

CHAPTER 4. ADDITIONAL PROVISIONS

23. SALARIES OF HOUSING MANAGERS AND ASSISTANT HOUSING MANAGERS.

a. Restrictions on Use of Operating Funds. Except as provided in paragraph 23 b, the following provisions shall be applicable to the use of PHA operating funds to pay the salaries of Housing Managers and Assistant Housing Managers, regardless OF whether the PHA requires, receives or has requested HUD operating subsidy:

- (1) After January 1, 1981, the PHA shall not use any operating funds in which the Federal Government has an interest to pay the salary for an employee for whom certification is required, but is not in effect.
- (2) In the PHA's operating budget for any fiscal year beginning four months or more after January 1, 1981, the salary of the employee shall not be considered as an eligible operating expense or approved as a budget item for any portion of the fiscal year during which certification of the employee is required, but is not in effect. HUD field office action on operating budgets in such cases shall be taken pursuant to Section 409(h) of the ACC.
- (3) If such salaries are paid, the expenditure shall be classified as an ineligible expenditure and, if the PHA is unable to make restitution, the amount shall be so recorded on the PHA's Books of Account. The ineligible expenditure shall be reported annually in the PHA's Balance Sheet until its elimination is authorized by HUD. Until elimination is authorized, the ACC shall not terminate pursuant to the provisions of Section 518 of Part Two of the ACC.

b. Exceptions to Restrictions on Use of Operating Funds. The restrictions prescribed in paragraph 23 shall not be applicable under the following circumstances:

- (1) For such period as may be required to adjudicate an appeal filed pursuant to paragraph 21.
- (2) For such period as may be required for PHA compliance with notice of termination of employment and related procedures pursuant to applicable State or local law (e.g., Civil Service laws and regulations), or the PHA's approved personnel practices.

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- (3) Where, as a result of administrative and/or judicial proceedings, it is determined that, under applicable State or local law (e.g., Civil Service laws and regulations) an individual's employment may not be legally terminated on grounds of his/her failure to

obtain or maintain certification.

- (4) When an employee has obtained probationary certification (see paragraph 16) the salary of such an individual is considered to be an eligible operating expense only until the expiration date of the certificate.

24. COMPLIANCE PROCEDURES

- a. As an initial compliance procedure, each PHA shall, by December 1, 1980, submit to the appropriate HUD field office, (Attention: Assisted Housing Management Branch) a list of all its Housing Manager and Assistant Housing Manager positions (current and planned for the fiscal year), including vacant positions. This list shall specify, for each position:
 - (1) The position title.
 - (2) The name of the incumbent (or "vacant," if applicable).
 - (3) Whether or not the incumbent holds a valid certificate as of the time of the submission (the notation "Certified" or "Uncertified" will suffice for this purpose). If the incumbent does not hold a certificate, a brief indication shall be made as to whether certification is required. The notation "Required" or "Not Required" will suffice. If certification is not required, a brief explanation shall be provided.
- b. As a recurring compliance procedure, each PHA shall submit with the proposed operating budget for each PHA fiscal year beginning on or after July 1, 1981, a list to the appropriate HUD field office (Attention: Assisted Housing Management Branch) of its Housing Manager and Assisted Housing Manager positions as reflected in the proposed budget, using the same format prescribed in paragraph 24a.

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- c. The HUD field office (Assisted Housing Management Branch) shall be responsible for such action as may be necessary to obtain compliance with the provisions of the regulation and this Handbook for the PHAs within the field office's jurisdiction. These compliance responsibilities shall include:
 - (1) Obtaining and verifying the lists which the PHAs are required to submit under paragraph 24a and b.
 - (2) Informing each PHA of any action necessary for compliance.

- (3) Any further action necessary to correct noncompliance, including enforcement of restrictions on use of operating funds, pursuant to paragraph 23.

25. Cost of Certification and Related Training

- a. Allowable expenditures. Reasonable costs which are necessary to obtain and maintain certification for PHA employees (whether or not the employee is required to be certified under Part 967), including training to enable a PHA employee to qualify for such certification shall be an eligible expenditure subject to the provisions stated in paragraphs (1) and (2). However, the fact that it is an eligible expense does not obligate the PHA to make such payments. Therefore, it is at the PHA's discretion, whether or not to include such payment in its operating budget. These expenditures must, however, be within the PHA's existing operating subsidy availability under 24 CFR Part 990, since no additional operating subsidy will be provided. Subject to these provisions, allowable certification expenditures may include:
 - (1) Amounts paid to an Approved Certifying Organization as certification fees (including application and examination fees) pursuant to a HUD-approved schedule of such fees, plus reasonable costs of travel for examinations.
 - (2) Reasonable costs of training directly related to qualifying for certification, including necessary travel costs. Such training may be administered by an Approved Certifying Organization or any other appropriate organization or institution.