



20 N. Swinton Avenue
Delray Beach, FL 33444

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Agenda Item #
March 22, 2018

~ CRA BOARD SUMMARY ~
AMENDMENTS TO CRA HUMAN RESOURCES POLICIES & PROCEDURES MANUAL

The Delray Beach CRA Human Resources Policies & Procedures Manual (HR Manual) was last modified on September 28, 2017 to include Emergency Conditions Pay policy and procedure. Recently, the HR Manual was reviewed as part of the recent payroll system review performed by the CRA's Financial Auditor. As a result, the following recommended amendments to the HR Manual are proposed at this time:

Vacation and Sick Leave – Sections 8 (Vacation Leave) and 9 (Sick Leave) were modified to eliminate the provision that the annual accrued time would be available at the start of each fiscal year, after one year of employment. Leave is earned throughout the year at a rate of 1/12th of the total annual leave allowed per month. A provision was also included to clarify the accrual of vacation leave and banked time.

Leave Request Form – Sections 5 (Compensatory Time), 8 (Vacation Leave) and 9 (Sick Leave) include the provision that 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.

Family and Medical Leave – Section 10 (Family and Medical Leave) was modified to reference the U.S. Department of Labor form and to include a statement that the Executive Director shall provide written approval and sign the referenced U.S. Department of Labor form.

Additionally, minor revisions were made throughout to reflect the modifications detailed herein.

A strike-through and underlined version of the revisions to the sections is attached for additional clarification of the changes.

Staff is currently evaluating the impact if the CRA changes from Traditional Leave (Vacation/Sick) to Paid Leave. Once completed the item will be presented to the Board for consideration.

Recommended Action:

Approve the Amendments to the Delray Beach CRA Human Resources Policies and Procedures Manual.

Submitted By: Jeff Costello, Executive Director

Attachment: Proposed Amendments to Sections 5, 8, 9 & 10 of the Delray Beach CRA HR Manual

Section 5 – Compensatory Time

Compensatory ~~time~~Time of five (5) days or forty (40) hours during each fiscal year is in addition to days provided in Section 68 – 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)). Any employee eligible for these days must be in their current position for six (6) 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~~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 8 – Vacation Leave

All regular, full-time employees shall earn ~~vacation leave~~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:

<u>Years of Continuous Service</u>		<u>Accumulative Hours</u>	<u>Monthly Accrual</u>
<u>Over</u>	<u>But Less Than</u>		
0 years	3 years	80 hours (10 days)	6.70 hours
3 years	7 years	120 hours (15 days)	10.00 hours
7 years	no limit	160 hours (20 days)	13.30 hours

<u>Years of Continuous Service</u>	<u>Accumulative Hours</u>	<u>Monthly Accrual</u>
0 years - 2 years	80 hours (10 days)	6.70 hours
3 years - 6 years	120 hours (15 days)	10.00 hours
7 years - no limit	160 hours (20 days)	13.30 hours

Employees accrue ~~vacation time~~Vacation Leave as follows: Employees that begin employment on or before the 15th of the month accrue ~~vacation time~~Vacation Leave beginning in the month they commence employment. Employees that start on or after the 16th of the month accrue ~~vacation time~~Vacation Leave beginning in the month following the month in which they begin employment. ~~For the first year of employment~~ Employees may only use ~~vacation time~~Vacation Leave that has been earned. ~~For the first year of employment~~ Vacation Leave is earned evenly throughout the year at the rate of 1/12th of the total annual ~~vacation time~~Vacation Leave allowed per month. For example, ten vacation days per year are earned at the rate of .84 days per month up to 10 days per year. No vacation benefits may be used during the first six-months of employment unless otherwise arranged as terms of employment. ~~After one full year of continuous employment annual vacation time becomes available to Employees at the start of the next fiscal year and at the start of each fiscal year thereafter.~~

Example: an Employee who begins employment on June 18, 2012 will accrue no vacation

~~time in the first month (June) and will begin accruing time on July 1. Vacation time will be accrued for the first year of employment (July 1, 2012 through June 30, 2013) and will continue to be accrued and used as earned up until the start of the next fiscal year, October 1, 2013, at which time all eligible vacation time for the fiscal year will be available for use.~~

~~Any unused vacation time may~~Vacation Leave shall be "banked" for a total maximum accumulation of thirty (30) days or two hundred forty (240) hours. ~~All hours in excess of two hundred forty (240) will be lost. Vacation leave~~Accrual of Vacation Leave begins on October 1 of each year in accordance with the accrual schedule noted above. On September 30, 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 ~~vacation leave~~Vacation Leave and ~~compensatory time~~Compensatory Time.

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

Section 9 - 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~~Sick Leave benefits the employee may request to use any accrued ~~vacation~~Vacation Leave or the employee may request leave without pay. Full-time employees shall earn twelve (12) sick days for each year of employment. Sick ~~time~~Leave is accrued as follows: Employees that begin employment on or before the 15th of the month accrue ~~sick time~~Sick Leave beginning in the month they commence employment. Employees that start on or after the 16th of the month begin accruing ~~sick time~~Sick Leave in the month following the month in which they begin employment. Employees may only use ~~sick time~~Sick Leave that has been earned. Sick ~~time~~Leave is earned evenly throughout the year at the rate of 1/12th of the total annual ~~sick time~~Sick Leave allowed per month, or one day per month. ~~After one full year of continuous employment annual sick time benefits become available to employees at the start of the next fiscal year and at the start of each fiscal year thereafter.~~

If an employee works less than half of the normal workdays during a month for reasons other than holidays, ~~vacation~~Vacation Leaves and leaves with pay, ~~sick-leave~~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~~Sick Leave will be credited.

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

~~Sick leave~~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~~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~~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~~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 obtain approval from their Supervisor, as applicable, and the Executive Director. Notwithstanding the fact that ~~sick-leave~~Sick Leave is granted and is allowed to be banked, the utilization of ~~sick-leave~~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 10 - 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 ~~paid vacation or compensation leave~~ 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~~ Sick Leave may be taken in compliance with the CRA's ~~sick leave~~ 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 ~~and/or the Board of Directors agree~~ 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 ~~"Certification of Physician or Practitioner"~~ 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.

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