuss issues concerning benefits and

continuing insurance coverage, if applicable. Arrangements to receive final pay may also be made.

Passed and adopted at a regular meeting of the Board of Commissioners of the Fort Collins Housing Authority, held this 19th day of January, A.D. 1999.

Chairperson

ATTEST:

Secretary