

MINUTES OF A REGULAR MEETING OF THE COMMISSIONERS  
OF THE  
CITY OF ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY

The Commissioners of the City of Roanoke Redevelopment and Housing Authority met for a regular session on Monday, October 28, 2013, in the offices of the City of Roanoke Redevelopment and Housing Authority, 2624 Salem Turnpike, NW, in the City of Roanoke, Virginia.

I. CALL TO ORDER – ROLL CALL

Chair Smith called the meeting to order at 3:01 p.m. and declared that a quorum was not present.

PRESENT: Commissioners Boitnott, Karnes, Smith

Commissioner Butler arrived at 3:02 p.m.  
Commissioner Burruss arrived at 3:06 p.m.  
Commissioner Witten arrived at 3:07 p.m.  
Commissioner Garner arrived at 3:11 p.m.

OFFICER PRESENT: Glenda Edwards Goh, Secretary-Treasurer

ALSO PRESENT: Jackie Austin, VP of Finance/CFO; Christina Back, HR Coordinator; Kathleen Beveridge, Compliance & QA Manager; David Bustamante, VP of Housing; Nick Conte, Legal Counsel; Carolyn Epperly, Executive Assistant Temp; Crystal Hall, Resident Services Manager; Helen Shampine, HCV Director; Joel Shank, VP of Operations; Yvonne Thomas, Family Self-Sufficiency Coordinator; Christy Trent, Executive Assistant Temp; Cathy Wells, VP of Administration; Desi Wynter, Director of Redevelopment & Modernization

Chair Smith welcomed everyone to today's meeting and declared that a quorum was present at 3:02 p.m.

## II. REPORTS

### 1. Financial Report

Chair Smith stated that Ms. Austin provided a Financial Narrative along with the Financial Report and asked if there were any comments or questions. There were none.

### 2. Executive Director's Report

Chair Smith asked for the Executive Director's report.

Mrs. Goh stated that the 45-day notice of public hearing had been published announcing that the Board of Commissioners would receive comments at today's meeting relative to a substantial amendment to RRHA's 2013 Annual Plan. Mr. Bustamante briefed the Board at the September 23, 2013 meeting regarding the proposed amendment.

Chair Smith asked for comments regarding the amendment to the 2013 Annual Plan. There were none. Mrs. Goh asked Mr. Bustamante and Mrs. Shampine if any comments were received during the comment period. Both stated that no comments were received.

Mrs. Goh stated that the agency will proceed with the changes of RRHA's occupancy standards to 2 persons per bedroom and discontinuing allowing the addition of an extra bedroom for a live-in aide. These changes will be reflected in the Administrative Plan revisions to be considered by the Board of Commissioners at today's meeting. Mrs. Goh referenced her written report and stated that the Continuing

Resolution through January 15, 2014, does not extend any new funding amounts for RRHA's Public Housing and Section 8 programs, since those programs are funded on a calendar year basis. HUD is considering TAP's request to transfer Housing Choice Vouchers to RRHA, and the transfer is anticipated to occur January 1, 2014, if approved by HUD. REAC physical inspections for some RRHA properties were canceled during the federal government partial shutdown. Mr. Bustamante stated that these inspections have not been rescheduled; however, HUD has stated that these inspections will be rescheduled sometime during this week. Mrs. Goh stated that the results of the inspections will be reported once they occur.

Chair Smith thanked Mrs. Goh for her report and asked if there were any other comments or questions. There were none.

2. Staff Reports

Chair Smith asked if there were any staff reports. There were none.

3. Committee Reports

Chair Smith asked for committee reports. Commissioner Boitnott stated that the Affiliates Committee met today and transactions related to 8 Jefferson Place have been completed, which is a positive report. Commissioner Karnes stated that several policies were reviewed today and that, after consultation with legal counsel, they will be brought to the Board in November.

4. Commissioner Comments

Chair Smith asked if there were any Commissioner comments. There were none.

5. Residents or other community members to address the Board

Chair Smith asked if there were any residents or other community members who would like to address the Board. There were none.

### III. CONSENT AGENDA

- C-1 Corrected Minutes of the Annual and Regular Meeting of the Board of Commissioners held Monday, August 26, 2013.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 Minutes of the Regular Meeting of the Board of Commissioners held Monday, September 23, 2013.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-3 Monthly Operations Report for the month of September 2013.

RECOMMENDED ACTION: File as submitted.

Commissioner Butler introduced a motion to approve the Consent Agenda. The motion was seconded by Commissioner Boitnott and upon roll call the following vote was recorded:

AYES: Commissioners Burruss, Boitnott, Garner, Karnes, Witten, Smith

NAYS: None

Chair Smith thereupon declared said motion carried as introduced.

### IV. **REGULAR AGENDA**

1. Health Care Reform Analysis – Kendal Keffer, BB&T Insurance Services

Mrs. Wells stated that due to the complexity of the Affordable Care Act, RRHA has relied on experts for guidance, including The Local Choice carrier and Kendall Keffer, Employment Benefit Specialists for BB&T Insurance Services who is here today to provide more insight as to how the Affordable Care Act is going to affect employers

such as RRHA.

Mr. Keffer stated that the presentation today is a summary of information previously shared with the RRHA executive management team pertaining to the Affordable Care Act, also known as health care reform. The spectrum that employers need to consider relative to impact on the organization and on employees includes areas beyond simply play or pay strategies. Mr. Keffer stated that there are 2 major provisions from the employer mandate which were originally targeted to be effective January 1, 2014, but which have since been delayed until January 1, 2015. The 2 major provisions for employers require that if an employer is going to offer benefits, the benefits must be deemed affordable and must meet minimum actuarial value as defined by the law. Minimum value is an actuarial value that is given to all health insurance plans that are available in the marketplace. The minimum value as defined by the Affordable Care Act is 60%. The plans currently offered by RRHA passed the minimum value test. Health and Human Services and the Department of Labor released a calculator that determines pass or fail status when certain elements of a health insurance contract are entered. This test has been run by BB&T Insurance Services on hundreds and hundreds of companies throughout the southeastern part of the United States, and only one client has failed the minimum value test due to having an out of pocket maximum greater than \$6,300. Employers offering a \$5,000 deductible will pass the test.

The second part of the test is affordability. What is defined as affordable by employees and what is defined as affordable by the IRS may be totally different. RRHA also passed the affordability test. According to the law as it was initially written,

employees' cost of insurance for their family could not exceed 9.5% of their household income. This caused a lot of concern, resulting in a safe harbor being put into the law stating that the affordability measure relates to the employee-only cost of insurance. Affordability means that employees' cost of insurance may not exceed 9.5% of their gross wages. To date RRHA charges employees \$90.80 per month for the lowest cost alternative plan offered. That number could be increased to roughly \$157 per month and would still pass the affordability test.

RRHA passes the 2 minimum standards as required by the law to avoid any kind of penalty. One penalty referred to as the sledgehammer is that, if a plan is not offered at all, a \$2,000 penalty per employee is charged, except for the first 30 full-time employees. The second penalty referred to as the tack hammer provides for a \$3,000 penalty for every employee who applies for and receives a subsidy. The analysis completed on behalf of the organization concluded that RRHA is not at risk of any penalties if current benefits continue to be offered.

Additionally, the analysis included review of the number of current full-time employees not enrolled in benefits but who may enroll due to the individual mandate, employees who may add or remove a spouse, as well as tax implications, to project how those factors may affect RRHA's expenses. In 2014, all preexisting conditions limitations will be eliminated, resulting in a fee of \$5.25 per member per month to help stabilize the insurance market. Recent publications have indicated that reform is guaranteed to increase the cost of health insurance by \$63 per person. A member is defined as an employee, spouse, and child(ren). This is a direct cost that will be passed through the The Local Choice/Anthem to RRHA. The Comparative Effectiveness

Research Fee is for non-profit institutes to analyze the success of accountable care organizations. The Health Insurance Tax or HIT Tax is a tax on the insurance companies that will directly impact premiums. Anthem's Health Insurance Tax for 2014 is 2.8%, guaranteeing the cost to increase by that amount. The estimated taxes associated with Health Care Reform will add \$24,301.16 to the cost of RRHA's benefit plan for 2014. This will cause every employee's cost of health insurance to increase by \$31.64 per month in 2014.

Taking into account these increases, the estimated cost for RRHA to continue to offer benefits is \$500,000 annually. If RRHA maximizes contributions, still passing the affordability test, the cost could be reduced to \$361,000 annually. The pay and redirect option does not apply to RRHA because the plan offered already meets affordability. Selective play cost means that employees not currently taking advantage of the benefit plan may potentially enroll in the plan, increasing annual cost to approximately \$549,000. The cost to exit, to no longer offer benefits, based upon the full-time eligible employee count would cost \$88,000 in penalties annually. Employers considering this option are encouraged to contemplate the impact on employees. Some employees may qualify for a subsidy and come out ahead. Other employees may not qualify for the subsidy and bear a greater out of pocket expense. One strategy would involve grossing up pay of employees who may be adversely impacted, with a projected annual cost of roughly \$200,000.

What employers need to analyze is how benefits fit into the culture of the organization, including whether offering benefits is a way this organization distinguishes itself from the private sector, as well as whether not offering benefits will negatively

affect employee retention and hiring, particularly if competitors do offer benefits.

Commissioner Burruss asked if the cost RRHA pays per employee is \$625 per month. Mr. Keffer stated that RRHA currently has 74 full-time eligible employees, with 64 currently covered and 10 not currently covered by the RRHA benefit plan. The lowest full-time employee hourly pay rate enrolled in the benefit plan is \$12.71 per hour. The lowest cost plan offered to employees is \$90.80 per month. The higher cost plan offered to employees is \$109.20 per month. The cost to RRHA for employee-only coverage is approximately \$360 per month for a total amount of \$454 per month for the lowest cost plan offered. Ms. Burruss asked if the total estimated cost for 2014 including taxes projects any increase in the actual insurance premium. Mr. Keffer stated that it does not; the analysis is based on current premiums with the added taxes and fees. The analysis is a predictive model, a working document that will change yearly due to changes in rates or utilization.

Mr. Boitnott asked if this is only informational today and, after this information is considered, what happens. Mrs. Goh stated the health care renewal consideration is completed early in each calendar year, in February or March. The analysis was completed to ensure that RRHA's insurance plans meets the tests to avoid incurring penalties and, as funding resources shrink, the analysis provides important information for RRHA to consider as decisions are made regarding RRHA's benefits package.

Mr. Keffer stated that the strongest consideration, if employers continue to offer benefits, should be concentration on how to control claims by implementing a structured wellness program for all employees. A wellness program is the only realistic way to control the cost of healthcare across the country in the long term by stemming the tide

of increasing utilization. With today's technology and medical advancements, individuals receive health care that extends their life expectancy, thus driving up health care costs. Encouraging preventative care through wellness programs and motivating employee participation through incentives will help to drive down health care costs.

Commissioner Garner asked how the savings are passed down to an organization like RRHA and how an organization implements a wellness program. In the past, there has been resistance, for instance, when companies tried to keep individuals from smoking. Commissioner Garner asked how companies get individuals to participate. Mr. Keffer stated that wellness strategies can run a spectrum from easy, no- or low-cost alternatives to invasive. The basics of the easiest wellness plan include incentivizing employees to have annual checkups by providing a health insurance premium reduction. This includes educating employees that prevention is covered 100%, with no cost to get annual physicals and age-appropriate tests. Annual physical examinations provide an opportunity to identify conditions early, when they are least costly to treat. Mr. Keffer stated that males are typically reluctant to see a physician, and providing an incentive can increase participation. The invasive approach consists of utilizing services of an outsourced medical company for onsite confidential screenings to evaluate individuals relative to thresholds in several health areas. If individuals meet those thresholds, they receive a percentage discount on insurance premiums. This type of wellness program is more expensive to implement. The Affordable Care Act allows employers to shift costs for people who do not participate in a wellness program to the extent that there could be a 50% differential between employees relative to premiums based on wellness program participation. This starts to

drive behavioral change with incentives. RRHA will need to evaluate what works best with the culture of the organization as well as the cost implications.

Commissioner Karnes left the meeting at 3:41 p.m.

Chair Smith asked if there were any other comments or questions. There were none.

## 2. Resolution No. 3762

Mrs. Shampine asked for approval of Resolution No. 3762 to revise the Administrative Plan for the Housing Choice Voucher program. She stated that there was a lot of clarification throughout the Plan; however, she will only detail items with the greatest impact to the operation of the program next year. At HUD's recommendation, approval is being asked to reduce the occupancy standards to 2 people per bedroom regardless of age and gender and to no longer offer a separate bedroom for live-in aides. Additionally, a policy revision provides for processing interim rent changes for increases in income. Current policy has provided for processing an interim change when requested by a family due to a reduction in income, as required by HUD; however, if a family reports an increase in income, an interim change is not processed, and rent does not change until the next recertification. By processing interims based on increases in income, the tenant portion of rent will increase accordingly, thus reducing program expenses. The revisions also include a HUD required addition stating that if a sex offender registrant had been allowed into the program previously, the participant will be terminated from the program immediately upon RRHA identifying sex offender registration status. Also added, was the option to review payment standards at any time deemed necessary based on funding issues.

Commissioner Garner asked if there was any feedback regarding the occupancy standard and asked for clarification as to whether tenants actually had a chance to comment since the changes were mandated by HUD. Mrs. Shampine stated the opportunity for feedback was given during the public comment period after the 45-day notice was given, and no feedback was received. Mrs. Goh stated that RRHA published the notice in the Roanoke Times and Roanoke Tribune as well as on the homepage of the RRHA website. Copies were available in the RRHA lobby for those individuals who do not have web access. Mrs. Shampine stated that, upon Board approval, individual letters will be sent to all program participants and all participating landlords. The letter to landlords will notify them that a meeting will be scheduled within the next 60 days to provide information and answer any questions they may have.

Chair Smith asked if there were any other comments or questions. There were none.

Commissioner Boitnott introduced Resolution No. 3762 and moved its adoption as introduced:

**RESOLUTION OF THE CITY OF ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY TO APPROVE A REVISED ADMINISTRATIVE PLAN FOR THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**

WHEREAS, the Roanoke Redevelopment and Housing Authority's (RRHA) Board of Commissioners and staff are committed to providing safe and affordable housing to eligible individuals and families, including persons with disabilities; and

WHEREAS, the United States Department and Housing and Urban Development (HUD) has authorized Public Housing Agencies (PHA) to administer a Housing Choice Voucher (HCV) program, through the use of the PHA's Administrative Plan; and

WHEREAS, the Administrative Plan must state the PHA's policies on matters for

which the PHA has discretion to establish local policies; and

WHEREAS, a PHA is required to revise its Administrative Plan as necessary to remain in compliance with the Department of Housing and Urban Development (HUD) regulations as set forth in 24 CFR 5, 8, 35, 92, 882, 887, 888, 903, 908, 982, 983, 984 and 985; and

WHEREAS, the current Administrative Plan for the Section 8 HCV Program of the RRHA, dated February 25, 2013 states that RRHA will review and update the Administrative Plan at least once a year; and

WHEREAS, RRHA staff have reviewed the Administrative Plan and made revisions to reflect changes in regulations and RRHA operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Roanoke Redevelopment and Housing Authority that:

1. The Revised Administrative Plan for the RRHA Section 8 HCV Program, with revised chapters in substantially the form circulated to the Board, is approved.
2. The Executive Director be and hereby is authorized and directed to make minor procedural changes as necessary between annual updates.

The motion was seconded by Commissioner Garner and upon roll call the following vote was recorded:

AYES: Commissioners Boitnott, Burruss, Butler, Garner, Witten, Smith,

NAYS: None

Chair Smith thereupon declared said motion carried and Resolution No. 3762 adopted as introduced.

3. Resolution No. 3763

Mr. Bustamante asked for approval of Resolution No. 3763 to approve changes to the Agency Admissions and Continued Occupancy Plan (ACOP) for the Public

Housing program. Mr. Bustamante stated there were a lot of clarifications throughout the ACOP, but he would only be addressing the important policy changes. One proposed change is to reduce the amount of time applicants have to accept or reject units from 5 days to 2 days due to the increase in HUD's occupancy performance standards to 98%. Experience demonstrates that 5 days is too long, resulting in an additional 10 days of vacancy if the first individual on the waiting list rejects the unit when it is offered. Since this is a change to the Tenant Selection and Assignment Plan (TSAP), advance approval is required by HUD's office of Fair Housing and Equal Opportunity (FHEO). There was a change to the TSAP requiring FHEO approval in last year's ACOP revisions. A letter was sent to FHEO for approval and, to date, no response has been received. Mrs. Goh will be sending out a letter to FHEO seeking approval and clarifying that, if there is no response from FHEO, RRHA will assume approval so that RRHA's operations can continue. An additional proposed revision will require interim rent recalculation in cases where tenants have increases in income. Currently interims are only being processed when a reduction of income is reported. Due to the current financial situation, it is important to also capture the income increases to help sustain the financial viability of RRHA properties. A proposed revision to the grievance procedure will provide for hearing to be conducted by a hearing panel if a resident or participant is available to participate. This revision will require a 30-day notice and opportunity to comment by tenants in the Public Housing program; therefore, this proposed revision will be presented for Board approval following that comment period.

Chair Smith asked if there were any other comments or questions. There were none.

Commissioner Boitnott introduced Resolution No. 3763 and moved its adoption as introduced:

RESOLUTION OF THE CITY OF ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY TO APPROVE A REVISED ADMISSIONS AND CONTINUED OCCUPANCY POLICY FOR THE PUBLIC HOUSING PROGRAM

WHEREAS, the Roanoke Redevelopment and Housing Authority's (RRHA) Board of Commissioners and staff are committed to providing safe and affordable housing to eligible individuals and families, including persons with disabilities; and

WHEREAS, the United States Department and Housing and Urban Development has authorized Public Housing Agencies (PHA) to administer a Public Housing Program, through the use of its Admissions and Continued Occupancy Policy (ACOP); and

WHEREAS, the ACOP must state the PHA's policies on matters for which the PHA has discretion to establish local policies; and

WHEREAS, a PHA is required to revise its ACOP as necessary to remain in compliance with the Department of Housing and Urban Development (HUD) regulations as set forth in 24 CFR 5, 8, 902, 903, 945, 960, 965 and 966; and

WHEREAS, the current ACOP of the RRHA, dated February 25, 2013 states that RRHA will review and update the ACOP at least once a year; and

WHEREAS, RRHA staff have reviewed the ACOP and made revisions to reflect changes in regulations and RRHA operations; and

WHEREAS, each household in RRHA's Public Housing program will be provided notice of proposed revisions to the Grievance Procedure and a 30-day period to submit

comments, as required by HUD, before revisions will be considered for approval.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Roanoke Redevelopment and Housing Authority that:

3. The Revised Admissions and Continued Occupancy Policy for Public Housing Program, with revised chapters in substantially the form circulated to the Board, is approved, with the exception of proposed revisions to the Grievance Procedure in Chapter 14.
4. The Executive Director be and hereby is authorized and directed to make minor procedural changes as necessary between annual updates.

The motion was seconded by Commissioner Garner and upon roll call the following vote was recorded:

AYES: Commissioners Boitnott, Burruss, Butler, Garner, Witten, Smith

NAYS: None

Chair Smith thereupon declared said motion carried and Resolution No. 3763 adopted as introduced.

4. Resolution No. 3764

Catherine Wells asked for approval of Resolution No. 3764 to approve changes to the employee grievance policy. The policy currently allows the grievant to have a lay advocate in the hearing. It has been found that having a lay advocate can be positive in providing a supportive environment during the hearing process. However, the lay advocate should not be a former or active RRHA employee, and this needs to be stated in the policy. In addition, a statement has been added stating that retaliation against an employee for filing or participating in the grievance process is not the practice of the organization nor is it accepted. Commissioner Witten whether legal counsel are permitted to be active or former RRHA employees. Mrs. Goh clarified that RRHA would

not attempt to apply any limitations on representation by legal counsel admitted to the bar.

Chair Smith asked if there were any other comments or questions. There were none.

Commissioner Boitnott introduced Resolution No. 3764 and moved its adoption as introduced:

RESOLUTION OF THE CITY OF ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY APPROVING A REVISED EMPLOYEE GRIEVANCE PROCEDURE

WHEREAS, the City of Roanoke Redevelopment and Housing Authority (RRHA) has an Employee Grievance Procedure which was last revised effective January 1, 2012; and

WHEREAS, RRHA has undertaken a review of its personnel policies to ensure they are relevant, meet the needs of the agency and are legally compliant; and

WHEREAS, RRHA has determined that it is prudent and in the best interest of RRHA to revise Personnel Policy No. 1000, Employee Grievance Procedure; and

WHEREAS, the proposed revised Employee Grievance Procedure has been reviewed by RRHA's legal counsel and determined to be in compliance with legal requirements applicable to RRHA; and

WHEREAS, the Personnel Committee of the RRHA Board of Commissioners supports and recommends approval of this revised policy.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the City of Roanoke Redevelopment and Housing Authority that the attached revised Personnel Policy No. 1000, Employee Grievance Procedure, is approved effective November 1, 2013.

The motion was seconded by Commissioner Burruss and upon roll call the following vote was recorded:

AYES: Commissioners Boitnott, Burruss, Butler, Garner, Witten, Smith

NAYS: None

Chair Smith thereupon declared said motion carried and Resolution No. 3764 adopted as introduced.

5. Resolution No. 3765

Catherine Wells asked for approval of Resolution No. 3765 to approve changes to the personnel policy, Initial Employment Period. Mrs. Wells stated all new hires have a six-month initial employment period. The policy was written to require only the direct supervisor's approval for the decision of changing the employment status. The proposed change defines an approval process, which includes the direct supervisor making a recommendation and the division VP approving status change. An additional proposed revision outlines an approval process for extension.

Chair Smith asked if there were any other comments or questions. There were none.

Commissioner Burruss introduced Resolution No. 3765 and moved its adoption as introduced:

RESOLUTION OF THE CITY OF ROANOKE REDEVELOPMENT AND  
HOUSING AUTHORITY APPROVING A REVISED PERSONNEL POLICY  
REGARDING INITIAL EMPLOYMENT PERIOD

WHEREAS, the Roanoke Redevelopment and Housing Authority (RRHA) has an Initial Employment Period Policy, which was last revised February 19, 2008; and

WHEREAS, RRHA has undertaken a review of its personnel policies to ensure

they are relevant, meet the needs of the agency and are legally compliant; and

WHEREAS, RRHA has determined that it is prudent and in the best interest of RRHA to revise Personnel Policy No. 030, Initial Employment Period, in order to better improve clarity and reflect current practices; and

WHEREAS, the Personnel Committee of the RRHA Board of Commissioners supports and recommends approval of this revised policy;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the City of Roanoke Redevelopment and Housing Authority that the attached revised Personnel Policy No. 030, Initial Employment Period, is approved effective November 1, 2013.

The motion was seconded by Commissioner Garner and upon roll call the following vote was recorded:

AYES: Commissioners Boitnott, Burruss, Butler, Garner, Witten, Smith

NAYS: None

Chair Smith thereupon declared said motion carried and Resolution No. 3765 adopted as introduced.

6. Resolution No. 3766

Catherine Wells asked for approval of Resolution No. 3766 to eliminate the Education Assistance Program policy. Mrs. Wells stated that, due to budgetary constraints, RRHA has not been able to fund the tuition program for many years. The Education Assistance Program is not to be confused with staff training. Training resources are funded through capital improvement funds and individual operations budgets. While training and development is supported through succession planning and performance appraisals, RRHA no longer has the means to support the Education Assistance Program policy; thus, the request for elimination.

Chair Smith asked if there were any other comments or questions. There were none.

Commissioner Burruss introduced Resolution No. 3766 and moved its adoption as introduced:

RESOLUTION OF THE CITY OF ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY APPROVING ELIMINATION OF A PERSONNEL POLICY REGARDING AN EDUCATION ASSISTANCE PROGRAM

WHEREAS, the Roanoke Redevelopment and Housing Authority (RRHA) has an Education Assistance Program Policy, which was last revised May 30, 2003; and

WHEREAS, RRHA has undertaken a review of its personnel policies to ensure they are relevant, meet the needs of the agency and are legally compliant; and

WHEREAS, RRHA has determined that the RRHA's Policy No. 340 is no longer relevant as it does not fit the current needs of the agency; and

WHEREAS, RRHA utilizes its performance evaluation system and succession planning program to determine the training and development needs of the organization and funds staff development through Capital Fund Grants and annual operating budget; and

WHEREAS, RRHA's funding has been reduced, requiring the agency to focus available resources on training and development related to specific agency needs, resulting in a lack of resources to provide tuition-assistance to employees; and

WHEREAS, the Personnel Committee of the RRHA Board of Commissioners supports and recommends approval of elimination of this policy;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the City of Roanoke Redevelopment and Housing Authority that elimination of the attached Personnel Policy No. 340, Education Assistance Program, is approved effective November 1, 2013.

The motion was seconded by Commissioner Butler and upon roll call the following vote was recorded:

AYES: Commissioners Boitnott, Burruss, Butler, Garner, Witten, Smith

NAYS: None

Chair Smith thereupon declared said motion carried and Resolution No. 3766 adopted as introduced.

#### 7. Executive Session

Commissioner Garner moved that the Commissioners enter into Executive Session for the purpose of discussion of specific personnel matters of the RRHA in accordance with Virginia Code Section 2.2-3711(A)(1).

The motion was seconded by Commissioner Butler and upon roll call the following vote was recorded:

AYES: Commissioners Boitnott, Burruss, Butler, Garner, Witten, Smith

NAYS: None

The Board of Commissioners entered into Executive Session at 3:59 p.m.

The Board reconvened into open session at 4:10 p.m.

Commissioner Garner introduced a motion stating that the members of the Board of Commissioners hereby certify to the best of their knowledge that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Board in the immediately preceding Executive Session.

The motion was seconded by Commissioner Boitnott and upon roll call the

following vote was recorded:

AYES: Commissioners Boitnott, Burruss, Butler, Garner, Witten, Smith

NAYS: None

V. **ADJOURNMENT**

There being no further business to come before the Board, Commissioner Boitnott moved that the meeting be adjourned.

The motion was seconded by Commissioner Butler and upon roll call the following vote was recorded:

AYES: Commissioners Boitnott, Burruss, Butler, Garner, Witten, Smith,

NAYS: None

Chair Smith declared the meeting adjourned at 4:10 p.m.

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Duane Smith, Chair

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Glenda Edwards Goh, Secretary-Treasurer

## Proposed Administrative Plan Revisions 10-28-13

Proposed revisions to the RRHA Administrative Plan are summarized below. Note that the summary only includes substantive revisions. Corrections to spelling or grammar and updated references to regulations and HUD notices are not listed. All revisions are highlighted in the separate redlined document provided to Commissioners for review.

Revised Chapter	Summary of Proposed Administrative Plan Revisions
1	<p>Removed Single Room Occupancy and Moderate Rehabilitation under 1-I.D. because RRHA no longer administers these programs.</p> <p>Reworded descriptions in 1-II.C. to enhance clarity regarding obligations of all parties.</p>
2	<p>Added text and bullet under 2-I.A. relative to HUD regulations providing protections regarding sexual orientation, gender identity, and marital status; added text and reference related to above revision in 2-I.B.</p> <p>Added statement in 2-II.A. regarding display of housing information in a manner to ensure accessibility to persons in wheelchairs.</p> <p>Added statement in 2-II.C. clarifying how requests for reasonable accommodation are defined.</p>
3	<p>Revised 3-I.B. to be consistent with HUD's updated definition of family.</p> <p>Added possible risks to family as result of criminal activity as a factor for consideration in determining waiting list status following family break-up in 3-I.C.</p> <p>Reworded policy in 3-I.L. to clarify how permanent absence of family member due to medical reasons is determined.</p> <p>Revised policy in 3-I.K. to clarify definition and procedures relative to foster children or adults.</p> <p>Revised text in 3-II.A. to enhance clarify in definition of income limits and how these relate to eligibility.</p> <p>Added statement in 3-III.D. relative to HUD allowing RRHA to provide family information to rental property owners, as long as the same type of information is provided to all owners.</p>
4	<p>Reworded introductory section regarding to better describe waiting how waiting list policies and procedures are applied.</p> <p>Reworded 4-I.A. to improve clarity regarding the application process.</p> <p>Added text in 4-II.F. to state that a determination will be made by RRHA as to whether a family's failure to respond is related to a family member's disability.</p> <p>Added text in 4-III.A. regarding the impact of availability of targeted funding on waiting list placement.</p> <p>Added text in 4-III.B. to enhance clarity of descriptions of special admissions and targeted funding.</p>

	<p>Added statement in policy in 4-III.C. relative to targeted funding and preferences in the selection process.</p> <p>Revised policy in 4-III.E. to state that either the head or cohead/spouse may attend the application interview on behalf of the family. Added statement allowing 10 business days to provide required documentation. Added statement that, if family does not attend interview, it will be rescheduled once. If family does not attend rescheduled interview, application for assistance will be denied.</p>
5	<p>Revised policy in 5-I.B. to describe how RRHA handles mail returned by the post office when families are notified of eligibility for assistance.</p> <p>Removed policy in 5-I.B. regarding RRHA-owned units because there are currently no such units in the voucher program.</p> <p>Revised policy in 5-I.C. to add types of information to be considered in determining serious or repeated lease violations.</p> <p>Revised policy in 5-II.B. regarding determination of voucher/unit size to allow one bedroom for each two persons within the household and remove allowance for a bedroom to be assigned for a live-in aide.</p> <p>Added text in 5-II.D. to clarify that RRHA will only issue vouchers to families on the waiting list when sufficient funds are available to provide housing assistance to them.</p>
6	<p>Added text in 6-I.B. to describe approval process for caretakers for children.</p> <p>Revised policy regarding use of EIV system in 6-I.C.</p> <p>Added statement in 6-I.D. regarding exclusion of temporary payments from U.S. Census Bureau employment as required by HUD PIH Notice 2009-19.</p> <p>Added policy in 6-I.G. relative to imputing income from assets. The HUD field office no longer provides an interest rate for imputed asset income. The “safe harbor” is now for the RRHA to establish a passbook rate within 0.75 percent of a national average and review the passbook rate annually in December of each year.</p> <p>Updated listing in 6-I.M. relative to additional exclusions from annual income.</p>
7	<p>Deleted text in 7-I.B. relative to placing photocopies of certain documents in tenant files.</p> <p>Added statement in 7-I.C. regarding use of HUD’s EIV system to verify tenant employment and income information. Deleted section relative to EIV Discrepancy Reports because HUD does not currently mandate use of these reports.</p> <p>Revised policy in 7-I.D. to require families to provide the 2 most current, consecutive paystubs instead of paystubs covering a 60-day period.</p> <p>Added statement in 7-I.E. regarding use of self-certification for income, assets, or expenses, when third-party verification is not available.</p>

	<p>Added language in 7-II.A. to clarify RRHA’s practices regarding verification of legal identity.</p> <p>Revised policy in 7-II.B. to explain consequences of failure to comply with Social Security Number (SSN) disclosure requirements. Revised requirement to disclose SSN of new household members under age 6 at the time of reexamination or recertification.</p> <p>Added policy under 7-III.A. defining requirements for submission of documentation regarding wages. Reworded information regarding verification of SS/SSI benefits in 7-III.C.</p> <p>Revised requirements for verification of alimony or child support in 7-III.D.</p> <p>Revised policy and procedures regarding income exclusions in 7-III.H.</p> <p>Added Social Security benefits to list of types of income to verify that a family is not receiving when the family report zero income in 7-III.I.</p> <p>Revised policy in 7-III.J. to clarify process for verification of student financial assistance.</p> <p>Added statement in 7-IV.B. requiring third-party verification that reimbursement is not received from another source when third-party verification of medical expenses is provided.</p> <p>Revised policies in 7-IV.C. regarding types of documentation required for verification of disability assistance expenses.</p> <p>Revised policy and description in 7-IV.D. regarding eligibility for child care expense deduction and types of documentation required for verification of child care expenses.</p>
8	<p>Reworded description regarding impositions of variations in Housing Quality Standards and when HUD approval is required in 8-I.B.</p> <p>Reworded descriptions in 8.1.C. to clarify applicable standards.</p> <p>Revised policies in 8-II.B. regarding standards and procedures related to inspections. Added paragraph to address chipped, peeling, or flaking paint in units constructed prior to 1978. Added statement that RRHA will not conduct initial inspection until utilities are connected.</p> <p>Revised policy in 8-II.F. to require landlords to submit photos with certification that deficiencies have been corrected and require reinspection by RRHA HQS inspectors if photos are not submitted.</p>
9	<p>Added language regarding RRHA’s duties relative to tenant screening in 9-I.A.</p> <p>Revised wording in 9-I.D. to clarify definition of “family share” relative to rent.</p> <p>Revised policy in 9-I.E. to remove limit on amount of security deposit an owner may require.</p>

10	<p>Language related to Violence Against Women Act requirements was deleted in one section of 10-I.A. because the relevant VAWA information is contained in a separate section later on the page.</p> <p>Added text to 10-I.B. to clarify HUD requirements and RRHA discretion regarding denial of moves due to insufficient funding and restrictions on elective moves.</p> <p>Added language in 10-II.A. relative to RRHA's determination of whether to approve a portability move based on communication from the receiving PHA as to whether it will absorb or bill for the voucher.</p> <p>Added language in 10-II.B. to clarify HUD requirements and RRHA discretion relative to portability moves.</p> <p>Revised text in 10-II.C. to clarify RRHA's responsibilities, policies, and procedures relative to incoming portability moves.</p>
11	<p>Revised policies in 11-II.C. to require interim reexaminations in all cases when earned income increases.</p>
12	<p>Reworded policy to improve clarity in 12-I.B, regarding how changes in circumstances for families receiving zero assistance are handled.</p> <p>Added statement to policy in 12-1.C. relative to notice requirements.</p> <p>Added section in 12-I.D. regarding mandatory termination of assistance for lifetime registered sex offenders erroneously admitted to the program after June 25, 2001.</p> <p>Reworded sections in 12-II.A, 12-II.B, and 12-II.C. to enhance clarity regarding methods of and alternatives to termination of assistance.</p> <p>Reworded language in 12-II.F. relative to providing a copy of criminal records used as a basis for termination.</p>
13	<p>Reworded text in 13-I.B. and 13-I.C. to improve clarity in description of basic program requirements and responsibilities applicable to owners.</p> <p>Reworded statement in policy in 13-I.D. regarding conflict of interest waiver requests by owners.</p> <p>Reworded text in 13-II.A., 13-II.B., and 13-II.C. to improve clarity regarding Housing Assistance Payments contracts.</p>
14	<p>Revised policy and description in 14-I.A. regarding EIV system use and documents and other information provided to owners, applicants, and participants.</p> <p>Revised policy in 14-I.B. to update sources of information used by RRHA to detect errors and abuse.</p> <p>Revised policy in 14-I.C. regarding circumstances under which RRHA will investigate for possible instances of errors or abuse. Reworded section regarding consent to clarify that method of consent must include signed consent forms.</p> <p>Revised policy in 14-II.A. to clarify when increases in family share necessary to correct subsidy overpayment will become effective.</p>

16	<p>Revisions to Part I regarding allowable uses of program reserves. Updated language in policy to reflect current terminology of Unrestricted Net Assets (UNA) instead of administrative fee reserve.</p> <p>Revised policy in 16-II.B. to include review of payment standards at other times determined necessary in addition to annual review.</p> <p>Added statement in 16-III.B. to clarify that the term Hearing Officer refers to the RRHA Hearing Officer or designated substitute.</p> <p>Revised policy in 16-III.C. to provide for hearing panel comprised of Hearing Officer and resident or participant in RRHA housing program to conduct hearings in cases where a resident or participant is available to serve on the panel.</p> <p>Added reference in 16-VI.C. regarding documentation requirements for domestic violence, dating violence, or stalking.</p>
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## Proposed ACOP Revisions 10-28-13

Proposed revisions to the RRHA Admissions and Continued Occupancy Policy (ACOP) are summarized below. Note that the summary only includes substantive revisions. Corrections to spelling or grammar and updated references to regulations and HUD notices are not listed. All revisions are highlighted in the separate redlined document provided to Commissioners for review.

Revised Chapter	Summary of Proposed ACOP Revisions
1	<p>Reworded descriptions in 1-II.C. to enhance clarity regarding obligations of all parties.</p> <p>Reworded information in 1-III.B. to update description of approach to policy development.</p>
2	<p>Added large print type to examples of reasonable accommodation in 2-II.B.</p>
3	<p>Reworded descriptions under Persons with Disabilities and Disabled Families in 3.I.I. for clarity.</p> <p>Reworded description of procedures regarding live-in aides in 3.I.M.</p> <p>Added screening for sex offender registration in 3-III.D.</p> <p>Added statement in 3-III.E. regarding impact of lifetime sex offender registration status on application for admission to public housing, including option to exclude the ineligible member of the household. Reworded statement regarding criminal activity, to clarify that RRHA may permit the family to exclude the culpable person from the household as a condition of eligibility.</p>
4	<p>Reworded description in 4-I.C. relative to accessibility in the application process.</p> <p>Reworded description of procedures for placement on the waiting list in 4-I.D. to improve clarity.</p> <p>Added statement in 4-II.F. regarding reinstatement of applicants to the waiting list if removed for failure to respond when it is determined that the failure to respond was due to RRHA error or circumstances beyond the applicant's control.</p>
5	<p>Revision in 5-II.C. to change the amount of time applicants have to accept or reject offer of a unit from 5 business days to 2 business days.</p>
6	<p>Added text in 6-I.B. to describe approval process for caretakers for children.</p> <p>Revised policy regarding use of EIV system in 6-I.C.</p> <p>Added policy in 6-I.G. relative to imputing income from assets. The HUD field office no longer provides an interest rate for imputed asset income. The "safe harbor" is now for the RRHA to establish a passbook rate within 0.75 percent of a national average and review the passbook rate annually in December of each year.</p> <p>Updated listing in 6-I.L. relative to additional exclusions from annual income.</p>

7	<p>Added statement in 7-I.C. regarding use of HUD's EIV system to verify tenant employment and income information. Deleted section relative to EIV Discrepancy Reports because HUD does not currently mandate use of these reports.</p> <p>Revised policy in 7-I.D. to require families to provide the 2 most current, consecutive paystubs instead of paystubs covering a 60-day period.</p> <p>Revised policy in 7-I.D. to require families to provide the 2 most current, consecutive paystubs instead of paystubs covering a 60-day period. Deleted statement regarding mandatory third party verification in certain circumstances.</p> <p>Added language in 7-II.A. to clarify RRHA's practices regarding verification of legal identity.</p> <p>Reworded statement in 7-II.H. regarding verification of claimed preferences that influence placement on waiting list.</p> <p>Added policy under 7-III.A. defining requirements for submission of documentation regarding wages.</p> <p>Revised requirements for verification of alimony or child support in 7-III.D.</p> <p>Revised policy and procedures regarding income exclusions in 7-III.H.</p> <p>Added Social Security and income benefits to list of types of income to verify that a family is not receiving when the family report zero income in 7-III.I.</p> <p>Added statement in 7-IV.B. requiring third-party verification that reimbursement is not received from another source when third-party verification of medical expenses is provided.</p> <p>Revised policy and description in 7-IV.D. regarding eligibility for child care expense deduction and types of documentation required for verification of child care expenses.</p>
8	<p>Reworded text to 8-I.B. to update and clarify topics discussed during lease orientation.</p> <p>Revised policy in 8-I.F to reduce fee for late payment of rent from \$15 to \$10.</p>
9	<p>Added text in 9-I.B. to describe process for updating information at time of annual reexaminations.</p> <p>Reworded description of lease terms in 9-I.C. to clarify requirements for furnishing income and family composition information.</p> <p>Revised policies in 9-III.C. to require interim reexaminations in all cases when earned income increases.</p>
11	<p>Added language in 11-I.B. to clarify community service exemption requirements and types of activities not considered eligible to meet community service requirements.</p>

13	<p>Reworded Introduction to update and clarify overall policies and procedures regarding lease terminations and tenancy protections.</p> <p>Added section in 13-II.G. regarding mandatory termination of assistance for lifetime registered sex offenders erroneously admitted to the program after June 25, 2001. Subsequent sections of Chapter 13 were renumbered.</p> <p>Revised policy in 13-III.E. removing consideration of participation in a supervised drug or alcohol treatment program or other type of successful rehabilitation in determining whether to terminate a lease but leaving successful treatment of a supervised drug or alcohol treatment program as a factor to consider.</p>
14	<p>Added statement in 14-I.B. to clarify that the term Hearing Officer refers to the RRHA Hearing Officer or designated substitute.</p> <p>Revised policy in 14-I.B. and 14-III.F. to provide for hearing panel comprised of Hearing Officer and resident or participant in RRHA housing program to conduct hearings in cases where a resident or participant is available to serve on the panel.</p>
15	<p>Added statement in 15-I.A. regarding RRHA staff providing explanation of changes in HUD regulations or RRHA policy affecting tenants at the time of reexaminations.</p> <p>Revised policy in 15-I.B. to update sources of information used by RRHA to detect errors and abuse.</p> <p>Revised policy in 15-I.C. regarding circumstances under which RRHA will investigate for possible instances of errors or abuse. Reworded section regarding consent to clarify that method of consent must include signed consent forms.</p> <p>Revised policy in 15-II.A. to clarify when increases in tenant rent necessary to correct errors will become effective.</p>

**ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY**

**1000. Employee Grievance Procedure**

~~Dear Fellow Employee:~~

During the course of your employment with the Roanoke Redevelopment and Housing Authority, you may have problems, complaints or concerns regarding a number of issues. You are encouraged to address issues directly with your immediate supervisor since the employee and the supervisor are the key individuals who understand the problem and generally possess the ways and means to a resolution.

To the extent that certain issues cannot be resolved, the Roanoke Redevelopment and Housing Authority has established a structured method to address such concerns. The process, known as the Employee Grievance Procedure, may be initiated by you. The Employee Grievance Procedure is a fair method of resolving certain employee disputes that may arise between RRHA and employees who have access to the procedure.

~~I encourage you~~ You are encouraged to read the Employee Grievance Procedure in its entirety. If you have any questions, please contact your immediate Supervisor or the Human Resources Department.

~~Sincerely,~~

~~Catherine M. Wells  
V. P. Resident Services/Administration~~

**A. POLICY:**

It is the policy of the Roanoke Redevelopment and Housing Authority (RRHA) to encourage resolution of employee problems and complaints through open and free discussion of employee concerns with immediate supervisors and/or upper management levels. To the extent however, that such concerns cannot be resolved, the Employee Grievance Procedure affords a fair method for the resolution of employment disputes which may arise between the Roanoke Redevelopment and Housing Authority and covered employees. The provisions set forth within are promulgated pursuant to Section 2.2-3000 et seq. of the Code of Virginia.

Management retains the exclusive right to manage the affairs and operations of the Roanoke Redevelopment and Housing Authority. Management shall exercise its responsibilities with the highest degree of trust. In any employment matter that management precludes from proceeding to the Employee Grievance Procedure, RRHA's response, including any appropriate remedial actions, shall be prompt, complete and fair.

**B. ACCESS AND EXCLUSIONS:**

All active regular full time and part time RRHA employees who have successfully completed their Initial Employment period at the time the event forming the basis of the dispute occurred shall be covered by and have full access to the Employee Grievance Procedure with the exception of the Executive Director.

Temporary employees employed by RRHA and individuals assigned to RRHA via a temporary services contract are not covered by the Employee Grievance Procedure.

The employee must be in active status with RRHA at the time the grievance is initiated unless the action grieved is a termination or involuntary separation, in which case the grievant may initiate the grievance within thirty (30) days of the termination or separation.

A grievance initiated by the employee prior to notice of separation from service may, at the employee's option, continue to be processed through the Employee Grievance Procedure. However, such continuance shall not affect the notice of separation.

Employee's rights to pursue grievances shall not be used to harass or otherwise impede the efficient operations of the agency.

**C. DENIAL OR ACCESS TO THE EMPLOYEE GRIEVANCE PROCEDURE OR HEARING:**

If a management step respondent denies an employee access to the Employee Grievance Procedure, the employee may request a determination from the Executive Director as to access and qualification by making a written request to the Executive Director within five (5) working days of the denial of access.

Decisions regarding whether an employee has been denied access to the Employee Grievance Procedure and whether a grievance qualifies for a hearing shall be made by the Executive Director or his/her designee, within five (5) working days of the request. A copy of the ruling shall be sent to the grievant and the Human Resources Department.

Decisions of the Executive Director or his/her designee, may be appealed to the Circuit Court for the City of Roanoke for a hearing on the issue of whether or not a grievance qualifies for a hearing and whether an employee has access to the Employee Grievance Procedure. Proceedings for the review of the decision of the Executive Director shall be instituted by the grievant by filing a notice of appeal with the Executive Director within five (5) working days from the date of receipt of the decision.

Within five (5) working days thereafter, the Executive Director shall transmit to the Clerk of the Circuit Court for the City of Roanoke a copy of the decision of the Executive Director, a copy of the notice of appeal, and any exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant.

**D. QUALIFYING COMPLAINTS:**

A grievance shall be a complaint or dispute by an employee which alleges misinterpretation or misapplication of policy or an allegation of unfair treatment that denies some legal right as relates to the RRHA policies, procedures or actions. The grievance must pertain directly and personally to the employee's own employment. The grievance must not have been pursued through another formal process such as the Office of Equal Employment Services.

Qualifying complaints are specifically noted below:

- a. Formal disciplinary actions include termination, disciplinary demotion, suspension and written warning;
- b. Arbitrary or capricious formal performance evaluation;
- c. RRHA's application of written personnel policies, procedures, rules and regulations;
- d. Acts of alleged retaliation as the result of utilization of or participation in a grievance under the Employee Grievance Procedure;
- e. Alleged complaints of discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability or political affiliation; and
- f. Alleged acts of retaliation because of the employee's: (i) compliance with RRHA's Ethics Policy or any local, state or federal law; (ii) reporting any violation of such law to a governmental authority, (iii) seeking any change in law before the Congress of the United States or the General Assembly; (iv) reporting an incidence of fraud, abuse, or gross mismanagement; or (v) exercising any right otherwise protected by law.

**E. NON-QUALIFYING COMPLAINTS:**

- a. Establishment and revision of wages or salaries, position classifications or general benefits;
- b. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
- c. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;
- d. The methods, means and personnel by which work activities are to be carried out
- e. The termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force or job abolition;
- f. Termination due to exhaustion of paid leave;
- g. The hiring, promotion, failure to promote, transfer, failure to transfer, assignment, failure to assign, and retention of employees;
- h. The relief of employees from duties in emergencies;

- i. Informal supervisory instructions (such as counseling memorandum, oral reprimand, manner of providing supervisory directions); and
- j. The grievance cannot challenge the same management action challenged by another grievance.

**F. RIGHT TO PROCEDURE:**

Any employee to whom this Procedure is applicable who believes he or she has a grievance as defined in Section D and who desires to utilize this Procedure shall, within thirty (30) calendar days of the date the employee became knowledgeable or should have been knowledgeable of the event giving rise to the grievance, present a written grievance to the first-step respondent (Department Director).

**G. PROCEDURE:**

Prior to the initiation of a grievance, an employee should discuss the dispute with his or her supervisor in an attempt to resolve the problem informally. Even when such discussions are ongoing; however, the written grievance must be initiated within thirty (30) calendar days of the date that the employee knew of, or should have known of, the event that formed the basis of the dispute. This thirty (30) day requirement may be extended only by a determination of "good cause" by the Executive Director.

Grievance forms are available on the HR Index located on the "P" drive or in Human Resources for the initiation of a grievance. When a written response is required it must be placed on the form. If there is not enough space on the form for a complete statement, attachments may be added.

The Roanoke Redevelopment & Housing Authority is committed to providing reasonable accommodations to individuals with disabilities in accordance with the Americans with Disabilities Act of 1990. Requests for reasonable accommodations should be submitted to the office of the Vice-President of Resident Services and Administration.

After a grievance is initiated, a party may ask to review documents that pertain to the grievance. Absent just cause, all documents relating to the actions grieved shall be made available, upon request from either party to the grievance, by the opposing party. The documents requested and produced pursuant to this procedure shall be limited to one hundred (100) pages absent good cause shown.

Documents pertaining to non-parties that are relevant to the grievance shall be produced in such a manner as to preserve the privacy of the individuals not personally involved in the grievance. A party shall not be required to create a document if the document does not exist.

With the exception of the hearing and court proceedings, stated time limits in the Employee Grievance Procedure may be waived by mutual agreement in writing by the grievant and the Executive Director at the relevant Resolution Step in question.

The employee bears the burden of establishing that the grievance was timely initiated.

Upon the Executive Director's finding of "good cause," all pre-qualification time limits may be extended including, but not limited to, the thirty (30) calendar day grievance initiation requirement.

The use of recording devices or a Court Reporter is not permitted at Resolution Steps 1, 2, and 3 of the Employee Grievance Procedure.

During the Resolution Steps process, multiple grievances may be treated by the parties as a joint matter. For instance, the parties could agree to address two or more grievances at any given management step after which the Step-Respondent addresses the issues and relief raised in each of the grievances.

The Employee Grievance Procedure contains three elements:

- a. THE RESOLUTION STEPS:
  - i. First Resolution Step (Department Director)
  - ii. Second Resolution Step (Division Vice President or designee)
  - iii. Third Resolution Step (Executive Director)
- b. QUALIFICATION FOR A HEARING
- c. THE HEARING

### **THE RESOLUTION STEPS**

Performance issues including written warnings, arbitrary or capricious evaluations, and application of written personnel policies and procedure: An employee must initiate this type of grievance with the First-Step Respondent, his/her Department Director.

Discrimination, retaliation, termination, demotion, suspension without pay, and other reasons resulting in loss of wages: An employee may initiate an expedited grievance for these types of issues. The First Resolution Step is by-passed with this type of filing. An expedited grievance is filed with the Second-Step Respondent, the Division Vice President.

### **FIRST RESOLUTION STEP (DEPARTMENT DIRECTOR)**

A written grievance must be presented to the Human Resources Department or First-Step Respondent (Department Director) within thirty (30) calendar days of the date that the employee became knowledgeable or should have been knowledgeable of the event or action, giving rise to the grievance.

The written grievance should state the nature of the complaint, the facts in support of the claim, and the relief requested. Once the grievance is presented in writing, additional claims may not be added to the grievance. A meeting may be held to discuss the issues in dispute, although such a meeting is not required.

Within five (5) working days of RRHA's receipt of the written grievance, the first-step respondent must prepare and transmit a written response to the grievant. The response should address the issues, the relief requested and, if applicable, the next Resolution Step in the process.

The grievant must indicate within five (5) working days from the date of receipt\* of RRHA's response of his/her intention to proceed to the Second Resolution Step or to conclude the grievance. *\*If RRHA's response is sent to the grievant via certified mail or USPS, the date of receipt will be considered three (3) mail delivery days from the date mailed by RRHA. If RRHA's response is hand delivered or is sent to the grievant via express carrier, the date of receipt will be recorded by the entity making the delivery.*

### SECOND RESOLUTION STEP OR EXPEDITED PROCESS (DIVISION VICE PRESIDENT\*\*)

*\*\*1) If the employee's First Resolution Step (Department Director) is a Division Vice President, or 2) If the grievance qualifies for expedited process and the grievant's Division Vice President is named as a party in the grievance, then the Second Resolution Step will be directed to a Vice President of another RRHA division.*

The grievant and the Second-Step Respondent (Division Vice President) must agree on a meeting date within five (5) working days of RRHA's receipt of the grievant's Intent to Proceed to the Second Step. The meeting must be scheduled to occur within ten (10) working days of the receipt of Intent to Proceed.

Each party may be accompanied by an individual of choice.

The purpose of the second step meeting is fact finding. The meeting is not to be conducted as a hearing with arguments and cross-examination.

Witnesses with pertinent information directly relating to the grievance may be called to appear by either party. The grievant is required to give advance notice to RRHA of witnesses he or she intends to call. Questions may be asked to clarify points or to explore other avenues of inquiry. After providing the information, the witness must not remain in the meeting.

The parties are encouraged to present information relevant to the grievance at this meeting. While the parties may question one another regarding disputed facts and issues, the meeting should not be adversarial or treated as a hearing. The Second-Step Respondent is charged with presiding over the meeting.

The Second-Step Respondent must prepare and transmit a written response to the issues and the relief requested within five (5) working days of the meeting. The written comments should address the matters discussed in the meeting, the relief requested and, if applicable, the next step in the process.

The grievant must indicate within five (5) working days from the date of receipt\*\*\* of RRHA's response of his/her intention to proceed to the Third Resolution Step or to conclude the grievance. *\*\*\*If RRHA's response is sent to the grievant via certified mail or USPS, the date of receipt will be considered three (3) mail delivery days from the date mailed by RRHA. If RRHA's response is hand delivered or is sent to the grievant via express carrier, the date of receipt will be recorded by the entity making the delivery.*

### THIRD RESOLUTION STEP (EXECUTIVE DIRECTOR)

The Third-Step Respondent (Executive Director) must review the grievance record and, within five (5) working days of receipt of the grievant's Intent to Proceed to the Third Resolution Step, prepare and transmit a written response to the issues, the relief requested and next-step options.

A meeting may be held to discuss the issues still in dispute, but such a meeting is not required.

The grievant must indicate within five (5) working days from the date of receipt\*\*\*\* of RRHA's response of his/her request that the grievance be qualified for a hearing or to conclude the grievance. *\*\*\*\*If RRHA's response is sent to the grievant via certified mail or USPS, the date of receipt will be considered three (3) mail delivery days from the date mailed by RRHA. If RRHA's response is hand delivered or is sent to the grievant via express carrier, the date of receipt will be recorded by the entity making the delivery.*

### **QUALIFICATION FOR A HEARING**

To proceed to a hearing, a grievance must be qualified. The Executive Director, or his or her designee, must determine and provide a written response to the grievant within five (5) working

days from the date of RRHA's receipt of Notice of Hearing Request whether or not the grievance, in some or all of its parts, qualifies for a hearing and advise procedural options.

If the Executive Director determines the grievance is not qualified for a hearing, the employee may request that the Circuit Court qualify the grievance. The request must be made in writing to the Executive Director within five (5) working days of the receipt of notice that the request for a hearing was denied. Requests that the Circuit Court qualify the grievance shall be handled as set forth in Section C above.

Prior to the appointment of a Hearing Officer, the Vice President of Resident Services and Administration may consolidate qualified grievances for hearings with or without a request to do so. The Vice President of Resident Services and Administration favors consolidation unless there is a persuasive reason to process individually. After a Hearing Officer has been appointed, the Vice President of Resident Services and Administration will not accept requests for consolidation for hearings except in extraordinary circumstances.

## **THE HEARING**

- a. Qualified grievances proceed to a hearing before a Hearing Officer. Within ten (10) working days of the ruling that the issue(s) in the grievance qualifies for a hearing, the Executive Director, or his or her designee, shall request that the Executive Secretary of the Supreme Court appoint a Hearing Officer from the list of administrative Hearing Officers maintained by the Executive Secretary pursuant to Section 2.2-4024 of the Code of Virginia.
- b. The hearing shall be held and a written decision issued within thirty (30) calendar days after appointment of the Hearing Officer. A hearing should last no more than one day unless the Hearing Officer determines that one day is not sufficient for a full and fair presentation of the evidence by both sides. The Hearing Officer may grant a postponement or extend the thirty (30) day period for good cause.

## **H. AUTHORITY OF THE HEARING OFFICER:**

- a. Issue orders for witnesses;
- b. Administer oaths and affirmations;
- c. Receive and consider evidence; exclude irrelevant, immaterial, insubstantial, privileged, or repetitive proofs, rebuttals, or cross-examinations; rule upon offers of proof, and oversee a verbatim recording of the evidence;
- d. Hold a conference (in person or by telephonic means) to simplify the issues, dispose procedural matters, discuss settlement possibilities, and establish the date, time, and place of the hearing. This conference shall be limited to one (1) hour absent good cause shown;
- e. Order the parties to exchange a list of witnesses and documents; exclude irrelevant, immaterial, insubstantial, privileged, or repetitive documents. The documents requested and produced pursuant to this procedure shall be limited to one hundred (100) pages absent good cause shown;
- f. Take other actions as necessary or specified in the Employee Grievance Procedure;
- g. The Hearing Officer does not have the authority to formulate policies or procedures or to alter existing policies or procedures.

**I. RULES FOR THE HEARING:**

- a. The hearing must be held in the locality in which the employee is employed or in any other locality agreed to by the employee, RRHA and the Hearing Officer;
- b. A pre-hearing conference is required to be held to address procedural and evidentiary issues. The conference may be conducted in person or by telephone;
- c. The parties must appear at the hearing or request a postponement. Absent a request for a postponement, a party's failure to appear can result in an adverse decision against that party. Such adverse decision shall not be subject to appeal;
- d. RRHA shall make available for hearing any employee reasonably ordered by the Hearing Officer to appear as a witness;
- e. Opening and closing statements may be made by each party;
- f. Each party may be represented by legal counsel or a lay advocate; A lay advocate may not be an active or former employee of RRHA.
- g. In grievances involving disciplinary actions, the agency must present its evidence first and must show by a preponderance of evidence that the disciplinary action is not arbitrary or capricious in its application;
- h. In grievances not involving disciplinary actions, the employee must present his or her evidence first and must show by a preponderance of the evidence that a proper claim is present;
- i. Formal rules of evidence do not apply;
- j. Non-party witnesses are not to be present in the hearing except to give testimony and be cross-examined;
- k. Exhibits offered may be received into evidence and made part of the record;
- l. The hearing must be recorded verbatim. RRHA has the responsibility of arranging for proper recording equipment and tapes. The Hearing Officer is responsible for the recording and is to preserve the recorded tapes as part of the grievance record. Either party may receive a copy of the recording, if requested, for the cost of reproduction. A Court Reporter is not required. If a party requests a Court Reporter, that party is responsible for the costs. If a transcript is made, the other party may obtain a copy for cost;
- m. The hearing should be closed to the public;
- n. All findings of the Hearing Officer shall be based upon a "preponderance of the evidence" standard.

**J. WITHDRAWAL OF THE GRIEVANCE:**

If/when an employee withdraws his/her grievance prior to the issuance of a hearing decision, or when the parties agree to a settlement of the grievance, the employee must submit to the Hearing Officer a dated, signed statement clearly stating that he/she is withdrawing the grievance. Such a withdrawal statement terminates the grievance process. The Hearing Officer shall issue an Order of Dismissal.

**K. THE DECISION:**

- a. In hearings contesting formal discipline or discharge, if the Hearing Officer finds that the employee did engage in the behavior as described in the written notice, RRHA's discipline was consistent with law and policy, and is found not to have been arbitrary or capricious in nature, RRHA actions must be upheld and may not be mitigated, unless under the record of evidence, RRHA exceeded the limits of reasonableness.
- b. The decision of the Hearing Officer shall be supported by a preponderance of the evidence standard, and such decision shall be in writing, containing findings of fact as to the material issues in the case and the basis for those findings and be final and binding if consistent with law and policy.
- c. In granting relief the Hearing Officer should be guided, but not bound, by the relief requested in the written grievance. Appropriate relief can include reinstatement to the employee's former position or, if occupied, to an objectively similar position in terms of duties and salary, normally in the same work or organizational unit; an award of no, partial, or full back pay; and the restoration of full benefits, seniority, mitigation or reduction of the agency disciplinary action, or any combination of these remedies. Against an award of full or partial back pay, interim earnings are to be deducted.
- d. Other prospective relief cannot be ordered. Damages cannot be awarded. RRHA cannot be ordered to promote or transfer any employee or to hire an individual; however, the Hearing Officer may recommend such action.
- e. The Hearing Officer's final decision shall be effective from the latter of the date issued or the date of the conclusion of any administrative review and judicial appeal, and must be implemented immediately thereafter unless circumstances beyond the control of the RRHA delay such implementation.

**L. RETALIATION POLICY:**

Employees who participate in the grievance process by virtue of filing a grievance, being a witness or RRHA representative shall not be subject to retaliation by management, co-workers, or any other persons for having participated in the process.

Persons who engage in actions of retaliation may be subject to disciplinary action, up to and including termination.

Policy No. 030  
 Date: December 20, 1996  
 Revised: 09/17/01  
 Revised: 02/19/08  
 Revised: 11/01/13

## INITIAL EMPLOYMENT PERIOD

### I. PURPOSE

To complete the new employee selection process by providing a period of on-the-job work experience by which the new employee and RRHA may evaluate employment suitability in terms of knowledge, skill, ability and interest.

### II. SCOPE

This policy applies to all full time and part time employees hired by RRHA, ~~excluding temporary.~~

### III. POLICY

~~New~~Newly hired employees will serve an initial employment period of up to 180 days from date of hire or transfer from temporary status. This period is used to determine whether the employment relationship should continue. With sufficient supporting documentation, the initial employment period may be extended for a short period of time, not to exceed 30 days, at the discretion of the Division Vice-President.

During the initial employment period, frequent informal and formal employee performance evaluations and/or coaching sessions will be held to assess job fit suitability.

If, at the conclusion of the initial employment period, RRHA determines, in its sole discretion, that a satisfactory performance level can be achieved through a reasonable amount of training and coaching, "initial employment period" employees will be moved to regular status and will be subject to the standard performance appraisal process and other RRHA policies.

If, at any time during or at the conclusion of the initial employment period, RRHA determines, in its sole discretion, that a satisfactory performance level cannot be achieved through a reasonable amount of training and coaching, "initial employment period" employees will be released immediately.

An employee in the initial employment period may be terminated with or without cause, provided the termination does not violate federal or state law.

~~Human Resources and the Executive Director shall review all terminations prior to action being taken.~~

All employees, regardless of status or length of service, are considered "at-will employees." Successful completion of the initial employment period does not change the employee's "at-will" status.

~~During~~Employees do not have access the RRHA's grievance process during their initial employment period ~~a disciplinary~~.

The Board of Commissioners has established this policy and delegates responsibility to the Executive Director to establish or ~~dismissal action may take~~

~~place without the staff member having recourse to RRHA's grievance procedure-modify procedures for implementation of the policy. Current procedures are detailed below.~~

#### IV. PROCEDURE

~~A. The employee's immediate supervisor normally will be responsible for the training and/or the oversight of training as well as conducting informal evaluations of performance on a daily or as-needed basis throughout the employee's initial employment period.~~

~~A-B. Three (3) weeks prior to the completion of the initial employment period, the immediate supervisor will complete an initial employment period evaluation during which will include the supervisor's recommendation to move the employee orientation period to regular status, to extend the initial employment period, or to terminate the working relationship.~~

~~i. Performance appraisals in most cases will be conducted at the end of supervisor recommends the employee be moved to regular status, the evaluation must be routed through the Division Vice President for approval.~~

~~ii. If the supervisor recommends the employee's initial period of employment. Informal coaching and feedback should be provided on period be extended for a daily period of 30 days or as indicated basis-less, the evaluation must be routed through the Division Vice President for approval. The request for an extension must be accompanied by a time bound training and development plan.~~

~~iii. If the supervisor recommends the employee's initial employment period be extended for a period of more than 30 days, the evaluation must be routed through the Division Vice President and Executive Director for approval. The request for an extension must be accompanied by a time bound training and development plan.~~

~~i-iv. If the supervisor recommends the employee be terminated, the evaluation with supporting documentation must be routed through the Division Vice President and Human Resources for review. If all are in agreement, the evaluation must then be routed through the Executive Director for approval.~~

~~B-C. Upon satisfactory completion of the initial employment period, employees move to regular status and are subject to the standard performance appraisal process-and other RRHA policies.~~

~~C-D. If, at any time during or at the conclusion of the initial employment period, RRHA the immediate supervisor determines, in its sole discretion, that a satisfactory performance level cannot be achieved through a reasonable amount of training and coaching, "initial employment period" employees will be released immediately-the immediate supervisor may submit a request to terminate and route the request through the same channels as noted in B-iii.~~

~~D. Human Resources shall review all terminations for compliance with legal and RRHA policy requirements prior to action being taken.~~

~~E. The Executive Director must approve all terminations prior to action being taken.~~

~~Approved by the Board of Commissioners: (02/19/08)~~

|      Executive Director: \_\_\_\_\_ Date: \_\_\_\_\_

Policy No. 340  
 Date: September 3, 1997  
 Page 1 of 2  
 Revised: 9/8/97  
 Revised: 10/1/99  
 Revised: 5/30/03

## **EDUCATION ASSISTANCE PROGRAM**

### **I. POLICY**

RRHA may provide the cost of tuition for approved courses successfully complete at accredited institutions. Courses are only eligible for approval if they will improve employee performance on a particular job. The cost of tuition is paid in advance and the cost of books may be reimbursed at the end of the year based on availability of funds. Classes are normally taken outside normal working hours; however, classes may be taken during working hours if approval is granted by a Department Director. Approval for tuition/book cost will be subject to available funding.

### **II. SCOPE**

This policy applies to all full-time employees of RRHA who are not in a period of initial employment and who scored at least 230 points on their last performance evaluation. Note: All full-time employees must be employed for a period of one year in order for Bachelor's courses to be approved and a period of two years in order for Master's courses to be approved.

### **III. PURPOSE**

To encourage and motivate employees to obtain additional education or training to improve the overall efficient operation of RRHA.

### **IV. DEFINITIONS**

A. Course - Educational work administered by an institution accredited by the Southern Association of Colleges and Schools and the State Board of Education in Virginia or similarly recognized accrediting agencies. Also, included are educational programs in the vocational and technical areas.

### **V. PROCEDURE**

- A. An employee must submit a written request for education assistance to his or her immediate supervisor at least 30 days prior to attending any course, seminar, etc. (Form to be obtained in the Human Resources office.) The employee must also provide documentation showing the cost of tuition needed for the class.
- B. The Supervisor must approve the course(s) based on whether the course is offered by an accredited institution as described under Section IV, and if the course will improve the employees' performance on their particular job. The Department Head and Division Director must concur with the Supervisor's decision. The form(s) are then sent to Human Resources to be retained in the

Education Reimbursement Form file until the employee has completed or otherwise ended the course. The form(s) will be transferred to the employee's personnel file at the completion, or ending, of the course.

- C. Upon receipt of the form(s), Human Resources will prepare a request to Finance for a check to cover the cost of the tuition for the class(es) **up to \$500 per semester**. The check will be made out to the institution the employee will be attending.
- D. After completion of the course(s), the employee must submit to Human Resources verification of completion of the course(s) and the grade received. (Side 2 of the Authorization form).
- E. If an employee does not 1) complete the class/training, or 2) receive a grade of "C" or better, the amount of money advanced must be repaid to RRHA. The employee may pay the amount in full by check or cash, or deductions will be made from the employee's paycheck in increments of \$25.00 each until the amount is recovered. If the employee ceases employment before full payment from payroll deduction, then the balance is due upon termination of employment.
- F. If an employee ceases employment with RRHA within the 12-month period after assistance, the employee must agree to repay the amount of the educational assistance. The employee must also agree that these funds can be withheld from any funds due the employee, including but not limited to salary, in the event the amount due is not paid to RRHA.
- G. RRHA may reimburse tuition (over the \$500 limit per semester) cost if money is remaining in the budget at the end of the fiscal year. If an employee wishes to take an additional class(es)(over the \$500 limit per semester), following the same procedure, the employee must obtain prior approval from the appropriate Supervisor/Department Head/Division Director in order to be considered for possible reimbursement for the class(es) at the end of the fiscal year. Book cost may also be reimbursed if money is available after fiscal year end reimbursement for tuition cost has been completed. Any available money will be divided equally among the individuals submitting requests.