

# State Personnel System

## Department of Juvenile Justice

# EMPLOYEE HANDBOOK



**This Handbook is to be used in conjunction with the Department of Juvenile Justice policies and procedures and the SkillPro training modules.**

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## **Welcome Letter**

**Dear DJJ Employee:**

**Please use this Handbook as the first reference point during your service with Department of Juvenile Justice (DJJ). If specific questions or situations arise that you need assistance with, please talk with your supervisor or contact the Bureau of Human Resources at (850) 414-6239, or email to [HR Help Center](#). If any situation causes a conflict between the Handbook and a DJJ policy or State law, the latter shall prevail.**

## **Department of Juvenile Justice**

### **Vision, Mission Statement, Philosophy, and Guiding Principles**

#### **OUR VISION**

The children and families of Florida will live in safe, nurturing communities that provide for their needs, recognize their strengths and support their success.

#### **OUR MISSION**

To increase public safety by reducing juvenile delinquency through effective prevention, intervention and treatment services that strengthen families and turn around the lives of troubled youth.

#### **OUR PHILOSOPHY**

Build stronger, safer communities and healthy, positive relationships within families through collaboration with stakeholders.

Assess children's strengths, risks, and needs to determine services and treatments that are culturally sensitive, and do not restrict, intrude or harm.

Provide the help, encouragement, and support every child deserves, giving them hope and leading them towards success.

#### **GUIDING PRINCIPLES**

- ★ Prevention and education are paramount
- ★ Strengthen partnerships with judicial, legislative and community stakeholders
- ★ Promote public safety through effective intervention
- ★ Provide a safe and nurturing environment for our children
- ★ Preserve and restore physical and mental health

## **Agency Initiatives and Websites**

DJJ maintains an Intranet site, which is accessible by any DJJ employee from a DJJ computer. The information posted is for the benefit of keeping employees informed. One of the many ongoing initiatives of DJJ is the [Roadmap to System Excellence](#), which can be found on the agency's Internet site ([www.djj.state.fl.us](http://www.djj.state.fl.us)) as well. Information about the agency's legislative recommendations, its budget appropriations, and other policy initiatives also can be found in areas of both the Internet and Intranet. Employees are encouraged to check the DJJ Intranet and Internet sites on a regular basis.

DJJ partners with the [Florida Juvenile Justice Foundation](#), a non-profit 501(c) (3) organization, which is led by a volunteer Board of Directors from across the state. The Foundation is a charitable organization that seeks to support and enhance the mission of DJJ. Its website is [www.djj.state.fl.us/fjjf/foundation](http://www.djj.state.fl.us/fjjf/foundation) (accessible through the DJJ Intranet as well). DJJ staff support specific events of the Foundation throughout the year, and notifications and invitations are sent out. The mission of the Florida Juvenile Justice Foundation is "to solicit and steward private gifts to promote education and public safety through effective prevention, intervention, and treatment services that strengthen families and positively change the lives of troubled youth."

## 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 relating to your employment with DJJ. 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, DJJ 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 Bureau of Human Resources at (850) 414-6239, or email to [HR Help Center](#).

### **Disclaimer:**

If this handbook conflicts with [FDJJ policies](#) or laws, those policies or laws, and not this handbook, shall apply.

## Note

The Department of Juvenile Justice hires Other Personal Services (OPS) employees to help accomplish short-term tasks. OPS employees are temporary and not covered by the State Personnel System.

***If you are an OPS employee, please refer to the OPS General Information Sheet on the Department of Management Services - State Employee Website at: [http://dms.myflorida.com/human\\_resource\\_support/human\\_resource\\_management/for State employees](http://dms.myflorida.com/human_resource_support/human_resource_management/for_State_employees).***

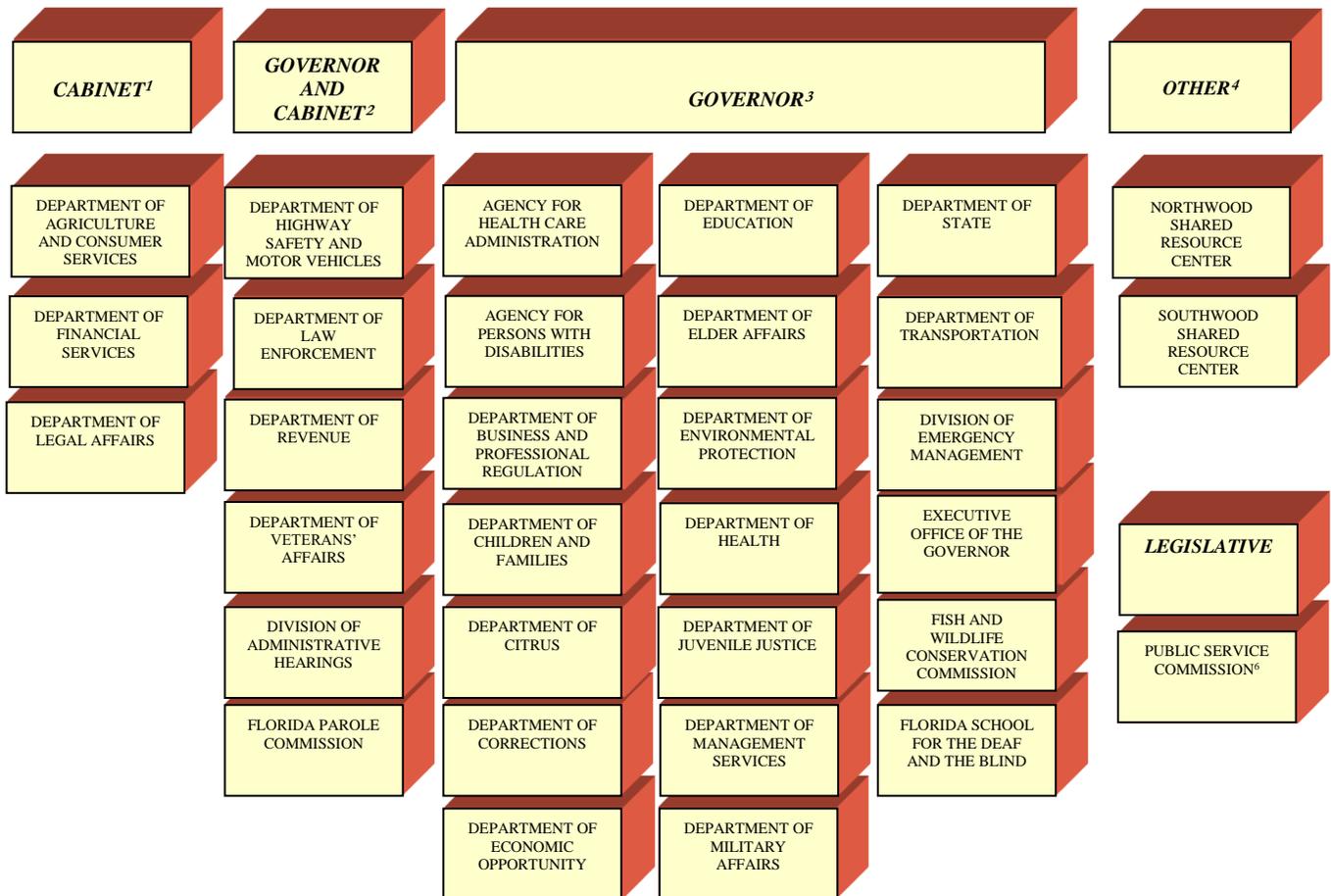
## State Personnel System Overview

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 State Personnel System governs the majority of these State government jobs.

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 statute; and
- The **Senior Management Service (SMS)** - upper management.

The following chart shows the ten entities (and one Legislative agency) that are part of the State Personnel System:



## **I. MAJOR EMPLOYMENT LAWS**

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

The ADA is the federal law, which prohibits discrimination against qualified candidates or employees with a disability. The Department shall make every reasonable effort to ensure all employees, candidates, and members of the general public are provided reasonable accommodations in accordance with the rules of the Americans with Disabilities Act and other related federal and state laws.

If you have questions or concerns about who is covered and whether you qualify for a special accommodation, contact the Agency ADA Administrator in the Bureau of Human Resources or email to the [HR Help Center](#).

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

EEO refers to several federal laws, regulations, and policies prohibiting discrimination in employment practices. The State of Florida complies with these laws by assuring each candidate and employee equal opportunities without regard to that person's race, color, sex, religion, age, creed, national origin, genetic information, marital status, or disability. Except as provided by law, DJJ assures equal opportunity in recruitment, examination, appointment, training, promotion, demotion, compensation, retention, discipline, separation, or other employment practices to any person who is a candidate or employee.

DJJ subscribes to and vigorously implements the requirements of Title VII of the Civil Rights Act of 1964, as amended; The Age Discrimination in Employment Act of 1967, as amended; The Equal Pay Act of 1963, as amended; The Rehabilitation Act of 1973, as amended; The Americans with Disabilities Act of 1990, as amended; The Florida Civil Rights Act of 1992, as amended, and other applicable employment laws.

Employees who feel they have been discriminated against should contact the department's [EEO Officer](#) at (850) 717-2654, or the Florida Commission on Human Relations (FCHR).

### **C. Florida Commission on Human Relations (FCHR)**

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. Section 760.05, Florida Statutes, states the “commission 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.”

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

#### **D. Fair Labor Standards Act (FLSA)**

The FLSA is the federal law requiring 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 employees” and to those not covered by the FLSA minimum wage and overtime provisions as “excluded employees.”

The 40-hour workweek is the work period (also called FLSA period) for most included employees. This 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 either 160 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 Special 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. For DJJ, unused credits will be paid twice a year, in January and in July.

Excluded employees are not eligible for overtime pay under the FLSA. However, under certain special circumstances, they may receive leave credits or straight-time pay, depending on the pay plan and level of their position. The work period for excluded

employees is always the same as their pay period. 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 the FLSA and whether your work period is the 40-hour workweek, or the same as your pay period, ask your supervisor.

For more information, refer to the Department's policy and procedures [FDJJ 1002.03, Attendance and Leave](#).

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

On November 21, 2009, the Genetic Information Nondiscrimination Act (GINA) took effect protecting 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 states employers, including labor unions and employment agencies, must adhere to strict guidelines regarding genetic information, and it is prohibited to retaliate against an individual for opposing acts made lawful by GINA. New GINA requirements apply to all private, state, and local government employers with 15 or more employees.

### **F. Veterans' Preference**

Chapter 295, Florida Statutes, sets forth the requirements for public employers to provide preferences in employment, retention, and promotion, to eligible veterans and spouses of veterans who are Florida residents.

An overview on veterans' preference by the Department of Veterans' Affairs can be found at: [http://www.floridavets.org/?page\\_id=62](http://www.floridavets.org/?page_id=62).

Additional information on veterans' preference is provided by the Department of Management Services at:

[https://www.dms.myflorida.com/content/download/130394/809960/2017-004\\_Administration\\_of\\_Veterans'\\_Preference\\_in\\_the\\_CareerService\\_02062017.pdf](https://www.dms.myflorida.com/content/download/130394/809960/2017-004_Administration_of_Veterans'_Preference_in_the_CareerService_02062017.pdf)

## II. PERSONNEL AND MEDICAL RECORDS

Your “official” personnel record is located in the Bureau of Human Resources – Headquarters in Tallahassee, Florida. This office completes all [employment verifications](#) and [public records requests](#) for current and former employees of DJJ, to include internships.

Personnel records are public records and are open to inspection and copying by anyone who desires access to these files, as provided in Chapter 119, Florida Statutes (Public Records Law). Exceptions to this law are the home addresses, telephone numbers, and photographs of **current or former** employees in certain positions that are sworn, certified or otherwise designated by the law. Additionally, any document revealing the identity, home or employment telephone numbers, addresses or personal assets of crime victims is also exempt from public record disclosure. Other exemptions include both the home and employment telephone numbers and addresses of employees who are the **spouse or child** of a current or former employee in a position that is sworn, certified, or otherwise designated by the law, as well as the name and location of the day care facility used by the children of such employees. For detailed information about who qualifies for an exemption to public record disclosures, please see Section 119.07, Florida Statutes, and other relevant statutes. If you believe you qualify for an exemption from the Public Records Law, please contact the [Bureau of Human Resources](#) to have your records properly flagged.

The social security numbers of all current and former employees are exempt from public records disclosure, as provided by both the Public Records Law of Florida and the federal regulations of the Social Security Administration.

Medical records are confidential and exempt from public records disclosure, as provided by the Public Records Law of Florida and the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Therefore, 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 only hires 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 only hires and promotes 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, Florida Statutes]

#### **A. Oath of Loyalty**

Florida law requires all employees to sign an Oath of Loyalty as a condition of employment. This oath, once signed, becomes a part of the employee's official personnel file. [Sections 110.201 and 876.05, Florida Statutes]

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

When any Career Service employee receives an original appointment, promotion or demotion or at any time moves between agencies, the employee will serve at least a one year probationary period, unless the demotion is to a position in which the employee previously held permanent status in the agency. Employees on probationary status are eligible for transfer and promotional consideration. [Section 110.213, Florida Statutes]

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', state and local, 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, Florida Statutes]

For more information, refer to the Department's policy and procedures [FDJJ 1900, Employee Code of Ethics and Statement of Personal Responsibility](#).

#### **D. Employee Relationships with Regulated Entities**

Florida Statutes and rules of the Florida Administrative Code (F.A.C.) require 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:

1. Make application for employment with a regulated entity; or
2. Receive an offer of employment or for a contractual relationship for compensation from a regulated entity; or
3. 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, Florida Statutes]

## **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 of any individual who is a relative of the public official.

“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, Florida Statutes]

For more information, refer to the Department’s policy and procedures [FDJJ 1003.06, Nepotism - Employment of Relatives](#).

## **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.

Before running for public office or taking active part in a political campaign, SES and SMS employees should first contact the [Bureau of Human Resources](#) for guidance regarding activities that may or may not be permitted, as determined by each agency head.

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. [Section 110.233, Florida Statutes]

## **G. Performance Management**

At a minimum, supervisors are required to evaluate employees' performance on an annual basis (June 30<sup>th</sup> of each year). It is recommended that supervisors provide meaningful feedback regarding their employee's performance throughout the evaluation period or at least on a quarterly 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 being part of the requirement(s) of their position. Supervisors are to set **specific, measurable, achievable, relevant, and time-bound** (SMART) expectations that align with the employee's official position description, the agency's mission and the Governor's priorities. Employees must acknowledge their performance expectations within 30 days of appointment. 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, and 110.605, Florida Statutes] For more information, please refer to the Department's policy and procedures [FDJJ 1002.05, Performance Management](#).

## **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 practical, before your last day on the job. It is recommended that a letter of resignation be submitted to your supervisor and you 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, uniforms, etc.) which the 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 agency 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 supplemental 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 Deferred Compensation Program, you will need to contact your investment provider(s) to ensure, 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. Layoff**

A layoff or workforce reduction occurs when DJJ deletes Career Service positions, either filled or vacant, due to budget reductions, program reductions resulting from legislative actions, outsourcing or privatization efforts, or program phase-outs. Workforce reductions are carried out in accordance with Rule 60L-33.004, F.A.C., and the terms of applicable collective bargaining agreements. Accordingly, DJJ has developed workforce transition plans to outline how we will implement a layoff and to ensure all reasonable efforts are made to assist adversely affected employees through the process. [Section 110.227, Florida Statutes]

### **J. Prison Rape Elimination Act (PREA)**

The Department does not hire, promote, or contract with anyone who, in accordance with the Prison Rape Elimination Act (PREA) (s. 115.317), has ever engaged in sexual abuse, assault, misconduct, or harassment in a prison, jail, lock-up, community confinement, facility, juvenile facility, or other institution.

### **K. E-VERIFY (Employment Eligibility)**

Federal Law requires employers to employ only those individuals eligible to work in the United States; and the U.S. Department of Homeland Security's E-VERIFY system

allows employers to quickly verify employee eligibility in an efficient and cost-effective manner.

#### **L. Selective Service**

Individuals required to register with the Military Selective Service are males between eighteen (18) and twenty-six (26) years of age (born January 1, 1960 or later, as required by federal law; born on or after October 1, 1962, as a condition of state employment) who are either citizens of the United States or aliens (including parolees and refugees and those who are lawfully admitted to the United States for permanent resident and for asylum) residing in the United States; and who are or were required to register under the Military Selective Service Act. Registration is a precondition for state employment.

Section 110.1128, Florida Statutes, prohibits the employment of any person who was required to register with the Selective Service System under the U.S. Military Selective Service Act, but failed to do so. Additionally, if currently employed by the State, this law prohibits the promotion of such individuals or the subsequent re-hire, once they have separated from the State without proof of registration or proof of an exemption from this requirement.

### **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, applicable payment plan documents and applicable DJJ policies and procedures. If any information in this handbook conflicts with the Florida Statutes, rules, federal codes, official payment plan documents or applicable DJJ policies and procedures, 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 elected in lieu of cash, such employees may instead be credited FLSA Special Compensatory Leave subject to the following:

1. For every excess hour worked, employees are credited one and one-half hours of FLSA special compensatory leave;
2. FLSA special 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; employees are required to **use accrued FLSA leave before any annual leave usage.**
3. FLSA Special Compensatory Leave credits not used as of June 30 and December 31 each year are paid at the employees' straight time regular rate of pay; and
4. Unused FLSA Special Compensatory Leave credits are paid at the time of separation from a Career Service position or State employment.

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 may not be paid upon separation from DJJ and will NOT be transferred to another agency unless the employee moves from a Career Service position to a SES position; and
4. Regular Compensatory Leave Credits have no cash value, unless they are earned as a result of work that is directly related to an approved

extraordinary event, as determined by the Agency Head or designee and is contingent upon the availability of funds.

Any 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 (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 not prohibited by law.

Career Service employees may receive a “salary additive” to their base rate of pay under certain circumstances, as described below, in accordance with Rule 60L-32 F.A.C. and DJJ Delegation of Pay Authority:

1. *Shift Differential Additive* – Applies to employees filling Nursing classes and those justified by competitive labor practices.
2. *On-Call Additive* – An employee filling a position covered by a current collective bargaining agreement and who meets the requirements of Article 24, on-call assignment and call back, shall receive an on-call fee in accordance with the provisions of the applicable agreement and must be documented on the approved position description.
3. *Hazardous Duty Additive* – May be recommended for specific positions when it can be demonstrated that such position is regularly required to perform duties and responsibilities that are exceptionally hazardous or dangerous. Such duties and responsibilities shall not be customarily associated with all positions in the broadband level. This additive may be recommended in an amount of up to five percent (5%) of the employee’s base rate of pay.
4. *Leadworker Additive* – This additive may be recommended for individuals with sufficient knowledge and experience to lead others when assigned such responsibilities on a continuing basis. The leadership does not include evaluating others’ performance or administering disciplinary

actions, and it does not justify reclassification. This additive may only be approved after a classification action has been taken to designate the position as leadworker, and the employee's official position description has been approved to reflect that the employee performs leadworker duties over at least two other employees in the same or lower pay grade. This additive may be in an amount of up to five percent of the employee's base rate of pay.

5. *Temporary Special Duty – Absent Co-Worker* – This additive is only granted to a career service employee when the employee performs the duties of another employee who is on Family Medical Leave (FMLA) or military leave.
6. *Temporary Duty – General* – This additive is granted to a Career Service employee when the employee performs the duties of another employee for any other reason or a special time limited project.
7. *Trainer Additive* – This additive may be recommended when an employee is assigned the responsibility to provide on-the-job training to other employees as part of the Department's (DJJ) formalized training program approved by the Chief of Human Resources; provided that such training is not part of the customarily assigned duties of the position. This additive may be recommended in an amount of up to five percent of the employee's base rate of pay.
8. *Competitive Area Differential (CAD) Additive* – This additive is approved by the Department of Management Services (DMS). Employees filling positions approved for a CAD shall receive the salary additive.
9. *Critical Market Pay Additive* – This additive is approved by the Department of Management Services (DMS). This additive is justified when pay for a position is substantially below the prevailing market rate, resulting in hiring and retention difficulties. In considering requests for this additive, the Department shall conduct all relevant analyses to determine the need for a pay adjustment for the position. An agency requesting this additive shall assist DMS in any analyses the agency requests.

Salary additives will be discontinued once the qualifying condition no longer exists. 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 CS, SES, SMS, or OPS position, an employee must:

1. Complete a Dual Employment and Compensation Request form; Inside State Government, and
2. Obtain agency approval prior to engaging in any secondary employment with another State agency.
3. Update the request each fiscal year.

For more information and form, refer to Department policy and procedure [FDJJ 1002.07, Dual Employment Procedures](#), or contact the Bureau of Human Resources. [Section 216.262, Florida Statutes] Dual Employment forms are also available electronically through the Department’s [Forms Library](#).

### **D. Dual Employment Outside State Government**

To ensure additional employment outside State government does not conflict with the Code of Ethics identified in Chapter 112, Florida Statutes, DJJ requires an employee to obtain approval prior to holding additional outside employment. To request approval, an employee must:

1. Complete a Dual Employment, Authorization Request Outside State Government form.
2. Obtain approval prior to engaging in the additional outside State employment.
3. Update the request each fiscal year.

For more information and the form, refer to Department policy and procedure [FDJJ 1002.08, Dual Employment Procedures](#), or contact the Bureau of Human Resources. (Section 216.262, Florida Statutes) Dual Employment forms are also available electronically through the Department’s [Forms Library](#).

## 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 payment plan documents are the final authority.

Active employees, including OPS who work an average of 30 hours per week over a 12-month period, 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, and accident and disability. Employee premium contributions for these plans may be deducted on a pre-tax basis, unless post-tax is requested by the employee. Additional tax-saving benefits available to active employees include the Medical (excluding OPS) and Dependent Care Reimbursement Accounts and Health Savings Account (if enrolled in the Health Investor Health Plan).

Newly hired employees wishing to participate in any of the benefit plans/programs 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. The most common QSCs are marriage, divorce, death, adoption, birth, moving out of a Health Maintenance Organization (HMO service area and dependent's/spouse's loss of coverage. New benefit elections must be made within 31 days of the QSC. Supporting documentation is required and must be submitted within 60 days. Current employees may only change benefit elections during the annual open enrollment period, or if they experience a QSC event.

For additional information concerning program options or enrollment and eligibility, visit [www.Myflorida.com/MyBenefits](http://www.Myflorida.com/MyBenefits) 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 or contact the DJJ benefits coordinator in the Bureau of Human Resources or email to [HR Benefits](#).

## **A. Health Insurance**

The State of Florida offers all eligible 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 Health Investor Health Plan (High Deductible) with a Health Savings Account option, or, where available, an HMO Standard plan or an HMO Health Investor Health Plan, with 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 nationwide, while HMO options are available only to employees who live or work in a participating HMO service area.

Full-time employee premium contributions vary by enrollment tier (Individual vs. Family), and plan option (PPO and HMO Standard Plan vs. PPO and HMO Health Investor Health Plan). The State of Florida contributes the major portion of a full-time Career Service employee's premium for these health plans. Employee premium contributions required for part-time employees are higher and depend on the percentage of their full-time equivalent employment status. Health insurance premiums are payroll deducted on a biweekly basis. Two biweekly deductions are 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. SES and SMS employees receive health insurance coverage at a reduced premium cost to the employee.

Two Career Service or eligible OPS 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.

Children of state employees (including OPS) may be eligible for subsidized Florida KidCare coverage, provided you meet all of the Florida KidCare eligibility requirements. Please visit [www.healthykids.org](http://www.healthykids.org) to see the premium payment options and to complete and submit an application. You may contact People First by calling (866) 663-4735 or the Bureau of Human Resources at (850) 414-6239 or email to [HR Benefits](#).

## **B. Life Insurance**

The State of Florida offers all eligible employees, (full and part-time Career Service, SES, and SMS) term life insurance, including an accidental death and dismemberment benefit.

A free Basic Life benefit of \$25,000 is available to all full-time employees (part-time employees pay prorated premiums based on their FTE). Enrollment for full-time new hires is automatic (part-time employees must elect to enroll).

The basic and optional life insurance coverage includes an additional benefit for accidental death and dismemberment coverage.

The basic life insurance coverage includes an additional benefit for accidental death and dismemberment coverage.

Any state employee participating in the State Group Life Insurance Program may elect to participate in the Optional Group Life Insurance Plan. The Optional Group Life Insurance Plan is a salary-multiple life insurance plan; employees can purchase additional term life insurance – from 1 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.

The Accelerated Death Benefit, or “living benefit option,” 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 will be paid to the named beneficiaries.

Eligible OPS employees can participate in the State Group Life Insurance Program. They must actively enroll and pay the monthly required premium; coverage is effective the first of the month following a full payroll deduction. OPS employees cannot enroll in the Optional Group Life Insurance Plan.

If life insurance coverage is discontinued due to termination of employment with the state, retirement or an employee becoming ineligible for coverage, the employee has the option of converting some or all of the life insurance to an individual contract. Call Securian at (888) 826-2756 or visit [www.lifebenefits.com/florida](http://www.lifebenefits.com/florida) for more information.

## **C. Supplemental Insurance**

The State of Florida offers all eligible 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 and cancer/intensive care insurance, and accident and accident/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 all eligible employees the opportunity to participate in the Flexible Spending Accounts (FSA) Program where a portion of income may be set aside to pay for non-reimbursed and eligible health and dependent care expenses through “medical reimbursement accounts” and “dependent care reimbursement accounts.” 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.

Sections 125 and 129, Internal Revenue Code and Chapter 60P, F.A.C., govern administration of this program. Unless the participant experiences a Qualifying Status Change (QSC) event, federal and state laws do not allow any change in the amount deducted from the paycheck during the year, and any unused balance in the account after April 15<sup>th</sup> of the following 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.

#### **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. Employees must pay the full premium amount and an administrative fee.

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

Retired state employees and officers, as defined in Section 110.123(2) (g), Florida Statutes, 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 other health plans (for example, dental coverage) under the provisions of COBRA. Retirees also may continue the full amount of their active employee basic life coverage and/or optional life coverage by requesting conversion of the policy to an individual policy within 31 days after active employment terminates.

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

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

The surviving spouse may 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. Child Care (State–Sponsored Program)**

The state Employee Child Care Program provides for work-site child care centers to be located in state-owned space or in privately-owned buildings leased by the State. State-sponsored centers are open to all eligible state employees with the sponsoring agency having first priority for enrollment. The sponsoring agency covers most of the cost of the physical facility (space, utilities, and maintenance) and may cover other operating costs of the center. The contracted service provider covers the cost of the service (staff, food, supplies, insurance, etc.) by charging the parents monthly fees, which are deducted from the employee’s paycheck. Factors such as population, need,

space, funding, and community impact are used as criteria in reviewing requests from state agencies to established centers.

Currently, the State has two child care centers in operation: Ina Thompson Child Care Center in Tallahassee and Highways to Tomorrow in Bartow. [Section 110.151, Florida Statutes] Contact the Bureau of Human Resources for more information.

## **B. Deferred Compensation**

The State of Florida has established a Deferred Compensation Plan to allow employees to set aside a portion of their salaries (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).

## **C. Direct Deposit**

Effective January 1, 2002, Florida law requires, with the exception of OPS employees, all State employees have their paychecks directly deposited to their financial institutions 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 sign up for Direct Deposit within the first 30 days of employment. Employees can sign up for Direct Deposit through the People First system or by completing the [Direct Deposit Authorization form](#) and submitting it to the Department of Financial Services (DFS). [Section 110.113, Florida Statutes]

## **D. Florida State Employees' Charitable Campaign (FSECC)**

The FSECC is an annual organized event during which employees can donate to eligible charities of their choice, either through payroll deduction or a one-time gift. 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 and participation in any FSECC fundraising event are entirely voluntary.

### **E. 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 Bureau of Human Resources. [Section 110.1245, Florida Statutes]

### **F. Telework Program**

Telework is a work arrangement whereby employees in eligible positions (including OPS) are allowed to perform the normal duties and responsibilities of their positions through the use of computers or other technology, at home or another place apart from the employees' official 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 eligible for telework. Employees interested in teleworking should follow the Department's [FDJJ 1025, Telework](#) procedures.

For more information, please refer to Department's policy and procedures [FDJJ 1025, Telework](#). [Section 110.171, Florida Statutes]

### **G. Reemployment Assistance**

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 their website at:

<http://www.floridajobs.org/job-seekers-community-services/reemployment-assistance-center/file-a-claim-with-connect>

Employees in the Senior Management Service are not eligible for Reemployment Assistance pursuant to Section 443.1216 (4)(c)(4), F.S.

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

An agency may authorize a variety of miscellaneous payroll deductions. Contact the [Bureau of Human Resources](#) for information on authorized deductions.

**There are a number of miscellaneous insurance plans available through payroll deduction; however, the State does not contribute to the premium. Please email to [HR Benefits](#) in the Bureau of Human Resources for a complete listing.**

## **VII. RETIREMENT**

All new Career Service, SES, and SMS employees are automatically enrolled in the State-sponsored Florida Retirement System (FRS). The FRS is a single retirement system consisting of two primary retirement plans and other nonintegrated programs administered under Chapter 121, Florida Statutes. 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 both primary plans participate in the following membership classes: Regular, Special Risk, Special Risk Administrative Support, SMS, and Elected Officers. 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 requires a 3% employee contribution in addition to employer contributions. A new employee has a choice to participate in the FRS Pension Plan or the FRS Investment Plan.

Beginning January 1, 2018, if an employee fails to make an active election within the 8-month choice window, they will be enrolled in the Investment Plan by default. An employee will have only one opportunity in their career to switch FRS plans. This is known as the 2<sup>nd</sup> Election. The 2<sup>nd</sup> Election is irrevocable. Employees must remain in the plan they choose until FRS employment ends or they retire.

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, if hired prior to July 1, 2017. The SMS Optional Annuity Program is closed to SMS employees hired on or after July 1, 2017.

#### **A. FRS Pension Plan**

Employees who choose to participate in the defined benefit plan known as the FRS Pension Plan are vested (have the right to collect retirement benefits) after a minimum of eight years of creditable service (employees with creditable service prior to July 1, 2011, are vested with six years of service, “normal” retirement at age 62 or any age with 30 years of service). For employees in the Regular Class, SMS Class, and Elected Officers’ Class, “normal” retirement age is 65 years, or any age if the employee has a minimum of 33 years of creditable service. For employees in the Special Risk Class and the Special Risk Administrative Support Class, normal retirement age is 55 years, or any age if the employee has a minimum of 25 years of special risk creditable service. “Early” retirement is available, if an employee in any of the FRS Pension Plan membership classes desires to retire after vesting but before reaching their normal retirement age (or combination of age/years of service). Early retirement benefits are reduced by five percent (prorated monthly) for every year under age 65 at retirement (or age 55 for employees in the Special Risk Class). The amount of the retirement benefit depends on the employee’s age, total years of creditable service, and best eight years (five years prior to July 1, 2011) of earnings (averaged) at the time of retirement. It is

paid in the form of a monthly benefit for the employee's lifetime and benefits are increased by a cost-of-living adjustment, based on your years of service prior to July 1, 2011, each year after retirement. The FRS Pension Plan also contains provisions that allow employees to elect a reduced monthly benefit in exchange for guaranteeing a continuing benefit to their surviving spouse or other dependent. Other features are as follows:

**1. Disability Retirement**

Regular Disability benefits are provided if an employee has completed eight years of service and is permanently and totally disabled from all employment. However, if the permanent disability occurred as a result of duties required by the job, the employee may receive In-Line-of-Duty Disability benefits, which does not require any minimum amount of service (coverage begins with the first day of employment).

**2. Survivor Benefits**

Regular survivor benefits are provided to the employee's eligible beneficiary if the employee has completed at least eight years of service (six years of service prior to July 1, 2011). The employee's spouse or dependent children are eligible for In-Line-of-Duty survivor benefits beginning with the first day of employment should an employee's death occur as a result of duties required by the job.

**3. Deferred Retirement Option Program (DROP)**

The DROP is available to an employee who is eligible for normal retirement benefits, based on either age or years of service. DROP participation allows an employee to retire and defer termination and receipt of retirement benefits while continuing employment for up to five years or 60 months. The deferred monthly retirement benefits accrue in the FRS Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation. Upon termination of employment, the employee receives the total accumulated retirement benefits plus interest and begins to receive his or her previously determined monthly retirement benefit that has been increased by cost-of-living adjustments.

For additional information concerning retirement options and benefits under the FRS Pension Plan, visit the Division of Retirement's website at [http://dms.myflorida.com/human\\_resource\\_support/retirement](http://dms.myflorida.com/human_resource_support/retirement) or contact the division at (850) 907-6500, or toll-free at 1-844-377-1888, or email the DJJ retirement coordinator in the Bureau of Human Resources at [HR Benefits](#).

## **B. FRS Investment Plan**

Employees who choose to participate in the FRS Investment Plan are vested (have the right to collect retirement benefits) after one year of creditable service regardless of the membership class in which they participate. The employee has a retirement account established in his or her name with the employer contribution being directed to the employee's retirement account. The employee has the responsibility of selecting how these contributions are invested within an approved set of investment choices available under the plan. The employee's retirement benefit at retirement is based upon the value of the employee's account. The employee may choose from a variety of payment options including a rollover to an eligible retirement plan, a lump sum withdrawal, or various forms of periodic payments. If an employee terminates before becoming vested, his or her account balance is held in a suspense account for up to five years. If the employee does not return to FRS-covered employment within five years, these non-vested funds are forfeited.

Regular disability benefits are provided if an employee has completed eight years of service and is permanently and totally disabled from all employment. The employee is covered for In-Line-of-Duty Disability beginning with the first day of employment should a permanent disability occur as a result of duties required by the job. An employee retiring under the disability provisions of the FRS Investment Plan must surrender his or her account value at retirement and become a retiree under the FRS Pension Plan. An employee may choose to retain his or her account balance in lieu of receiving disability benefits.

The survivor benefit provided under this plan is the payment of the account balance to the employee's beneficiary. Investment plan members may not participate in DROP.

The Florida State Board of Administration administers the FRS Investment Plan. For additional information about your FRS Investment Plan benefits visit [www.myfrs.com](http://www.myfrs.com) or

call the toll-free help line at (866) 446-9377 or contact the DJJ retirement coordinator in the Bureau of Human Resources.

### **C. Senior Management Service Optional Annuity Program (Applies to new members hired on or before July 1, 2017)**

SMS employees and certain other designated employees may elect to participate in the SMS Optional Annuity Program, a defined contribution plan that provides for immediate vesting of all employer contributions with no minimum years of service or age requirements, instead of the SMS Class of the FRS. The employee has a retirement account established in his or her name with the employer contribution being directed to the employee's retirement account. The employee has the responsibility of selecting how these contributions are invested within an approved set of investment choices available under the plan. The employee's retirement benefit is based upon the value of the employee's account. The employee may choose from a variety of payment options including a rollover to an eligible retirement plan or a monthly annuity.

For additional information concerning retirement benefits under the SMS Optional Annuity Program, contact the People First Service Center or visit the Division of Retirement's website at [http://dms.myflorida.com/human\\_resource\\_support/retirement](http://dms.myflorida.com/human_resource_support/retirement) or the DJJ retirement coordinator in the Bureau of Human Resources.

### **D. Retiree Health Insurance Subsidy Program**

An employee who retires under either the FRS Pension Plan or the FRS Investment Plan may be eligible to receive a monthly benefit in addition to his or her retirement benefit. The employee must apply and be approved to receive a Health Insurance Subsidy (HIS) Program payment. The HIS payment is based upon the employee's total FRS service credit at retirement.

To qualify, an employee must provide proof of health insurance coverage. For additional information concerning HIS payments, visit the Division of Retirement's website at [http://dms.myflorida.com/human\\_resource\\_support/retirement](http://dms.myflorida.com/human_resource_support/retirement) or contact the division by telephone at (850) 907-6500; or email the DJJ retirement coordinator in the Bureau of Human Resources at [HR Benefits](#).

### **E. 401(a) FICA Alternative Plan for Other Personal Services (OPS) Employees**

The State Personnel System sponsors a qualified retirement plan for temporary or seasonal OPS employees, whether full-time or part-time. This is a mandatory plan that meets all federal requirements to be an alternative to Social Security coverage while in OPS employment. Unless the OPS employee meets the criteria for exemption from participation, they will be automatically enrolled upon hire.

For additional information, visit: <https://opsfl.valic.com/home> or by calling 1-800-448-2542.

## **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 subject to disciplinary action, up to and including dismissal.

For more information, please refer to the Department's policy and procedures [FDJJ 1002.03, Attendance and Leave](#).

### **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. Management recognizes 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 [Bureau of Human Resources](#) for more information regarding flexible schedules.

### **C. Breaks and Lunch Periods**

When workload permits, two rest breaks of 15 minutes may be taken during an eight-hour 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. Work breaks are considered time worked, and employees and supervisors must ensure this privilege is not abused and does not interfere with established work schedules.

Lunch Periods, for employees working standard business hours, should be taken between the hours of 11:30 am and 2:00 pm. The supervisor should approve any lunch period outside of this time frame, in advance.

The Nursing Mothers Provision of the Federal Patient Protection and Affordable Care Act of 2010 requires employers to grant “reasonable” break times for nursing mothers to express breast milk and provide a location, other than a bathroom, shielded from view and free from intrusion. For more information, please refer to the Department’s policy and procedures [FDJJ 1002.03, Attendance and Leave](#).

### **D. Smoking**

Smoking and/or the use of electronic cigarettes is limited to official work breaks, lunch periods and other non-work time. Individuals working in or visiting the Department buildings or other space occupied by the Department are entitled to an environment that is free of tobacco smoke. Smoking and/or the use of electronic cigarettes is not allowed in any DJJ building or vehicle owned, leased, or wholly occupied by the Department. There are designated smoking areas outside most DJJ buildings and are identified by the presence of tobacco waste receptacles. All staff smoking or using electronic cigarettes must be at least, 50 feet away from all door entrances. Any employee who violates this policy will be subject to disciplinary action, up to and including dismissal.

### **E. 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 termination.

At the end of the workweek or 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 via the People First System.

## **F. Holidays**

The following are State paid holidays, as provided by Section 110.117, Florida Statutes:

- New Year's Day – January 1
- Martin Luther King Jr.'s Birthday – 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 an 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:  
$$\frac{\text{Eight hours} \times \text{Number of Hours Worked Per Week}}{\text{Forty Hours}} = \text{Hours of Credit for the Holiday}$$

### **G. 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 annual, holiday special compensatory leave credits and/or special compensatory leave credits, based on agency needs. However, such usage requirement must be in accordance with any collective bargaining agreement. Supervisors shall require employees 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. 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 (.25) 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 upon transfer from another State agency, provided the transfer occurs within a 31-day period from the date of separation from the previous agency.

## H. 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.

### 1. Career Service:

Full-time employees earn annual leave as follows:

Creditable Service	Hours Earned	
	Biweekly	Monthly
Up to five years (through 60 months)	4	8.667
Five to 10 years (61 through 120 months)	5	10.833
Over 10 years (Over 120 months)	6	13

Part-time employees earn credits proportionate to time worked during the pay period.

All previous State government creditable service may be counted immediately upon employment for the purpose of determining eligibility to earn higher annual leave credits.

Annual leave is credited to an employee's balance at the close of business on the last day of the pay period or, in the case of separation, the last day on the payroll. Annual leave is not available for use prior to being credited. These credits are earned on a pro-rated basis for employees who work less than a full pay period due to initial employment, separation or leave of absence without pay.

Employees may carry annual leave balances over 240 hours during the calendar year. However, at the close of business on December 31 of each calendar year, annual leave hours in excess of 360 hours will be converted to sick leave on an hour-for-hour basis.

Employees with permanent status may request to be paid up to 24 hours of unused annual leave as provided in Section 110.219(7), Florida Statutes. This optional annual leave payment is counted toward the employee's 240-hour lifetime payment cap. This optional payout is offered each December **subject to availability** of funds and the employee's eligibility.

## **2. Selected Exempt and Senior Management Service:**

Employees are granted a lump sum accrual of 176 hours of annual leave upon appointment and on each anniversary date of their appointment. The current year's annual leave accrual is prorated upon separation from the pay plan or retirement. The maximum payment for unused annual leave credits upon separation or retirement is 480 hours.

Exempt employees may carry over 480 hours of annual leave from anniversary date to anniversary date; however, credits in excess of 480 hours at the close of business on the day prior to the anniversary date will be converted to sick leave credits on an hour-for-hour basis. Leave credits may be transferred, subject to the provisions of the receiving agency.

### **I. Sick Leave**

Employees must receive prior approval to use sick leave if a medical appointment is necessary during work hours. Sick leave may be used for the following reasons:

1. Personal illness (including maternity-related disability), injury or exposure to a contagious disease which would endanger others; or
2. Personal appointments with a doctor, dentist or other recognized medical practitioner; or
3. Illness, injury or well care checkups of the following family members when the employee's presence is necessary: employee's spouse, children or parents of the employee or spouse, stepchildren, stepparents, a person for whom the employee or spouse has a "caretaker" responsibility.

After three workdays or partial workdays of absence in any 30-calendar day period, the supervisor may require medical certification before approving additional sick leave. After 10 consecutive days of absence in any 30-calendar day period, employees shall submit medical certification to the supervisor from the attending physician. Medical certification must indicate that the employee is unable to perform regularly assigned duties for additional sick leave to be approved. Medical certification may be required for each additional 30 consecutive days of absence.

**1. Career Service:**

All full-time Career Service employees earn sick leave at a rate of four hours each biweekly period. Part-time employees earn credits proportionate to time worked.

Sick leave is credited to an employee's balance at the close of business on the last day of the pay period or, in the case of separation, the last day on the payroll and is not available for use prior to being credited. There is no limit to the number of hours of sick leave that may be accrued.

Sick leave credits are earned on a pro-rated basis for employees who work less than a full pay period due to initial employment, separation or leave of absence without pay.

**2. Selected Exempt and Senior Management Service:**

Employees are granted a lump sum accrual of sick leave credits in the amount of 104 hours upon appointment and on each anniversary date of the appointment. There is no limit in the number of hours of sick leave that an exempt employee may accrue.

**J. Sick Leave Transfer/Donation Plan**

Eligible employees (excluding OPS) submitting all the appropriate paperwork, may receive donated sick leave from eligible donors from the agency and other participating State agencies, upon exhausting all annual, sick, special and regular compensatory leave and have been out sick a minimum of five (5) consecutive workdays. Employees **may not** use sick leave donations in conjunction with workers' compensation absences. For more information, please refer to the Department's policy and procedures [FDJJ 1002.13, Sick Leave Transfer/Donation](#).

**K. Leave Payment Upon Separation from Service\***

**1. Criteria for payment of annual leave credits upon separation:**

- a. Career Service – The employee must have completed at least 12 months of continuous service. Payment cannot exceed a lifetime cap of 240 hours and will be paid at the employee's current rate of pay. In the event of death, there is no cap and all unused annual

leave will be paid to the employee's beneficiary, estate or as provided by law.

- b. Selected Exempt Service and Senior Management Service – There is no minimum service requirement, but the current year's leave accrual will be prorated. Payment cannot exceed 480 hours (per payment). In the event of death, there is no cap and all unused annual leave will be paid to the employee's beneficiary, estate or as provided by law.

**2. Criteria for payment of sick leave credits upon separation (For Career Service, SES, and SMS):**

- a. Must have completed 10 or more years of creditable State service.
- b. Must separate from State government employment for reasons other than disability retirement.
- c. Payment is made at the employee's current hourly regular rate of pay for one-fourth of all unused sick leave accrued on or after October 1, 1973, or one-eighth of any unused sick leave credits accrued before October 1, 1973; not to exceed 480 hours.

**3. Regular Compensatory Leave:**

- a. Regular Compensatory Leave Credits shall not transfer to another agency or pay plan. Unused credits shall be forfeited upon separation from the agency or change in pay plan.
- b. If an employee is laid-off, the department shall hold the credits in abeyance and, if the employee is reemployed within one year following the layoff, shall credit them to the employee upon reemployment.

**4. Special Compensatory Leave:**

- a. Special Compensatory Leave Credits shall not be transferred from the agency where the credits were earned or are currently maintained to another agency or pay plan.
- b. Any unused payable Special Compensatory Leave Credits existing when an employee separates from the department, or moves to another agency or pay plan, shall

be paid at the employee's current regular hourly rate of pay. All other credits shall be forfeited.

**\*There is a waiting period of 31 days before the payment of unused annual leave, sick leave and special compensatory leave is processed for payment.**

#### **L. 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 workweek or pay period.

Prior approval by the supervisor is required. Examples of the types of Administrative Leave and how it may be used are listed below:

- Jury Duty (documentation required)
- Subpoenaed Court Appearance for non-personal litigation (documentation required)
- Voting (up to one hour)
- 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)
- Formal agency investigation for violation of a rule or statute, for which dismissal is a penalty (documentation required)
- Athletic Competition for World, Pan Am or Olympic level sports (documentation required)
- Visitation to Child's School or Day care/Parent Teacher Conferences (one hour a month)
- Death in Immediate Family (two days – not to exceed 16 hours) for death of spouse, children, parents, grandparents, stepparents, stepchildren, brothers, sisters, and grandchildren of the employee or spouse.
- Governor's Mentoring Initiative (one hour of administrative leave per week, during normal working hours, not to exceed five hours per calendar month, to participate in school or community volunteer activities)
- Office Closures (as authorized by the Governor or agency head)

- Interviews and Examinations for State Personnel System Vacancies (up to two hours)
- Day of Entrance Examination for Military Service (documentation required)
- Administrative leave due to a formal investigation must be approved by the appropriate Office of General Counsel Personnel Attorney prior to being granted (documentation required)

### **M. Workers' Compensation**

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

All employees of the State of Florida are covered under the DRM workers' compensation program from their first day on the job. That included full-time, part-time, and temporary employees whether they are career service, selected exempt or senior management employees. Volunteers, interns, and youth injured while performing community service in a DJJ facility are provided medical care through DJJ's workers' compensation insurance coverage.

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 involving an injury or illness that appears to be job related need to be reported to AmeriSys at 1-800-455-2079. This service is available 24 hours a day, seven days a week, 365 days a year. Please remember:

- Report promptly any work-related injury or illness to the supervisor.
- Do not go to your personal physician.
- Supervisors have the responsibility to call all injuries or illnesses to AmeriSys (even if medical attention is refused by the employee).

The supervisor or employee should notify the Bureau of Human Resources of all periods of disability due to an on-the-job injury or illness. For employees who suffer a documented on-the-job injury/illness, disability leave (leave with pay) is provided as follows:

1. To cover the initial 40 hours of absence needed to obtain medical treatment/therapy or to recuperate from the injury/illness use code 0065

(disability leave) on the timesheet. OPS employees are not eligible to use code 0065.

2. 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 workers' compensation medical provider and the initial 40 hours have been exhausted, use code 0065 on the timesheet. The comments section should be noted for tracking purposes.

For more information, refer to the Department's policy and procedure [FDJJ 1004.04, Work-Related Injuries/Workers' Compensation/ Alternate Duty](#) or email the DJJ Workers' Compensation Coordinator located in the Bureau of Human Resources at [HR Workers' Compensation](#).

#### **N. Family and Medical Leave Act of 1993**

The Family and Medical Leave Act of 1993 (FMLA) is a federal law that allows employees to take up to 12 workweeks of unpaid (unless accrued leave is used), job-protected leave within in a 12-month period. To be eligible for FMLA, employees must have been employed by the State for at least 12 months. They must also have worked for at least 1,250 hours during the 12-month period immediately before the start of their leave. FMLA may be granted for one of the following reasons (FMLA-qualifying events):

1. Birth of the employee's child and to care for the newborn child;
2. Placement of a child with the employee for adoption or foster care;
3. Employee is needed to care for a family member (child, spouse or parent) with a serious health condition. Child must be under the age of 18 or incapable to care for self;
4. Employee's own serious health condition makes the employee unable to perform the functions of his/her job;
5. Military caregiver leave – to care for a covered military service member's serious illness or injury (may use up to 26-weeks during a single 12-month period); or,
6. Qualifying exigency – to take care of pressing or urgent situations due to a covered family member called to active duty status in the National Guard or Reserves or notified of impending call to order.

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 may need 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.

In certain circumstances, the agency may determine that the medical absence is qualified for FMLA. In such cases, the agency will notify the employee that FMLA is being applied.

During any period an employee is on FMLA leave, the employee's State of Florida group health insurance benefits and State-approved life insurance or supplemental insurance plans will continue under the same terms and conditions as if the employee had been continuously working during the FMLA leave period, provided the employee makes all required premium payments to continue coverage.

If the employee elects not to use accrued annual leave to cover any part of an FMLA 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 payroll deductions with the [DJJ Benefits Coordinator](#), located in the Bureau of Human Resources to ensure continuation of State-administered health care coverage, where necessary.

Premium payment by personal check or money order should be made payable to the Division of State Group Insurance (DSGI) and mailed to the People First Service Center at the following address:

People First Service Center  
PO Box 863477  
Orlando, Florida 32886-3477  
1-866-663-4735

Consult with the [Bureau of Human Resources](#) for assistance in processing a family medical leave of absence request, leave use options, and benefit continuation.

## **O. Family Supportive Work Program**

### **1. Parental or Family Medical Leave**

The Florida Family Supportive Work Program is a State law which allows 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 that is 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 annual leave credits. During this time, the State contribution toward the employee's health insurance coverage will continue.

### **2. Leave for Family Responsibilities**

Under the Florida Family Supportive Work Program, employees also may request and be granted a leave of absence for family responsibilities (other than for family medical 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:

1. Caring for aging parents.
2. Involvement in settling-up a parent's estate upon his/her death.
3. Relocating dependent children in schools.
4. Visiting family members in places, which require extensive travel time (family members include: spouse, parent, children).

An employee requesting family leave must submit a written request to the immediate supervisor stating the date family leave will commence, the

anticipated return to work date, and whether the employee intends to use accrued annual leave 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.

## **P. Military Leave**

Leaves of absence for military service will be granted pursuant to the provisions of Sections 115.09, 115.14, and 250.48, Florida Statutes. All such leaves of absence will be verified by official orders or appropriate military certification submitted to the supervisor and/or Bureau of Human Resources.

The National Defense Authorization Act of 2008 amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave within the applicable 12-month period for any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. This Act’s amendments also include the allowance of eligible employees to take up to 26 weeks of job-protected leave in a single “12-month period” to care for a covered service member with a serious injury or illness. In addition, leaves of absence for military service will be granted pursuant to the provisions of Sections 115.09, 115.14, and 250.48, Florida Statutes. All such leaves of absence will be verified by official orders or appropriate military certification submitted to the supervisor and/or Bureau of Human Resources. Please see the FMLA section (page 49) of this Handbook for more detailed information. An employee called to active duty will automatically 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 will continue to pay the State share of the premiums for that coverage.

The employee will continue to be responsible for any 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  
1-866-663-4735

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

Reservists called to active military service must notify the agency within 90 days from the date of discharge from active service. The employee or his/her power of attorney is responsible for notifying the agency of the last day of active duty.

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.

Further information regarding employment and reemployment rights under USERRA can be found on the Department of Labor's website at <http://www.dol.gov/compliance/laws/comp-userra.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, at [http://dms.myflorida.com/human\\_resource\\_support/human\\_resource\\_management](http://dms.myflorida.com/human_resource_support/human_resource_management).

#### **Q. 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 to be detrimental to the operations of the employee's work unit.

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

#### **R. 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 termination.

For more information on the topics discussed in section VIII, please refer to the Department's policies and procedures [FDJJ 1002.03, Leave and Attendance](#); [FDJJ](#)

[1002.13, Sick Leave Donate/Transfer](#); and [FDJJ 1004.04, Work-Related Injuries/Workers' Compensation/Alternate Duty](#).

## **IX. TRAINING**

DJJ Staff Development & Training provides or makes 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, thus 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**

[SkillPro](#) training is required of all employees within the first 30 days of employment. The types of mandatory courses include Attendance and Leave; Safety and Security; Sexual Harassment policies, and others.

Some programs require certification training. For more information and to find out the training requirements for your position, please refer to the Department's policy and procedures [FDJJ 1520, Employee Training](#) and contact your supervisor.

Every employee of DJJ has a [SkillPro](#) user ID and password which is used to track the completion of any in-person or online training, and is computer-archived for reference. Please do not wait for your supervisor to inquire about your training responsibilities.

In accordance with [FDJJ Policy 1520](#), each employee is required to complete eight (8) hours of in-service training per calendar year.

Safety in the workplace is the responsibility of every employee. Be conscious of safety hazards around you and correct any deficiencies identified. The on-line Safety Training course is required to be taken each year and does count towards the in-service requirement.

### **B. Tuition Waiver Program**

Section 1009.265, Florida Statutes, authorizes full-time State employees to enroll at a State university 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 are

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 and Executive Leadership Team), 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. Any educational assistance provided to an employee under the program, which is valued in excess of \$5,250, will be reported to the Internal Revenue Service.

Part-time and OPS employees are not eligible to participate in this program. Please refer to the Tuition Waiver Program information located on the DMS website, at: [https://www.dms.myflorida.com/workforce\\_operations/human\\_resource\\_management/for\\_state\\_personnel\\_system\\_hr\\_practitioners/benefits](https://www.dms.myflorida.com/workforce_operations/human_resource_management/for_state_personnel_system_hr_practitioners/benefits). [Tuition Waiver](#) forms are available on the DJJ [Forms Library](#).

## **X. GENERAL INFORMATION**

### **A. Blood Bank**

Patients in our community are dependent on donors from State agencies, 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.

### **B. Fingerprinting (Background Screening)**

All employees are required to be fingerprinted for purposes of conducting a criminal history record check. Candidates will be advised of this requirement prior to appointment to a position [Section 110.1127, Florida Statutes]. For more information, refer to the Department’s policy and procedures [FDJJ 1800, Background Screening](#).

### **C. 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 security/use of his/her computer and/or passwords assigned.

No employee is authorized to grant access to use 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, Florida Statutes. 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.

Report suspected computer security incidents such as viruses, unauthorized disclosure or inappropriate use to DJJ Bureau of Information Technology.

For more information, refer to the Department's policies and procedures [FDJJ 1205.50, Network User Accounts](#); and [FDJJ 1235, Utilization of Information Technology Access Permissions and Resources](#).

#### **D. Internet/E-mail**

Most employees of the State of Florida have been provided with computers that enable them to send and receive electronic mail (E-mail) and access the Internet to assist in the performance of their job duties. It is expected all employees will 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 will result in disciplinary action, up to and including dismissal.

For more information, refer to the Department's policies and procedures [FDJJ 1205.40, Internet Access and Use](#), and [FDJJ 1220 Electronic Mail Access and Use](#).

#### **E. Social Media/Network Sites (SNS)**

If on your personal time, outside of the workplace, you access any social media or networking sites such as Facebook, MySpace, Twitter, etc., it is important to remember what you post is not shielded from public disclosure because it is locked or private. Any activity or comments posted that can be defamatory to the Department, its employees or customers is strictly prohibited. Any reports of violations are subject to disciplinary action up to and including dismissal.

## **F. Falsification of Records**

Florida law prohibits any person from falsifying, altering, destroying, defacing, overwriting, removing or discarding any Department record. Falsifying any document filed in any court or belonging to a public office is a first-degree misdemeanor punishable by a maximum of 1-year imprisonment and a fine of \$1,000. Falsification of a record of a youth in the Department's care and custody, which has the potential to detrimentally affect the health, safety, or welfare of that youth, is a third-degree felony, punishable by a maximum of 5 years in prison and a \$5,000 fine. A person commits a second-degree felony, punishable by 15 years imprisonment and a \$10,000 fine, if his or her record falsification contributes to great bodily harm or to the death of a youth. [Section 839.13, Florida Statutes]

The Department will not tolerate falsification of records for any reason. Therefore, if it found an employee has intentionally falsified Department and/or youth records, the Department will terminate that individual's employment. Furthermore, the Department will also contact law enforcement and request the matter be reviewed for criminal investigation and prosecution.

## **G. 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 for disabled employees. Disabled parking areas should not be utilized unless authorized. 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. Contact your supervisor for additional information on parking.

## **H. People First System**

The [People First System](#) is the state of Florida's self-service, secure, Web-based application and enterprise-wide suite of human resource services. The People First Service (PF) centers are located in Tallahassee, Florida, and Jacksonville, Florida.

Upon appointment, each employee is assigned a security role code, based on the type of access required to perform daily duties and responsibilities. As an example, most employees will have the role code of "E" for employees to perform personal functions, such as, input of W4 information, home address, emergency contact, and to

set up direct deposit. Supervisors and managers will have the role code of “M” to enable them to initiate the process to bring a new employee on board, employee separations, and personnel functions on behalf of their direct reports.

The People First System enables you to record time, attendance, leave, and other historical information. Department personnel who have access to this information, in the course of their daily duties, are responsible for ensuring they only access employee data for a legitimate business purpose, and they maintain the integrity of any confidential information accessed. Confidential information, records or data “means that information specifically exempted from disclosure as a public record as provided in Chapter 119, Florida Statutes. Accordingly, confidential records will include, but not necessarily be limited to: employee or former employee personal information (including certain addresses, all bank account information and telephone numbers for certain individuals), financial, legal and any medical information. Confidential records may also consist of “physical” papers, software data, email, or facsimile. Disclosure or unauthorized access, whether intentional or inadvertent, may work to harm the Department’s reputation, as well as, that of the State.

Employees should only view information or data that they are authorized, and have a legitimate business reason in the course of the performance of their duties. The “casual viewing” of employee data, even employee data that is not confidential or otherwise exempt from disclosure as a public record, constitutes misuse of access, is not acceptable, and will not be tolerated. The Department of Management Services, to identify misuse of the People First system, performs database queries on a regular basis. Any violations will be subject to disciplinary action, up to and including termination and possible further legal action.

### **I. Personal Appearance/Dress Code\***

Employees are expected to be neat and clean in appearance and dress appropriately for office or public contact.

Athletic shoes, sportswear, T-shirts, jeans, torn or faded clothing, flip flops, crocs, slippers, leggings, tank tops or any other shirt or blouse which is torn, transparent or revealing are not appropriate business attire and should not be worn to the office or in the field when conducting Department business. Caps, visors, hats, and bandanas are not permissible inside the building or while visiting other agencies, offices, or public buildings during employment.

Employees are permitted to wear hair and clothing reflecting current styles, however all hair, beards and mustaches must be neat and hygienic. Extreme hairstyles and unnatural hair colors lending an unprofessional appearance are not permitted. Jewelry is permitted, but should not be excessive. Likewise, buttons and pins may be worn on lapels, but must not depict anything inappropriate or be offensive or profane in nature. Facial piercing is not appropriate for the workplace and should be removed and tattoos should be covered by clothing to the extent possible.

**CASUAL FRIDAYS:** Employees are permitted to dress more comfortably on Fridays unless such casual attire would be inappropriate, such as when representing the Department before the public.

The general parameters for appropriate casual workplace attire include casual slacks, jeans, sport shirts (with or without collars), and T-shirts with sports logos only. Men may wear deck or athletic shoes. Women may wear sandals, capris pants, and culottes or skorts. Shorts, hip hugger pants, sweatshirts, tank tops, and undershirts may not be worn. No items should be worn that are torn, faded, transparent, revealing, wrinkled or stained.

Other casual days may be permitted at supervisory discretion to fit the nature of staff duties, such as when employees are moving or traveling. If in doubt as to whether the circumstances of one's duties on any given Friday require formal attire, it is the employee's responsibility to seek clarity from his/her supervisor.

\*Exceptions to these guidelines will be made as required by law for religious or medical reasons.

Supervisory staff, at all levels, are responsible for ensuring employees are in conformity with these guidelines.

## **J. Safe Use of Cellular Phones**

The Department promotes the 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 safely your first priority. The vehicular use of a cellular telephone or other wireless communication device, while driving a Department owned vehicle, rental car or personal vehicle on state business is permitted only when the device is used with available hands-free listening device technology such as a Bluetooth earpiece, a wired ear-bud or vehicle mounted hands-free technology.

## **K. Travel**

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

1. Class A Travel is continuous travel of 24 hours or more away from the official headquarters.
2. 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:
  - a. Breakfast - \$6.00
  - b. Lunch - \$11.00
  - c. 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.

For more information, refer to Department policy and procedure [FDJJ 1407.01, Reimbursement for Travel Expenditures](#), and [FDJJ 1407.05, Credit Card Purchases](#).

## **L. Uniforms**

There are established uniform and appearance standards for DJJ uniformed personnel working in state operated Detention facilities. For more information, refer to the Department's policy and procedures [FDJJ 5900, Uniforms and Appearances](#).

## **M. 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 workers' compensation benefits may be reduced under the provisions of Section 440.09(4), Florida Statutes.

## **XI. EMPLOYEE RELATIONS**

### **A. Employee Assistance Program (EAP)**

EAP provides a wide array of resources to support a healthy balance between work and personal life. These resources are available to all DJJ employees and their household (anyone living in the employee's household, students even if they are away at college) members.

EAP offers up to six free counseling sessions per person, per issue, per year, and may be in person or, when clinically appropriate and agreeable to the employee, by telephone. EAP is not intended to address long term needs. An EAP Provider is contracted with People First 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 exempt from public records.

Please contact the Bureau of Human Resources or the EAP Provider directly at (800) 860-2058 for further information regarding EAP services or refer to Department policy and procedure [FDJJ 1003.29, Employee Assistance Program](#). [Section 110.1091, Florida Statutes]

### **B. Drug-Free Workplace**

The State of Florida acknowledges that drug use has serious adverse effects in the workplace resulting in lost productivity each year 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. Section 112.0455, Florida Statutes, identifies and defines the types of drug testing: job candidate testing, routine fitness for duty testing, follow-up testing and reasonable suspicion drug testing. “Reasonable suspicion drug testing” means drug testing based on a belief that an employee is using or has used drugs in violation of the employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. A job candidate is defined in Section 112.0455, Florida Statutes, as “a person who has applied for a special risk or safety-sensitive position with an employer and has been offered employment conditioned upon successfully passing a drug test.” DJJ is required to drug test all job candidates applying for direct-care positions. Candidates will not be placed on the payroll until they have successfully passed drug screening, pursuant to Florida Statute 985.644 (5)(a). To learn more about the other types of drug-testing, review Section 112.0455, Florida Statutes, by visiting the website <http://www.leg.State.fl.us/>.

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, Florida Statutes]

For information on the Department’s specific drug testing requirements, refer to the Department’s policy and procedures [FDJJ 1004.07, Employment Drug Testing Program](#).

### **C. Violence in the Workplace**

The State of Florida recognizes the seriousness of violence in the workplace, especially domestic and sexual violence. Personal issues can be extended to the workplace and are of concern. Employees facing such issues may seek assistance through EAP. The State of Florida does not tolerate violence in the workplace. For more information, refer to the Department’s policy and procedure [FDJJ 1003.28, Violence in the Workplace](#).

### **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 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 with the Human Resources office for additional information.

#### **E. Sexual Harassment**

Sexual harassment is a form of discrimination under Title VII of the 1964 Civil Rights Act, and section 110.1221, Florida Statutes.

Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature is sexual harassment when:

1. Submission to the conduct is an implicit or explicit term or condition of employment;
2. Submission to or rejection of the conduct is used as the basis for employment decisions; or
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Sexual harassment may include explicit sexual propositions, sexual innuendoes, suggestive comments, sexually oriented kidding or jokes; jokes about gender specific traits; foul or abusive language or gestures; displays of foul or obscene printed material; and/or physical contact such as patting, pinching, or brushing against another person. Sexual harassment may occur between members of the opposite sex or between members of the same sex.

Every employee will be afforded the opportunity to work in an environment free from unwelcome sexual advances, demands for sexual favors, and other verbal, non-

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.

DJJ 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, Office of the Inspector General, or the [DJJ EEO \(Equal Employment Opportunity\) 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, Florida Statutes]

For more information, refer to the Department's policies and procedures [FDJJ 1003.22, Sexual Harassment and Discrimination](#), [FDJJ 1900, Employee Code of Ethics and Personal Responsibility](#), and the Department of Management Services' [Rule 60L-40, Sexual Harassment, Equal Employment Opportunity and Affirmative Action, F.A.C.](#)

#### **F. Whistle-Blower's Act of 1986**

This Act prevents agencies or independent contractors from taking retaliatory action against an employee who reports to appropriate agency violations of law on the part of a public employer or independent contractor [as defined in Section 112.3187(3)(d), Florida Statutes], 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, Florida Statutes. Any employee who has a complaint should immediately contact the supervisor, supervisor's supervisor, Office of the Inspector General or the [DJJ EEO Officer](#). [Section 112.3187, Florida Statutes]

#### **G. Career Service Grievance Process**

In accordance with Section 110.227(4), Florida Statutes, a grievance procedure is available to Career Service employees who have satisfactorily completed at least 1-year probationary period in his or her 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.

For more information, contact the Bureau of Human Resources at (850) 414-6239, or refer to the Department's policies and procedures [FDJJ 1002.10, Career Service Grievances](#). Employees may also contact the Public Employees Relations Commission (PERC) at (850) 488-8641, or visit their website at: [http://dms.myflorida.com/other\\_programs/perc](http://dms.myflorida.com/other_programs/perc).

## **H. Appeals**

A Career Service employee who has satisfactorily completed at least 1-year probationary period in his or her current position, who is subject to a suspension, reduction in pay, demotion, 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.

## **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:

1. Putting forth the employee's best effort;
2. Managing the employee's work time for maximum effectiveness and efficiency; and
3. 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 view regarding inappropriate conduct and to assure fair and equitable disciplinary action is administered when an employee violates the standards of conduct.

### **A. Disciplinary Standards**

Section 110.227, Florida Statutes, and [Rule 60L-36.005\(3\), Florida Administrative Code \(F.A.C.\)](#), 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. Career Service employees who have satisfactorily

completed their probationary period in their current position may be suspended or dismissed 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, Florida Statutes, governing standards of conduct, which agencies shall make available to employees. An agency may determine 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** – The Department of Juvenile Justice does not tolerate violations of Florida's Drug-Free Workplace Act, Section 112.0455, Florida Statutes, 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**

Supervisors may provide employees with counseling, adequate warning or other notice of the need for corrective action before formal disciplinary action is administered.

Discipline is the means by which the supervisor 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. Personnel actions such as transfer, layoff or reassignment are not forms of disciplinary action.

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 agency. The level of discipline imposed is based on 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. An employee who has not satisfactorily completed his or her probationary period in their current position may be suspended or dismissed at any time without the right to appeal such action to the Public Employees Relations Commission (PERC). Although probationary and exempt employees have no recourse to disciplinary action, it is the intent of the agency 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 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 shall place a copy in the employee's official personnel file; with a copy given to the employee by the immediate supervisor.

If the employee deems it appropriate, he or she may prepare an explanatory memorandum 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 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.

If the employee deems it appropriate, he or she may prepare an explanatory memorandum to be placed with the reprimand in the official personnel file.

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

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), Florida Statutes.

Employees subject to reduction in pay, demotion, suspension or dismissal must be advised of the right to appear before the official taking the action to answer orally and in writing the charges against him or her prior to the date the action is to be taken. The notice of final action must advise the employee of the right to appeal the action to the Public

Employees Relations Commission (PERC), or, in the alternative, if the employee 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 dismissal or suspension in accordance with Section 110.227(5)(b), Florida Statutes.

### **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, Florida Statutes, shall apply. In the event firefighter personnel are under investigation, the rights provided under Section 112.82, Florida Statutes, shall apply. If an employee is in a position covered by a collective bargaining agreement, the employee may request 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. Distribution**

Each agency head will ensure 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 electronic copy of the standards of conduct. Each employee will be

required to acknowledge receipt of the standards of conduct in writing or electronically through the Human Resources Employment System (HRES) onboarding process, with the dated receipt placed in the employee's official personnel file. Each employee is responsible for reading and understanding the standards of conduct. **NOTE: A program area, facility, or supervisor may have additional policies or procedures governing employee conduct specific to the employee's position or work location. Employees are responsible for knowing, understanding and complying with those policies or procedures as well.**

**E. Grievance and Appeal Rights for Career Service Employees Who Have Satisfactorily Completed the Probationary Period in Their Current Positions**

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 as provided in the applicable collective bargaining agreement.
3. Reductions in pay, demotions, suspensions and dismissals may be appealed to the Public Employees Relations Commission (PERC) or as provided in the applicable collective bargaining agreement.

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

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