

CITY OF MANISTEE HOUSING COMMISSION

Special Meeting

Monday, August 5, 2013

Housing Commission Conference Room

(Main Office)

4:00 P.M.

AGENDA

1. Roll Call
2. Amendments to Agenda
3. Discussion—Detroit Field Office onsite visit August 20-22, 2013
4. Public Comment
This is an opportunity for citizens to comment on Housing Commission affairs. Citizens in attendance may be recognized by the Commission President. Citizen comments are not limited to agenda items but should be directed to Housing Commission services, activities or areas of involvement. The City of Manistee Housing Commission Public Comment Policy limits each individual to a three (3) minute statement. The City of Manistee Housing Commission will receive public comments at this time and will respond at a later date if the Housing Commission determines a response is appropriate.
5. Commissioner Report/Comment
6. Motion to Adjourn

UPCOMING MEETINGS:

Date/Time	Location	Purpose
Tuesday August 13 4:00 PM	Office Conference Room	Work Session: <ul style="list-style-type: none">• Presentation of Physical needs Assessment Update• Presentation of 2014 Budget
Tuesday August 22 4:00 PM	Office Conference Room	Work Session: <ul style="list-style-type: none">• Meeting with Detroit Field Office Staff
Tuesday August 27 4:00 PM	Council Chambers, City Hall	Regular Meeting: <ul style="list-style-type: none">• Adoption of 2014 Budget

Discussion Notes

Special Commission Meeting: August 5, 2013
Clinton McKinven-Copus, Executive Director

Field Office Onsite Visit August 20-22, 2013

Executive Summary

The Housing Commission received a letter, dated July 15, 2013, from Mr. Willie Garrett informing us that the Detroit Office of Public Housing will conduct an onsite assessment and technical assistance/monitoring follow-up August 20-22, 2013. Upon receipt of the letter I sent an email to Ms. Valerie Sims, as instructed in the letter, requesting detailed information about the onsite visit. Subsequently I received an email response from Mr. Willie Garrett seeking our input for specific subjects we would like to have addressed as part of the technical assistance.

The Housing Commission received a letter, dated July 24, 2013, from Mr. Willie Garrett with more detailed information concerning the onsite visit. The purpose of the meeting is to discuss items in the letter of July 24 as a basis for preparation for the onsite visit from HUD.

Documents Attached

- Letter dated July 15, 2013
- Email dated July 17 from Clinton McKinven-Copus to Mr. Willie Garrett
- Email dated July 17 from Mr. Willie Garrett to Clinton McKinven-Copus
- Letter dated July 24, 2013
- Recovery Action Item Tracking
- Michigan Public Act 18
- Personnel Policies and Procedures

Discussion-Review-Tasks from Letter Dated July 24, 2013

1. Entrance Conference 2:00 PM, Tuesday, August 20
 - a. Who can be in attendance?
2. Availability of Commissioners to participate throughout the onsite visit
 - a. Signup chart
3. Exit Conference 9:00 AM, Thursday, August 22
4. Governance and miscellaneous documents
 - a. Housing Commission staff will have prepared documents for Field Office staff with the exception of the PHA's maintenance plan. The maintenance plan is a document that is in process at this time.

- b. Housing Commission staff will prepare documentation of the policy and procedure to train new board members within three months of appointment and eight hours of training for existing board members. Commissioners need to discuss this item with Field Office staff.
 - c. Commissioners will need to discuss with Field Office staff the progress made to develop an evaluation plan for the Executive Director and the established timeline when the plan will be voted on and executed.
 - i. City Manager Mitch Deisch has inquired as to when he will be included in the evaluation process. Currently our attorney, George Saylor, is reviewing Public Act 18 and whether or not the City Ordinance and our By-laws including the City Manager in the review process are compliant with the Act as amended.
 - ii. Commissioners should discuss the creation of a contract between the Housing Commission and the Executive Director. George Saylor will provide input.
 - d. Executive Director will identify how staff is evaluated and whether training is provided and operational policies and procedures are established to ensure efficient lease-up.
 - e. Executive Director will identify policies and procedures developed to ensure that the property meets REAC's UPCS standards
 - f. Executive Director will report on progress made to develop a non-smoking plan
 - i. Per phone meeting July 8, 2013 with Mr. Willie Garrett, Ms. Unabyrd Wadhams (Mr. Garrett's supervisor), Dale Priester, Doug Parkes, George Saylor and Clinton McKinven-Copus, Mr. Garrett stated that he would have his "SME" contact Clinton to assist in the development of this plan.
 - g. Executive Director will report on procedure for serving timely 14-day Notices to Quit
5. Financial Analyst Review of assessment from 2012 onsite review
- a. Financial Management Policies: Executive Director will provide updated financial management policies and procedures
 - b. Cash Management Operations:
 - i. Security deposit observation—Executive Director will discuss with Field Office staff since we have been in compliance for several years and provided documentation during August 2012 visit and to the PHARS review team.
 - ii. Reimbursement of board member for ineligible expenses
 - 1. In previous discussions the Board has determined that the reimbursements were not ineligible expenses based upon authority provided in Public Act 18 and in the CMHC Personnel Policy and Procedures (see Travel Policy and Procedure pages 64-68). The Board should take formal action if this is its continued position.
 - 2. Staff is preparing audit of expenses which should be ready by August 13, 2013.
 - 3. The Housing Commission does have a reimbursement policy (see point 1 above), the Executive Director does adhere to the policy and monitor activities per the policy and the Housing Commission did provide a copy of the policy to the Field Office staff members present during the August 2012 visit.
 - iii. Procurement practices: There are several items convoluted in this brief paragraph.

1. The Housing Commission was under the incorrect understanding that contracts could be made up to five years. Since clarification we have limited them to two years.
 2. Businesses operating without a contract—this refers to the Pepsi machine at Century Terrace and the beauticians at Century Terrace and Harborview.
 - a. Pepsi machine: Pepsi would not sign a contract with the Housing Commission and has removed its machine
 - b. Beauticians: Ms. Valerie Sims and Ms. Claunella Richardson were the onsite staff during the August 2012 visit. Ms. Sims and Ms. Richardson disagreed on how to handle this and Ms. Sims stated clarification would be sent. The Housing Commission has not received clarification. It is the recommendation of the Executive Director that we conclude the business activities of the beauticians and no longer permit them to conduct business on our premises.
 3. The Housing Commission does have a procurement policy in compliance with Federal regulations. The policy was provided to the onsite staff review members during the August 2012 visit.
- c. Financial management software: open for discussion
 - d. Effective rent and debt collections are in place and demonstrable to HUD
 - e. Operating reserves: There are several items convoluted in this brief paragraph.
 - i. Operating reserves are currently at a level expected by HUD and one year in advance of HUD due dates in the Recovery Agreement (see Recovery Action Item Tracking sheet)
 - ii. Administrative personnel costs increase was discussed in a phone meeting December 18, 2012. Present at the phone meeting were
 1. Dale Priester
 2. Al Purdom
 3. L.B. Bacon
 4. Rebecca Day
 5. Lorna Perski
 6. Anne Fisken (Detroit Field Office)
 7. Claunella Richardson (Detroit Field Office)
 8. Valerie Sims (Detroit Field Office)
 9. Clinton McKinven-Copus

The Housing Commission representatives explained that administrative personnel costs were due to hiring of two ROSS staff and that administrative wage increases were not due to the receipt of the grant. The Housing Commission felt it had adequately explained.

Other Matters Related to Onsite Visit

1. Technical Assistance Requested by the Housing Commission
 - a. Non-smoking plan
 - b. Inventory and maintenance plan
 - c. Commissioner training (Ms. Unabyrd Wadhams stated that she was putting this together for the Housing Commission)
2. Commissioner availability to be present during onsite visit and participate with staff while Field Office staff is performing reviews and interviews (see signup sheet).
3. Based on past communication issues with HUD representatives, should the proceedings be audio recorded?



U.S. Department of Housing and Urban Development

Detroit Field Office
Office of Public Housing
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 1710
Detroit, MI 48226-2592
Tel. (313) 226-7900 FAX (313) 226-6160

JUL 15 2013

Mr. Clinton McKinven-Copus
Executive Director
Manistee Housing Commission
237 6th Avenue
Manistee, MI 49660

Dear Mr. McKinven-Copus:

SUBJECT: Follow-up On-Site Assessment/Technical Assistance Visit at Manistee Housing Commission

On August 21-24, 2012, the Detroit Office of Public Housing conducted an on-site assessment and technical assistance/monitoring visit at the Manistee Housing Commission. As a continuing part of HUD's goal to recover and sustain public housing agencies, the assigned Detroit Office of Public Housing team will conduct a follow-up assessment at the Manistee Housing Commission on August 20-22, 2013. The goal of this visit is to validate the accomplishments identified in the Recovery Agreement Action Plan progress report and to confirm whether accomplishments were completed in response to the recommendations identified in the 2012 on-site assessment monitoring report.

If you have any questions, please contact Valerie Sims, Public Housing Revitalization Specialist, at (313) 234-7470.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie C. H. Garrett".

Willie C. H. Garrett
Director
Office of Public Housing

Dale Preister, Chair
Board of Commissioners
Manistee Housing Commission
346 4th Street
Manistee, MI 49660

Colleen Kenny, Mayor
City of Manistee
70 Maple St.
Manistee, MI 49660

Doug Parkes, Vice President
Manistee Housing Commission
724 Harbor Dr.
Manistee, MI 49660

Donna Korzeniewski, Commissioner
Manistee Housing Commission
772 E. Parkdale Ave.
Manistee, MI 49660

Elbert Purdom, Commissioner
Manistee Housing Commission
3528 Potter Road
Onkama, MI 49675

Clinton McKinven-Copus

From: Clinton McKinven-Copus
Sent: Wednesday, July 17, 2013 12:27 PM
To: valerie.v.sims@hud.gov
Cc: Garrett, Willie C (willie.c.garrett@hud.gov); Dale Priester (dale.priester.b0q4@statefarm.com); Doug Parkes; Donna Korzeniewski (dkorzeni@manistee.org); Elbert Purdom; Elbert Purdom (elbertpurdom@gmail.com); George Saylor (gvs@gwsh.com); George Bartholomay (gbartholomay@housingcenter.com); George Saylor (gsaylor@mmbjlaw.com)
Subject: Manistee Housing Commission Field Office On Site Review August 20-22, 2013
Attachments: Clinton McKinven-Copus.vcf

Hello Valerie,

I received notification of the follow-up on site assessment/technical assistance August 20-22, 2013. In order for Housing Commission Commissioners and Staff to be prepared to assist in this review, please provide the following information, in writing, by Monday, August 5, 2013. Please respond by a "reply to all" on this email.

Information requested in writing (return, reply to all email) by Monday, August 5, 2013:

- Arrival/start time
 - Tuesday, August 20
 - Wednesday, August 21
 - Thursday, August 22
- End of work day
 - Tuesday, August 20
 - Wednesday, August 21
 - Thursday, August 22
- Please note
 - Staff arrives at 8:00 AM
 - Staff breaks for lunch Noon-1:00 PM
 - Staff ends workday at 5:00 PM
- List of Field Office staff members conducting the on site review
- List of all materials, documents, policies, financial statements, records, Commission meeting (date range), Resolutions (date range) and any other items to be reviewed by Field Office Staff
 - Indicate if the Field Office requires a hardcopy, electronic copy or will just be reviewing the materials
 - All materials requested as a hardcopy or electronic copy will be prepared in advance in a portfolio for each Field Office staff member

A work session of the Commissioners will be scheduled for 4:00 PM, Thursday, August 22 in the Housing Commission Office Conference Room. The purpose of the work session will be for Field Office staff to present initial results of the review and for Commissioners to present comments and questions.

Thank you,

Clinton

Clinton McKinven-Copus - Executive Director

phone: (231) 723-6201 ext: 102
cell: (231) 425-0731
fax: (231) 723-8900
TDD/TTY: (800) 545-1833. ext 870
email: clintonmc@manisteehousing.com

DISCLOSURE: The City of Manistee Housing Commission is a public body and as such is subject, in many instances, to federal and State of Michigan public disclosure laws. Please be aware that this email and any response(s) may be subject to, among other disclosure laws, the Michigan Freedom of Information Act, MCL 15.231 et. seq. and the federal Administrative Procedures Act (Freedom of Information), 5 USC § 551 et. seq. To the extent that this may be a confidential communication it is not to be delivered to or read by any person other than the addressee. Email transmission is not intended to waive the attorney-client privilege or any other privilege which may exist under law. If this transmission is received by anyone other than the addressee, the recipient is requested to call the City of Manistee Housing Commission collect at (231) 723-6201, immediately return this email to by return email and then delete the email.



Clinton McKinven-Copus
City of Manistee Housing Commission
Executive Director

(231) 723-6201 Work
(231) 425-0731 Mobile
clintonmc@manisteehousing.com
273 Sixth Ave Manistee, MI 49660...

Clinton McKinven-Copus

From: Garrett, Willie C <Willie.C.Garrett@hud.gov>
Sent: Wednesday, July 17, 2013 1:46 PM
To: Clinton McKinven-Copus; Sims, Valerie V
Cc: 'Dale Priester (dale.priester.b0q4@statefarm.com)'; Doug Parkes; 'Donna Korzeniewski (dkorzeni@manistee.org)'; Elbert Purdom; 'Elbert Purdom (elbertpurdom@gmail.com)'; 'George Saylor (gvs@gwsh.com)'; 'George Bartholomay (gbartholomay@housingcenter.com)'; 'George Saylor (gsaylor@mmbjlaw.com)'
Subject: RE: Manistee Housing Commission Field Office On Site Review August 20-22, 2013

I'm sorry for point of clarification...this office (team) while on-site will provide you with Technical Assistance. So I was asking do you have any specific subjects you would like addressed while the expertise is there with you. If so, let me know and I will factor that into the visit.

Thanks Clint

From: Clinton McKinven-Copus [mailto:clintonmc@manisteehousing.com]
Sent: Wednesday, July 17, 2013 1:41 PM
To: Garrett, Willie C; Sims, Valerie V
Cc: 'Dale Priester (dale.priester.b0q4@statefarm.com)'; Doug Parkes; 'Donna Korzeniewski (dkorzeni@manistee.org)'; Elbert Purdom; 'Elbert Purdom (elbertpurdom@gmail.com)'; 'George Saylor (gvs@gwsh.com)'; 'George Bartholomay (gbartholomay@housingcenter.com)'; 'George Saylor (gsaylor@mmbjlaw.com)'
Subject: RE: Manistee Housing Commission Field Office On Site Review August 20-22, 2013

Willie,

Thank you. We will assist the on site time while they are present and want to be sure to provide them with all of the materials they need for their review, thus the request for a listing.

Thank you,

Clint



Clinton McKinven-Copus - Executive Director

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From: Garrett, Willie C [<mailto:Willie.C.Garrett@hud.gov>]
Sent: Wednesday, July 17, 2013 1:24 PM
To: Clinton McKinven-Copus; Sims, Valerie V
Cc: 'Dale Priester (dale.priester.b0q4@statefarm.com)'; Doug Parkes; 'Donna Korzeniewski (dkorzeni@manistee.org)'; Elbert Purdom; 'Elbert Purdom (elbertpurdom@gmail.com)'; 'George Saylor (gvs@gwsh.com)'; 'George Bartholomay (gbartholomay@housingcenter.com)'; 'George Saylor (gsaylor@mmbjlaw.com)'
Subject: RE: Manistee Housing Commission Field Office On Site Review August 20-22, 2013

Clinton,

I will be responding on behalf of the team. In the meantime, please provide any technical assistance you will need while the team is on-site.

From: Clinton McKinven-Copus [<mailto:clintonmc@manisteehousing.com>]
Sent: Wednesday, July 17, 2013 12:27 PM
To: Sims, Valerie V
Cc: Garrett, Willie C; Dale Priester (dale.priester.b0q4@statefarm.com); Doug Parkes; Donna Korzeniewski (dkorzeni@manistee.org); Elbert Purdom; Elbert Purdom (elbertpurdom@gmail.com); George Saylor (gvs@gwsh.com); George Bartholomay (gbartholomay@housingcenter.com); George Saylor (gsaylor@mmbjlaw.com)
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Thank you,

Clinton



Clinton McKinven-Copus - Executive Director

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U.S. Department of Housing and Urban Development

Detroit Field Office
Office of Public Housing
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 1710
Detroit, MI 48226-2592
Tel. (313) 226-7900 FAX (313) 226-6160

July 24, 2013

Mr. Clinton McKinven-Copus
Executive Director
Manistee Housing Commission
273 6th Street
Manistee, MI 49660

SUBJECT: Manistee On-Site Review - August 20-22, 2013

Dear Mr. McKinven-Copus:

This letter confirms that HUD will conduct an on-site assessment of the Manistee Housing Commission from August 20 - 22, 2013 as previously discussed. We would like to hold an entrance conference with you, and the Board, and key staff at 2:00 PM on August 20, 2013, and close with an exit conference at 9:00 AM on August 22, 2012. We ask that you provide the assigned staff working/meeting space to complete the review.

The purpose of the on-site assessment is to document and confirm the actions undertaken by the Housing Commission to correct the deficient performance and the continued efforts and progress made to accomplish the corrective actions established in the Recovery Agreement Action Plan and the 2012 on-site assessment. In addition to reviewing required documents, staff will conduct interviews with management, staff, and board members, and will conduct a site visit of the developments and grounds.

Please make available the following documentation for the review:

Governance and Miscellaneous Documents

1. Board governance structure and practices
2. PHA's maintenance plan
4. Copies of modernization contracts for modernization work underway
5. Copy of insurance policy
6. Copies of Annual Contributions Contract, General Depository Agreement, and Declaration(s) of Trust

Staff will confirm actions taken to comply with the Recovery Agreement/Action Plan:

- A review and discussion of progress made concerning demolition of a structure and capping of building site and timelines for clean-up
- Hire of new accountant and publication of monthly report
- Policies and procedures established to train new board members within three months of appointment and eight hours of training for existing board members
- Progress made by the Board to develop an evaluation plan for Executive Director progress made by the Board and Director to meet and concur with the plan; and establish a timeline when plan will be voted on and executed

- Identification of how staff is evaluated, and whether training is provided and operational policies and procedures are established to ensure efficient lease-up
- Identification of policies and procedures developed to ensure that the property meets REAC's UPCS standards
- Progress made to develop a non-smoking plan
- Operating procedure for serving timely 14-day Notices to Quit

In addition, please arrange interviews with the following stakeholders to be held in person during our visit, if possible:

- Fee Accountant
- Board President

Additional interviews may be requested during or following the on-site visit.

The Financial Analyst will conduct a review of the following areas assessed during the 2012 on-site review:

Financial Management Policies

Prior to HUD Staff arrival, a request was made to Manistee Housing Commission (MHC) to provide copies of all current financial management policies and standard operating procedures.

1. **Observation:** The policies and written procedures provided were complete and concise; however, several were out of date.

Recommendation: CMHC should periodically review all of its current policies to ensure they are; up to date and in line with current HUD and local regulation; any revisions must approved by the board.

Cash Management Operations

2. **Observation:** Security deposits were held in the general fund account. However, funds collected as security deposits must be kept separate and apart from other project funds.

Recommendations:

- (a) A security deposit account must be established and funds transferred from the general fund.
- (b) A new general depository agreement for the security deposits must be executed if funds are moved to a different banking institution or account numbers are modified as a result of this requirement.
- (c) All interest earned on program income must be allocated to the program.

3. Observation: MHC routinely reimbursed a board member for ineligible expenses relating to HAIG Insurance Board Meetings. MHC employee's and board members may only be reimbursed for expenses directly relating to MHC business.

Recommendations:

- (a) An audit of reimbursements must be completed. MHC must seek reimbursement from the board member for the ineligible expenses and immediately discontinue the practice.
- (b) The commission must adopt a reimbursement policy.
- (c) MHC should train its staff and commissioners to ensure there is a clear understanding of the reimbursement policy.

- (d) The Executive Director must adhere to the reimbursement policy and monitor the activities of the staff to ensure they are also following the guidelines in the approved policy.
- (e) A copy of the policy as well as evidence of repayment to the Commission must be submitted to the FO within 30 days of receipt of this letter.

4. Observation: Procurement practices are ineffective and not compliant with HUD regulations (Procurement Handbook No 7460 5.7/ Article III Section 306 of the ACC). MHC did not follow HUD regulation in awarding contracts. MHC consistently allowed businesses to operate on commission property without having current contracts in place, in addition to routinely sole sourced contracts without prior HUD approval.

Recommendations:

- (a) MHC must have contracts in place for all vendors.
- (b) MHC should review and revise its current procurement policy to ensure it is clear, concise, and compliant with HUD and local regulation, is specific to the housing commission, and approved by the board.
- (c) MHC should train its staff to ensure there is a clear understanding of procurement policies and procedures.
- (d) The Executive Director must adhere to the procurement policy and monitor the activities of the staff to ensure they are also following the guidelines in the approved policy.
- (e) MHC should audit all vendors to ensure contracts are in place and that they are compliant with HUD and local regulation.

5. Observation: MHC has made several financial management software changes; however, staff has to construct routine reports from multiple sources and systems. The current system cannot provide the financial and performance data required by MHC staff. This could negatively affect MHC financial management operations.

Recommendation: MHC should evaluate the effectiveness of its financial management system(s) and processes.

6. Observation: MHC is effective in rent collections; collections versus charges averaged 96.91%.

Recommendation: The commission must continue to follow up on collecting outstanding debt from former tenants.

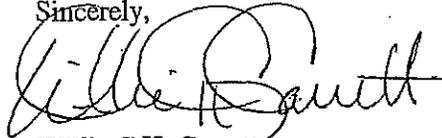
7. Observation: Operating reserves at MHC remain below the recommended level. Administrative personnel costs have drastically increased. Considering the financial condition of the commission and the lack of adequate operating reserves; it is an area for concern and should be reevaluated. This is causing significant cash outflow due to the salary increases originating from the additional requirements and funds of the Ross grant. The grant has been fully expended as of 12/23/2011. The responsible maintenance of operating reserves is a critical component of effective property management.

Facilities Management

In addition, the Facilities Management Specialist will assess the progress made by the Housing Commission to address the recommendations previously made in the Recovery Agreement Action Plan and the 2012 on-site report relative to the maintenance and modernization aspects of the PHA.

We appreciate your cooperation and look forward to working with the Manistee Housing Commission to recover and achieve sustainable performance. If you have any questions, please contact me Valerie Sims, Public Housing Revitalization Specialist, at Valerie.V.Sims@hud.gov or (313) 234-7470. Thank you for your assistance with this matter.

Sincerely,



Willie C.H. Garrett
Director
Office of Public Housing

Enclosure

cc:

Colleen Kenny, Mayor
City of Manistee
70 Maple St.
Manistee, MI 49660

Dale Priester, Chair
Manistee Housing Commission
346 4th Street
Manistee, MI 49660

Doug Parkes, Vice President
Manistee Housing Commission
724 Harbor Dr.
Manistee, MI 49660

Donna Korzeniewski, Commissioner
Manistee Housing Commission
17 Magill St.
Manistee, MI 49660

Elbert Purdom, Commissioner
Manistee Housing Commission
369 River St.
Manistee, MI 49660



**City of Manistee
Housing Commission**

273 6th Avenue, Manistee, Michigan 49660

PROVIDING SAFE AFFORDABLE HOUSING

ATTACHMENT A

Recovery Action Item Tracking					
Area	Action No.	Brief Description	Housing Commission Status	HUD Status	Notations
Governance	01	Lacks accurate monthly financial statements	Completed: 06/28/2011	Closed by PHARS Team 06/28/2011	See Recovery Agreement
	02	Regular communication between the HC and the City of Manistee	Completed: 02/26/2013	Closed by FO 05/30/2013	
	03	Lacks an annual performance plan and goals for the Executive Director by the Board	<u>Pending</u>		
	04	Board needs periodic training	Completed: 03/26/2013	Open Error by FO	Policy/procedures submitted April 3, 2013 and match Recovery Agreement "Measured Outcomes"
	04a	Implement Board training	<u>Pending:</u> Requires HUD participation in setting up training plan	Open Pending FO response	Ms. Unabyrd Wadhams has informed CMHC that Mr. Garrett would contact President Priester to arrange. Copy of email available upon request.
	05	Demolition and clean-up of blighted property between Century Terrace and Harborview	Awarded \$90,500 grant for demolition and capping of property.	Closed by FO 05/30/2013	

Recovery Action Item Tracking					
Area	Action No.	Brief Description	Housing Commission Status	HUD Status	Notations
Finance	01	Maintenance personnel costs significantly over budget; reduce by \$60,000	Completed: 05/01/2012	Closed by FO 05/30/2013	
	02	Cash reserves to a desirable five months (approx. \$440K) ¹ <ul style="list-style-type: none"> • 12/31/2013—3 months¹ • 12/31/2014—4 months¹ • 12/31/2015—5 months¹ 	Completed: 12/31/2012 ² Pending Pending	Open ² Error by FO	¹ Verbatim per executed Agreement CMHC is on target, actually 1 year ahead, of stated outcomes.
Physical	01	Establish a maintenance policy, preventative maintenance program and related maintenance procedures	Anticipated completion date 10/2013		
	02	Maintenance staff is in need of training (to include established policy and procedures). Complete a skills assessment of staff, create a training schedule	Anticipated completion date 10/2013		
	03	Need to establish a non-smoking plan for all properties	Plan for implementation anticipated by 10/2013		
	04	High average unit turnaround days (121.9). Reducing turnaround days of units to 20 calendars or less,	Completed: 05/28/2013	Closed by FO 12/27/2012	

Recovery Action Item Tracking					
Area	Action No.	Brief Description	Housing Commission Status	HUD Status	Notations
Physical	05	Lacks a Physical Needs Assessment (PNA) Complete Energy Audit Complete a lead-based paint study	Completed: 10/31/2011 Completed: 03/03/2008 Completed: 02/08/1989	Closed by PHARS Team	See Recovery Agreement
	06	Need PNA of properties	Completed: 10/31/2011	Closed by PHARS Team	See Recovery Agreement
	07	Reduce materials costs <ul style="list-style-type: none"> • Create an annual purchasing plan consistent with PHC annual budget planning per Procurement Handbook 7460.8 Rev. 2 	Anticipated no later than 1/31/2014		
		<ul style="list-style-type: none"> • Create an inventory sheet and monitor on a monthly basis 	Currently in process: target 10/1/2013		
		<ul style="list-style-type: none"> • Create sign out sheet of materials 	Currently in process: target 10/1/2013		
Other	01	Increase and maintain Public Housing utilization of units	Completed: 05/28/2013	Item not listed on FO deliverables form	Details included with the 06/12/2013 report.
	02	Increase revenue to the HC and lower tenant aged receivables	Completed: 04/23/2013	Item not listed on FO deliverables form	Details included with the 04/29/2013 report.
	03	Lacks checks and balances of rent collection. Ensure proper internal control of deposits.	Completed: 08/01/2011	Item not listed on FO deliverables form	Closed by PHARS Team See Recovery Agreement

Recovery Action Item Tracking					
Area	Action No.	Brief Description	Housing Commission Status	HUD Status	Notations
	04	Minimize staff's time completing a lease-in to complete other assigned duties.	Completed: 05/28/2013	Item not listed on FO deliverables form	Details included with the 06/2013 report
	05	Timely serving of 14-Day nonpayment of rent notices	Completed: 08/01/2011	Item not listed on FO deliverables form	Closed by PHARS Team See Recovery Agreement
	06	Cross training of staff	Target Completion 12/15/2013	Item not listed on FO deliverables form	

Total Action Items	Total Action Items Completed	% Completed	Total Action Items Pending	% Pending
21	14	66%	7	34%

HOUSING FACILITIES **Act 18 of 1933 (Ex. Sess.)**

AN ACT to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; for other purposes; and to prescribe penalties and provide remedies.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—Am. 1937, Act 265, Imd. Eff. July 22, 1937;—Am. 1938, Ex. Sess., Act 5, Imd. Eff. Sept. 8, 1938;—Am. 1959, Act 145, Imd. Eff. July 15, 1959;—Am. 1968, Act 344, Eff. Oct. 1, 1968;—Am. 1969, Act 327, Eff. Mar. 20, 1970;—Am. 1970, Act 249, Imd. Eff. Dec. 30, 1970;—Am. 1996, Act 338, Imd. Eff. June 27, 1996;—Am. 1998, Act 165, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

125.651 Definitions.

Sec. 1. As used in this act:

(a) "Borrower" means either of the following:

(i) The city, village, township, or county operating under this act.

(ii) A commission created under this act if empowered by ordinance of the creating governing body to act as a borrower for purposes of issuing bonds or notes under this act.

(b) "Business activity" means that term as defined in section 3(2) of the former single business tax act, 1975 PA 228, or in section 105 of the Michigan business tax act, 2007 PA 36, MCL 208.1105.

(c) "Commission" means the housing commission created under this act.

(d) "Governing body" means in the case of a city, the council or commission of the city; in the case of a village, the council, commission, or board of trustees of the village; in the case of a township, the township board; and in the case of a county, the board of supervisors or county commissioners.

(e) "Incorporating unit" means the city, village, township, or county that creates a commission.

(f) "Ordinance" means either of the following:

(i) An ordinance of a city, village, township, or county.

(ii) To the extent the incorporating unit has granted or empowered a commission to take those actions otherwise required to be taken by the incorporating unit by ordinance, a resolution of the commission.

(g) "Township" means a township having a population over 100.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—Am. 1935, Act 80, Imd. Eff. May 24, 1935;—CL 1948, 125.651;—Am. 1959, Act 145, Imd. Eff. July 15, 1959;—Am. 1961, Act 202, Imd. Eff. June 6, 1961;—Am. 1964, Act 31, Imd. Eff. May 1, 1964;—Am. 1965, Act 319, Eff. Mar. 31, 1966;—Am. 1969, Act 327, Eff. Mar. 20, 1970;—Am. 1996, Act 338, Imd. Eff. June 27, 1996;—Am. 2007, Act 185, Imd. Eff. Dec. 21, 2007.

125.652 Cities, villages, townships, counties; housing facilities and conditions, powers.

Sec. 2. Any city, village, township or county of the state of Michigan may purchase, acquire, construct, maintain, operate, improve, extend or repair housing facilities and eliminate housing conditions which are detrimental to the public peace, health, safety, morals or welfare.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—Am. 1937, Act 265, Imd. Eff. July 22, 1937;—Am. 1938, Ex. Sess., Act 5, Imd. Eff. Sept. 8, 1938;—CL 1948, 125.652;—Am. 1959, Act 145, Imd. Eff. July 15, 1959;—Am. 1969, Act 327, Eff. Mar. 20, 1970.

125.653 Municipal housing commission; creation; referendum; rejection; powers of township and county commissioners.

Sec. 3. (a) Any city, village, township or county may create by ordinance, a commission with power to accomplish the purposes set forth in section 2 of this act. Any ordinance hereafter enacted shall not go into effect until 15 days after it has been published in a newspaper of general circulation in such city, village, township or county and posted in 3 public places in such city, village, township or county. If there is no newspaper of general circulation in any such city, village or township such publication may be had in any newspaper having general circulation in the county in which the city, village, or township is situated. If, before such ordinance goes into effect, a petition signed by a number of the qualified electors of such city, village, township or county equal to at least 3% of the number of voters registered for the last regular city, village, township or county election is filed with the clerk of the city, village, township or county requesting that the question of the creation of such commission be submitted to the voters of the city, village, township or county, the clerk of the city, village, township or county shall immediately call a special election for that purpose, unless a general election is to be held in such city, village, township or county within 30 days from the date of the filing of the petition, in which event the question shall be submitted at such general election. In the event the question is to be submitted at a special election, such election shall be held within 15 days from the date of the filing of the petition. The manner of conducting any such special election shall conform as nearly as may be to the manner of conducting elections of members of the governing body of the city, village, township or county and votes cast on the question shall be counted, canvassed and returned as nearly as may be in the same manner as at such elections. The question, whether submitted at a general or special election, shall be in substantially the following form:

“Shall the ordinance passed by the (name of governing body) on the day of, 19...., providing for the creation of a housing commission, go into effect?”

“Yes ()

“No ().”

(b) If, at such election, a majority of the voters voting on the question do not vote in favor of the question, the ordinance shall not go into effect and the governing body of such city, village, township or county shall not pass any other ordinance providing for the creation of a housing commission for 1 year from the date of such election.

(c) A commission created by a township, within its territorial jurisdiction, shall have all the functions, rights, powers, duties and liabilities provided in this act for a commission created by a city or village, and the provisions of this act shall apply to such commission in the same manner and to the same extent as this act applies to a commission created by such city or village. The township board shall perform the functions herein required or permitted to be performed by the governing body for a commission created by a city or village; and the township supervisor shall perform such functions as are required or permitted by this act to be performed by the chief administrative officer of a city or village.

(d) A commission created by a county, within an unincorporated area of the county, shall have all the functions, rights, powers, duties and liabilities provided in this act for a commission created by a city or village, and the provisions of this act shall apply to such commission in the same manner and to the same extent as this act applies to a commission created by such city or village. A commission created by a county, within an incorporated area of the county, shall have such functions, rights, powers, duties and liabilities as may be provided by contractual agreement between the county and such incorporated area. The county board of supervisors or county commissioners shall perform the functions herein required or permitted to be performed by the governing body for a commission created by a city or village; and the chairman of the board of supervisors, or county executive, shall perform such functions as are required or permitted by this act to be performed by the chief administrative officer of a city or village.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—Am. 1937, Act 265, Imd. Eff. July 22, 1937;—Am. 1938, Ex. Sess., Act 5, Imd. Eff. Sept. 8, 1938;—CL 1948, 125.653;—Am. 1959, Act 145, Imd. Eff. July 15, 1959;—Am. 1969, Act 327, Eff. Mar. 20, 1970.

125.653a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 3a. A petition under section 3, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 165, Eff. Mar. 23, 1999.

125.654 Municipal housing commission; appointment and terms of members; tenant of public or subsidized housing as member; notice; removal; vacancies; compensation and expenses; public body corporate; powers of commission; definitions.

Sec. 4. (1) Subject to subsection (2), the commission shall consist of 5 members to be appointed by the chief administrative officer of the city or village, except that if a city or village has a chief administrative officer who is not elected by the electors of the city or village, the members of the commission may be appointed by the official designated by a resolution adopted by the governing body of the city or village. The term of office of members of the commission shall be 5 years. Members of the first commission shall be appointed for the terms of 1 year, 2 years, 3 years, 4 years, and 5 years respectively, and annually thereafter 1 member shall be appointed for the term of 5 years.

(2) One member of the commission shall be a tenant of public or subsidized housing as provided in this subsection. If, on the effective date of the amendatory act that added section 11a, a commission is managing an occupied project and has no tenant member, a tenant member shall be appointed for at least 1 of the next 3 vacancies after that effective date, or within 2 years after that effective date, whichever comes first. If, on the effective date of the amendatory act that added section 11a, a commission did not yet exist or did not yet manage an occupied project, a tenant member shall be appointed for at least 1 of the next 2 vacancies after the first project of the commission is occupied or within 2 years after the first project of the commission is occupied, whichever comes first. Beginning on the effective date of this amendatory act that added section 11a, the chief executive officer of the housing commission shall send written notice of a commission vacancy to the president of each resident organization. The notice shall be included in the rent notice to each tenant. For a commission with authority for less than 250 units, if no tenant applies for membership on the commission within 60 days after notice is sent to tenants, the appointing official may appoint a person otherwise qualified under this act to serve as a member of the commission, if the chief executive officer of the commission has proof of the written notice required under this section.

(3) Upon recommendation of the appointing authority to the governing body, the governing body of the incorporating unit may remove a member of the commission from office before the expiration of his or her term. Subject to subsection (2), a vacancy in office shall be filled by the appointing authority for the remainder of the unexpired term.

(4) A member of the commission may receive compensation for actual expenses incurred in serving as a member of the commission in an amount determined by the commission. The governing body of an incorporating unit may adopt a resolution establishing limitations on the amounts of actual expenses that may be paid to a member of a commission.

(5) The commission shall be a public body corporate. Except as otherwise provided in this act, the commission may do all of the following:

(a) Sue and be sued in any court of this state.

(b) Form or incorporate nonprofit corporations under the laws of this state for any purpose not inconsistent with the purposes for which the commission was formed.

(c) Serve as a shareholder or member of a qualified nonprofit corporation organized under the laws of this state.

(d) Authorize, approve, execute, and file with the Michigan department of commerce those documents that are appropriate to form and continue 1 or more nonprofit corporations.

(e) Form or incorporate for-profit corporations, partnerships, and companies under the laws of this state for any purpose not inconsistent with the purposes for which the commission was formed.

(6) As used in this section:

(a) "Chief administrative officer" means:

(i) The manager of a village or, if a village does not employ a manager, the president of the village.

(ii) The city manager of a city or, if a city does not employ a city manager, the mayor of the city.

(b) "Vacancy" means a seat for which the current appointee discontinues membership by death, resignation, or removal from office; by not seeking reappointment in writing prior to the expiration of his or her term; or by not being reappointed by the appointing authority within 5 days following the expiration of his or her term.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—Am. 1935, Act 80, Imd. Eff. May 24, 1935;—CL 1948, 125.654;—Am. 1969, Act 327, Eff. Mar. 20, 1970;—Am. 1983, Act 227, Imd. Eff. Nov. 28, 1983;—Am. 1984, Act 207, Imd. Eff. July 9, 1984;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.655 Housing commission; conducting business at public meeting; notice; meetings; rules; record; quorum; availability of writings to public; election, appointment, duties, and compensation of officers and employees.

Sec. 5. (1) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the

meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The commission shall meet at regular intervals. It shall adopt its own rules of procedure and shall keep a record of the proceedings. Three members constitute a quorum for the transaction of business.

(2) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(3) A president and vice-president and other officers designated by the commission shall be elected by the commission. The commission may employ and fix the compensation of a director, who may also serve as secretary, and other employees as necessary. Upon the recommendation of the appointing authority, the governing body of an incorporating unit may adopt a resolution either conditioning the establishment of any compensation of an officer or employee of a commission upon the approval of the governing body or establishing compensation ranges and classifications to be used by a commission in fixing the compensation of its officers and employees. The commission shall prescribe the duties of its officers and employees and shall transfer to its officers and director those functions and that authority which the commission has prescribed. The commission may employ engineers, architects, attorneys, accountants, and other professional consultants when necessary.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—Am. 1935, Act 80, Imd. Eff. May 24, 1935;—CL 1948, 125.655;—Am. 1978, Act 205, Imd. Eff. June 4, 1978;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.656 Municipal housing commission; funds for operation.

Sec. 6. (1) Funds for the operation of the commission may be loaned or granted by the governing body. The governing body may condition the provision of funds to the commission upon an agreement that the commission shall as soon as possible reimburse the incorporating unit for all money expended by it for the commission from revenues received from the sale of bonds.

(2) A commission may solicit, accept, and enter into agreements relating to, grants from any public or private source, including the state or federal government or any agency of the state or federal government, and may carry out any federal or state program related to the purposes for which the commission is created. The governing body of an incorporating unit may adopt a resolution that requires approval by the governing body before the commission may accept or enter into agreements relating to 1 or more types of grants.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—Am. 1935, Act 80, Imd. Eff. May 24, 1935;—CL 1948, 125.656;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.657 Municipal housing commission; powers and duties.

Sec. 7. Such commission shall have the following enumerated powers and duties:

(a) To determine in what areas of the city or village it is necessary to provide proper sanitary housing facilities for families of low income and for the elimination of housing conditions which are detrimental to the public peace, health, safety, morals, and/or welfare;

(b) To purchase, lease, sell, exchange, transfer, assign and mortgage any property, real or personal, or any interest therein, or acquire the same by gift, bequest or under the power of eminent domain; to own, hold, clear and improve property; to engage in or to contract for the design and construction, reconstruction, alteration, improvement, extension, and/or repair of any housing project or projects or parts thereof; to lease and/or operate any housing project or projects;

(c) To control and supervise all parks and playgrounds forming a part of such housing development but may contract with existing departments of the city or village for operation or maintenance of either or both;

(d) To establish and revise rents of any housing project or projects, but shall rent all property for such sums as will make them self-supporting, including all charges for maintenance and operation, for principal and interest on loans and bonds, and for taxes;

(e) To rent only to such tenants as are unable to pay for more expensive housing accommodations;

(f) To call upon other departments for assistance in the performance of its duties, but said departments shall be reimbursed for any added expense incurred therefor.

(g) It shall have such other powers relating to said housing facilities project as may be prescribed by ordinance or resolution of the governing body of the city or village or as may be necessary to carry out the purposes of this act.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.657.

125.658 Municipal housing commission; interest of members, officers, employees in contracts.

Sec. 8. No member of the housing commission or any of its officers or employees shall have any interest directly or indirectly in any contract for property, materials or services to be acquired by said commission.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.658.

125.659 Municipal housing commission; report to governing body.

Sec. 9. The commission shall make an annual report of its activities to the governing body of the incorporating unit and shall make other reports as the governing body may from time to time require. The governing body of the incorporating unit, by resolution, may request the commission to prepare and submit a report containing an itemization of actual expenses paid to members of the commission as provided in section 4(4) and of compensation of officers and employees fixed as provided in section 5(3). The commission shall also report any action of the commission taken under section 6(2) in a manner sufficient to allow the governing body to exercise the authority granted under this act to supervise the activities of the commission.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.659;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.660 Municipal housing commission; proceedings under power of eminent domain.

Sec. 10. (a) The housing commission may recommend to the governing body the institution and prosecution of proceedings under the power of eminent domain in accordance with the laws of the state, and/or provisions of a local charter relative to condemnation. Housing projects contemplated by this act are hereby declared to be for public purposes within the meaning of the constitution, state laws and charters relative to the power of eminent domain.

(b) The governing body of a county may, by the exercise of the power of eminent domain, acquire private property lying within the corporate boundaries of cities, villages and townships within the county, for purposes of this act, upon the consent, by resolution, of the legislative body of the city, village or township in which the property is located. The resolution shall be adopted by a majority of the members of the legislative body elected and serving on the question.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.660;—Am. 1969, Act 327, Eff. Mar. 20, 1970.

125.661 Municipal housing commission; deeds, mortgages, contracts, leases, purchases.

Sec. 11. (1) All deeds, mortgages, contracts, leases, purchases, or other agreements regarding real property, including agreements to acquire or dispose of real property, shall be approved and executed in the name of the commission or the incorporating unit, as specified by ordinance or resolution of the governing body. For purposes of this section, contracts or leases regarding real property mean contracts to purchase or lease from a third party or other transactions under which rights or possession of real property are acquired, but do not include contracts, management agreements, or leases of that property with tenants or facility managers. Contracts or leases with tenants or facility managers shall be executed by and in the name of the commission.

(2) Subsection (1) does not require contracts for the purchase of necessary materials and contracts related to the powers and duties of the commission under section 12 to be approved and executed by an incorporating unit.

(3) A governing body may transfer property to the commission for use by the commission for a purpose authorized by this act. The transfer of property to the commission, including property taken under the incorporating unit's power of eminent domain, shall be considered necessary for public purposes and for the benefit of the public.

(4) If an ordinance or resolution of the governing body provides in accordance with subsection (1) for the execution of agreements regarding real property in the name of the commission, or if a commission is empowered by the incorporating unit to act as a borrower for purposes of this act, the commission may sue and be sued with respect to those agreements executed or obligations issued by the commission. This subsection does not affect a limitation provided by this act or by the terms of an agreement upon the funds available or the pledge made for the payment of a claim against the commission.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.661;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.661a Property, income, and operations exempt from state taxation.

Sec. 11a. (1) Property, income, and operations of the commission and property of a qualified entity that is located in the incorporating unit of the commission are exempt from all taxation by the state or any of its political subdivisions. However, a governing body may adopt an ordinance requiring the commission to pay an annual service fee in lieu of all taxes with respect to projects or facilities of the commission or qualified entities. The fee shall not exceed 10% of the annual shelter rent obtained from the projects or facilities.

(2) Each incorporating unit receiving as of the effective date of the amendatory act that added this section payment in lieu of taxes with respect to a project or facility of the commission or a qualified entity shall agree

to accept a payment in lieu of taxes in an amount equal to that portion of the payment in lieu of taxes otherwise due multiplied by the percentage by which the millage rate of all taxing units levying ad valorem property taxes in the incorporating unit in which the project or facility is located for the year in which the payment in lieu of taxes is due bears to the millage rate levied in 1993 by all taxing units levying ad valorem property taxes in the incorporating unit in which the project or facility is located. This subsection does not require the increase of any payment in lieu of taxes previously agreed to by the incorporating unit.

(3) For purposes of this section, "qualified entity" means either of the following:

(a) A Michigan nonprofit corporation or a Michigan limited partnership having a Michigan nonprofit corporation as its sole general partner, if 1 of the following applies:

(i) The nonprofit corporation is owned by the commission.

(ii) A majority of the members of the board of directors of the nonprofit corporation are elected and removable by the commission.

(iii) The commission is the sole member of the nonprofit corporation.

(b) A for-profit corporation, partnership, or company formed or incorporated by the commission for the sole purpose of syndicating low income housing tax credits in connection with the redevelopment of a housing project that has been owned by the commission, if the commission maintains oversight responsibility for the management and operation of the project for which low income housing tax credits were syndicated and the for-profit entity does not engage in any other business activity unrelated to the housing project.

History: Add. 1996, Act 338, Imd. Eff. June 27, 1996.

125.662 Municipal housing commission; control of project.

Sec. 12. The commission shall have complete control of the entire housing project or projects including the construction, maintenance and operation as fully and completely as if said commission represented private owners. Contracts for construction or purchase of materials entered into by the commission shall not be required to be made through any city or village purchasing department.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.662.

125.663 Claims against project; damages; asserting governmental immunity as defense.

Sec. 13. Unless a governing body of the incorporating unit authorizes the execution of agreements regarding real property in the name of a commission as provided in section 11, all claims that may arise in connection with a housing project or projects shall be presented as are ordinary claims against the city or village. Written notice of all claims based upon injury to persons or property shall be served upon the city or village clerk within 60 days from the happening of the injury. The commission may dispose of claims in its discretion. The cost of investigation, attorneys' fees, all claims that may be allowed, and final judgments obtained from those claims shall not be a general obligation of the incorporating unit and shall be paid only from the operating revenue of the housing project or projects or from the proceeds of liability insurance. This section does not preclude the incorporating unit or commission from asserting a defense of governmental immunity to which it may be entitled under law against any claim made against the incorporating unit or the commission.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.663;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.664 Claims against project; contractual.

Sec. 14. The notes, bonds, or other obligations or any claims of whatever nature against said housing project or projects, shall not be debts or charges against the city or village nor against any members of the commission and no individual liability shall attach for any official act done by any member of such commission.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.664.

125.665 Preliminary estimate of costs.

Sec. 15. Whenever the commission shall determine to purchase, acquire, construct, improve, enlarge, extend, operate, and/or repair any housing facility or facilities under the provisions of this act, it shall first cause an estimate to be made of the cost thereof, and the fact that such estimate has been made and the amount thereof shall appear in the ordinance authorizing and providing for the issuance of the bonds.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.665.

125.666 Enabling ordinances or resolutions; loan by commission; housing project to include purchase by nonprofit entity; use of proceeds.

Sec. 16. (1) For the purposes of this act, any borrower is authorized to adopt or enact an ordinance or

ordinances, or a resolution or resolutions if the borrower is a commission, providing for the issuance and sale of revenue bonds as stated in this act, and any and all other appropriate ordinances and resolutions considered necessary or desirable to effectuate the full intent and purposes of this act. The manner and procedure of enacting any ordinances or resolutions shall be as provided by law, except as may be expressly provided for by this act.

(2) If a commission is the borrower under this act, the commission may loan any amount of the borrowed money to the incorporating unit, which may execute any deed, mortgage, lease, contract, or other agreement with respect to property for which bonds or notes were issued. If the commission makes a loan to the incorporating unit under this subsection, the incorporating unit has all powers granted under this act to a borrower for purposes of securing repayment of the loan.

(3) A housing project or combined housing project for which obligations may be issued under this act includes a housing project to be purchased or developed by a nonprofit entity with the proceeds of a loan from a borrower.

(4) The proceeds of obligations issued under this act and other funds available to an incorporating unit or commission may be used to make loans for defraying the cost of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing a housing project.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.666;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.667 Revenue bonds generally.

Sec. 17. (1) For the purpose of defraying the cost of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing any housing project or combined projects, any borrower may borrow money and issue revenue bonds. The bonds may be awarded before an authorizing ordinance or resolution is adopted; however, the bonds shall not be issued unless and until authorized by an ordinance or resolution setting forth a brief description of the contemplated housing project or combined projects and the site or sites of the project or projects, time and place of payment, and other details in connection with the issuance and sale of the bonds.

(2) Except as otherwise provided by this act, the bonds issued under this act are subject to the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140. If less than all of the bonds authorized in connection with a project or combined projects are sold to the United States housing authority or a successor agency, the balance of the bonds may also be sold at private sale at an interest cost to the borrower of not more than the interest cost to the borrower of the portion of the bonds sold to the United States of America or any agency or instrumentality of the United States of America.

(3) Notes issued in connection with a housing project or combined projects prior to the issuance of bonds may be accepted in payment of bonds sold in connection with the housing project or combined projects if the notes provide. In a contract for the purchase, acquisition, or construction of any housing facility or for the improvement, enlargement, extension, or repair of the project or projects, provision may be made that payment shall be made in the bonds.

(4) The bonds may be made payable in funds that are on the respective dates of payment of interest and principal upon the bonds, legal tender for debts due the United States of America. All bonds and notes issued under this act, the interest on the bonds and notes, and their transfer are exempt from all taxation by this state or any political subdivisions of this state.

(5) The principal of and interest upon the bonds shall be payable, except as provided in this act, solely from the revenue derived from the operation of the housing project or combined projects, for the purchase, acquisition, construction, improvement, enlargement, extension, or repair of which the bonds are issued, and from contributions received for or in aid of the project or combined projects, from whatever source derived. The contributions may be pledged to the payment of any or all bonds issued in connection with the project or combined projects, as the borrower may provide. Bonds issued pursuant to this act shall not constitute an indebtedness of a borrower within the meaning of state constitutional provisions or statutory limitations. There shall be plainly stated on the face of each bond substantially as follows:

“This bond is a revenue bond and the principal of and interest on this bond are exempt from any and all state, county, city, village, or other taxation under the laws of this state and are secured by the statutory lien created by 1933 (Ex Sess) PA 18, MCL 125.651 to 125.709c, and payable solely from contributions received for or in aid of the project or combined projects in connection with which the bonds are issued or from the revenues of the project or combined projects or from both the revenues and contributions, as the case may be, and are not a general obligation of the borrower.”

(6) The bonds shall have all the qualities of negotiable instruments under the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.11102. The authorizing ordinance or resolution may provide that the bonds shall be issued under a trust indenture, the authorized form of which shall be set forth in the ordinance

or resolution, and any provision required or permitted by this act to appear in the authorizing ordinance or resolution shall be considered to be included in the ordinance or resolution if set forth in the trust indenture.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—Am. 1938, Ex. Sess., Act 5, Imd. Eff. Sept. 8, 1938;—CL 1948, 125.667;—Am. 1974, Act 66, Imd. Eff. Apr. 1, 1974;—Am. 1996, Act 338, Imd. Eff. June 27, 1996;—Am. 2002, Act 268, Imd. Eff. May 9, 2002

125.668 Bondholder's lien; contributions contract.

Sec. 18. The authorizing ordinance shall create a first lien which by this act is made a statutory first lien upon the revenue of any such housing facility, to, and in favor of the holders of the bonds and each of them. If bonds are issued for the purposes of cooperative financing, holders of the bonds also have a statutory first lien on the specific portion of the annual contributions payable to the cooperating borrowers or their agencies and authorized to be pledged to the payment of bonds and the interest thereon, pursuant to certain contracts between the cooperating borrowers or their agents and the United States which contracts shall be described in any ordinance authorizing any such bonds and are herein collectively called the “annual contributions contract”. The holders of the bonds shall have as additional security the contractual obligations specified by the financing agreement as provided in this act.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.668;—Am. 1970, Act 249, Imd. Eff. Dec. 30, 1970;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.669 Bondholder's lien upon revenue; enforcement.

Sec. 19. Revenue from and any amount due under any annual contributions contracts pertaining to such project or combined projects so purchased, acquired, constructed, improved, enlarged, extended or repaired, shall be and remain subject to the statutory lien until the payment in full of the principal of and interest upon the bonds. The holder or holders of the bonds or coupons representing in the aggregate not less than 20% of the entire issue then outstanding may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce such statutory lien and may, by suit, action, mandamus or other proceeding enforce and compel performance of all duties of the officials of the borrower, including the fixing of sufficient rents, the collection of revenues, the proper segregation of the revenues of the project or combined projects and the proper application thereof. However, such statutory lien shall not be construed to give any holder or owner of any bond or coupon authority to compel the sale of such project or combined projects or any part thereof.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.669;—Am. 1970, Act 249, Imd. Eff. Dec. 30, 1970.

125.670 Receiver; appointment; powers and duties.

Sec. 20. If there shall be any default in the payment of the principal of or interest upon any such bonds authorized pursuant to this act, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the project or combined projects on behalf of the borrower, under the direction of the court and by and with the approval of the court, to fix and charge rents and collect revenues sufficient to provide for the payment of any bonds or other obligations outstanding against the project or combined projects and for the payment of the expense of operating and maintaining the same and to apply the revenues of the project or combined projects in conformity with this act and the ordinance providing for the issuance of such bonds and in accordance with such orders as the court shall make.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.670;—Am. 1970, Act 249, Imd. Eff. Dec. 30, 1970.

125.671 Bonds; inapplicability of other laws.

Sec. 21. The bonds authorized hereunder shall not be subject to any limitations or provisions provided by the laws of the state of Michigan for cities or incorporated villages now in force or hereafter amended, other than as provided for in this act.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.671.

125.672-125.674 Repealed. 2002, Act 268, Imd. Eff. May 9, 2002.

Compiler's note: The repealed sections pertained to bond deposit, issuance, and signature.

125.675 Free services.

Sec. 25. No free services or rental shall be furnished by any such project or combined projects to the city or village or any state agency or to any agency, instrumentality, person, firm or corporation.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.675.

125.676 Additional bonds.

Sec. 26. Any borrower purchasing, acquiring, constructing, improving, enlarging, or repairing any such project or combined projects assumed by the provisions of this act, may at the time of the authorization of such bond for any such purpose or purposes, provide in the authorizing ordinance for additional bonds for other extensions and permanent improvements, which additional bonds may be issued and negotiated from time to time as such proceeds for such purpose may be necessary. Such bonds, when so negotiated, shall have equal standing with the bonds of the same issue.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.676.

125.677 Rent schedule; policy of state; basis; limitation.

Sec. 27. (1) It is hereby declared to be the policy of this state that each commission shall manage and operate, or cause to be managed and operated, its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe, and sanitary dwelling accommodations, and that no commission shall construct or operate any project for profit. To this end, the commission shall fix the rentals for dwellings in projects at no higher rates than it finds to be necessary in order to produce revenues which, together with all other money, revenues, income, and receipts from whatever sources derived available for such purposes, will be sufficient to do the following:

(a) Pay, as they become due, the principal of, premium, if any, and interest on the bonds or notes issued for such project.

(b) Meet the cost of and provide for administration, operation, and maintenance of the projects, including the cost of any insurance on the projects or on bonds issued for the projects, and for the creation and funding of a reserve for replacements and capital improvements related to the projects.

(c) Create, during not less than the 6 years immediately succeeding its issuance of any bonds, a reserve sufficient to meet the largest principal and interest payments which will be due on the bonds in any 1 year thereafter and to maintain such reserve.

(d) Make payments in lieu of taxes of an amount as may be imposed pursuant to section 11a by the incorporating unit, which sum, if any, shall be paid to the incorporating unit and other taxing units in proportion to the amount of taxes levied by that incorporating unit and the other taxing units in the year in which the payment in lieu of taxes is imposed.

(2) After bonds issued for a project have been retired, the rentals fixed by the commission pursuant to subsection (1) may include an amount not greater than the maximum annual principal and interest that had been due on bonds issued for the project. The rental receipts attributable to this subsection may be used by the commission for any purpose for which bonds or notes may be issued under this act or to secure bonds or notes issued by the borrower pursuant to this act for other projects of the commission.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—Am. 1937, Act 265, Imd. Eff. July 22, 1937;—Am. 1938, Ex. Sess., Act 5, Imd. Eff. Sept. 8, 1938;—Am. 1947, Act 51, Eff. Oct. 11, 1947;—CL 1948, 125.677;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.681 Income from sources other than operation; use.

Sec. 31. Nothing in this act shall be construed to prohibit the borrower from appropriating and using any part of its available income or revenue derived from any source other than from the operation of such project or combined projects in paying any immediate expenses of operation or maintenance of any such project or combined projects, but nothing in this act shall be construed to require the borrower to do so.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.681.

125.683 Operating year.

Sec. 33. The ordinance authorizing the issuance of such bonds shall definitely determine whether such project or combined projects shall be operated upon a calendar, operating or fiscal year basis, and the dates of the beginning and ending of the same.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.683.

125.684 Rents; supervision; state department of health.

Sec. 34. Rents charged for the services furnished by any project or combined projects purchased, acquired, constructed, improved, enlarged, extended, operated or repaired, under the provisions of this act, shall not be subject to supervision or regulation by any state bureau, board, commission or other like instrumentality or agency thereof and it shall not be necessary for any borrower operating under the provisions of this act to obtain any franchise or other permit from any state bureau, board, commission or other instrumentality thereof in order to construct, improve, enlarge, extend, repair or operate any project or combined projects named in this act: Provided, however, That the functions, powers and duties of the state department of health shall remain unaffected by this act.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.684.

125.685 Housing commission; books of record and account; balance sheets and income and surplus accounts.

Sec. 35. (1) The commission of a borrower issuing revenue bonds under this act shall install, maintain, and keep proper books of record and account, separate from other records and accounts of the borrower, in which full and accurate entries shall be made of all dealings or transactions of, or in relation to the properties, business, and affairs of the project or combined projects.

(2) The commission, not later than 3 months after the close of a calendar, operating, or fiscal year, shall cause to be prepared a balance sheet and an income and surplus account, showing respectively, in reasonable detail, the financial condition of the project or combined projects at the close of the preceding calendar, operating, or fiscal year, and the financial operations of the project or combined projects during the year. The balance sheets and income and surplus accounts shall be made available to the public as prescribed in section 5(2).

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.685;—Am. 1978, Act 205, Imd. Eff. June 4, 1978.

125.687 Construction of act.

Sec. 37. This act shall be construed as authorizing the creation of the commission and the issuance of such bonds provided for herein without submitting the proposition for the approval of same to the voters of the borrower. Where bonds have been authorized under this act it shall not be necessary to make publication of any ordinance, resolution, notice or proceeding relating thereto: Provided, That nothing in this act shall be construed to prohibit the governing body from making such publication as it may deem necessary in relation thereto.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.687.

125.689 Authority conferred.

Sec. 39. This act shall, without reference to any other statute or to any charter, be deemed full authority for the purposes herein provided for and for the issuance and sale of the bonds by this act authorized, and shall be construed as an additional and alternative method therefor and for the financing thereof, any provisions of the general laws of the state or of any charter to the contrary notwithstanding.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.689.

125.690 Declaration of necessity; liberal construction.

Sec. 40. This act, being necessary for and to secure the public peace, health, safety, convenience and welfare of the cities and incorporated villages and the people of the state of Michigan, shall be liberally construed to effect the purposes thereof.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.690.

125.692 Slum clearance and housing projects as public purposes.

Sec. 42. Slum clearance and housing projects contemplated by this act are hereby declared to be for public purposes within the meaning of the constitution, state laws and charters relative to the powers of cities and villages.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.692.

125.693 Immediate necessity.

Sec. 43. The necessity for the immediate effective date of this act lies in the fact that, whereas there is a demand in congested sections of Michigan for housing of families of low income and for the reconstruction of slum areas, and whereas no existing laws or charters of the state of Michigan provide for the organization and operation of public housing commissions as contemplated in the National Industrial Recovery Act which would enable Michigan cities and villages to secure grants and loans from the United States government for the purpose of providing housing for families of low income, and whereas such laws are in existence in other states, which will enable such states to obtain a grant and borrow money from the United States government, and whereas such funds secured from the United States government by public housing commissions will make possible the beginning immediately of building projects which will furnish employment of Michigan citizens. Therefore, this act is hereby declared to be immediately necessary for the preservation of the public peace, health, safety, convenience and welfare of the people of the state of Michigan.

History: 1933, Ex. Sess., Act 18, Imd. Eff. Jan. 9, 1934;—CL 1948, 125.693.

125.694 Housing projects; duties of operation and management; rentals and selection of tenants; appointment of receiver.

Sec. 44. In the operation or management of housing projects a commission shall at all times observe the following duties with respect to rentals and tenant selection: (a) it may rent or lease the dwelling accommodations therein only to persons of low income; (b) it may rent or lease the dwelling accommodations therein only at rentals within the financial reach of such persons of low income; (c) it may rent or lease to a tenant dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; (d) it shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an aggregate annual net income in excess of any maximum allowed by the federal government pursuant to federal law or regulation in any contract for financial assistance; (e) it shall prohibit subletting by tenants.

Nothing contained in this section or in section 27 shall be construed as limiting the power of a borrower to vest in an obligee or trustee the right, in the event of a default by the borrower, to cause the appointment of a receiver thereof, free from all the restrictions imposed by this section or by section 27.

History: Add. 1937, Act 265, Imd. Eff. July 22, 1937;—Am. 1938, Ex. Sess., Act 5, Imd. Eff. Sept. 8, 1938;—CL 1948, 125.694;—Am. 1960, Act 18, Eff. Aug. 17, 1960.

125.694a Tenancy or contract right to occupy housing; termination; just cause.

Sec. 44a. (1) No tenancy or contract right to occupy housing in a project or facilities operated by any city, village, township or other unit of local government, as provided by this act, shall be terminated by the project management or the local housing commission except for just cause.

(2) Just cause to terminate a tenancy or contract right to occupy housing includes, but is not limited to 1 or more of the following:

(a) A failure to comply with the obligations of the lease or the lawful rules and regulations of the housing commission.

(b) The use of a unit for any unlawful purpose, including any purpose for which the commission is entitled to recover possession of the premises by summary proceedings under section 5714(1)(b) of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.5714 of the Michigan Compiled Laws.

(c) The maintenance of any unsafe, unsanitary, or unhealthful condition in any dwelling unit or in any of the common areas.

History: Add. 1968, Act 267, Eff. Oct. 1, 1968;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.694b Municipal housing commission; rules; adoption; promulgation; publication.

Sec. 44b. (1) To the extent not inconsistent with federal law or regulation, state law, or local ordinance, the housing commission shall adopt and promulgate reasonable rules that establish the following:

(a) Eligibility requirements for admission to housing.

(b) Obligations of tenants, including regulations for the use and occupation of housing units and common areas.

(c) Just cause for the termination of the right of use and occupation, so that a tenant may be clearly apprised of the precise reasons for a termination.

(d) Conditions for continued occupancy, taking into account factors including, but not limited to, family size, fluctuations in income, availability of standard accommodations elsewhere, and other relevant matters.

(e) Operation of homesteading programs under all of the following:

(i) The urban homesteading in single-family public housing act.

(ii) The urban homesteading in multifamily public housing act.

(2) The commission may adopt other rules that are necessary for the just and effective administration of local housing projects constructed and operated as provided by this act.

(3) All rules to be valid shall be published in a conspicuous place in each housing project operated by the commission.

History: Add. 1968, Act 344, Eff. Oct. 1, 1968;—Am. 1999, Act 130, Imd. Eff. July 23, 1999.

125.695 Minimum wages and maximum hours; contract provisions.

Sec. 45. Any borrower or commission shall have the power, notwithstanding anything to the contrary contained in this act or in any other provision of law, to include in any contract let in connection with a housing project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and with any conditions which the federal government may

have attached to its financial aid of such project.

History: Add. 1937, Act 265, Imd. Eff. July 22, 1937;—CL 1948, 125.695.

125.696 Additional powers; intent of act.

Sec. 46. In addition to the powers conferred by other provisions of this act, any borrower shall have power to borrow money or accept grants or other financial assistance from the federal government for or in aid of any housing project, to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by such borrower, including the power to pay premiums on any such insurance, to take over or lease or manage any housing facilities, project, or undertaking constructed or owned by the federal government, and to these ends, to comply with such conditions and enter into such trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this act to authorize every borrower or commission created by such borrower to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the purchasing, acquiring, constructing, maintaining, operating, improving, extending and/or repairing of housing facilities and/or the elimination of housing conditions which are detrimental to the public peace, health, safety, morals and/or welfare.

History: Add. 1937, Act 265, Imd. Eff. July 22, 1937;—CL 1948, 125.696.

125.697 Promissory notes; issuance; authorization; principal and interest as indebtedness.

Sec. 47. (1) For the purpose of providing funds for expenses and costs involved in the development of a housing project or combined projects prior to the issuance of bonds for the project or projects, or in funding the annual operations of a commission, a borrower may, in addition to all other powers granted in this act, borrow money and issue its negotiable promissory notes. The notes may be authorized by ordinance or by resolution of the borrower. Bonds and notes issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(2) The notes shall be made payable solely out of property or funds held or to be acquired by or for the commission, including the proceeds of the notes and property acquired, or to be acquired, which is not pledged for the payment of other obligations issued in connection with a housing project of the commission, funds received under section 27(2), or the proceeds of the sale of bonds issued to finance the development of the project or combined projects in connection with which the notes were issued. The notes shall in no event be payable out of any other funds of the borrower or from taxes.

(3) The principal of and interest upon notes issued in accordance with this act do not constitute an indebtedness of the borrower within the meaning of any state constitutional provisions or statutory limitation, and the notes shall state that fact on their face.

History: Add. 1938, Ex. Sess., Act 5, Imd. Eff. Sept. 8, 1938;—CL 1948, 125.697;—Am. 1974, Act 202, Imd. Eff. July 11, 1974;—Am. 1996, Act 338, Imd. Eff. June 27, 1996;—Am. 2002, Act 268, Imd. Eff. May 9, 2002.

125.698 Bonds; powers of borrower.

Sec. 48. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, a borrower, in addition to its other powers, shall have power:

(a) To pledge all or any part of the gross or net rents, fees or revenues of the project or combined projects with respect to which the bonds are issued or the obligations incurred, whether or not such rents, fees or revenues are then in existence or may thereafter come into existence.

(b) To mortgage all or any part of such project or combined projects, whether consisting of real or personal property, and whether then owned or thereafter to be acquired in connection with such project or combined projects.

(c) To covenant against pledging all or any part of the rents, fees and revenues of such project or combined projects, or against mortgaging all or any part of such project or combined projects, to which its or the commission's right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or project or combined projects or any part thereof; to covenant with respect to limitations on its or the commission's right to sell, lease or otherwise dispose of such project or combined projects or any part thereof; and to covenant as to what other, or additional obligations may be incurred by it in connection with such project or combined projects.

(d) To pledge for the payment of any or all of such bonds or obligations all or any part of any contributions received or to be received for or in aid of the project or combined projects with respect to which the bonds are issued or the obligations incurred or to covenant against pledging all or any part of any contributions.

(e) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise,

and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of such bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(f) To covenant (subject to the limitations contained in this act) as to the rents and fees to be charged in the operation of a housing project, whether constructed as a single project or as part of a combined project, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(g) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(h) To covenant as to the use of any or all of the real or personal property held or to be held in connection with such project or combined projects; and to covenant as to the maintenance of such project or combined projects, the replacement of any part thereof, the insurance to be carried thereon and the use and disposition of the insurance moneys.

(i) To covenant as to the rights, liabilities, powers and duties arising upon the breach of any covenant, condition or obligation pertaining to such project or combined projects or to the bonds issued or obligations incurred in connection therewith; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of such bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(j) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default, to take possession and use, operate and manage such housing project or combined projects or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(k) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of the borrower, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

History: Add. 1938, Ex. Sess., Act 5, Imd. Eff. Sept. 8, 1938;—CL 1948, 125.698.

125.699-125.704 Repealed. 1996, Act 338, Imd. Eff. June 27, 1996.

Compiler's note: The repealed sections pertained to board of tenant affairs.

125.705 Application of act.

Sec. 55. Nothing in this act shall preclude the creation by the housing commission of any city, village or township of individual boards of tenant affairs or tenant advisory councils in individual housing projects operated by the commission.

History: Add. 1968, Act 344, Eff. Oct. 1, 1968.

125.706 Cooperative action by borrowers; scope.

Sec. 56. Any 2 or more borrowers may join or cooperate in the exercise, either jointly or otherwise, of any power conferred in this act for the purpose of financing including the issuance of bonds, notes or other obligations and giving security with respect to housing facilities. For such purposes a cooperating borrower by resolution may agree to so cooperate and authorize any other cooperating borrower, so joining or cooperating with it, to act on its behalf with respect to any power, as its agent or otherwise, in its own name.

History: Add. 1970, Act 249, Imd. Eff. Dec. 30, 1970;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.707 Cooperative financing arrangement; resolution; agent borrower.

Sec. 57. A borrower desiring to join in a cooperating financing arrangement with any other borrower shall adopt a resolution determining to enter into a cooperative financing arrangement and designating 1 of the

cooperating borrowers as agent borrower. The agent borrower by resolution shall agree to accept the designation and act in the capacity of agent borrower and direct the preparation of a financing agreement.

History: Add. 1970, Act 249, Imd. Eff. Dec. 30, 1970.

125.708 Financing agreement; preparation; terms.

Sec. 58. The agent borrower shall cause to be prepared and executed by the cooperating borrowers a financing agreement. The agreement shall provide for:

(a) The authority of the agent borrower to undertake such financing on a continuing basis but only to the extent of the aggregate estimated total development costs of projects of the agent borrower and the cooperating borrowers, as provided in the financing agreement.

(b) The agent borrower's responsibilities relative to the issuance and sale of notes and bonds.

(c) The punctual payment of any such notes and bonds and an irrevocable promise for the payment of principal of and interest due on the notes and bonds.

(d) The purposes to which the proceeds of the notes and bonds shall be applied.

(e) The adoption of a resolution by each cooperating borrower desiring to participate in a note or bond issue of the agent borrower, authorizing and directing the agent borrower to issue in behalf of the cooperating borrower the principal amount of notes or bonds specified in the resolution.

(f) All of the things appropriate and suitable to the issuance of notes and bonds and the responsibilities of all cooperating borrowers and the agent borrower.

(g) The procedures by which cooperating borrowers may withdraw from the financing agreement and borrowers desiring to participate in the cooperative management may join in and become parties to the financing agreement.

History: Add. 1970, Act 249, Imd. Eff. Dec. 30, 1970;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.709 Special obligation notes or revenue bonds; authorization; issuance.

Sec. 59. (1) For the purpose of defraying the cost of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing a housing project for any cooperating borrower in a cooperative financing arrangement, the agent borrower may borrow money and issue its special obligation notes or revenue bonds from time to time on behalf of the agent borrower and all cooperating borrowers in accordance with the financing agreement between the agent borrower and cooperating borrowers.

(2) If bonds are to be issued for the purpose of cooperative financing, the bonds shall not be issued until authorized by an ordinance or resolution adopted by the agent borrower which shall set forth a brief description of all housing projects contemplated by the agent borrower and cooperating borrowers and the sites of the projects, time and place of payment, the rights and conditions upon the issuance of additional bonds of equal standing, any power of a borrower authorized under section 23, and other details in connection with the issuance and sale of the bonds. The bonds shall be issued in accordance with section 17. On the face of each bond shall be plainly stated substantially as follows:

“This bond is a revenue bond and the principal of and interest on this bond are exempt from all state, county, city, village, or other taxation under the laws of Michigan and are a special obligation of the borrower and are secured by statutory lien created by Act No. 18 of the Public Acts of the Extra Session of 1933 and payable solely from contractual obligations specified by a certain financing agreement dated and entered into by and between”.

(3) If notes are to be issued for the purpose of cooperative financing, they may be authorized by a resolution adopted by the agent borrower that sets forth the time and place of payment and other details relating to the form, content, issuance, and sale of the notes.

(4) The bond ordinance or note resolution shall also make all other necessary statements that are appropriate to and suitable for the issuance of the revenue bonds or special obligation notes.

(5) The notes or bonds may be issued as provided in this act notwithstanding the provisions of any other law or charter of the incorporating units who are parties to or whose commissions are parties to a financing agreement, which provisions are now in existence or hereinafter enacted with respect to notes, bonds, or other obligations of the agent borrower.

(6) A housing project for a cooperating borrower in a cooperative financing agreement for which obligations may be issued under this section includes a housing project to be purchased or developed by a nonprofit entity with the proceeds of a loan from the cooperating borrower or agent borrower.

History: Add. 1970, Act 249, Imd. Eff. Dec. 30, 1970;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.709a Bond authorizing ordinance; fiscal agent; contract.

Sec. 59a. (1) The bond authorizing ordinance shall provide for appointment of a fiscal agent and may

provide for appointment of successor fiscal agents and alternate paying agents and such fiscal agents so designated shall be qualified to act as such under the laws of this state or the United States. The ordinance shall also provide for the removal of a fiscal agent upon written request of the holders of 51% in the aggregate of the principal of bonds issued thereunder or by resolution of the agent borrower, and for the obligations, responsibilities and duties of the fiscal agent.

(2) The authorizing ordinance shall be a contract between the agent borrower, all cooperating borrowers and any holders of bonds issued thereunder.

History: Add. 1970, Act 249, Imd. Eff. Dec. 30, 1970.

125.709b Bond proceeds; payment order; execution; delivery.

Sec. 59b. (1) The bond authorizing ordinance shall provide that the proceeds of the bonds shall be paid in the following order:

(a) To the United States in an amount equal to that portion of the development cost which is financed by the bonds issued thereunder as represented by notes of each cooperating borrower outstanding in the hands of the United States together with interest thereon to the date of payment.

(b) To the paying agent of any outstanding temporary notes of each cooperating borrower of an amount equal to that portion of development cost which is financed by the bonds issued thereunder as represented by the notes, together with interest thereon to the date of maturity, and to the principal of and interest on the notes, if the notes are outstanding and unpaid as of the delivery date of the bonds.

(c) To the fiscal agent for deposit in the debt service fund in trust for the payment of capitalized interest which becomes due on the bonds.

(d) To the fiscal agent representing the premium on the bonds issued thereunder, for deposit in the advance amortization fund.

(e) To each cooperating borrower in an amount equal to that portion of the remainder allocable to each cooperating borrower for deposit in its general fund.

(2) The officer or officers of the agent borrower specified in the bond authorizing ordinance shall execute the bonds and deliver the bonds in accordance with the terms and provisions of the ordinance and in connection therewith shall execute and deliver such instruments and do such acts and things necessary or convenient to effectuate the purpose of the bond authorizing ordinance.

History: Add. 1970, Act 249, Imd. Eff. Dec. 30, 1970;—Am. 1996, Act 338, Imd. Eff. June 27, 1996.

125.709c Revenues, disposition, purpose; fiscal agent, duties.

Sec. 59c. The bond authorizing ordinance shall also provide for the disposition, disbursement and deposit of all revenues generated from any cooperatively financed project to insure the proper operation and maintenance of the projects and the payment of bonds and the interest thereon. The ordinance shall specify the responsibilities, duties and obligations of the fiscal agent properly to apply, disburse and otherwise set aside revenues of any project and any contractual payments made to the fiscal agent.

History: Add. 1970, Act 249, Imd. Eff. Dec. 30, 1970.

125.709d, 125.709e Repealed. 1996, Act 338, Imd. Eff. June 27, 1996.

Compiler's note: The repealed sections pertained to issuance of additional bonds and notice of sale of bonds.

PERSONNEL POLICIES AND PROCEDURES

PREPARED FOR THE

MANISTEE HOUSING COMMISSION
OF
MANISTEE, MICHIGAN
(NON-UNION EMPLOYEES)

JANUARY 2006
ADOPTED NOVEMBER 21, 2005

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I. INTRODUCTION

The purpose of this personnel policy manual is to provide a source of information for all non-union employees of the Manistee Housing Commission (MHC) concerning the benefits and obligations associated with their employment. Your personnel manual is, however, only a guide; it is not a contract. Neither the provisions of this handbook nor any other human resource policies of the MHC establish a contract of employment between you and the MHC. Your employment is “at will.” Neither the MHC nor any of its employees are committed to any employment relationship for a fixed period. Employment can be terminated with or without cause and with or without notice, at any time at the option of the employee or the MHC. No one at the MHC may change this understanding.

No personnel manual can anticipate every circumstance or question about policy. As we continue to grow and as applicable laws are enacted or amended from time to time, the need may arise to change the guidance described in the manual. The MHC therefore reserves the right to revise, supplement, or rescind any policies or portions of the manual from time to time as it deems appropriate or as may be necessary to comply with changing laws or for other reasons, in its sole and absolute discretion. The MHC will make reasonable efforts to notify employees of changes as soon as practicable, and employees are encouraged to review all posted notices and to read all memoranda concerning such policy changes.

All questions should be directed to the Executive Director.

II. WELCOME

We are happy you have chosen the Manistee Housing Commission (MHC) as your place of employment. We are glad to have you with us and hope that you will find this a pleasant place to work.

Since we value your service, we are interested in your progress and general welfare. We know that how well you like your job will depend to a great extent upon how well you understand what we expect of you and guidance you receive from the Commission.

The provisions of the manual have been developed at the discretion of management and may be amended or canceled at any time, in the MHC's sole discretion. These provisions supersede all existing policies and practices and all prior manuals distributed to you or statements made to you. The guidance in this manual may not be amended or added to without the express written approval of the Executive Director.

We know that our major asset is people and no one can anticipate every human problem or need that may arise. Therefore, if you have a special problem, concern or idea, are troubled or have a need, please tell us. We appreciate your efforts and the good work you are doing each day to make the Commission a success. We look forward to a mutually satisfactory relationship with you.

Again, may we extend a sincere,

WELCOME.

Clinton McKinven-Copus
Executive Director

MANISTEE HOUSING COMMISSION

PERSONNEL POLICIES AND PROCEDURES

III. GENERAL PROVISIONS

A. EQUAL EMPLOYMENT OPPORTUNITY

The Commission is an equal opportunity employer. It is the Commission's policy to hire, promote, and acknowledge the most qualified person, regardless of race, creed, color, sex, pregnancy, national origin, ancestry, citizenship, age, sexual orientation, marital status, religion, unfavorable discharge from military service, or mental or physical disability unrelated to ability to perform the essential functions of the job. It is imperative that all supervisors are aware of and act in accordance with our equal employment policy. If you have reason to believe that this policy is not being followed, please contact the Executive Director.

1. NEPOTISM

The City of Manistee Housing Commission does not permit the hiring of relatives or immediate family of current employees and Commissioners or persons who have terminated their employment with MHC in the last 24 months.

Definitions:

Relatives: Uncle, Aunt, first cousins, including those related through marriage.

Immediate Family: Spouse, father, mother, sibling, children, stepchildren, or others related through marriage.

2. ANTI-SEXUAL HARASSMENT

Every Commission employee is protected from sexual intimidation or coercion and from being forced into personally demeaning behavior while doing his/her or her job. The Anti-Sexual Harassment Policy can be found in Section X of this Personnel Policies and Procedures. Violation of this Policy shall result in disciplinary action pertinent to the severity of the offense up to and including termination of employment.

3. DRUG-FREE WORKPLACE

In accordance with the Drug-Free Workplace Act of 1988, the Commission must certify to the federal government that it

maintains a workplace free of illegal use of drugs. The illegal manufacture, distribution, possession or use of drugs, or acting under the influence of drugs in the workplace is strictly prohibited. Violation of this prohibition will be cause for termination of employment. The Drug-Free Workplace Program can be found in Section XI of this Personnel Policies and Procedures.

4. CONFLICT OF INTEREST

Employees of the Commission shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors during tenure or for one year thereafter. A Commissioner shall not be employed during his/her tenure or for one year thereafter in a salaried position pursuant to Sec. 515 of the Annual Contributions Contract. Michigan State Law forbids disclosure of confidential information by Commissioners, officers and employees to further his or her personal interest or the interests of another person.

B. COMMISSION AND INTERPRETATION

The Board of Commissioners hereby promulgates the following Personnel Policies and Procedures. The Policies and Procedures are intended to cover most personnel problems and actions, which may arise. Those not specifically covered shall be interpreted by the Executive Director and in keeping with the Personnel Policies and Procedures.

C. POSITIONS COVERED

These Policies and Procedures shall apply to all full-time non-union employees except in the case of the Executive Director, who shall be appointed by the Board of Commissioners and shall be governed by the directives of the Board of Commissioners as well as the Personnel Policies and Procedures. Temporary employees shall be covered by all provisions except those relating to probationary and regular status, merit increases, and appeals (although disciplinary actions shall be only for cause as stated in the Personnel Policies and Procedures), and shall be eligible for only those fringe benefits specifically identified in the Personnel Policies and Procedures.

D. ADMINISTRATION

These Policies and Procedures shall be administered by the Executive Director, and in conformity with the Personnel Policies and Procedures. Departmental operating rules and regulations, not in conflict with these Policies, may be established by the Supervisor with the prior approval of the Executive Director. Such approved policies shall have the same force and effect as the general Policies and Procedures, shall be posted in a prominent place in the department, and shall be subject to appeal under the Grievance Procedure found in Section XII.

E. AMENDMENTS

This manual sets out some of the basic employment policies and procedures for employees. The manual policies are not to be read narrowly as “terms of a contract” between you and the Commission, but rather as guidelines, which provide a framework for day-to-day practices. The manual does not alter, amend or change in any way the status of all employees as employees terminable at the will of the Commission. No employee or supervisor has the authority to alter, orally or in writing, the terminable-at-will status of any employee.

Moreover, the Commission reserves the discretion to vary these policies so that specific circumstances may be treated on an individual basis. The manual policies are subject to amendment or discontinuation, as the needs of the Commission require. We will make reasonable efforts to keep you informed of all changes. However, occasionally changes must be made immediately to meet unforeseen circumstances or specific situations.

F. ADMINISTRATION OF PERSONNEL POLICIES

The Executive Director shall make and enforce appropriate rules and regulations to carry into full effect the provisions, intent and purpose of the personnel policies, shall furnish each employee with a copy of these policies, as well as any subsequent changes, and shall appraise any applicant who is being given active consideration for a position, of the contents of these policies.

G. ORGANIZATIONAL ACTIVITIES

The primary activities of the Manistee Housing Commission are:

Pursuant to a certificate of incorporation issued by the State of Michigan, the MHC receives policy guidance and operational approval from the governing Board of Commissioners appointed for the purpose of administering and maintaining a low income rental housing program for eligible residents and applicants.

H. COMMISSIONERS

The Board of Commissioners shall be appointed by the Mayor of the City of Manistee, Michigan. No person shall be barred from serving on the Board of Commissioners because of tenancy in a lower income housing development. Such participation shall not be construed to constitute a conflict of interest, provided such Resident Commissioner shall not act upon any issue dealing with a personal circumstance of occupancy.

I. THE SECRETARY TO THE BOARD OF COMMISSIONERS

The Secretary to the Board of Commissioners is the Chief Executive Officer of the MHC and is titled the Executive Director. The Executive Director is responsible to the Board of Commissioners for the effective and efficient operation of the Commission and overall management of the housing programs and developments as approved by the Board of Commissioners.

J. DESIGNATED EEO OFFICER

The Executive Director is the Commission's Equal Employment Opportunity (EEO) Officer and is vested with the responsibility for overseeing adherence to MHC's Affirmative Action Program, which is described in Section VII of this document.

K. AT WILL EMPLOYMENT (NON-UNION EMPLOYEE)

Your personnel manual is only a guide; it is not a contract. Neither the provisions of this handbook nor any other human resource policies of the MHC establish a contract of employment between you and the MHC. Your employment is "at will." Neither the MHC nor any of its employees are committed to any employment relationship for a fixed period. Employment can be terminated with or without cause and with or without notice, at any time at the option of the employee or the MHC. No one at the MHC may change this understanding.

L. COPIES OF POLICIES UPON REQUEST

This manual has been prepared for your reference and you should maintain your copy of the manual for that purpose. If, however, your manual is lost or misplaced during your employment, the Commission will supply you with a new manual or with copies of particular policies upon your written request to the Department Head or the Executive Director.

MANISTEE HOUSING COMMISSION

PERSONNEL POLICIES AND PROCEDURES

IV. POSITION DESCRIPTIONS

A. DEFINITIONS

1. The “Position Description” is the official or approved description for an employment position at the Housing Commission.
2. A “position” is a group of currently assigned duties and responsibilities requiring the full-time or part-time employment of one person. A position may be occupied or vacant.
3. The “position title” is the official designation or name of the position as stated in the position description. It shall be used on all personnel records and actions. Working or office titles may be used for public or internal administration purposes.
4. “Position descriptions” are written specifications containing a general definition of the position, examples of duties; desirable knowledge, skills and abilities; acceptable training and experience; and necessary special requirements.
5. All positions shall be established in accordance with an organization plan which shall clearly set forth areas of responsibility, lines of authority and general description of each position.
6. Every employee shall be given sufficient authority to perform his/her assigned duties. The Executive Director shall be vested with the authority to delegate and withdraw responsibility and authority as he/she sees fit.

MHC has the following types of positions in its work force.

a. Regular Full Time Employee

An employee of the MHC who works a normal work week (40 hours or more), is employed in a position for an indefinite period of time, and has completed or will complete an initial probationary period.

b. Regular Part Time Employee

An employee of the MHC who is scheduled to work less than a normal work week (less than 40 hours), on either a regularly scheduled basis, or an irregular basis.

c. Temporary Employee

An employee of the MHC who is employed in a position for a short duration, usually less than one year.

A. COMPENSATION

Compensation is established annually from January 1-December 31. Adjustments in compensation are recommended by the Executive Director to the Personnel Committee and confirmed by the Commission. The Executive Director will conduct an annual comparative compensation in preparation for recommendations for adjustment in compensation. Adjustments in employee compensation will be based on the comparative study, annual performance review of the employee and current budgetary constraints.

Salaried and hourly employees shall be paid bi-weekly. There are 26 pay periods annually for all salaried employees.

B. Maintenance of Position Descriptions

1. Each time a vacancy occurs, a position description shall be completed. This requirement may be waived by the Executive Director in cases where changes in the duties and responsibilities of a position have been unlikely.
2. Each time a department or section is reorganized, position descriptions for all affected employees shall be reviewed by the Executive Director.
3. The Executive Director may require departments or employees to submit position descriptions on a periodic basis, or any time he/she has reason to believe there has been a change in duties and responsibilities of one or more positions.
4. New positions shall be established only with the approval of the Board of Commissioners.
5. When the Executive Director finds a substantial change in the nature or level of duties and responsibilities of an existing position, he/she shall direct that the existing salary range specification be revised.

C. INTERPRETATION OF POSITION DESCRIPTIONS

The position descriptions are descriptive and not restrictive.

D. PERFORMANCE RATING

Every employee shall receive an annual Performance Evaluation. Performance Evaluations shall be noted in employee service records and shall be considered in effecting personnel actions.

E. BOARD OF COMMISSIONERS COMPENSATION

Board Members shall not be monetarily compensated for their services unless required under Commonwealth Law and approved by HUD. Reimbursement for Board member travel and related expenses, consistent with the Commission's Travel Policy, is permitted.

**MANISTEE HOUSING COMMISSION
PERSONNEL POLICIES AND PROCEDURES**

V. RECRUITMENT, EMPLOYMENT AND TRAINING

A. RECRUITMENT AND APPLICATION

1. Eligibility for Employment

Individuals shall be recruited for employment with the MHC from a geographic area as wide as is necessary to obtain a sufficient number of well qualified candidates for various positions. The MHC will consider promotions internally when applicable.

2. Notification of Available Positions

The Executive Director shall have prepared recruiting notices to publicize vacancies and to obtain candidates for vacant positions where sufficient number of applicants are not on the eligible list. Various publicity media may be used to bring notice of vacancies to as many qualified persons as possible. Job vacancy notices will be posted in all MHC offices and/or departments and sent to any unions recognized by the Board of Commissioners of the Housing Commission for the position or positions covered.

3. Method of Making Application

Each applicant for a position with MHC shall make application on a standard application form available at the Main Office of MHC. Applications for employment shall be accepted at the Agency's convenience. Each candidate will be requested to designate the type of position or positions for which he/she is making application. Applications will be considered for only those positions for which the applicant applies and will be invalid after twelve months unless renewed in writing by the applicant.

4. Disqualification of Applicant

The Executive Director shall remove from consideration the application of any applicant who:

- a. Does not possess the minimum qualifications for the position for which application is made.
- b. By reference, check evidences unsatisfactory employment or personal conduct to a degree to demonstrate unsuitability for employment.
- c. Has made any false statements or practices deception in his/her application.
- d. Does not reply to a mail inquiry within ten days or does not return a telephone inquiry within two days.

- e. Fails to accept appointment or to report to duty within the time prescribed in an employment offer.
- f. Has been employed previously by the Manistee Housing Commission and has been removed for cause or did not resign in good standing, and is not recommended for re-employment by the Supervisor or department in which applicant was previously employed.

B. QUALIFICATION AND EVALUATION

Applicants shall meet the employment standards established by the position classification plan and such other reasonable minimum standards as to character, aptitude, ability to meet the public and physical condition as may be established by the Executive Director with the advice and recommendations of staff, provided, however, that such minimum standards are necessary for satisfactory job performance and do not discriminate against any person because of race, creed, age, color, sex, sexual orientation, national origin, disability or familial status. All applicants for employment above minimum wage will be required to list at least three (3) references. These references, the last three employers, and other known sources may be contacted and their responses considered before the applicant is employed.

C. REASONABLE ACCOMMODATION FOR QUALIFIED EMPLOYEES WITH DISABILITIES

The Commission is committed to making a reasonable accommodation to a qualified employee with a disability who is unable to perform the essential functions of his/her position without such an accommodation to the extent required by applicable law.

If you believe that a physical or mental impairment is keeping you from performing the essential functions of your job, and you would like to request an accommodation from the Commission, take the following course of action:

1. Inform the Executive Director, in writing, of your request for an accommodation, describing in detail both (i) the disability, and (ii) the degree of accommodation you believe you need to successfully perform the essential functions of your job.
2. Requests for accommodation will be evaluated by the Commission as soon as practicable.
3. The Commission will advise you of additional information needed to evaluate your request and, ultimately, of the Commission's decision.

D. ELIGIBILITY LIST

Applicants for employment with the Housing Commission who are determined to be qualified shall be placed on the eligibility list for a specific position for employment. Names of those persons no longer available for employment may be deleted and names of new applicants may be added to eligible lists by the Executive Director as necessary.

E. APPOINTMENTS

1. Executive Director

The appointment of the Executive Director shall be by the Board of Commissioners in compliance with provisions of the By-Laws of the MHC.

2. Other Employees

Whenever a vacancy exists, applications of all qualified applicants for the positions shall be forwarded to the Executive Director or his/her designee for review. The Executive Director or his/her designee shall recommend the person best qualified for the position and suggest the salary to be paid. After investigating the duties and responsibilities of the position and the qualifications and experience of the recommended applicant, the Executive Director shall accept or reject the applicant and approve the starting salary.

3. Substitute Appointments

The appointing authority may approve a substitute appointment of an MHC employee to fill temporarily a position with a higher salary range. No such substitute appointment shall continue for more than six months. If the employee serves in the substitute capacity for five working days or longer, he shall be paid at the minimum rate of the salary range assigned to the substitute position, or the highest level of his/her regular salary, whichever is higher.

4. Emergency or Temporary Appointments

In order to prevent stoppage of public business or loss or serious inconvenience to the tenants, appointment of employees on an emergency or temporary basis may be authorized by the Executive Director. Emergency or temporary appointments may not be made for a period to exceed six months, and employees in this status have no guaranteed employment continuation privileges under this plan.

F. INITIAL EVALUATION PERIOD

1. Purpose

The initial evaluation or working test period is an integral part of the examination process. It shall be utilized to observe closely the employee's work, to secure the most effective adjustment of the new or promoted employee to his/her position, and the rejection of any employee whose performance does not meet required work standards. Each applicant appointed to a regular position shall serve the designated initial evaluation period prior to obtaining regular status as a career employee. Any employee selected from a re-employment list for a position in the same classification and department as he/she occupied prior to layoff or extended leave will not be required to serve an initial evaluation period.

2. Duration

The normal initial evaluation period shall be three months (90 days) following regular career appointment or promotion. However, upon the approval of the Executive Director, it may be extended for a period not to exceed nine months (270 days). Any employee who is to be continued in initial evaluation status beyond initial six months period shall be notified in writing of this continuation by the Executive Director.

Evaluation

Periodically during the initial evaluation period at times prescribed by the Executive Director shall prepare a written evaluation of the initial evaluation employee's performance and his/her willingness and ability to perform his/her duties satisfactorily. During the initial evaluation period, the employee's supervisor will be responsible for counseling with the employee when he/she is not performing satisfactorily and is not meeting initial evaluation test requirements.

3. Dismissal

During the initial evaluation period, the Executive Director may remove any employee who is unable or unwilling to perform the duties of the position satisfactorily or who's habits and dependability do not merit this continuance in the employment of the MHC. Such an employee may be removed without prior notice and without the right of appeal. The Executive Director will advise the employee, in writing, of such removal and shall immediately report such removal to the Board, stating his/her reasons. The dismissal shall be effective immediately or at the time stated on the dismissal notice unless reversed or changed by the Executive Director. Each probationary status promoted employee who has regular status as a merit system career employee in another classification shall retain his/her appeal privileges with the exception that he may be demoted to his/her position prior to promotion without the right of appeal.

4. Eligibility After Dismissal

If an employee is removed from his/her position during or at the time of the initial evaluation period, and the Executive Director determines that such employee is suitable for appointment to another position, the employee's name may be restored to the list from which it was certified. An employee appointed from a promotional period shall be reinstated to a position in the MHC career service in the classification occupied by the employee immediately prior to his/her promotion.

5. Benefits

Employees serving an initial evaluation period following initial employment in a regular position shall receive all benefits provided in accordance with the Personnel Policies and Procedures with the following exceptions or as otherwise provided:

- a. The employee may accumulate vacation leave but shall not be permitted to take vacation leave during the initial evaluation period unless the denial of such leave shall create an unusual hardship. Vacation leave may be granted to such employee only with the approval of the Executive Director.
- b. The employee may accumulate sick leave but shall not be permitted to use sick leave until the beginning of the second month of employment since the employee would not have "earned" any sick leave time prior to the second month.
- c. The employee, if dismissed during the initial evaluation period, shall not be eligible for terminal pay for accumulated vacation leave, nor shall he be entitled to exercise the right to appeal his/her dismissal.

Employees serving an initial evaluation period following a promotion shall continue to receive all benefits in accordance with the Personnel Policies and Procedures.

G. PROMOTIONS

Vacancies in positions above the lowest rank in any employment category covered by the provisions of the merit system shall be filled as far as practicable by the promotion of employees of the Housing Commission but non-Housing Commission employees may be considered also. The Executive Director shall assure that vacancy notices are advertised and posted in all project offices and departments for all categories of employment above entrance level positions for three working days. Any employee desiring to apply for such positions shall submit his/her request for consideration in writing within seven days thereafter. The Supervisor shall review the qualifications for each employee making application for promotion and place the names of those employees found to possess the prescribed qualifications for the position desired on the eligible list. The vacancy shall be filled based on qualifications and ability as determined by the Housing Commission.

Where qualification, attendance and ability are relatively equal, seniority shall be the determining factor.

H. SEPARATIONS

All separations of employees shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, disability, death, retirement, lay-off and dismissal.

At the time of separation and prior to the time of final payment, all records, assets and all items of Commission property in the employee's custody shall be returned to the Commission and certification to this effect shall be executed by the employee. Any amounts due because of a shortage in the above shall be withheld from the employee's final compensation.

1. Rights of Employees

Regular employees who separate shall receive payment for all earned salary, all unused annual leave, subject to deductions and any indebtedness due the Commission at the next regular pay day after separation.

2. Resignation

Regular employees may resign by submitting the reasons therefore (in writing) and the effective date to his/her supervisor as far in advance as possible, but a minimum of two (2) weeks notice is required. Failure to comply with this requirement may be cause for denying future employment with the Commission and at the discretion of the Board, the loss of accumulated benefits.

3. Lay-Off

The Executive Director may lay off an employee when he/she deems it necessary by reasons of shortage of funds or work, or other material changes in duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. No regular employee shall be laid off when another person in a classified position is employed on a provisional or seasonal basis in the same classification.

4. Disability

An employee may be separated for disability when he cannot perform the required duties even with accommodations, because of

a physical or mental impairment. Actions may be initiated by the employee or the Commission but in all cases, it must be supported by medical evidence acceptable to the Executive Director.

5. Death

Separation shall be effective as of the date of death. All compensations due the employee shall be paid to the estate of the employee.

6. Retirement

Whenever an employee meets the conditions set forth in the Regulations of the Employee's Retirement System, he may elect to retire and shall receive compensation due.

7. Dismissal

Dismissal for disciplinary reasons may be instituted without prior notice when deemed necessary to protect the Commission or the employee concerned. Dismissal due to failure to perform work according to required standards shall occur only after the supervisor and/or department head has counseled with the employee, explained how the employee needs to improve, and stipulated a time or times for further review and evaluation. Failure of the employee to effect such required improvements in the time stipulated may result in dismissal. Less serious disciplinary problems shall be handled in like manner to those of failure to perform work according to required standards. Record shall be made of such counseling sessions and shall be signed by the employee and the supervisor or department head.

I. REINSTATEMENTS

An employee who has been laid off because of reduction in force or who has resigned while in good standing shall be credited with his/her previously accrued sick leave if he is reinstated within one year. An employee may only be reinstated once with the Housing Commission.

J. IN-SERVICE TRAINING

The Executive Director shall be responsible for fostering and promoting in-service training of employees for the purpose of improving the quality of service and to assist employees in preparing themselves for advancement. In case of necessary training, which involves travel, the Executive Director may approve compensation based on the MHC travel policy, which is enclosed in Section XIV.

K. PERSONNEL FILES

Personnel files include employee applicant files and employee files of the MHC. Employee files are maintained in the Administrative Office.

1. Minimum Contents of Personnel Files

- a. Disciplinary actions, if any
- b. Signed and dated application for employment
- c. Current job position and payroll record specifying current salary level and salary history
- d. Current evaluation forms with dates and signatures
- e. Copy of license, certification or other credentials when required
- f. Verification of reference checks
- g. Dates and natures of separation
- h. Leave information
- i. Such forms required by State, federal or local statutes or for maintenance of employee benefits
- j. Orientation checklist
- k. Written offer of hire from the Commission and letter of acceptance from the employee
- l. Any training which the employee received after hire
- m. Criminal history check

2. Use of Files

Personnel files are considered the property of the Commission, and the Commission respects the confidential nature of the contents of these files. The information contained therein is to be used only on need-to-know basis in the conduct of personnel work and in the administration of agency business.

An employee has access to his/her personnel file via a written request to the Administrative Office at least 7 working days prior to the desired inspection date. Following such a request, the employee and a member of the Administrative Office staff will meet to review the contents of the file. Exceptions: Letters of recommendations from or to a third party may not be viewed by an employee.

In response to request for information from any source outside the Commission, for any purpose whatsoever, no information shall be given, except whether or not that person is employed by the Commission, the date of employment, salary and a basic description of job duties. Additional information will not be given unless the employee authorizes in writing such release of information.

Medical and psychological records shall be released only to a physician or psychologist designated by the employee upon written authorization of the employee.

Personnel files are maintained for a period of time mandated by State, Federal or local laws. After such time, these records are to be destroyed.

MANISTEE HOUSING COMMISSION

PERSONNEL POLICIES AND PROCEDURES

VI. DISCIPLINARY ACTIONS, COMPLAINTS

A. RULES AND REGULATIONS

To achieve its objectives in an orderly, efficient and safe manner; to facilitate cooperation between employees; to assure the rights and interests of employees and the Commission are maintained, the Commission must have and enforce certain written and unwritten rules and procedures regarding the conduct of its employees.

1. Purpose

It is essential to the successful operation of the Commission's business and the welfare of its residents and employees that fairly established standards of discipline, health, safety, attendance, workmanship and honesty be maintained. **Disregard or violation of these rules and regulations, inability or unwillingness to meet such established standards or unauthorized disclosure of confidential facility matters will subject an employee to warning, suspension, or discharge, in the Executive Director's discretion, in accordance with these rules and regulations.**

2. Forms of Discipline

There are various forms of discipline: verbal warning, written warning, suspension without pay, and discharge. The administration of discipline by the Executive Director toward an employee may embrace all of these disciplinary forms in a progressive manner or may include only one of them, depending upon the gravity of the offense.

Oral Warning

An oral warning is a form of discipline, which is generally appropriate to warn an employee of a minor instance of misconduct. An Oral Warning shall include a written note, signed by the employee and the Executive Director, to the employee's personnel file that such an Oral Warning was given. An Oral Warning is not required to impose discipline for any infraction, but may be utilized in the Executive Director's discretion in a progressive manner.

Written Warning

Some instances of employee misconduct may not be so serious as to warrant Suspension Without Pay or Discharge, and may be corrected by a formal Written Warning. As with other forms of discipline, a Written Warning is not required to impose discipline for any infraction, nor is it a necessary step in imposing progressive discipline, but may be utilized, in the Executive Director's discretion, as appropriate under the circumstances. Employees shall have an opportunity to sign formal written warnings, acknowledging that such warning has been given, and to comment in writing on such warning or to any other discipline.

Suspension Without Pay

Suspension is a forced absence from work without pay. The Executive Director, in his or her discretion, may use this form of discipline to correct a disciplinary problem and/or to gain time to review the circumstances of misconduct which may be so serious as to warrant discharge. Generally, a Suspension Without Pay of up to three days will be imposed to correct an employee's second infraction (of the same or different type of misconduct) after an Oral Warning or a Written Warning has been given. However, like the other forms of discipline, the Suspension Without Pay can be imposed independently of other disciplinary forms or in a progressive manner.

Discharge

Discharge means termination of the employment of an employee. Discharge may be based upon a single violation or a series of violations, in the Executive Director's discretion, depending upon the circumstances. Employees may be discharged at any time, for any reason, with or without cause. None of the other disciplinary forms must be used prior to an employee's Discharge.

3. Rules, Regulations And Potential Discipline

No guide will substitute for the Executive Director's judgment in the use of the forms of discipline discussed above. However, general guidelines are offered as an aid to imposing equitable solutions where possible to disciplinary problems that may arise.

a. Some Major Violations Resulting In Immediate Discharge:

The following infractions include some, but not all, of the major violations which shall be grounds for immediate

discharge of an employee, even for a first offense, depending upon the circumstances:

- 1) Stealing from a resident, visitor or other employee, or from the Commission.
- 2) Possession, use, sale, purchase or being under the influence of alcohol, or of an illegal drug during working time or on Commission premises. "Illegal drug" means any drug (a) which is not legally obtainable or (b) which is legally obtainable but has not been legally obtained, including prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes. A determination of whether an employee is "under the influence" can be established by a professional opinion, a scientifically valid test, and, in some cases, by a layperson's opinion. In any event, an employee will be conclusively considered "under the influence" of illegal drug(s) if at the time they are tested the drug test reveals that the employee has illegal drugs in his/her system. An employee will be conclusively considered "under the influence" of alcohol if at the time they are tested an alcohol test reveals a concentration of 0.1 percent of alcohol in the employee's blood-stream.
- 3) Unauthorized possession or use of a weapon of any type during working hours or on Commission premises. Any employee with a permitted weapon shall store it under lock and key as directed by the Executive Director.
- 4) Insubordination or refusal to obey instructions (disobedience or disregard of the Executive Director, a department head, or an immediate supervisor, or some other person in authority).
- 5) Destruction or damage to property belonging to the Commission or to any person.
- 6) Abusing or attempting to injure in any way a resident or any other person.

- 7) Altering, falsifying or making a willful misstatement of fact on any work record, employment application, or timecard.
- 8) Verbal or written threat to injure or harm any other person.
- 9) Failure to report injury, accidents or safety hazards involving a resident or staff (such reports may be confirmed in writing in an appropriate log).
- 10) Punching another person's time card or asking another person to punch your time card.
- 11) Unauthorized use of cameras or recording devices.
- 12) Asking for, or accepting, tips or gratuities of any kind from residents or the families of residents.
- 13) Revealing to any person any confidential information concerning a resident, other than to an employee working with the resident.
- 14) Loafing or sleeping while on working time.
- 15) Fighting or provoking a fight.
- 16) Unless reasonable accommodations are necessary and approved, failure to meet health test requirements, where the test is not satisfactorily completed within seven (7) days of the required date [employees not meeting health test requirements will not be permitted to work until the test is satisfactorily completed].
- 17) Any other misconduct which, in the Executive Director's judgment, is so serious as to warrant immediate discharge.

b. Other Offenses

Other offenses may subject an employee to the imposition of one of the disciplinary forms discussed above, or to a three-step disciplinary process, as follows:

First Offense - Oral or Written Warning

Second Offense - Suspension up to 3 days

Third Offense - Discharge

The administration of discipline by the Executive Director, or his/her designee, may embrace all of the disciplinary forms in this three-step process in a progressive manner, or may include only one of them, depending upon the gravity of the offense and other circumstances.

As previously mentioned, there is no exhaustive list of all possible offenses. However, the following should be used as a guideline for the types of infractions which may fall within this progressive disciplinary process:

- 1) Gambling on Commission premises.
- 2) Unauthorized posting, removal or tampering with items on Commission bulletin boards.
- 3) Playing radios or other equipment loudly, so as to disturb residents or others.
- 4) Unauthorized use of telephones or other equipment for purposes other than the Commission's business.
- 5) Loitering in work areas when not scheduled to work.
- 6) Failure to follow dress code and good hygiene.
- 7) Smoking in unauthorized areas.
- 8) Engaging in horseplay or otherwise acting in an unsafe manner.
- 9) Failure to notify the personnel coordinator of address or telephone number change(s), which the Commission shall keep confidential.
- 10) Failure to be in your assigned workplace at starting time or quitting time.
- 11) Failure to punch in or out.
- 12) Any swearing or obscene language or discourteous language to another employee, a resident, or visitor.
- 13) Being in an unassigned area during working hours without permission, other than in the line of duty.
- 14) Overstaying rest or lunch period.

- 15) Failure to follow any work standard or any policy or procedure established by the Commission.
- 16) Inefficiently or negligently performing assigned duties.

APPEALS PROCEDURE FOR HOUSING COMMISSION EMPLOYEES

1. Employee is Eligible for Appeal

Any regular status career employee who has been demoted for cause, suspended, or dismissed, shall have the right of appeal to the Board of Commissioners. The employee or his/her authorized agent shall file such an appeal in writing with the office of the Executive Director within five working days of the effective date of such action and shall file a copy of such an appeal at the same time with his/her Supervisor.

2. Time and Place of Hearing

The Board of Commissioners shall set a time and place for a hearing to be held not less than five nor more than twenty working days after receipt of the request, and shall notify the employee thereof.

3. Hearing Procedures

Hearings shall be conducted informally and technical rules of evidence shall not apply. All testimony shall be under oath. A majority vote of the members of the Board of Commissioners shall be final.

4. Notification of Results of Hearing

The affected employee shall be promptly notified in writing by the Executive Director of the final determination with respect to the disciplinary action. Decision of the Board of Commissioners shall be final.

In the event the Board of Commissioners finds that the disciplinary action was not well founded, the affected employee shall be paid in full for such portion of time as he was unjustly suspended, reduced in pay, or removed. In the event that the disciplinary action taken was removal or reduction in pay, the employee affected shall be restored to his/her former position and pay status, or to a position in the same class and pay status.

5. Rules for Conduct Appeals

- a. The time limits specified above may be extended to a definite date by mutual agreement of the employee and the review concerned.
- b. The employee may request the assistance of another person of his/her own choosing in preparing and presenting his/her appeal at any level of review.
- c. The employee and his/her representatives may be privileged to use reasonable amount of work time as determined by the Executive Director in conferring about and presenting the appeal.

MANISTEE HOUSING COMMISSION
PERSONNEL POLICIES AND PROCEDURES

VII. WORKING ENVIRONMENT AND FRINGE BENEFITS

A. GENERAL

It is the policy of the MHC to maintain working conditions and fringe benefits for its employees comparable to other local public agencies and consistent with fiscal responsibilities and limitations.

It is the responsibility of the Executive Director to monitor and control the working hours, safe practices, assigned tasks and other environmental conditions affecting the health, welfare and safety of the employees.

B. WORKING HOURS

The regular scheduled working hours of the Commission's employees will be established by the Executive Director. The work week for staff personnel shall be from 12:01 am Sunday until 12:00 midnight the following Saturday. The work schedules for each department shall be established by the Supervisor. Office hours will be established by the Executive Director.

C. TEMPORARY ADJUSTMENT OF NORMAL WORKING HOURS

The hours prescribed, as far as practicable, shall be uniform for employees employed under like conditions of work. However, to meet emergencies, the Executive Director may temporarily adjust the hours of any individual employee or group of employees in the Commission to provide for different schedules of hours or for extra services outside of the regular working hours, provided the adjustments do not result in requiring an average of less than the 40 hours a week prescribed for full-time employment. No adjustment may be made, on a continuing basis, in the hours of any individual for personal reasons.

D. ATTENDANCE

The Executive Director shall be responsible for the punctual attendance of all employees under his/her administrative supervision and shall keep such attendance and leave records as shall be required by the Commission.

E. OVERTIME AND COMPENSATORY TIME

Overtime shall be avoided as far as possible, but may be required by the Executive Director when absolutely necessary in the interest of efficient operation. To qualify for payment for overtime worked, the following procedures must be followed:

1. Approval of Overtime and Compensatory Time

All overtime shall be authorized in advance by the Executive Director.

2. Procedures for Recording and Approving Overtime Worked

All overtime worked shall be recorded.

3. Eligibility for Overtime Payment

All non-exempt personnel shall be eligible for overtime pay at the rate of one and one-half times their regular rate of pay for hours or approved overtime worked in excess of 40 hours per week. Exempt personnel are not eligible for overtime pay except upon specific approval of the Executive Director when required to work excessive amounts of overtime in accordance with the provisions of the HUD contract, and the Fair Labor Standards Act of 1938 as amended.

4. Eligibility for Compensatory Time

All exempt personnel shall be eligible for compensatory time at the rate of one hour worked, one hour compensatory time.

F. HOLIDAYS

1. General Policy

Full-time employees shall be eligible for holiday leave for the following days and such other days as may be designated by the President of the United States, the Governor of the State of Michigan or the Executive Director.

New Year's Day	January 1 st
Martin Luther King, Jr.'s Birthday	3 rd Monday in January
Good Friday	TBA
Memorial Day	Last Monday in May
Employee's Birthday	TBA
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veterans Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Eve Day	December 24 th
Christmas Day	December 25 th
New Year's Eve Day	December 31 st

Employees working less than full-time shall not be eligible for the above-named holidays. In order to receive pay for an observed holiday, an employee must not have been absent without leave on either the workday immediately preceding or the workday immediately following the holiday.

2. Official Holiday, Which Falls on Saturday or Sunday

When a holiday falls on Saturday, it shall be observed on the preceding Friday; a holiday which occurs on Sunday shall be observed on the following Monday.

3. Observation of other Religious or Ethnic Holidays

An employee who wishes to observe religious or ethnic holidays other than those designated above may do so by notifying the Executive Director in writing, at least two weeks prior to such holiday. Late notices may be accepted in certain circumstances in the Executive Director's discretion, but may be rejected. Employees may use a vacation day for such holiday observance or, alternatively, employees who have no accrued and unused

vacation days available will be granted an unpaid absence for this purpose if the holiday absence is approved.

G. ANNUAL LEAVE (VACATION)

1. Persons Entitled

All regular employees working full-time or part-time, are eligible to accrue annual leave as outlined below. Temporary, seasonal, and other part-time or substitute employees are not eligible for annual leave.

2. Accrual and Accumulation of Annual Leave

In accordance with the Personnel Policies and Procedures, all eligible full-time employees currently employed at the adoption of this policy shall accrue annual leave at the rate of 5 days per year in the 1st year. From the 2nd year through the 5th year, annual leave will be accrued at the rate of 10 days per year. From the 6th year through the 10th year, annual leave will be accrued at the rate of 15 days per year. From the 11th through the 15th year, annual leave will be accrued at the rate of 20 days per year. From the 16th through the 20th year, annual leave will be accrued at the rate of 25 days per year. After the completion of the 20th year of service the annual leave will accrue at the rate of 30 days per year.

In accordance with the Personnel Policies and Procedures, all eligible full-time employees hired after the adoption of this policy and upon satisfactory completion of his/her initial evaluation period shall accrue annual leave at the rate of 5 days per year in the 1st year. From the 2nd year through the 5th year, annual leave will be accrued at the rate of 10 days per year. From the 6th year through the 15th year, annual leave will be accrued at the rate of 15 days per year. From the 16th through the 24th year, annual leave will be accrued at the rate of 20 days per year. From the 25 year forward, annual leave will be accrued at the rate of 25 days per year.

Part-time employees will accrue annual leave for the same yearly brackets but at one half the number of days or 5 days, 7.5 days, 10 days and 12.5 days.

For a fraction of a month's employment wherein an employee is appointed or separated, he shall be credited as follows: One day if employee works more than ten days. No leave shall be granted for less than ten days service in a month. Leave may be accumulated and carried over at the end of the fiscal year for a total of no more

than 5 days which must be used by July 1 of the following year. Any accumulation shall accrue from the date of employment, but annual leave may not be taken until after successful completion of the probationary period except with specific approval of the Executive Director.

3. Time for Using Annual Leave

Annual leave assignments will be made in accordance with the preference of the employees where possible; however, leave must be taken at the convenience of the department, and the Executive Director's decision as to when leave may or may not be taken will be final. All employees are required to take one period of five consecutive days of annual leave annually. Otherwise vacation days may be taken in one-day increments as long as it does not interfere with the employee's work schedule.

Employees may carryover 5 days of unused accrued annual leave each year. Carryover days must be used by July 1st of each year.

4. Procedure for Applying for Annual Leave

A request for annual leave shall be submitted to the Executive Director, no less than the seven (7) days prior to the taking of leave. Leave may be taken only after being approved by the Executive Director or his/her designee, but every employee shall be afforded the opportunity of taking a annual leave during the year, if properly requested.

5. Pay in Lieu of Annual Leave

Employees separated in good standing shall be paid for unused Annual Leave at the employee's current rate of pay.

6. Board Approved Exception

The Board reserves the right to make exceptions in granting of benefits (annual, personal days, insurance, etc.).

H. Sick Leave

1. Sick Leave Defined

Sick leave is paid leave that may be granted to each eligible employee who through sickness or injury become incapacitated to a degree that makes it impossible for him/her to perform the duties of his/her position, who is quarantined by a physician because he/she has been exposed to a contagious disease, for medical, dental, optical examination or treatment of an illness or

injury in the immediate family requiring the employee to remain at home.

2. Persons Entitled

All regular employees, working full-time or part-time, are eligible to accrue sick leave as outlined in (3) below.

3. Accrual of Sick Leave

Full-time eligible employees shall accrue sick leave at the rate of one working day per month (8 hours per month). If unused, sick leave may be carried over each year and added to previously accumulated sick leave. Sick leave may be accumulated up to 180 days. Regular employees working less than full-time shall have their sick leave reduced by half (4 hours per month) and may be accumulated up to 90 days. Sick leave shall accrue from the date of employment, but no employee shall be entitled to sick leave until he/she shall have completed thirty days of service except with the specific approval of the Executive Director. During the ninety-day probationary period, new employees may be allowed to carry a negative balance of sick leave up to a maximum of three days. However, this negative balance must be off-set at the end of the probationary period.

4. Reporting Sick Leave

An employee who is absent from work because of illness is responsible for reporting to the appropriate Supervisor by the time he is scheduled to report to work of his/her inability to report to work and will be expected to keep his/her Supervisor informed of his/her progress on a regular basis; such leave will be charged against sick leave. In the event of failure of compliance with this provision, the employee will be charged on the payroll with leave without pay.

5. Use of Sick Leave

Sick leave is not to be considered a right, which an employee may use at his/her discretion, but a privilege not to be abused. Supervisors who feel an employee is abusing sick leave privileges may require the employee to furnish a doctor's certificate for each period of absence regardless of the provisions of (6) below. Violation of this policy by an employee shall constitute reason for termination of employment.

6. Doctor's Certificate

Sick leave with pay in excess of three consecutive working days for reasons of personal illness or physical incapacity shall be granted only after presentation of a written statement of a licensed physician, or dentist, certifying that the employee's condition prevented him from performing the duties of his/her position. A Doctor's certification is also required when an employee is out on a Monday or a Friday, or the day preceeding or following a holiday.

7. Sick Leave on Termination of Employment

An employee, upon separation from the Housing Commission service, shall receive payment for sick leave accumulated during his/her tenure at the rate of two sick days equal to one day of paid at the employee's current rate of pay up to a maximum of \$5,000.

8. Return of Commission Property

Any extended leave that exceeds three weeks in duration will require the employee to return any and all Commission property to the Commission, not limited to, all tools, equipment, and vehicles.

I. BEREAVEMENT LEAVE

Any regular employee in the service of the Commission shall be entitled to bereavement leave without financial loss for a period of three (3) days in the event of a death in an employee's immediate family. Immediate family shall be identified as: spouse, mother, father, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, brother, brother-in-law, sister, sister-in-law, half-brother, half-sister, grandchild, grandparent, or grandparent of spouse. On an individual basis, the Executive Director may, at his/her discretion, authorize emergency leave because of the death of non-relatives such as foster mother who may be closely attached to the employee, or grant an extension of the maximum three day time limit because of extenuating circumstances.

J. MILITARY LEAVE

1. Annual Training

Any regular employee in the service of the Commission shall be entitled to military leave of absence without financial loss for active duty in the National Guard or a Military Reserve Force of the United States for the purpose of attending annual field

training. Military training leave shall not exceed eighteen working days in any one calendar year. During such military leave, the employee shall be paid a sum equal to the difference between the military pay received for such period of active duty and his/her normal Commission salary. If an employee's military pay is equal to or greater than his/her Commission pay, the employee shall receive no payment from the Commission for his/her military training leave. Drill periods and/or reserve training periods on "week-ends" or other scheduled "days off" are not covered by this type of leave.

2. Active Duty

An employee who leaves his/her position to enter military service in time of war or any period of national emergency as declared by the President in connection with the National Defense or by reason of being drafted, shall be carried on the rolls in a military status. Upon honorable discharge from military service, he/she shall be entitled to be restored to the same position or a position equally acceptable for which he/she is qualified, provided he/she applies for re-employment within ninety (90) days after discharge or before the expiration of any statutory right to re-employment, if later.

K. CIVIL LEAVE

Any employee shall be given necessary time off without loss of pay when performing jury duty or when required by proper authority to be a witness in legal proceedings, provided such call to duty is reported in advance to the individual's supervisor. In order to receive full pay for necessary time off duty, the employee shall report to work at all times when not required to be in attendance by the Court, (unless such Court is located outside of Manistee County). In addition, all jury reimbursement shall be considered for travel expense and retained by the employee.

At the discretion of the Executive Director, an employee may also be granted Civil leave with pay when performing emergency duty with the Civil Defense in connection with a national emergency or disaster, or for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled working hours.

L. EDUCATIONAL LEAVE

Individual consideration is given to employees' request for educational leave. Employees may be granted time off from work for the purpose of advancing professional skills for the qualifications related to performance of current or anticipated duties, and to the mutual benefit

of employee and agency, subject to approval by the Executive Director. Job related criteria for authorizing such leave is to include:

1. Current and projected program staffing levels
2. Program's service or administrative needs
3. Program's goals and objectives
4. Employee career development
5. Consistency of policy application and equal treatment within program and across programs

M. FAMILY AND MEDICAL LEAVE

Employees who have worked at least 1,250 hours in the twelve (12) months prior to a family or medical leave request shall be granted up to twelve (12) weeks of unpaid leave during any twelve (12) month period for a child's birth, adoption or foster care arrival. Leaves may also be taken to care for a spouse, partner or child with a serious health condition, which prevents the employee from performing the functions of his or her position. A serious health condition is any illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider.

Employees on approved family or medical leave are allowed; 1) to continue group health and disability insurance during the leave on the same conditions as would have been provided if the employee had been continuously employed; and 2) to return to their prior job or an equivalent one in terms of salary, accrued benefits and other job conditions.

Employees must attempt to schedule family and medical leave so as not to disrupt Commission operations. If leave is for the birth or placement of a child or for planned medical treatment, the employee must give notice at least 30 days in advance, or as soon as practical.

If leave is requested for a serious health condition, the employee must provide a certification from a health care provider stating the medical facts regarding the condition, including its date of onset and probable duration.

If leave is requested for family members, a certification shall be required to state that the employee is unable to perform the functions of the job, that his/her leave will assist in a family member's recovery, or that there is medical need for a reduced schedule.

Employees shall be required to substitute accrued vacation leave for any part of the 12-week period to which he is entitled under the family and medical leave provisions.

Employees returning from medical leave shall provide a certification from a health care provider that they are able to resume work.

An employee who fails to return from family or medical leave shall repay the premiums, which the Commission paid for him to keep group insurance in effect during the leave.

For a more detailed description of this policy, refer to Section XIII.

N. PERSONAL LEAVE

Each employee who has two (2) or more years of service shall be granted three (3) days off per year for personal business not to be deducted from sick leave. Employees with less than two (2) years of service shall be granted two (2) days off per year for personal business not to be deducted from sick leave.

O. LEAVE WITHOUT PAY

1. Leave Without Pay Defined

When it is deemed in the best interest of the Housing Commission, a full-time status career employee may be granted leave without pay for personal or other reasons, provided such leave is approved by the Executive Director. Non-career employees are not eligible for grants of leave without pay.

2. Reasons For Granting

The Executive Director may grant leave without pay for a period not to exceed one year when it is deemed to be in the best interest of the Housing Commission. Valid reasons shall include, but not be confined to, the following: prolonged illness or disability of the employee or a member of the employee's household, educational or training enrichment, pregnancy and childbirth, and military service.

3. Procedure for Requesting Leave Without Pay

Application for leave without pay shall be submitted in writing in advance showing the employee's reason for requesting such leave and shall contain a statement that he intends to return to the Housing Commission service upon expiration of the leave, and that he agrees to the terms and conditions as outlined in these rules and regulations. In emergency situations, when an employee does not have accrued leave and is unable to return to

work as scheduled as a result of illness or emergency reasons, his/her Supervisor may recommend approval of the granting of leave without pay without prior application by the employee, or the Executive Director may investigate and make such recommendations in the absence of the Supervisor.

4. Temporary Filling of Position of Employee on Leave Without Pay

During the employee's approved leave of absence, his/her position may be filled by temporary appointment or substitution. At the expiration of leave without pay, the employee (subject to (5) below) shall be reinstated in his/her former position without loss of status or benefits.

5. Rights of Employee on Leave Without Pay

a. Reinstatement to Former Position

Employee granted leave without pay not exceeding two calendar months shall be entitled to reinstatement in their former positions. For employees granted leave without pay exceeding two calendar months, every effort will be made to return the employee to his/her former position or to a comparable one. He shall be listed on re-employment lists in the same manner as employees who are laid off in good standing. Reinstatement for military leave during times of war or national emergency shall be in conformance with Section J2 of this chapter.

b. Continuity of Service

Employees granted leave without pay shall be considered to have effected a break in service except as outlined below:

- 1) In the case of a probational status employee (either from initial or promotional appointment) the effective date of the probationary period shall be adjusted month for month for each month he is on leave without pay.
- 2) For purposes of Retirement benefits for eligible employees, breaks in service shall be as defined in the Retirement plan.
- 3) Continuation of Insurance benefits for eligible employees during the time the employee is on leave without pay shall be in accordance with the provisions of employee group insurance contracts, and providing that such employees reimburse the Housing Commission the cost of premiums on such insurance during the leave period. Employee is required to pay the insurance premium monthly; failure to do so will cause loss of the benefit.
- 4) Employees granted leave without pay under this policy shall not accrue sick and annual leave or seniority credits while in leave status. However, any sick leave accrued at the time leave is granted shall be continued upon return to duty. Any employee

who fails to return to duty and is terminated shall forfeit any sick leave that had been accumulated.

P. WORKER'S COMPENSATION LEAVE

Worker's Compensation Insurance is provided by the Commission in accordance with statute. Regulations regarding coverage are posted as required by law.

Q. RETIREMENT PROGRAMS

All employees of the Housing Commission shall be eligible to participate in the Retirement Plan as may be adopted and made a part hereof. Part-time employees are not eligible.

It is mandatory that all new employees join the Retirement Plan. All employees are covered immediately by Social Security Insurance.

The employee will pay into the Retirement Plan a percentage of their annual salary. The Commission will make contributions based on the MERS actuarial study.

Employees become fully vested in the retirement program after ten (10). At that time, an employee is guaranteed to receive payments in accordance with the MERS plan upon retirement.

R. TRAVEL

The Commission will provide reasonable accommodations to disabled employees who must travel in the context of their employment with their Commission. The entire text of MHC's Travel Policy is contained in Section XIV. The travel provisions cover the attendance of MHC personnel at conferences, meetings, workshops, seminars, or training as well as other official travel for the Commission

S. MEDICAL INSURANCE

The Commission pays medical insurance for all full-time employees. At the employee's option and MHC expense, families may be included in the group plan, with the premium for this additional coverage being paid by the MHC.

The medical insurance benefits outlined above shall apply only to employees hired after adoption of this personnel policy or current employees who wish to change their insurance status.

As part of the medical insurance coverage, life insurance and disability insurance is provided to the employee with the authority paying for the coverage. Additional life insurance and disability insurance is available at the employee's expense.

T. SMOKE-FREE WORKPLACE

Since smoking is widely recognized as a major preventable cause of many diseases and the Commission is committed to the promotion of a healthy environment, it is MHC's policy to prohibit the use of tobacco.

Smoking is prohibited by all employees and all other persons in any of the Housing Commission offices, maintenance facilities and other Commission facilities, vehicles or equipment, except for designated areas.

Secondly, that smoking by employees, visitors and other persons shall not take place within ten (10) feet of any entrance or exit to any of the buildings or facilities owned by the Commission.

Any employee who violates the Smoke-Free workplace will be disciplined in accordance with Section VII.

U. MEMBERSHIP IN ORGANIZATIONS

Commission membership dues and/or fees are authorized as an allowable reimbursable expense if the organization furnishes technical or professional information, training, workshops or other services beneficial to the Commission's activities. The cost of any Commission membership fee should be authorized, per the procurement policy, by the Board of Commissioners.

Membership dues and/or fees of any individual Commission Staff or Board member in any organization whose activities involve the promotion of legislation shall not be paid or reimbursed by the Commission.

V. OUTSIDE EMPLOYMENT

No employee may engage in additional employment outside the official hours at duty unless approved by the Executive Director. The Executive Director shall prepare a set of criteria for approval or disapproval of outside employment, which cause or can cause conflict of interest, or whether such outside employment is compatible with the employees position. That criteria shall include:

1. Work load demands associated with position held in the Commission.
2. Conflict-of-interest potential.
3. Scheduling and staffing requirements.

W. DRESS REQUIREMENTS

All employees are required to have a neat appearance that reflects well upon the Housing Commission. The Housing Commission may require uniforms of its non-union employees as it deems necessary. When the Housing Commission deems it necessary for employees to wear uniforms it shall obtain the uniforms for the employee.

X. SOLICITATION AND DISTRIBUTION OF LITERATURE

To avoid disruption of operations or disturbance of residents, the following rules apply to solicitation and distribution of literature, on the Commission's premises:

Employees

Solicitation, for any purpose, is prohibited during working time. Thus, solicitation must be confined to periods when both employees are on non-working time. Further, an employee may not distribute materials any time for any purpose in working areas. And, employees may not distribute materials anywhere during working time. Thus, distribution must be confined to periods when both employees are on non-working time, and in non-working areas.

Non-working time refers to the period(s) during the employee's workday when the employee is properly not engaged in the performance of work, including meal and break periods, immediately before or after the employee's work hours, or other times when no work is expected to be performed.

Non-Employees

Persons not employed by the Commission may not solicit, or distribute literature, on the Commission's property, at any time, for any purpose.

Y. CONFLICT OF INTEREST & CONFIDENTIALITY

Commission employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

No member, officer or employee of the Commission shall cause the Commission to enter into any contract, subcontract or arrangement in which any member, officer or employee of the Commission, or any member of local government, or any other public official of the locality in which the Commission is located who exercises any responsibilities or function with respect to the Commission or any related project or property during his or her tenure or for one year thereafter, has any interest, direct or indirect.

Further, business dealings with outside firms should not result in personal gains for Commission employees or their immediate families or close relations. Such gains include, but are not limited to, bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed ultimately to benefit the employee or someone with whom the employee has a relationship, and not to benefit the Commission. Promotional plans that could be interpreted to involve unusual personal gains require specific approval of the Executive Director.

An actual or potential conflict of interest also occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative of the employee, as a result of the Commission's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

It is imperative that employees disclose to the Executive Director, as soon as possible, the existence of any actual or potential conflict of interest involving purchases, contracts, leases or other arrangements so that safeguards can be established to protect all parties, since it may be necessary for the Commission to take prompt action to avoid the appearance of impropriety.

The Commission maintains certain information which it considers to be confidential, including but not limited to the following: the financial affairs of the Commission; budgetary information; Commission employee information; tenant information; and any and all other confidential information provided by the Commission to the employee

and which is maintained as confidential and/or marked as “confidential.”

The materials, products, designs, plans, ideas, data and all other proprietary and confidential information belonging to the Commission are the property of the Commission and should never be given to an outside firm or individual without appropriate authorization from the Executive Director. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, including termination, and possible legal action.

Unless required in the course of their business responsibilities, no employee is authorized to make copies, excerpts or compilations of any of the confidential information or to take that information from the Commission’s premises without the permission of the Executive Director.

MANISTEE HOUSING COMMISSION

PERSONNEL POLICIES AND PROCEDURES

VIII. AFFIRMATIVE ACTION PROGRAM

A. STATEMENT OF POLICY

It is the policy of The MHC to take affirmative action toward complete and meaningful compliance with all legislation and regulations regarding nondiscrimination and equal employment opportunity. There shall be no discrimination whatsoever in the personnel administration practices and policies for the Commission. Decisions concerning recruiting, employment, promotion, remuneration and all other personnel administration matters of the Commission shall be based solely on merit and fitness of the individual. Said matters shall be conducted without regard to race, color, age, sex, national origin, religious belief, political affiliation, familial status, handicap or any other non-merit factor. Exception to this policy may be made where position duties inherently dictate the sex or physical fitness of the prospective employee. In such case, full documentation of the justification shall be on file in the Office for review, if necessitated.

B. SCOPE OF THE PROGRAM

This program applies to the Manistee Housing Commission. The MHC is organized pursuant to a certificate of incorporation and receives policy guidance from the governing Board of Commissioners and operational budget approval from the Department of Housing and Urban Development. The Executive Director is the chief operating officer of the Commission and is responsible for the management and administration of the Commission. Overall responsibility for this program is the responsibility of the Executive Director. The contents of this program are in accordance with and governed by the policies and regulations as approved by the Board of Commissioners of the Commission.

C. ORGANIZATION FOR ADMINISTRATION OF THE PLAN

Due to the scope of the operations of the Commission and the number of positions required for the conduct of operations, the Commission does not presently have or anticipate in the near future the need for a full-time Personnel Officer. The duties and responsibilities of this position are performed by the Executive Director. The Executive Director is responsible for coordinating, monitoring and auditing the establishment, revision and the implementation of Commission policies, procedures

and programs regarding nondiscrimination, equal opportunity and affirmative action.

In accordance with the Equal Employment Opportunity, Affirmative Action guidelines, Presidential Executive Order 11246 and other applicable Federal and State regulations to assure timely dissemination and implementation of policies contained herein, the Executive Director is responsible for the actions that follow:

1. The equal opportunity policy of the Commission, which is part of this program, shall be communicated to each employee of the Commission and be updated and reaffirmed in a like manner at least once annually.
2. At the beginning of each calendar year the Executive Director will determine annually minority employment goals and discuss means for attainment with the Housing Commission, as appropriate.
3. At the beginning of each year, an analysis of the Commission's work force shall be conducted for purposes of equal employment opportunity composition. In addition, the analysis shall include measures to determine whether percentages of sex, gender, race or ethnic groups of the work force are similar to the demographic percentages of those groups available in the job market who possess the basic job related qualifications.
4. The Commission shall assure equal employment opportunity is appropriate in every stage of the employment process and will continually monitor the established personnel policies and practices for disparities.
5. Copies of the Commission's Affirmative Action Program will be located in the office of the Executive Director, which is in the Commission's Office.
6. Affirmative Action Program/Equal Employment Opportunity Policy and Procedures statement shall be placed and maintained in conspicuous locations within the Commission's Office.
7. Commission staff meetings shall be conducted periodically in order to discuss program implementation progress and any questions that might arise within the Commission.
8. The equal opportunity policy shall be communicated to any individual seeking employment and any other party or organization contacted for recruiting purposes.

PERSONNEL PRACTICE AND POLICIES

D. RECRUITMENT

It is the practice of the Commission to draw prospective employees for classified positions from the eligible applicants of current employees and other job applicants as set forth in Section VI, Recruitment, Employment and Training of the Commission's Personnel Policies and Procedures.

This practice will continue, including the stated affirmative action policy, and applied through said procedure until changed by the Board of Commissioners.

E. CLASSIFICATION

The Commission's staff consists of two (2) Classification Groups; the Administrative Class and the Maintenance Class. The Administrative Class is responsible for the management and operation of the Commission and the following positions thereunder are considered exempt under the Fair Labor Standards Act for purposes of overtime compensation.

Executive Director
Housing Coordinator
Resident Services Coordinator
Administrative Assistant

F. EMPLOYMENT

All job applicants shall be given the opportunity to complete an employment application.

Criteria for applicant selection will be based solely upon the applicant's qualifications on a nondiscriminatory basis with priority of employment to Commission residents, if otherwise qualified. Each applicant demonstrating interest in the vacant position, but rejected by the Commission shall have a notation attached in their application citing the reason(s) for negative action.

Prior to final employment interview, an investigation, if warranted, concerning the otherwise qualified applicants' previous job performance, character, moral integrity and other factors considered will be conducted to assure as near as possible the job prospects' potential to develop into a satisfactory and efficient employee.

PROMOTIONS

The Commission has the policy of making promotions of eligible, qualified personnel within the Commission whenever there are vacancies on an equal and unbiased basis. This policy will be continued as well as assurance of full cooperation with the provisions of Federal and State regulations. The designated representative responsible for Personnel Administration will undertake and accomplish the following tasks in this regard:

1. Review and transmit personnel policy rules of the Commission to all employees including subsequent amendments and revisions thereto.
2. A skills inventory will be made on each employee to assess the availability of under-utilized skills and abilities in order to maximize the utilization of abilities of staff personnel.
3. Employees shall be apprised of promotional opportunities and training available in conjunction with the development of individual career plans for each employee.

G. TRAINING

The Commission's training programs are offered to personnel on a nondiscriminatory basis and include "on-the-job" training and the scheduling of other training as required in order to increase work efficiency and job skills. Through this effort, the Commission's objectives are to upgrade its own efficiency as well as assisting each employee in the development of new abilities.

The Commission shall participate with programs for training that are to be undertaken by the Department of Housing and Urban Development and supportive agencies thereof.

H. GRIEVANCES AND APPEALS

It is the policy of the Commission to resolve any grievances internally. This policy is to be reemphasized to all personnel, and any staff member, who has a complaint or grievance, is urged to discuss the problem with his/her immediate supervisor, and then the Executive Director, in order to gain a satisfactory solution to the matter. If the matter is not resolved, the employee maintains the right to take additional actions under the rules and policies as set forth in Section XII of Commission's Personnel Policies and Procedures. In any event, no employee is discriminated against in any manner that exercises his/her grievance right.

I. WORKING ENVIRONMENT AND FRINGE BENEFITS

It is the policy of the Commission to maintain working conditions and fringe benefits for its employees on a nondiscriminatory basis consistent with the Commission’s fiscal responsibilities and limitations as set forth in other Sections of the Personnel Policies and Procedures.

J. REVISION OF PLAN

This program shall be reviewed at least annually by the Executive Director for compliance with HUD policies and other Federal and State regulations and effectiveness. The Executive Director will also review the personnel practices and policies to assure effectiveness within the framework of current conditions. If such review indicates, this program may be expanded and revised as necessary.

K. EMPLOYEE ACKNOWLEDGMENT

I acknowledge the receipt of the Commission’s Personnel Policy Manual which describes many of my employee benefits and obligations. I agree to read it and study its contents and abide by the Commission’s written and unwritten policies, procedures, rules and regulations.

Since the information, policies, and benefits described here are necessarily subject to change, I understand that revised information will supersede, modify, or eliminate existing policies. Only the Board of Trustees, and the Executive Director of the Commission have the ability to adopt any revisions to the policies in this handbook.

THIS HANDBOOK IS ONLY A GUIDE; IT IS NOT A CONTRACT. NEITHER THE PROVISIONS OF THIS HANDBOOK NOR ANY OTHER HUMAN RESOURCE POLICIES OF THE AUTHORITY ESTABLISHES A CONTRACT OF EMPLOYMENT BETWEEN ME AND THE AUTHORITY. MY EMPLOYMENT IS “AT WILL.” NEITHER THE AUTHORITY NOR ANY OF ITS EMPLOYEES ARE COMMITTED TO ANY EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT CAN BE TERMINATED WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE, AT ANY TIME AT THE OPTION OF THE EMPLOYEE OR THE AUTHORITY. NO ONE AT THE AUTHORITY NOVEMBER CHANGE THIS UNDERSTANDING.

Employee Signature

Date

(This signed acknowledgment will be detached and included in the employee’s personnel file.)

IX. SEXUAL HARASSMENT PROHIBITED

A. GENERAL POLICY

The Commission is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, as well as state discrimination laws. The Commission will not tolerate such misconduct. This policy applies to protect all employees, applicants, guests and other persons visiting our premises. Sexual harassment is prohibited, whether directed toward men or women. Reprisals against individuals filing complaints under this policy will not be tolerated. Employees who violate this policy will be subject to discipline, including possible discharge. Other persons who violate this policy will be subject to expulsion from the Commission's premises. Any supervisor or manager who receives a complaint and does not act upon it under the procedures of this policy will also be subject to discipline, including possible discharge.

B. DEFINITIONS

Sexual harassment is unwelcome sexual advances, requests for sexual favors or verbal conduct or physical contact of a sexual nature when:

submission to such conduct is either implied or stated to be a term or condition of employment or a factor in evaluating the individual's job performance, eligibility for promotion, eligibility for an increase in compensation or any other component of employment; or

Such conduct interferes either directly or indirectly with an individual's work performance by creating a hostile, offensive or intimidating environment.

Sexual harassment includes but is not limited to:

Unwelcome Social Advances

Such as repeated uninvited requests for social dates, dinners or any other non-business-related activity where the invitee has indicated that she/he is not willing to accept such invitations.

Verbal Harassment

Such as sexual innuendo, demands or requests for sexual favors, comments or jokes of a sexually vulgar nature, including threats or slurs, remarks about an individual's physical anatomy, derogatory comments about gender or sexually explicit telephone calls.

Physical Harassment

Such as sexual advances, touching (or the threat to touch) in a sexual manner, physical interference with normal work or movement, or otherwise invading the personal privacy of employees inside or outside the workplace.

Distribution Or Display Of Written Or Graphic Sexual Material

Such as sexually oriented magazines or posters, nude pictures or sexually explicit writings of any kind.

Occasional compliments of a socially acceptable manner or statements or acts that are acceptable to all elements of society are not sexual harassment.

C. PROCEDURE

Any individual who feels sexually harassed by and employee of the Manistee Hosuing Commission or other person should take the following course of action:

1. Tell the offending individual(s) to stop the harassment. State your objection to the action and the specific behavior to which you object. If this discussion does not resolve the problem or if you fear reprisals will result from such discussion, or if you feel uncomfortable confronting the harassing individual, proceed to step 2.
2. Inform the Executive Director of the situation. If the harasser is the Executive Director the employee is to inform the President of the MHC Commission of the situation.
3. All complaints received by anyone in management will be directed to the Executive Director for investigation unless the complaining employee specifically requests otherwise. During the course of the investigation, the complaining employee's identity, as far as possible, will be withheld from all involved parties. The Commission will attempt to do the utmost to protect the privacy of the complaining employee and to protect the integrity of any individual who may have been wrongfully accused of sexual harassment.

4. The investigation will be thorough and will usually be completed within 10 days. The Executive Director shall present findings and recommend a penalty, if appropriate, to the harassing employee's immediate supervisor. As soon as possible thereafter, the Executive Director and the harasser's immediate supervisor will tell the harassing employee what, if any, discipline will result.
5. Only the complaining employee and the accused harasser will be told of the final disposition of the complaint.
6. If the accused harasser is not an employee of the Commission, upon completion of an investigation which indicates that harassment did occur, the Commission will take appropriate remedial action. Possible remedial steps range from letters of objection to the accused harasser to refusal to allow the alleged harasser on Commission premises.

D. FINAL NOTE

The Commission recognizes that in some instances the question of whether a particular action or incident is sexual harassment or a purely personal, social relationship without discriminatory effect requires a factual determination based on all of the circumstances. Given the nature of this type of discrimination, the Commission also recognizes that false allegations of sexual harassment can have serious effects on the lives and careers of innocent men and women. While the Commission will not tolerate sexual harassment and will discipline any employee engaged in such conduct, the Commission asks that all employees continue to act responsibly to establish a pleasant working environment free of discrimination. You are encouraged to raise any questions you may have regarding the Commission's sexual harassment policy to the Executive Director. You are also encouraged to report circumstances which may constitute sexual harassment to the Deputy Director or to the Executive Director, even though the circumstances involve the possible harassment of another employee.

NOTICE TO ALL EMPLOYEES

X. SUBSTANCE ABUSE POLICY

NOTICE TO ALL EMPLOYEES

Possession, consumption, or distribution of illicit drugs or alcohol, and substance abuse by employees in the workplace or in an Commission vehicle is unacceptable since it can be adversely affect health, safety, security, productivity and public confidence and trust. Further, a certified drug-free workplace is required by the Commission as a condition for administration of Federal programs.

A. CANDIDATES FOR EMPLOYMENT

After an offer of employment has been extended, such offer may be contingent upon a drug and alcohol screening. Such screening may be a required part of the employment examination in assessing health and/or fitness for work. A confirmation of substance abuse in the test results without an acceptable explanation for a positive finding shall be reason not to employ. A second confirming test will be required at the selected candidates expense. If a second test is also positive, then the job offer will be revoked and assistance referral may be provided. If the person enters and successfully completes a drug or alcohol treatment program and subsequent tests prove that the person is no longer engaged in drug, substance, or alcohol abuse, the Commission may reconsider the person as an applicant for future employment.

B. CONFIDENTIALITY

All information obtained in the course of examination, rehabilitation and treatment of selected applicants and employees shall be protected as confidential medical information. None of the data shall be made a part of the employee's personnel file or shall be provided to any other party without direct written consent of the employee except as required by law or by the Commission in adjudication of the employee's rights.

C. EMPLOYEES

The illegal use, possession, or sale of drugs or drug paraphernalia is prohibited on Commission property or in the Commission vehicles or before coming on the Commission property or using Commission vehicles or equipment.

The sale or use of alcoholic beverages or possession of alcoholic beverage containers on Commission property is prohibited. Also prohibited is the use of alcoholic beverages before coming on to Commission property or using Commission vehicles or equipment.

Employees must notify the Commission within five (5) days of any criminal drug statute conviction. Within thirty (30) days after receiving notice of the conviction, the Commission will take appropriate disciplinary action up to, and including, termination or requiring the employee to satisfactorily participate in a substance abuse rehabilitation program.

Any employee suspecting substance abuse in the workplace must notify the Executive Director immediately. The Commission will make every effort to protect anonymity.

The Commission has the right of access to all of its property. Lockers, cupboards, desks, drawers, motor vehicles, etc. are provided solely for the convenience of the employees and may be searched at any time by the Executive Director or such person as may be designated by the Executive Director.

D. CAUSE OF TESTING

Any employee who appears to be unfit for duty due to the suspected influence of drugs or alcohol shall be required to submit to a urinalysis or blood test.

Any employee involved, or contributing to an accident, whether or not it involves actual or potential injury, shall be required to submit to drug or alcohol testing.

Excessive or unusual absenteeism shall be cause for drug and/or alcohol testing.

The sale or possession of illegal drugs or controlled substances, including, but not limited to, marijuana, cocaine, PCP, heroin, LSD, amphetamines and barbiturates, while on Commission property is strictly forbidden and is a dischargeable offense. Any illegal substance found on Commission property will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

Employees undergoing prescribed medical treatment with controlled substance should report this fact to the Executive Director. It is important for the Commission to know this treatment is occurring, and a determination will be made if the employee's job assignment is affected. With this proper notification, the Commission can strive to make appropriate accommodation.

Should an employee refuse a blood or urinalysis test, it will be treated as insubordinate and failure to obey a direct order. This will constitute an admission that the employee is impaired and will be grounds for termination.

A confirmed drug, alcohol, or substance abuse, via presence in test results without an acceptable explanation for a positive finding, shall be reason to place

The affected employee on suspension for five (5) days, without pay to either work out a solution or be referred for rehabilitation in an employee assistance program. Absence from work during rehabilitation is covered under Unpaid Leave of Absence for Medical Leave of the Personnel Policy.

Employees are encouraged to seek help for problems with drug and/or alcohol before it is recognized on the job. Disciplinary action for drug and/or alcohol problems, if any, shall be considered separate from provisions of this drug policy, except where specific disciplinary action is mentioned in this policy.

I have read the above requirements and understand that I must abide by them as a condition of my employment, which is a requirement of Federal law. I understand that termination of my employment will occur for violation of this drug policy.

Signed: _____ Date: _____

XI. FAMILY AND MEDICAL LEAVE ACT

An employee who (i) has been employed by the Commission for at least twelve (12) months and (ii) has worked at least 1,250 hours within the preceding 12-month period, shall be entitled to take up to twelve (12) work weeks of unpaid leave within a twelve-month period in accordance with the provisions of the federal Family and Medical Leave Act of 1993, as amended, for one or more of the following situations:

The birth of a child of the employee and in order to care for that child.

The placement of a child with the employee for adoption or foster care.

The care of a spouse, or child or parent of the employee, if the spouse, child, or parent has a serious health condition.

A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves (i) inpatient care in a hospital, hospice, or residential medical care facility; or (ii) continuing treatment by a health care provider.

A serious health condition that prevents the employee from performing his/her job.

In the case of birth or adoption/foster care, this entitlement expires at the end of the twelve-month period beginning on the date of such birth or adoption/foster care.

An intermittent or reduced leave schedule is generally not available, but may be granted by the Executive Director (i) by agreement with the employee, or (ii) for an eligible employee when it is medically necessary for planned medical treatment for the employee who has a serious health condition or for such care for a child, spouse or parent of the employee who has a serious health condition.

A. EMPLOYEE’S DUTY TO GIVE NOTICE TO THE COMMISSION

An employee requesting a leave under this Policy must comply with the following notice requirements:

1. Where the necessity for the leave for the birth of a child or placement for adoption/foster of a child is foreseeable based upon an expected birth or placement, the employee shall give the Commission not less than thirty (30) days’ notice, before the date the leave is to begin, of the employee’s intention to take leave under this policy; provided, that if the birth or placement requires leave to begin in less than thirty (30) days, the employee is required to give as much advance notice in advance as is practicable under the circumstances.

2. In any case in which the necessity for the leave request is for based upon a serious health condition of the employee or a spouse or parent or child of the employee, and the necessity for the leave is foreseeable, it is the employee's duty to (i) make a reasonable effort to schedule the treatment so as not to disrupt unduly the Commission's operations (subject to the approval of the health care provider), and (ii) give the Commission not less than thirty (30) days' notice, before the date the leave is to begin, of the employee's intention to take leave under this policy, unless the treatment requires the leave to begin in less than thirty (30) days, in which case the employee must give notice as soon as practicable under the circumstances.

B. REASSIGNMENT IN CERTAIN CIRCUMSTANCES

If an employee's family and medical leave request is based upon an intermittent leave or reduced schedule leave of absence, and if the leave is foreseeable based on planned medical treatment, the Commission may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that (i) has equivalent pay and benefits, and (ii) better accommodates recurring periods of leave than the position regularly occupied by the employee.

C. WRITTEN CERTIFICATION REQUIRED

In the event of a serious health problem, the Commission will require a written certification issued by the Health Care Provider for the employee or person who is claimed to have a serious health problem. The certification must state:

1. The date on which the serious health condition began;
2. The probable duration of the condition;
3. Appropriate medical facts within the knowledge of the Health Care Provider regarding the condition;
4. When care is for a family member, a description of the need for the employee to assist in that care and the probable duration of that need; and
5. In addition, when an employee requests a medical leave because of his/her own condition, the certification must also include a statement that the employee is unable to perform the function of the position.

Note: When the employee is requesting an intermittent or reduced leave schedule because of the employee's serious health condition or because of the serious health condition of a spouse, child or parent, the employee's medical certification must contain, additionally, a statement that the intermittent leave or leave on a reduced leave schedule is necessary, and the expected duration of the intermittent leave or reduced leave schedule.

If the Commission has reason to question the validity of an employee's certification, the Commission may require the employee, at the Commission's expense, to obtain the opinion of a second health care provider designated or approved by the Commission, concerning any information certified by the employee's health care provider. The health care provider selected by the Commission will not be regularly employed by the Commission.

If a conflict of opinion exists between a first and second certification, a third health care provider, selected by agreement of the Commission and employee, will issue the binding opinion.

The Commission may also require subsequent certification at reasonable intervals during the leave, on a reasonable basis.

At the conclusion of the family and medical leave, as a condition for restoration of the employee's position, the Commission will require the employee who has been granted a leave for the employee's own serious health condition to provide a certification from the employee's health care provider that the employee is able to resume work. In the event that the Commission and the employee are governed by a collective bargaining agreement, nothing herein supersedes the requirements for return to work imposed by that agreement.

D. USE OF PAID LEAVE; BENEFITS DURING LEAVE PERIOD; REINSTATEMENT

If the employee has accrued paid vacation leave or sick leave, the Commission will require an employee to use that paid leave as part of the 12-week period of the employee's approved family and medical leave, regardless of the reason for the leave. This will apply, as well, in cases where the Commission approves an intermittent or reduced leave schedule.

An employee who is granted a family and medical leave pursuant to this policy shall not lose any employment benefit (such as Commission-provided group life insurance, health insurance, disability insurance, sick leave, educational benefits, or pension) that accrued prior to the date on which the family and medical leave began.

At the end of the leave period, the Commission will reinstate the employee to the same or an equivalent position to the one held by the employee at the commencement of the leave, with equivalent benefits, pay, and other terms and conditions of employment. However, the employee shall not be entitled to (i) the accrual of any seniority or employment benefits during any period of leave, or (ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

E. THE FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Policy give employees the right to take job-protected leave, without pay, with health care benefits for up to twelve (12) weeks per year under the following circumstances:

1. The birth or adoption of a child.
2. The employee's need to care for a spouse, child, or parent due to a serious health condition.
3. An employee's own sickness or health problem.

F. BIRTH OR ADOPTION

1. Leave may be taken prior to, during, and/or after the actual birth or adoption.
2. Leave must be taken within 12 months of birth or adoption.
3. Intermittent leave requires employer's consent.

G. FAMILY MEMBER'S HEALTH CARE

1. Definition of "Family Member",
 - a. Son or daughter:

Under the age of 18 who is incapable of self-care because of physical or mental disability.

Relationship may be biological child, stepchild, legal ward, or child of a person standing in the place of a parent.
 - b. Parent:

Biological parent or an individual who stood in the place of a parent to an employee when the employee was a child.
 - c. Spouse:

Legal marriage is required.

2. Types of Need Covered
 - a. The family member is unable to care for his/her own basic medical, hygienic or nutritional need or safety.
 - b. The employee is providing psychological comfort or reassurance.
 - c. The employee is needed to fill in for others caring for the family member.
3. Intermittent leave may be taken when medically necessary.

H. EMPLOYEE'S OWN HEALTH

1. Employees who are unable to perform the functions of their position due to their own serious health conditions are entitled to FMLA leave within the meaning of the American with Disabilities Act.
2. Intermittent leave may be taken when medically necessary, and approved by the Executive Director.

I. SERIOUS HEALTH CONDITION DEFINED

1. "Serious health condition" means an illness, injury, impairment or physical or mental condition that requires: (a) inpatient care at a hospital, hospice, or resident care facility or (b) ongoing treatment by a health care provider.
2. When inpatient care is not required, the incapacity or continuing treatment must exceed three days.
3. Prenatal care qualifies as treatment of a "serious health condition".
4. "Continuing treatment by a health care provider" involves two or more visits.
5. Voluntary and cosmetic treatments are excluded from "serious" or "continuing treatments".

J. THE MEASURING YEAR

The twelve months measuring year shall be January 1 through December 31.

Interaction with Sick Leave and Annual Leave

An employee will be required to use earned annual leave and/or sick leave for FMLA as a part of the 12 week leave provided in the law, but only within the provisions of sick leave and annual leave as defined in the personnel policy.

K. STATUS OF BENEFITS

1. Health benefits shall be continued during FMLA leave on the same basis as provided during regular employment. However, no other benefit shall accrue to the employee during FMLA leave time exceeding twenty (20) continuous working days.
2. Employees will not lose accrued benefits while on FMLA leave.
3. Equivalent benefits will be provided upon an employee's return to the work place in accordance with provisions of the benefit plan provider.

L. JOB RESTORATION

1. Employees have the right to be returned to an equivalent position, not necessarily the same position.
2. An employee has no greater right to job restoration than if he/she had been continuously employed.
3. Employees on FMLA leave because of their own serious health condition will be required to provide a "fitness for duty" statement from the attending physician or health care provider.

M. REQUESTS FOR FMLA LEAVE

1. A written request for FMLA leave must be made thirty (30) days in advance, except in cases considered to be emergency in nature by the Executive Director.
2. The request for FMLA leave must include certification by a physician or health care provider concerning the health condition of the person requiring health care prior to the time of FMLA leave, except in emergencies as provided in [1] above.

MANISTEE HOUSING COMMISSION

MANISTEE, MICHIGAN

XII. TRAVEL POLICY

A. PURPOSE AND COMMISSION

To establish a mechanism for reasonable reimbursement of Board and Staff travel expenses incurred while on official business of the Commission.

B. CANCELLATIONS

Revision of previous Travel Policy.

C. POLICY STATEMENT

Members of the Board and employees authorized to travel on official business of the Commission may be reimbursed at the Board approved rates as specified in this Travel Policy. Discretion and judgment must be constantly exercised and expenses must meet the reasonable test.

D. EFFECTIVE DATE AND DISTRIBUTION

This policy becomes effective on January 1, 2006.

This policy will be distributed to all Policy Manual Holders.

Date

Chairman

Date

Executive Director

MANISTEE HOUSING COMMISSION

XIII. TRAVEL PROCEDURE

SUBJECT Board and Staff Travel Expenses

A. BOARD APPROVED REIMBURSEMENT RATE

For use of a personal vehicle on agency business, the Board authorizes payment at the prevailing IRS rate per mile.

B. PER DIEM REIMBURSEMENT RATE

Out of pocket expenses for meals, tips, valet, laundry, parking, etc. will be reimbursed at actual cost upon presentation of receipts and approval of the Executive Director.

C. CATCHMENT AREA/DAY TRAVEL AND REIMBURSEMENT

Personal vehicle travel expenses will be paid for travel within the catchment area on agency business at the board approved mileage rate. Meal expenses are generally excluded for travel within the catchment area. However, reimbursement for a meal, which is included as an integral part of an external meeting, may be reimbursed.

D. SAME DAY TRIPS OUTSIDE THE CATCHMENT AREA

Same day trips outside the catchment area, which require no registration fee can be claimed as routine travel expenses with employees being reimbursed for personal vehicle mileage and meals. Expenses for breakfast may be considered for reimbursement if it is necessary to leave home before 6:30 a.m. and for the evening meal may be reimbursed if the time of return is after 7:30 p.m. Same day trips with an estimated cost of \$100.00 or more will require prior approval from the Executive Director.

E. REIMBURSEMENT OF CATCHMENT AREA AND SAME DAY TRAVEL EXPENSE

Expenses should be claimed on the Area Travel/Miscellaneous Expense Reimbursement Form. The employee and Executive Director must sign this form before submission for reimbursement. Board approval is required when travel expenses are incurred by the Executive Director.

F. DATES FOR PROCESSING OF TRAVEL REIMBURSEMENT REQUESTS

Requests should be submitted monthly. If the monthly total is less than \$10.00, the agency requests that the employee accumulate travel

expenses until the total exceeds the \$10.00 amount. Reimbursement requests should be submitted by the 5th day of the month. Travel reimbursement checks usually will be issued to employees by the 20th of each month. Questions about travel reimbursement should generally be routed through the Executive Director.

Requests received after the fifth of each month will not be processed as quickly as checks requested before the fifth of each month. However, if you need to have a check issued quickly (e.g. for travel advances or to meet a registration deadline), or feel that something has gone wrong in the processing of your request, please do not hesitate to check with any personnel that you feel might be helpful in resolving your questions.

G. OUT-OF-AREA TRAVEL AND REIMBURSEMENT

1. Travel Authorization

Before Departure, an employee must obtain authorization from the Executive Director. Such approval must be on the (Out-of Area) Travel Authorization & Reimbursement Request).

Out-of-Area travel with estimated expenditure of over \$500.00 will require prior approval from the Executive Director. If the estimated expense for a group of employees attending a conference is over \$500.00, approval from the Executive Director is also required.

2. Out-of-Area Meal Expenses

In addition to claiming meals for full days outside of the catchment area, expenses may be claimed if departure is before 6:30 a.m., or the return home is after 7:30 p.m.

Meal expenses vary considerably depending on the area traveled. If approved by the Executive Director, expenses over the per meal flat rate can be reimbursed. However, appropriate receipts must document such expenses, and be submitted with the reimbursement request.

3. Lodging Expenses

Reasonable expenses for lodging are reimbursed on an actual cost basis. Excessive charges will be reviewed and reimbursement may be limited to a reasonable allowance.

4. Registration Fees

Registration fees for functions related to agency business may be reimbursed when an employee is expected to attend due to the nature of his/her work. Registration fees should be paid in advance whenever possible.

5. Public Transportation

Rates for public transportation must not exceed those for tourist or coach class accommodations. Expenses for necessary car rentals may be reimbursed when public transportation is not available or reasonable.

6. Parking Tolls, Gratuities, etc.

Expenses for parking, tolls, gratuities, etc. are reimbursed. Appropriate receipts should be attached to the reimbursement request form to document expenses. Telephone calls made on official business are reimbursed. If out-of-area travel will extend two days or more, one 3-minute personal call home per 48 hours is reimbursable.

7. Expenses Reconciliation

Out-of-area travel expenses must be reconciled within 30 days of return. All requests for reimbursement of \$500.00 or less must be approved by the Executive Director or other staff designated by the Executive Director.

Approved requests for reimbursement must be sent to the Administrative Office on the Out-of-Area Travel Authorization & Reimbursement Request Form. This form should be appropriately reconciled and have any required receipts attached.

H. TRAVEL ADVANCES

Travel advances may be made to an employee traveling outside the catchment area and requiring overnight stay. Generally, such requests should be made only if anticipated personal expenses are expected to be over \$65.00.

Any reimbursement due to the Commission from the travel advance should be included in check form made payable to the Manistee Housing Commission. No cash reimbursements will be accepted.

I. UNUSUAL CIRCUMSTANCES AND ADDITIONAL RULES FOR EXPENSES

Expenses not covered under the normal guidelines and regulations may be reimbursed only with the authorization of the Executive Director. If any question arises, the Executive Director is responsible for making a final determination as to the reasonable limitation of any travel related expenses.

Travel to overnight locations on behalf of Commission business during evening hours or on weekends, holidays, or during other non-scheduled work times shall qualify for compensatory time.

XIV. GRATUITY POLICY

Employees of the Housing Commission shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors. This includes direct or indirect solicitation during tenure or for one year thereafter. This prohibition is applicable to any person, corporation or group who:

- A. Has or is seeking to obtain contractual or other business or financial relationships with the Commission.
- B. Has interests which may be substantially affected by such employee's performance or non-performance of his/her official duty.
- C. Is in any way attempting to affect the employee's official action.
- D. Conducts operations or activities that are regulated by the authority.

The general rule is modified by the following exceptions:

- A. Acceptance of food and refreshments on infrequent occasions in the ordinary course of a luncheon or dinner meeting or on an inspection tour where the arrangements are consistent with the transaction of official business.
- B. Acceptance of modest entertainment such as a meal or refreshment in connection with attendance at widely attended gatherings sponsored by industrial, technical or professional organizations.
- C. Acceptance of gifts, favors, or entertainment where there is an obvious family relationship between the employee, or between his/her spouse, children or parents, and the donor, and where circumstances make it clear that it is the relationship, rather than the business, which is the motivating factor for the gift, favor or entertainment.
- D. Acceptance of loans from banks or other financial institutions of customary terms to proper and usual activities of employees, such as home mortgage loans.
- E. Acceptance of unsolicited advertising gifts or promotional materials of nominal value.

- F. Acceptance of incidental transportation, in kind, from a private organization, provided it is furnished in connection with the performance of the employee's official duties.

Any gift or gratuity, which is prohibited, shall be returned to the donor. Any questions regarding acceptance of gratuities are to be brought to the Executive Director or Board of Commissioners when concerning Executive Director.

The Executive Director has the authority to interpret or seek interpretation or make reasonable exceptions to these policies.



City of Manistee Housing Commission

273 6th Avenue, Manistee, Michigan 49660

PROVIDING SAFE AFFORDABLE HOUSING

Commissioner Participation Field Office Visit August 20-22, 2013			
Time	Tuesday, 8/20	Wednesday, 8/21	Thursday, 8/22
9:00 AM			Exit Conference
10:00 AM			
11:00 AM			
Noon			
1:00 PM			
2:00 PM	Entrance Conference		
3:00 PM			
4:00 PM			