



CITY OF DELRAY BEACH
100 NW 1st Avenue
Delray Beach, Florida 33444
HUMAN RESOURCES DEPARTMENT

PERSONNEL POLICIES AND PROCEDURES
MANUAL

Approved by

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City Core Beliefs

Exceptional **S**ervice through
our **P**erformance by
acting with **I**ntegrity
being **R**esponsible
taking **I**nnovative action and
practicing **T**eamwork

Our personal calling as City employees is to provide service to our residents and co-workers that exceeds their expectations.

Everyone makes a difference.

SECTION 1: OVERVIEW

SECTION 1.1 ORGANIZATION AND ADMINISTRATION OF PERSONNEL POLICIES

This Human Resources Policy Manual implements the City of Delray Beach's (City) Human Resources management system and conforms to the policies established by the City Manager and the City Commission of Delray Beach. This manual shall govern Human Resources-related matters of the City unless superseded by other specific regulations established in the City Charter or Code, or Florida Statutes.

The purpose of this manual is to establish various policies, rules and regulations, fringe benefits and services provided to full-time employees, and where applicable, part-time employees. As an employee of the City of Delray Beach, it is your responsibility to read and understand the information contained in this booklet.

A proper and efficient Human Resources system is indispensable and necessary to properly administer the business affairs of the City. Further, the City insists upon a fair, equitable, and uniform system of public employment in order to attract the excellent caliber of employees our citizens demand and deserve. Department Directors are responsible to the City Manager for administration of the Human Resources Policies set forth herein.

The policies contained in this manual supersede any prior personnel policies and procedures of the City. They are provided to employees for information only and are subject to change at any time without advance notice. Nothing in this manual constitutes or establishes a contract of employment of any particular duration or any other legal obligation granting continued employment.

This policy manual replaces the Civil Service Rules and Regulations and the Human Resources Policy Manual.

SECTION 1.2 DECLARATION OF POLICY

The City Commission and City Administration of the City of Delray Beach declare the following principles to illuminate the personnel policies of the City of Delray Beach:

1. Employment is at will and shall be based on merit and qualifications free of personal or political consideration.
2. Just and equitable compensation and conditions shall be established and maintained in order to promote efficiency and economy in the operation of the municipal government.

3. An effort will be made to classify positions with similar duties and responsibilities on a uniform basis.
4. Appointments, promotions, and other personnel actions will occur upon approval of the City Manager or his/her designee.
5. The City will retain employees on the basis of the adequacy of their performance or conduct, correct inadequate performance or conduct, and separate employees whose inadequate performance or conduct cannot be corrected.
6. Every effort shall be made to inspire and support high morale by administration of these policies with appropriate consideration of the rights and interests of City employees, the public and the City administration.
7. The City will assure fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, genetic information, gender identity or expression or any other status or condition protected by applicable federal, state or local laws. And to take affirmative steps to recruit, employ and advance in employment qualified minorities, women, veterans and persons with disabilities.
8. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

The Human Resources Director, through the City Manager, shall prepare and submit to the City Commission these Personnel Policies. These policies shall become effective when approved by the City Manager. Amendments to the Personnel Policies may be made in the same manner.

SECTION 1.3 POWER OF APPOINTMENT AND POLICY OVERVIEW

The City Manager or his/her designee has the ultimate authority to appoint, promote, demote, discipline, remove or otherwise impact the employment of all City employees and appointed administrative officers in accordance with the City Charter.

Additional Rules and Regulations:

Additional rules and regulations may be established by the Departments and/or by Standard Operating Procedures (SOP's) that are not inconsistent with these policies and which have been approved by the City Manager or his/her designee.

Administrative Policies and Procedures that relate to the policies in this manual and provide

additional details will be annotated in the appropriate sections.

Application of the Policies:

This policy will apply to all fulltime and part-time personnel employed by the City of Delray Beach except that in the event of any conflict between the terms of any Collective Bargaining Agreement and this policy, the Collective Bargaining Agreement will control.

Responsibilities for Administration of the Policies:

The Human Resources Director with approval and direction from the City Manager shall:

1. Administer, maintain and amend the personnel policies as may be required for the efficient administration of City government;
2. Develop, maintain, and amend a comprehensive classification plan that reflects, on a current basis, the duties and responsibilities of all budgeted positions;
3. Administer special pay policies in cases of declared emergencies based on the needs and circumstances of the emergency (Administrative Policy GA-46);
4. Develop and administer recruitment and onboarding procedures that will provide best qualified applicants to meet the needs of City departments;
5. Provide leadership in the development of programs for the improvement of employee productivity and morale;
6. Encourage and exercise leadership in the development of effective personnel administration within the departments of the City and make available the facilities of the Human Resources Department for that purpose; and
7. Perform any other functions as necessary or as directed by the City Manager to carry out the purpose and provisions of the Personnel Policies.

Summary of Personnel Policies

The City Manager, through the Human Resources Department, is responsible to the City Commission for developing and administering the following:

1. The classification of all City positions with adequate provision for reclassification of any position whenever warranted by changing circumstances;
2. A pay plan for all City positions with periodic pay plan adjustments based on economic and budget factors;
3. Methods for determining the merit and fitness of candidates for appointment or

promotion;

4. The policies and procedures regulating reductions in force;
5. Policies and procedures for performance evaluations and merit pay increases as approved in each fiscal year budget;
6. Policies and procedures for progressive discipline, grievances and termination;
7. Regulations for hours of work, attendance, flex time, provisions for sick leave, vacation leave, holidays Family and Medical Leave (FMLA), and other types of leave with or without pay; and
8. Other procedures and practices necessary to the administration of the City personnel system.

SECTION 2: RECRUITMENT AND ONBOARDING

SECTION 2.1 EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND NON-DISCRIMINATION¹

It is the policy of the City to recruit, hire, train and promote employees without discrimination based on race, color, religion, gender, gender identity or expression, marital status, age, national origin, disability, pregnancy, familial status, sexual orientation, genetic information, or any other status or condition protected by applicable federal, state or local laws. This policy applies to all levels and phases of the City's employment practices such as recruitment or recruitment advertising, testing, hiring, training, promotion, transfer, leave policy, rates of pay and selection.

The City adheres to all Federal and State employment laws, as amended periodically. Additionally, the City, through its Human Resources Department, has implemented policies and procedures to ensure compliance and consistency in the recruitment, selection and retention of employees.

In order to provide compliance with applicable Federal, State, and local laws relating to non-discrimination in public employment and service, the following EEO objectives are observed:

- Each department receives a copy of this manual and all Department Directors, Division Directors, Managers and Supervisors shall implement and support the policy;
- Conditions of employment, recruitment, and hiring practices are in accord with the intent of this Equal Employment Opportunity policy;
- There are periodic reviews of job specifications, actual tasks performed and qualifications required of workers.

Employment Laws Governing Recruitment and Selection:

There are several Federal laws governing the recruitment and selection process. They are in place to prohibit discrimination in employment. The Equal Employment Opportunity Commission (EEOC) enforces all of these laws.²

¹ Reference Administrative Policy PER-8: Affirmative Action Plan

² From www.eeoc.gov/, Federal Laws Prohibiting Job Discrimination, The U.S. EEOC

SECTION 2.2 AMERICANS WITH DISABILITIES ACT (ADA)

Title I of the ADA, effective July 26, 1992, prohibits discrimination in employment against a qualified individual with a disability, and obligates employers to make reasonable accommodation for the disability unless reasonable accommodation would impose an undue hardship upon the City.

It is the policy of the City to encourage disabled employees and applicants to request reasonable accommodation if necessary to perform the essential job functions. The City will strive to identify and eliminate barriers and will make reasonable accommodation to provide the disabled employee with a meaningful employment opportunity.

Complaints:

While claims of discrimination may be processed through the City's complaint procedures described in Section 5.1 (Harassment and Discrimination Policy) of this manual, nothing in this policy is intended to preclude the employee from filing a complaint with the Federal Equal Employment Opportunity Commission (EEOC) or any other organization in accordance with applicable federal and state laws.

SECTION 2.3 DRUG FREE WORKPLACE³

As part of our commitment to safeguard the health of our employees, and in order to provide a safe work environment while promoting a drug - free workplace, we have established this policy for a drug-free workplace. Substance abuse, while at work or otherwise, seriously endangers the safety of employees as well as the general public and creates a variety of workplace problems including increased injuries on the job, absenteeism, increased health care and benefit costs, theft, decreased morale, decreased productivity, and a decline in the quality of services provided. This policy is established to detect and remove users and abusers of drugs and alcohol.

The City has the authority to require employees to submit to testing for the presence of alcohol or drugs as defined in this policy. An employee that refuses to submit to alcohol and drug testing as established in this Policy may be subject to disciplinary action up to and including termination.

Types of Tests:

1. Job Applicants for mandatory testing positions – Applicants for safety sensitive positions with the City must pass a pre-employment drug test before he/she is hired as an employee and before completing the City's orientation process. The list of safety sensitive positions would include, but are not limited to, a job assignment that requires the employee to carry a firearm,

³ Reference Administrative Policy PER-12: Comprehensive Drug and Alcohol Abuse Policy

work closely with an employee who carries a firearm, perform life- threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, a job assignment that requires an employee security background check, pursuant to F. S. 110. 1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person. The applicants whom the City intends to hire will be given a conditional offer of employment and requested to submit to a drug/alcohol test. Refusal to submit to the drug and / or alcohol test or positive confirmed test result will result in rejection of the applicant for employment at that time. The City may choose not to perform alcohol testing for some classifications.

2. Annual physical – Alcohol and drug testing are components of any annual scheduled medical physical.
3. Reasonable Suspicion – The City may require an employee to submit to reasonable suspicion drug testing. A supervisor's reasonable suspicion must be based upon their observation and that of a corroborating witness whenever reasonably possible and reported in writing to the Department Director or his/her designee.
4. Post-Accident Testing — If an employee is involved in an on- the -job accident or a vehicle accident in which the employee was driving a City vehicle, and any one of the following occurs:
 - An individual dies
 - An individual suffers an injury and immediately receives medical treatment away from the accident scene
 - One or more vehicles incur disabling damage as a result of the occurrence and are transported away from the scene by tow truck or other vehicle.
5. Follow up Testing — an employee who is returned to work upon successful completion of a rehabilitation program shall be placed on evaluation status for one (1) year following his /her return to City employment. During the one-year evaluation period, the City may require the employee to take a minimum of four unannounced blood or urine tests for the presence of drugs or alcohol. If at any time during the evaluation period the employees' blood or urine is found to contain alcohol or drugs, the employee shall be subject to disciplinary action, up to and including termination.

SECTION 2.4 CONTROLLED SUBSTANCES AND ALCOHOL POLICY FOR EMPLOYEE DRIVERS OF COMMERCIAL MOTOR VEHICLES (CDL POLICY)⁴

⁴ Reference Administrative Policy PER-9: Alcohol and Drug Testing for CDL Drivers

The scope of this policy is limited to those employees required to hold a commercial driver's license and operate a "commercial motor vehicle." A commercial motor vehicle includes any motor vehicle used to transport passengers or property if the vehicle has:

- gross vehicle weight rating of 26,001 or more pounds,
- has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- operates a vehicle that is designed to transport 16 or more (including the driver) passengers; or,
- is of any size and is used in the transportation of material found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

This policy parallels the Drug Free Workplace Policy, Administrative Policies and Procedures, PER-12, and in some cases may overlap. However due to specific record keeping requirements and provisions of the Omnibus Act it will be operated independently unless otherwise indicated.

Policy details are also contained in the SEIU Collective Bargaining Agreement.

Note: The State of Florida recognizes the restricted use CDL option waiver, and as such, exempts firefighters, and operators of emergency equipment from participation in this program.

SECTION 2.5 TOBACCO USE⁵

To reduce the negative impacts of continued tobacco use among City of Delray Beach employees and recognizing that:

- The City of Delray Beach maintains a firm commitment to reducing healthcare costs.
- Studies have demonstrated that smoking employees have a greater negative impact on healthcare costs than non-smoking employees.
- The impacts of continued use of tobacco products by employees increases healthcare costs, such as insurance plan premium costs.
- The City is self-insured so increases in healthcare costs have a direct impact on the financial viability of the self-insurance fund.

Employees hired before October 1, 2012 who smoke may only smoke or use smokeless tobacco products outdoors in designated smoking areas while on break. Smoking is prohibited in any City owned, issued, or leased vehicle.

Non-Firefighter Applicants:

The City of Delray Beach will not hire applicants who regularly use tobacco products. The City will

⁵ Reference Administrative Policy PER-12 Non-Tobacco Use

not consider applicants who have used tobacco products for a period of at least three (3) months prior to application for employment. The definition of “tobacco products” shall include, but is not limited to, cigarettes, nicotine patches, electronic cigarettes, cigars, chewing tobacco, pipes and snuff.

Firefighter Applicants:

The City of Delray Beach will not hire Firefighter applicants who have used tobacco products for a period of at least one (1) year prior to application for employment. The definition of “tobacco products” shall include, but is not limited to, cigarettes, electronic cigarettes, nicotine patches, cigars, chewing tobacco, pipes and snuff.

All applicants for employment must sign a Non-Tobacco Use Affidavit and undergo an annual nicotine screening test as part of the City’s Wellness Incentive program. Any employee who signs the Non-Tobacco Use Affidavit and violates the Non-Tobacco Use Policy shall be subject to termination.

SECTION 2.6 RECRUITMENT AND HIRING⁶

The City of Delray is dedicated to creating a highly qualified, culturally diverse workforce focused on serving internal and external customers. This policy is designed to establish uniform and consistent procedures for recruiting, interviewing and onboarding that adhere to the provisions of the Fair Labor Standards Act (FLSA), Veterans Preference, Americans with Disabilities Act (ADA) and other applicable statutes.

The Human Resources Department is responsible to ensure that all of the requirements specified in this policy are carried out so that only the most qualified individuals are hired as employees with the City of Delray Beach. Selection standards will be job-related, uniformly applied, and provide equal opportunity for all to compete.

It is the policy of the City of Delray Beach to post every open position on the City’s website and to utilize an online application process except for certain positions which may be filled by City Manager appointment. Paper applications are not accepted. Each application will be reviewed against the minimum qualifications of the position and the City will consider only those applicants who meet those qualifications. Applicants who do not meet the minimum qualifications for the position, have submitted an incomplete application, or have been identified as having falsified their application, will not be moved forward in the selection process.

From the pool of qualified applicants, Hiring Supervisors/Managers select those candidates that will be interviewed. All Veterans in the pool of qualified candidates **MUST** be given an

⁶ Reference Administrative Policy PER-20: Recruiting, Interviewing, Onboarding

opportunity to interview per Florida Veterans' Preference State Statutes.

Unless approved by the Human Resources Director or his/her designee, interviews will be conducted by a panel. Whenever possible, panels should be comprised of a diverse group of individuals who are subject matter experts, and who will have input into the hiring decision. The selection process may vary in the case of executive recruitments (Department Director level and higher).

Hiring Process:

The recruitment, selection and hiring process will follow the guidelines established by the Human Resources Department, and any applicable federal, state or local laws or regulations.

- Each position will have minimum requirements for education, experience, licensing or certification requirements. These requirements will be listed in the job description and job posting.
- All new hires and rehires will be hired at the starting hourly pay rate for the position in which they are being hired, unless otherwise approved by the Human Resources Director or City Manager, if applicable. (PER-4 Classification and Pay Plans).
- All new hires and rehires will be required to complete New Hire Orientation.

SECTION 2.7 PROBATIONARY PERIOD

The probationary period is regarded as an integral part of the placement process. It permits careful observation of the employee's performance to either provide an effective adjustment of the new employee to the position or to terminate an employee whose performance has not met the required work standards.

The probationary period for all employees is one (1) year for the purpose of determining whether the individual shall attain regular status in the position. Quarterly performance evaluations are completed during the probationary period to notify the employee and the Human Resources Department of the employee's progress. A performance evaluation of an employee reflecting less than satisfactory performance may result in immediate termination of employment.

Upon the recommendation of the employee's Department Director and the Human Resources Director, the City Manager may terminate an employee at any time during the probationary period for "Unsatisfactory Completion of Probationary Period." Any termination prior to expiration of the probationary period shall be final with no right of appeal under the grievance policy.

The employee's Department Director, with approval of the Human Resources Director, may extend the probationary period up to six additional months.

SECTION 2.8 MEDICAL EXAMINATIONS

Pre-Employment Examinations:

Upon acceptance of a conditional offer of employment, a prospective employee will be required to undergo a comprehensive medical examination as directed by the City, including tests for illegal substances and nicotine, through a City designated physician to determine if the employee meets accepted standards of health for the position. This examination shall be in addition to the medical history statement and shall be performed at the City's expense. An applicant determined to be physically or mentally unfit for service shall not be eligible for employment.

In-Service Examinations:

At any time during employment, an employee may be required to undergo a medical examination to determine fitness to perform the job. Law enforcement officers and firefighters shall be required to undergo such examination annually. Such periodic examinations shall be at the expense of the City, except as noted below.

An employee determined to be physically or mentally unfit to satisfactorily continue in the job shall be demoted, transferred or separated from City service, subject to the requirements of the Americans With Disabilities Act and other applicable law.

When an employee of the City is reported by the examining physician or psychologist to be totally or partially physically or mentally unfit to perform work in the position, such employee may, within five (5) days from the date of his notification of such determination by the examining physician, indicate in writing to the Human Resources Director the employee's intention to submit the question of physical or mental unfitness to a second physician or psychologist in the same field or area of practice. In the event there is a difference of opinion between the original examining professional and the professional chosen by the employee, then the City Manager, or his/her designee shall either accept the opinion of the professional chosen by the employee or shall designate a third professional. The decision of the City Manager or his/her designee shall be reasonably based upon the medical opinions provided as they relate to the requirements and duties of the position. The decision of the City Manager shall be final.

The City shall bear the expense of the first and third examinations. The employee shall bear the expense of the second examination. The City shall provide the employee with reasonable time off to meet these appointments.

SECTION 2.9 EMPLOYMENT ELIGIBILITY VERIFICATION AND REVERIFICATION

The City of Delray Beach uses E-Verify to determine employment eligibility. E-Verify is an internet-based system that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from U.S. Department of Homeland Security and Social Security

Administration records to confirm employment eligibility.

The City of Delray Beach requires that each employee's payroll record match the employee's legal name, which must match the name listed with the Social Security Administration and on the documents presented to determine employment eligibility. Original documents must be presented to Human Resources for examination; copies will be made and added to the employee's personnel file.

The City of Delray Beach requires that all employee names in the City's Active Directory maintained by the IT Department, match the employee names in the payroll system. Therefore, an employee's email address will be their legal last name up to the system's character limit. An employee may use an abbreviated first name as a part of their email display name (e.g. Bill instead of William). Any change in the employee's legal name will result in a change to his/her e-mail address.

If an employee changes their legal name through the courts (marriage, divorce, etc.), the employee must provide Human Resources the updated documents required by the *List of Acceptable Documents* on Form I-9. Human Resources will complete *Section 3 Reverification* of the previously completed Form I-9 and process the name change in the payroll system. Human Resources will also notify IT with a work order to update the Active Directory with the employee's new name.

SECTION 3: CODE OF ETHICS AND RULES OF CONDUCT

SECTION 3.1 PALM BEACH COUNTY CODE OF ETHICS

The Municipalities located within Palm Beach County are subject to the provisions of the Palm Beach County Commission on Ethics Code of Ethics. The purpose of this code is to provide additional and more stringent ethics standards as authorized by Florida Statutes, §112.326. This code shall not be construed to authorize or permit any conduct or activity that is in violation of Florida Statutes, Ch. 112, Pt. III. This code of ethics shall be deemed additional and supplemental to any and all state and federal laws governing ethical conduct of officials and employees, as well as all local laws, rules, regulations and policies. Officials and employees in the public service shall be conscious that public service is a public trust, shall be impartial and devoted to the best interests of the people of Palm Beach County, and shall act and conduct themselves so as not to give occasion for distrust of their impartiality.

SECTION 3.2 CONFLICT OF INTEREST DISCLOSURE AND ACKNOWLEDGMENT

It is the policy of the City of Delray Beach that employees shall avoid any conflict between personal interests and the interest of the City in dealing with suppliers and all others seeking to do business with the City. The responsibility of exercising care and discretion rests initially with the employee. If an employee is uncertain about whether a conflict exists or has any question about a potential conflict of interest, the employee shall ask the advice and guidance of their Department Director.

Each employee must complete a Conflict of Interest Disclosure and Acknowledgment form as a part of the new employee orientation.

SECTION 3.3 CODE OF ETHICS TRAINING⁷

All employees must read the Palm Beach County Code of Ethics and complete Code of Ethics training within thirty (30) days of employment. This training is a part of new employee orientation.

After initial training, periodic mandatory follow up training is required of all employees every two (2) years. The Human Resources Department is responsible to provide the training to all employees and tracking compliance.

SECTION 3.4 OUTSIDE EMPLOYMENT

Outside employment is defined as any work or services rendered for an entity other than the City, in exchange for remuneration. This includes an employee possessing partial or full ownership of a business, as well as independent contracts by employees to provide labor, products, services, or materials.

No fulltime employee of the City may hold outside employment unless such is pre-approved by the employee's Department Director, the Human Resources Director and the Purchasing Director, using the *Outside Employment Request Form* available from Human Resources. Approval must be renewed annually each January. Approval may be revoked at renewal and/or whenever a conflict of interest is identified.

A fulltime employee who has the approval to engage in outside employment must agree to hold primary responsibility to the work he/she performs for the City. The employee will not allow the outside work to interfere with his/her work with the City, in compliance with Palm Beach County Code of Ethics and Florida Statute.

SECTION 3.5 ACCEPTANCE OF GIFTS

- A. Pursuant to Chapter 112, Florida Statutes and the Palm Beach County Code of Ethics, Section 2-441, et. seq., Palm Beach County Code of Ordinances, it is the policy of the City that no City employee shall solicit or accept, directly or indirectly, anything of value, including a gift, loan, reward, promise of future employment, favor, or service, if it could be reasonably inferred that the gift was intended to influence the employee in the performance of his/her duties, or was intended to reward any official action taken by an employee. This

⁷ Reference Administrative Policy GA-13: Ethics Training

restriction also applies to family members and others in whose welfare the City employee is interested. It is not intended that this policy isolate employees from normal social practices where gifts among friends, associates and relatives are appropriate for certain occasions.

- B. The City has a strict "no gift" policy when such gift or gratuity is given or offered by a contractor, vendor, developer and/or lobbyist who does business with the City and/or lobbies the City. Any such gifts received will be returned, and any favors offered will be declined.

No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:

1. An official public action taken or to be taken, or which could be taken;
 2. A legal duty performed or to be performed or which could be performed; or
 3. A legal duty violated or to be violated, or which could be violated by any official or employee.
- C. Certain City employees are permitted to accept unsolicited gifts, except from contractors, vendors, developers and/or lobbyists, of nominal value (under \$100, in accordance with state law and county ordinance as amended from time to time). In any case where there is a question concerning accepting a specific gift, employees should consult with their supervisor, and refer to the Palm Beach County Code of Ethics, Section 2-444, Palm Beach County Code of Ordinances regarding reporting requirements.
 - D. Gifts of cash or alcoholic beverages may not be accepted.
 - E. Gifts such as fruit baskets or food platters shall be placed in a common area of the department or building for consumption by all employees.

SECTION 3.6 VENDORS

It is the policy of the City that the City does not recommend any vendors, suppliers or providers of goods, services, or other things of value. This policy prevents employees from suggesting or implying that any particular vendor or supplier is approved by the City and prevents employees from referring anyone to any particular vendor, provider or supplier. If an employee is uncertain about whether a conflict exists or has any question about a potential conflict of interest, the employee shall ask the advice and guidance of their Department Director.

SECTION 3.7 INSPECTOR GENERAL

This Section establishes the City's policy regarding reporting procedures of possible

mismanagement or violations within the jurisdiction of the Palm Beach County Office of the Inspector General (OIG).

Per Article XII, Section 2-422, Palm Beach County Code, the OIG was established in 2010 to "Enhance Public Trust in Government." The OIG has complete independent oversight authority at both County and Municipal levels to ensure accountability and transparency to the citizens of Palm Beach County.

Procedures:

1. City employees who wish to report possible mismanagement of contracts, fraud, theft, bribery, or other violations of the law which appear to fall within the jurisdiction of the OIG, shall notify their supervisor, Department Director, City Manager, or the OIG.
2. The City Manager shall notify the inspector general of the aforementioned possible violations, in accordance with Article XII, Section 2-423, Palm Beach County Code.
3. For more information on compliance, definitions, general questions and full OIG duties, employees can contact the Office of the Inspector General, or visit website www.pbcgov.org/oig.

SECTION 3.8 NEPOTISM

This Section establishes the City's policy regarding nepotism, which complies with the Palm Beach County Code of Ethics, Section 2-445, Anti-nepotism law, as amended from time to time.

- A. All employees who are employed in, appointed to, promoted to, or transferred to a position shall disclose at the time of the appointment, employment, promotion or transfer the name(s) of any relative(s) serving as an elected or appointed City official(s) or employee(s) then employed by the City.
- B. If employees become related after their appointment, employment, promotion or transfer, the affected Department Director(s) and the Human Resources Director shall resolve the matter consistent with the Palm Beach County Code of Ethics. Resolution may include transfer of one or both employees. Department policies may also apply.
- C. "Relative" as used herein, means a person who is related by blood, marriage or adoption, as father, mother, son, daughter, brother, sister, grandparent, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-

law, son-in-law, daughter-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, half-sister or domestic partner.

- D. A person who is a relative of a City official or employee may not be appointed, employed, promoted, or advanced in or to a position in any department/division, if the related City official or employee is, or would be the person's supervisor or would exercise any authority or control over or otherwise regulate the duties and responsibilities of the person, or if the person would supervise or exercise any authority or control over or otherwise regulate the duties and responsibilities of the related City official or employee.

SECTION 3.9 STATEMENT ON LEGAL MATTERS BY CITY EMPLOYEES

Employees are occasionally requested to make a statement to an attorney or may be subpoenaed in connection with actual or potential lawsuits or administrative actions involving the City. Upon receipt of a request or subpoena involving City business, the employee shall promptly inform the employee's Department Director who shall promptly inform the City Attorney.

SECTION 3.10 SOLICITATION AND DISTRIBUTION

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Employees of the City are prohibited from conducting or promoting private business for gain during duty hours or within any City building.
- C. Employees are prohibited from soliciting for any reason during time they or the person(s) they seek to solicit are being paid to perform actual work. Such solicitation includes solicitations on behalf of or in opposition to a labor organization.
- D. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time.
- E. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the City or its managerial staff, when such is part of the normal operation of City business.

SECTION 3.11 POLITICAL ACTIVITY

Every employee has the right to express his or her views as a citizen and is encouraged to vote.

- Coercion of or by an employee for political purposes and using the position of employment for political purposes interferes with the course of normal working

activities and is prohibited.

- No employee shall take an active part in any political or other non-work related activity during work hours including online activities.
- No political activity by an employee shall take place or be conducted using City equipment, computers, materials, letterhead or involve the City in any way.
- It is the intent of the City of Delray Beach for its employees to conduct themselves in such a manner as to bring no discredit, directly or by association, upon the City.

SECTION 3.12 OUTSIDE ACTIVITIES

Employees' conduct and performance in public service is constantly scrutinized by citizens, residents and media, both on and off the job. Employee actions in one area may directly affect the City's reputation in other areas. All employees must be constantly aware of the image projected to the public as a City employee.

SECTION 3.13 USE OF CITY EQUIPMENT AND FACILITIES

City equipment and facilities shall not be used by employees for any reason other than City business, excluding use of take home vehicles authorized by the City Manager or his/her designee.

SECTION 4: COMPENSATION and HOURS OF WORK

SECTION 4.1 SALARY PLAN ESTABLISHMENT AND PHILOSOPHY⁸

The City Manager or his/her designee shall periodically review the compensation plan. This plan may subsequently be amended as deemed necessary.

The salary plan and associated salary structure shall contain position classifications and salary ranges for positions of full time and part time employment by the City with the exception of those subject to a Collective Bargaining Agreement.

Salary Plan Philosophy

- The City of Delray Beach Job Classification and Salary Plan seeks to ensure that salary levels are commensurate with the skills and responsibilities of the position and that the position classification and salary ranges are fair and equitable internally and externally to other comparable municipalities in the state. The maintenance of this plan applies to existing positions in order to ensure that salaries and salary ranges are competitive within the employment market in order to retain and reward our workforce.
- The salary plan contains salary grades which indicate minimum and maximum salary rate for each position. Any employee's salary will not exceed the maximum of the salary grade for his/her position.
- When creating a new position, the Human Resources Department will research surrounding municipalities to obtain accurate salary comparisons to positions with similar position responsibilities. A competitive salary range will be established and added to this document. New positions must be approved by the City Manager.

SECTION 4.2 MANAGEMENT OF JOB CLASSIFICATION AND SALARY PLAN⁹

The Classification Plan is a system designed to determine how each position in the City is arranged according to its function, content, competencies, responsibilities, skills and requirements. The classification plan establishes the job description, pay grade, FLSA status and salary range for each position.

The job descriptions are developed and maintained solely by the Human Resources Department and are available to all employees. The City of Delray Beach utilizes the Fair Labor Standards Act, (FLSA) as guidelines when developing job descriptions and makes sure they are compliant with

⁸ Reference Administrative Policy and Procedure PER-4: Compensation and Pay Plans

⁹ Reference Administration Policy PER-4: Classification and Pay Plan

Americans with Disabilities Act (ADA) regulations.

Pay Plan:

The Pay Plan shall be directly related to the Classification Plan and shall provide the basis for compensation of employees. It is developed by assigning a position grade and determining a salary range for the position.

A position grade is established by assessing several core factors of a position such as, the level of complexity of functions, scope of responsibilities, degree of authority and degree of experience necessary to perform the essential functions of the position.

The Pay Plan shall include tables of basic rates of pay and schedules of salary grades for each job title in the Classification Plan. Each position grade is assigned a salary range that is based upon salary data of similar and comparable organizations in the immediate geographical area of the City. The salary range represents the corresponding salary levels of a position at progressively increased levels of experience and job knowledge.

Regular Full-Time Employee: An employee who is hired to work on a continuous basis 40 hours per work week.

Regular Part-Time Employee: An employee who is hired to work on a continuous basis up to 29 hours per work week

Administration of Pay Plan:

Initial Employment

1. A new employee entering the City's work force will typically start at the minimum salary level of the pay grade assigned to his/her position. When there are exceptional considerations, such as advanced experience, education/training, or qualifications that significantly exceed the minimum requirements of a position, a hiring manager may request approval to start the employee at a salary that is above the minimum level for the position.
2. Requests for a starting salary that is up to twenty percent 20% above minimum salary level for a position shall require the approval of the Human Resources Director. Requests for a starting salary that is more than twenty percent (20%) above the minimum salary level for a position require the Human Resources Director's review with recommendations to the City Manager for final approval.

No manager has the authority to extend an offer of employment that is above the minimum salary for a position to a candidate without the Human Resources Director's and/or City Manager's prior approval.

3. As a matter of practice, the City of Delray Beach does not issue sign-on bonuses as part of its normal recruiting strategy, however, it does recognize the need for such a measure in unique hiring situations or when recruiting for extraordinarily difficult vacancies to fill.

In these instances, the Department Directors must request authorization from the Human Resource Director, in writing, prior to offering a sign-on bonus. Requests for sign-on bonuses require the Human Resources Director's and the City Manager's approval. Sign-on bonuses are subject to mandatory tax deductions.

Promotions:

It is considered to be a promotion when a position is vacant and through the internal job posting process and in compliance with Equal Employment Opportunity (EEO) principles, an employee applies for the position and is selected to fill the position, if the vacant position is a higher classification and job grade than the employee's current position

The salary of an employee who is promoted will be increased by ten percent (10%) of the employee's salary before the promotion or to the minimum salary level of the new position grade, whichever is greater.

Requests for a salary that is up to twenty percent (20%) above minimum salary level for a position shall require the approval of the Human Resources Director. Requests for a starting salary that is more than twenty percent (20%) above the minimum salary level for a position require the Human Resources Director's review with recommendations to the City Manager for final approval.

If a regular full-time employee receives a promotion which results in a salary increase of ten percent (10%) or higher, the employee's next annual performance review date, shall be adjusted to twelve (12) months from the date of the promotional salary increase and the employee will have one year probationary period.

Demotions:

A demotion occurs when an employee leaves one position and moves to a position with a lower classification and position grade. For example, when a position is vacant and through the internal job posting process an employee applies for the position and is selected to fill the position, if the vacant position is a lower classification and position grade than the employee's current position, then this is considered to be a demotion.

Demotions generally result in a decrease in salary which must be approved by the Human Resources Director and with final approval from the City Manager. The employee will have a one (1) year probationary period.

Reclassifications:

When a position changes significantly in terms of job content, scope, skills, and responsibilities, its classification may be changed by the Human Resources Department at the request of the Department Director. The change can be to a higher or lower classification and position grade. If the change results in a higher classification, the Department must have the funds in their budget to support the change.

If the new classification results in a lower job grade, the employee will have ninety (90) days to apply for another position within the City that has a higher position grade and classification. If after ninety (90) days, the employee is not successful in securing another position with a higher classification, the employee's salary will decrease according to the guidelines of a demotion.

If a position is reclassified to a higher position grade, the incumbent's new salary shall be increased at least equal to the minimum salary level of the new position grade. If the employee's current salary is higher than the minimum salary of the reclassified position, the employee shall receive a four percent (4%) salary increase when the reclassification results in a one (1) grade increase; eight percent (8%) salary increase for two (2) grade increase; or ten percent (10%) salary increase for a three (3) grade increase. Reclassifications that result in more than a three (3) grade change increase will entitle an employee a four percent (4%) salary increase per grade change. In any case, the minimum increase is 2%.

If the reclassification results in a salary increase of ten percent 10% or higher, the employee's next annual performance review date shall be adjusted to one year from the date of the salary increase.

Changes to a job title or job description that do not result in changes in salary or rate of pay will require the Human Resources Director's review and approval.

A Department Director's request to deviate from the policy regarding reclassifications, must be in writing and approved by the Human Resources Director and the City Manager.

Reallocation:

A reallocation, as distinguished from reclassification, occurs when only the position grade changes in response to job market change. In these situations there are no changes in job content or responsibilities. If a position is downgraded as a result of a reallocation and filled by an incumbent, generally the incumbent's salary will not change. Where a filled position is upgraded as a result of a reallocation, the incumbent's new salary shall be at least equal to the minimum salary level of the new position grade. If the current salary of the incumbent is higher than the minimum salary level of the position grade of the reallocated position, the incumbent shall receive two percent (2%) salary increase for each number of grade changes. For example, the employee would receive a two percent (2%) salary increase for a one (1) grade adjustment; four percent (4%) salary increase for a two (2) grade adjustment; or six percent (6%) salary increase for a three (3) grade adjustment etc.

If a reallocation results in a salary increase of ten percent (10%) or higher, the employee's next annual performance review date shall be adjusted to one year from the date of the salary increase.

Transfers:

A transfer occurs when an employee changes job within the same position grade but to a different or same job title, and without a change in salary. This may occur when an employee applies for a vacant position and is selected to fill the position that has the same position grade or title as the employee's current position.

An employee's next annual performance review date remains unchanged with a transfer, however, the employee is subject to a twelve (12) month probationary period in the new position.

Annual Merit Increases:

The City will make every effort to administer salary increases based on merit and job performance on an annual basis for full time, regular employees. However, there may be times when the City may not be able to administer annual merit increases for eligible employees due to budget constraints. Immediate supervisors are responsible to complete and administer employee performance evaluations on a timely basis. Guidelines for percentage salary increases are established annually. Recommendations for merit salary increases that exceed the established guidelines, or for salary increases that are in addition to an employee's annual merit review cycle may be requested by a Department Director. Such requests must be in writing detailing the unusual or exceptional reason for the requests. Once submitted, the request shall be analyzed by the Human Resources Director who will forward a recommendation to the City Manager for final approval.

No full-time regular employee will receive a merit salary increase without a completed performance evaluation.

Salary Plateau or "Top Out":

Salary Plateau or "Top Out" occurs when an employee reaches the maximum salary level of the salary range for his/her position grade. No employee's salary can exceed the maximum salary level of the salary range of his/her position grade. Employees whose salaries have plateaued or topped out may receive the equivalent of their merit salary increase, either as a full or partial lump sum bonus if approved by the City Manager for the current fiscal year budget.

No full-time regular employee will receive a top-out bonus without a completed performance evaluation.

Regular Part-time Employment Merit Increase

Eligibility:

The City will make every effort to administer salary increases based on merit and job performance on a bi-annual basis for part-time, regular employees. To be eligible for a merit pay increase, a regular part-time employee must have worked at least 700 hours in the twelve (12) consecutive months preceding the merit increase recommendation. Regular part-time employees who satisfy the merit pay requirements shall receive a merit pay increase twenty four (24) months after the date of hire.

Regular part-time employees who satisfy the merit pay increase requirements are eligible for merit pay increases twenty four (24) months after the last pay increase.

No part-time regular employee will receive a merit salary increase without a completed performance evaluation.

Temporary Employees:

A temporary employee is defined as a person who is hired onto the City's payroll for less than 6 months, either on a part-time or full-time basis, to perform a short-term task, project, or assignment. This includes work performed seasonally, sporadically, or ad hoc.

Requests to hire a temporary employee must be submitted in writing to the Human Resources Director and the City Manager for approval.

Temporary Employees are not eligible for merit pay increases.

SECTION 4.3 POSITION DESCRIPTIONS

- A. Position Descriptions and job specifications shall be maintained by the Human Resources Department.
- B. The position description shall include: position code number, position title, EEO classification, department, division, salary grade, workers' compensation code, FLSA status, municipal location, signature approvals (Department Director and Human Resources Director), general purpose, supervision exercised, examples of essential duties and responsibilities, peripheral duties, minimum qualifications, special requirements, physical demands, tools and equipment used, environmental conditions, and selection guidelines (but not necessarily in this order).
- C. The position description does not constitute an employment agreement between the City and employee, and it is subject to change as the needs of the City and requirements of the position change. Revisions to position descriptions will be handled in accordance with the City's current Policies and Procedures.

SECTION 4.4 WORKING OUT OF CLASSIFICATION

Working out of classification is defined generally as a temporary assignment when an employee is asked to assume responsibilities of a position in a higher classification (higher pay grade). An employee who is assigned in writing to work in a higher classification for more than ten (10) calendar days shall be paid five percent (5%) above the employee's current salary or entry level of the higher position, whichever is greater, effective the date assigned to the higher classification. These temporary assignments are not to exceed six (6) months. The 5% increase will be removed when the employee is no longer working in the higher classification. The City Manager may approve a variance to the salary increase for working out of classification.

Assignments for working out of classification will be documented by a memo from the Department Director to Human Resources, accompanied by an Employee Change Notice indicating the increase in salary. The Human Resources Department is responsible to track the expiration of acting status.

SECTION 4.5 HOURS OF WORK

The City Manager shall establish the hours of work for all departments and employees of the City, considering the functions and operations involved. The City Manager shall establish uniform starting and ending times for supervisors and employees on all shifts.

The customary number of working hours for full-time employees during any workweek is forty (40) hours unless otherwise specified. The work hours for bargaining unit employees shall be governed by the collective bargaining agreement. Daily hours of work and workdays may vary according to department functions. Generally speaking, most employees will work five, eight-hour days per week. When a permanent change to the work schedule is necessary to provide service to the citizens (e.g. change or addition of weekend or evening shifts), the Department Director will provide two (2) weeks' notice to the affected employees.

1. The normal workweek is defined as 12:01 a.m., Saturday through midnight of the following Friday.
2. Employees shall report to work in sufficient time to commence duties at the beginning of the work period. An employee calling in sick must do so at least thirty (30) minutes prior to the beginning of the work period. Failure to do so may result in discipline up to and including termination.
3. Tardiness will be subject to disciplinary action up to and including termination.
4. It is necessary to provide the payroll department with complete and legal documentation of the actual time worked by employees. All time records will be completed to reflect the actual number of hours worked during each day of the workweek and must be signed by the employee in order for a check to be issued. Time records will be submitted to the appropriate department personnel by the time and day established by departmental policies and procedures. Failure to do so may result in disciplinary action.
 - a. Employees whose daily hours are recorded by a time clock are responsible for using it properly. Employees must punch in at the beginning of their assigned shift and punch out when they leave work for the day. Failure to do so may result in disciplinary action.
5. Each Department Director or designee shall ensure that supervisors and employees comply with established work schedules and that unscheduled work is performed only in bona fide emergencies. Starting and stopping work time, whether inside or outside the work schedule, is the sole responsibility of the Department Director. Employees are responsible for compliance with work schedules, and for not performing work that is unscheduled or non-directed, except in a bona fide emergency.
6. Any hours to be worked in excess of the employee's regular workday or workweek, except in the case of serious emergencies, shall require the advance approval of the Department

Director or designee.

7. Employees who are exempt from overtime pursuant to the Fair Labor Standards Act are required to work the number of hours necessary for the proper functioning of the department and may be instructed by the Department Director to work outside the basic work week (8:00 am to 5:00 pm, Monday – Friday) fulfill operational requirements as deemed necessary.

SECTION 4.6 ATTENDANCE

- A. The City shall maintain individual records regarding the use of each employee's time and attendance.
 1. No employee shall be paid for time off unless they are authorized to be absent.
 2. Each department shall maintain payroll records which shall record all hours worked and all personal leave taken.
 3. Each employee shall be responsible for correctly reporting hours worked.
 4. Unauthorized absences and/or tardiness shall subject the employee to progressive discipline and possibly termination.
- B. Absence from Work
 1. An employee who is not exempt from the provisions of the FLSA and who is not at work during work hours shall be considered unexcused without pay unless such absence is approved by the Department Director.
 2. An absence in excess of three (3) days without an approved explanation may be considered job abandonment.

The Department Director is responsible for accounting for the daily whereabouts and activities of all employees within the department.

- C. Punctuality
Employees shall be prompt and ready for work at the scheduled starting time each workday. Employees shall not begin preparations for leaving work before the end of the shift. Problems may occasionally occur causing an employee to be late and the employee shall follow departmental policy in notifying his/her supervisor of the situation.

SECTION 4.7 OVERTIME WORK

Departmental schedules shall provide for the completion of work tasks and delivery of public services within the standard work period of all employees of the department.

Normal workday for non-shift personnel shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise authorized by the City Manager. If an employee is absent without leave on a scheduled workday, the employee will be considered to be on non-pay status and may be subject to disciplinary action. Non-exempt employees are not permitted to work before or past their regularly scheduled hours or during their lunch period unless specifically authorized by the Department Director.

A. Authorization Required for Overtime

Any hours to be worked in excess of the employee's regular workday or workweek shall require the advance approval of the Department Director or designee.

B. Overtime Calculation

All employees who are non-exempt under FLSA, hereinafter "non-exempt employees," shall be compensated at the rate of one and one-half (1-1/2) times the regular rate of pay for all hours worked over forty (40) hours per week. Hours worked includes all time that an employee is required to be on duty and all time that the employee is permitted to work.

In computing overtime hours, vacation days or holidays, which are paid but not actually worked, and which occur within the work week or work cycle, will be credited as hours worked.

A determination of the status of all employees in relation to the provisions of the FLSA shall be made by the City in accordance with the provisions of the FLSA. The City Job Classification and Salary Plan indicate those positions of employment which are exempt and which are not exempt from the provisions of the FLSA.

Employees may be required to work overtime. Failure to do so may result in discipline up to and including termination.

C. Compensatory Time

Compensatory Time is defined as time off from work, in lieu of monetary payment for overtime.

In order to be eligible for compensatory time, non-exempt employees who are not in a bargaining unit are required to execute a "Compensatory Time Eligibility Form." The City will provide forms for this purpose.

After the "Compensatory Time Eligibility Form" has been signed, the employee and the Department Director or designee may agree to an award of compensatory time in lieu of overtime pay any time that overtime work is scheduled, subject to the other requirements of this policy. The conversion of overtime to compensatory time will be at the rate of one and one half hours of compensatory time for each hour of work for which overtime compensation is due.

Compensatory time may be accrued by an employee up to a maximum of sixty (60) hours inclusive of conversion to time and one half.

Requests to use compensatory time shall be reviewed on a first come, first served basis, and approved based on the operational needs of the department for the time period requested, as determined by the Department Director or designee, so that department's operations are not unduly disrupted by the use of compensatory time. Unduly is defined as imposing an unreasonable burden on the department's ability to provide service of acceptable quality and quantity to the public without the use of the employee's services. However, employees who request the use of compensatory time shall be permitted to use such time within a reasonable period after making the request, which shall be determined by the facts and circumstances of each case. If the City is unable to grant a request for compensatory time off within that time frame, the employee may elect to be paid for the amount of compensatory time requested.

Request for compensatory time off should be submitted and approved in the same manner as requests for vacation.

Once compensatory time has been earned and accrued, it may not be cashed in for monetary payment until employment with the City ends, except upon request of the employee in those cases when the City is unable to grant the request for compensatory time off due to operational needs.

Non-Eligibility: Exempt Employees:

Exempt employees are not entitled to overtime pay, and therefore are not eligible for compensatory time off in lieu of overtime. However, nothing in this policy shall be interpreted to prevent a Department Director, the City Manager, or designee from allowing an exempt employee to occasionally take time off when the exempt employee has worked an extraordinary number of hours or similarly exceeded the expected norm.

SECTION 4.8 RECORDING TIME WORKED

Non-exempt employees are required to document their start and stop time by either manual or automated means. Manual means may include a time clock, time card or by a record maintained on the City's approved time sheet. Automated means include badge or biometric terminals or web-enabled/browser-based modules. Employees who are assigned to a primary reporting work location must check in and out at that work location, except as otherwise directed by his/her supervisor. Where time clock time cards are used, employees shall use the time clock to enter their start and stop times on their time cards.

No one is permitted to punch a time card or enter time worked for anyone else. An employee may punch in seven (7) minutes or less before the start of the scheduled shift and not more than

seven (7) minutes after the end of the shift, unless prior authorization has been given by the employee's supervisor. Employees must review their time card or time sheet on the last scheduled day of each pay period and sign the card or sheet to verify that the information on it is correct. If an employee who is required to use a time clock fails to punch in or out, the employee is required to (either later that day or the next morning) bring the time card to his/her immediate supervisor to advise the supervisor about the matter. Failure to do so, or repeated failure to use the time clock, may result in disciplinary action.

Non-exempt employees shall be recorded as tardy if they do not report ready for work at their scheduled starting time. Non-exempt employees reporting for work eight (8) minutes or more after the scheduled starting time shall be docked in increments of one-quarter (1/4) of an hour.

SECTION 4.9 WORK BREAKS

- A. Meal Periods - All non-shift/non-exempt employees are provided with one unpaid lunch break each workday. Employees must step away from his/her work station and be relieved of all responsibilities and restrictions during meal periods. If an employee is asked to work during this period, he/she must notify the supervisor that he/she worked during his/her meal break. Employees are required to take a meal break each day. Those who regularly fail to do so will be issued discipline. Lunch times may be scheduled at the discretion of the Department Director.

- B. Employees will be allowed one work break during the first half of their workday and one work break during the second half of their workday, provided that:
 - 1. No single work break shall exceed a fifteen (15) minute absence from the employee's workstation.
 - 2. Employees may not leave their work place without permission of the appropriate supervisor.
 - 3. An employee may not accumulate unused work breaks. If a break is not taken, it is forfeited.
 - 4. Work break time shall not be authorized for covering an employee's late arrival on duty or his/her early departure from duty.

- C. Lactation Break - The City will provide a reasonable amount of break time to accommodate a female employee's need to express breast milk for the employee's infant child. The break time should, if possible, be taken concurrently with other break periods already provided. Non-exempt employees should clock out for any lactation breaks that do not run concurrently with normally scheduled rest periods. Any such breaks will be unpaid. The City will also make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area, for the employee to express milk in private. Employees should notify their immediate supervisor or Human Resources to request time to express breast milk under this policy.

SECTION 4. 10 ALTERNATIVE WORK SCHEDULES

A. Flextime

1. Employees are required to work the hours established for their position. If the employee has a need to request a different schedule on a long-term basis or believes the public can be better served by an alternate work schedule, the matter should be discussed with the immediate supervisor and Department Director.
2. Flextime at the City of Delray Beach is a work schedule with time of arrival and departure that differs from the standard operating hours by not more than three hours. For example, a typical flextime arrangement can be arrival at 10:00 a.m. and departure at 7:00 p.m.
3. Decisions shall be made on a case-by-case basis. Full-time employees who have completed at least six (6) months of employment are eligible for flextime. The employee must first discuss possible flextime arrangements with his/her supervisor and then submit a written request using the Flextime/Compressed Work Schedule Request Form. The Department Director and supervisor will approve or deny the flextime request based on the work requirements of the City, departmental staffing needs, the employee's job duties, the employee's work record and the employee's ability to temporarily or permanently return to a standard work schedule when needed.
4. The Department Director and the City Manager must approve all flextime requests and changes.
5. A flextime arrangement may be suspended or cancelled by the Department Director at any time, with or without notice. Exempt employees must depart from any flextime schedule to perform their jobs as required by Management. Non-exempt employees

may be asked to work overtime regardless of a flextime schedule.

B. Compressed Work Schedule

1. A compressed work week schedule permits employees to work 40 hours in four ten-hour days. The fifth day is a day off on a regular basis and the day will be chosen at the discretion of the supervisor and Department Director. Full-time employees who have completed at least six (6) months of employment are eligible for a compressed work schedule.
2. The employee must first discuss possible compressed work schedule with his/her supervisor and then submit a written request using the Flextime/Compressed Work Schedule Request Form. Approval will be based primarily upon consideration of the work requirement of the City, employee's job performance, departmental staffing needs, the employee's worked record and the employee's ability to temporarily or permanently return to a standard work schedule when needed. The Department Director and the City Manager must approve all compressed work schedule requests and changes.
3. Certain employees may not be eligible for a compressed work schedule due to the needs of their department or the job duties for the position.

SECTION 4.11 ON CALL/CALL BACK TO DUTY

When an employee is called back to duty after regular hours for emergency or other necessary work, he/she shall receive credit for a minimum of two hours of pay. Whenever the hours required for emergency work exceed the two hour minimum, the total actual time worked shall be considered in computing overtime.

For example, if an employee is called back to work and completes the assigned work within fifteen (15) minutes, he/she would be paid two (2) hours of straight time. If an employee is called back and completes the assigned work in two (2) hours and fifteen (15) minutes, he/she would be paid for two (2) hours and fifteen (15) minutes at a rate of time and a half.

SECTION 4.12 PAYROLL PROCEDURES

It is the policy of the City of Delray Beach that as a condition of employment, all employees shall be required to enroll in direct deposit upon hire. Direct Deposit is an efficient, secure, and economical method for delivering payments to employees and assures that an employee's pay is deposited timely even if they are out due to illness, on vacation.

- A. At new hire orientation, all new employees will be provided with a Direct Deposit Authorization form and W-4 form. The Human Resources Department will be responsible for collecting and forwarding the forms to the Payroll Administrator.
- B. Employees can utilize multiple bank accounts. The bank accounts do not need to be at the same financial institution. Direct Deposit of employee pay cannot be set up to go to a third party's account. The payroll office will assist employees with any questions or concerns about direct deposit and also provide assistance with completing the necessary forms.
- C. The Payroll Administrator will be responsible for entering the information on the Direct Deposit Authorization form into the payroll system accurately and timely, for maintaining a scanned copy of the form in the employee's electronic file, and for updating any bank account information when provided. The bank account information submitted will remain in effect until a Direct Deposit Cancellation form is submitted to payroll.
- D. Employees are solely responsible for notifying payroll of any changes in their banking information, such as account number changes, closed accounts, or bank routing number changes. Any changes must be received in the payroll office at least two (2) weeks prior to payday for which the change is to occur. If an employee closes an account prior to the cancellation of the direct deposit, their bank will eventually notify the City of the closed account and send the funds back to the City. The payroll office will NOT issue a replacement payment to the employee until it has received the original funds back from the banking institution. **Failure to notify payroll of bank account changes may result in a delay of payment to an employee.**
- E. Funds will be available in employee bank accounts on the morning of the biweekly payday. If funds did not arrive at the employee's banking institution on the expected day, they must contact the payroll office immediately. Employees may retrieve their paystub from the eSuite portal. It is the employee's responsibility to review all information for accuracy. Employees must immediately notify their manager of any errors. If unresolved, the manager will notify Payroll using the Payroll Discrepancy Form.
- F. In certain cases, the initial pay for a new employee may be provided by paycheck to allow sufficient time to process/pre-note direct deposit information with the participating banking institution. In the event of a paper check, the check will be provided to the department's payroll administrator for distribution.

SECTION 4.13 EMERGENCY DUTY ASSIGNMENT and PAY POLICY¹⁰

¹⁰ Reference Administrative Policy GA-46 Emergency Conditions Pay

The purpose of this policy is to determine how employees are to be paid in the event of a declared all-hazards City emergency.

Whenever an all-hazards emergency or disaster is declared within the City of Delray Beach, it is the policy of the City to fairly compensate its employees and comply with applicable Code of Federal Regulations. When the Mayor or his/her designee issues a proclamation declaring a state of emergency in the City, the implementation of the Emergency Conditions Pay Policy will occur automatically and be applied to all employees unless otherwise defined by the specific provisions of a Collective Bargaining Agreement.

The Emergency Conditions Pay Policy will remain in effect until the Mayor or his/her designee declares the state of emergency over. The Mayor or his/her designee may extend the policy as needed following the end of the declared emergency.

All positions in the City are classified according to the following criteria:

- Essential Personnel (D1 – Key Staff): Employees in positions designated by the Department Directors as “essential” are required to report to work before, during and/or after a declared emergency, depending on their function.
- Non-essential Personnel (D2- General Staff): Employees in positions designated by the Department Directors as “non-essential” are generally not be required to report to work until after the Mayor or his/her designee has declared the immediate emergency is over and it is safe to leave a secured area. However, these employees must remain aware of the emergency situation and any changes to the job location, duties and functions.
- Non-essential Personnel (D-3 – Non Staff): Part time, season, temporary employees that will not be considered essential unless said employee performs a unique functions not capable of being performed by a full time employee.

GA-46.5 EMERGENCY CONDITIONS PAY – REFERENCE CHART

	Regular Day off (e.g. Weekend)	Vacation/Sick day (Pre-Approved)	Released from Duty	Reported to Work	Reported to work on a Holiday
W = Worked N= Did not work					
Exempt (Salary)	W: 1.5x hourly rate	W: Vacation time credited back, standard salary up to 40 hours/week, 1.5x hourly rate over 40 hours/week	Paid remainder of scheduled shift, No compensation (salary) beyond first shift	standard salary up to 40 hours/week, 1.5x hourly rate over 40 hours/week.	Holiday pay + 1.5x hourly rate for all work hours
	N: No additional pay	N: vacation time deducted, standard vacation pay			
Non-Exempt (Hourly)	W: 1.5x hourly rate	W: vacation time credited back, straight pay up to 40 hours/week, 1.5x hourly rate over 40 hours/week.	Paid remainder of scheduled shift, No compensation (hourly wages) beyond first shift	straight pay up to 40 hours/week, 1.5x hourly rate over 40 hours/week.	Holiday pay + 1.5x hourly rate for all work hours
	N: No additional pay	N: vacation time deducted, standard vacation pay			

SECTION 5: RULES OF CONDUCT

SECTION 5.1 DISCRIMINATION, HARASSMENT AND BULLYING¹¹

The City of Delray Beach prohibits all forms of bullying, discrimination and harassment which are illegal and to set out procedures for reporting, investigating and resolving complaints of unlawful bullying, discrimination and harassment.

A. Unlawful Discrimination and Harassment Will Not be Tolerated

It is the policy of the City of Delray Beach that all of its employees have the right to work in an environment that is free from unlawful discrimination and harassment.

The City of Delray Beach will not tolerate the discrimination or harassment of any individual on the basis of race, color, sex, religion, national origin, age, mental or physical disability, veteran or family status, marital status, sexual orientation, genetic information, gender identity or expression, or any other status or condition protected by applicable federal, state or local laws.

All City employees must avoid behavior that constitutes discrimination and harassment based on race, color, sex, religion, national origin, age, mental or physical disability, veteran or family status, marital status, sexual orientation, genetic information, gender identity or expression, or any other status or condition protected by applicable federal, state or local laws. Each employee is individually responsible for assuring that the workplace is free from unlawful discrimination and harassment at all times.

B. Workplace Bullying Will Not Be Tolerated

It is the policy of the City of Delray Beach that all of its employees have the right to work in an environment that is free from bullying. Workplace bullying refers to the intentional, hurtful, repeated mistreatment of one employee or a group (the target) by one or more employees (the bully, bullies). Such actions create an on-going pattern of behavior that is intended to intimidate, degrade or humiliate the employee(s), often in front of others.

The City will take prompt action to prevent such behavior and to remedy all reported instances of bullying and unlawful discrimination and harassment. The City will not permit retaliation against any person who makes a complaint about a violation of this policy, or who cooperates in an investigation into a complaint about a violation of this policy.

C. Responsibilities of Individual Employees

1. There are some forms of conduct which are offensive and inappropriate to reasonable persons under virtually all circumstances. Examples of such conduct include but are not limited to: the use of racial or ethnic slurs, or requiring employees to submit to sexual

¹¹ Reference Administrative Policy PER-6 Discrimination, Harassment and Bullying

advances to obtain some employment benefit or as a condition of employment. Other forms of conduct are not necessarily offensive or unwelcome to reasonable persons under all circumstances. For example, individuals have different levels of sensitivity to joking in the workplace and different perspectives of what is appropriate language in the workplace. A joke, comment, or rough language that is not offensive to most people may be offensive to one particular person. All employees are required to avoid conduct that a reasonable person could view as offensive or unwelcome. In addition, in order to assure that employees with different levels of sensitivity to jokes, similar comments or rough language do not inadvertently offend more sensitive co-workers, all employees are to notify their co-workers or supervisor of conduct that they view as offensive or unwelcome.

2. All employees are required to refrain from bullying type behavior and conduct themselves in a civil manner while at work. Employees are expected to treat other employees with respect.
3. Any employee who believes they have been discriminated against, harassed or bullied in violation of Section 6.1 of this policy is required to report the problem immediately to their supervisor or Department Director. If uncomfortable in reporting to their supervisor or Department Director, then to the Director of Human Resources. The Department Director will advise Human Resources of the situation as soon as any incident has been reported. If the complaint involves the Department Director, the employee is to contact Human Resources directly. If the complaint involves a supervisor or manager in Human Resources, the employee should contact the Assistant City Manager. Employees can report concerns or complaints verbally or by filing a written complaint.
4. All employees are required to cooperate fully in any investigation.
5. If an employee is not satisfied with the action taken by the Department Director (or other member of management initially contacted) regarding the concern or complaint, employees should bring the matter to the attention of the Human Resources Director or the City Manager.

D. Responsibilities of Management

1. All supervisors and managers are required to follow employment practices that protect employees from discrimination because of the individual's race, color, sex, religion, national origin, age, mental or physical disability, veteran or family status, marital status, sexual orientation, genetic information, gender identity or expression, or any other status or condition protected by applicable federal, state or local laws.
2. All supervisors and managers are required to monitor the work environment on a daily basis to assure that there are not indications that unlawful harassment or bullying is occurring.

3. All supervisors and managers are required to intervene and promptly stop any observed action that may be considered bullying or unlawful harassment.
4. All supervisors and managers are required to report any act of harassment or bullying of which they become aware, to the Department Director, to the Human Resources Director, or the City Manager.

Complaint Procedures:

- A. Employees are required to report a complaint or concern to management under the following circumstances:
 1. The employee believes that he or she has been subjected to discrimination or harassment based on his or her race, color, sex, religion, national origin, age, mental or physical disability, veteran or family status, marital status, sexual orientation, genetic information, gender identity or expression, or any other status or condition protected by applicable federal, state or local laws.
 2. The employee believes that he/she has been subjected to bullying.
 3. The employee hears a co-worker complain about bullying or unlawful discrimination or harassment or observes behavior that would violate policy.
- B. Complaints normally are made to the immediate supervisor or Department Director. However, in the event that the employee is uncomfortable reporting it to the supervisor or Department Director, the person raising the complaint should bring it to the attention of the Human Resources Director. If the complaint involves a supervisor or manager in Human Resources, the employee should contact the Assistant City Manager.
- C. Complaints are made in writing using the Notice of Complaint Form in Appendix 1 of this policy.
- D. Any Supervisor or Department Director who receives a complaint of bullying or unlawful discrimination or harassment or otherwise becomes aware of such behavior must immediately notify the Human Resources Director (or Assistant City Manager if the complaint involves a supervisor in Human Resources). The Human Resources Director (or Assistant City Manager) or designee shall perform a review of the complaint based on their initial interview with the complainant. The outcome of the review could result in:
 - The employee being directed to follow the grievance procedure outlined by the applicable collective bargaining agreement or Administrative Policies.
 - Mediation between the complainant and the subject of the complaint, facilitated by Human Resources or an independent consultant when deemed appropriate.
 - An investigation into the complaint conducted by the Human Resources Director or designee. In the event the investigation shows that an individual has acted improperly in violation of this policy, the City will take prompt action to stop the behavior and resolve the matter, including taking disciplinary action.

- E. When necessary, management will immediately ensure that the complainant and the subject of the complaint are separated so that the contact between the two is kept at the lowest level possible.
- F. All complaints will be kept as confidential as possible under the applicable law.

Employees who are found to have engaged in discrimination or harassment based on race, color, sex, religion, national origin, age, mental or physical disability, veteran or family status, marital status, sexual orientation, genetic information, gender identity or expression or any other status or condition protected by applicable federal, state or local laws, or workplace bullying, will be subject to disciplinary action, up to and including termination.

Any member of management who fails to report complaints of bullying or unlawful discrimination or harassment, or who intentionally fails to take appropriate action to stop such behavior will be subject to disciplinary action up to and including termination of employment.

Any employee who fails to report incidents of bullying or unlawful discrimination or harassment is also subject to disciplinary action, up to and including termination of employment. Non-employees who violate this policy will be required to leave the City premises.

Protection Against Retaliation:

In keeping with this policy, the complaining party, reporting party, or cooperating party (parties) are not to be intimidated, coerced or threatened with any form of retaliation. Any person who retaliates against any person is subject to disciplinary action, up to and including termination.

Retaliation is defined as adverse employment action such as termination, suspension, demotion, withholding of bonuses, reduction in salary or benefits, or any other serious and material changes to the terms and conditions of employment taken solely as a result of an individual reporting a violation of this policy.

Training:

It is the policy of the City of Delray Beach that every employee be made aware of their protections and responsibilities regarding bullying and unlawful discrimination or harassment. The City will conduct regular training regarding this policy. All new employees will be provided a copy of the policy and will receive training as part of their new employee orientation. All employees will be required to attend a refresher training once every three (3) years.

SECTION 5.2 IDENTIFICATION AND PERSONAL APPEARANCE/DRESS CODE

All employees working for the City of Delray Beach will present a businesslike and identifiable appearance. The citizens' impression of the City of Delray Beach, in part, depends on their contact with employees. Courtesy, appearance, body language and manner are all important in

projecting a positive professional image.

This applies to all employees of the City of Delray Beach.

Identification:

1. All City employees are required to wear or display City identification badges on their person, at all times, during the hours they are required to work.
2. It is the responsibility of each Department Director to ensure that their full and part-time employees obtain and wear City identification badges.
3. Any employee not wearing an identification badge will receive a verbal warning one time. A second or third offense may result in a disciplinary action up to and including suspension without pay.
4. It is the employee's responsibility to immediately replace a lost identification badge by contacting the Human Resources Department.
5. An employee will be required to pay the replacement cost if they lose more than one (1) identification badge.

Personal Appearance/Dress Code:

Employees are expected at all times to present a professional, businesslike image to citizens. Courtesy, appearance, body language and manners are all important in projecting a positive professional image. Employees are expected to dress and groom in a neat, clean and businesslike manner consistent with the position and work location, and demonstrate pride in their job.

The following is a guideline of appropriate appearance and attire:

- Hair should be clean, combed and neatly trimmed or arranged. Unkempt hair is not permissible regardless of length. Sideburns, moustaches, and beards should be neatly trimmed.
- Tattoos and body piercings (other than earrings) should not be visible.
- Administrative personnel who work in offices and any employees who have regular contact with the public must wear clothing that is businesslike in appearance, such as a business suit; business shirt with or without a tie; polo shirt; City logo shirt; slacks such as chinos or similar style; business dress or skirt with a blouse/sweater; or non-denim Capri pants.

Clothing is not considered businesslike in appearance if it is:

- Casual sportswear, such as cargo pants, stirrup pants, or stretch pants
- Ripped or disheveled clothing or athletic wear
- Skorts or Shorts
- Garments made of blue denim, Lycra or other form-fitting material
- Low Rise, low cut, hipster or hip-huggers pants, which leads to exposure of the mid-section
- Exposure of under garments
- Sweatshirts, T-Shirts (with the exception of City of Delray Beach Logo items) or Halter Tops
- Skirts and Culottes that are greater than 3 inches above the knee
- Flip-Flops or Athletic shoes
- Shirts that inappropriately expose cleavage or the mid-section
- Shirts unbuttoned more than the 2nd button from the top
- See through, mesh, or clothing that is too tight

Friday has been designated as dress down day for those employees who regularly follow the office dress code (non-uniformed, clerical, etc). It is a privilege which permits a relaxation of the normal business attire described above. The same guidelines for businesslike attire apply on dress down day, with the exception that jeans, tee shirts, and athletic shoes are allowed to be worn. Clothing should be neat in appearance and without tears or holes (even if it is the style). Tee shirts must not have anything that has advertising on it.

Other days may be designated as dress down days by the City Manager's Office. In such cases, the same guidelines listed above would apply.

There are times when traditional business attire should be worn on days when casual attire is permitted. Employees should take the day's schedule into account when they dress. If a meeting is scheduled with visitors, or if there are visitors with whom the employee will come in contact, business attire may be more appropriate. The City's primary object is to have employees project a professional image while taking advantage of more casual and relaxed fashions.

Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also will result in disciplinary action.

SECTION 5.3 ACCEPTABLE USE OF INFORMATION TECHNOLOGY¹²

¹² Reference Administrative Policy IT-5 Email; Administrative Policy IT-6 Internet; Administrative Policy IT-7 Social Media

Though there are a number of reasons to provide a user network access, by far the most common is granting access to employees for performance of their job functions. This access carries certain responsibilities and obligations as to what constitutes acceptable use of the City network. This policy explains how city information technology resources are to be used and specifies what actions are prohibited. While this policy is as complete as possible, no policy can cover every situation, and thus, the user is asked additionally to use common sense when using City resources. Questions on what constitutes acceptable use should be directed to the user's supervisor.

Since inappropriate use of City systems exposes the City to risk, it is important to specify exactly what is permitted and what is prohibited. The purpose of this policy is to detail the acceptable use of City information technology resources for the protection of all parties involved.

This policy applies to any and all users of City IT resources, including but not limited to computer systems, email, the network, and the City Internet connection and mobile devices provided by the City. Each employee granted computer access must review and sign an acknowledgment of all IT Administrative Policies.

The City of Delray Beach provides email and internet services for the purpose of conducting City business. Abuse of these electronic systems may result in disciplinary action, up to and including termination. The City has the right to review and or inspect email and internet usage by employees. Employees must exercise the same care in drafting email messages as if they were being read in public. **Employees have no expectation of privacy in their email messages.** Employees are to use good judgment while using the internet. Employees are to avoid uses of the internet that would reflect poorly on the City.

For complete information on email and internet usage, refer to Administrative Policies and Procedures: IT-5, IT-6 and IT-7.

SECTION 5.4 USE OF CELLULAR TELEPHONES AND MOBILE ELECTRONIC DEVICES¹³

The purpose of this policy is to establish efficient and consistent standards and procedures for the use of City- issued and / or personal Mobile Electronic Devices (MED). The City of Delray Beach will provide City-issued MEDs in those instances where such technology will ensure, or substantially enhance, the ability of City employees to carry out the basic duties and responsibilities of their jobs when other, less expensive, methods of expedient communication are not available or appropriate. Employees who are issued MEDs are expected to be accessible as needed 24/7. City employees who use personal MEDs to conduct City-related business shall also be subject to this policy

Definitions:

Mobile Electronic Devices (MED), include, but are not limited to, the following: smart phones,

¹³ Reference Administrative Policy GA-42 Use of Cellular Phone and MEDs

laptops, cell phones, electronic notebooks, electronic tablets, and / or any other devices and / or methods used to conduct City - related business whether the use of such device or method for City purposes is regular and or occasional.

Procedures And Minimum Standards For Using City-Issued MEDS:

A. Minimum Standards

Department Directors may request the City Manager's Office to issue City- issued MEDs for the following personnel:

1. City employees and officials who serve in public safety capacities and who, by job title and responsibility, routinely serve, or are subject to serve, in command or field coordinator roles for actual incidents and rehearsals for incidents that may threaten public safety and well- being.
2. City employees and officials with whom immediate and direct telephone and /or electronic communication is necessary in the performance of their job responsibilities and organizational duties.

B. Justifying and Requesting a City- Issued MED

Department Directors may request a City- issued MED for members of their staff whose job duties and responsibilities allow them to meet the minimum standards as provided in Section A, above, by providing a written request to the City Manager and /or his /her designee justifying a need and a function.

C. Review and Approval of City- Issued MED Requests

Requests will be reviewed by the City Manager and /or his /her designee for accuracy. A determination will be made as to whether MED technology is the most appropriate communications technology for the requested position.

D. City- Issued MED Acquisition Method

1. Due to the evolving nature of MED technology and market prices, the most economically prudent method of acquiring an MED may be by purchase and /or lease. The City will periodically negotiate contractual terms to meet the MED needs of the City. As a result of such negotiations, the City will from time -to -time enter into contracts with successful vendors for the purchase and /or lease of MED equipment and service. All approved requests from City employees and officials will be filled from such contracts and appropriate charges will be assessed against the respective department's budgets.
2. When preparing annual budget requests, departments should request sufficient funding in the appropriate line items to cover the cost of approved and in- service MEDs, including but not limited to minutes, data, fees, internet, etc.

3. As in the case of conventional telephone equipment and services, budget cost information for MEDs will be provided to City departments by the City Manager and /or his /her designee in advance of each budget preparation cycle.

E. Selecting Brands, Models and Features of City- Issued MEDs

Inasmuch as MEDs are a contract commodity, brands will be limited to those under contracts that are either approved and /or recognized by the City Manager's Office. Accordingly, upon notification of approval of an MED request, and based on information contained therein, the City Manager and /or his /her designee will work with the Department Director to select the appropriate model, features, pricing plan, etc. based upon the specific and identified need.

F. Installation and Training for City- Issued MEDs

The City Manager and /or his /her designee will coordinate and arrange the installation of, and training, for all approved MEDs to ensure proper use and compliance with all federal, state and local laws and policies.

G. Billing

The City Manager and /or his /her designee may conduct audits of the monthly billing statements, as needed, and distribute the statements and audit results to the appropriate departmental staff for review and approval. The approved statements should then be returned to the City Manager and /or his /her designee for payment against the appropriate budgetary accounts. Departments should process statements for payment within the terms of the invoice to receive any potential payment discount.

H. Use of City- Issued MEDs

1. Like all other City assets and resources, MEDs are acquired with public funds to enable City employees and officials to transact the public's business in the most efficient and cost-effective method possible. Generally, employees who have been provided with the privilege to utilize a City -owned MED shall use the device in the same manner and with the same care and stewardship as employees who use conventional, stationary telephone equipment.
2. Employees in possession of City equipment, such as MEDs, are expected to protect the equipment from loss, damage and /or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the ED for inspection and /or return.
3. Employees shall limit, to a minimum, calls, text messages and internet usage that does not involve City business. This rule applies to incoming and outgoing calls, texts, conventional telephones and MEDs, but is particularly important in the case of MEDs since airtime is a premium commodity for which substantial charges may be assessed.
4. All personal calls (e. g., non -City -related business) including any calls utilizing airtime made within a flat rate and /or long distance and roaming program shall be the financial

responsibility of the employee. All personal calls that fall within a flat rate package and /or within a "nights and weekends" package are to be reimbursed by the employee to the Telecommunications Systems Manager at the rate established by the City based on current rates. Reimbursement is not required for "mobile to mobile" calls made to others with phones from the same cell phone company when there is no additional cost to the City for such calls.

5. Other costs resulting from misuse /loss and /or inappropriate use of MEDs shall also be the responsibility of the employee. A copy of the Miscellaneous Cash Receipt (MCR) for all reimbursements will be provided to the employee by the City Manager and /or his /her designee which is also used when projecting the annual MED budget.
6. Employees shall not: send sexually oriented messages or images; mail or other communications, files, or programs containing offensive or harassing statements, including comments based on race, national origin, gender, age, disability, religion, or political beliefs; subscribe to any non –work related list servers; or download any applications to the MED that are intended for personal use.
7. Employees shall follow City policies including but not limited to: Administrative Policies IT -2, IT -5, IT -6 and IT -7 at all times while using a City- issued MED.

I. Monitoring MED Usage:

By reviewing /monitoring monthly MED activity, immediate supervisors and Department Directors are able to ensure that they are being used appropriately. Inappropriate use of MEDs should be reported immediately to the respective Department Director and /or City Manager. Disciplinary action, in accordance with City Policies, may be taken. The City has a right to inspect all City-issued MEDs at any and all times, which may include viewing all text messages and emails sent and /or received. **Employees have no expectation of privacy in their email or texts messages.**

Procedures and Minimum Standards for Using Personal Meds:

At times, when personal MEDs are being used to conduct City business, the following shall apply:

- All employees shall be responsible and accountable for all usage on personal MEDs for City - related purposes.
- All employees who install software on their personal MEDs shall do so at their own risk. The City is not responsible and /or liable for any software incompatibility and /or storage problems that may result from this use. Please obtain IT approval and consult with your personal MED software provider prior to installation of software on all personal MEDs.
- Employees shall follow all applicable City policies while operating a personal MED for City business purposes.
- All employees shall attend required training regarding use of personal MEDs for City business purposes to ensure compliance with all federal, state and local laws and policies.

Compliance with Public Records Law:

- A. All MEDs used to conduct City business, whether City- issued or personal, shall be subject to Florida Public Records laws, the Freedom of Information Act, ediscovery laws and policies and, therefore, all City- related content shall be managed, stored and retrieved to comply with these laws.
- B. All E -mails communicating any City business sent from and /or received on a personal MED that are not already archived in the City email system, shall be copied to mycityclerk@mydelraybeach.com for preservation as a public record.

Proper Use of All Meds:

- A. Generally: MEDs used to conduct City business, whether City- issued or personal (while being used to conduct City business), shall be used responsibly in a manner that reflects well on the City. The following shall not be allowed at any time:
 - 1. Profane, malicious, offensive, threatening and /or insulting language;
 - 2. Content, profiles, pictures, avatars and /or usernames that promote, foster or perpetuate discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability and /or sexual orientation;
 - 3. Sexual content or links to sexual content;
 - 4. Solicitations and /or advertising;
 - 5. Conduct or encouraging illegal activity; copyright, patent or trademark violations;
 - 6. Information that may compromise the safety and /or security of the public or public systems;
 - 7. Content that violates a legal ownership interest of any other party;
 - 8. Personally identifiable information, such as addresses, telephone numbers, social security numbers, driver's license numbers, HIPAA protected or other private or sensitive information;
 - 9. Character or personal attacks;
 - 10. False or misleading representations;
 - 11. Unauthorized applications and /or links.
- B. Use While at Work
 - 1. While at work, employees are expected to exercise the same discretion in using personal MEDs as is expected for the use of conventional phones. Excessive personal calls, texts, internet usage and /or E -mails during the work day, regardless of the MED used, may interfere with employee productivity, distract others and /or pose a safety hazard.
 - 2. Employees are to make personal calls, text, use the internet and /or send E -mails on non -work time and ensure that friends and /or family members are aware of City of Delray Beach's policy.
 - 3. The City will not be liable for the loss and /or damage of personal MEDs brought into the workplace.

C. Safety Issues for MEDs

1. All employees are expected to follow applicable local, state and /or federal laws, policies and /or regulations regarding the use of MEDs at all times.
2. Employees whose job responsibilities include regular or occasional driving and who are issued a MED for business use are expected to refrain from using their MED to text or check E -mails while driving - use of an MED while driving is prohibited by the City. Safety must come before all other concerns.
3. Hands -free equipment may be provided with City issued MEDs to facilitate the provisions of this policy. Regardless of the circumstances, including slow or stopped traffic, employees are encouraged to pull off to the side of the road and safely stop the vehicle before utilizing their MED for any purpose, including refraining from discussing complicated and /or emotional matters, and to keep their eyes on the road.
4. Employees who are charged with traffic violations resulting from the use of their MED (i.e., texting, responding to E- mails, etc.) while driving may be solely and personally responsible for all liabilities that result from such actions.

D. Video or Audio Recording Devices

The use of MED cameras and /or other audio and /or video recording capable electronic devices by a City Employee within City buildings, equipment, vehicles and /or on City property may constitute an invasion of employees' personal privacy. Therefore, the use of MED cameras and /or other audio and /or video recording capable devices is prohibited without the express prior permission by the Department Director and /or the City Manager and of the person(s) present at the time of recording (being recorded). This prohibition is specifically applicable to restrooms and locker rooms. Children under the age of 18 shall not be recorded /filmed at any time without a written waiver from their parent/ legal guardian prior to recording.

Special Responsibilities for Managerial Staff:

As with any policy, the City's management staff is expected to serve as role models for proper compliance with the provisions outlined within this policy and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

Violations of this policy will be reviewed on a case -by -case basis and may result in the loss of approved MEDs and, depending on the severity of the infraction, disciplinary action, up to and including dismissal. Violations may also result in fines and /or criminal misdemeanor or felony crimes /cases in accordance with law.

Disciplinary Action:

Violations of this policy will be reviewed on a case -by -case basis and may result in the loss of approved MEDs and, depending on the severity of the infraction, disciplinary action, up to and including dismissal. Violations may also result in fines and /or criminal misdemeanor or felony crimes /cases in accordance with law.

SECTION 5.5 UNIFORM GUIDELINES

The purpose of this procedure is to establish guidelines for the rental and/or purchase of uniforms and safety equipment for City employees and to ensure that the City is in compliance with the Internal Revenue Code (IRC) regarding taxable fringe benefits. Each Department Director or designee is responsible for identifying positions which require uniforms and safety equipment to be worn based on the job to be performed, to ensure that funding is available in the budget prior to the purchase, rental or distribution of any uniforms, to distribute uniforms per established guidelines, and to establish and implement a departmental Standard Operating Procedure (SOP) to be administered in a consistent manner.

A. Regulations:

Federal law considers the value of certain City-provided uniforms or uniform allowances to be a taxable fringe benefit. Employee fringe benefits are presumed to be income to the employee, unless specifically excluded from gross income by another section of the Internal Revenue Code. The IRS requires employment taxes to be withheld from an employee's paycheck for fringe benefits.¹⁴ This law excludes Fire and Police uniforms but not all clothing provided for these positions.

B. Allocation:

The City agrees that it will issue work uniforms, annually at the discretion of the department, to those employees who are required to wear uniforms; those SEIU employees required to wear uniforms while on duty are entitled to receive up to eleven (11) shirts that may be any combination of short/long sleeve depending upon the department, up to eleven (11) pants that may be any combination of long pants/shorts/jeans depending upon the department, and up to two (2) steel toe boots. Employees may elect to receive up to eleven (11) jumpsuits in lieu of the pants and shirt combination. City issued shirts shall be long or short sleeve work shirts, golf type or tee shirt. The color of the uniform shall be defined by the applicable work group. Additional safety apparel and equipment such as: safety vests, goggles, gloves, rain jackets, hats, and lab coats will be provided as deemed appropriate for the performance of an employee's assigned duties. Employees are responsible for the maintenance and care of uniforms. Replacement of uniforms and safety shoes will be provided on an as needed basis as a result of normal wear and tear.

C. Uniform Usage:

City employees should always remember their uniform is a reflection of the City. In order to maintain a positive image of the City, employees wearing a City-provided uniform are expected to conduct themselves in a professional and business-like manner at all times. City-provided uniforms should only be worn during work hours or if the employee is in transit to or from work. Any other use of City-provided

uniforms is prohibited.

D. Returns:

All department issued shirts, uniforms and safety equipment are considered City property. When leaving employment with the City or moving to a position that does not require a uniform, all uniform items and safety equipment issued to an employee must be returned to the employee's supervisor. Any missing uniforms or uniforms damaged due to negligence or abuse must be paid for by the employee. When an employee separates from the City for any reason, the employee's final check may be adjusted unless all issued uniforms have been returned to the employee's supervisor. Uniforms need to be returned as soon as reasonably possible. The adjusted earnings in the employee's final paycheck shall not be reduced below the required minimum wages or overtime compensation in any workweek.

SECTION 6: SAFETY AND SECURITY

SECTION 6.1 Workplace Violence¹⁵

The City of Delray Beach has a zero tolerance for threats or acts of violence. No violence, talk of violence or joking about violence will be tolerated. Maintaining a productive and safe work environment while managing critical workplace incidents, particularly those dealing with actual or potential violence, is a top organizational priority. Violent behavior, the threat of violent behavior or instigation of violent behavior, has no place in any work area. This policy applies to all City employees, customers, vendors and general public and is intended to guide employees, supervisors and Department Directors in preventing and dealing with violent or potentially violent situations in and around the workplace.

PER 10.1 Definitions

Specific examples of conduct that may be considered threats or acts of violence prohibited under this policy include, but are not limited to, the following:

- Threats or acts of violence include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the conditions of state employment, or to create a hostile, abusive, or intimidating work environment for one or more employees;
- Hitting or shoving an individual;
- Threatening to harm an individual or his/her family, friends, associates, or their property;
- The intentional destruction or threat of destruction of personal property of others or property owned, operated, or controlled by the City;
- Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications;
- The willful, malicious and repeated following of another person, also known as “stalking,” and making of a credible threat with intent to place the other person in reasonable fear for his or her safety;
- Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule that would affect the business interests of the state;
- Making a suggestion or otherwise intimating that an act to injure persons or property is “appropriate,” without regard to the location where such suggestion or intimation occurs;
- Use or unauthorized possession of firearms, weapons, or any other dangerous devices;
- Conduct that includes repeated verbal abuse and intimidation, profanity, or unwanted sexual comments or overtures directed at subordinates, supervisors, co-workers, or customers, while not overtly physical or violent, may be prohibited under this policy.

¹⁵ Reference Administrative Policy PER-10 Workplace Violence

PER 10.2 - Policy:

- A. All employees should be alerted to and aware of inappropriate conduct that may constitute indicators or warning signs of an individual's potential for violence. Such behavior should be monitored, documented and reported:
1. Warning Signs, Symptoms and Risk Factors of Potential Violence
 - Hinting about knowledge of weaponry, martial arts, or other means and manner of causing physical harm;
 - Verbalizing violent fantasies or identifying, literally or metaphorically, with violent individuals or events;
 - Possessing/displaying books, games or other media with themes of violence, revenge and harassment;
 - Exhibiting, verbally or physically, excessive bitterness, intense anger, lack of empathy, social dysfunction, romantic obsession, morose depression or emotional isolation, including inappropriate physical manifestations such as hard breathing, flushed complexion, menacing expressions, or rapid, profane speech.
- B. With the exception of the City of Delray Beach Police Officers acting in the line of duty, employees exhibiting, using or threatening to use a deadly weapon, including but not limited to all firearms, is not permitted at the workplace.
1. The workplace is defined as any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, City buildings and surrounding perimeters, including parking lots, City vehicles, field locations, and traveling to and from work assignments. Unauthorized exhibition or use of firearms in any workplace location as noted above is grounds for termination.
- C. If employee holds a valid Concealed Weapon or Firearm License for the State of Florida, or any other state, said weapon or firearm may be permitted at the workplace so long as it stays locked inside the employee's motor vehicle at all times. With the exception of Police Officers, it is violation of this policy for any employee to keep a weapon or firearm inside a City-owned or City-leased vehicle at any time.
- D. Employees with knowledge of any employee(s) planning to act out violent behavior in the workplace must immediately report this information to their supervisor and/or Human Resources Department. Failure to report this information will result in disciplinary action, up to and including termination.
- E. Employees can report knowledge of this behavior anonymously. No employee acting in good faith, who reports real or implied violent behavior, will be subject to retaliation or

harassment based upon their report.

- F. Deliberately false or malicious reports violate this policy and subject the person making such a report to possible disciplinary action, up to and including termination.
- G. Outside individuals can contribute to workplace threats or violence. An employee who has knowledge that their circumstances at home could present a threat to the workplace has a responsibility to report such information to Human Resources. No disciplinary action or retaliation will be taken as a result of reporting possible outside or domestic threats. Human Resources is committed to providing guidance and assistance to such individuals.
- H. The Employee Assistance Program (EAP) is available at no charge for all employees as well as anyone in their household, to obtain help in dealing with workplace and/or personal problems. Employees and managers can contact Human Resources and recommend an EAP referral for another employee they believe to be in need. The EAP provides access to licensed counselor trained various aspects of mental and emotional health.
- I. Employees who fail to abide by this policy will be subject to serious disciplinary action up to and including termination as well as potential legal action.

PER 10.3 - Procedures:

The following steps should be taken when any supervisor, manager or employee observes an act of violence or potential violence at work:

- A. Immediate Emergency Situations: **Call 911**
 - 1. As with any other emergency involving fire, violence, or medical incidents, the first action is to call 911 and report as many details as possible so that the appropriate emergency response units can be dispatched.
 - 2. Next step – contact any or all of the following:
 - Your immediate supervisor
 - Your Division/Department Director
 - If determined that a threat has been made or is planned, the Department Director will contact the Police Department’s Shift Commander to generate the employee’s Photo I.D. and e-mail an “alert” message to the users, supervisors and administrative personnel using the City’s email system.
 - The Human Resources Department
 - 3. The Human Resources Director is the Workplace Critical Incident Coordinator. The

Human Resources Director or designee may be contacted at any time and will ensure that resources such as the Employee Assistance Program, labor relations, risk management, City Attorney, and others as needed are coordinated in their support and response.

4. Other steps following a critical incident at work will flow from this initial contact including written incident reports, disciplinary action and help from the Employee Assistance Program for employees involved in or witnessing a serious incident.
5. In addition to the above noted threat situation, the City Manager, Assistant City Manager, Human Resources Director, City Attorney or other Department Director can request the Police Department Shift Commander to distribute a photo I.D. if they feel the situation warrants such as prior to a termination or other disciplinary action.

B. Non- Emergency Situations

1. Consistent with personal safety, supervisors or managers have a responsibility to make a good faith effort to defuse conflicts as quickly as possible in order to prevent their escalation and creating a threat to others. It is understood that the actions of a supervisor or other employee will be dependent on the seriousness of the situation and the nature of an altercation. If there are any concerns for safety, the supervisor should call 911 for police presence.

C. The following steps should be taken where applicable or feasible and consistent with personal safety:

- DO NOT engage those involved in the conflict physically, but verbally command them to separate. If the people involved refuse to separate, call 911 and follow the steps previously described as immediate emergency situations.
- Contact the appropriate division/Department Director and the Human Resources Director.
- Once the situation is controlled, Human Resources will conduct an investigation into the incident in conjunction with the Department Director and Police Department representative if appropriate.

D. If the Department Director and/or Human Resources Director determine that the presence on the worksite of the employee(s) involved in the conflict would not be safe or appropriate while an investigation is in process, the employee(s) may be placed on administrative leave with or without pay and ordered not to return to the worksite until further advised. Administrative Leave must be approved by the Human Resources Director and the City Manager.

- E. NOTE: PER 10.4 - Legal Actions Policy does not infringe on an employee's rights to pursue criminal or civil charges associated to another employee's actions.

SECTION 7: LEAVE BENEFITS

SECTION 7.1 SICK LEAVE

Sick Leave is defined as leave of absence with pay, which is taken for medical reasons. Should employee call in sick and not have accrued sick leave benefits, the employee may **not** use any accrued vacation, personal holiday or comp-time when calling in sick. The absence will be counted as leave without pay.

Use of Sick Leave:

Sick Leave shall be used only with the prior approval of the employee's supervisor and shall not be authorized prior to the time it is earned and credited to the employee. It shall be allowed only under the following circumstances:

1. For an employee's injury, illness, or quarantine due to exposure to contagious disease.
2. For an illness of a member of an employee's immediate family (spouse, parent, step-parent, child, step-child, domestic partner or qualified dependents of a domestic partner) where care by the employee is required.
3. Medical or dental appointments for the employee or his/her immediate family

Employees who desire to take sick leave shall report their illness or disability to their supervisor within the guidelines established by each Department Director or where department guidelines have not been established, no later than 30 minutes after the start of the first work day of their illness or disability. Otherwise, they shall be considered as absent without leave. Under extenuating circumstances, an exception to this rule may be granted.

The Department Director may investigate such absences to determine their validity and may require the employee to provide a certificate from a physician, certifying to the actual illness or disability of the employee, or may require a letter from the employee explaining the reasons for such absences. All sick leaves in excess of three (3) consecutive working days shall require a physician's statement certifying to the actual medical necessity for the employee's continued absence, at which time, additional leave may be granted.

Disability arising from pregnancy and childbirth shall be treated as any other illness and accrued sick leave may be used for such disability in accordance with these policies. Eligible employees will be offered Family and Medical Leave.

Employees working a compressed work schedule will be charged ten (10) hours sick leave per scheduled work day, as requested and approved.

Accrual of Sick Leave:

Except as otherwise provided, all regular, full-time employees shall be credited for sick leave at the following monthly rates:

Scheduled Work Hours Per Week	Sick Leave Hours Per Month	Maximum Hours Accumulated
40	8.0	1120
48	9.6	1344

Employees starting to work on or before the 15th of the month will accrue sick leave for that month. Employees starting to work after the 15th of the month begin accruing sick leave the following month.

Employees will not accrue sick leave until after the completion of six (6) months of continuous fulltime service unless injury or disability is incurred in the line of duty, as ascertained by the established eligibility for workers' compensation.

If an employee works less than half of the normal workdays during a month for reasons other than holidays, vacation and leaves with pay, sick leave shall not be credited for that month. An exception to this shall be absence due to an on the job injury, qualified as such under Workers' Compensation, when such absence is ordered by the City's physician or his/her designee, in which case sick leave will be credited.

Payment for Unused Accrued Sick Leave – Resignation:

Upon resignation in good standing, employees who provide the City with a two (2) weeks written notice shall be paid at their then regular hourly rate for the portion of their accrued sick leave as stated below, not to exceed the maximum payment of five hundred sixty (560) hours (or 672 for shift personnel working alternate shifts of 24 hours on and 48 hours off). When it is determined to be in the best interests of the City, the City Manager may waive the requirement for two weeks' notice.

Years of Service	% of Accrued Sick Leave to be Paid
0-5	-0-
5-10	25% of up to 560 hours
10-15	50% of up to 560 hours
15-20	75% of up to 560 hours

20 or more	100% of up to 560 hours
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Payment for Unused Accrued Sick Leave – Retirement:

Employees who retire from the City, after twenty (20) or more years of service and are vested under the City of Delray Beach General Employees Retirement Plan or the City of Delray Beach Police and Firefighter’s Retirement system or a deferred compensation retirement system, shall receive pay at their then-regular hourly rate for their total amount of accrued sick leave not to exceed the maximum allowed accrual of 1120 hours for non-shift personnel or 1344 hours for shift personnel working alternate shifts of twenty-four hours on and forty-eight hours off.

Sick Leave Payout Options – Retirement:

- A. Employees who have twenty or more years of service on their retirement date, and who properly notify the City in writing of their intent to retire at least two (2) years prior to their retirement date, may elect to be paid for one-third of their accrued sick leave during each of the two (2) years prior to their retirement. The final payment shall be made when the employee retires. The amount of the payments shall be calculated based on the employee’s accrued sick leave as of two (2) years prior to the employee’s planned retirement date, not to exceed 1120 hours (1344 hours for Fire-Rescue shift personnel).
- B. Employees shall have two options for payment:
 - a. One-third of the payment amount may be made in cash each year as follows:
 - 1. The first payment will be made 2 years from the date of termination.
 - 2. The second payment will be made 1 year from the date of termination.
 - 3. The third payment will be made at termination.
 - b. The one-third payment may be deposited tax free into the employees deferred compensation (457) account if the annual limit on the employee’s 457 contributions has not been reached.

Payment for Unused Accrued Sick Leave – Termination:

Sick leave accrued shall be forfeited if the employee is terminated or is not in good standing at the time of termination. Good standing shall mean the employee provided two weeks-notice of his/her resignation and has no disciplinary action pending.

Payment for Unused Accrued Sick Leave – Death:

In case of death of an employee, payment for unused sick leave accruals (according to the above table) shall be made to the employee’s beneficiary, estate or as provided by law.

In case of death of a DROP Plan participant with twenty (20) or more years of service, payment for unused sick leave shall be made at their then regular hourly rate for their total amount of accrued sick leave not to exceed 1120 hours for non-shift personnel (or 1344 hours for non-union

shift personnel working alternate shifts of twenty-four hours on and forty-eight hours off). Such payment shall be made to the employee's beneficiary, estate or as otherwise provided by law.

SECTION 7.2 VACATION LEAVE

Accrual of Vacation Leave:

All regular employees shall earn vacation leave. Temporary and part-time employees shall not be eligible to accrue vacation leave. Employees become eligible to use accrued vacation after one (1) year of continuous service, and may then use vacation as it is earned. Vacation will be earned at the following monthly rates:

Minimum Length Of Continuous Service	Fire Department Shift Personnel Vacation Hours	Other Full-Time Personnel Vacation Hours
0 years	12.00/month	8.00/month
3 years	14.00/month	9.33/month
7 years	16.00/month	10.66/month
11 years	18.00/month	12.00/month

Continuous service shall mean any period of employment by the City in which there has been no interruption by resignation, or involuntary separation or lay off in excess of one year. Absence due to military service, injury in line of duty or leaves of absence with pay shall not serve to interrupt continuous service. Absence due to leave without pay shall not be construed as an interruption of continuous service, but vacation benefits shall not be accrued during such leave for any month in which the employee does not work during a period of 15 calendar days or more.

The maximum number of vacation hours allowed to be accumulated at any time is as follows:

Average Scheduled Work Hours Per week	Maximum Accumulated Hours
40	288
48	432

Employees starting to work on or before the 15th of the month will accrue vacation leave for that month. Employees starting to work after the 15th of the month begin accruing vacation leave the following month.

Any vacation time earned in excess of the above maximums will be forfeited. No additional accrual or payment in lieu of taking vacation is authorized unless prior approval is granted by the

City Manager. When an extraordinary workload, such as might be caused by special projects or position vacancies, precludes an employee taking vacation, the City Manager may approve accrual of excess vacation. In such cases, the excess vacation must normally be used during the next quarter of the year.

Use of Vacation Leave:

Vacation Leave shall be used only with the prior approval of the Department Director or designee. Scheduling of Department Director's vacation is subject to approval of the City Manager.

Subject to the requirement of maintaining essential services as determined by the Department Director, departmental seniority shall govern scheduling of vacation.

Vacation leave will be charged at the number of regularly scheduled daily hours, for example, employees working a compressed work schedule would be charged ten (10) hours leave per scheduled work day for vacation purposes.

**The minimum charge for vacation leave shall be units of one half hour.

Payment for Unused Vacation Leave – Resignation:

Upon termination of employment, an employee who has completed one (1) year of continuous service, who gives at least two (2) weeks written notice of intent to separate and is in good standing with the City, shall receive payment for unused earned vacation leave. Good standing shall mean the employee gave two weeks' notice of his/her resignation and/or the employee has no disciplinary action pending.

Payment for Unused Vacation Leave – Retirement:

Employees who will have twenty or more years of service on their retirement date, and who properly notify the City in writing of their intent to retire at least two (2) years prior to their retirement date, may elect to be paid for one-third of their accrued vacation leave during each of the two (2) years prior to their retirement. The final payment shall be made when the employee retires. The amount of the payments shall be calculated based on the employee's accrued vacation leave as of two (2) years prior to the employee's planned retirement date, not to exceed 288 hours (432 hours for Fire-Rescue shift personnel).

Employees shall have two options for payment:

- a. The one-third payments may be made in cash each year.
 1. The first payment will be made 2 years from the date of termination.
 2. The second payment will be made one (1) year from the date of termination.

3. The third payment will be made at termination.
 - b. The one-third payment may be deposited tax free into the employees deferred compensation (457) account if the annual limit on the employee's 457 contributions has not been reached.

Payment for Unused Vacation Leave – Retirement:

In case of death of an employee, payment for unused vacation leave shall be made to the employee's beneficiary, estate or as provided by law.

SECTION 7.3 FLSA DAYS¹⁶

"FLSA" days are granted to City employees who are, as indicated on the City's Pay Plan, exempt from receiving overtime pay for hours worked in excess of forty (40) hours per week. These positions meet the exempt criteria of the guidelines for the implementation of the Fair Labor Standards Act (FLSA), as of the Department of Labor Regulations.

1. Human Resources, with the approval of the City Manager will determine the number of FLSA days each exempt position in the City's Pay Plan will receive. At no time should any employee be allowed more than the amount of time allocated in the Pay Plan.
2. These FLSA days are in addition to the annual vacation and sick leave accruals provided in the City's Personnel Policies.
3. Employees must take their designated FLSA days within each fiscal year (October 1 through September 30) or relinquish those days. Carry overs will not be permitted nor will cash payout be granted under any circumstances, including termination, resignation or retirement from City employment.
4. These FLSA days are not required to be used consecutively but may be used throughout the fiscal year as scheduling permits, and upon the approval of the Department Director or the City Manager.
5. Any employee eligible for these FLSA days must be in their current position for six (6) months prior to usage of these days.
6. Any promoted employee, who, due to their promotion, is eligible for additional FLSA days must be in their promoted position for six (6) months prior to using the additional days.
7. The utilization of FLSA days may be used in units of less than a full day and shall be reported separately from normal usage of accrued sick leave and/ or vacation. FLSA days may be used for sick leave only when an employee has a zero sick leave bank balance.

SECTION 7.4 BEREAVEMENT LEAVE

When a death occurs in the family of a regular full-time employee, (family to be defined as follows: father, mother, brother, sister, spouse, domestic partner, child, father-in-law, mother-

¹⁶ Reference Administrative Policy EB-2 FLSA Days

in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchild, grandparents or foster parents, foster child, step-mother, step-father, or step-child) of any employee, the employee may be allowed three (3) days of bereavement leave with pay for in state (Florida) deaths and five (5) days of bereavement leave with pay for out of state deaths.

Fire Department certified shift personnel will be allowed twenty-four (24) hours duty bereavement leave with pay for in state (Florida) deaths and forty-eight (48) hours duty bereavement leave with pay for out of state deaths.

Bereavement leave will not be charged against sick leave, vacation, or holiday time. Any additional time, which may or may not be granted in addition to the three (3) or five (5) days, shall be charged against accumulated vacation, FLSA, comp or personal holiday time.

SECTION 7.5 OTHER LEAVES OF ABSENCE WITH PAY¹⁷

- A. Court Leave – If an employee receives a subpoena as a trial witness or to give a deposition regarding matters which arose in the scope and course of City employment, the employee shall notify the City Attorney for further direction. The employee will be granted leave with pay. Any witness fees including mileage received will be endorsed to the City and deposited into the City’s General Fund. An employee who does not receive a car allowance or have access to a City vehicle for travel to and from the trial may submit their mileage for reimbursement as set forth in the City’s travel reimbursement policies.

If an employee receives a subpoena to testify in or is a party to or is a prospective beneficiary of litigation that is not job related, the employee shall not be granted leave with pay. In such cases the employee shall use vacation leave, personal holiday, compensatory time or leave without pay.

- B. Jury Duty – If an employee is summoned for jury service the employee will be granted leave with pay. Any fees received will be retained by the employee. In order for the employee to receive pay during periods of jury duty, the employee shall provide documentation of services to his/her immediate supervisor.

The employee must continue to report for work on those days or parts of days when excused from jury duty and when three hours or more remain on his/her scheduled workday.

When a second shift employee serves on a jury, the employee will not be required to work on the day that jury duty or trial duty occurs unless that employee is deemed to be “ON CALL”. When a third shift employee serves on a jury, the employee will not be required to work the third shift that begins on the day prior to the day that jury duty or witness duty occurs unless that employee is deemed to be “ON CALL”.

¹⁷ Reference Administrative Policies PER-19 Administrative Leave; PER-21 Military Leave Supplemental Pay and Benefits

- C. Training Courses – Official training courses such as conferences, conventions, workshops or similar meetings which have been approved by the City.
- D. Parent - Teacher’s Conferences– For attendance at parent-teacher meetings, employees are permitted to take up to two (2) hours leave with pay. Such leave must be approved in advance (24 hours before) by the employee’s immediate supervisor. Two (2) meetings per fiscal year are the maximum allowable under this policy. Official documentation from the school that the meeting occurred is required upon return to work.
- E. Military Leave – Employees who are members of the reserves of any branch of the armed forces of the United States shall be entitled to up to 240 working hours of leave per fiscal year, with pay, to engage in training exercises. For periods in excess of 240 hours leave of absence, per fiscal year, the employee will be permitted to treat such additional leave of absence at the option of the employee, as:
 - Vacation to the extent the employee is entitled to on the basis of time worked, or
 - Leave of absence without pay

Upon the return of any employee from Military Leave as described above, the temporary services of the employee filling his/her position shall be terminated or said temporary employee moved elsewhere in the City’s service, at the City’s sole discretion. If the position has been filled by promotion, the employee so promoted shall be returned to his/her former position.

Employees may be required by their Department Director, to furnish evidence of the facts justifying the use of the aforementioned leaves.

Under these provisions, with the exception of work-related leave (official training courses), leave of absence pay will not be considered as hours worked in computation of time and a half payment of overtime.

- F. Inquiry Leave - If an employee is being investigated, he/she may be placed on leave by the City Manager or his/her designee, with or without pay depending upon the circumstances, while the investigation is ongoing. If placed on leave with pay the employee is required to be available via phone and able to report to work when notified during their normal scheduled work hours.

Requirements:

1. An employee requesting leave of absence must provide a written statement to his/her Department Director explaining why he/she needs the leave and whether the employee is seeking approval for paid or unpaid leave. Medical documentation for non-FMLA medical leaves of absence will be required.

2. The Department Director will forward the request to the Human Resources Director, providing a written approval or denial.
3. The decision rendered by the Department Director is due to the circumstances that surround each particular request and does not set a precedent or obligation that similar request will ever be authorized or denied even if the same circumstances exist.
4. Under NO CIRCUMSTANCES may an employee use a leave of absence to work for another employer or to pursue self-employment. Leaves are designed to accommodate employees who have critical personal situations, administrative emergencies, and unusual circumstances.

SECTION 7.6 LEAVES OF ABSENCE WITHOUT PAY¹⁸

- A. Military Leave – Any full time, regular employee shall be granted leave without pay, to be considered military leave, to serve in the armed forces of the United States by enlistment, draft or the call up of a reserve unit of which the employee is a member. Upon return of such employee from active service, the employee shall be restored to his/her former position or a position having a similar character, duties and compensation provided:
 - The employee presents to Human Resources a certificate or other evidence that he/she has satisfactorily and honorably completed his/her period of active service.
 - The employee is still qualified to perform the duties of the position.
 - The employee makes application for reinstatement within ninety (90) days after being relieved from active service.
- B. Educational Leave – Leave without pay, not to exceed one (1) year, may be granted by the City Manager to any employee who has entered upon a course of training or study for the purpose of improving the quality of the employee's service to the City or fitting himself/herself for promotion.
- C. General Leave – Upon written request of an employee, the City Manager may grant a leave of absence without pay for personal or medical reasons, when it will not result in undue prejudice to the interest of the City, as determined solely by the City Manager.
- D. Leave for Victims of Domestic or Sexual Violence - Employees who have been employed with the City for at least three months are eligible to take up to three days of unpaid leave for certain qualifying events relating to domestic violence. Examples of events that entitle employees to leave include the following: seeking an injunction for protection against domestic violence, stalking, or sexual violence; obtaining mental health counseling or medical care as a result of domestic violence or sexual assault related to the domestic violence; making the employee's home more secure or seeking alternative

¹⁸ Reference Administrative Policies PER-19 Administrative Leave; PER-21 Military Leave Supplemental Pay and Benefits

housing; or, seeking legal assistance or services from a victims' services organization or rape crisis center arising from an incident of domestic violence. Other similar situations may also entitle employees to leave under the law. Advance notice of the need for leave is required except where the employee or family member is in imminent danger such that notice is not possible. In addition, the City may require documentation of the domestic violence. Any available paid time off must be exhausted before domestic violence leave can be utilized. The City is prohibited from taking adverse personnel action against employees who make bona fide leave requests or take leave pursuant to this policy, but employees who request leave otherwise remain subject to the City's policies and procedures.

Effects of Being on Leave without Pay:

Any month in which an employee, while on leave of absence without pay, works less than half of the normal work days will not be considered for the purpose of accruing sick leave, vacation, or other fringe benefits, based on continuous service. Employees who are on leave of absence without pay the day preceding or the day following a holiday shall not be compensated for the holiday.

While on leave of absence without pay for thirty (30) days or more, excluding approved Family and Medical Leave, the monthly group insurance premiums for a covered employee and any covered dependents must be paid by the employee. For any month in which an employee returns to work after a leave of absence without pay and works less than half of the normal work days during the month, the employee must pay the group insurance premiums for themselves and any covered dependent for that month. Failure to pay insurance premiums may result in cancellation of coverage. Payment will be due on the first day of the month and a 30-day grace period is permissible.

Requirements:

1. Leave of absence requests require a written statement from the employee to their Department Director explaining why he/she needs the leave and whether the requester is seeking approval for paid or unpaid leave. Medical documentation for non-FMLA medical leaves of absence will be required.
2. The Department Director will forward the request to the Human Resources Director, providing a written recommendation for approval or denial. The Human Resources Director will provide a written recommendation for approval or denial to the City Manager. All approval for such requests is at the sole discretion of the City Manager.
3. The decision rendered by the City Manager is due to the circumstances that surround each particular request and does not set a precedent or obligation that similar request will ever be authorized or denied even if the same circumstances exist.

4. Under NO CIRCUMSTANCES may an employee use a leave of absence to work for another employer or to pursue self - employment. Leaves are designed to accommodate employees who have critical personal situations, administrative emergencies, and unusual circumstances.

SECTION 7.7 ABSENCE WITHOUT LEAVE

An absence of an employee from duty, including any absence for a single day that is not authorized by a specific grant of leave of absence under the provisions of these rules, shall be deemed to be an absence without leave. Except in cases of serious/life threatening emergencies, any absence without leave shall be without pay and may subject the employee to disciplinary action; including suspension, demotion or dismissal in appropriate cases.

The absence of any employee from duty for three (3) successive work days, or in the case of shift personnel for three (3) consecutive calendar days or in either case for a longer period, without notice to his/her Department Director (or where applicable, to the shift officer) of the reason for such absence and his/her intention to return, shall be considered in effect a voluntary resignation without notice.

Failure of an employee to report for work at the expiration of a leave of absence or vacation, or upon the physician's return to work release for full or light duty in cases of work related injuries, shall separate the employee from the City's service and shall be considered in effect a voluntary resignation.

SECTION 7.8 FAMILY AND MEDICAL LEAVE¹⁹

This policy establishes procedures for complying with the Family and Medical Leave Act of 1993. All Department Directors will be responsible for assuring that these procedures are followed within their departments. The Human Resources Department will be responsible for monitoring compliance with the law.

Procedure:

- A. Any approved leave taken, paid or unpaid, covered under the Family and Medical Leave Plan will be counted against the employee's annual FMLA leave entitlement. The method the City will use for determining the "12-month period" in which the 12-weeks of leave entitlement occurs will be a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave, the

¹⁹ Reference Administrative Policy EB-16 Family and Medical Leave

remaining leave entitlement would be any balance of the 12-weeks not used during the immediate preceding 12-months. If during the prior 12-month period the employee has already used 12-weeks of FMLA leave, the leave is exhausted. If the employee has not used 12-weeks of FMLA leave during the preceding 12-month period, he/she is entitled to the balance of twelve weeks that has not been used. For example, if an employee used four weeks of FMLA leave beginning 2/1/07, four weeks beginning 6/1/07, and four weeks beginning 12/1/07, the employee would not be entitled to any additional leave until 2/1/08. However, beginning on 2/1/08, the employee would be entitled to four weeks of leave, on 6/1/08 the employee would be entitled to an additional four weeks of leave, etc.

- B. Employees requesting FMLA leave are first required to use their sick leave as part of the 12-week mandated period. Once the employee has exhausted their sick leave, the employee is required to use their paid vacation or personal leave. Personal leave is defined as personal holiday and FLSA days. Compensatory time may be used when all other leave has been exhausted. When paid leave is used up by an employee, the City will provide only enough unpaid leave to total 12-weeks of FMLA leave.
- C. In the case of leave for birth or placement of a child, an employee must provide 30-days advance notice before the date on which the leave would begin. If the employee is unable to provide 30-days notice, the employee must provide such notice as is practicable. Requests for leave should be completed by using the "Employee's Request for Family and Medical Leave" form.
- D. If both spouses are employed by the City and they wish to take leave to care for a newly arrived child or a sick parent, their combined leave is limited to 12-weeks. If the leave is requested because of the illness of a child or of the other spouse, each spouse is entitled to 12-weeks of leave. Leave may be taken for birth or placement of a child only within 12-months of that birth or placement.
- E. If both spouses are employed by the City and they wish to take leave to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty, their combined leave is limited to 26-weeks.

Eligibility:

To qualify to take family or medical leave, the employee must have worked for the City of Delray Beach for at least 12-months and provided at least 1,250 hours of service during the 12-months immediately before the date when the leave is requested to commence.

Qualifying Event:

- A. To qualify as FMLA leave under this plan, the employee's request for leave must meet one of the following criteria listed below:

1. Birth of a child or care for child;
 2. The placement of child for adoption or foster care and to care for the newly placed child;
 3. To care for a spouse, child or parent with a serious health condition; or
 4. The serious health condition of the employee.
 5. A spouse, child, parent or next of kin in the armed forces who is recovering from a serious illness or injury sustained in the line of duty on active duty. (Employee is entitled to 26-weeks of leave to care for a service member's serious injury or illness).
 6. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call to covered active duty.
- B. The Department Director should use the Family & Medical Leave Plan Checklist (attachment #1) as a guideline for determining an employee's eligibility for FMLA Leave. A copy of the checklist should be forwarded to Human Resources along with the original Employee's Request for Family and Medical Leave form completed by the employee (attachment #2). If there is any doubt on the part of the Department Director, he/she should contact Human Resources.

Definitions:

- A. Serious Health Condition -- A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., the inability to work, attend school or perform other regular daily activities), or any subsequent treatment in connection with the inpatient care; or (2) continuing treatment by health care provider, as defined by the Family Medical Leave Act and the pertinent regulations.
- B. Serious Injury or Illness -- A "serious injury or illness" means an injury or illness incurred by a military service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.
- C. Child -- Except as otherwise noted in this policy, "child" means a biological, adopted or foster child; a stepchild, a legal ward; or a child of a person standing in loco parentis (in the place of a parent) and who is either under the age of eighteen (18) or, if older than the age of eighteen (18), is incapable of self care because of a mental or physical disability.
- D. Parent -- Parent means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis (in the place of a parent) to the employee when the employee was a child. Parent does not include parents "in law".
- E. Next of Kin -- The "next of kin" of a military service member means the nearest blood relative other than the service member's spouse, parent or child, in the following order of priority (unless the service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver): (1) blood

relatives who have been granted legal custody of the service member, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.

- F. Qualifying Exigency – A “qualifying exigency” includes leave taken for any of the following reasons: (1) to address any issue resulting from an impending call to active duty deployment on less than seven days” notice, (2) to attend military events and related activities (such as a military ceremony, briefing, family support program, etc.), (3) to make arrangements relating to childcare and school activities, (4) to make financial and legal arrangements, (5) to attend counseling, (6) to spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during the period of deployment, (7) to attend post-deployment activities (such as a military ceremony, event, reintegration briefing, etc.), and (8) any other exigency agreed upon by the City and employee.
- G. Covered Active Duty – “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in Section 101 (a)(13)(B) of the Title 10, United States Code

Intermittent Leave or Reduced Schedule:

- A. Employees may take intermittent leave or work a reduced schedule, not to exceed 12-weeks or 480 hours, if medically necessary. Intermittent leave or reduced schedule may be taken for the birth or adoption of a child, if the arrangement is agreed to by the Department Director.
- B. In the case of leave for a serious medical condition, if the leave is foreseeable based on a planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of his/her department. An employee is required to submit a written request for FMLA at least 30-days before the anticipated beginning of the family and medical leave, unless emergencies or unforeseen events preclude advance notice.
- C. If an employee’s request for intermittent leave is foreseeable based on planned medical treatment, the City may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits, that better accommodates recurring periods of leave than the employee’s regular position.

Equivalence:

A father, as well as a mother, can take family leave because of the birth or serious health conditions of a child. A son, as well as a daughter, is eligible for leave to care for a parent.

Employment Benefits:

- A. An employee who completes a period of leave is to be returned to the same position he/she had before the leave, or to a position equivalent in pay, benefits, and other terms and conditions of employment. Leave will not result in the loss of any previously accrued seniority or employment benefits. Whether an employee is using paid leave or unpaid leave, the current policy on accruals will apply.
- B. While on Family and Medical Leave, health care benefits will continue through an employee's leave and premiums for the covered employee will be paid by the City. An employee on an unpaid leave will be required to pay for any other voluntary benefits for himself/herself, as well as all dependent premiums. Payment will be due on the first day of the month and a 30-day grace period is permissible.
- C. The City may recover health coverage premiums paid for an employee who fails to return from leave, except if the reason is the continuation, recurrence, or onset of a serious health condition. This is subject to certification.

Employee Notice and Certification Of Physician Or Practitioner:

- A. Employees requesting leave for serious health conditions or a service member's serious injury or illness must provide medical certification via "Certification of Physician or Practitioner" form (attached) within 15 calendar days, if practical. Failure to provide adequate medical certification may result in denial for the leave until required certification is provided.
- B. Employees requesting leave for family members of the armed forces must provide certification that the employee's family member is on active military duty.
- C. If there is reason to doubt the validity of the employee's certification, the City may require, at its own expense, a second opinion from their designated or approved health care providers. The second opinion may not be provided by a health care provider regularly employed by the City. In the event of conflicting opinions, the City may pay for a third and final provider to offer a binding decision. The health care provider must be mutually agreed upon by the City and employee. The City may require that medical certification be submitted showing that a request for intermittent leave or leave on a reduced schedule basis is medically necessary.
- D. The City may require subsequent medical recertification of an ongoing condition from the employee's health care provider every six (6) months in conjunction with an absence, or more often to the extent permitted by applicable law.
- E. The City will require that leave based upon a qualifying exigency also be supported by a

certification and supporting documentation, including a copy of the military member's active duty orders or other similar documentation.

- F. If an employee's certification or recertification is deemed by the Human Resources Department to be incomplete, the City will notify the employee of the deficiency and the employee will be provided seven (7) days to cure the deficiency. A failure to complete the certification may result in the denial of leave for the period of time until the completed certification is submitted.
- G. During leaves under this policy, the employee must periodically report on their medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements by his or her department Director.
- H. Those employees whose FMLA leave was due to their own serious health condition must provide medical authorization from his or her health care provider advising that the employee is able to safely resume performing the essential functions of his or her position before the employee will be allowed to return to work. The City may require subsequent recertification on a reasonable basis.

SECTION 7.9 HOLIDAY SCHEDULE

This Section establishes the holidays observed by the City. This Section applies to all full-time employees.

- New Year's Day
- Martin Luther King's Birthday
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Thanksgiving Friday
- Christmas Eve
- Christmas Day
- One Personal Holiday

When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. Employees on the active payroll (as full-time employees) on the date of the holiday shall be eligible for holiday pay at their base hourly rate of pay.

Employees must work his/her scheduled hours before and after the holiday, or be on a pre-approved leave in order to receive holiday pay.

Employees who regularly work five (5) days (forty [40] hours per week) will receive eight (8) hours of pay for each holiday.

Employees on sick or vacation leave on a designated holiday shall be paid for the holiday as holiday pay and not charged with personal leave for the day.

The Personal Holiday needs to be used within the calendar year. This holiday does not carry over and is non-compensable.

Personal Holiday:

The following criteria shall be met before the use of a personal holiday is approved by the appropriate Department Director:

- An Employee's request to use a personal holiday must be approved by the appropriate Department Director at least three (3) working days prior to the desired time off.
- The personal holiday may be taken only when it does not disrupt the essential services of departmental operations.
- If the employee has not used the personal holiday within the fiscal year, the personal holiday shall be considered lost and forfeited.
- During the initial six (6) months of employment, an employee is not entitled to a personal holiday.

SECTION 7.10 ELIGIBILITY FOR HOLIDAY PAY

To be eligible for holiday pay, employees must work last scheduled day before the holiday and the first scheduled day after the holiday, unless they are taking an excused absence on those days. In the event that an employee has scheduled vacation leave to run concurrent with a holiday, the employee must work the last scheduled day before the vacation leave and the first scheduled day after the vacation leave to be eligible for holiday pay.

Employees on the active payroll as full-time employees on the date of the holiday shall be eligible for holiday pay at their base hourly rate of pay. Employees who regularly work five (5) eight (8) hour days (forty hours per week), will receive eight (8) hours of pay for each holiday. Employees who regularly work four (4) ten (10) hour day (forty hours per week), shall convert to a five (5) eight (8) hour day (forty hours per week) during the week of the holiday and will receive eight (8) hours of pay for each holiday. Or, employee may elect, with Department Director's approval, to use two (2) hours of vacation time during the week of the holiday. Fire department shift personnel who are not part of a bargaining unit shall receive 9.6 hours of pay for each holiday.

Work During Holidays:

With the exception of designated Police Department and Fire Department shift personnel, employees whose work schedules require that they work on designated holidays will be paid

regular pay plus holiday pay for each holiday worked. When an official holiday falls on a day that an employee is not scheduled to work, the employee shall be allowed a day's leave of absence with pay at a later time approved by the Department Director. If, however, the Department Director finds that granting such leave of absence would adversely affect the operation of the department, then upon prior approval of the City Manager, said employee may be paid holiday pay for the leave time not allowed. Designated Civilian Police Department shift personnel will be eligible to receive holiday option leave or holiday option pay in accordance with Police Department General Order No. 1210.

Holidays During Leave:

Employees on vacation or sick leave on a designated holiday shall be paid holiday pay and not charged with vacation or sick leave for the day. Employees on leave without pay both the day before and the day after a holiday shall be considered as on leave without pay on the holiday and shall not be paid for the holiday. Similarly, employees absent without leave either the day before or the day after a holiday shall be considered absent without leave on the holiday and shall not receive pay for the holiday.

SECTION 8: PERFORMANCE EVALUATIONS

SECTION 8.1 PERFORMANCE EVALUATIONS

Each performance evaluation should be an interactive process. The supervisor and the employee shall discuss the employee's performance in meeting the responsibilities of the job as well as the strengths and weaknesses of the employee. A performance evaluation will be conducted of every employee during the initial third, sixth, ninth and twelfth month of employment, and annually thereafter.

An employee may receive his/her first merit increase in pay after the twelfth month of employment and annually thereafter, if approved in the City's budget for that fiscal year.

Every effort will be made on the part of the supervisor to provide the performance evaluation to the employee in a timely manner.

Performance evaluations can be grieved through the grievance process outlined in Section 10.2 - *Grievance Procedures for Non-Disciplinary Actions* only if the employee received an evaluation with an overall rating of Unsatisfactory.

The City shall establish such forms and criteria as necessary to measure and maintain records of employee work performance. The forms and criteria shall at a minimum:

1. Provide employees with timely reports of their work performance and document areas of improvement;
2. Identify the employee's work performance strengths and areas of improvement;
3. Provide an ongoing performance record which is retained in the employee's personnel file;
4. Provide employees with an opportunity to discuss ways to improve work performance;
5. Provide an opportunity to review the current job responsibilities as stated in the most current job description, and make any necessary updates to the job description;
6. Set performance goals with the employee for the upcoming evaluation period.

Procedures:

- A. Annual performance evaluations shall be completed by the supervisor on the

employee's anniversary of the original date of hire or on the most recent appointment date to a new position, whichever is applicable. Annual evaluation meetings will take place no later than the employee's applicable anniversary or appointment date.

- B. If the performance evaluation corresponds to a merit increase, the full percentage increase will be added to the hourly/annual rate. In cases where the increase would exceed the maximum of the pay grade for that position, a lump sum bonus may be issued. (Per section 8.2 – Lump Sum Bonus). An employee must have an average or above average performance appraisal in order to receive a merit pay increase. The employee cannot have had any discipline resulting in demotion or suspension imposed upon them during the evaluation year for which the merit increase would be paid and cannot have had any at fault accidents in excess of the current deductible observed by the City. Employees covered under Collective Bargaining Agreements will be subjected to the eligibility requirements in the applicable agreement.
- C. Completed performance evaluation forms will be maintained in the employee's personnel file in the Human Resources Department.
- D. Each month, the Human Resources Department will prepare a report listing employees' anniversary or appointment dates, by department and by month. This report will be sent each month to the department Director or designee, to identify all employees with an anniversary or appointment date in the upcoming thirty (30) days.
- E. The Human Resources Department will track the receipt of completed annual performance evaluations, and will provide a monthly report to the Department Director and the City Manager of evaluations that have not been submitted by each department.
- F. Department Directors will be responsible to ensure that annual performance evaluations are completed in a timely and accurate manner for their employees.

SECTION 8.2 LUMP SUM BONUS

When a general employee (exempt and non-exempt) who has reached the maximum amount of the salary range receives an annual Performance Appraisal, a recommended performance increase is issued. This process results in one of the following actions:

1. A full percentage increase in the hourly/annual rate; or,

2. No percentage increase (because the employee is either at the maximum of the pay grade and a Lump Sum Bonus is appropriate or the employee is not deserving of an increase because their Performance Appraisal is Unsatisfactory); or,
3. Partial percentage (to reach the maximum rate for the grade), along with a possible Lump Sum Bonus.

Eligibility:

An employee must have an average or above average Performance Appraisal. The employee cannot have had any discipline resulting in demotion or disciplinary suspension imposed upon them during the evaluation year for which the bonus would be paid and cannot have had any at fault accidents in excess of the current deductible observed by the City.

Process:

During the annual Performance Appraisal process, an employee who reaches or is at the maximum amount of the salary range and who receives only a portion of the recommended annual Performance Increase may be eligible for a Lump Sum Bonus. The bonus awarded shall be the amount the Performance Appraisal recommended and not received, but in no case shall the combined Performance Increase amount and the bonus exceed five percent (5%) of the base annual salary. Such onetime annual bonus amount shall be paid at the time of the employee's Performance Appraisal and shall not be applied to the employee's base rate.

SECTION 9: EMPLOYEE DISCIPLINE

This Section establishes the City's policy regarding the counseling or discipline of employees. The City's policy relating to employee duties, conduct and discipline are structured around a progressive discipline system, to provide the employee with the opportunity to correct a problem, improve or meet workplace performance and behavior standards or expectations, and record corrective actions taken to address such matters. The progressive system is dependent on many factors, including but not limited to, the employee's past work record, years of services, the severity of the infraction, and other operational factors. The process may begin with employee counseling. However, in some instances a specific incident in and of itself may justify severe initial disciplinary action. The action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct. **Nothing in the disciplinary actions in any way alters the employment at-will status of employees.** Further, out of respect for our staff, it is the City's policy that matters involving the conduct and discipline of current or former City employees are not to be discussed in a public forum or with the general public.

All references herein to the City Manager, Human Resources Director, or a Department Director shall mean that person or his/her designee. This policy applies to all employees, unless otherwise covered by a Collective Bargaining Agreement.

Preventive Action:

The first step in preventing the need for further discipline can be the use of a documented verbal counseling. If appropriate and justified, a performance improvement plan may be utilized before or in conjunction with initiating disciplinary action. These actions are intended to allow opportunity for the supervisor to meet with the employee and discuss the situation/behavior that needs to be corrected. This action is to be documented and placed in the employee's personnel file. If the situation/behavior is not corrected, it may lead to disciplinary action, as described below.

Overview and Causes For Disciplinary Action:

Disciplinary action should move through progressive discipline, allowing a reasonable period of time for improvement. Discipline may include the following: documented verbal counseling; performance improvement plan; written reprimand; suspension without pay; demotion; combination of the above; dismissal. These actions may be taken singularly or in combination, depending on the totality of the circumstances of the conduct in question. In some instances, however, severe initial disciplinary action may be warranted, including dismissal. The City Manager shall have the final authority to approve suspension, demotion or dismissal, based upon thorough review, recommendation and approval of the Department Director and the Human Resources Director.

Reasons²⁰ for disciplinary action may include, but shall not be limited to the employee's performance, attendance, conduct, behavior issues, and/or policy violations such as:

1. Failure to perform duties in an efficient or competent manner in which the employee was hired to perform.
2. Refusal or failure to do a job assignment within reason as in accordance with the position description assigned to the employee.
3. Failure to perform duties assigned and disruption of co-workers and office operations.
4. Conviction of a felony criminal offense or of a misdemeanor involving moral turpitude as it relates to the position assigned.
5. Violation of any lawful and reasonable regulation, order or direction made or given by a supervisor; Insubordination.
6. Refusal to fully and truthfully cooperate in a formal investigation related to the operation of the City, conducted by or at the direction of the City.
7. Public intoxication or drinking any intoxicating beverages while on duty, use of illegal drugs or being under the influence of a drug or narcotic while on duty.
8. Excessive absenteeism; tardiness at start of shift, or return from breaks or lunch; or pattern of poor attendance.
9. Unauthorized absences or abuse of leave privileges, or absence from duty without authority, including refusal to report to work.
10. Leaving work without permission or authorization of immediate supervisor.
11. Willful misconduct.
12. Theft, destruction, carelessness, or negligence in the use, handling or control of City property and facilities; unauthorized or improper use of City property, electronics or equipment in violation of City policy.

²⁰ The list below is not intended to be exclusive as there may be other reasons for discipline or termination that may not be included on this list.

13. Conduct unbecoming a City employee.
14. Discourteous, insulting, abusive or inflammatory language or conduct toward the public, a co-worker or a supervisor; bullying or other acts or threats of violence against an employee or the public while on duty or engaged in City work on or off City premises.
15. Acceptance of a gift or any valuable consideration, which was given with the expectation of influencing the employee in the performance of his/her duties.
16. Engaging in other forms of employment while on duty, unscheduled leave or acute illness leave or disability leave; outside employment which interferes with City employment.
17. Falsification of records, or use of position or information for personal advantage.
18. Falsification of any document used with regards to the employee's application for employment, employee benefits, or any actions affecting the employee's status or employment (i.e., promotion).
19. Unauthorized personal possession of firearms, concealed weapons or ammunition in violation of City policy.
20. Loss or suspension of employee's driver's license and driving privileges by due process of law when the employee's position makes the operation of a motor vehicle necessary in the performance of his/her duties.
21. Violations of the City's Policy Against Discrimination, Harassment and Bullying, drug free workplace policy, or information technology policies including electronics.
22. Violation of City Personnel Policies and Procedures, departmental policies and procedures, City Administrative Orders, or any other rules or regulations of the City.

Disciplinary Actions And Procedures:

A. Verbal Counseling, PIPs and Written Reprimand

1. Verbal Counseling with Written Documentation: This action is intended to record the date and summary of a counseling meeting between the supervisor and employee, to discuss performance and/or behavior issues, including

the reason(s) for the counseling and ways to improve conduct.

2. Performance Improvement Plan (PIP): In order to address concerns regarding employee work performance and/or behavior, a supervisor may create a written plan documented by using the Performance Improvement Plan Form, outlining the areas of performance that need improvement and the actions necessary in order for the employee to at least meet expectations. The plan should set forth a timeframe for the supervisor and employee to meet on a regular basis to review progress toward the plan, and an end date at which time the supervisor and employee will meet to evaluate the employee's future. The plan will be reviewed and recommended by the Department Director, and approved by the Human Resources Director or designee. The employee will sign to acknowledge receipt for which he/she will be provided a copy. The plan shall remain permanently as a record in the employee's personnel file maintained by the Human Resources Department. PIPs may accompany a performance evaluation, or other disciplinary or non-disciplinary employment actions. Failure to sign acknowledgment of receipt of PIP or any of the other disciplinary actions listed below can result in further disciplinary action, up to and including termination.

3. Written Reprimand: In situations where counseling has not resulted in the expected improvement, or when more severe initial action is warranted, a written reprimand may be prepared by the supervisor and provided to the employee, after it has been reviewed and recommended by the Department Director and approved by the Human Resources Director. The employee shall sign to acknowledge receipt for which he/she will be provided a copy, which shall also be placed in the employee's personnel file maintained in the Human Resources Department.

B. Administrative Leave, Suspension and Dismissal

1. Administrative Leave: Department Directors and the Human Resources Director may temporarily relieve an employee from duty when they feel that such immediate action is necessary. This administrative leave from duty shall be documented in a signed memo and shall be effective until the next business day, or until an investigation has been completed. The administrative leave may be with or without pay depending on the circumstances (for example, when an employee has been charged with a felony criminal offense or a misdemeanor involving moral turpitude). The Human Resources Director shall make a final determination as to whether administrative leave is with or without pay. Given the disciplinary circumstances, employees placed on administrative leave without pay shall not be allowed to use sick leave or vacation leave during this

time. If the investigation concludes no wrong doing, the employee shall receive back pay for any time lost.

2. Suspension: This action is intended to notify and communicate to the employee the seriousness of the infraction(s). An employee may be suspended without pay for reasons such as those referenced in Section III of this policy, including but not limited to misconduct, negligence, inefficiency, insubordination, or unauthorized absences, when alternate personnel actions are not appropriate, for such length of time and scheduled as management considers appropriate.

C. Procedures for Suspensions or Dismissals: The following procedures have been established for the processing suspensions or dismissals for non-probationary employees:

Step 1: Prior to any disciplinary action being instituted (unless not feasible), the employee shall receive written notification from his/her Department Director that the Department Director is considering recommending to the City Manager that disciplinary action be taken against the employee. The notice shall set forth the grounds for the potential discipline and state what departmental rules, Administrative Policies and Procedures or Human Resources policies form the basis for the recommended discipline.

Step 2: The employee shall have three (3) working days from date of notice, in Step 1, to request, in writing, a conference with the Department Director prior to the Department Director making his/her final decision on the recommendations for disciplinary action that will be forwarded to the City Manager. The conference shall only be between the employee and the Department Director and any supervisory personnel the Department Director wishes to have present; or if requested by the employee, a representative from the Human Resources Department may also attend. If the request for a conference has not been made within the three (3) working days, the conference shall have been waived. In either case, the employee shall receive a copy of the Department Director's decision. The Department Director shall submit his/her recommendation to the City Manager within ten (10) working days from the day of the meeting.

Step 3: In cases of disciplinary action (or recommendations for disciplinary action) not involving termination, if the employee waives the departmental conference or is not satisfied with the decision resulting from the conference, he/she may still request, in writing, a pre-disciplinary conference before the City Manager. The written request must be made to the City Manager within three (3) working days of the Department Directors decision (in Step 2) or the employee will have waived any rights to the City Manager's pre-disciplinary conference. Said written request should also clearly state the basis for the employee's dissatisfaction with the Department Director's decision or recommendation.

In cases where the recommended disciplinary action does involve termination, the City Manager shall initiate the hearing by notifying the employee in writing of the receipt of the Department Director's recommendation and the time and date set for such pre-disciplinary conference. Such notice shall set forth the grounds for the potential termination and state what departmental rules, Human Resources policies form the basis for the recommended discipline. If the employee does not wish to have such a pre-disciplinary conference, such decision should be given in writing to the City Manager prior to the date of conference.

The employee has the right at such pre-disciplinary conferences held before the City Manager to attend the conference with an attorney or one representative of his/her own choice (can only be one or the other).

The employee shall receive written notification of the City Manager's decision within a reasonable time following such pre-disciplinary conferences (as outlined in Step 3). The decision of the City Manager is final.

For purpose of this Section, the term "working days" shall mean Monday through Friday, inclusive, but excluding the City's legal holidays.

Probationary Employees:

Probationary employees may be terminated at any time by the City Manager, without cause and without prejudice, and as a matter of policy they have no right to appeal or grieve termination. Accordingly, probationary employees will not be provided with any explanation or reason for termination.

SECTION 10: GRIEVANCE PROCEDURE

FOR NON-DISCIPLINARY ACTIONS

When an employee, excluding members of any bargaining unit, believes that a violation of rule, regulation or policy has occurred with regard to that individual, the employee may initiate formal action to secure a review of the grievance when, in the opinion of the employee, all efforts of an informal nature to resolve the problem to his/her satisfaction have failed.

Performance evaluations can be grieved only if the employee received an evaluation with an overall rating of Unsatisfactory.

The following steps and procedures are established to facilitate fair settlement of grievances:

1. Employee discusses the grievance with his/her immediate supervisor in an attempt to reach a satisfactory solution to the problem. The conference shall only be between the employee and his/her immediate supervisor.
2. If the grievance remains unsatisfied, the employee may then discuss the grievance with his/her Department Director. The Department Director shall make a written summary of the discussion and a copy shall be given to the employee. The conference shall only be between the employee and the Department Director and any supervisory personnel the Department Director wishes to have present; or if requested by the employee, a representative from the Human Resources Department may also attend.
3. If no satisfactory settlement has been reached at the Department Director level, the employee may, within five (5) working days after his/her case has been heard by the department Director, appeal his/her case to the Human Resources Director in writing.
4. If such an appeal is taken within the time and manner provided, the Human Resources Director shall hold a conference relative to said grievance. Such conference will be conducted by the Human Resources Director within five (5) days after receipt of the written appeal. The employee has the right at such conference before the Human Resources Director to attend the hearing with an attorney or one representative of his/her own choice (can only be one or the other).
5. The Human Resources Director shall render a decision, as a result of such conference, within ten (10) working days after the conference date. The decision of the Human Resources Director is final.

Time limits have been established in the interest of prompt adjustment of grievances. They may be extended within reason through the written mutual consent of both parties involved. It is the spirit of this procedure that all grievances be settled quickly and fairly without any subsequent discrimination against an employee who may seek to adjust a grievance, real or imagined and without any recrimination on the part of the employee with regard to his/her superiors.

SECTION 11: SEPARATION OF EMPLOYMENT

SECTION 11.1 SEPARATION BY VOLUNTARY RESIGNATION

An employee who desires to resign City employment in good standing should submit a written resignation at least two (2) weeks prior to the effective date of the resignation. This two (2) week notice may be waived if sufficient cause for revision is established.

Employees who voluntarily resign will receive payment for all accrued vacation leave up to a maximum of 288 hours. Accrued sick leave will be paid out in accordance with Section 7.1 of this policy manual. Employees not exempt from the provisions of FLSA shall be paid for accumulated compensatory time as required by FLSA.

A resigning employee will be able to continue health insurance coverage through COBRA in accordance with COBRA regulations. Employees may contact the Human Resources Department for further current information.

SECTION 11.2 SEPARATION BY TERMINATION

Discharge or dismissal action shall be taken by the City to terminate an employee's services. Regular employees will be given the notice of termination in writing and the specific procedures to follow in appealing the termination to the City Manager, whose decision is final.

Accrued sick leave in accordance with Section 7.1 of this manual and vacation leave will be paid upon termination except in the event of termination for willful misconduct as determined in the discretion of the City Manager.

SECTION 11.3 SEPARATION BY RETIREMENT

Employees retiring from the City may elect to continue group medical insurance and life insurance coverage, provided they begin to receive retirement benefits from their pension/retirement immediately after retirement. Retirees are responsible for paying 100% of the benefits costs. These benefits must be elected at time of retirement. Retirees who do not elect insurance at time of retirement are not eligible to enroll during the open enrollment period.

Retirees and their covered family members currently participating in the City's medical insurance will have the use of the Employee Health and Wellness Center.

Procedure: Any employee who voluntarily separates from employment due to retirement is required to:

1. Provide his or her supervisor with adequate written notice, preferably no less than two weeks in advance;
2. Work the entire notice period unless waived by the immediate supervisor with approval by the Department Director; and

SECTION 11.4 SEPARATION BY DISABILITY

Subject to the provisions of the ADA and other applicable law, an employee may be separated from the City when no longer able to perform the essential functions of the assigned position because of a physical or mental disability. The City may require an examination to be performed at its expense by a physician of its choice in order to document a disability.

Prior to separation, the City shall make every effort to reasonably accommodate the employee's disability. These efforts may include, but are not limited to, job restructuring, revised work schedules, and improved physical access to facilities. The employee may also be reassigned to a vacant position, if available, for which he or she is qualified and able to perform the essential functions. Separation for a disability shall only occur if all reasonable efforts to accommodate the employee have been unsuccessful. Employees will be given the notice of separation in writing and the specific procedures to follow in appealing to the City Manager, whose decision is final.

All issues involving employee disabilities shall be handled on a case-by-case basis. The employee, supervisor, or Department Director shall notify the Human Resources Director when there is a question regarding an employee's ability to perform the essential functions of the job because of a disability.

SECTION 11.5 SEPARATION BY DEATH

Separation from the City shall be effective as of the date of an employee's death. All compensation and other benefits due to the employee shall be made to a designated beneficiary or to the estate of the employee in accordance with Florida Statutes, Section 222.15. The Department Director shall arrange for the return of all City property such as badges, keys, tools, and equipment, if any, signed out and in the possession of the deceased employee or family.

SECTION 11.6 WORKFORCE REDUCTION

It is the policy of the City that Workforce Reduction may be necessary as a result of declining revenues, curtailment or elimination of a public service activity, program or function, or organizational restructuring.

Workforce reduction may involve an entire category of employees or a single position. Work

performed may be discontinued or reassigned to other position(s). In such cases, the City Manager may terminate an employee or employees. Workforce Reduction(s) are not disciplinary actions.

Scope:

This policy and procedure applies to all full time employees, unless otherwise covered by a collective bargaining agreement.

Procedure:

- A. Order Of Workforce Reduction: The following criteria will be used to identify positions to be eliminated and employees who will be subject to termination.
 1. Level 1. The Department Director will recommend position(s) for elimination based on operational need, budget restrictions, and/or reorganization. Human Resources Director will receive and make recommendation to City Manager for final approval of which position(s) to eliminate.
 2. Level 2: If two or more employees currently occupy those positions approved for elimination, employees will be terminated based on utilization of performance evaluations, work experience, attendance, and disciplinary record.
 3. Level 3: Seniority with the City will be the next criterion, if needed. Seniority will be calculated by counting years of service from 'Last Hire Date' as a full time employee. Should there be two or more employees with the same years of continuous service with the City, the seniority in the position will be the final criterion. Preference for retention will be given to veterans who submit proof of discharge from active duty in time of war as defined in Title I, Section 1.01(14) of the Florida Statutes.
- B. Notification: All affected employees will receive forty-five (45) days written notification and will be relieved of duty upon such notice. As a result, employees will not work through this notice period. All days referenced herein are calendar days.
- C. Final Paycheck: The employee's final paycheck will reflect payment of wages due and payment for any accrued leave in accordance with current City policies and procedures.
- D. Workforce Reduction Pay: Provided an Agreement, Waiver and Release is signed, employee(s) will receive regular pay for the forty-five (45) day notification

period. Should an employee decline to sign the Agreement, Waiver and Release, he/she will only be paid for his/her accrued personal leave balance. The last day of employment and termination effective date will be the date of the written notice. Below is an example for illustrative purposes:

1. Date of letter to employee providing written notice of termination= 8/11
2. Last day of employment= 8/11
3. 45 calendar days= 9/25
4. Insurance coverage end date= 9/30 (explained below)

E.h Insurance Coverage: The employee's health, dental, and vision coverage will continue through the end of the month in which the forty-five (45) day notification period ends. In the above example, the day would be 9/30. Consistent with the City's life insurance policy, life insurance ends upon termination of employment.

The employee will be notified of COBRA eligibility upon notice of termination. If the employee elects COBRA, the City will pay the difference between the COBRA rate and the current monthly employee premium rate for the first 30 days of COBRA. The former employee must submit the COBRA invoice along with his/her portion of the premium to the Human Resources Department for payment within 30 days of receipt of said invoice. The former employee will pay the full COBRA premium starting the second month following termination of employment.

F. Agreement, Waiver and Release: In order to receive the pay and benefits provided in Paragraphs 4 and 5, each employee must sign an Agreement, Waiver and Release.

SECTION 11.7 REHIRE, REINSTATEMENT AND REEMPLOYMENT

This policy and procedure applies to all full-time employees who return to employment with the City. This policy does not apply to Public Safety personnel that are eligible to participate in the City of Delray Beach' Police and Fire Pension Plans. The City currently is not a member of FRS for Public Safety; therefore, the rules and regulations regarding reemployment of FRS Pension Plan Retirees do not apply.

Rehire:

An employee's anniversary date is defined as his/her first day of employment. Employees who are re-hired after termination will lose their original anniversary date and be assigned a new date corresponding to their first day on the job after re-employment.

Reinstatement:

Employees who leave the City of Delray Beach voluntarily, and in good standing are eligible for reinstatement. A former employee is eligible for reinstatement if he/she has been separated from the City of Delray Beach and is rehired within twelve (12) months of his/her separation.

An employee who is reinstated will receive credit for prior service if reinstated in the same position as the last position held prior to termination. An employee will receive credit for prior eligible City service as follows:

1. The salary will remain the same as on the termination date, except as modified by the City Manager.
2. Group insurance benefits will require the same enrollment process as a newly hired employee, including any “waiting period” which delays the start of a benefit. The two exceptions are:
 - a. An employee who is rehired within the same month as the employment termination would not have their group insurance benefits terminated and therefore would not incur a waiting period delay;
 - b. An employee who has elected the COBRA option upon separation for health, dental, and vision insurance effectively would not have terminated their group policy and therefore would not incur a waiting period delay.
3. Vacation Accrual Rate (hours earned – but not paid out at termination) will be restored based on the rate in effect at the time of termination and accruals will begin as soon as is appropriate based on the reinstatement date. There will be no waiting period for vacation accruals. No time is accrued for the period of absence.
4. Sick Leave Accrual Rate (hours earned – but not paid out at termination) will be restored based on the rate in effect at the time of termination and accruals will begin as soon as is appropriate based on the reinstatement date. There will be no waiting period for sick leave accruals. No time is accrued for the period of absence. If the employee did not use his/her Personal Holiday for the fiscal year in which he/she is reinstated, the holiday will be restored upon completion of 6-months of service. If the employee used his/her Personal Holiday for the fiscal year in which the reinstatement occurs, then he/she will not receive another holiday upon reinstatement.
5. A reinstated employee is not subject to the 12-month probationary period. The reinstated employee’s performance appraisal compensation should be received after 12-months of completed service after his/her reinstatement date.

Note: All individuals who return to the City of Delray Beach in a position other than their original

position are considered NEW HIRES.

SECTION 12: EMPLOYEE HEALTH AND WELLNESS

SECTION 12.1 ON THE JOB INJURY

As approved by the City Manager, employees who are absent from work because of a work-related injury or illness as defined under the Florida Workers' Compensation Law can receive their full pay during a period of ninety (90) consecutive calendar days, beginning at the employee's discretion. The employee must execute a "90-Day Benefit Form" and the Administrative Assistant will distribute as indicated, no later than the Friday proceeding the next payday. If not received on time, payroll will assume the start date to be the date of the accident. By electing the 90-day benefit, the employee will not be charged sick time while out due to a work-related injury or illness. The 90-day benefit will protect their sick time accrual as long as time off is authorized by the workers' compensation treating physician for no work status, doctor visits or physical therapy. After the ninety (90) calendar days have ended, employees will be allowed to use accrued sick and/or vacation leave, which together with Workers' Compensation benefits, will provide the employee with a salary or wage equal to the employee's normal base rate of pay. An employee receiving Workers' Compensation benefits who exhausts accrued sick and vacation leave will receive Workers' Compensation payments only.

SECTION 12.2 CITY EMPLOYEE HEALTH AND WELLNESS CENTER

Location:

Employee Health and Wellness Center

525 NE 3rd Avenue, Delray Beach

Phone: 561-243-7612

Fax: 561-243-7614

It is the policy of the City to provide the opportunity for eligible employees, spouses, dependents and retirees to obtain health and wellness services at the Employee Wellness Center, to improve employee health and reduce health care costs. Those eligible for access to the Wellness Center must be enrolled one of the City's medical plans.

Services offered will include primary and acute care, chronic illness evaluation/management, lab draws, medications dispensing and health coaches for adults and children age two and above. There will be no charge for any services provided by the Center.

The Center will also provide:

- Annual physicals and drug testing for all positions covered under the PBA contract
- Annual physicals and drug testing for all employees covered under the IAFF contract

- Post-accident and reasonable suspicion drug testing
- Quarterly DOT drug testing for employees with CDL licenses in designated positions
- Pre-employment physicals, which will include nicotine testing. Candidates for safety-sensitive positions will also receive a drug test.

Use Of Personal Leave Time To Go To The Center During Work Hours:

Employees are required to follow the same timekeeping practice as followed for other personal appointments, according to their departments' procedures. If an employee is required to clock in/out and/or use personal leave time, then the employee will continue to do so for appointments at the Center. If an employee is not required to clock in/out and/or use personal leave time, then the employee will not be required to do so for appointments at the Center. Questions are to be handled by the employee's supervisor or Department Director. Should the need arise to modify this procedure with respect to the Center, department Directors will discuss and address it accordingly.