



*Attendance and Leave  
Procedures Manual*

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## Section I

### Responsibilities and Duties - Employees

- A. Employees will maintain and promptly submit an accurate record of all hours worked and leave used on their People First timesheet.
- B. Employees will request to use accrued leave credits to be absent from work for any reason must receive approval in advance through their chain of command unless there is an emergency.
- C. Employees will report any unscheduled absences due to illness or injury to their supervisor within the timeframe identified by the supervisor or in the work unit's internal attendance and leave procedure. If the work unit does not have an attendance and leave procedure, employees will report within the timeframe established by the supervisor, but no later than two hours from the beginning of their work shift.
- D. Extra hours worked during the work period must be approved by the employee's supervisor prior to the hours being worked.

### Responsibilities and Duties – Supervisors

- A. Supervisors will clearly communicate the attendance and leave policy to all employees.
- B. Supervisors will approve included employees' timesheets weekly and excluded employees' timesheets monthly, within 3 workdays after the end of the work period.
- C. Supervisors will ensure appropriate supporting documentation is submitted for certain absences, such as administrative leave for jury duty, military leave, and medical certification for identified sick leave absences, and others.
- D. Supervisors will verify and approve an employee's hours worked, authorize leave requests, and ensure compliance with the Fair Labor Standards Act (FLSA) regarding overtime.
- E. Supervisors will immediately and accurately report leave without pay to the Bureau of Human Resource Management – Payroll Coordinator (*see page 30*). Supervisors are expected to be reasonable in approving leave requests.
- F. Requests to use accrued leave should be approved unless such absence would create a hardship on workload requirements or office coverage. It may also be denied in cases where employees are excessively absent for non-job protected reasons. Supervisors will not unduly deny leave requests.
- G. Supervisors will establish timeframes or follow the office attendance and leave procedure for employees to report their absences before the employees are considered to be on unauthorized leave.
- H. Supervisors will consult with their chain of command and Bureau of Human Resource Management – Employee Relations Manager (*see page 30*) for information and guidance regarding situations where an individual's attendance and leave is creating disruptions to the work unit.
- I. Supervisors will inform subordinates of their potential eligibility for Family Medical

Leave Act ([FMLA](#)).

## Entering and Approving Timesheets

- A. Supervisors will ensure that their direct reports' timesheets are submitted and approved within 3 workdays of the end of each workweek for included employees and the end of the work month for excluded employees.
- B. Employees are required to complete and submit their own timesheet within the established deadlines.
- C. Supervisors shall complete, submit, and approve timesheets for employees only when employees are ill, injured, or otherwise unable to complete their own timesheets.
- D. The State of Florida has a long-standing operational practice of administering attendance and leave in 15-minute increments. Therefore, the minimum amount of time that may be recorded for compensable hours or hours for leave without pay is 15 minutes and all fractions of an hour must be rounded to the nearest quarter of an hour. Please use the minutes conversion table below:

Minutes Conversion Table		
Minutes Worked	Minutes Rounded	Hours Compensable
0-7	00	00
8-22	15	.25
23-37	30	.50
38-52	45	.75
53-60	60	1.00

*\*\*Please note that this table does not authorize employees to report seven (7) minutes late\*\**

- E. Falsification of attendance and leave records will be cause for disciplinary action up to and including dismissal.

## Section II

### Work Schedules

- A. Except where authorized, each full-time employee will work a 40-hour workweek Friday through Thursday, with a lunch period each day.
- B. If an employee is interested in working a flex schedule, they must complete the [Request for Flexible Work Schedule](#) and seek approval through their chain of command. All changes to work schedules will begin on Fridays and must be entered

in the People First system. Examples of flexible schedules are:

1. Four-day workweek which consists of a combination of four workdays of ten hours each, with a minimum 30-minute lunch period each workday.
2. Four and one-half day workweek which consists of a combination of four workdays of nine hours each and one workday of four hours, with a minimum 30-minute lunch period for each nine-hour workday.

Once a flexible work schedule has been approved it will need to be entered into the People First system. Follow the steps below to create a flex schedule in People First:

**Employee Instructions:**

1. Logon to the People First System.
2. Click on the Employee Information tab.
3. Click on the Time and Payroll tab.
4. Select Flexible Work Schedule.
5. Select the correct work week(s) to be changed then click on the "Edit" button.
6. Enter the correct schedule and end week then click on save.

**Supervisor Instructions:**

1. Logon to the People First System.
2. Under Quick Links click on My Direct Reports.
3. Select the employee and then click on Time and Payroll.
4. Select Flexible Work Schedule.
5. Select the correct work week(s) to be changed then click on "Edit".
6. Enter the correct schedule and end week, then click on save.

Once a request is approved for a flexible schedule and that schedule is entered into People First, notification to the HRM is required to change back to the standard work schedule or to change from one type of flexible work schedule to another. The supervisor will work with the employees to change flex schedules.

- C. Supervisors may authorize occasional variations in an employee's established work schedule. Each instance of variation in the established work schedule will be specifically authorized and arranged to avoid overtime. Please refer to the Flex Schedule Policy 2.14 ([clickable link](#)).

## **Work Breaks**

With supervisor approval, employees may take one 15-minute work break during the first half of the work shift and one 15-minute work break during the second half of the work shift provided that:

- A. The office needs will be met.
- B. No single work break shall exceed 15 minutes.
- C. An employee may not accumulate unused work breaks.

- D. Work break time should not be authorized for covering an employee's late arrival, early departure, or extended lunches.

## Section III

### Types of Leave – Administrative Leave

Administrative Leave counts as hours of pay but does not count as hours of work for overtime purposes. In no case shall approval of administrative leave cause an employee to exceed scheduled hours during the work period, hours in an approved extended work period, or hours in a regular work period for excluded employee.

#### A. Death in the Family –

Employees can use up to 16 hours of administrative leave for the death of their spouse and the parents, grandparents, brothers, sisters, children and grandchildren of both the employee and the spouse. (This also applies to current step, half and adoptive family.) The employee must provide their supervisor the relationship of the family member. This information must also be included in the comment section of the employee's People First timesheet.

This type of leave is entered using hours type "0034" on the People First timesheet.

#### B. Jury Duty/Witness –

1. Employees who have **jury duty** will be granted administrative leave for all hours required for such duty not to exceed the number of hours in the employee's normal workday. A copy of the summons is required to be submitted to the supervisor for verification when approving the timesheet.
  - If the jury duty does not require absence for the entire workday, the employee shall return to duty immediately upon release by the court.
  - If the employee's jury duty is different from the employee's regular work schedule, the employee will be granted administrative leave based on the total hours served on jury duty, not to exceed the number of hours in employee's regular workday. Such leave shall be granted on the next scheduled work shift following each day the employee is in court.
  - Any jury fees will be retained by the employee beginning on the fourth day of service, even though the employee is still eligible for admin leave.
  - The Department will not pay for travel or per diem for such jury duty.
  - OPS employees are not eligible for admin leave; therefore, can retain any fees jury fees beginning the first day of service.

Jury Duty leave is entered using hours type “0031” on the People First timesheet.

2. An employee subpoenaed as a **witness** or to give a deposition in a court or an administrative hearing not involving personal litigation or service as a paid expert witness will be granted administrative leave.

- An employee subpoenaed in the line of duty to represent the Department as a witness or defendant will not be granted administrative leave. Appearance in such cases shall be considered a part of the employee’s job assignment; the employee will turn over any fees received from the court to the Department; and applicable expenses for per diem and travel are paid.
- In no case will administrative leave be granted for court attendance when an employee is engaged in personal litigation or service as a paid expert witness. The employee shall provide a copy of the court summons or subpoena to their supervisor.
- Any witness fees will be retained by the employee.
- The Department will not pay for travel or per diem.

Witness leave is entered using hours type “0032” on the People First timesheet.

### **C. Voting –**

With supervisor approval, employees may take up to one (1) hour of administrative leave for the purpose of voting during normal working hours. This includes early voting and voting on Election Day. An employee will not be granted administrative leave to work at the polls during elections.

This type of leave is entered using hours type “0035” on the People First timesheet.

### **D. Interviews and Examinations –**

With supervisor approval, employees may take up to two (2) hours of administrative leave for the purpose of taking an examination that is pertinent to state employment or for the purpose of having interviews for positions within the State Personnel System. Employees must provide the name of the agency in which they are interviewing and taking the exam with to ensure the admin leave is valid to use.

This type of leave is entered using hours type “0036” on the People First timesheet.

### **E. Mentoring/Volunteer –**

1. With supervisor approval, employees can take up to one (1) hour of administrative

leave per week, not to exceed five (5) hours per calendar month, to participate in the Governor’s Mentoring Initiative including the following school or community voluntary activities:

- a. Mentoring, tutoring, and guest speaking when participation is in an established mentoring program serving a school district, and providing any related services at the direction of the program or volunteer coordinator;
  - b. Participating in community service programs that meet child, elder, or human needs including Guardian Ad Litem, Big Brother/Big Sister, Senior Corps, blood drives and Adult Literacy. Participation must be during normal scheduled work hours.
2. When granting administrative leave under this section, the supervisor will consider the impact of such leave on the employee’s work unit. Supervisors may approve the aggregated use not to exceed four (4) hours in any calendar month provided the supervisor deems such usage is appropriate under this section.
  3. Please refer to [Mentoring Policy Form](#) for additional information.
  4. The [Mentoring Program Registration & Training Certification](#), [Volunteer Application](#) and/or the [Volunteer Certification](#) must be submitted to the Chief of Human Resource Management (*see page 30*).

This type of leave is entered using hours type “0044” on the People First timesheet.

**F. School Activities –**

Supervisors may grant an employee one (1) hour per month to participate in family/school activities that are scheduled during work hours. Such activities include, but are not limited to:

- a. Involvement in local school (pre-school and kindergarten through high school) activities such as tutoring assignments, guest speaking, assisting in career day activities, parent teacher conference and helping in the afterschool homework center program, or the Partners for Excellence Program. Involvement with or visitation of children in childcare centers.

This type of leave is entered using hours type “0080” on the People First timesheet.

**G. Military Training –**

Administrative leave may be granted to employees of the US Armed Forces, Reserve or the National Guard when ordered to active or inactive duty for training. Such leave should not exceed 240 hours in any (1) year calculated from October 1 through September 30. A copy of the official orders or other appropriate military certification



must be submitted to the Bureau of Human Resource Management – Attendance & Leave Coordinator (*see page 30*).

This type of leave is entered using hours type “0057” on the People First timesheet.

#### **H. Active State Duty with National Guard –**

Any employee who is an employee of the Florida National Guard is entitled to a leave of absence from his or her respective duties without loss of pay on all days during which the employee is engaged in active state duty pursuant to s.250.28 (order for troops to aid civil authorities) or s.252.36 (state of emergency or emergency management powers of the Governor), Florida Statutes. However, a leave of absence without loss of pay granted under the provisions of this section may not exceed 30 days at any one time. A copy of the official order or other appropriate military certification needs to be submitted to the Bureau of Human Resource Management – Attendance & Leave Coordinator within seven business days.

This type of leave is entered using hours type “0061” on the People First timesheet.

#### **I. Examination for Military Service –**

An employee who is ordered to appear for an examination for entrance into the military service may be granted administrative leave. The employee will be granted administrative leave for this purpose on the day of the examination. Documentation must be submitted to the Bureau of Human Resource Management – Attendance & Leave Coordinator (*see page 30*).

This type of leave is entered using hours type “0033” on the People First timesheet.

#### **J. Military-Service-Connect Veterans’ Disability –**

In accordance with section 110.119, F.S., an employee with a documented military-service-connected disability rating that has been scheduled by the United States Department of Veterans Affairs (VA) or a Veterans Choice Program provider to be reexamined or treated for a military-service-connected disability shall be granted administrative leave. No other reasons are permitted by the statute. The following documentation must be submitted to the Bureau of Human Resource Management – Attendance & Leave Coordinator prior to the use of the administrative leave:

1. One-time submission of the employee’s VA Rating Letter
  - This may have been submitted with the employee’s on-boarding packet. HRM can check to ensure it has been received.
2. [Military Service-Connected Disability Visit Certification](#)

- Must be submitted for each appointment.

This type of leave is entered using hours type “0075” on the People First timesheet. The system limits an employee’s use to 48 hours per calendar year.

#### **K. Closing Facilities under Emergency Conditions by Executive Order of the Governor**

1. When the Governor by Executive Order declares an emergency, the Executive Director shall determine which affected facilities or portions of facilities are located in the area and covered by the Executive Order.
2. Except for those employees the Department determines are necessary for providing essential services, employee assigned to the facilities the Department has closed shall be released from duty and granted administrative leave for the period the facility is closed.
3. Career Service employees whom the Department requires to remain on duty to provide essential services shall be granted special compensatory leave credits for the hours worked during the period the facility is closed. An employee who is on a prior approved leave of absence or scheduled holiday during an emergency shall not have the leave of absence changed to administrative leave unless directive is given from DMS to allow (Please check with the Bureau of Human Resource Management – Attendance & Leave Coordinator). If the Executive Order issued by the Governor does not specify an ending time and date, the Department’s authority under this section is limited to two consecutive calendar days. Any facility anticipated to be closed beyond two days shall require a written request from the Executive Director to the Department of Management Services for approval.
4. Excluded SES employees below the Bureau Chief or comparable level whose work is directly related to a declared emergency are eligible for SES Extraordinary Pay.
5. Excluded CS employees whose work is directly related to a declared emergency are eligible for CS Extraordinary Pay.
6. Information regarding both Extraordinary Pays will be sent out when activated on how to utilize.

#### **L. Closing Facilities Under Other than Executive Orders –**

In any other disaster or emergency condition that may necessitate the closing of facilities in an area, the Executive Director shall have the authority and responsibility to determine whether Department offices or facilities are affected by the emergency and are to be closed. Any facility anticipated to be closed beyond two days shall require a written request from the Executive Director to the Department of Management Services for approval. During an emergency situation Bureau Chiefs may grant up to two days of administrative leave for time lost from work as a direct result of damage or destruction to their place of residence, or from others hazards directly connected to the emergency situation. Please be contact with the Chief of

Human Resource Management (see page 30).

This type of leave is entered using hours type “0045” on People First timesheet.

## Section IV

### Annual Leave

This type of leave is entered using hours type “0051” on the People First timesheet.

#### A. Method of Earning Annual Leave:

1. All full-time Career Service employees who are filling established positions will earn annual leave as follows, once the timesheet has been approved:

Length of Service	Hours of Leave Earned During Pay Period	
	Monthly	Biweekly
Through 60 months	8.667 hours	4 hours
61 through 120 months	10.833 hours	5 hours
Over 120 months	13.000 hours	6 hours

2. Part-time employee who works a fixed percentage of the work period will earn annual leave credits in proportion to the hours worked during that period.
3. Selected Exempt Service and Senior Management Service employee will earn 176 hours of annual leave upon appointment to the appropriate service and on the anniversary date of that appointment thereafter.
4. During a leave of absence with pay including Workers’ Compensation, an employee will continue to earn annual leave credits.

Career Service employees who work less than the contracted hours for a period due to initial employment or separation during a period, transfer between agencies and/or leave of absence without pay will earn annual leave credits proportionate to the hours actually worked during that period in accordance with the following:

<b>Monthly Pay Period AL Leave Accruals</b>			
<b># of Hours Actually Worked</b>	<b>0 to 5 Years</b>	<b>5 to 10 Years</b>	<b>Over 10 Years</b>
Less than 36	0	0	0
36 through 70.99	2.167	2.708	3.250
71 through 103.99	4.333	5.417	6.500
104 through 138.99	6.500	8.125	9.750
139 or more	8.667	10.833	13.000

**B. Use of Earned Annual Leave:**

1. Use of annual leave should not be authorized prior to the time it is earned and credited and should only be used with prior approval from the proper authority.
2. Annual leave should be used to provide periodic vacations; however, earned annual leave credits may be used for any purpose when authorized.
3. Upon reasonable notice, an employee may be required to use any part of their accrued annual leave if deemed advisable by the supervisor.
4. All Career Service employees who have accrued annual leave in excess of 360 hours at the close of business on December 31 of each year will have the excess annual leave transferred to their sick leave balance on an hour-for-hour basis.
5. For Senior Management Service and Selected Exempt Service employee, at the close of business on the day before the employee's anniversary date, all annual leave credits in excess of 480 hours will be converted to sick leave on an hour-for-hour basis.

**C. Transfer of Earned Annual Leave:**

1. If an employee moves from one position within the State Personnel System to another position in a different Department within the State Personnel System within 31 days, the receiving Department will credit the employee's unused annual leave.
2. If an employee moves from a position in the State Personnel System to a position outside the State Personnel System, the Department will pay for the leave in accordance with the provisions of this policy. When necessary, leave transfers or payments will be prorated.

**D. Payment of Unused Annual Leave:**

1. A Career Service employee who separates from state government with twelve (12) continuous months of service, which is equivalent to a full 365 days prior to the separation date, will be paid for unused annual leave up to a lifetime maximum of 240 hours.
2. In calculating the lifetime maximum, the Department will include only payments after December 31, 2001. In case of death of an employee, the 240-hour limit will not apply and all unused annual leave at the time of death will be paid to the employee's beneficiary, estate, or as provided by law.
3. A Senior Management Service or Selected Exempt Service employee who separates from state government will be paid for unused annual leave up to a maximum of 480 hours, with the current year's accrual prorated. In the case of death of an employee, the 480-hour limit will not apply and all unused annual leave at the time of death will be paid to the employee's beneficiary, estate, or as provided by law.
4. An employee with twelve (12) continuous months of service, who is being laid off, will be paid for all unused annual leave in accordance with these guidelines unless the employee requests in writing that the annual leave be retained up to a maximum of one (1) year, pending reemployment.
5. If the employee is not reemployed within one (1) year, annual leave held in abeyance will be paid in accordance with this policy and the State Personnel System Rules.
6. An employee electing to participate in DROP may request payment for accrued annual leave at the time of entry into DROP by completing [Retirement – DROP Leave Option Form](#) and submitting the form to the Bureau of Human Resource Management – Retirement Coordinator (*see page 30*), or they may elect to defer payment until separation from employment.

If the employee elects immediate payment, then upon separation of employment the employee shall be eligible for accrued annual leave payment only to the extent the employee has earned additional annual leave which combined with the original payment does not exceed 240 hours for Career Service employees or 480 hours for SES and SMS employees.

- For example, a Career Service employee, upon entering DROP requested and received payment for 180 hours of annual leave. Upon separation from employment, the Career Service employee would only be eligible for the remaining 60 hours of annual leave pay.

## Section V

### Sick Leave

This type of leave is entered using hours type “0052” for personal and “0053” for immediate family member on the People First timesheet. Both will be deducted from the employee’s sick leave balance.

#### A. Method of Earning Sick Leave:

1. Full time Career Service employee earn 8.67 hours of sick leave for each monthly pay period worked. Part-time Career Service employee and Career Service employees who work less than a full pay period, transfer between agencies, or are on a leave of absence without pay, earn sick leave credits for the hours worked during that pay period as follows, once the timesheet has been approved:

<b>Monthly Pay Period SL Leave Accruals</b>	
<b># of Hours Actually Worked</b>	<b>Hours of Sick Leave Accruals</b>
Less than 36	0
36 through 70.99	2.167
71 through 103.99	4.333
104 through 138.99	6.500
139 or more	8.667

2. Employees in Senior Management Service and Selected Exempt Service positions are credited with 104 hours of sick leave upon appointment to the position and on the 12-month anniversary of that appointment thereafter.
3. During a leave of absence with pay, an employee shall continue to earn sick leave credits.
4. There is no limit on the number of hours of unused sick leave an employee may accrue.

#### B. Use of Earned Sick Leave:

Use of sick leave shall not be authorized prior to the time it is earned and credited to the employee and should only be used with the approval of the proper authority.

1. Sick leave shall be authorized only for the following purposes:
  - a) The employee’s personal illness, injury, or exposure to a contagious disease that would endanger others. Personal illness shall include disability

caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery there from.

- b) The employee's personal appointment with a doctor, dentist, or other recognized practitioner.
  - c) Illness, injury, or well-care check-ups of the employee's spouse, the children or parents of the employee or the spouse, or a person for whom the employee or the spouse has a caretaker responsibility, when the employee's presence is necessary.
2. Notification of absence due to illness, injury, or exposure to a contagious disease should be given to the appropriate supervisor by the employee as soon as possible on the first day of absence.
  3. After three workdays or partial workdays of absence in any 30-day calendar period, the supervisor may require medical documentation of the employee's illness or injury before authorizing any additional use of accrued leave credits. For additional guidance, contact the Bureau of Human Resource Management – Attendance & Leave Coordinator.
  4. After ten (10) consecutive days of absence, the employee is required to submit a medical certification before any additional use of accrued leave credits or leave without pay can be authorized.
  5. The medical certification should be signed and dated by the medical provider and contain the following information:
    - a. For the employee's illness or for the employee's inability to perform their job duties, the medical certification should indicate that the employee was actually seen and evaluated or examined by a doctor, dentist or other recognized practitioner (or his/her treatment staff) trained in the medical field of the illness.
    - b. For the employee's illness, the medical certification should indicate that the absence from work was necessary due to the employee's medical condition, and it should specifically identify the period of time the absence was necessary.
    - c. When a medical certification is required to document absences for caregiver responsibilities the medical certification should indicate that the employee needs to be out of work due to the family employee's medical condition.

C. Transfer of Unused Sick Leave:

An employee's sick leave credits will be transferred within the State Personnel System if they transfer to another state agency within 31 days.

D. Forfeiture/Payment of Unused Sick Leave

1. An employee who has less than ten (10) years of creditable service with the state and separates from state government for any reason (other than layoff – refer to provisions in section E below) shall forfeit and not be paid for any unused sick leave credits.
2. Employees will be paid for unused sick leave credits when they resign from state government service and have completed ten years or more of creditable state service. Payment for unused sick leave credits is compensated at the employee's current hourly rate of pay for one-fourth (1/4) of all unused sick leave credits accrued. The one-fourth of the unused sick leave credits shall not exceed 480 hours.
3. If an employee is terminated as a result of being found guilty of certain criminal charges, or other causes specified in Section 110.122(5) Florida Statutes, the employee will not be paid for unused sick leave credits even though the employee has completed ten (10) years of creditable state service.

E. If an employee is laid off, the following provisions govern accrued sick leave credits

1. If the employee has ten years or more of creditable state service and is otherwise, eligible for receipt of sick leave payment pursuant to the personnel rules, the Department will pay for the credits at the time of the layoff unless the employee requests in writing that the Department hold the credits in abeyance pending reemployment within one (1) year of the layoff.
2. If the employee is reemployed with the Department within one (1) year following the layoff, the Department will restore the credits to the employee provided the employee requests restoration in writing and returns the full amount of any payment received at time of layoff for the credits.
3. If the employee is not eligible for receipt of sick leave payment at the time of layoff, the Department shall hold the credits in abeyance and, if the employee is reemployed within the State Personnel System within one (1) year following layoff, will credit them to the employee upon reemployment.

F. Sick Leave Transfer Plan

The Department allows employees to voluntarily participate in the sick leave transfer plan. Employees who have a documented personal illness or injury and have exhausted all their accrued sick, annual and compensatory leave may be eligible for donated sick leave. For more information, please refer to the [COM Employee Handbook](#).



G. Sick Leave Transfer Pool

The Department allows eligible employees to voluntarily pool sick leave. Sick leave pool benefits are provided to employees of the pool who are seriously ill or severely injured and have exhausted all of their accrued sick, annual and compensatory leave. The intent is that the employee will return to duty as early as possible. For more information, please refer to the [COM Employee Handbook](#).

- H. Eligible employees **must** complete the [Request to Receive Donated Sick Leave through the Transfer Plan or Sick Leave Pool](#) to request donated sick leave and submit to the Bureau of Human Resource Management – Attendance & Leave Coordinator (*see page 30*).

## Section VI

### Regular and Special Compensatory Leave

#### A. Regular Compensatory Leave

1. If an Excluded Career Service employee is required to work hours in excess of the contracted hours for the month, the employee will, with approval of the appropriate authority, earn regular compensatory leave credits on an hour-for-hour basis provided no employee may accrue more than 240 hours.
2. Supervisors will make reasonable efforts to allow employees to use regular compensatory leave credits.
3. Leave credits are not transferrable from the Department to another agency.
4. No cash payment will be made for unused regular compensatory leave credits.

This type of leave is entered using hours type “0054” on the People First timesheet.

Position Classification	Overtime/ FLSA Earned	Regular Comp Earned	Special Comp Earned	Offsetting Period
Excluded Career Service	No	Yes	Yes	Monthly
Included Career Service	Yes	No	Yes	Weekly

Position Classification	Overtime/ FLSA Earned	Regular Comp Earned	Special Comp Earned	Offsetting Period
Excluded Selected Exempt Service	No	No	No	Monthly
Included Selected Exempt Service	Yes	No	No	Weekly

**B. Special Compensatory Leave**

1. For included and excluded positions in the Career Service system, special compensatory leave is earned when:
  - a. The number of hours actually worked (excluding overtime), plus the number of holiday hours credited, exceeds the number of hours in the established work period.

For Example:

<b>Scheduled Hours for Work Period</b>	40	80
<b>Actual Hours Worked</b>	34	75
<b>Hours of Approved Leave</b>	0	0
<b>Holiday Hours</b>		
Note: Holiday credits earned will offset leave used during the work period (weekly for included & monthly for excluded)	8	8
<b>Total Hours for Work Period</b>	42*	83**

\*2 hours of Special Compensatory leave earned

**\*\*3 hours of Special Compensatory leave earned**

- b. An employee’s regular day off falls on a holiday and the employee is not required to work.

For example, on a 40-hour employee:

F	Sa	Sun	M (Holiday)	Tu	W	Th
10		Regular Days Off		10	10	10

Eight hours of special compensatory leave have been earned. If the employee had used additional leave during the holiday workweek, then the employee would not earn special compensatory leave.

- 2. Time worked on a holiday is credited as special compensatory leave when no other leave is used during the work period. The special compensatory leave will not exceed the number of hours in an employee’s normal workday.
- 3. An employee who separates from the State Personnel System, or moves to another state agency will be compensated in accordance with the terms and conditions of the Collective Bargaining Agreement, up to 240 hours of unused special compensatory leave at the employee’s current rate of pay.
- 4. At the time of entry into DROP, an employee electing to participate in the program may request payment of any unused special compensatory leave (in accordance with the terms and conditions of the Collective Bargaining Agreement) that was earned within eleven (11) months before entry into the DROP.

This type of leave, once accrued, is entered using hours type “0055” on the People First timesheet.

## **Section VII**

### **FLSA Compensatory Leave: Overtime**

- A. Overtime is earned when the employee who is in an included position physically works in excess of the number of hours in the work period. Employees should not work overtime unless approval is obtained in advance from the appropriate authority.
- B. Employees in included positions shall be paid or earn FLSA Compensatory leave for all overtime at one and one-half (1.5) times their regular rate of pay, which includes additives.
- C. The choice whether to accrue extra hours as FLSA special compensatory leave or be

paid overtime is made by the employee for hours worked. All unused FLSA special compensatory leave credits at the end of June and December of each year will be paid at the employee's current straight-time regular hourly rate of pay.

To select to earn FLSA special compensatory leave instead of pay or vice versa, an employee must complete the following steps in People First:

1. Log on to the People First System
2. Click on the "Employee Information" tab
3. Click on the "Time and Payroll" tab
4. Select "OT" Election
5. Click on "New" under the OT Election and check the box next to Change "OT Election" to "Comp Time" or "Pay"
6. Click on save button

- D. Overtime for employees must be approved in advance from the appropriate authority.

This type of leave, when accrued, is entered using hours type "0085" on the People First timesheet.

### **FLSA Leave: Patient Protection and Affordable Care Act (Nursing Mother Provision)**

- A. This legislation was added to FLSA and requires that employers, for a period of up to one year, following a child's birth must give an employee the following:
1. a "reasonable break time" each time she needs to express breast milk; and
  2. a location, other than a bathroom, shielded from view and free from intrusion which may be used by the employee to express breast milk.
- B. Employees are encouraged to take their two 15-minute breaks under this provision. Employees also have the discretion to use a portion of their unpaid lunch period for this purpose.
- C. Employees who cannot meet their needs during their normal break periods or lunch period may request additional time, in increments of 15 minutes, which will be without pay unless the employee elects to use their accrued sick, annual, regular compensatory, or special compensatory leave.
- D. Supervisors, when feasible, may also want to allow employees to work a flexible work schedule to offset the additional time.

## Section VIII

### Domestic/Sexual Violence:

- A. Employers with 50 or more employees are required to allow employees who have been employed for at least 3 months to use three (3) days of leave, with or without pay, in any 12-month period if the employee, a family member or household member is the victim of domestic or sexual violence, as required by Section 741.313, Florida Statutes, for the any of following reasons:
  - 1. To seek an injunction for protection against domestic violence or in cases of repeat violence, dating violence, or sexual violence.
  - 2. To obtain medical care and/or mental health counseling for the employee or household employee to address physical or psychological injuries resulting from the act of domestic or sexual violence.
  - 3. To obtain services from a victim services organization as a result of the act of domestic or sexual violence.
  - 4. To make his/her home secure from the perpetrator of the domestic or sexual violence or to seek new housing to escape the perpetrator.
  - 5. To seek legal assistance in addressing issues arising from the act of domestic or sexual violence, or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.
- B. Employees are to provide supervisors and the Bureau of Human Resource Management – Attendance & Leave Coordinator (*see page 30*) with appropriate advance notice, except in cases of imminent danger to the health or safety of the employee or a family or household employee in which case notice should be provided as soon as practical.
- C. Employees are required to provide sufficient documentation of the act of domestic or sexual violence to the supervisor and the Bureau of Human Resource Management – Attendance & Leave Coordinator. Such documentation is considered confidential and is exempt from public records.
- D. Employees are asked to contact the Bureau of Human Resource Management immediately in all cases relating to domestic/sexual violence.

## Section IX

### Family Medical Leave Act (FMLA)

- A. Allows an eligible employee to take up to 12 workweeks (480 hours) of paid or unpaid, job-protected leave with a 12-month period qualifying FMLA events:

- Birth or adoption, placement, or foster care of a child (expires 12 months from the date of the birth or placement)
- Serious health condition of the employee or the employee's spouse, child or parent (runs at the same time as any parental leave and/or family medical leave provided to the employee under the Family Supportive Work Program)

B. To eligible for FMLA, employees must meet the following conditions:

- Must have been employed by a state agency within the State Personnel System for at least 12 months.
- Must have worked at least 1,250 hours during the 12-month period immediately before the start of their leave.

C. An employee must provide at least a 30-day advance notice to their supervisor and the Bureau of Human Resource Management – Attendance & Leave Coordinator (*see page 30*), or as much notice as practicable, before FMLA leave is to begin if the need for the leave is foreseeable. If the leave is not foreseeable, an employee should give notice of the need for FMLA leave as soon as practicable under the facts and circumstances of the particular case.

D. If the employee is unable to notify the Bureau of Human Resource Management, it is the supervisor's responsibility to contact the Attendance & Leave Coordinator as soon as they are aware of the employee's unforeseeable absence.

## **Family Supportive Work Program (FSWP)**

A. Responsibilities and Duties - Supervisor

1. Approval or disapproval of employees' requests for leave under this policy.
2. Providing appropriate notice to the Bureau of Human Resource Management – Attendance & Leave Coordinator (*see page 30*) regarding employees using leave under this policy.

B. Responsibilities and Duties - Employee

1. Requesting leave in writing under this policy and providing appropriate medical certification within identified timelines.
2. Contacting the Bureau of Human Resource Management – Attendance & Leave Coordinator (*see page 30*) to arrange for information and payment of insurance premiums if employee will be in non-pay status.

C. Family Leave for Family Responsibilities

1. An employee may request, in writing, family leave (non-medical) not to exceed 30 calendar days within a calendar year for those family responsibilities that are not

- covered under FMLA. The employee may request family leave without pay or use annual leave, regular and special compensatory leave.
2. The immediate supervisor with approval from their chain of command may approve family leave for the following reasons, but not limited to:
    - i. Caring for aging parents
    - ii. Enrolling dependent children in schools
    - iii. Visiting family employees in places which require extensive travel time
    - iv. Settling a parent's estate, and other significant situations and conditions that are not routine in nature for which the employee's involvement is expected.
  3. One (1) hour per month of administrative leave to participate in your child's school activities can only be used while in a pay status and cannot be used while on approved leave without pay. (Please refer to Section III, F)
  4. Administrative leave, as authorized in this section, cannot be accrued or be paid for if not used.

#### D. Family Medical Leave (FML)

1. Family Medical Leave is used when an employee's immediate family employee has a serious health condition.
2. In any case for which the necessity of Family Medical Leave is foreseeable based on planned medical treatment, the employee will make a reasonable effort to schedule the treatment to cause the least disruption to the operation of the Department, subject to the approval of the health care provider; and will provide the Department with not less than a 30-day notice before the date leave is to begin, when practicable.
3. Approval for Family Medical Leave is contingent upon the receipt of medical certification.
4. An employee may choose, or the Department may require, the employee to substitute accrued leave as appropriate for leave without pay.
5. Family Medical Leave will be granted for a period not to exceed six months and must be completed within one year from the date the family medical leave begins. By Department policy, this leave may be extended on a case-by-case basis. This type of leave may be used for one or more family employees and may be used intermittently, consecutively or for a reduced work schedule, when medically necessary. For any period beyond the initial six months, management should take into consideration the impact the employee's absence will have on the work unit in determining whether to extend the leave. The Family Medical Leave Act (FMLA) and FML shall run concurrently (i.e., the first 12 weeks of FML shall be deemed leave under the FMLA).
6. Using leave intermittently or on a reduced work schedule will not reduce the total amount of leave to which the employee is entitled.
7. Requests for Family Medical Leave will be in writing and will be supported by appropriate medical certification completed by the health care provider of the employee or their immediate family employee.

8. The Department may require that the eligible employee obtain re-certifications on a reasonable basis.

E. Parental Leave

1. Parental Leave is used for the birth and care of a child of an employee or employee's spouse, and/or for the adoption or foster care placement of a child with the employee or employee's spouse.
2. Parental Leave with or without pay will be granted for consecutive or intermittent period not to exceed six months and must conclude by the end of the 12-month period beginning with date of birth, adoption, or foster care placement of the child. This may also include a period of time prior to the birth, adoption or placement. The request will be in writing and specify the period or periods and types of leave that will be taken.
3. The employee is required to provide the Department with not less than a 30-day notice before the date the leave is to begin. If the date of birth or placement requires leave to begin in less than 30 days, the employee will provide such notice as soon as it is practicable.
4. An employee may choose, or the Department may require, the employee to substitute accrued leave as appropriate for leave without pay as provided under Parental Leave.
5. The employee may include one or more of the following in request for Parental Leave:
  - i. Parental Leave without Pay;
  - ii. Parental Leave with Pay;
  - iii. Annual, regular or special compensatory leave starting the date determined by the employee to cover any part of the six-month period until all or part of the employee's specified leave has been used.
  - iv. Sick leave when an illness, injury, or temporary disability is caused by or contributes to the pregnancy, miscarriage, abortion, childbirth and recovery. Medical documentation will be required.
  - v. An employee may use their personal holiday in conjunction with approved Parental Leave.

F. Return to Duty

1. The employee will return to the same position or an equivalent position with the same pay, seniority, retirement, fringe benefits, and other service credits accumulated prior to the leave period, provided the employee is able to perform the essential duties of the position. Should any portion of the Family Medical Leave be paid leave, the employee will be entitled to all benefits granted under paid leave status.
2. Supervisors are responsible for maintaining accurate records of employees' use of leave approved under this policy.
3. Particularly when the leave of absence is without pay, the appropriate supervisor must report it to the Bureau of Human Resource Management – Payroll



Coordinator (*see page 30*). Supervisors must immediately notify the Bureau of Human Resource Management – Payroll Coordinator of an employee's return to duty from approved leave.

4. The State contribution for an employee enrolled in the State Group Insurance Program will continue for the period the employee is on approved family medical leave or parental leave without pay, not to exceed six months in a 12-month period, beginning with the first day of authorized leave without pay.

## Section X

### Leave of Absence

1. An employee should submit a [Request for Leave of Absence](#) when they will have more than 80 consecutive hours of leave with or without pay through their chain of command. (*Please note that the LOA Request form should NOT be solely used to request leave under FMLA or to request leave as an accommodation under ADA*).
  - For non-medical reasons, the request must be approved or denied through the appropriate chain of command.
2. If the Leave of Absence is medical, the employee must get with the Bureau of Human Resource Management – Attendance & Leave Coordinator (*see page 30*) to submit the appropriate medical documentation for review:
  - [Certification of Health Care Provider - Employee](#)
  - [Certification of Health Care Provider – Family Member](#)

If an employee is unable to request a leave of absence, then a supervisor should contact the Bureau of Human Resource Management – Attendance & Leave Coordinator to request or advise them of the absence.

**Extension of Leave of Absence** – When an employee needs to request an extension, the following must be submitted:

- For non-medical reasons, an updated LOA Request Form (see “Request for Leave of Absence” form above) must be submitted to the supervisor and the appropriate chain of command for approval or denial.
- For medical reasons, an updated medical certification must be submitted to the Bureau of Human Resource Management – Attendance & Leave Coordinator for review. From there, the supervisor and unit will be notified of the approval or denial of the extension.

**Return to Duty from a Leave of Absence Without Pay** - When an employee returns to duty from a Leave of Absence, the Bureau of Human Resource Management – Payroll Coordinator and Attendance & Leave Coordinator must be notified. If the Leave of

Absence was for medical reasons and the employee is returning to duty early, medical certification must be provided showing that the employee is physically able to return to duty and listing any restrictions/limitations the employee should be following for a certain period of time.

## Section XI

### Workers' Compensation

- A. All eligible employees of the State of Florida are covered under the Division of Risk Management (DRM) workers' compensation program from their first day on the job. That includes full-time, part-time, and temporary employees whether they are Career Service, Selected Exempt employees or Senior Management Service employees.
- B. If an employee is injured on the job, the immediate supervisor or designee must be notified as soon as possible, to ensure proper medical attention is received. Both must be available to call Amerisys, the current medical case management, to report the injury. Their contact information is 1 (800) 455-2079.
- C. Employees are eligible for administrative leave, hours type "0065", with pay for up to 40 hours immediately following the job-connected injury and an additional 48 hours with pay to cover appointments to health care providers, physical therapy and similar activities directly related to the employee's workers' comp injury.
- D. Any medical documentation received from the workers' comp doctor must be provided to the supervisor and the Bureau of Human Resource Management – Attendance & Leave Coordinator (*see page 30*).
- E. Refer to the [Work-Related Injuries Policy](#) for additional information and to find the location codes.

## Section XII

### State Holidays

The following holidays shall be observed as paid holidays:

[https://www.dms.myflorida.com/workforce\\_operations/human\\_resource\\_management/for\\_state\\_personnel\\_system\\_hr\\_practitioners/state\\_holidays](https://www.dms.myflorida.com/workforce_operations/human_resource_management/for_state_personnel_system_hr_practitioners/state_holidays)

\*\*If any holiday falls on a Saturday, the preceding Friday shall be observed as the holiday.

\*\*If any holiday falls on a Sunday, the following Monday shall be observed as the holiday.

Career Service employees may earn special compensatory leave if they work extra hours during the work period of a paid holiday. Special compensatory leave is not credited until the end of the employee's work period once the timesheet has been approved. Any leave used during this period is offset by the compensatory credits earned.

## **Section XIII**

### **Personal Holiday**

- A. Employees who are in a permanent full-time and part-time position are entitled to one (1) personal holiday each fiscal year.
- B. If the personal holiday is not taken by the employee by the close of business on June 30, it will be forfeited.
- C. Part-time employees are granted a prorated number of hours according to their Full-Time Equivalency.
- D. The personal holiday must be taken in one block; it cannot be used over several days.

This type of leave is entered using hours type "0066" on the People First timesheet.

### **Glossary of Terms**

- A. Accrued Leave – Leave that is earned and credited to an employee.
- B. Administrative Leave – Authorized leave with pay not charged against an employee's accrued leave.
- C. Annual Leave – Authorized accrued leave with pay granted an employee for personal use.
- D. Caretaker – The primary provider of direct care for a person who is ill, injured, or requires well care check-ups when the employee's presence is necessary.
- E. Child (son or daughter) – A biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing in loco parentis (acting in place of a parent) who is under 18 years of age, or 18 years of age or older and incapable of self-care because of mental or physical disability.
- F. Contract Hours – Scheduled hours during which a employee is required to either physically work or use leave. Holiday hours are included as contract hours when they occur on a scheduled workday.
- G. Eligible Employee – Career Service, OPS, Selected Exempt Service and Senior Management Service employees having completed 1,250 hours of work with the State of Florida during the 12 months preceding a request for Family Medical Leave.
- H. Established Work Schedule – The approved regular workday, week, month, excluding extra hours which may be required.

- I. Excluded Position – Career Service (CS), Selected Exempt Service (SES) or Senior Management Service (SMS) position, which is exempt from the paid overtime provisions of the FLSA. Employees’ work hours and leave used are based on the entire calendar month.
- J. Family Leave – Authorized leave with or without pay for a period not to exceed 30 calendar days for family activities other than Family Medical Leave.
- K. Family Medical Leave (FML) – State entitlement that permits leave, with or without pay for a period not to exceed six months within a one-year period whether taken consecutively or intermittently for a serious health condition of an immediate family employee as defined in 60L-34, F.A.C.
- L. FLSA – The Federal Fair Labor Standards Act.
- M. Flexible Work Schedule – A work period comprising of something other than five (5) eight (8) hour days in a workweek, Friday through Thursday.
- N. Immediate Family – The spouse and the great grandparents, grandparents, parents, brothers, sisters, children, and grandchildren of both the employee and the spouse as defined in chapter 60L-34, F.A.C.
- O. Included Position – CS or SES position subject to compliance with the overtime provisions of the FLSA related to compensation at time and a half for hours physically worked over 40 hours in the established workweek. Employees’ work hours and leave used are based on a 40-hour workweek.
- P. Intermittent Leave – Leave taken in separate blocks of time, rather than one continuous period of time, due to a single illness or injury. This may include leave of periods from a quarter hour or leave taken periodically, e.g., leave every month or in some other periodic basis.
- Q. Leave Without Pay Authorized – Approved absence during which period the employee is not paid.
- R. Medical Certification – Written documentation completed by a doctor, dentist, or other recognized health care provider describing an employee's ability to be present at work due to a personal medical condition, medical condition of someone for whom the employee has caretaker responsibilities; or to provide information regarding the employee's inability to perform some or all the duties associated with their position for a specified time period or an employee’s ability to return to work.
- S. Overtime – Hours physically worked, excluding holidays and leave with pay, in excess of 40 hours during the established workweek for all included employees; or hours worked in excess of the monthly contract hours for excluded CS employees.
- T. Parent – The biological parent of an employee or an individual who stood in loco parentis to an employee while the employee is a son or daughter under the age of eighteen.
- U. Parental Leave – Leave which will be granted for a period up to six months for the birth and care of a son or daughter of the employee or employee's spouse, and/or for the adoption or foster care placement of a son or daughter with the employee or employee's spouse.
- V. Part-Time Employee – A employee in an established position who works less than 40

hours per workweek.

- W. People First – A web-based system that provides certain human resource services for the State of Florida.
- X. Personal Holiday – One day every fiscal year credited to each full-time and part-time employee, excluding OPS employees. The personal holiday will match the employee's scheduled work hours for the day (i.e., an employee working a 10-hour day, their personal holiday will equal 10 hours.)
- Y. Reduced Leave Schedule – A leave schedule that temporarily reduces the employee's usual number of hours per workday or workweek due to a serious health condition of the employee or the employee's family.
- Z. Regular Compensatory Leave – Leave credits earned, for excluded CS positions, on an hour for hour basis when extra hours physically worked are in excess of the contract hours for the monthly work period.
- AA. Sick Leave – Authorized accrued leave with pay granted to an employee for personal illness, injury, or exposure to a contagious disease which would endanger others; personal appointment with a doctor, dentist or other recognized practitioner; and illness, injury, or health care check-ups of the employee's spouse, children or parents of the employee or spouse, or a person that the employee or spouse has caretaker responsibility, when the employee's presence is necessary.
- BB. Twelve-Month Period – The 12-month period of leave entitlement under Family Medical Leave Act that is measured from the effective date established in the leave notification provided the employee by appropriate management.
- CC. Unauthorized Leave without Pay – Unauthorized absence for which an employee is without pay. This is a serious disciplinary offense, which subjects the employee to disciplinary action, up to including dismissal.
- DD. Variations in the Established Work Schedule – In emergencies or other extraordinary situations an employee's workdays may be modified to require more hours or fewer hours than the established work schedule.
- EE. Work Period – Each employee's hours of work and hours of pay that are scheduled within a period as follows:
  - 1. Workweek – The workweek for included CS and SES employees is 40 hours and consists of a seven-calendar day period beginning at 12:01 a.m., Friday and ending midnight, Thursday.
  - 2. Monthly Work Period – The work period equal to the number of days in the month that excluded CS, SES and SMS employees are scheduled to work.

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