State Personnel System



**Employee Handbook TEMPLATE**

[Insert agency name]

Revised November 23, 2016

**\*INSTRUCTIONS FOR USING THIS TEMPLATE**

*The State Personnel System (SPS) “Employee Handbook TEMPLATE” summarizes State Personnel System laws and policies that have general applicability to all Career Service, Selected Exempt Service, and Senior Management Service employees. Therefore, this template is not an employee handbook and the basic information it contains must be supplemented by agency specific policies and procedures. Each agency under the State Personnel System is encouraged to develop its own handbook, using this template. Additionally, the Table of Contents page numbers should be updated as appropriate after insertion of supplemental information by each agency.*

###### TABLE OF CONTENTS

**Topic Page Number**

Table of Contents

Letter from the Agency Head (Optional)

Agency Mission Statement (Optional)

Purpose

State Personnel System Overview

1. **MAJOR EMPLOYMENT LAWS**

A. Americans with Disabilities (ADA)

B. Equal Employment Opportunity (EEO)

C. Fair Labor Standards Act (FLSA)

D. Florida Civil Rights Act

E. Genetic Information Non-discrimination Act (GINA)

F. Veterans’ Preference………………………………………………………………………

1. **PERSONNEL AND MEDICAL RECORDS**
2. **STATE EMPLOYMENT POLICIES**

A. Oath of Loyalty

B. Probationary Period for Career Service Employees

C. Code of Ethics for Public Officers and Employees

D. Employee Relationships with Regulated Entities

E. Nepotism/Employment of Relatives

F. Political Activities

G. Performance Management

H. Separations

I. Exit Interview

J. Layoffs and Employee Transition

1. **COMPENSATION**

A. Compensation for Hours Worked and Overtime

B. Rate of Pay

C. Dual Employment and Dual Compensation

D. Additional Employment Outside State Government

1. **STATE GROUP INSURANCE PROGRAM BENEFITS**

A. Health Insurance

B. Life Insurance

C. Supplemental Insurance

D. Flexible Spending Accounts

E. State Group Disability Income Plan for SES and SMS Employees …………………

F. Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)

G. Continuation of Health and Life Coverage for Retirees

H. Continuation of Health Coverage for Surviving Spouses

**VI. OTHER STATE SPONSORED BENEFITS AND PROGRAMS**

A. Deferred Compensation

B. Direct Deposit

C. Florida State Employees’ Charitable Campaign (FSECC)

D. Savings Sharing Program

E. Telework Program

F. Reemployment Assistance Benefits

G. Workers’ Compensation

H. Voluntary Insurance Plans

I. Other Programs

1. **RETIREMENT**

**VIII. ATTENDANCE AND LEAVE**

A. Attendance

B. Work Schedules

C. Employee Attendance and Leave Reporting

D. Holidays

E. General Leave Overview

F. Annual leave

G. Sick Leave

H. Sick Leave Pool

I. Sick Leave Transfer (Donation) Plan

J. Leave Payment upon Separation from Service

K. Administrative Leave

L. Disability Leave

M. Family and Medical Leave Act

N. Family Supportive Work Program

O. Military Leave

P. Other Leaves of Absence

Q. Unauthorized Leave

**IX. TRAINING**

A. Required Training

B. Tuition Waiver Program

**X. GENERAL INFORMATION**

A. Personal Appearance/Dress Code

B. Fingerprinting

C. Parking

D. Blood Bank

E. Smoking Policy

F. Internet/Email

G. Information Security/Passwords

H. Travel

I. Use of Seat Belts

J. Safe Use of Cellular Phones

**XI. EMPLOYEE RELATIONS**

A. Employee Assistance Program

B. Drug Free Workplace

C. Violence in the Workplace

D. Domestic Violence

E. Sexual Harassment

F. Whistle-Blower’s Act of 1986

G. Career Service Grievance Process

H. Appeals

**XII. STANDARDS OF CONDUCT**

A. Disciplinary Standards

B. Disciplinary Actions

C. Disciplinary Investigations

D. Grievance and Appeal Rights for Career Service Employees

E. Distribution

F. Grievance and Appeal for Selected Exempt & Senior Management Service Employees

**ACKNOWLEDGMENT OF RECEIPT**

**OATH OF LOYALTY**

LETTER FROM THE AGENCY HEAD

*[****OPTIONAL****]*

AGENCY MISSION STATEMENT

[***OPTIONAL***]

**PURPOSE**

 This handbook applies only to employees governed by the State Personnel System. This includes all employees in the Career Service (regardless of probationary or other status), Selected Exempt Service (SES) and Senior Management Service (SMS).

This handbook explains the State Personnel System rules and policies that relate to your employment with the **[INSERT AGENCY NAME HERE]**. It is your responsibility to become familiar with the contents of this handbook and other employment information provided to you.

However, this handbook is not a contract, nor is it intended to address all situations and circumstances that could occur during your employment. Some of the subjects addressed in this handbook are supplemented by the provisions of collective bargaining agreements which may also cover your employment. Also, the **[INSERT AGENCY NAME HERE]** reserves the right to make changes in the content, as needed. If you have specific questions regarding any employment rule or policy (whether covered in this handbook or not), please contact your supervisor or the human resources office.

**NOTE**

Agencies also hire Other Personal Services (OPS) employees to help accomplish short-term tasks. OPS employees are temporary and not covered by this handbook.

***If you are an OPS employee, please refer to the OPS Employee Handbook available from your human resources office.***

**STATE PERSONNEL SYSTEM OVERVIEW**

Of the three branches of State government (Executive, Judicial and Legislative), the Executive Branch is the largest and holds the majority of state government jobs. In turn, the majority of these state government jobs are governed by the **State Personnel System**.

The State Personnel System has three separate pay plans providing employees with differing levels of pay and benefits:

* The **Career Service System** - Florida's civil service
* The **Selected Exempt Service** (SES) - middle management, professional and selected positions considered managerial, supervisory or confidential by law
* The **Senior Management Service** (SMS) - upper management

The following chart shows the state entities that are part of the State Personnel System.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***GOVERNOR AND CABINET******CABINET*** |  | ***GOVERNOR*** |  | ***LEGISLATIVE*** |  |
| DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLESDEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES |  | DEPARTMENT OF ECONOMIC OPPORTUNITYAGENCY FOR HEALTH CARE ADMINISTRATION | DEPARTEMENT OF MILITARY AFFAIRS | PUBLIC SERVICE COMMISSION |  |
| DEPARTMENT OF FINANCIAL SERVICESDEPARTMENT OF LAW ENFORCEMENT | AGENCY FOR PERSONS WITH DISABILITIES | DEPARTMENT OF EDUCATION | DEPARTMENT OF STATE |  |  |
| DEPARTMENT OF LEGAL AFFAIRSDEPARTMENT OF REVENUE |  | DEPARTMENT OF ELDER AFFAIRSAGENCY FOR STATE TECHNOLOGY | DEPARTMENT OF TRANSPORTATION |  |  |
| DEPARTMENT OF VETERANS’ AFFAIRS |  | DEPARTMENT OF ENVIRONMENTAL PROTECTIONDEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION | DIVISION OF EMERGENCY MANAGEMENT |  |  |
| DIVISION OF ADMINISTRATIVE HEARINGS | DEPARTMENT OF CHILDREN AND FAMILIES | DEPARTMENT OF HEALTH | EXECUTIVE OFFICE OF THE GOVERNOR |  |  |
| FLORIDA COMMISSION ON OFFENDER REVIEW | DEPARTMENT OF CITRUS | DEPARTMENT OF JUVENILE JUSTICE | FISH AND WILDLIFE CONSERVATION COMMISSION |  |  |
| DEPARTMENT OF CORRECTIONSDEPARTMENT OF MANAGEMENT SERVICES | FLORIDA SCHOOL FOR THE DEAF AND THE BLIND |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

# I. MAJOR EMPLOYMENT LAWS

**A. Americans with Disabilities Act (ADA)**

The ADA is the federal law which prohibits discrimination against qualified applicants or employees with a disability. It also requires that such persons be provided “reasonable accommodation” to participate in the job application and selection process or, if employed, to perform the “essential functions” of their job, if such accommodation can be provided by the employer without “undue hardship”. If you have questions or concerns about who is covered and whether you qualify for a special accommodation, contact the human resources office.

**B. Equal Employment Opportunity (EEO)**

EEO refers to federal laws, regulations, and policies prohibiting discrimination in employment practices. The State of Florida complies with these laws by assuring each applicant and employee equal opportunities without regard to that person’s race, color, gender, religion, age, creed, national origin, marital status, disability, or political opinions/affiliations. Except as otherwise provided by law, each agency also assures equal opportunity in recruitment, appointment, training, promotion, demotion, compensation, retention, discipline, separation, or other employment practices to any person who is an applicant or employee, including persons with disabilities.

Employees who feel they have been discriminated against should contact the agency EEO Officer or the Florida Commission on Human Relations for more detailed information at (850) 488-7082, or visit their website at <http://fchr.state.fl.us/>.

**C. Fair Labor Standards Act (FLSA)**

The FLSA is the federal law requiring that covered employees be paid at least the federal minimum wage and overtime pay (at time and one-half of the employee’s regular rate of pay) for all hours worked over 40 hours in a workweek. The State Personnel System refers to employees covered by FLSA as “included” and to those not covered by the FLSA minimum wage and overtime provisions as “excluded”.

The 40-hour workweek is the work period (also called FLSA period) for most included employees. The State Personnel System workweek begins on a Friday and extends through the following Thursday. However, the FLSA permits state agencies to place certain included employees (for example, those in fire protection, law enforcement, and corrections) on a 28-day extended work period. Such extended work periods may consist of 160 hours, 168 hours, or 192 hours, depending on the agency and position. Included employees under an extended work period are paid overtime for all hours worked over the number of contracted hours in their extended work period.

The FLSA also permits state agencies to offer included employees the opportunity to waive cash payment for overtime and instead accrue FLSA compensatory leave credits at the rate of one and one-half hours for each overtime hour worked. These leave credits will be available for use, but unused credits will be paid at regular intervals set by the agency. If you are an included employee, ask the human resources office whether this option is available to you.

Excluded employees are not eligible for overtime pay under the FLSA. However, under certain circumstances they may receive leave credits or straight-time pay, depending on the pay plan and level of their position, for work beyond their scheduled work hours. The work period for excluded employees is always the same as their pay period. That is, for monthly employees the work period covers the entire calendar month and for biweekly employees it covers an 80-hour period that falls between specific biweekly start dates and end dates.

If you are not sure whether you are an included or excluded employee under FLSA and whether your work period is the 40-hour workweek, an extended work period, or the same as your pay period, ask your supervisor.

**D. Florida Civil Rights Act**

Section 760.05, Florida Statutes (F.S.) provides that the Florida Commission on Human Relations (FCHR) shall promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, handicap, or marital status and mutual understanding and respect among all members of all economic, social, racial, religious, and ethnic groups; and shall endeavor to eliminate discrimination against, and antagonism between, religious, racial, and ethnic groups and their members. The mission of the FCHR is to prevent unlawful discrimination by ensuring people in Florida are treated fairly and are given access to opportunities in employment, housing, and certain public accommodations; and to promote mutual respect among groups through education and partnerships.

For more detailed information, please contact the FCHR at (850) 488-7082 or visit their website at: <http://fchr.state.fl.us>.

**E. Genetic Information Non-Discrimination Act (GINA)**

GINA is the federal law that protects insurance policy holders and employees from discrimination on the basis of genetic information.

Specifically, Title II of GINA strictly prohibits employers from collecting genetic information from employees, and using this information to make decisions regarding hiring, firing, or any other term of employment. GINA also provides that employers, including labor unions and employment agencies, must adhere to strict guidelines regarding genetic information, and are prohibited from retaliating against an individual for opposing acts made lawful by GINA. New GINA requirements apply to private, state, and local government employers, with 15 or more employees.

**F. Veterans’ Preference**

Chapter 295, F.S., sets forth the requirements for public employers to provide preferences in employment, retention, and promotion to eligible veterans, spouses of veterans, and other veterans’ preference eligible individuals.

An overview by the Department of Veterans’ Affairs on veterans’ preference can be found at: <http://floridavets.org/?page_id=62>. Additional information on veterans’ preference is provided by the Department of Management Services at:

<http://www.dms.myflorida.com/workforce_operations/human_resource_management/for_state_personnel_system_hr_practitioners/recruitment_and_selection>

**II. PERSONNEL AND MEDICAL RECORDS**

The personnel records of employees are public records and are open to inspection and copying by anyone who desires access to these files, as provided in Chapter 119, F.S. (Public Records Law). Exceptions to this law as it applies to agency personnel are provided in section 119.071(4), F.S. Additional information regarding exemptions to public record disclosures is available in section 119.07, F.S., and other relevant statutes. If you believe you qualify for an exemption from the Public Records Law, please contact the human resources office to have your records properly flagged.

Social security numbers and employee medical information are kept confidential and are never subject to disclosure, unless specifically required by law.

**III. STATE EMPLOYMENT POLICIES**

The State hires only U.S. citizens and lawfully authorized alien workers. As required by federal law, new hires must present documentation of employment authorization within three days of employment and employees with work visas that have an expiration date must provide continued proof of a valid visa or work authorization or face termination.

In addition, the State hires and promotes only persons who, if required, have registered with the federal Selective Service System or have obtained the necessary exemption. Registration in the Selective Service System, under the Military Selective Service Act, applies to males born on or after October 1, 1962. [section 110.1128, F.S.]

### A. Oath of Loyalty

Florida law requires all employees to sign an Oath of Loyalty as a condition of employment. This oath is provided in this handbook and becomes a part of the employee’s official personnel file. [sections 110.201, 876.05, F.S.]

**B. Probationary Period for Career Service Employees**

When a Career Service employee receives an original appointment, promotion, reassignment or demotion, or moves between agencies, the employee will serve at least a one-year probationary period in the position. However, if the employee is demoted within the agency into a former or comparable position in which the employee previously attained permanent status, the employee will be demoted with permanent status. Employees on probationary status are eligible for lateral, reassignment, transfer or promotional consideration except for contractual requests pursuant to applicable collective bargaining agreements. [section 110.213, F.S.]

SES and SMS employees do not serve probationary periods because they serve at the pleasure of the agency head. This is referred to as “at will” employment.

**C. Code of Ethics for Public Officers and Employees**

It is the policy of the state that no officer or employee will have any interest, financial or otherwise, direct or indirect; or engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is an enacted code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code serves not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate its provisions.

It is the policy of the state that public officers and employees are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the Florida State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered by the Florida Commission on Ethics with respect regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern. [Part III, Chapter 112, F.S.]

### D. Employee Relationships with Regulated Entities

Florida Statutes and rules of the Florida Administrative Code (F.A.C.) require that state employees disclose potential or actual relationships with entities (i.e., individuals, partnerships, corporations, and other entities) subject to regulation by or doing business with the employee’s agency.

Employees who exercise “regulatory responsibilities” must disclose within five working days if they:

* Make application for employment with a regulated entity; or
* Receive an offer of employment or for a contractual relationship for compensation from a regulated entity; or
* Obtain a financial interest in a regulated entity.

You may be considered to have “regulatory responsibility” if you are directly responsible for determining if a regulated entity is in compliance with federal or state statutes/regulations or recommending or approving the issuance, suspension, revocation or cancellation of a license. [section 110.233, F.S.]

**E. Nepotism/Employment of Relatives**

A public official may not employ, promote, advance or advocate the employment, promotion, or advancement of an individual who is a relative, to a position in the agency over which he or she exercises jurisdiction or control.

“Public official” is defined as an employee of the department who has the legal authority to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in each agency.

Relatives include: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. [section 112.3135, F.S.]

**F. Political Activities**

A Career Service employee is prohibited from holding, or being a candidate for, public office while in the employment of the state or taking any active part in a political campaign while on duty or within the period of time during which the employee is expected to perform services for which compensation is received from the state. However, the employee may be a candidate for or hold local public office when authorized by the agency head and approved by the Department of Management Services (DMS) if it involves no interest which conflicts with, or activity which interferes with, his/her state employment. [section 110.233, F.S.]

Employees whose positions are subject to the Federal Hatch Act may not become candidates in any partisan election. The agency head will determine which employees are subject to the Hatch Act. [Rule 60L-36.002(4), F.A.C.]

Before running for public office or taking active part in a political campaign, SES and SMS employees should first contact the human resources office for guidance regarding activities that may or may not be permitted, as determined by each agency head.

**G. Performance Management**

At a minimum, supervisors are required to provide employees feedback on their performance on an annual basis. In accordance with Rule 60L-35, F.A.C., this feedback will be based upon performance expectations, which are identified, defined and communicated to employees as part of the requirement(s) of their position. Agencies set **s**pecific, **m**easurable, **a**chievable, **r**elevant, and **t**ime-bound (SMART) expectations that align with their respective missions and the Governor’s priorities. This allows employees to know their exact standing relating to work productivity and supervisors and managers to better communicate goals for improving performance and identifying additional training. In turn, this drives improved individual and agency effectiveness and may lead to more career advancement opportunities. [sections 110.224, 110.403, 110.605, F.S.]

**H. Separations**

If you decide to resign or retire from your job, please notify your supervisor of your intentions at least two weeks, or as soon as practicable, before your last day on the job. It is recommended that you submit a letter of resignation to your supervisor and specify if you are moving to another agency or retiring. It is your responsibility to return all state property, (i.e., cell phone, computer, printers, credit cards, keys, ID badges, etc.) which your agency issued to you. Failure to comply could result in legal action.

If you are moving to another agency, the transfer of any leave credits you have accrued will depend on whether your new agency is considered a state agency for leave transfer purposes and whether your move is within 31 days of your separation. Therefore, it is important to identify the name of your new agency and to include the date of your new employment in the letter of resignation, to ensure the proper transfer of your leave credits. In cases where changing employing agencies does not result in your being off the payroll for a full calendar month, your state group insurance enrollments will also transfer with you, assuming your new agency also participates in state group insurance. However, your enrollments in other voluntary insurance plans through payroll deduction are not necessarily transferable or automatic. Therefore, it is your responsibility to contact the vendors or carriers to verify if you may continue participation at your new agency and whether the amounts to be deducted will change.

If you participate in the State Deferred Compensation Program, you will need to contact your investment provider(s) to ensure that, if you are moving to another agency, the proper adjustment (if any) is made to your payroll deduction. If you are separating from state government (or retiring), contact your investment provider(s) to ensure timely processing of distributions or payout options, as well as to arrange for tax deferment of any pending annual and/or sick leave terminal payments, if desired. In the case of separation from state government or retirement, it is also important to contact your credit union or other banking institution about the settlement of any savings and/or loan accounts you currently maintain through payroll deduction.

### I. Exit Interview

Exit interviews are used to collect feedback from employees who separate in order to promote continuous quality improvement. Ask your supervisor or human resources office about any exit interview process in which you may be asked to participate.

**J. Layoffs and Employee Transition**

Layoffs occur when agencies delete Career Service positions, either filled or vacant, due to budget cuts, program reductions resulting from outsourcing or privatization efforts, or program phase-outs. Layoffs are carried out in accordance with Rule 60L-33.004, F.A.C., terms of applicable collective bargaining agreements, and any other applicable laws. Accordingly, agencies develop workforce transition plans to outline how they will implement the layoffs and ensure that all reasonable efforts are made to assist adversely affected employees through the process. [section 110.227, F.S.]

**IV. COMPENSATION**

#### The following information about compensation (pay) is summary in nature and not intended to address all situations or circumstances. For complete information, please refer to appropriate Florida Statutes, Florida Administrative Code (rules), federal codes and applicable payment plan documents. If any information in this handbook conflicts with the Florida Statutes, rules, federal codes, or official payment plan documents, those statutes, rules, codes, or payment plan documents are the final authority.

#### A. Compensation for Hours Worked and Overtime

Included employees (whether Career Service or SES) are paid at their straight time regular rate of pay for the first 40 hours of work in the workweek (or total contracted hours in their extended work period), including holidays and leave with pay.

For hours in excess of 40 hours in the workweek (or in excess of contracted hours in the extended work period) included employees will be paid for overtime by cash payment at the rate of one and one-half times the hourly regular rate of pay. However, if offered by the agency and elected in lieu of cash, such employees may instead be credited FLSA Compensatory Leave subject to the following:

1. For every excess hour worked, employees are credited one and one-half hours of FLSA Compensatory Leave;

2. FLSA Compensatory Leave credits are available for employees to use upon supervisory approval and/or may be allowed to accrue up to a maximum of 80 hours or the number of hours allowed by the collective bargaining agreement;

3. An employee accruing and receiving payment biannually shall be allowed to accumulate a maximum of 80 hours of credits. At the close of business on December 31 and June 30 of each year, or two other biannual dates approved by the Department, the agency shall pay the employee for all unused FLSA credits at the employee’s current straight time regular hourly rate of pay, in accordance with the FLSA;

4. An employee accruing and receiving payment annually shall be allowed to accumulate a maximum of 160 hours of credits. At the close of business on December 31 of each year, or on another annual date approved by the Department, the agency shall pay the employee for all unused FLSA credits at the employee’s current straight time regular hourly rate of pay and

5. Unused FLSA Compensatory Leave credits are also paid at the time of separation from a Career Service position.

Excluded employees (whether Career Service, SES, or SMS) are paid at their straight time regular rate of pay for all contracted hours in their work period, including holidays and leave with pay.

Excluded Career Service employees will be credited Regular Compensatory Leave for hours in excess of contracted hours in the work period, subject to the following:

1. For every excess hour worked, employees are credited Regular Compensatory Leave on an hour-for-hour basis;

2. Regular Compensatory Leave credits are available for employees to use upon supervisory approval or may be allowed to accrue up to a maximum of 240 hours;

3. Regular Compensatory Leave credits will NOT be transferred to another agency or pay plan. Unused credits shall be forfeited upon separation from the agency or the pay plan; and

4. Regular Compensatory Leave credits have no cash value, unless they are earned under an Agency Payment Plan. **[INSERT PAYMENT PLAN PROVISIONS, IF APPLICABLE]**

Extra hours worked in a workweek or extended work period (for included employees) or regular work period (for excluded employees) will offset any leave taken (including administrative leave) during that workweek, extended work period or regular work period.

#### B. Rate of Pay

The base rate of pay is the rate of pay (monthly or biweekly) that employees earn and which does not include any additives or incentive payments. Employees may receive a salary increase to their base rate of pay at any time based upon documented justification in accordance with agency policy and provided funds are available and the increase is authorized by law.

Career Service employees may receive a “pay additive” to their base rate of pay under certain circumstances, in accordance with [Rule 60L-32, F.A.C](http://www.dms.myflorida.com/workforce_operations/human_resource_management/florida_personnel_rules_and_statutes).

Pay additives will be discontinued once the qualifying condition no longer exists. Certain Career Service and Select Exempt Service positions in law enforcement and firefighting may also be eligible for incentive payments from the Criminal Justice Salary Incentive Program (section 943.22, F.S.) or the Firefighter Supplemental Compensation Program (section 633.422, F.S.) for continuing education. Contact the human resources office for more information on additives or educational incentive pay.

When a Career Service employee’s base rate of pay includes pay additives or educational incentive payments, it is referred to as the “regular rate of pay”. (The regular rate of pay for SES employees is usually the same as their base rate of pay. The regular rate of pay for SMS employees is always the same as their base rate of pay.)

**C. Dual Employment and Dual Compensation** **within State Government**

To be employed or compensated by more than one state agency or hold more than one state job, an employee must:

* Complete a Dual Employment and Dual Compensation Request form, and
* Obtain agency approval prior to engaging in any secondary employment with another state agency.

Contact the human resources office for more information. [section 216.262, F.S.]

**D. Additional Employment Outside State Government**

To ensure that additional employment outside state government does not conflict with the Code of Ethics identified in Chapter 112, F.S., an agency may require an employee to obtain approval prior to holding additional outside employment. To request approval an employee should:

**[INSERT AGENCY POLICIES]**

#### V. STATE GROUP INSURANCE PROGRAM BENEFITS

#### The following benefit information is summary in nature and not intended to address all situations or circumstances. For complete information, please refer to appropriate Florida Statutes, Florida Administrative Code (rules), federal codes and applicable plan documents. If any information in this handbook conflicts with the Florida Statutes, rules, federal codes, or official plan documents, those statutes, rules, codes, or official plan documents are the final authority.

Active employees may participate in the State Group Insurance Program health and life insurance plans, as well as a variety of supplemental insurance plans, including vision, dental, cancer, intensive care, accident, disability, and hospitalization. Employee premium contributions for these plans are deducted on a pretax basis. The employee may request deduction on a post-tax basis for health insurance. Additional tax-saving benefits available to active employees include the healthcare and dependent care flexible spending accounts and health savings account (if enrolled in a high deductible health plan).

Newly hired employees wishing to participate in any of the benefit plans offered must enroll within 60 days of their date of hire or they will not be able to enroll until the next scheduled annual open enrollment period, unless they experience a Qualifying Status Change (QSC) event. QSC events are life or work events that result in a gain or loss of eligibility for insurance coverage; for example, getting married makes you and your new spouse eligible for family health insurance. QSC events are governed by Section 125 of the Internal Revenue Code plus state laws and rules that allow only specific changes within established timeframes. See the [**QSC Matrix**](http://www.myflorida.com/mybenefits/pdf/QSCEventMatrix.pdf) for the complete list of QSC events, timeframes and documentation requirements. Once elections are made, employees must wait until open enrollment to make changes unless they have another QSC event.

For additional information concerning program options or enrollment and eligibility, visit [myBenefits.myflorida.com](http://mybenefits.myflorida.com/) or call the People First Service Center at (866) 663-4735. For information about plan coverage, contact the insurance company directly or refer to plan documents. Contact information and plan documents are located at  [myBenefits.myFlorida.com](http://mybenefits.myflorida.com/).

## A. Health Insurance

The State of Florida offers all eligible full and part-time Career Service, SES, and SMS employees participation in the State Group Health Insurance Program, which offers four health insurance plan options on a pre-tax basis. These options are a Preferred Provider Organization (PPO) Standard Plan, a PPO High Deductible Health Plan with a health savings account option, a Health Maintenance Organization (HMO) Standard Plan, and an HMO High Deductible Plan with a health savings account option. These plans provide enrollees access to a variety of services such as physician care, inpatient hospitalization, outpatient services, and prescription drugs. The PPO Plan options are available to employees regardless of their residence or work location, while HMO options are available only to employees that live or work in a participating HMO service area.

Premium contributions for full-time employees (as specifically defined in section 110.123(2)(c), F.S.) vary by enrollment tier (Individual vs. Family), plan option (PPO and HMO Standard Plan vs. PPO and HMO High Deductible Plan), and employee classification (Career Service vs. SES/SMS). The State of Florida contributes the major portion of a full-time employee’s premium for these health plans. Employee premium contributions required for part-time employees (as specifically defined in section 110.123(2)(f), F.S.) are higher and depend on the percentage of their full-time equivalent employment status. Health insurance premiums are payroll deducted on a biweekly or monthly basis. Two biweekly or one monthly deduction is required to collect a full month’s premium. Payroll deducted health insurance premiums pay for the following month’s coverage. Unless specifically waived, premiums are deducted on a pre-tax basis.

Two eligible state employees married to each other are eligible to participate in the Spouse Program, a family health insurance plan, for a reduced monthly employee contribution.

### B. Life Insurance

The State of Florida offers all eligible full and part-time Career Service, SES, and SMS employees a $25,000 term life insurance benefit, including an accidental death and dismemberment benefit. This basic life benefit is free for full-time Career Service, SES and SMS employees and enrollment is automatic. Part-time employees may enroll and pay prorated premiums based on their FTE.

Career Service, SES and SMS employees enrolled in basic life may enroll in the optional life insurance, a salary-multiple life insurance plan. Employees can purchase additional term life insurance - from 1 times to 7 times base annual earnings **up to a maximum optional coverage benefit of $1,000,000**; medical underwriting may be required. Premiums are fully paid by the employee on a post-tax basis. These employees may also purchase dependent spouse life insurance and/or dependent child life insurance. The death benefit is paid to the employee who pays the monthly premium on a post-tax basis.

The Accelerated Death Benefit may provide covered members an advance benefit in the event of a terminal illness diagnosis that will result in death within a one-year period. Upon death, the balance of the life insurance benefit, if any, will be paid to the named beneficiaries.

If life insurance coverage is discontinued because of termination of employment with the state, retirement or an employee becoming ineligible for coverage, the employee can convert some or all of the life insurance to an individual contract.

### C. Supplemental Insurance

The State of Florida offers all eligible full and part-time Career Service, SES, and SMS employees the opportunity to participate in a number of optional “employee-pay-all” supplemental insurance plans, and to have the premium payments for these plans deducted on a pre-tax basis. The following products are offered by various supplemental insurance companies: vision care insurance, dental insurance, supplemental hospitalization insurance, cancer insurance, intensive care insurance, accident insurance and disability insurance. Some insurance plans require medical underwriting, and enrollment is subject to approval by the supplemental insurance carrier. There may be a number of options within a type of supplemental insurance, allowing employees to choose between several different types of coverage for different premium payments.

### D. Flexible Spending Accounts

The State of Florida offers flexible spending accounts (FSA) where a portion of an employee’s income may be set aside to pay for non-reimbursed and eligible health and dependent care expenses through “healthcare FSAs” and a “dependent care FSA.” Money is deducted pre-tax from each participant’s paycheck throughout the plan year and credited to the account(s) sheltering those funds from federal income and Social Security taxation. Funds cannot be transferred between accounts.

Full and part-time Career Service, SES and SMS employees may elect a healthcare or a limited purpose healthcare FSA (the latter is for use with a health savings account), as well as a dependent care FSA. You should only enroll in a dependent care FSA if you have a qualified dependent. More information is available at [myBenefits.myFlorida.com](http://mybenefits.myflorida.com/).

Sections 125 and 129 Internal Revenue Code and Chapter 60P, F.A.C. govern administration of this program. Unless the participant experiences a QSC event, federal and state laws do not allow any change in the amount deducted from the paycheck during the year. Expenses not incurred by March 15 following the plan year and claimed by April 15 following the plan year will be forfeited.

**E. State Group Disability Income Plan for SES and SMS Employees**

 The State of Florida Group Disability Income Plan provides short-term replacement of a portion of an employee’s income if he or she becomes unable to work because of a covered sickness or injury. Benefits and eligibility are described in the [State Group Disability Income Plan Certificate.](http://www.myflorida.com/mybenefits/pdf/SMSSESDisabilityIncomeBrochure_EY.pdf)

**F. Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)**

Employees and their dependents who would otherwise lose insurance coverage in any State Group Insurance Program health, and/or dental, and/or vision plan because of a “qualifying event” are eligible for continuation coverage under the state’s group policy pursuant to the federal COBRA law. COBRA provides continuation coverage equal to the coverage applicable to active employees for a limited time period.

COBRA participants must pay the full premium and a two (2) percent administrative fee.

### G. Continuation of Health and Life Coverage for Retirees

Retired state employees and officers, as defined in section 110.123(2)(g), F.S., may elect to continue state group health and life insurance at their time of retirement. Such coverage may be maintained for life, but retirees must pay the full premium amount and once they (and/or their spouses) become Medicare eligible, Medicare becomes the primary plan for health insurance purposes. Retirees may also continue dental and/or vision insurance under the provisions of COBRA. Retirees may also continue the full amount of their optional life coverage by requesting conversion of the group policy to an individual policy within 31 days after active employment terminates. Retirees may contact other supplemental insurance carriers directly to convert their policy within 31 days of retirement.

If an employee terminates or retires because of total disability before age 60 and remains totally disabled for a period of at least nine months, the employee can apply to the life insurance company for a “Waiver of Premium for Total Disability”.

### H. Continuation of Health Coverage for Surviving Spouses

The surviving spouse of a covered employee or retiree may pay the full monthly premium to participate in the health program with family coverage if there are eligible children to be covered; otherwise, the surviving spouse may only participate under individual coverage. A surviving spouse who remarries is not eligible to continue in the health program as a surviving spouse.

**VI. OTHER STATE SPONSORED BENEFITS AND PROGRAMS**

**A. Deferred Compensation**

### The State of Florida has established a Deferred Compensation Plan to allow employees to set aside a portion of their salary (either a set amount or a percentage) and receive its value when they separate from state employment. The amount of current earnings deferred is not considered income for federal tax purposes until its value is paid. This supplemental income will complement the employee’s social security benefits and Florida Retirement System benefits. A list of the Deferred Compensation providers can be obtained from the Florida Department of Financial Services, Bureau of Deferred Compensation, at [www.myfloridadeferredcomp.com](http://www.myfloridadeferredcomp.com).

**B. Direct Deposit**

Effective January 1, 2002, Florida law requires that all Career Service, SES and SMS employees have their paychecks directly deposited to their financial institution by means of Electronic Funds Transfer as a condition of employment. Exemptions are granted by the Department of Financial Services and may be requested when the employee can demonstrate a hardship. New employees are required to submit a completed Authorization for Direct Deposit within the first 30 days of employment through the human resources office. [section 110.113, F.S.]

### C. Florida State Employees’ Charitable Campaign (FSECC)

The FSECC is an annual organized event during which employees can donate to eligible charities of their choice through payroll deduction. Employees are encouraged to use payroll deduction, which allows them a full calendar year to finance their gift with small payments. The FSECC is the only authorized solicitation of state employees allowed at the workplace during work hours. Employee contributions to the FSECC are entirely voluntary.

### D. Savings Sharing Program

The Savings Sharing Program grants options to agencies that provide employee incentives by rewarding and recognizing the employee for cost savings and efficiencies.

Each agency may adopt a Savings Sharing Program. The Savings Sharing Program affords employees the opportunity to submit a written proposal sharing their ideas to increase productivity, eliminate or reduce state expenditures, improve operations or generate additional revenue. The purpose of the Savings Sharing Program is to provide a process by which agencies can retain a portion of their budget for implementing internally generated program efficiencies or cost reductions, and then redirect the savings to employees. The savings approved for retention may be used for permanent salary increases to high-performing employees and for non-recurring monetary awards to employees who initiate proposals that result in eliminating or reducing state expenditures. Each proposed award and amount of money must be approved by the Legislative Budget Commission.

### Career Service and SES employees are encouraged to participate in the Savings Sharing Program and to offer suggestions to increase productivity, eliminate or reduce expenditures and improve the operations of each agency. Additional details and forms can be obtained from the human resources office. [section 110.1245, F.S.]

**E. Telework Program**

Telework is a work arrangement whereby state employees may be allowed to perform the normal duties and responsibilities of their positions through the use of telecommunications, at home or another place apart from the employee’s usual place of work. Telework offers several potential benefits which include the reduced need for office space, employee savings on commuting expenses, and improved employee satisfaction due to increased flexibility. Agencies are required to identify and maintain a current listing of positions which are suitable for telework. Agencies adopting such programs should have formalized internal operating procedures and forms in accordance with section 110.171, F.S., which are used to administer the program and with which agency employees should be familiar. Employees interested in telework should follow their agencies’ established procedures for initiating a request to telework. Employees who propose to telework, in coordination with their supervisors, must develop a teleworking agreement signed by the employee and an agency representative, outlining the work policies, schedules and expectations of the telework arrangement. [section 110.171, F.S.]

### F. Reemployment Assistance Benefits

An employee who is laid off or terminated through no fault of his/her own may be entitled to reemployment assistance benefits. If an employee is laid off or terminated under these conditions, he/she may contact the nearest Reemployment Assistance Office within the Department of Economic Opportunity. For additional information, please visit the website at: <http://www.floridajobs.org/job-seekers-community-services>. Employees in the Senior Management Service are not eligible for Reemployment Assistance benefits pursuant to section 443.1216 (4)(c)(4), F.S.

### G. Workers’ Compensation

 The State of Florida is self-insured for workers’ compensation insurance coverage. The Division of Risk Management (DRM), Department of Financial Services administers this self-insured program under the provisions of Chapter 284, F.S.

 All Career Service, SES and SMS employees of the State of Florida are covered under the DRM workers’ compensation program from their first day on the job regardless of full-time or part-time status.

 If you are injured on the job, you should notify your immediate supervisor or designee as soon as possible, to ensure you receive proper medical attention. At a minimum, all incidents that involve an injury or illness that appears to be job related need to be reported.

**[INSERT AGENCY LIGHT DUTY PROGRAM]**

**H. Voluntary Insurance Plans through Payroll Deduction**

An agency may authorize a variety of miscellaneous payroll deductions. Contact the human resources office for information on authorized deductions.

**[INSERT AGENCY SPONSORED PLANS]**

**I. Other Programs**

**[INSERT AGENCY SPONSORED PLANS; e.g. child care, credit union, etc.]**

**VII. RETIREMENT**

All new Career Service, SES and SMS employees are automatically enrolled in the state-sponsored Florida Retirement System (FRS) and covered by federal Social Security. The FRS is a single retirement system consisting of two primary retirement plans and other nonintegrated programs administered under Chapter 121, F.S. It is designed to provide retirement, total and permanent disability, and survivor benefits to participating state and local government employees. The primary plans are a defined benefit plan known as the FRS Pension Plan and a defined contribution plan known as the FRS Investment Plan. Employees under either primary plan participate in the following membership classes: the Regular, Special Risk, Special Risk Administrative Support, SMS, and Elected Officers’ Classes. In addition to these two primary plans, the SMS Optional Annuity Program, an alternative optional defined contribution program, is available to certain SMS state employees. The FRS is a contributory retirement system, which means that the employee is required to pay a percentage of their base rate-of-pay (currently 3 percent) on a pretax basis toward their retirement. A new employee has a choice to participate in the FRS Pension Plan or the FRS Investment Plan. Information on both plans is available on the DMS website at <http://www.dms.myflorida.com/human_resource_support/retirement>.

Most Career Service and SES employees are enrolled in the Regular Class of FRS. Career Service and SES employees employed in certain designated positions in law enforcement, firefighting or corrections are enrolled in the Special Risk Class. SMS employees and other positions designated by law have the opportunity to select participation in either the SMS Class of the FRS or the SMS Optional Annuity Program.

VIII. ATTENDANCE AND LEAVE

**A. Attendance**

Employees are required to be present on their assigned jobs for the total hours in the established workday or work period unless the supervisor authorizes absence from duty. Employees who expect to be absent from work for any reason should request approval from the supervisor as much in advance as possible. When an employee will be late to or absent from work, the supervisor is to be notified in accordance with the established procedure of the employee’s office. Absences without authorization will result in leave without pay and may be cause for disciplinary action, up to and including dismissal.

**B. Work Schedules**

Standard business/office hours are from 8 a.m. to 5 p.m., Monday through Friday, unless otherwise approved.

Each agency may set regular and/or flexible work schedules (including break times) specific to the agency’s needs or requirements. The supervisor establishes employee daily work schedules, and all deviations in the schedule require the supervisor’s prior approval. When workload permits, two rest breaks of 15 minutes may be taken during an eight-hour day shift. Breaks are to be observed according to the procedure of the work unit to which the employee is assigned, and breaks may not be combined or accumulated to cover a late arrival, early departure or extended lunch.

Agencies recognize that there may be situations and circumstances where modified work schedules would be beneficial to employees. The supervisor may consider an employee’s request to vary the eight-hour workday schedule (arrival/departure). Such flexible work schedules (flex time) may consist of more or less than an eight hour workday and may be approved if consistent with the agency’s policy. An employee should consult with the supervisor or the employing agency’s human resources office for more information regarding flexible schedules.

**C. Employee Attendance and Leave Reporting**

An accurate daily record of all hours worked and leave taken must be kept. When completing a timesheet, an employee should round all hours worked and leave taken to the nearest one-quarter of an hour. Falsification of an attendance and leave report is grounds for disciplinary action, up to and including dismissal.

At the end of the pay period, each employee should total his or her work and leave hours, certify the accuracy of the timesheet, and submit it to his or her immediate supervisor.

**D. Holidays**

The following are State paid holidays, as provided by section 110.117, F.S.:

|  |
| --- |
| * New Year’s Day – January 1
 |
| * Birthday of Martin Luther King Jr. – Third Monday in January
 |
| * Memorial Day – Last Monday in May
 |
| * Independence Day – July 4
 |
| * Labor Day – First Monday in September
 |
| * Veterans Day – November 11
 |
| * Thanksgiving Day – Fourth Thursday in November
 |
| * Friday after Thanksgiving Day
 |
| * Christmas Day – December 25
 |

Holidays that fall on Saturday will be observed on the Friday before, and those that fall on Sunday will be observed on the Monday after. If the holiday is observed on the employee’s established workday, the employee will be credited with a holiday equal to the hours in the employee’s established workday, unless the holiday falls on an established workday of less than eight hours, in which case the employee will be credited with an eight-hour holiday. However, if the holiday is observed on the employee’s established day off, the employee will be credited with an eight-hour holiday.

When Career Service employees must work on a holiday or extra hours during a holiday workweek or work period, they will be credited with Special Compensatory Leave credits. These credits will be granted if the employee did not use leave during the work period. Special Compensatory Leave credits may not exceed the number of hours in the employee’s established workday.

If a SMS or SES employee is unable to observe a holiday or the holiday falls on a workday of less than eight hours, the employee may take an alternate day/half day off during the work period. SMS and SES employees will not earn Special Compensatory Leave credits.

Employees receive a personal holiday when they are hired and every July 1 thereafter. Part-time employees receive a prorated personal holiday (see formula). The personal holiday must be taken as one full day prior to June 30 of the following year; otherwise the employee will lose the personal holiday. Employees should request approval from their supervisors prior to using the personal holiday. The personal holiday has no cash value, and compensatory leave credits may not be earned the same work period during which the personal holiday is observed.

Holidays are pro-rated for part-time employees using the following formula:

Eight hours x Number of Hours Worked Per Week = Hours of Credit for the Holiday

 Forty Hours

### E. General Leave Overview

The use of annual, compensatory, administrative, some forms of sick leave and the personal holiday require prior approval. Also, with prior notice an agency may compel the use of all or part of an employee’s accumulated special compensatory, annual leave, or regular compensatory leave credits, based on agency needs. However, such usage requirement must be in accordance with any collective bargaining agreement. An agency may also require an employee to use accumulated special compensatory leave credits prior to approving an employee’s request to use other types of approved leave, with the exception of sick leave, administrative leave, FLSA compensatory leave, or the personal holiday. Furthermore, an agency may send an employee home and compel the employee to use his/her accumulated sick leave under certain circumstances where management, in good faith, has reason to believe the sick employee’s health condition is an immediate threat to the health of other employees, clients, or the good working order of the office.

Leave must be earned before it is taken. Leave must be taken in increments of 15 minutes or more (rounded to the nearest quarter hour). Only the amount of leave necessary to bring the employee to full pay status may be taken. Leave may not be used to exceed the number of contracted hours in an employee’s scheduled work period.

Each agency will accept annual and sick leave credits upon transfer from another state agency, provided the transfer occurs within a 31-day period from the date of separation from the previous agency. Additional information in reference to the types of leave available to employees is referenced in [Rule 60L-34, F.A.C](http://www.dms.myflorida.com/workforce_operations/human_resource_management/florida_personnel_rules_and_statutes).

### F. Annual Leave

Annual leave is used to provide periods of rest, relaxation, vacation, and to conduct personal business. Before taking annual leave, the employee must submit a request for supervisor approval. Annual leave may be denied if the employee’s absence would adversely affect the work unit. Information on the accrual and use of annual leave is available in [Rule 60L-34, F.A.C](http://www.dms.myflorida.com/workforce_operations/human_resource_management/florida_personnel_rules_and_statutes).

### G. Sick Leave

Sick leave is provided to employees to cover absence due to their own personal illness or the illness of their family members. Sick leave may also be used for well care doctor appointments. Additional information on the accrual and use of sick leave is available in [Rule 60L-34, F.A.C.](http://www.dms.myflorida.com/workforce_operations/human_resource_management/florida_personnel_rules_and_statutes)

**H. Sick Leave Pool** [section 110.121, F.S.]

**[INSERT AGENCY POLICIES]** [Intended for Agencies that have Sick Leave Pools]

**I. Sick Leave Transfer (Donation) Plan**

**[INSERT AGENCY POLICIES]** [Intended for Agencies that have Transfer Plans]

**J. Leave Payment upon Separation from Service**

Employees may be eligible for payment of certain accrued leave upon separation from their employment with the State. Information on the eligibility requirements for terminal payment of accrued leave is available in [Rule 60L-34, F.A.C](http://www.dms.myflorida.com/workforce_operations/human_resource_management/florida_personnel_rules_and_statutes).

#### K. Administrative Leave

Administrative leave is leave with pay that is not taken from an employee’s personal leave balances and is available to all Career Service, SES and SMS employees. Approval of administrative leave is limited to an amount necessary to bring the employee to full pay status for the work period. In no case can approval of administrative leave cause the employee to exceed the number of contracted hours in the employee's work period.

Prior approval by the supervisor is required. There are several categories of administrative leave. A description and eligibility requirements for administrative leave is available in [Rule 60L-34, F.A.C](http://www.dms.myflorida.com/workforce_operations/human_resource_management/florida_personnel_rules_and_statutes). In addition, Chapter 110, F.S., provides for the following:

* Disabled Veteran Re-examination or Treatment (requires medical certification of treatment/evaluation of service connected disability)
* Disaster Service Volunteers (approved by the governor or agency head)
* Athletic Competition for World, Pan Am or Olympic level sports (documentation required)

#### L. Disability Leave

The supervisor or employee should notify the employing agency’s human resources office of all periods of disability due to an on-the-job injury. For employees who suffer a documented on-the-job injury/illness, leave with pay is provided as follows:

* To cover the initial 40 hours of absence needed to obtain medical treatment/therapy or to recuperate from the injury/illness.
* To cover up to an additional 48 hours of absence needed to attend medical/therapy appointments that occur after the employee has returned to work, provided that the employee has presented written confirmation from the authorized worker’s compensation medical provider and the initial 40 hours have been exhausted.

Additional provisions governing disability leave are contained in collective bargaining agreements.

#### M. Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) is a federal law that allows eligible employees to take unpaid, job-protected leave for specified family or medical reasons. To be eligible for FMLA, employees must have been employed by the state for a *cumulative total* of 12 months within the last seven years and must have worked for at least 1,250 hours during the 12-month period immediately before the start of their approved leave.

 FMLA covers leave of up to 12 workweeksin a 12-month period for one or more of the following reasons:

* The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
* To care for a spouse, son, daughter, or parent who has a serious health condition;
* For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
* For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

 FMLA also covers leave of up to 26 workweeksduring a single 12-month period to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.

 Accrued leave credits may be used during FMLA leave, subject to the established rules for authorized use of sick leave, family sick leave, annual leave, and compensatory leave.

FMLA leave taken by an employee for the birth or adoption of a child, or because of a 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 Florida Family Supportive Work Program (see description below). FMLA leave for the birth or placement of a child for adoption or foster care expires 12 months from the date of the birth or placement.

 An employee must provide at least 30 days advance notice, or as much notice as practicable, before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member. An employee will provide, at least, verbal notice sufficient to make the employer aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. When the approximate timing of the need for 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. The employee must comply with all other requirements contained in the FMLA implementing regulations.

 Consult with the human resources office for assistance with submission of an FMLA leave of absence request and exercising leave use and benefit continuation options. Additional information on eligibility requirements for FMLA is available on the federal [Department of Labor’s website](http://www.dol.gov/whd/fmla/).

**N. Family Supportive Work Program**

 ***Parental or Family Medical Leave***

The Florida Family Supportive Work Program (FSWP) leave provisions in state law and rules allow a Career Service, SES or SMS employee to take up to six months of leave for the birth or adoption of a child or for a family member’s serious health condition. Such leave will commence on a date that is determined by the employee in consultation with the attending physician following notification to the employer in writing, and approved by the employer.

For the purposes of parental or family medical leave, the employee may be placed on leave without pay or may elect to use accrued sick leave or other accrued leave credits as appropriate. During this time the state contribution toward the employee’s health insurance coverage will continue. Also, where appropriate, FSWP family medical and parental leave will run concurrent with FMLA leave.

 ***Leave for Family Responsibilities***

Under the Florida FSWP, employees may also request and be granted a leave of absence for non-medical family responsibilities (family leave) up to 30 calendar days provided such leave would have minimum impact on the employee’s work unit. Family responsibilities may include, but are not limited to:

* Caring for aging parents.
* Involvement in settling parents’ estate upon their death.
* Relocating dependent children into schools.
* Visiting family members in places which require extensive travel time.

An employee requesting family leave must submit a written request to the immediate supervisor stating the purpose of the leave, the date the family leave will commence, the anticipated return to work date, and whether the employee intends to use accrued leave credits as appropriate to cover all or part of the family leave of absence.

If the employee elects not to use accrued annual leave to cover any part of a family leave of absence, the employee will be placed on authorized leave without pay status. An employee on authorized leave without pay status is responsible for coordinating payment of miscellaneous payroll deductions with the People First Service Center to ensure continuation of state-sponsored health care coverage, where necessary.

#### O. Military Leave

Leaves of absence for military service will be granted pursuant to the provisions of sections 115.09, 115.14 and 250.48, F.S. All such leaves of absence will be verified by official orders or appropriate military certification submitted to the supervisor and/or agency human resources office.

An employee who volunteers or is called to active duty is eligible to continue coverage in any benefit plans the employee was enrolled in at the time of reporting for active duty, unless coverage is cancelled. For health and basic life, the employer may continue to pay the state share of the premiums for that coverage if applicable.

The employee will continue to be responsible for any premium amount that the employee had been paying, whether through continued payroll deductions or by personal check or money order. If payments are to be made, employees should make the personal check or money order payable to the Division of State Group Insurance and remit the payment to the People First Service Center at the following address:

People First Service Center

PO Box 863477

Orlando, FL 32886-3477

If the employee participates in a plan outside of the State Group Insurance Program (i.e., agency contracted plans), the agency human resources office will inform the employee of payment options and how to remit payment.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of Career Service, SES and SMS employees (including part-time and probationary employees) who voluntarily or involuntarily leave employment positions to undertake military service.

Employees must notify the agency within 30 days (or within the timeframes establish under USERRA) from the date of release or discharge from active service or upon return from active military service, whichever shall occur first. The employee or his/her power of attorney is responsible for notifying the agency of the last day of active duty.

Further information regarding employment and reemployment rights under USERRA can be found on the [Department of Labor’s website](https://www.dol.gov/vets/programs/userra/index.htm).

Additional detailed information can be found in the Active Duty Military Leave of Absence Guidelines on the [Division of Human Resource Management’s website](http://www.dms.myflorida.com/workforce_operations/human_resource_management/for_state_hr_practitioners/attendance_and_leave/military_leave).

In addition, employees who are in the military reserves or the National Guard shall be entitled to leaves of absence for training purposes, in accordance with section 115.07, F.S.

#### P. Other Leaves of Absence

An employee may, upon request, be granted a leave of absence for up to 12 calendar months provided the absence is deemed justified and not detrimental to the operations of the employee’s work unit.

An agency may approve the use of intermittent leave credits to maintain state benefits.

**Q. Unauthorized Leave**

An employee who is absent without authorization will be placed on leave without pay and may be subject to appropriate disciplinary action, up to and including dismissal.

IX. TRAINING

Training is the process of providing or making available to employees coordinated programs and courses, which directly relate to the performance of official duties. Training enables employees to improve their knowledge, skills and abilities, thereby improving the products and services provided to our customers. Requests for training can be initiated by the supervisor or by the employee.

A. Required Training

1. EEO/AA: section 110.112, F.S., requires all supervisory personnel to receive training in the principles of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and the establishment of affirmative action goals.

2. **[INSERT AGENCY POLICIES REGARDING MANDATORY AND/OR JOB-SPECIFIC TRAINING]**

B. Tuition Waiver Program

Section 1009.265, F.S., authorizes full-time state employees to enroll at a state university, state college, or community college for up to six credit hours of tuition-free courses per term on a space available basis. There is no requirement that courses be job-related, but each school has its own rules regarding which courses are available under this program.

Employees usually attend classes after hours, but if the class is during normal working hours, (as approved by the immediate supervisor), the employee will be required to either make up work time or use annual or compensatory leave. In no case are the hours spent in class counted as “time worked.”

Pursuant to 26 U.S. Code 127, the first $5,250 in educational assistance provided per plan year under the program qualifies for tax-free treatment. Educational assistance provided to an employee under the program, that is valued in excess of $5,250, will be reported to the Internal Revenue Service.

Pursuant to annual proviso language in the General Appropriations Act, part-time employees are not eligible to participate in this program. Please refer to the Tuition Waiver Program information located on the Department of Financial Services website at <http://www.myfloridacfo.com/Division/AA/Employees/default.htm>.

**X. GENERAL INFORMATION**

**[INSERT AGENCY POLICIES REGARDING THE TOPICS BELOW OR ANY ADDITONAL TOPICS]**

### A. Personal Appearance/Dress Code

Employees are expected to be neat and clean in appearance and dress appropriately for office or public contact. Additional requirements may be established by the employing agency.

### B. Fingerprinting

### Employees filling certain positions in state government are required to be fingerprinted for purposes of conducting a criminal history record check. Applicants will be advised of this requirement prior to appointment to such a position. [section 110.1127, F.S.]

**C. Parking**

The rules for employee parking depend upon the location of employment. Some agency locations have specific parking and traffic regulations. Specified parking areas have been designated exclusively for use by employees authorized to use these areas. Employees may be assigned to a location where there are free parking spaces available. In other cases, employees may have to pay for parking or search for other on-site or off-site parking alternatives. For additional information on parking, contact your supervisor or the human resources office.

**D. Blood Bank**

Patients in our community are dependent on qualified donors from organizations, businesses, schools, and churches to provide a safe and adequate blood supply. To meet that demand, state agencies are allowed to sponsor blood drives and to encourage employees to donate during the mobile unit visits.

###

### E. Smoking Policy

Smoking is not allowed in any state building. There are designated smoking areas outside most state buildings. Any employee who violates this policy is guilty of a non-criminal violation punishable by disciplinary action, up to and including dismissal and/or a fine.

**[INSERT AGENCY POLICIES REGARDING SMOKING AND E-CIGARETTE USE, AS APPLICABLE]**

**F. Internet/Email**

Most employees of the State of Florida have been provided with computers that enable them to send and receive electronic-mail (email) and access the Internet to assist in the performance of their job duties. Employees are to use these systems for appropriate purposes. The Internet may not be accessed at any time to gamble or engage in other illegal activities or to view, display, store, download, transmit, or receive any material that is fraudulent, harassing, sexually explicit, profane, obscene, defamatory, or otherwise unlawful, including offensive material concerning gender, race, color, national origin, religion, age, disability or other characteristic protected by law, regardless of intent. Violation of this policy may result in disciplinary action, up to and including dismissal. Additionally, each agency may restrict the use of state equipment in its individual policies. Please refer to the human resources office for more information.

**G. Information Security/Passwords**

It is the employee’s responsibility to make every effort to protect the information resources available to them. Each employee is responsible for the use and security of the computer and/or passwords assigned to him/her.

No employee is authorized to arbitrarily grant access to any information resource or computer without a specific need and permission to do so. Authorized access may be requested through an employee’s supervisor or owner of the system.

The protection of information processed and stored by the state is outlined in section 839.26, F.S. Any employee engaging in unauthorized use, disclosure, alteration, or destruction of data in violation of these statutes will be subject to appropriate disciplinary action, up to and including dismissal.

The following are recommendations to assist employees in maintaining the security of information resources:

* In order to provide accountability, passwords should be individually owned rather than owned by a group.
* Your password is personal, keep it private! Never write passwords down or share with another individual.
* PASSWORDS SHOULD NEVER BE SAVED IN MEMORY! Do not store your password on your computer.
* Passwords must be changed every 90 days.
* If permitted by the system, passwords should be at least eight characters in length. Passwords for critical systems should be longer, if permitted by the system.
* If permitted by the system, passwords should be comprised of a combination of upper and lower case alpha characters (a or A to z or Z) and numbers (0 to 9) as well as special characters (!@#$%^&\*()\_+|~-=\`{}[]:";'<>?,./)
* A best practice for password creation is not to use names or birth dates of family members or any words found in the dictionary.
* When you leave your desk, log out or use a password-locked screensaver to obscure the normal display of your monitor. This prevents a logged-in system from being accessed by unauthorized individuals, protects you from an email being sent “from you” without your knowledge, protects the information stored on your computer, and also hides the work currently being done from passers-by.
* When not in use, keep removable storage media and paper documents containing information that should be protected from disclosure in a secure place.

Report suspected computer security incidents such as viruses, unauthorized disclosure or inappropriate use to the information technology office.

**H. Travel**

There are two classes of travel that are utilized by employees when traveling on state business: Class A travel and Class B travel.

* Class A Travel is continuous travel of 24 hours or more away from the official headquarters.
* Class B Travel is continuous travel of less than 24 hours requiring overnight absence from the official headquarters.

All travelers are allowed subsistence when traveling to a convention, conference or on bona fide state business within or outside the state. The following options are available for each day of such travel:

* 1. Eighty dollars ($80.00) per diem; or
	2. If actual expenses exceed $80.00, the following amounts for meals, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills:
		1. Breakfast - $6.00
1. Lunch - $11.00
2. Dinner - $19.00

Note: When lodging or meals are provided at a state institution, employees will be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum amounts stated above. No one, whether traveling out-of-state or in-state, will be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

Incidental Expenses

Employees may be reimbursed pursuant to Rule 69I-42.010, F.A.C., for incidental traveling expenses, including: (1) taxi and ferry fare; (2) bridge, road and tunnel tolls; (3) storage or parking fees; (4) communication expenses (i.e., telephone; fax; etc.) for official state business; (5) convention or conference registration fees; and (6) reasonable tips and gratuities. All incidental expenses over $25 require paid receipts for verification.

Use of Privately-Owned Vehicle

When use of a privately owned vehicle is approved for official travel, the traveler will be entitled to a mileage allowance which is currently at a fixed rate of $.445 per mile. No reimbursement will be allowed for expenditures related to the operation, maintenance and ownership of the vehicle. All mileage will be calculated from the point of origin to the point of destination on the basis of the current map or chart published by the Florida Department of Transportation. [section 112.061, F.S.]

**I. Use of Seat Belts**

All front and rear seat occupants of state-owned, leased or rented vehicles and all personal vehicles operated on state business are required to wear seat belts. Failure to wear seat belts will be considered improper use of a vehicle and will subject employees to disciplinary action. If an accident resulting in injury to an employee occurs and the employee is not wearing seat belts and the failure to use the seat belts contribute to injuries received, the employee's worker's compensation benefits may be reduced under the provisions of section 440.09(4), F.S.

**J. Safe Use of Cellular Phones**

The state promotes safe use of cellular phones by encouraging drivers to follow common sense tips to ensure their wireless phone is not a distraction. It is even more important to pay attention to the road and make driving safety your first priority; do not use a cellular phone when driving. Driving while texting is against the law and law enforcement officers are authorized to stop motor vehicles and issue citations as a secondary offense to persons who are texting while driving. State employees are not permitted to text or allow their wireless phone to distract them while operating a state vehicle in accordance with section 316.305, F.S., Florida Ban on Texting While Driving Law.

1. **EMPLOYEE RELATIONS**

**[INSERT AGENCY POLICIES, WHERE APPLICABLE]**

### A. Employee Assistance Program (EAP)

### The EAP assists all employees, and anyone who resides in the employee’s household, or any employee’s family member who is financially dependent on the employee and may be suffering from behavioral or medical problems that may affect the employee’s work performance. The state recognizes that behavioral or medical disorders and mental health problems can often be successfully treated. E4 Health is the organization contracted by the Division of State Group Insurance to provide these services.

Participating in the EAP will in no way jeopardize an employee’s job security. Information concerning an employee’s participation in the program is strictly confidential and independent of personnel or other public records.

### Please contact the human resources office or E4 Health directly at 1-844-208-7067 for further information regarding EAP services. [section 110.1091, F.S.]

### B. Drug-Free Workplace

The State of Florida acknowledges that drug use has serious adverse effects in the workplace resulting in lost productivity and poses a threat to public health and safety. Maintaining a healthy and productive workforce with safe working conditions free from the effects of drugs decreases the occurrence of injuries on the job, absenteeism and theft, and promotes employee morale.

The Drug-Free Workplace Act promotes the goal of drug-free workplaces within government through fair and reasonable drug-testing methods for the protection of public employees and employers. While section 112.0455, F.S., does not require state agencies to have a Drug-Free Workplace Program, it does require that employers give their employees 60 days notice prior to drug testing if they do not have a Drug-Free Workplace Policy. This section defines an employer as “any agency within state government that employs individuals for salary, wages or other remuneration.”

Section 112.0455, F.S., identifies and defines the types of authorized drug testing: job applicant testing, routine fitness for duty testing, follow-up testing, random testing, and reasonable suspicion drug testing. Random testing and job applicant testing are currently carried out only under separate, specific legislative authorization. “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 facts and reasonable inferences drawn from those facts in light of experience. A job applicant is defined in section 112.0455, F.S., as “a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test.” To learn more about the other types of drug-testing, review section 112.0455, F.S., by visiting the [Online Sunshine website](http://www.leg.state.fl.us/Welcome/index.cfm?CFID=201745134&CFTOKEN=94821793).

###  All employees are expected to adhere to the state’s standards of conduct concerning the possession and/or use of drugs or alcohol while on duty or while in or on state property. Violations of this policy will result in referral to EAP and/or disciplinary action up to and including dismissal. [section 112.0455, F.S.]

### C. Violence in the Workplace

The State of Florida recognizes the seriousness of violence in the workplace and does not tolerate it. Personal issues, including those involving domestic and sexual violence, can be extended to the workplace and are of concern. Employees facing such issues may seek assistance through EAP.

**D. Domestic Violence**

Section 741.313, F.S., provides that employees may take up to three days of leave within a 12-month period for certain activities resulting from an act of domestic violence. The employee may use personal leave or take leave without pay. This law also requires that employers keep an employee’s leave information confidential and prohibits employers from taking certain actions against employees for exercising rights specified in the statute.

Employees (or family household members of the employee) who are either the victim of domestic violence or have reasonable cause to believe they are in imminent danger of becoming the victim of any act of domestic violence may file a sworn petition for an injunction for protection against domestic violence. Florida law currently prohibits dismissing from employment any person who testifies in a judicial proceeding in response to a subpoena. Please consult the human resources office for additional information.

###### E. Sexual Harassment

Every employee is to be afforded the opportunity to work in an environment free from unwelcome sexual advances, demands for sexual favors, and other verbal or physical conduct of a sexual nature. The public policy of the State of Florida is zero tolerance of any form of sexual harassment.

The state does not condone nor does it tolerate sexually offensive or harassing behavior of its employees. Any employee who has been a victim of such harassment should immediately contact their supervisor, supervisor’s supervisor, human resources officer, agency head, Office of the Inspector General, or the EEO Officer. Employees who are found to have sexually harassed or knowingly filed a false complaint of sexual harassment against another employee will be subject to disciplinary action, up to and including dismissal. [section 110.1221, F.S.]

### F. Whistle-Blower’s Act of 1986

This Act prevents agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor [as defined in section 112.3187(3)(d), F.S.], that creates a substantial and specific danger to the public’s health, safety or welfare. It also prevents agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or neglect of duty on the part of an agency, public officer, or employee.

### Violations of this act should be reported in accordance with section 112.3187, F.S. Any employee who has a complaint should immediately contact the supervisor, supervisor’s supervisor, human resource officer, agency head, Office of the Inspector General, the EEO Officer, and/or the People First Service Center. [section 112.3187, F.S.]

### G. Career Service Grievance Process

In accordance with section 110.227(4), F.S., a grievance procedure is available to Career Service employees who have satisfactorily completed a one-year probationary period in their current position. Claims of discrimination and sexual harassment, and claims related to suspensions, reductions in pay, demotions and dismissals, are not subject to the Career Service grievance process. Refer to the human resources office for further information.

**H. Appeals**

A Career Service employee who has satisfactorily completed a one-year probationary period in his or her current position, who is subject to a suspension, reduction in pay, demotion, involuntary transfer of over 50 miles by highway, or dismissal, may appeal such action to the Public Employees Relations Commission (PERC) within 21 calendar days after receipt of final notice of the action. For more information, contact PERC at (850) 488-8641 or visit their website at: <http://perc.myflorida.com>.

If the employee’s position is covered by a collective bargaining agreement, the employee may, in the alternative, grieve such actions pursuant to the agreement’s grievance procedure.

**XII. STANDARDS OF CONDUCT**

Employees of the state are expected to perform their specific duties and conduct themselves in a manner that fosters the achievement of the agency's purpose and goals. The conduct of each employee is expected to reflect a commitment to:

* Putting forth the employee's best effort;
* Managing the employee's work time for maximum effectiveness and efficiency; and
* Performing to the best of the employee's ability the duties and responsibilities of the position.

Disciplinary guidelines are established to communicate the state’s policy regarding inappropriate conduct and to assure that fair and equitable disciplinary action is administered when an employee violates the standards of conduct.

**A. Disciplinary Standards**

In addition to section 110.227, F.S. for Career Service Employees, Rule 60L-36, F.A.C., sets forth the minimal standards of conduct that apply to all employees in the State Personnel System, a violation of which may result in discipline up to and including dismissal. Agencies may develop Standards of Conduct and Disciplinary Standards that are specific to the unique mission of the agency, however they are to supplement, not replace, the state’s policy on Career Service discipline as provided in section 110.227, F.S., the provisions of Rule 60L-36, F.A.C., and applicable collective bargaining agreements. Career Service employees who have satisfactorily completed at least a one year probationary period in their current position may be disciplined only for cause, which shall include, but not be limited to, the following:

1. **Poor Performance -** Employees shall strive to perform at the highest level of efficiency and effectiveness; they shall do more than “just get by.”

a. Employees are expected to be reliable and dependable. For example, employees must show up and be ready for work on a reliable basis; to observe established work hours and scheduled appointments; to complete work on time; and to obtain permission before being off work, and to schedule leave in a manner that minimizes work disruption.

b. Employees are expected to be effective, for example: to organize their work; to stay focused on job-related activities during work hours; to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgment; to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures and technology; and to be committed to improving individual performance.

2. **Negligence -** Employees shall exercise due care and reasonable diligence in the performance of job duties.

3. **Inefficiency or Inability to Perform Assigned Duties -** Employees shall, at a minimum, be able to perform duties in a competent and adequate manner.

4. **Insubordination -** Employees shall follow lawful orders and carry out directives of persons with duly delegated authority. Employees shall resolve any differences with management in a constructive manner.

5. **Violation of Law or Agency Rules -** Employees shall abide by the law and applicable rules and policies and procedures, including those of the employing agency and the rules of the State Personnel System. All employees are subject to Part III of Chapter 112, F.S., governing standards of conduct, which agencies shall make available to employees. An agency may determine that an employee has violated the law even if the violation has not resulted in arrest or conviction. Employees shall abide by both criminal law, for example, drug laws, and the civil law, for example, laws prohibiting sexual harassment and employment discrimination.

6. **Conduct Unbecoming a Public Employee -** Employees shall conduct themselves, on and off the job, in a manner that will not bring discredit or embarrassment to the state.

a. Employees shall be courteous, considerate, respectful and prompt in advising and serving the public and co-workers.

b. Employees shall maintain high standards of honesty, integrity and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use, or attempt to use, their official position for personal gain or confidential information for personal advantage.

c. Employees shall protect state property from loss or abuse, and they shall use state property, equipment and personnel only in a manner beneficial to the agency.

7. **Misconduct -** Employees shall refrain from conduct which, though not illegal or inappropriate for a state employee generally, is inappropriate for a person in the employee’s particular position. For example, cowardice may be dishonorable in people generally, but it may be entirely unacceptable in law enforcement officers. By way of further example, people are generally free to relate to others, but it may be entirely unacceptable for certain employees to enter into certain relationships with others, such as correctional officers with inmates.

8. **Habitual Drug Use -** Agencies shall not tolerate violations of Florida’s Drug-Free Workplace Act, section 112.0455, F.S., or other misuse of mood or mind altering substances, including alcohol and prescription medications.

9. **Conviction of Any Crime -** Including a plea of nolo contendere and a plea of guilty with adjudication withheld.

## B. Disciplinary Actions

Each agency shall have primary authority and responsibility for managing the conduct of its employees. The agency may provide Career Service employees with counseling, warning or other notice of the need for corrective action before formal disciplinary action is administered. Discipline is the means by which the state gives formal notice to the employee of (1) specifically what he/she did wrong; (2) the rule or standard violated; (3) corrective action needed; and (4) what the employee can expect if the offense is committed again.

Disciplinary actions shall be taken in the most timely, judicious and consistent manner possible, providing fair treatment for employees while protecting the efficient operations of the State. The level of discipline imposed is best left to the discretion of each agency based on its unique mission, standards of performance, disciplinary standards, and individual circumstances.

Probationary employees and other employees exempt from the Career Service may be disciplined up to and including dismissal and need only be advised in writing of the action and the effective date. A Career Service employee who has not satisfactorily completed at least a one year probationary period in their current position may be disciplined at any time without the right to grieve the disciplinary action or appeal the action to PERC. Although probationary and exempt employees may not appeal a disciplinary action, it is the intent of the state to exercise as judicious and fair an approach in taking disciplinary action against a probationary or exempt employee as any other employee.

The types of disciplinary actions include but are not limited to:

1. **Oral Reprimand -** This is the least severe form of disciplinary action. Its purpose is to bring a specific problem to the attention of the employee thereby directing them to take corrective action.

Following consultation with the management designee, the supervisor shall meet with the employee privately to discuss the nature of the improper behavior or act, the specific work or conduct standard violated, and the corrective action necessary. The employee shall be advised that an oral reprimand is being issued and that similar behavior in the future may result in more severe disciplinary action.

The supervisor should confirm in writing that an oral reprimand was discussed with the employee, the date it took place, and a copy of such shall be placed in the employee’s official personnel file and a copy given to the employee by the immediate supervisor.

If the employee deems it appropriate, he or she may submit an explanation or response to be placed with the written record in the official personnel file

2. **Written Reprimand -** The written reprimand may or may not be preceded by an oral reprimand for unacceptable conduct. Its purpose is also to help an employee who violates a work standard or behaves improperly to recognize the deficiency and take corrective action.

This reprimand is in writing, normally in memorandum form. It shall cite the specific standard or rule that was violated, briefly describe the specific incident prompting the discipline, indicate the expected corrective action, and state that similar behavior in the future may result in more severe disciplinary action.

Following consultation with the delegated management designee, the supervisor shall meet with the employee privately and issue the written reprimand. The employee shall acknowledge receipt by signing and dating the written reprimand to be included in the employee’s official personnel file. Refusal of the employee to acknowledge receipt shall be noted on the reprimand. However, such refusal shall not invalidate the disciplinary action.

The employee may submit an explanation or response to be placed with the written reprimand in the official personnel file.

3. **Reduction in Pay, Demotion, Suspension and Dismissal -** These forms of discipline are severe and appealable to PERC.

A Career Service employee who has satisfactorily completed at least a one year probationary period in the current position and who is subject to a reduction in pay, demotion, suspension or dismissal shall receive written notice in accordance with section 110.227(5)(a), F.S.

Employees subject to such actions shall be advised of the right to appear before the agency or official taking the action to answer orally and in writing the charges against him or her at least 10 days prior to the date the action is to be taken. The notice of final action shall advise the employee of the right to appeal the action to PERC, or, in the alternative, if the employee’s position is covered by a collective bargaining agreement, the right to file a collective bargaining grievance.

In extraordinary situations such as when the retention of the employee would result in damage to state property, would be detrimental to the best interest of the state or would result in injury to the employee, a fellow employee or some other person, such employee may be suspended or dismissed without 10 days prior notice, provided that written or oral notice of such action, evidence of the reasons therefore, and an opportunity to rebut the charges are furnished to the employee prior to such suspension or dismissal in accordance with section 110.227(5)(b), F.S.

## C. Disciplinary Investigations

The methods of investigation and designation of investigators utilized to investigate complaints or charges of employee misconduct shall vary with the nature of the alleged offense and the needs of the agency to obtain information. In the event that sworn law enforcement personnel are under investigation, the rights provided under Part VI, Chapter 112, F.S., shall apply. In the event firefighter personnel are under investigation, the rights provided under section 112.82, F.S., shall apply. If an employee is in a position covered by a collective bargaining agreement, the employee may request that a union representative be present during any disciplinary investigation or investigatory meeting during which the employee is questioned relative to the alleged misconduct.

Any non-sworn employee who is under formal investigation for a violation of a rule or statute for which dismissal is a penalty may be temporarily assigned other duties if deemed advisable by the agency or may be placed on administrative leave if the employee’s absence from the work location is essential to the investigation in accordance with the provisions of Rule 60L-34.0071(3)(f), F.A.C.

**D. Grievance and Appeal Rights for Career Service Employees Who Have Satisfactorily Completed at Least a One Year Probationary Period in Their Current Position**

* 1. Oral reprimands may be grieved only through the Career Service Grievance Procedure.

2. Written reprimands may be grieved through the Career Service Grievance Procedure or to the level provided by the collective bargaining grievance procedure if the employee’s position is covered by a collective bargaining agreement.

3. Reductions in pay, demotions, suspensions and dismissals may be appealed to PERC or grieved pursuant to the collective bargaining grievance procedure if the employee’s position is covered by a collective bargaining agreement.

## E. Distribution

Each agency head will ensure that all employees of the agency have reasonable access to the standards of conduct and shall provide each current employee of the agency a written or an electronic copy of the standards of conduct. Each employee will be required to acknowledge receipt of the standards of conduct in writing and the dated receipt will be placed in the employee’s official personnel file. Each employee is responsible for reading and understanding the standards of conduct.

## F. Grievance and Appeal Rights for Selected Exempt Service, Senior Management Service

Employees in SES or SMS positions have no grievance or appeal rights regarding disciplinary actions.

**ACKNOWLEDGMENT OF RECEIPT**

I acknowledge receipt of the Department of \_\_\_\_\_\_\_ (**INSERT AGENCY NAME**) Employee Handbook. I accept my responsibility to read and understand this handbook, including the State Personnel System’s policy on discipline and standards of conduct. I understand the topics discussed in this handbook represent the general policies of the State Personnel System and that my employing agency may impose additional requirements, depending upon the nature of my position and the authority granted by the agency.

Employee Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Please print)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee Signature Date

**OATH OF LOYALTY**

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a citizen or authorized non-citizen of the State of Florida and of the United States of America, and being employed by or an officer of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and a recipient of public funds as such employee or officer, do hereby solemnly swear and affirm that I will support the Constitutions of the United States of America and the State of Florida.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

Sworn to and subscribed before me

this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_

20\_\_\_.

Personally known \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or produced identification

Type of Identification Produced \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 NOTARY

(SEAL)

*Please sign and return this acknowledgement to the agency human resources office.*

A publication of the

[Insert Agency name]