



# HUMAN RESOURCES POLICIES & PROCEDURES MANUAL

## IMPORTANT NOTICE:

*Many of the policies contained in this manual are based on legal provisions, interpretations of law, and employee relations principles, all of which are subject to change. For this reason, this manual is considered to be a guideline and is subject to change with little notice. It is the employee's responsibility to know its contents.*

*Nothing in this manual shall be construed to constitute a contract of employment. The Delray Beach Community Redevelopment Agency has the right, at its discretion, to modify this handbook at any time. Nothing herein limits the Delray Beach Community Redevelopment Agency rights to terminate employment.*

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## Section 1 - General

The Delray Beach Community Redevelopment Agency (CRA) Board of Commissioners, with recommendations from the Executive Director, hereby adopts the following Human Resources Policies and Procedures Policies Manual (HR Manual) which shall govern the conduct and direction of the employees and shall prescribe their duties, hours of work, discipline and control. Said HR Manual shall apply to all CRA employees.

The Executive Director is responsible to the Board of Commissioners for the supervision of the administration of the HR Manual as set forth herein.

The organizational structure of the CRA is established in such a manner that the Board of Commissioners hires and terminates the Executive Director and the Executive Director hires and fires all subordinate staff. It is the policy of the Board that it is the CRA's staff and the Board of Commissioners mutual obligation to respect the organizational structure and chain of command. Intentional disregard of this policy in cases other than where direct communication with Board Members by staff is directed by the Executive Director or is authorized pursuant to express provisions of this HR Manual shall be grounds for discipline, including but not limited to termination of employment.

All employees of the CRA, except the Executive Director, are subject to the rules and regulations set forth in this HR Manual. The Executive Director is covered by his or her Employment Agreement.

Employees are expected to conduct themselves according to the best interest of the CRA, follow established policies in the HR Manual, and follow direction given by Executive Director and the board.

The employment relationship is at will as defined by Florida Law. As an at-will employee, an employee is completely free to leave their employment with the DBCRA at any time and the DBCRA has the same right to end the employment relationship at any time without prior notice and with or without cause.

## Section 2 - Introductory Period

The **Introductory Period** is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The CRA uses this period to evaluate an employee's capabilities, work habits and overall performance, and to assess the potential for continued employment.

All new employees and rehired employees work on an introductory basis for the **first one hundred and eighty (180) calendar days** after their date of hire or transfer. If the CRA determines that the designated Introductory Period does not allow sufficient time to thoroughly evaluate the employee's performance, the Introductory Period may be extended for a specified period.

Upon satisfactory completion of the Introductory Period, employees enter the “regular” At-Will employment classification.

### **Section 3 - Equal Employment Opportunity**

The CRA declares and affirms a policy of equal employment opportunities, affirmative action in employment, and nondiscrimination in providing its services to the public. Therefore, the CRA shall not discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, national origin, age, disability, familial status, marital status, sexual orientation, gender identity, gender expression, genetic information, or any other status covered by federal, state, county or city legislation.

### **Section 4 – Workweek and Hours of Work**

The basic workweek for all full-time, regular employees is 40 hours per week. Employees will work five eight-hour days per week.

The workweek shall start at 12:00 am Saturday and end at 11:59 pm Friday.

All employees are required to be present on their assigned jobs for the total hours in the workweek unless absence from duty is authorized in advance by the supervisor. All absences shall be properly recorded and charged. Part-time employees are subject to the policies set forth herein but are ineligible for Compensatory Time, deferred compensation, holidays, Vacation Leave, Sick Leave, and family and medical leave unless expressly included in the part-time employee's terms of employment.

Employees are required to document their time by means of a time sheet. The employee is required to fill out weekly time sheets indicating hours worked including Sick Leave, Vacation Leave, and Compensatory Time.

Office hours during the week shall be from 8:00 am to 5:00 pm (or any other period approved by the Executive Director). One (1) hour per day shall be given for lunch. Total hours per week accounted for in the time sheets shall amount to a minimum of forty (40) hours excluding five (5) hours for lunch.

With approval of the Executive Director or designee, an employee may work less than an eight-hour day and substitute the lost hours with hours worked on another regular day within the same workweek. The substitution is meant as an accommodation for the employee for medical or personal reasons. In all cases an employee must take at least 30 minutes for lunch.

The pay period for all employees is two weeks and ends the Friday of the week prior to the pay date. Employees must submit his/her time sheet to the Finance Coordinator no later than the morning of the following Monday in order for the agency to make payment to the employee. Paychecks are issued bi-weekly. The Executive Director shall set the pay period.

## **Section 5 – Flextime**

Employees are required to work the hours established for their position. If the employee has a need to request a different schedule on a long-term basis or believes the public can be better served by an alternate work schedule, the matter should be discussed with the employee's immediate supervisor and Executive Director.

Decisions shall be made on a case-by-case basis. The employees must first discuss possible flextime arrangements with his/her supervisor and then submit a written request using the Flextime Request Form. The supervisor and Executive Director will approve or deny the flextime request based on the work requirements of the CRA, agency 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.

The supervisor and the Executive Director must approve all flextime requests and changes.

A flextime arrangement may be suspended or cancelled by the supervisor with Executive Director's approval at any time, with or without notice. Exempt employees must depart from any flextime schedule to perform their jobs if determined necessary by Management. Non-exempt employees may be asked to work overtime regardless of a flextime schedule.

## **Section 6 – Compensatory Time**

Compensatory Time of five (5) days or forty (40) hours during each fiscal year is in addition to days provided in Section 8 – Vacation Leave, and is granted to CRA personnel who are, as indicated on the job description, 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 dated 4/23/2004 (Section 13 (a) (1)). Compensatory Time is earned evenly for six (6) months at the rate of 1/13<sup>th</sup> per pay period. Any employee eligible for these days must be in their current position for three (3) months prior to usage of these days unless otherwise arranged as terms of employment or written request to the Executive Director for use is granted. Employees must take their designated additional Compensatory Time within each fiscal year (October 1st through September 30th). Remaining time will be paid out on the final pay period of the fiscal year, carry overs will not be permitted. Prior to utilizing Compensatory Time, the employee shall complete a Leave Request Form and obtain approval from their Supervisor, as applicable, and the Executive Director.

## Section 7 - Overtime

The Executive Director or designee must approve overtime prior to its being worked.

Hours worked by non-exempt employees in excess of 40 hours in a work week shall be paid at one- and one-half times the employee's regular rate of pay. In computing overtime hours, Vacation Leave and holidays that occur within the work week will be credited as hours worked. Sick Leave taken within the work week is not considered hours worked.

## Section 8 - Legal Holidays

The following twelve (12) days shall be observed as legal holidays and all regular full-time employees shall be compensated for same:

New Year's Day	January 1
Martin Luther King, Jr. Day	January – 3 <sup>rd</sup> Monday
Presidents Day	February – 3 <sup>rd</sup> Monday
Memorial Day	May – Last Monday
Independence Day	July 4
Labor Day	September – 1 <sup>st</sup> Monday
Veterans Day	November 11 <sup>th</sup>
Thanksgiving Day	November – 4 <sup>th</sup> Thursday
Thanksgiving Friday	November – Friday after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
Personal Day	See guidelines below

All regular, full-time employees shall be granted leave with pay on the holidays listed above. In the event any of the aforementioned days fall on a Saturday the preceding Friday shall be considered a holiday; in the event any of the aforementioned days fall on a Sunday the following Monday shall be considered a holiday.

Any employee whose religious affiliation requires observance of a day not listed above may use a Vacation Leave, Compensatory Time, or Personal Day to obtain an approved absence with the approval of the Executive Director

In the event Christmas Day falls on a Thursday, then the office will be closed on the following Friday. Employees should plan on using Vacation Leave, Compensatory Time, or Personal Day for that Friday. If an employee has expended all his or her vacation time or Compensatory Time, then the employee may take the day without pay or work out alternate arrangements with the Executive Director.

Part-time or temporary employees shall not be eligible for paid holidays.

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

An employee’s request to use a Personal Day must be approved by the Executive Director at least three (3) working days prior to the desired time off. If the employee has not used the Personal Day within the fiscal year, the Personal Day shall be considered lost and forfeited. During the initial six (6) months of employment, an employee is not entitled to a Personal Day.

**Section 9 – Vacation Leave**

All regular, full-time employees shall earn Vacation Leave on an annual basis. Vacation Leave will be earned at the following rates; said rates may be adjusted upon the approval of the CRA Board of Commissioners:

<b>Years of Continuous Service</b>	<b>Accumulative Hours</b>	<b>Bi-weekly Accrual</b>
0 years - 2 years	80 hours (10 days)	3.08 hours
3 years - 6 years	120 hours (15 days)	4.62 hours
7 years - no limit	160 hours (20 days)	6.16 hours

Employees accrue Vacation Leave at the end of each pay period. Employees may only use Vacation Leave that has been earned. Vacation Leave is earned evenly throughout the year at the rate of 1/26th of the total annual Vacation Leave allowed per pay period. No vacation benefits may be used during the first six-months of employment unless otherwise arranged as terms of employment.

Any unused Vacation Leave shall be “banked” for a total maximum accumulation of thirty (30) days or two hundred forty (240) hours. Accrual of Vacation Leave begins upon completion of the employee’s first pay period. On the Employee’s work anniversary, any unused Vacation Leave shall be banked up to a maximum amount of 240 hours. Any unused Vacation Leave, for which he/she is eligible, that would cause the amount of “banked” time to exceed 240 hours shall be forfeited. As an example, on September 30, an employee has accumulated 200 “banked” hours and 60 hours of unused Vacation Leave, for which he/she is eligible. The 60 hours of unused Vacation Leave shall be treated as follows: 40 hours shall be allocated to the employees “banked” hours bringing the total amount of “banked” hours to 240 hours and the remaining 20 hours shall be forfeited.

Vacation Leave shall be used only with the prior approval of the Executive Director. Employees must submit in writing vacation requests to the Executive Director for approval. Prior to utilizing Vacation Leave, the employee shall complete a Leave Request Form and obtain approval from their Supervisor, as applicable, and the Executive Director.

Upon termination of employment, an employee who has completed one (1) year of continuous service, who gives at least fourteen (14) days written notice of intent to separate and is in good standing with the CRA shall receive payment for unused earned current and banked Vacation Leave and Compensatory Time.

In case of death of an employee, payment for unused current and banked Vacation Leave shall be made to the employee's beneficiary, estate, or as provided by law.

## **Section 10 - Sick Leave**

Sick Leave is defined as leave of absence with pay for medical reasons. Should a leave for medical reasons be necessary but the employee does not have accrued Sick Leave benefits the employee may request to use any accrued Vacation Leave or the employee may request leave without pay. Sick Leave is accrued at the rate of 3.692 hours per pay period. Sick Leave is earned evenly throughout the year at the rate of 1/26<sup>th</sup> of the total annual Sick Leave allowed per pay period, or one day per month.

If an employee works less than half of the normal workdays during a month for reasons other than holidays, Vacation Leaves and leaves with pay, Sick Leave shall not be credited for that month. 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 Executive Director or his/her designee, in which case Sick Leave will be credited.

Unused Sick Leave may be "banked" for a total maximum accumulation of sixty (60) days or four hundred eighty (480) hours.

Sick Leave shall be allowed under the following circumstances:

- a. For employee's healthcare appointments, illness or injury;
- b. For healthcare appointments, injury or illness of a member of an employee's immediate family (wife, husband, domestic partner, child, parent or grandparent) where care by the employee is required;
- c. Maternity leave.

Employees who desire to take Sick Leave shall report their illness or disability to the Executive Director, or designee not later than one (1) hour after the start of the first work day of the illness or disability. Otherwise, employee shall be considered absent without leave. Under extenuating circumstances, an exception to this rule may be granted by the Executive Director and/or Board of Commissioners.

All Sick Leaves in excess of five (5) consecutive working days may require a physician's statement certifying to the actual medical necessity for the employee's continued 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.

Prior to utilizing Sick Leave, the employee shall complete a Leave Request Form and

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obtain approval from their Supervisor, as applicable, and the Executive Director. Notwithstanding the fact that Sick Leave is granted and is allowed to be banked, the utilization of Sick Leave in a predictable pattern such as numerous absences on Mondays, Fridays or the days before or after holidays is not authorized and may be grounds for discipline including termination of employment.

Upon termination of employment, no unused or accumulated sick days will be paid to the employee.

## **Section 11 - Family and Medical Leave**

An employee who has been employed for at least 12 months and has provided at least 1,250 hours of service during the 12 months immediately preceding the commencement of leave requested is entitled to 12 unpaid work weeks of leave during a 12-month period for any one of the following reasons:

- a. Birth or care for, or the placement for adoption or foster care of, a child;
- b. Serious health condition of a spouse, child or parent; or
- c. Employee's own serious health condition.

Any approved leave taken that is listed above, whether paid or unpaid, shall be counted against the employee's annual FMLA leave entitlement.

The method used to determine the "12-month period" in which the 12 weeks of leave entitlement occurs shall be:

A "rolling" 12-month period measured backward from the date an employee uses any FMLA leave (except that such period will not extend back before August 5, 1993). Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks not used during the immediately preceding 12 months.

Employees requesting FMLA leave are first required to use their Vacation Leave or Compensation Leave for any part of the 12-week mandated period. When leave is for the serious illness or injury of the employee, spouse, domestic partner, child, or parent, Sick Leave may be taken in compliance with the CRA's Sick Leave policy. When all paid leave is used up by an employee for FMLA, the CRA is required to provide only enough unpaid leave to total 12 weeks.

Leave may be taken for birth or placement of a child only within 12 months of that birth or placement.

In the case of leave for birth or placement of a child, an employee must provide 30 days advance notice before the date on which the leave would begin. If unable to provide 30 days' notice, the employee must provide such notice as soon as is practicable.

If both spouses are employed by the CRA and they wish to take leave to care for a newly arrived child or a sick parent, their combined leave is limited to 12 weeks.

If the leave is requested because of the illness of a child or of the other spouse, each spouse is entitled to 12 weeks of leave.

Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child if the Executive Director consent to the arrangement.

Family leave provisions apply equally to male and female employees. A father as well as a mother can take family leave because of the birth or serious health conditions of a child. A son as well as a daughter is eligible for leave to care for a parent.

Leave for the serious health conditions of either a family member or the employee may be taken intermittently or on a reduced schedule if medically necessary.

In the case of leave for a serious medical condition, if the leave is foreseeable based on planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of his department. The employee is required to provide 30 days advance notice, or if the treatment is in less than 30 days, such notice as soon as is practicable.

If an employee's request for intermittent leave is foreseeable based on planned medical treatment, the CRA may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position.

Employees requesting leave for serious health conditions must provide medical certification via a U.S. Department of Labor form, "Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)" in a timely manner, preferably within 15 calendar days if practical. Failure to provide adequate medical certification may result in denial of the leave until required certification is provided. The Executive Director shall provide written approval and sign the referenced form accordingly.

The CRA may require that a second opinion be obtained at the CRA's expense. A health care provider regularly employed by the CRA may not provide the second opinion.

In the event of conflicting opinion, the CRA may pay for a third and final provider to offer a binding decision. The CRA and the employee must mutually agree upon the health care provider.

The CRA may require subsequent re-certification on a reasonable basis.

An employee who completes a period of leave is to be returned to the same position he or she had before the leave or to a position equivalent in pay, benefits, and other terms and conditions of employment.

Leave will not result in the loss of any previously accrued seniority or employment benefits. Whether an employee is using paid leave accruals or unpaid leave as part of the (FMLA) leave, the current HR Policies on accruals as stated in Sections 8 and 9 shall apply.

Health care benefits will continue through an employee's leave.

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An employee on unpaid leave will be required to pay any health care premiums for dependent coverage that the employee had been paying prior to the leave. Payment will be due on the same schedule as payments are made under COBRA.

The CRA may recover health coverage premiums paid for an employee who fails to return from leave except if the reason is the continuation, recurrence or onset of a serious health condition or something else beyond the employee's control. This is subject to certification.

Those employees whose FMLA leave was due to their own serious health condition must provide medical authorization for return to work to the CRA. The CRA may require an employee on leave to report his medical status and intent to return to work.

II. Military Family Leave Entitlements: Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list

## **Section 12- Maternity Leave**

Employees not eligible for FMLA may be granted a maximum of six (6) weeks of maternity leave. Employees requesting maternity leave are first required to use their Sick Leave, Vacation Leave, and Compensatory Time for any part of their approved leave.

## **Section 13 - Leaves of Absence With Pay**

Employees may be granted leaves of absence with pay upon approval of the Executive Director and/or Board of Commissioners for the circumstances listed below. Employees may be required to furnish evidence of the facts justifying the use of the aforementioned leaves.

- a. Court Leave; if an employee receives a subpoena as a trial witness or to give a deposition regarding matters that arose in the scope and course of CRA employment, the employee should notify the Executive Director for further direction. The employee will be granted leave with pay. Any witness fees will be endorsed to the CRA and deposited into the CRA's general operating fund.

If an employee is summoned for jury service or receives a subpoena as a trial witness or to give a deposition in a matter which is not job related, the employee will be granted leave with pay for up to three weeks (15 days). The employee will retain any fees received

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

If an employee 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, Compensatory Time, or leave without pay.

- b. Official training courses such as conferences, conventions, workshops or similar meetings which have been approved by the CRA.
- c. Bereavement Leave: When a death or critical illness in which death appears to be imminent occurs in the family of an employee (family to be defined as father, mother, brother, sister, spouse, domestic partner, child, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparents or foster parents, foster child, step mother, step father or step child, brother-in-law, sister-in-law), the employee may be allowed three (3) days of bereavement leave with pay for in State death or illness, five (5) days for out of State. Requests for additional time off, which may or may not be granted, over and above the allotted days, shall be charged against accumulated Sick Leave, Vacation Leave, or Compensatory Time.
- d. Parent –Teacher’s Conferences – School Board – 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 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.
- e. 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 with pay per fiscal year, to engage in training exercises. For periods in excess of the 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:
  - i). Vacation Leave to the extent the employee is entitled to on the basis of time worked; or
  - ii). Leave of absence without pay.

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

## **Section 14 – Leaves of Absence Without Pay**

### **I. Military Leave**

Any full-time, regular employee shall be granted leave without pay, to be considered military leave, to serve in the armed forces of the United States by enlistment, draft or the call-up of a reserve unit of which the employee is a member. Upon return of such employee from active service, the employee shall be restored to his/her former position or a position having a similar character and standards of duties and compensation unless the CRA's circumstances make it impossible or unreasonable to restore such employee, provided:

- a. The employee presents a certificate or other evidence that he/she has satisfactorily and honorably completed his/her period of active service;
- b. The employee is still qualified to perform the duties of such position;
- c. The employee makes application for reinstatement within 90 days after being relieved from active service.

### **II. Education**

Leave without pay, not to exceed one year, may be granted by the Executive Director and/or Board of Commissioners 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 CRA or becoming qualified for promotion.

### **III. Personal/Medical**

Upon written request of an employee, the Executive Director and/or Board of Commissioners may grant a leave of absence without pay for personal or medical reasons, when it will not result in undue prejudice to the interests of the CRA, as determined solely by the Executive Director and/or Board of Commissioners.

While on leave of absence without pay, any month in which an employee works less than half of the normal workdays will not be considered for the purpose of computing Sick Leave, Vacation Leave, or any other fringe benefits based on continuous service. Employees who are on leave of absence without pay on the day preceding and the day following a holiday shall not be compensated for the holiday.

While on leave of absence without pay, the CRA will continue to pay the employee's medical insurance for any month that the employee works a minimum of half of the normal workdays. The employee is responsible for payment of their medical insurance premiums beginning the first of the month following any month in which the employee does not work a minimum of half of the normal workdays. The CRA will resume paying the employee's medical insurance premiums when, 1) the employee has returned from leave of absence, and 2) has completed a month in which they have worked more than half the normal workdays.

## **Section 15 - Absence Without Leave**

An absence of an employee from duty, including any absence for a single day that is not authorized by a specific grant of leave of absence under the provisions of these rules, shall be deemed to be an absence without leave. Any such absence 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 a period of three successive workdays (or longer) without notice to the Executive Director or his/her designee of the reason for such absence and any intention to return shall be considered in effect a voluntary resignation without notice.

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

## **Section 16 – Donation of Leave**

An employee may receive donation of accrued leave from another CRA employee for extended medical leave reasons pursuant to the policy adopted by the CRA Board on June 8, 2006. The purpose of this policy is to allow an employee the opportunity to request approval to receive a donation of accrued leave from other CRA employees for extended medical leave reasons.

The policy is intended to offset wage losses of the employee who, due to a medical prognosis of a long-term non-job related injury or illness must miss time from work in an unpaid status. This illness or injury extends to the employee's immediate family (defined as a spouse, domestic partner or child residing within the employee's household).

The intent of this policy is to cover the period of time between the time when an employee's own accrued leave bank has been used up and the sixty (60) day waiting period required by the Long-Term Disability Plan provided by the CRA; therefore, the request for donated time shall not exceed a maximum of sixty (60) days less the accrued leave time bank of the individual.

### **a. Recipient Eligibility:**

In order to request approval to receive a donation of accrued leave, the recipient employee must satisfy the following eligibility requirements:

- i. Employee shall be a regular full-time CRA employee.
- ii. Employee or immediate family member must be under the direct care

of a licensed physician (person diagnosing long-term illness).

- iii. Employee must have used all of his/her accumulated leave time.
- iv. Employee or immediate family member must be diagnosed with a long-term injury or illness.

b. Donor Eligibility:

In order for an employee to donate accrued and available leave time, the donor employee must consider the following:

- i. Employees may donate Sick Leave if their remaining balance is at least five (5) days (40 hours) after the donation.
- ii. Donated leave time shall be in full days only (8 hours).
- iii. Should the recipient of the donated time return to work on an approved, regular basis, or terminate, any excess donated time shall be returned to the donor employee(s) proportionate to the percentage of total donated time that their share represents. For example, if a total of 40 hours is donated, an employee who donated one day would get back 20% of the unused hours.
- iv. Employees who desire to donate time shall complete and sign the designated form and submit this form to the Finance Coordinator a minimum of seven (7) days prior to such transfer taking place.
- v. Donated time to any employee shall only be used to bring an employee to full salary for regularly scheduled work hours. In no case shall any donation be paid out in cash when an employee terminates.
- vi. Only accrued and available Vacation Leave, Sick Leave and Compensatory Time may be offered as a donation.

## **Section 17 - Deferred Compensation**

Full-time employees are eligible for the CRA deferred compensation plan, known as a 457(b) plan and money purchase plan, known as 401(a) plan. After one year of employment the CRA will contribute up to ten percent (10%) of the annual base gross salary of the employee so long as this payment does not exceed the current maximum contribution amount in force by law. The employee may contribute his or her own funds to the plan as well, up to the maximum amount allowed by law. The International City Management Association-Retirement Corporation (ICMA-RA) currently administers the CRA's plan. Withdrawals are subject to the rules set by the United States Internal Revenue Code.

## **Section 18 – Employment of Relatives**

“Relatives” as used herein, means a person who is related by blood, marriage or adoption, as father, mother, son, daughter, brother, sister, grandparent, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, half-sister or domestic partner.

A person who is a relative of a CRA commissioner or employee may not be appointed, employed, promoted, or advanced in or to a position within the agency if the related CRA employee or commissioner is, or would be the person’s supervisor or would exercise any authority or control over or otherwise regulate the duties and responsibilities of the person, or if the person would supervise or exercise any authority or control over or otherwise regulate the duties and responsibilities of the related CRA commissioner or employee.

## **Section 19 – Outside Employment**

No employee of the CRA may hold outside employment unless such is approved by the Executive Director. The granting of such approval depends upon the following:

- a. Assurance that the employee’s CRA position is of primary importance;
- b. Consideration of the effect the outside employment may have upon the efficiency of the requesting employee; and,
- c. Determination that the outside employment will not interfere with performance of CRA duties, will not create a conflict of interest, will not create a potential risk of liability on the part of the CRA, or otherwise be incompatible with the employee’s CRA position

Application forms for Outside Employment shall be provided by the CRA, and approval of such shall be for a maximum period of 12 months, renewable January 1<sup>st</sup> of each year. Should an employee, who has been approved for outside employment, change a position or employer listed on the approved Outside Employment form, such employee must resubmit for approval of the new position or employer. Outside employment shall be deemed to include, but shall not be limited to, actual employment by an outside person or entity, ownership or part-ownership of a business, as well as, independent contracts by employees to provide labor, services or materials.

## **Section 20 - Sexual Harassment**

It is the policy of the CRA that all employees are responsible for assuring that the workplace is free from sexual harassment. Because of the CRA's strong disapproval of offensive or inappropriate sexual behavior at work, all employees must avoid any action or conduct that could be viewed as sexual harassment, including but not limited to:

- a. Unwelcome sexual advances;
- b. Request for sexual acts or favors; or
- c. Other verbal or physical conduct of an offensive or harassing nature.

Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers, Board members or visitors, must bring the problem to the attention of the Executive Director or, in her absence, the Finance and Operations Director or Assistant Director. If the complaint involves someone in the employee's direct line of supervision, then the employee may go to another supervisor with the complaint. If the complaint involves the Executive Director then the employee may go to the Board Chairman or Board Attorney. If the complaint involves a Board Commissioner, then the employee may go to the Board attorney.

All complaints of sexual harassment will be promptly investigated by the CRA. The CRA will take appropriate corrective action, including disciplinary measures when justified, to remedy all violations of this policy.

## **Section 21 - Disciplinary Actions**

All employees of the CRA are bound by the rules and regulations set forth in this HR Manual. These rules and regulations are not intended to interfere with the rights of any personnel, but are designed to protect the mutual rights of each employee.

In order to ensure the rights of all, disciplinary action for any act considered to be contrary to the best interests of the CRA may include: discharge, demotion, suspension without pay, suspension with pay, deduction from pay, written reprimands and verbal reprimands. Disciplinary action will become part of an employee's permanent record. Disciplinary action is at the sole discretion of the Executive Director. The CRA has an employment at will policy and reserves the right to terminate any employee at any time in accordance with the guidelines set forth in Section 25.

## **Section 22 – Grievance Procedure**

The Delray Beach Community Redevelopment Agency (CRA) is committed to preserving and improving cooperative and effective work relationships among all CRA employees. It

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is the intent of the CRA to resolve employee concerns, complaints, and grievances at the lowest level possible and in a manner that allows all perspectives to be heard. The CRA grievance process provides an opportunity to review certain employment and civil rights matters.

All regular CRA employees are eligible to access the process described in this policy.

The CRA's Finance and Operations Director is responsible for the administration, implementation, and maintenance of the Employee Grievance Process Policy in consultation with the CRA's Executive Director.

### **General Grievance Procedure**

The grievance procedure is a formal mechanism intended to assure that employee questions, problems and grievances arising from those misunderstandings that develop in the day-to-day activities are promptly heard, answered and appropriate action taken to correct a particular situation. If an employee has a complaint or grievance concerning the conditions of employment, the employee may proceed as outlined in this policy. A dispute over disciplinary action shall be considered a disciplinary grievance which is separate and distinct from this General Grievance policy.

**Step 1.** The grieving employee must file a written grievance with the employee's immediate supervisor on a form approved by the CRA within seven (7) days of the date of the act or omission which gives rise to the grievance. The written grievance form must be signed by the employee and must contain:

- a) the date of the alleged grievable occurrence;
- b) the facts pertaining to or giving rise to the alleged grievance;
- c) the relief requested;
- d) the date the grievance is submitted;
- e) the names of any witness known to the grievance.

The immediate supervisor will have ten (10) calendar days to render their decision in writing.

**Step 2.** If the aggrieved employee is not satisfied with the supervisor's decision at Step 1, the employee may within five (5) calendar days advance the grievance to the CRA Executive Director. The written grievance must be submitted on a form approved by the CRA, signed by the employee and must contain:

- a) the date of the alleged grievable occurrence;
- b) the facts pertaining to or giving rise to the alleged grievance;
- c) the relief requested;
- d) the date the grievance is submitted;
- e) the names of any witness known to the grievance; and
- f) the reason for dissatisfaction of the department head's decision.

The CRA Executive Director will have ten (10) calendar days to render a decision in writing. The CRA Executive Director's decision is final.

### **Withdrawal of grievance.**

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An employee may withdraw a grievance at any point by submitting in writing a statement to that effect, or by permitting the time requirements to lapse without further appeal.

### **Section 23 - Working Out of Classification**

An employee who is temporarily and continuously assigned by Executive Director in writing to perform the duties of a higher classification for more than ten (10) working days, will be compensated for the time spent in the higher classification from the 1<sup>st</sup> day in the higher classification once the employee works ten (10) consecutive working days in the higher classification at a rate which is five percent (5%) above his/her regular base salary.

Such working out of classification shall be considered temporary. The employee should be returned to his/her former position as soon as is reasonably possible, as determined by the Executive Director.

When the employee is returned to his/her former position the compensation shall be discontinued.

### **Section 24 – Personnel Evaluations**

Personnel evaluations shall be conducted annually for the purpose of providing goals and objectives for the employee and to provide feedback on performance over the prior year. Employees should also offer feedback to their manager on the past year. A salary review will be conducted at this time and a recommendation for adjustment may be made. Salary adjustments are based on performance, changes in responsibilities (increases and decreases) and budgeted funds available for a salary increase. Salary adjustments are at the sole discretion of the Executive Director.

### **Section 25 - Termination**

I. Termination: The employment of the Employee hereunder may be terminated by either party by written notice to the other party, unless otherwise terminated in the manner provided in this Section.

II. Termination by the Agency With Cause: The agency shall have the right at any time to terminate the Employee's employment hereunder upon the occurrence of any of the following (any such termination being referred to as a termination for "Cause"):

- a. The commission by the Employee of any proven embezzlement of a material amount of funds or other proven deliberate and premeditated act of dishonesty against the financial or business interests of the Agency that adversely affects the Agency;
- b. The conviction by the Employee of or the pleading by the Employee of nolo contendere to, a felony;

- c. The willful failure or refusal of the Employee to materially perform the duties specified in their job description or to follow the lawful directives of their position (provided that the lawfulness of such directives is confirmed by the board attorney of the Agency), which failure or refusal is not cured within 15 days subsequent to notice from the Agency to the Employee specifying the nature of such failure or refusal; or
- d. The breach by the Employee of any material terms of this HR Manual, which breach is not cured within 30 days subsequent to notice from the Agency to the Employee specifying such breach.

III. Termination Upon Death or Disability: The Employee's employment hereunder shall automatically terminate upon the Employee's death or upon his/her inability to perform his/her duties hereunder by reason of any mental, physical or other disability after all available leave has been exhausted as determined in writing by a qualified physician .

IV. Termination by the Agency Without Cause: The Agency shall have the right to terminate the Employee's employment at any time for any reason without Cause.

V. Resignation by Employee: The Employee shall have the right to resign his employment with the Agency, in good standing, by providing fourteen (14) days written notice to the Executive Director.

#### VI. Effect of Termination of Employment

- a. With Cause; Resignation; Death or Disability. If the Employee's employment is terminated with Cause pursuant to Section (25II), if the Employee's employment is terminated by the death or disability of the Employee pursuant to Section (25III), or if the Employee elects to terminate his employment, the Employee's salary and other benefits shall cease at the time of such termination; provided, however, that the Employee shall be paid for all accrued and unused Vacation Leave and be entitled to continue to participate in the Agency's medical benefit plans to the extent required by law.
- b. Without Cause by the Agency. If the Employee's employment is terminated by the Agency without Cause pursuant to Section (25IV), the Employee's salary and other benefits shall cease at the time of such termination, provided, however, that the Employee shall be entitled to be paid for all accrued unused vacation. The Employee shall be entitled to receive ten (10) days' salary which exists as of the time of termination, payable on the 1st day of the month following termination, as "Severance Pay." Additional severance may be authorized at the discretion of the CRA Board of Commissioners.

## **Section 26 - Solicitation/Distribution**

It is the policy of the CRA to prohibit solicitation and distribution on its premises or through mail by non-employees and to permit solicitation and distribution by employees only as outlined herein.

Unless specifically authorized in advance by the Executive Director, all solicitations including, but limited to, appeals to employees contributions, donations or support in any form for charitable, commercial, elective office, or employee organizational activities, are expressly prohibited. This rule applies to solicitations by the CRA employees as well as by persons not employed by the CRA.

Distribution of literature or any other non CRA materials during working hours in areas where the actual work of the CRA employees is performed is prohibited.

Employees who violate this solicitation, distribution and posting rule will be subject to disciplinary action.

## **Section 27 – Insurance**

The CRA shall provide each full-time employee basic health, dental, long term disability and life insurance for the employee only. In addition, the CRA will pay twenty five percent (25%) of the cost of dependent health and dental insurance needed.

The CRA reserves the right to choose its insurance carrier and the program, which may change from time to time. A one-month waiting period is required from the date of application of insurance by the employee. The CRA does not provide coverage during the waiting period. It is the responsibility of the employee to make application for insurance. The CRA may provide additional insurance benefits to different classes of employees as the terms of their employment warrant.

## **Section 28 - Driver's License**

If driving is necessary for the employee's job to be performed in its customary, expected and usual manner, the employee must possess and maintain a valid driver's license or a temporary driver's permit.

If an employee's driver's license is revoked, canceled or suspended, and the employee's job requires a driver's license or permit, the employee must 1. Obtain a current valid temporary permit which allows driving for business or employment purposes, or 2. Obtain reinstatement of the employee's driver's license within sixty (60) days of the effective date of the order, directive or determination of cancellation, revocation or suspension of the employee's driver's license.

## **Section 29 - Automobile/Car Allowance**

Specified personnel shall be entitled to a car allowance in accordance with this policy. Employees filling these positions shall be required, to have available and use a personal motor vehicle which meets the following standards established in Florida Statutes Chapter 316:

Motor Vehicle – Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

Any additional requirements above the minimum standards stated above may be added as deemed appropriate by the Executive Director. The CRA recognizes that certain economic trends may change the determination of fair reimbursement. The reimbursement rates by category and usage required will be reviewed on a periodic basis.

### **Amount of Allowance by Category:**

Category 1: The Executive Director shall receive a car allowance as established by his/her employment contract.

Category 2: The Assistant Director, who maintains significant organizational responsibilities, shall receive an allowance of \$210 per calendar month.

Category 3: Other designated CRA employees whose job requires the use of a vehicle an average of two hundred (200) business miles per month shall receive \$110 per calendar month. Each of these employees will be required to document their CRA business mileage one month each quarter for review to determine that they would meet the minimum requirements for receiving an allowance.

Category 4: Other employees utilizing their own personal vehicles for CRA business shall be reimbursed the mileage reimbursement rate set by the Internal Revenue Service . Business miles are calculated from place of employment (work site) and the return to your place of employment. Mileage to and from personal residence to work is considered personal commuting and will not be reimbursed. Employees requesting reimbursement for their business mileage should utilize the Vehicle Mileage Log form for this policy.

- b. Out of Area Travel: Employees receiving auto allowance shall still be eligible for reimbursement at the established mileage rate for travel in their personal cars when such travel is deemed classified as: Class A, B or C travel and the destination is outside of Palm Beach, Broward and Martin Counties.
- c. Insurance: Employees receiving auto allowance for using personal cars for official business are required to maintain property damage, liability and business coverage insurance with limits of \$100,000/\$300,000/\$50,000. A current certificate of insurance verifying limits and showing the expiration date of the

policy must be filed annually with the Finance Coordinator. The policy must cover any personal vehicle driven by the employee and must insure all occupants. If a personal vehicle is involved in an accident while on official business, the employee must notify the Finance Coordinator as soon as possible and the appropriate accident/incident forms completed and processed.

- d. Suspension of Car Allowance during Extended Leave: An employee receiving auto allowance and who is on leave for four consecutive weeks or more shall have their auto allowance suspended after the four consecutive weeks. This suspension would remain in effect until the employee returns to work, after which payment of auto allowance would resume.

### **Section 30 – Cellular Phone Stipend/Allowance Policy**

I. Purpose: The purpose of this policy is to provide a set of guidelines governing the use of cellular telephones by Delray Beach Community Redevelopment Agency (CRA) employees and to provide guidelines, criteria and conditions for a stipend/allowance the business use of personal cellular telephones.

II. Eligibility: As a general rule, the CRA shall not provide cellular telephones or cellular service to its employees. The Agency does recognize, though, that some positions within the organization would be enhanced by the availability of cellular phone service for the employee.

#### Amount of Stipend/Allowance by Category:

There shall be three categories of cellular phone stipend/allowance with criteria for eligibility as follows:

Category 1: All Director positions that maintain significant organizational and supervisory responsibilities shall receive a stipend in the amount of \$60 per calendar month.

Category 2: The Green Market Manager, who regularly conducts Green Market business via cellular phone, shall receive a stipend in the amount of \$60 per calendar month.

Category 3: Positions as determined by the Executive Director (based upon their job responsibilities) that utilize their cell phones while on business while out of the office and are required to be accessible on a regular basis shall receive a stipend in the amount of \$30 per calendar month. .

Payment shall be made through payroll and processed on the second paycheck of the month.

Personnel that are receiving a stipend for cellular telephones obligate themselves to keeping their telephones charged and turned on so as to be reachable, replace lost or stolen telephones promptly, pay their cellular telephone bills on a timely basis, and adhere to any and all other requests and stipulations that insure the safeguarding of the CRA's investment.

## Section 31 - Travel Advances and Expense Reconciliations

The purpose of this policy is to set forth policies and procedures for travel expense reimbursement incurred for local and non-local travel by the staff of the Delray Beach CRA.

- a. Local Travel – as defined by State Statute as Class C travel:
  - i. Class C travel shall be defined as travel that does not exceed twenty-four (24) hours
  - ii. Local travel shall include trips to meetings, seminars, errands done on behalf of the CRA, and other like job
  - iii.
  - iv. related travel.
  - v. Employees shall be reimbursed for use of a personal car for CRA business at the current published Internal Revenue Service mileage reimbursement rate in effect when the travel took place. All mileage shall be shown from point of origin to point of destination and shall be computed on the basis of a current map.
  - vi. In no event will an employee be reimbursed for meals while traveling locally.
  - vii. Request for reimbursement of tolls, parking and miscellaneous items relative to CRA business must have receipts showing actual fees incurred.
- b. Non-local travel – as defined by State Statute as Class A and B travel:
  - i. Class A travel shall be defined as travel that exceeds 24 hours, Class B travel shall be defined as travel that does not exceed twenty four (24) hours, but overnight stay is required. Employees traveling out of the local area on behalf of the CRA shall be eligible for travel and meal reimbursement.
  - ii. Employees wishing to attend seminars, meetings, conferences, etc. shall submit a request in writing to the Executive Director for approval. The request should include:
    - A copy of the event brochure,
    - An outline of expenses to be incurred, including even registration, travel (air, auto, etc.), lodging, meals, etc.,
    - A brief description of the benefit of attending the event for

the CRA.

- iii. Upon approval, the outline of expenses with a copy of the event brochure shall be passed to Accounting for processing.
- iv. Whenever possible, event expenses shall be prepaid through the accounting office using a CRA credit card. Please note: the CRA's Tax-Exempt Certificate is only valid for purchases in Florida. Events attended outside of Florida will be subject to sales and use tax.
- v. Employees traveling non-locally on CRA business shall select the most cost-effective yet expedient mode of transportation available. Employees wishing to use their personal automobile for non-local travel shall be reimbursed at the current published Internal Revenue Service mileage reimbursement rate in effect when the travel took place. In no instance will an employee's reimbursement for personal auto use exceed that of commercial airfare.

c. Reasonable Expenses: Meals & Lodging

Employees traveling out of the local area as defined in Section – 31b on behalf of the CRA shall be eligible for travel and meal reimbursement as follows:

- i. Approved Actual Lodging
- ii. Meals, including tips, according to the following schedule  
Breakfast: Travel begins before 6 AM and extends beyond 8 AM - \$6.00  
Lunch: Travel begins before noon and extends beyond 2 PM - \$11.00  
Dinner: Travel begins before 6 PM and extends beyond 8 PM or when travel occurs during nighttime hours due to special assignment - \$19.00
- iii. In no event will an employee be reimbursed for a meal that is included in the cost of an event.
- iv. No entertainment, alcoholic beverages, snacks, telephone calls charged to the hotel, or gratuities paid to service personnel including hotel and airport staff, will be reimbursed
- v. Tolls/Parking/Cabs: Employees shall be reimbursed for reasonable and necessary expenses incurred for parking and tolls while traveling on CRA business when an original receipt is provided.
- vi. Employees shall be reimbursed for reasonable and necessary cab fare when traveling on CRA business when an original receipt is provided.

d. Requests for Reimbursement

- i. Requests for non-local travel reimbursement must be turned in within 30 days of the travel event, supported by original receipts. Unsupported expenses may not be reimbursed.

- ii. Requests for local travel reimbursement may be turned in monthly or quarterly as determined by Employees supervisor. All requests for reimbursements must be turned in no later than 15 days after fiscal year end.
- e. No CRA employee, whether traveling out of state or in state, shall be reimbursed for any meal or lodging expenses that are included in a convention or conference registration fee that has been paid by the Delray Beach CRA.
- f. In no event will an employee be reimbursed for travel to or from work.
- g. No reimbursement for any expenses shall be provided to a spouse or other dependent.
- h. Reimbursement shall only be allowed for costs actually incurred.
- i. Duplicate reimbursement shall not be allowed where duplicate costs are incurred and accounted for by another person (e.g., two persons traveling in one vehicle cannot claim duplicate mileage/travel costs).
- j. **Certifications Required:**  
In accordance with state law, any claim made under the per diem and travel expense policy of the Delray Beach Community Redevelopment Agency must contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and shall be verified by a written declaration that it is true and correct as to every material matter. Any person who willfully and subscribed any such claim that he or she does not believe to be true and correct as to every material matter or who willfully aids or assists in, or procures, counsels, or advises the falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, commits a misdemeanor of the second degree, punishable as provided in Florida Statutes 775.082 or 775.083. Whoever receives an allowance or reimbursement by means of a false claim is civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid

## **Section 32 – Expense Reimbursement**

The CRA will reimburse an employee for out of pocket expenses that are incurred in the course and scope of the Employee’s job functions and are preapproved by the Executive Director or his/her designee. Reimbursement for out of pocket expenses shall under no circumstances exceed the face value of the receipt(s) submitted.

## **Section 33 - Entertainment**

Entertainment expenses, including but not limited to meals, tickets or admission to special events, or other functions may be reimbursed subject to the Executive Director’s or designee’s approval. Such expenses shall be reasonable, customary, within budgetary limits and serve the purposes of the CRA. The business purpose, date and location of

event or function, who attended the event or function, and the amount expended must be documented and included with the reimbursement request.

## **Section 34 – Computer Policy**

### **I. Purpose:**

- a. To remain competitive, better serve its customers and provide its employees with the best tools to do their jobs, the CRA makes available to its workforce access to one or more forms of electronic media and services, including computers, e-mail, telephones, voicemail, fax machines, external electronic bulletin boards, online services, Internet
- b. The CRA encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information about vendors, customers, technology, and new products and services. However, all employees and everyone connected with the organization should remember that electronic media and services provided by the CRA are CRA property and their purpose is to facilitate and support CRA business. All computer users have the responsibility to use these resources in a professional, ethical, and lawful manner.
- c. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the Internet. No policy can lay down rules to cover every possible situation. Instead, it is designed to express The CRA's philosophy and set forth general principles when using electronic media and services.

### **II. Prohibited Communications:**

Electronic media cannot be used for knowingly transmitting, retrieving, or storing any communication that is:

- a. Discriminatory or harassing;
- b. Derogatory to any individual or group;
- a. Obscene, sexually explicit or pornographic;
- d. Defamatory or threatening;
- e. In violation of any license governing the use of software; or
- f. Engaged for any purpose that is illegal or contrary to the CRA's policy or business interests.

### III. Personal Use:

The computers, electronic media and services provided by the CRA are primarily for business use to assist employees in the performance of their jobs. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable and acceptable, and all such use should be done in a manner that does not negatively affect the systems' use for their business purposes or negatively impact job productivity. Employees are expected to demonstrate a sense of responsibility and not abuse this privilege.

### IV. Access to Employee Communications:

Generally, electronic information created and/or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, Internet and bulletin board system access, and similar electronic media is not reviewed by the CRA . However, the following conditions should be noted:

The CRA periodically checks electronic activities and may monitor employee communications directly, e.g., telephone numbers dialed, sites accessed, call length, and time at which calls are made, for the following purposes:

- a. Cost analysis;
- b. Resource allocation;
- c. Optimum technical management of information resources; and
- d. Detecting patterns of use that indicate employees are violating Board policies or engaging in illegal activity.

The CRA reserves the right, at its discretion to review any employee's electronic files and messages to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy and other Board policies.

Employees must be aware that electronic communications under Florida Law may be considered to be a public record. Every email transmission to and from employees is archived on the main server and cannot be deleted by the employee. Accordingly, if an employee has sensitive information to transmit, they should use other means.

### V. Software

To prevent computer viruses from being transmitted through the CRA's computer system, unauthorized downloading of any unauthorized software is strictly prohibited. Only software registered through the CRA may be downloaded through the authorized system administrator. Employees should contact the system administrator if they have any questions.

### VI. Security/Appropriate Use

- a. Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been

granted by CRA management, employees are prohibited from engaging in, or attempting to engage in:

- Monitoring or intercepting the files or electronic communications of other employees or third parties;
  - Hacking or obtaining access to systems or accounts they are not authorized to use;
  - Using other people's log-ins or passwords; and
  - Breaching, testing, or monitoring computer or network security measures.
- b. No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.
- c. Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.
- d. Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.

## VI. Encryption

Employees can use encryption software supplied to them by the systems administrator for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on a CRA computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.

## VII. Participation in the Online Forums

- a. The CRA recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a news group devoted to the technical area.
- b. Employees should remember that any messages or information sent on CRA -provided facilities to one or more individuals via an electronic network—for example, Internet mailing lists, social networking sites, bulletin boards, and online services—are statements identifiable and attributable to the CRA.

## VIII. Violations

Any employee who abuses the privilege of their access to e-mail or the Internet in violation of this policy will be subject to corrective action, including possible termination of

employment, legal action, and criminal liability.

## **Section 35 – Emergency Conditions Pay Policy**

### **1. Purpose.**

To establish levels of compensation for full-time exempt and non-exempt employees who are released from work or who are called back to perform Community Redevelopment Agency (“CRA”) work during the threat or occurrence of a hurricane, severe storm, civil disaster, or other emergency conditions affecting the City of Delray Beach (“City”).

### **2. Local State of Emergency.**

A local emergency shall be deemed to have commenced when the City’s authorized representative declares a state of local emergency. Immediately following such declaration, the CRA Executive Director (or Acting CRA Executive Director) will inform each CRA employee in as timely a manner as possible by written or electronic communication that a state of civil emergency is in effect. The state of local civil emergency shall continue in effect until rescinded in writing by the City.

### **3. Authority and duration of Emergency Pay Policy coverage.**

The provisions of this Emergency Pay Policy shall become effective immediately following the declaration of a state of civil emergency by the City, and are considered from that point to take precedence over all other Personnel Rules and Regulations and policies of the CRA in the matters of pay, compensation and leave as hereinafter set forth. The provisions of this Emergency Pay Policy shall apply for the entire time period during which the declared state of civil emergency exists, as determined by the City.

### **4. Employee responsibilities.**

Full-Time Exempt and Non-Exempt Employees may be released from their normal work duties and schedules as circumstances dictate, subject to the following conditions:

1. the employee is to remain in periodic contact with their supervisor or other designated representatives in accordance with CRA procedures;
2. the employee is to be available to respond to assignments as directed; and
3. the employee is to be prepared to work any overtime hours that may be required in advance of or following an emergency event.

### **5. Duty to Work**

An employee who is directed to report to work during a declared civil emergency, and fails to do so, is subject to being disciplined, up to and including termination. In addition to any disciplinary action, the employee shall forfeit any compensation payable under these policies, except compensation for hours actually worked.

### **6. Employee compensation.**

Any Full-Time Exempt or Non-Exempt employee shall be paid their regular rate of pay during a declared emergency. In the event a Full Time Exempt or Non-Exempt Employee is required to report to work during the emergency, the employee will be compensated at a premium rate of one and one-half times their regular base rate of pay for all hours actually worked, including hours which would otherwise qualify for overtime pay (time and one-half).

**7. Standby and Call back pay**

No employee is entitled to nor shall receive standby pay or call back pay during a period of local emergency.

**8. Record Keeping.**

All employees are responsible for keeping accurate time logs/records for hours worked during a declared state of emergency. The submission of a request for compensation for time worked when the employee did not actually work during a period of local emergency is grounds for termination of employment.

**9. Handling of leave requests during a declared emergency.**

A. Leave requests approved prior to a declared emergency will be honored if, in the opinion of the CRA's Executive Director, the employee's absence will not adversely affect the CRA's ability to effectively respond to the emergency. An employee who is on a previously approved leave that was not revoked prior to the specified civil emergency time period is not eligible for administrative leave with pay or any other form of special compensation that may be made available under the provisions of this policy.

B. All employees are subject to having previously approved leave cancelled, and new requests for leave denied, based upon an overriding organizational need to have the employee report for duty to fulfill their job assignments during an emergency. All employees who request Sick Leave immediately prior to, during, or in recovery from a declared emergency may be required by the department director to submit appropriate medical documentation to verify their Sick Leave request.

**10. Holiday Pay.**

If the declared emergency time period should encompass a holiday, an employee is eligible to receive any applicable holiday pay they are due in addition to any special compensation that is to be paid to under the conditions outlined in Sub-Section 6 above.

**11. Suspension of other compensation rules**

During periods of declared local emergencies, the provisions of this policy supersede all other provisions for scheduling and compensation set forth in any other CRA Policy, rule, or regulation.

**Section 36 – Drug Free Work Place**

**I. Purpose**

The Delray Beach CRA is committed to providing a safe work environment for its employees and our community. Drug and alcohol abuse is a national problem that is prevalent in society and impairs the health and safety of employees, promotes crime and harms our local community. Moreover, the illegal possession, use, sale, and distribution of controlled drugs are criminal acts that directly threaten the integrity of all employees in the CRA. The CRA is addressing this problem through its DRUG FREE WORKPLACE Program.

Substance abuse is a complex, yet treatable disease. The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe and productive drug and alcohol free environment. We encourage those who use drugs or abuse alcohol

to seek help in overcoming their problem. The CRA considers substance abuse to be an unsafe and counterproductive work practice.

## II. Scope

This policy applies to all employees of the Delray Beach CRA.

## III. Definitions

**a.** “Chain of Custody” refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to the final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and strong specimens and reporting test results

**b.** “Confirmation Test,” “confirmed test” or “confirmed drug test” is a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

**c.** “Drug” means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein. Threshold detection levels are established by Florida regulations. Therefore, activities participated in while off duty may result in positive drug tests. For DOT covered employees, alcohol includes any intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols. Consumption of a preparation including alcohol (beverages or medicines) A list of the most common medications which may alter or affect a drug test are found in Section 1.5, Letter I of this policy. Employees and job applicants should review this list prior to submitting to a drug test.

**d.** “Drug test” or “test” means any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

**e.** “Employee” means an individual who works for salary, wages, or other remuneration for the CRA and is covered by the workers compensation act.

**f.** “Employee Assistance Program” (EAP) is an established program for employee assessment, counseling, and referral to an alcohol and drug rehabilitation program.

**g.** “Employer” means an agency within state government that employs individuals for salary, wages, or other remuneration.

**h.** “Initial drug test” means a screening procedure of the blood and urine of employees and job applicants for the presence of alcohol and illegal drugs in accordance with the Florida Drug Free Workplace Program and appropriate Florida administrative rules.

i. "Job Applicant" means a person who has applied for a position with the CRA and has been offered employment conditioned upon successfully passing a drug test.

j. "Medical Review Officer (MRO)" means a licensed physician with knowledge of prescription drugs, pharmacology and toxicology of drugs, who may be responsible for receiving and reviewing all positive confirmed test results and who may be responsible for contacting all individuals who test positive in a confirmation test to inquire about possible medications which could have caused a positive result. The MRO need not be an employee of the CRA.

k. "Mandatory-testing position/Safety-sensitive position" means with respect to a public employer, a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to F.S. 110.1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

l. "Prescription or Nonprescription Medication" means a drug or medication obtained pursuant to a prescription as defined by F.S. 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

m. "Reasonable Suspicion Drug Testing" means drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing may not be required except upon the recommendation of the Executive Director or Designee of the employee in question. Among other things, such facts and inferences may be based upon:

i) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.

ii) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.

iii) A report of drug use, provided by a reliable and credible source, which has been independently corroborated.

iv) Evidence that an individual has tampered with a drug test during employment with the current employer.

v) Information that an employee has caused, or contributed to, an accident while at work.

vi) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the

employer's vehicle, machinery, or equipment.

n. "Specimen" means a tissue or product of the human body including blood, urine, or saliva capable of revealing the presence of alcohol and/or illegal drugs or their metabolites.

o. "Stepping Forward" means that an employee comes forward to the Human Resources and Risk Management Department and requests assistance for substance abuse **prior** to being selected for a random drug test, or **prior** to being ordered to submit to a reasonable suspicion drug test, fitness for duty evaluation, or **prior** to being involved in an accident or sustaining an injury, which requires drug testing.

#### IV. Policy

a. It is the policy of the CRA that an employee found with the presence of alcohol, illegal drugs, or prescription medication in levels exceeding prescribed dosage in his/her system, in possession of, using, selling, trading or offering for sale illegal drugs or alcohol during working hours, may be subject to disciplinary action up to and including termination. A refusal to submit to a drug test is grounds for immediate termination.

An employee reporting for work visibly impaired and that is unable to properly perform required duties, will not be allowed to work. An impaired employee must not be allowed to drive and if necessary, can be transported home by a supervisor or another employee.

#### b. Use of prescriptions/drugs while on duty

i) Prescription drugs prescribed by the employee's physician, who is licensed to practice medicine in the United States, may be taken during working hours in strict accordance with the provisions of the Policy. Employees should never use intoxicants or drugs that could cause impairment during work hours. An employee who is using a prescription medication while on the job shall do so in strict accordance with medical directions.

ii) It is the employee's responsibility to notify the prescribing physician of his/her job requirements/functions to ensure that the physician approves the use of the prescription medication while the employee is performing his/her job duties. It is recommended that the employee provide his/her physician with a copy of the employee's job classification description so the physician is aware of the physical requirements of the position.

iii) The employee shall notify the Executive Director or designee if the use of his/her properly prescribed medications/drugs (other than those considered a controlled substance on Schedules II, III, or IV as defined and amended from time to time in Florida Statutes 893.03) will affect the employee's work performance.

iv) If the prescribing physician determines that the employee cannot perform his/her job duties without impairment while taking the prescribed medication, then the employee will be required to use his/her available leave time and/or FMLA leave, or unpaid leave if his/her leave time banks are exhausted, until (s)he can

return to work. If the employee reports to work, the CRA will presume that the employee is not impaired.

v) Abuse of prescription drugs will not be tolerated.

#### **c. Conditions of Pre-Employment**

The CRA will conduct a pre-employment screening examination designed to prevent hiring individuals who use drugs.

i) To determine the suitability of employees to work for the CRA the following pre-employment conditions are established:

- Any job applicant, as defined in the above section, who refuses to submit to drug and alcohol testing as part of the pre-employment testing process will be refused employment.
- Any job applicant who tests positive for drugs or alcohol use will be refused employment.
- Confidentiality will be maintained pursuant to this policy.

#### **d. Employee Compliance**

It shall be a condition of continued employment for all employees to submit to drug and alcohol screening under the policy. Refusal to submit to drug testing is grounds for immediate termination. Refusal to submit to drug testing is not a waiver of the employee's right to challenge both the order and the test outcome.

#### **e. Employee Assistance Program**

The CRA offers an Employee Assistance Program (EAP) which provides help to employees and their families who suffer from various difficulties including alcohol or drug abuse.

In addition to the CRA's EAP Program, below is a list of local assistance programs and local drug and alcohol rehabilitation programs:

- i) Narcotics Anonymous Help Line: 561-848-6262
- ii) Drug Abuse Foundation of Palm Beach County: 561-278-0000
- iii) Palm Beach Al-Anon/Al-a-Teen Information: 561-882-0308
- iv) Alcoholics Anonymous (Palm Beach County): 561-655-5700
- v) Comprehensive Alcoholism Rehabilitation Program: 561-844-6400

It is the responsibility of each employee to seek assistance before drugs and alcohol lead to performance problems.

i) Use of the employee assistance program, on a voluntary basis, will not affect the determination of appropriate disciplinary action.

ii) An employee who is “Stepping Forward” or seeking assistance from the Employee Assistance Program on a voluntary basis **prior** to any incident warranting disciplinary action will not have this action used as the basis for disciplinary action or in any disciplinary proceeding.

On the other hand, using EAP will not be a defense to the imposition of disciplinary action where facts providing violation of this policy are obtained outside of the EAP. Accordingly, the purpose and practices of this policy and the EAP are not in conflict but are distinctly separate in their applications.

iii) Through the EAP, the CRA will provide appropriate assessment, referral to treatment, and treatment of drug and alcohol abuse.

iv) Upon successful completion of a drug and/or alcohol treatment program an employee may be released to resume work but will be subject to drug testing on a random, periodic basis, at least quarterly, and for at least two years thereafter as a condition of continued employment. These stipulations may be incorporated in a Last Chance Agreement.

v) An individual’s participation in a program will not be made part of any personnel records and will remain confidential to the extent necessary to comply with this policy. Medical and insurance records, if any, will be preserved in the same confidential manner as all other medical records and be retained in a separate file as provided by law.

#### **f. Management’s Responsibility**

The CRA will maintain screening practices to identify employees who use illegal drugs or abuse alcohol. Department Heads are responsible for implementing this Drug Free Work Place policy. It is the responsibility of the supervisors to observe the behavior of employees on the job as a precaution against unstable or unreliable behavior which could threaten the safety and well-being of employees and the community.

i) Supervisors are responsible for maintaining a safe work environment by monitoring employees’ behaviors and performance.

ii) In the event a supervisor has a reasonable suspicion that an employee may be under the influence of drugs or alcohol, the employee must be sent for reasonable suspicion drug testing. A form for documenting cause for a reasonable suspicion drug test is attached.

iii) In all cases when an employee is to be removed from duty for drug testing, the Department Director and Director of Human Resources and Risk Management must be immediately notified.

#### **g. Employee’s Responsibility**

i) It is each employee’s responsibility to be fit for duty when reporting for work and to inform his/her supervisor if (s) he is under prescription or non- prescription medication which may affect job performance.

ii) In the event an employee observes behavior in another employee, which raises a doubt as to that employee's ability to perform work in a safe, reliable and trustworthy manner, the employee should report this behavior to the Executive Director.

iii) Employees, who enter drug or alcohol treatment and/or rehabilitation program voluntarily at the request or insistence of the CRA or, as a condition of continued employment are required to fully participate in and complete the recommended treatment. Any employee who enters a drug or alcohol treatment and/or rehabilitation program will be responsible for payment of the treatment and/or program. If the employee fails to comply with the treatment and/or program, the employee will be subject to discipline, up to and including termination.

#### h. Medical Review Officer's (MRO) Responsibilities

i) The MRO will review all information from the testing laboratory in the event of a positive, confirmed test. The MRO will review any information from the employee or job applicant regarding the use of medication or other relevant medical information set forth in the form submitted prior to drug testing.

ii) The MRO may request that the testing laboratory provide quantification of test results.

iii) The MRO will provide confirmed test results to the Human Resources representative from the CRA.

#### V. Procedure

In order to maintain a drug and alcohol-free work environment, the CRA will test for the presence of alcohol and drugs in the following circumstances:

i) **Pre-employment:** Job applicants who have been offered a position of employment are required to take a drug and alcohol test.

ii) **Reasonable suspicion:** Employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined herein), are required to take a drug and alcohol test.

iii) **Post-incident:** Employees are required to take a drug and alcohol test when the employee is involved in a job-related incident, which results in any of the following: (a) discernable property damage, (b) the employee receiving medical attention, or (c) the employee receiving a citation.

iv) **Random Testing:** Employees are subject to random drug testing. Random selection for testing is done by an independent third party by a random computer-generated list.

v) **Fitness for duty:** All employees who are subject to a routine fitness for duty medical examinations are required to take a drug and alcohol test as part of their medical examination.

vi) **Follow-up:** All employees who have been referred to an employee assistance program or rehabilitation program by the CRA for drug and/or alcohol abuse are required to take drug and alcohol tests on a quarterly basis for up to two (2) years after their return to work. These stipulations may be codified in a Last Chance Agreement.

#### **a. Consequences of Refusing a Drug Test**

i) An employee who refuses to submit to a drug and alcohol test will be subject to immediate termination. An employee who refuses to submit to a drug test forfeits his/her eligibility for all workers' compensation medical and indemnity benefits.

ii) A job applicant, as defined in section 1.3, #9, who refuses to submit to a drug and alcohol test will not be hired.

#### **b. Actions Following a Positive Confirmed Test**

The CRA may administer disciplinary action, up to and including termination, for any employee who has a positive, confirmed drug or alcohol test.

#### **c. Confidentiality**

Confidentiality of records concerning drug and alcohol testing will be maintained to the extent necessary to comply with this policy. All information, reports, memos and drug test reports, written or otherwise, received by the CRA through the drug testing program will be kept confidential as provided by law.

The CRA's Employee Assistance Program, laboratories, drug and alcohol rehabilitation programs who receive or have access to information concerning drug test results shall keep all information confidential. No such information will be released unless there is a voluntary written consent, signed by an employee or job applicant, except where such release is compelled by a court pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

The CRA will maintain records concerning drug testing separate and apart from an employee's or job applicant's file.

#### **d. Reporting of Use of Medication**

Employees and job applicants may confidentially report the use of prescription or non-prescription medication both before and after having a drug test.

#### **e. Notice of Common Medications**

A list of most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test, is listed below in section I. Employees and job applicants should review this list prior to submitting to a drug test.

#### **f. Medication Information**

An employee or job applicant may consult with the testing laboratory for technical information regarding prescription and non-prescription information.

**g. Employee Assistance Program**

Refer to the Employee Assistance Program Policy for the name, address and telephone number of the CRA's current provider or contact the Human Resources and Risk Management Department.

**h. Drugs to be Tested**

Drugs that will be tested are as follows:

- i) Alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors.
- ii) Amphetamines
- iii) Cannabinoids
- iv) Cocaine
- v) Phencyclidine (PCP)
- vi) Hallucinogens
- vii) Opiates
- viii) Methaqualone
- ix) Barbiturates
- x) Benzodiazepines
- xi) Synthetic Narcotics
- xii) Designer Drugs
- xiii) A metabolite on any substance listed herein.

A list of drugs by brand names or common names includes:

<i>Opium</i>	Dover's Powder, Paregoric, Parepectolin
<i>Morphine</i>	Morphine, Pectoral Syrup
<i>Codeine</i>	Tylenol with Codeine, Empirin with Codeine, Robitussin A-C, Hydrocodone, Coke Crack
<i>Heroin</i>	Diacetylmorphine, horse, smack
<i>Hydromorphone</i>	Dilaudid
<i>Meperidine</i>	Demerol, Mepergan
<i>Methadone</i>	Dolophine, Methadone, Methadose
<i>Other Narcotics</i>	Laam, Leritine, Numorphan, Percodan, Tussiones, Fentanyl, Darvon, Talwin, Lomotil, Lorcet, Vicodin, Percocet
<i>Chloral Hydrate</i>	Noctec, Sommos
<i>Barbiturates</i>	Phenobarbital, Tuinal, Amvital, Nembutal, Seconal, Lotusate
<i>Benzodiazepines</i>	Atavan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril
<i>Methaqualone</i>	Quaalude
<i>Methamphetamine</i>	Methyl Ice
<i>Glutethimide</i>	Doriden

NEW DRUGS - New drugs will be added to the list of controlled substances based on amendments to the Florida Statutes and/or any federal law, rule, regulation or procedure.

### PRESCRIPTION DRUGS

Many prescription drugs can alter or affect drug tests. Due to the large number of obscure brand names and the constant marketing of new products, this list is illustrative and not exhaustive.

*Alcohol:* All liquid medications containing ethyl alcohol (ethanol). Read the label for alcohol content.

*Amphetamines:* Pbetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Lonamine, Fastin.

*Cannabinoids:* Marinol (Dronabinol, THC).

*Cocaine:* Cocaine, HCl topical solution (Roxanne)

*Phencyclidine:* Not legal by prescription

*Methaqualone:* Not legal by prescription

*Opiates:* Paregoric, Parepectolin, Donnagel PG, Norphine, Tylenol with Codeine, Emperine with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Diluadid (Hydromorphone), MS Contin and Roxano (morphine sulfate), Percodan, Vicodin, Tussiorganidine, etc.

*Barbiturates:* Phenobarbitol, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorianl, Fioricet, Esgic, Butisol, Mebarel, Butabarbital, Butalbital, Phrenilin, Triad, etc.

*Benzodiazepine:* Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tanzene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax, etc.

*Methadone:* Dolophone, Metadose, etc.

*Propoxyphene:* Darvocet, Darvon N, Dolene, etc.

### ANABOLIC/ANDROGENIC STEROID TESTING

Federal law placed anabolic steroids in Schedule III of the Controlled Substances Act (CSA) as of February 27, 1991.

An employee or job applicant who is contacted by the MRO may confidentially report the use of prescription medication(s) because the presence of these medications in the body may have affected the outcome of the test.

#### i) Challenge of Test Results

- An employee or a job applicant who receives a positive confirmed test result may, within five (5) working days, submit information to the Director of Human Resources and Risk Management explaining or contesting the test result and explaining why the test result does not constitute a violation of the CRA's policy.
- If the explanation or challenge of the employee or job applicant is

unsatisfactory to the CRA, the CRA will provide a written explanation as to why the employee or job applicant's explanation is unsatisfactory, and a copy of the report of positive confirmed test results will be provided to the employee or job applicant.

- An employee may further challenge the results of the test in a court of competent jurisdiction or, if the drug was administered due to a workplace injury, by filing a claim for benefits with a judge of compensation claims, pursuant to Chapter 440, Florida Statutes.
- If an employee or job applicant contests the drug test results, he/she must notify the Medical Review Officer (MRO).

If anything in this policy is in conflict with a collective bargaining agreement, the collective bargaining agreement shall control.

