



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

PERSONNEL POLICIES AND PROCEDURES MANUAL

Approved by

A handwritten signature in blue ink, appearing to read "T. Moore", is written over a horizontal black line.

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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 internal and external customers that exceeds expectations.

Everyone makes a difference.

SECTION 1: OVERVIEW

SECTION 1.1 ORGANIZATION AND ADMINISTRATION OF PERSONNEL POLICIES

This Human Resources Policy Manual (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 This Manual shall govern Human Resources-related matters of the City unless superseded by other specific regulations established in the City Charter or Code, or Florida Statutes.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. Employment contracts with Department Directors may provide additional benefits. It is the responsibility of each employee 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 for any particular duration or any other legal obligation granting continued employment.

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 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 their designee.

5. The City will retain employees on the basis of the adequacy of their performance or conduct; will correct inadequate performance or conduct; and will 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 will take affirmative steps to recruit, employ and advance in employment qualified minorities, women, veterans and persons with disabilities.
8. While employees are protected against coercion for partisan political purposes, they are also 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 shall prepare and submit these policies to the City Manager. 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 their 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 Human Resources Director.

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 Manual will apply to all full-time 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 Manual, 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 general employee classification plan that reflects, on a current basis, the duties and responsibilities of all budgeted positions (Administrative Policy PER-4);
3. Maintain a pay plan for all general employee positions with periodic pay plan adjustments based on economic and budget factors; (Administrative Policy PER-4)
4. Administer special pay policies in cases of declared emergencies based on the needs and circumstances of the emergency (Administrative Policy GA-46);
5. Develop and administer recruitment and onboarding procedures that will provide the best qualified applicants to meet the needs of City departments (Administrative Policy PER-20);
6. Provide leadership in the development of programs for the improvement of employee productivity and morale;
7. 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
8. Perform any other functions as necessary or as directed by the City Manager to carry out the purpose and provisions of the Personnel Policies.
9. Implement policies and procedures regulating reductions in force;
10. Maintain policies and procedures for performance evaluations and merit pay increases as approved in each fiscal year budget;
11. Maintain policies and procedures for progressive discipline, grievances and termination;
12. Provide 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

SECTION 2: RECRUITMENT AND ONBOARDING

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

Administrative Policy PER-8: Affirmative Action Plan¹

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 shall receive a copy of this Manual and all Department Directors, Division Directors, Managers and Supervisors shall implement and support the policies contained herein;
- Conditions of employment, recruitment, and hiring practices are in accord with the intent of this Equal Employment Opportunity policy;
- The City shall conduct periodic reviews of job specifications, actual tasks performed, and qualifications required of workers.

Employment Laws Governing Recruitment and Selection:

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

SECTION 2.2 AMERICANS WITH DISABILITIES ACT (ADA)

Both Federal law under Title I of the ADA, and Florida State Law, Florida Statute §760 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 and/or does not pose a direct threat to the health or safety of others in the workplace and/or to the individual. This provision

¹ Reference [Administrative Policy PER-8: Affirmative Action Plan](#)

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

applies to a pregnant employee, and/or an employee with pregnancy-related or childbirth-related medical conditions.

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 a disabled employee with a meaningful employment opportunity. Employees may utilize this procedure without fear of retaliation and/or fear of retaliation.

Complaints:

While claims of discrimination may be processed through the City’s complaint procedures described in Administrative Policy PER-6 Policy Against Discrimination, Harassment and Bullying, nothing in this policy is intended to preclude the employee from filing a complaint with the Federal Equal Employment Opportunity Commission (EEOC), Florida Commission on Human Rights or any other organization in accordance with applicable Federal and State laws.

SECTION 2.3 DRUG FREE WORKPLACE

Administrative Policy PER-12: Comprehensive Drug and Alcohol Abuse Policy³

As part of our commitment to safeguard the health of our employees, and to provide a safe work environment while promoting a drug-free workplace, the City of Delray Beach is 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. An employee that refuses to submit to alcohol and drug testing as established in Administrative Policy PER-12, Comprehensive Drug and Alcohol Abuse Policy, may 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

Administrative Policy PER-9: Alcohol and Drug Testing for CDL⁴

PER-9 is limited to those employees required to hold a commercial driver’s license (CDL) and operate a “commercial motor vehicle.” In compliance with Federal law, the City will conduct pre-employment, reasonable suspicion, random, post-accident, and return to duty alcohol and controlled substances testing of individuals who perform safety-sensitive function related to

³ Reference [Administrative Policy PER-12: Comprehensive Drug and Alcohol Abuse Policy](#)

⁴ Reference [Administrative Policy PER-9: Alcohol and Drug Testing for CDL Drivers](#)

transportation.

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 materials 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.

SECTION 2.5 NON-TOBACCO WORKPLACE

Administrative Policy PER-15 Non-Tobacco Use⁵

To reduce the negative impacts of 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 those who use tobacco products have a greater negative impact on health concerns.
- The impacts of use of tobacco products by employees increase 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.

As of October 1, 2012, the City is a non-tobacco workplace. Employees who smoke and were hired before this date 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 use tobacco products. The City will not consider applicants who have used tobacco products within three (3) months of their application for employment. The definition of “tobacco products” shall include, but is not limited to, cigarettes, nicotine patches, gum or pouches, 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

⁵ Reference [Administrative Policy PER-15: Non-Tobacco Use](#)

within one (1) year of their application for employment. The definition of “tobacco products” shall include, but is not limited to, cigarettes, electronic cigarettes, nicotine patches, gum or pouches, cigars, chewing tobacco, pipes and snuff.

All applicants for employment must sign a Non-Tobacco Use Affidavit and undergo nicotine screening tests as directed. Any employee who signs the Non-Tobacco Use Affidavit and violates the Non-Tobacco Use Policy may be subject to disciplinary action up to and including termination.

SECTION 2.6 RECRUITMENT, HIRING AND ONBOARDING

Administrative Policy PER-20: Recruiting, Interviewing, Onboarding⁶

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 Preference⁷, Americans with Disabilities Act (ADA) and other applicable statutes. Policy specifics are contained in Administrative Policy PER-20 Recruiting, Interviewing, Onboarding.

SECTION 2.7 PROBATIONARY PERIOD

The probationary period for new employees 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 year for the purpose of determining whether the individual shall attain regular status in the position. A six-month performance evaluation will be 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 (less than 3.0) may result in 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 procedures. Part time employees are considered probationary.

An 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

⁶ Reference [Administrative Policy PER-20: Recruiting, Interviewing, Onboarding](#)

⁷ Reference [Administrative Policy PER-14: Veterans Preference](#)

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 by the physician 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 by the physician 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 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 paid time off to meet these appointments.

SECTION 2.8 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-9⁸, Employment Eligibility Verification, to data from U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

⁸ <https://www.uscis.gov/i-9>

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.

If an employee changes their legal name through the courts (marriage, divorce, etc.), the employee must provide Human Resources with 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 CODE OF CONDUCT

SECTION 3.1 PALM BEACH COUNTY CODE OF ETHICS

Administrative Policy GA-13: Ethics Policy⁹

The Municipalities located within Palm Beach County are subject to the provisions of the Palm Beach County Commission on Ethics Code of Ethics¹⁰. The Code of Ethics provides additional and more stringent ethics standards as authorized by Florida Statutes, §112.326. 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.

Employees should be aware of the provisions of the Code of Ethics. Below is a summary of the Code of Ethics. Employees are cautioned that these are just a summary of the regulations but the provisions in their entirety should be reviewed and understood.

- A. Prohibited Conduct: Employees must perform their duties within the bounds of their authority. Employees are prohibited from misusing their position to receive any special benefit, financial or otherwise.
- B. Contractual Relationships: Employees are prohibited from entering into any contract with the City and prohibited from doing business with the City. If employees have been approved for outside employment, their outside employer may not do business with the City.
- C. Gifts: Employees are prohibited from asking for or accepting gifts of any value in exchange for or because of their job.
- D. Nepotism: Employees are prohibited from appointing, employing, promoting or advancing anyone that is a relative, spouse, or domestic partner.

SECTION 3.2 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. No employee is authorized to speak on behalf of the City of Delray Beach on a legal matter without approval from the City Attorney.

SECTION 3.3 SOLICITATION AND DISTRIBUTION

⁹ Reference [Administrative Policy GA-13: Ethics Policy](#)

¹⁰ Reference [Palm Beach County Code of Ethics](#)

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make any 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 the hours they are 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 3.4 STATEMENTS TO THE PRESS

Administrative Policy GA-4: Press Release and Photo Coverage¹¹

All requests from the press for statements or interviews must be referred to the Communications Director or their designee.

SECTION 3.5 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.

¹¹ Reference [Administrative Policy GA-4: Press Release and Photo Coverage](#)

SECTION 3.6 OUTSIDE ACTIVITIES/SOCIAL MEDIA

Administrative Policy GA-51: Social Media Policy¹²

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. Thus, all employees must be constantly aware of the image projected to the public as a City employee, both in person and online.

SECTION 3.7 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 their designee. This includes using City computers for personal business during scheduled work hours. City employees who wish to rent City facilities will follow the rules in place for all customers.

SECTION 3.8 USE OF CITY UNIFORMS AND LOGO APPAREL

Employees must be conscious of where and when they wear uniforms and City logo apparel when off duty. Their behavior and demeanor in uniform should never reflect badly on the City. Also, uniforms and logo apparel should never be used to leverage influence for personal endeavors or in connection with outside employment.

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.

¹² Reference [Administrative Policy GA-51: Social Media Policy](#)

SECTION 4: COMPENSATION and HOURS OF WORK

SECTION 4.1 SALARY PLAN ESTABLISHMENT AND PHILOSOPHY

Administrative Policy PER-4: Classification and Pay Plans¹³

The City Manager or their designee shall periodically review the general employee 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 the minimum and maximum salary rate for each position. An employee's salary will not exceed the maximum of the salary grade for their position.
- When creating a new position, the Human Resources Department will determine the correct salary grade based on market research. New positions that result in an increase to departmental FTEs may only be added to the departmental budget during the annual budgeting process and must be approved by the Chief Financial Officer, City Manager and City Commission. Mid-year additions would follow the same approval process.

SECTION 4.2 MANAGEMENT OF JOB CLASSIFICATION AND SALARY PLAN

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 Americans with Disabilities Act (ADA) regulations.

¹³ Reference [Administrative Policy PER-4: Classification and Pay Plans](#)

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. The Pay Plan is approved by the City Commission through the City Manager.

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.

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, department, division, salary grade, FLSA status, signature approvals (Department Director and/or Human Resources), 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 five (5)

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. A temporary assignment shall not exceed six (6) months. The 5% increase in pay 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.

Department Directors may also follow the established working out of classification procedures when an employee is assigned additional duties in a classification that is equal or below their own classification for more than five (5) days.

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 for tracking 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, through the Department Directors, shall establish starting and ending times for employees on all shifts.

The number of working hours for full-time employees during any workweek is forty (40) hours. 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 for the affected employees. The normal workweek for payroll purposes is defined as 12:01 a.m., Saturday through midnight of the following Friday.

Recording Time Worked

Non-exempt employees are required to document their start and stop time using the City-approved timekeeping system. 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

No one is permitted to enter time worked for anyone else, with the exception of supervisors or directors who are authorized to edit a timecard to ensure the correct time is processed for payroll. 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 record on the last scheduled day of each pay period and 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 advise the supervisor about the matter as soon as possible. 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.

It is necessary to provide the payroll department with complete and accurate documentation of the actual time worked by non-exempt employees. All time records for non-exempt employees will be completed to reflect the actual number of hours worked during each day of the workweek and must be approved by the employee. 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.

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) to fulfill operational requirements as deemed necessary. Although exempt employees are not required to report their specific hour to hour working times, they are required to follow departmental guidelines for utilizing leave time for weeks in which they worked less than forty hours. Exempt employees will verify their work time and leave time each week using the City-approved timekeeping system.

SECTION 4.6 ATTENDANCE

Because each employee plays a very important role in the City operation, regular attendance and punctuality in reporting for work are essential. The Department Director is responsible for accounting for the daily whereabouts and activities of all employees within the department.

A. Punctuality

1. 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 their supervisor of the situation. Excessive tardiness will result in disciplinary action up to and including termination.

B. Absence from Work

1. Planned absences using accrued leave time are to be requested in advance using the approved request for leave time form or software.
2. In the event an employee is unable to report to work as scheduled, due to illness or emergency, the employee must contact their supervisor at least 30 minutes

prior to the start of their shift to report their absence each day.

3. A non-exempt employee who is not at work during scheduled work hours and has not notified the supervisor of their absence shall be considered unexcused and on Leave Without Pay unless such absence is approved by the Department Director.
4. An unexcused absence in excess of three (3) days without an approved explanation may be considered job abandonment.

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 workdays for non-shift personnel shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise authorized by the Department Director. 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. Each Department Director or designee shall ensure that employees comply with established work schedules and unscheduled overtime work is performed only in bona fide emergencies. 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.
- B. 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.
- C. Employees may be required to work overtime. Failure to do so may result in discipline up to and including termination.
- D. Overtime Calculation
 1. 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 the time an employee is required to be on duty and all time that the employee is permitted to work.
 2. In computing overtime hours, vacation leave, compensatory time used, bereavement leave and holidays, which are paid but not actually worked, and which occur within the work week or work cycle, will be credited as hours worked. Sick leave used in the pay week that overtime is worked, is not credited as hours worked. Hours worked in this situation will be paid at straight time.

E. Compensatory Time

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

A non-exempt employee who is promoted into an exempt position will be paid for any hours in their comp time bank.

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 WORK BREAKS

- A. Meal Periods - All non-shift/non-exempt employees are provided with one unpaid meal break each workday. The length of the meal break may be thirty (30) minutes or one hour, as determined by the Department Director based on the needs of the department. Employees must step away from their workstation and be relieved of all responsibilities and restrictions during meal periods. If an employee is asked to work during this period, they must notify the supervisor that they worked during their meal break. Employees are required to take a meal break each day. Those who regularly fail to do so will be disciplined. Meal breaks may be scheduled at the discretion of the Department Director or designee. An employee may not forgo a meal break in order to be compensated for arriving late or leaving early.
- B. Employees will be allowed one paid work break during the first half of their workday and one paid 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 workplace without the permission of the appropriate supervisor.
 - 3. An employee may not accumulate unused work breaks. If a break is not taken, it is forfeited.
 - 4. Unused work break time shall not be authorized for covering an employee's late arrival on duty or their 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 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 4.9 ALTERNATIVE WORK SCHEDULES

A. Flextime

1. Employees are required to work the hours established for their position. If an employee wishes 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 concerning alternative work schedules shall be made on a case-by-case basis. Full-time employees who have completed at least six (6) months of employment are eligible to request flextime. The employee must first discuss possible flextime arrangements with their 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. 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 to apply for a compressed work schedule.
2. The employee must first discuss possible compressed work schedule with their 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 requirements of the City, employee's job performance,

departmental staffing needs, 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 4.10 ON CALL/CALL BACK TO DUTY

When a full time non-exempt employee is called to work before or after regular hours for an emergency or other necessary work, they shall receive credit for a minimum of two hours of pay. Union employees will receive the minimum hours per respective Collective Bargaining Agreement. 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 a non-exempt employee is called to work and completes the assigned work within fifteen (15) minutes, they would be paid two (2) hours of straight time. If an employee is called to work and completes the assigned work in two (2) hours and fifteen (15) minutes, they would be paid for two (2) hours and fifteen (15) minutes at a rate of time and a half as long as the employee has worked at least forty (40) hours that week.

SECTION 4.11 PAYROLL PROCEDURES

As a condition of employment, all employees shall 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.

During onboarding and 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 Manager.

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.

The Payroll Manager 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. Employees making changes to their direct deposit must do so at City Hall and must provide documentation of their identity and their new account numbers.

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.**

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 designated form.

The initial pay for a new employee may be provided by paper check 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 4.12 EMERGENCY DUTY ASSIGNMENT AND PAY POLICY

Administrative Policy GA-46: Emergency Conditions Pay¹⁴

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 the applicable Code of Federal Regulations. When the Mayor or their 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.

¹⁴ Reference [Administrative Policy GA-46: Emergency Conditions Pay](#)

SECTION 5: RULES OF CONDUCT

SECTION 5.1 DISCRIMINATION, HARASSMENT AND BULLYING

Administrative Policy PER-6: Policy Against Discrimination, Harassment and Bullying¹⁵

A. Unlawful Discrimination and Harassment Will Not be Tolerated

All 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

All 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. Each employee is individually responsible for assuring that the workplace is free from bullying at all times.

C. Retaliation Will Not Be Tolerated

The City will not permit retaliation against any person who makes a complaint about a violation of this policy, reports a violation or who cooperates in an investigation into a complaint about a violation of this policy. Any person who retaliates against any person is subject to disciplinary

¹⁵ Reference [Administrative Policy PER-6: Discrimination, Harassment and Bullying](#)

action, up to and including termination. Retaliation is defined as adverse employment action such as discharge, 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.

SECTION 5.2 IDENTIFICATION AND PERSONAL APPEARANCE/DRESS CODE

All employees working for the City of Delray Beach will present a businesslike 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.

A. 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 IT Department.
5. An employee may be required to pay the replacement cost if they lose more than one (1) identification badge.

B. Personal Appearance/Dress Code:

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. Hair must be a natural color (e.g. not dyed purple, green, etc.)
- 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 stirrup pants, or yoga or stretch pants
- Ripped or disheveled clothing or athletic wear
- Shorts
- Garments that are form-fitting material or that expose the mid- section or cleavage
- Exposure of under garments
- Sweatshirts, T-Shirts or Halter Tops
- Skirts and Culottes that are greater than five inches above the knee
- Flip-Flops
- Shirts unbuttoned more than the 2nd button from the top
- See through, mesh, or clothing that is too tight

Dress Down:

Friday has been designated as a dress down day for those employees who regularly follow the office dress code (non-uniformed). 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 and casual tops may be worn. Clothing should be neat in appearance and without tears or holes (even if it is the style). Tee shirts must not have advertising on them.

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 may also result in disciplinary action.

C. Tattoos, Body Art and Piercings

- All visible tattoos must be neutral and not offensive
- Tattoos, brands and body ornamentation of the neck, hands, face, ear, nose tongue, eyebrow, lip or head are strictly prohibited with the following exceptions:
 - Tattoo of one wedding ring on the ring finger
 - Permanent facial make-up on the eyebrows, eyeliner and lips that is neutral.
- No employee may have tattoos, brands or body ornamentation commonly associated with gangs, organizations or groups which advocated hate, intolerance or discrimination.

- Any tattoos, brands or body ornamentation may not depict, describe or otherwise refer to:
 - Sexual conduct, acts, organs or preferences
 - Intolerance or discrimination against, any race, religion, gender, or national origin.
- All employees are prohibited from having visible body mutilation. This does not refer to commonly accepted cosmetic medical procedures. Examples of mutilation include but are not limited to: a split or forked tongue; foreign objects inserted under the skin to create a design or pattern; enlarged or stretched out holes in ears (other than a normal single ear piercing); intentional scarring on neck, face, or scalp.
- Employees are prohibited from wearing any jewelry in visual piercings in the head/face, eyebrows, neck, nose, or tongue while on duty.

SECTION 5.3 ACCEPTABLE USE OF INFORMATION TECHNOLOGY

Administrative Policy IT-1: Information Technology Policies and Procedures Manual¹⁶

Employees are granted computer access as required by their position. This access carries certain responsibilities and obligations as to what constitutes acceptable use of the City network. No policy can cover every situation, and thus, the user is expected to use common sense when using City resources. Questions on what constitutes acceptable use should be directed to the user's supervisor or the Information Technology staff.

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 Administrative Policy IT-1.

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.

Use of assigned mobile devices is governed by Administrative Policy GA-42: Use of Cellular Telephone and Other Mobile Electronic Devices¹⁷.

¹⁶ Reference [Administrative Policy IT-1: Information Technology Policies and Procedures Manual](#)

¹⁷ Reference [Administrative Policy GA-42: Use of Cellular Telephone and Other Mobile Electronic Devices](#)

SECTION 6: SAFETY AND SECURITY

SECTION 6.1 WORKPLACE VIOLENCE

Administrative Policy PER-10: Workplace Violence¹⁸

The City of Delray Beach has a zero tolerance for threats or acts of violence. No violence, talk of violence or jokes 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.

¹⁸ Reference [Administrative Policy PER-10: Workplace Violence](#)

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 an 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 approval of the employee's supervisor and shall not be authorized to use prior to the time it is earned and credited to the employee. Sick leave shall be allowed only under the following circumstances:

- For an employee's injury, illness, or quarantine due to exposure to contagious disease.
- 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.
- Medical or dental appointments for the employee or their 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 before the start of the first workday 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. Employees calling in sick must use sick leave or take leave without pay if they have no sick leave available. Vacation leave may not be substituted for sick leave in this scenario.

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

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 required to utilize ten (10) hours sick leave per scheduled workday, as requested and approved.

Accrual of Sick Leave:

Except as otherwise provided, all regular, full-time general (non-represented) employees shall be credited for sick leave at the following monthly rates. Employees represented by a union should consult their Collective Bargaining Agreement.

Scheduled Work Hours Per Week	Sick Leave Hours Per Month
40	8

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. The maximum accrual is 1120 hours.

Employees may use accrued sick leave after the completion of six (6) months of continuous full-time service unless an 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 their designee, in which case sick leave will be credited.

Payment for Unused Accrued Sick Leave – Resignation:

Upon resignation in **good standing**, employees 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. When it is determined to be in the best interests of the City, the City Manager may waive the requirement for two weeks’ notice.

Upon the receipt of notice of resignation, access to sick leave will be restricted and not available to use. **Good standing** is defined as giving two weeks’ notice, with no disciplinary action or investigation pending.

Years of Service	% of Accrued Sick Leave to be Paid
0 - 4	0%
5 - 9	25% - up to max of 560 hrs
10 - 14	50% - up to max of 560 hrs
15 - 19	75% - up to max of 560 hrs
20 or more but does not qualify for retirement	100% - up to max of 560 hrs

Payment for Unused Accrued Sick Leave – Retirement:

Employees who retire from the City in **good standing**, with twenty (20) or more years of service and begin receiving their monthly retirement check from the City of Delray Beach General

Employees Retirement Plan, the City of Delray Beach Police Retirement Plan, Delray Beach Firefighter's Retirement Plan, or the City's 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 General and SEIU Employees. Employees represented by a union should consult their Collective Bargaining Agreement. **Good standing** is defined as giving two weeks' notice, with no disciplinary action or investigation pending.

Sick Leave Payout Options – Retirement:

General employees who have completed at least twenty or more years of service and meet the age requirements to qualify for retirement under their pension plan may request to be paid for some of their accrued sick/vacation leave. Employees who meet this requirement may properly notify the City in writing at least two (2) years prior to their retirement date of their intent to retire. Such employee 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 SEIU, Police and Fire employees will follow the provisions of their collective bargaining agreement.

Employees shall have two options for payment:

1. One-third of the payment amount may be made in cash each year as follows:

- The first payment will be made 2 years from the date of termination.
- The second payment will be made 1 year from the date of termination.
- The third payment will be made at termination.

2. The one-third payment may be deposited tax free into the employees deferred compensation account if the annual limit on the employee's 457 contributions has not been reached.

Payment for Unused Accrued Sick Leave – Termination (Dismissal):

Sick leave accrued shall be forfeited if the employee is terminated (dismissed).

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 General Employees and SEIU personnel. Police and Fire personnel will be paid according to their respective collective bargaining agreement. 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 full-time 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 for general (non-represented) employees:

	Minimum Length Of Service	Vacation Accrual Schedule
0	years	10.00/month
3	years	11.67/month
7	years	13.34/month
11	years	15.00/month

Employees covered by a collective bargaining agreement will earn hours at the negotiated in the agreement. The monthly accrual rate of vacation hours earned for general employees not covered by a collective bargaining agreement will be equal to the amount approved by the City Commission for members of the Delray Beach SEIU. This policy will be automatically updated to ensure that this accrual rate is equal to the amount approved for SEIU employees.

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 a minimum of 50% of their normally scheduled hours.

The maximum number of vacation hours allowed to be accumulated at any time is **350** hours. This policy will be automatically updated to ensure that the maximum vacation time accumulated by general employees not covered by a collective bargaining agreement is equal to the amount approved for members of the SEIU.

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.

Use of Vacation Leave:

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

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

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

Payment for Unused Vacation Leave – Resignation:

An employee who has completed one (1) year of continuous service and resigns 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 their resignation and the employee has no disciplinary action or investigations pending.

Vacation leave may not be used in lieu of providing a two-week notice.

Payment for Unused Accrued Vacation Leave – Termination (Dismissal):

Vacation leave accrued shall be forfeited if the employee is terminated (dismissed).

Vacation Leave Payout Options – Retirement:

General employees who have completed at least twenty or more years of service and meet the age requirements to qualify for retirement under their pension plan may request to be paid for some of their accrued sick/vacation leave. Employees who meet this requirement may properly notify the City in writing at least two (2) years prior to their retirement date of their intent to retire. Such employee 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 SEIU, Police and Fire employees will follow the provisions of their collective bargaining agreement.

Employees shall have two options for payment:

1. One-third of the payment amount may be made in cash each year as follows:
 - The first payment will be made 2 years from the date of termination.
 - The second payment will be made 1 year from the date of termination.
 - The third payment will be made at termination.

2. The one-third payment may be deposited tax free into the employees deferred compensation account if the annual limit on the employee's 457 contributions has not been reached.

Payment for Unused Vacation Leave to Beneficiary:

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

SECTION 7.3 FLSA DAYS

Administrative Policy EB-2: FLSA Exempt Employee Leave¹⁹

"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 should take their designated FLSA days within each fiscal year (October 1 through September 30). Requests to carry forward unused days must comply with Administrative Policy EB-2. Cash payouts will not 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 designee.
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.

¹⁹ Reference [Administrative Policy EB-2: FLSA Exempt Employee Leave](#)

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-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, step-sibling, or step-child) of any employee, the employee may be allowed 24 hours of bereavement leave with pay for in state (Florida) deaths and 40 hours of bereavement leave with pay for out of state deaths.

Police and Fire will follow their collective bargaining agreements.

Bereavement leave will not be charged against sick leave, vacation, or holiday time. Any additional time requested, which may or may not be granted in addition to the 24 hours or 40 hours, shall be charged against accumulated sick, vacation, FLSA, comp or personal holiday time.

SECTION 7.5 OTHER LEAVES OF ABSENCE WITH PAY

Administrative Policy PER-19: Administrative Leave

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, FLSA or leave without pay.

B. Jury Duty – If an employee is summoned for jury service the employee will be granted leave with pay. Employees may not accept any reimbursements and/or payments for service during jury duty. In order for the employee to receive pay during periods of jury duty, the employee shall provide documentation of services to their 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 their 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".

- C. Training Courses – Leave with pay may be granted for employees to attend official training courses that serve to improve the quality of the employee's service to the City 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, based on time worked, or
 - Leave of absence without pay
- F. Administrative or Inquiry Leave - If an employee is under investigation, they may be placed on leave by the Human Resources Director 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.

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.

Miscellaneous Requirements:

1. An employee requesting a general leave of absence must provide a written statement to their Department Director explaining why they need 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. The Human Resources Director will review, provide recommendations, and forward to the City Manager for final approval.
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 a 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 PAY

Administrative Policy PER-19: Administrative Leave

- 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.
- 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 themselves 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.

Miscellaneous Effects and Requirements:

1. Any month in which an employee, while on leave of absence without pay, works less than half of the normal workdays will not accrue sick leave, vacation, holiday pay or other fringe benefits, based on continuous service
2. 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 workdays 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.

3. Leave of absence requests require a written statement from the employee to their Department Director explaining why they need the unpaid leave. Medical documentation for non-FMLA medical leaves of absence will be required.
4. 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.
5. 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 a similar request will ever be authorized or denied even if the same circumstances exist.
6. 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 AUTHORIZATION

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 (i.e. no call/no show), shall be deemed to be an absence without authorization. Except in cases of serious/life threatening emergencies, any absence without authorization 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 for a longer period, without notice to their Department Director of the reason for such absence and their intention to return, shall be considered in effect a voluntary resignation without notice. Such employees will not be considered in good standing.

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. Such employees will not be considered in good standing.

SECTION 7.8 FAMILY AND MEDICAL LEAVE

Administrative Policy EB-16: Family and Medical Leave²⁰

The City’s 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 and providing assistance in compliance with Administrative Policy EB-16 Family and Medical Leave.

SECTION 7.9 HOLIDAY SCHEDULE

This Section establishes the holidays observed by the City. This Section applies to all full-time employees. Employees covered by a collective bargaining agreement will follow their agreement.

New Year’s Day	Martin Luther King’s Birthday
President’s Day	Memorial Day
Juneteenth	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.

The Personal Holiday becomes available to use after six months of full-time employment. Personal Holidays must be used within the fiscal year. This holiday does not carry over and is non-compensable. Requests to take a personal holiday follow the same approval procedure as vacation leave requests.

SECTION 7.10 ELIGIBILITY FOR HOLIDAY PAY

To be eligible for holiday pay, employees must work their last scheduled day before the holiday

²⁰ Reference [Administrative Policy EB-16: Family and Medical Leave](#)

and their first scheduled day after the holiday, unless they are taking pre-approved leave on those days. In the event that an employee has scheduled pre-approved leave to run concurrently with a holiday, the employee must work the last scheduled day before the leave and the first scheduled day after the leave to be eligible for holiday pay. Employees who call in sick or are absent without authorization on their scheduled work day before the holiday or scheduled work day after the holiday will not receive holiday pay. Department Directors may authorize holiday pay if the employee provides a doctor's note.

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 if requirements for attendance and leave requests are met. Employees covered under a collective bargaining agreement will be subject to the provisions therein.

Employees who are on pre-approved leave without pay the day preceding or the day following a holiday shall be compensated for the holiday. For example, a new employee who does not yet have vacation leave may request a day off without pay to extend a City holiday.

Employees will receive eight (8) hours of pay for each holiday. Employees who regularly work four (4) ten (10) hour day (forty [40] 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, employees may elect, with Department Director's approval, to use two (2) hours of vacation time during the week of the holiday.

Employees on pre-approved leave on a designated holiday shall be paid for the holiday as holiday pay and are not charged with personal leave for the day.

Work During Holidays for Non-Exempt Employees:

With the exception of designated Police Department and Fire Department shift personnel, non-exempt 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 a non-exempt employee is not normally 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 a 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 Orders. Exempt employees are not eligible to be paid holiday pay in addition to their normal salary.

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 completed for every employee after the initial six months of employment. The next evaluation is completed at the one-year anniversary and annually thereafter.

Full-time general employees will be eligible to receive their 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. Managers of employees covered by a collective bargaining agreement will follow the union contract.

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

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 in need of improvement;
2. Provide an ongoing performance record which is retained in the employee's personnel file;
3. Provide employees with an opportunity to discuss ways to improve work performance; adjust job description if applicable and set goals for the upcoming evaluation period.

Procedures:

- A. Annual performance evaluations shall be completed by the supervisor on the anniversary of the employee's date of hire or their most recent promotion. If approved in the budget for that fiscal year, the performance evaluation score will correspond to a merit increase percentage for general employees. In cases where the increase would exceed the maximum of the pay grade for that position, a lump sum bonus may be issued.
- B. An employee must receive an average score of at least 3.0 (Satisfactory) to qualify for a merit increase. An employee who receives a score of less than 3.0 will be placed on a Performance Improvement Plan. See Section F.
- C. Completed performance evaluation forms will be maintained in the employee's personnel file in the Human Resources Department.

- D. 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. Department Directors will be responsible for ensuring that annual performance evaluations are completed in a timely and accurate manner for their employees.
- E. 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 less than Satisfactory.
- F. Performance Improvement Plan (PIP)
The PIP is a ninety (90) day process designed to identify the aspects of the employee's performance that are unsatisfactory, along with the goals and objectives to bring their performance to a satisfactory level. Thirty (30) days after the implementation of the PIP, the supervisor will meet with the employee and rate the performance goals as "met" or "not met," discuss actions that employee took that resulted in improved performance and discuss actions employee must take to successfully complete the PIP. This process will be repeated at sixty (60) days and again at ninety (90) days, which is the date of completion of the PIP. If the employee successfully remediates their performance and the job performance is deemed satisfactory, the employee shall receive a 3% salary increase effective the date of the completion of the PIP. The salary increase will not be retroactive to the original evaluation date and the next evaluation date will not change. Employees who do not meet the performance standards of the PIP within ninety (90) days, will receive disciplinary action up to and including termination. Human Resources will be included in each step of the PIP process.

SECTION 8.2 LUMP SUM BONUS

If approved in the City's budget for the fiscal year, a general employee (exempt and non-exempt) who has reached the maximum amount of the salary range for their position and is eligible to receive a merit increase in accordance with Section 8.1, will receive a lump sum bonus. The employee may receive a partial percentage increase (to reach the maximum rate for the grade), with the remainder as a Lump Sum Bonus.

Eligibility:

An employee must have received a score of 3.0 or above. 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 one-time annual bonus amounts 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 General and SEIU 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 discipline 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 disciplinary action to be taken depends on the seriousness of the incident and the employee's past performance and conduct. Nothing in the disciplinary actions in any way alters the at-will employment 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 their designee. This policy applies to all employees, unless otherwise stated by a Collective Bargaining Agreement.

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; a combination of the above or 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 and recommendation from the Department Director and the Human Resources Director.

Reasons²¹ for disciplinary action may include, but shall not be limited to the employee's performance, attendance, conduct, behavior issues, and 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 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 when returning from breaks or lunch; or pattern of poor attendance.
9. Unauthorized absences or abuse of leave privileges, or absence from duty without authorization, including refusal to report to work.
10. Leaving work during the shift 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.
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

²¹ The list is not intended to be exclusive as there may be other reasons for discipline or termination that may not be included on this list.

- of influencing the employee in the performance of their duties, in violation of Ethics policy
16. Engaging in other forms of employment while on duty, or on unscheduled leave or on sick 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 their 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. Documented Verbal Counseling: 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 Performance Improvement Plan Form, outlining the areas of performance that need improvement and the actions necessary for the employee to meet expectations. The timeframe for the improvement plan is normally 90 days with the supervisor and employee scheduled to meet every 30 days to review progress. The plan will be reviewed and recommended by the Department Director or designee and approved by the Human Resources Director or designee. The employee will sign to acknowledge receipt and 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 does not negate the document. Another supervisor may witness that the employee was provided a copy of the document.

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 and they will be provided with 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 believe that such immediate action is necessary. This administrative leave from duty shall be documented in a signed memo and shall be effective 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. An employee who is placed on unpaid administrative leave because they have been arrested for a felony or misdemeanor involving moral turpitude will not qualify for back pay even if the State Attorney ultimately dismisses the charges against the employee.

- C. 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 this policy when progressive discipline has not resulted in improved performance or the infraction is of a very serious nature. 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 their 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 their 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 their recommendation to the City Manager within ten (10) working days from the day of the meeting.

Step 3: In cases of recommendations for suspension, if the employee waives the departmental conference or is not satisfied with the decision resulting from the conference, he/she may request, in writing, a pre-disciplinary conference with the City Manager. The written request must be made to the City Manager within three (3) working days of the Department Director's decision (in Step 2) or the employee will have waived any rights to the City Manager's pre-disciplinary conference. The 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 is 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 and City 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 their 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 at the recommendation of the Department Director, without cause and without prejudice. 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. All part time employees are considered to be probationary.

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 their satisfaction have failed.

Performance evaluations can be grieved only if the employee received an evaluation with an overall rating of less than 3.

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

1. Employee shall discuss the grievance with their immediate supervisor in an attempt to reach a satisfactory solution to the problem. The conference shall only be between the employee and their immediate supervisor.
2. If the grievance remains unsatisfied, the employee may then discuss the grievance with their 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 their case has been heard by the department Director, appeal their 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 their 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 their 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 (14 calendar days) prior to the effective date of the resignation. This two (2) week notice may be waived by the Department Director if sufficient cause is established. Good standing is defined as giving two weeks' notice, with no disciplinary action or investigations pending.

Employees are required to work the entire notice period unless waived by the Department Director. Upon resignation, access to sick leave banks will be restricted and not available to use. Vacation leave may not be used unless approved by the Director. Employees who voluntarily resign in good standing with at least one year of continuous fulltime service will receive payment for all accrued vacation leave up to a maximum of 350 hours. Accrued sick leave will be paid out in accordance with Section 7.1 of this policy manual. Employees who are not exempt from the provisions of FLSA shall be paid for accumulated compensatory time as required by FLSA.

A resigning employee who is covered by the City's health insurance 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 (DISMISSAL)

Discharge or dismissal action shall be taken by the City Manager to terminate an employee's services in accordance with Section 9 of this manual. Employees will be given the notice of termination in writing. Employees who are terminated are not considered to be in good standing and will not receive any leave payouts.

SECTION 11.3 SEPARATION BY RETIREMENT

An employee who desires to retire from City employment in good standing should submit a written retirement notice at least two (2) weeks (14 calendar days) prior to the effective date of the retirement. This two (2) week notice may be waived by the Department Director. Good standing is defined as giving two weeks' notice, with no disciplinary action or investigations pending.

Employees who retire in good standing will receive payment for all accrued vacation leave up to a maximum of 350 hours. Accrued sick leave will be paid out in accordance with Section 7.1 of this policy manual.

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.

SECTION 11.4 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 11.5 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 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, they will only be paid for their accrued vacation and sick leave balance as outlined in Section 7 of this manual. 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. Insurance Coverage: The employee's current 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 their 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: To receive the pay and benefits provided in Paragraphs D and E, each employee must sign an Agreement, Waiver and Release.

SECTION 11.6 REHIRE, REINSTATEMENT

This policy and procedure applies to all full-time employees who have resigned and then return to employment with the City. This policy does not apply to employees who have retired from the City under one of the pension plans. Retirees wishing to apply for reemployment must follow **Administrative Policy PER-22 Re-Employment After Retirement.**

Rehire:

All individuals who return to the City of Delray Beach in a position other than their original position are considered “rehired.” A rehired employee’s hire date is defined as the first day of re-employment. All other aspects of re-employment: benefits, sick and vacation leave, personal holiday, etc., will be handled the same as a new hire.

Reinstatement:

Full-time employees who leave the City of Delray Beach voluntarily, and in good standing may be eligible for reinstatement if they return within twelve (12) months of their separation and are reinstated to the same position as the last position held prior to termination.

Reinstatement Procedures:

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 vacation time is accrued for the period of absence.

4. Sick Leave Accrual (hours earned – but not paid out at termination) will be restored. Accruals will begin as soon as is appropriate based on the reinstatement date. There will be no waiting period for sick leave accruals. No sick time is accrued for the period of absence.
5. Personal Holiday – if the employee did not use their Personal Holiday for the fiscal year in which they are reinstated, the holiday will be restored upon completion of 6-months of service. If the employee used their Personal Holiday for the fiscal year in which the reinstatement occurs, then they will not receive another holiday upon reinstatement.
6. 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 their reinstatement date.

SECTION 12: EMPLOYEE HEALTH AND WELLNESS

SECTION 12.1 ON THE JOB INJURY

Administrative Policy: RM-10 Workers Compensation Claims Administration²²

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

Employee Health and Wellness Center²³

80 Depot Ave, Suite 2
Delray Beach, FL 33444
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:

²² Reference [Administrative Policy: RM-10 Workers Compensation Claims Administration](#)

²³ Refer to [Employee Health and Wellness Center](#) for hours of operation

- 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 for Wellness Center During Appointments During Work Hours:

Employees who have an appointment with the Employee Wellness Center are not required to clock out for that appointment. However, the supervisor must be notified in advance of the appointment. A note from the Center may be required to document the appointment.