

State Personnel System



Classification and Compensation Program Manual

Division of Human Resource Management

Revised September 5, 2018

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PURPOSE

This program manual has been developed to assist State Personnel System (SPS) agencies in administering the SPS classification and compensation program. For any questions concerning the information in this manual, please contact the Workforce Design and Compensation Team.

INTRODUCTION

The SPS is the employment system for the Executive Branch of state government and its applicable pay plans. The SPS is the largest of six personnel systems in state government and encompasses 31 state entities. Other systems include the Florida Lottery, the Legislature, the Justice Administration System, the State Courts System, and the state universities.

Section 110.2035, Florida Statutes (F.S.), authorizes the SPS classification and compensation program for positions in the Career Service, Selected Exempt Service (SES) and Senior Management Service (SMS). In addition, Rule 60L-31, Florida Administrative Code (F.A.C.), Classification Plan, addresses management of the classification system and Rule 60L-32, F.A.C., Compensation and Benefits, addresses management of salary and other benefits.

Agency Authority/Responsibilities:

- Properly apply the classification and compensation statutory requirements and rules promulgated by the Department of Management Services (DMS).
- Maintain an accurate and current position description (PD) for each authorized and established position assigned to the agency as a record of the official assignment of duties to the position.
- Properly classify or reclassify Career Service authorized positions.

DMS Authority/Responsibilities:

- Review in a post audit capacity the action taken by an employing agency in classifying or reclassifying a position.
- Effect a classification change on any classification or reclassification action taken by an employing agency if the action was not based on the duties and responsibilities officially assigned the position as they relate to the official occupation profile and the level definition in the occupational group characteristics.
- Review and approve exemptions to the Career Service, pursuant to section 110.205 (2), F.S.
- Designate all positions in the SES as either managerial/policymaking, professional, or non-managerial/non-policymaking pursuant to section 110.602, F.S.
- Designate positions in the SMS, which is limited to those positions exempt from the Career Service and for which the salaries and benefits are set by DMS in accordance with the rules of the SMS.
- Review and approve reclassifications of positions into, out of, and within the SES and SMS pursuant to section 110.205(2), F.S. Additionally, per Rules 60L-31.001(6) and 60L-31.004(1), F.A.C., which state in part that “except as expressly delegated to an agency, the Department shall assign positions to the selected exempt service and senior management service in accordance with the specific designations under section 110.205, F.S.”

Based on this authority, agencies shall submit certain SES to SES reclassifications to DMS for review. For example, if DMS has approved a position to be in the SES based on a particular

reason (e.g., managerial, confidential or supervisory) and an agency wants to change the approved designation reason, the basis for which the exemption was granted has now changed. Therefore, a DMS review ensures that the new duties assigned to the position meet the criteria for the new designation. DMS review and approval are also required for positions being reclassified within the same occupation, as well as those that change from one occupation to another, whenever the pay plan is changed.

Please note that it is the agency's responsibility to take into consideration the Fair Labor Standards Act (FLSA) impact that may result from any reclassification changes (see section on FLSA Exemptions, page 13).

CLASSIFICATION

Introduction

In accordance with section 110.2035(1), F.S., DMS has established the classification system by which agencies are to properly classify all authorized SPS positions in conjunction with the provisions of Rule 60L-31, F.A.C., Classification Plan.

Broadband System

The Broadband Classification and Compensation Program (Broadband System) was implemented in 2002 as the official system for the administration of SPS position classification and pay. It is a method of grouping like duties and pay that replaced the old state classification system, although certain components of the old classification system still serve as reference points under the new Broadband System. Specifically, the numerous classes that were created under the old system have been grouped on the basis of similar duties and assigned to the currently used broad occupational categories. In similar fashion, the pay grades associated with the old system are embedded in the broad pay bands that are part of the current system. (See section below titled "Former Classification and Pay Plan".)

The Broadband System was designed to provide a greater degree of flexibility than the agencies had under the old system to meet the needs and demands of the state workforce. The goal was to reduce the need to reclassify positions due to work assignment and organizational changes; to allow flexibility in organizational structure development and reduce the number of supervisors; and to emphasize pay administration and job evaluation to move employees through the pay bands. The use of broad, market-based pay bands for occupations, which are addressed in the Compensation Section of this manual, are an example of this flexibility.

The statute limits the number of occupational groups in the Broadband System to no more than 38, with a maximum of six performance levels for each occupation within an occupational group. The law also requires that the accompanying pay plan provide broad-based pay bands for each occupational group. Consequently, the 3,343 classes under the old classification system were consolidated into 237 occupations under the Broadband System. To accomplish this, DMS used a uniform job categorization system based on the Federal Standard Occupational Classification System (SOC). The resulting broadly defined job categories are known as "job families" in the Broadband System and are divided further into occupational groups.

In sum, the Broadband System consists of:

- **23 Job Families** which are groupings of similar occupational groups. An example of a job family is "Legal." Within this job family are two occupational groups.
- **38 Occupational Groups** which are similar occupations grouped together. In the example of the Legal job family, there are two occupational groups: "Lawyers and Judges" and "Legal Support."
- **147 Broadband Levels** (performance levels) in which each occupational group has up to six levels. Employees within the Legal Support occupational group, for example, are divided among three levels based on job difficulty and experience indicators.
- **237 Occupations** - In the example of the Legal Support occupational group, the occupations are Court Reporters, Law Clerks, and Paralegal/Legal Assistants.

Broadband Levels (**up to six per occupational group**) are based on job intricacy and experience indicators. A description of these levels for each occupational group is contained in each of the Occupational Group Characteristics. The following factors commonly known as knowledge, skills, and abilities (KSAs) are used to distinguish different levels of work within each occupational group:

- Knowledge: measures the technical knowledge required to meet performance standards at a particular level;
- Skills: defines how much preparation and learning through experience and training is necessary to perform at a particular level; and
- Abilities: defines the capacity to perform an observable behavior or produce a product.

Former Classification and Pay Plan

The broadband occupations are made up of a number of job classes from the former job classification system; therefore, agencies often find it helpful to consider the former classes in analyzing positions for proper classification, even though broadbanding is the official classification/compensation system. However, the class specifications from the former system should not be relied upon because they have not been maintained or updated since broadbanding went into effect. Nonetheless, it is beneficial to remain familiar with the former job classifications and pay grades because, as referenced in the Compensation Section of this manual, the classes and pay grades of the former classification system continue to be used for budget and salary rate purposes. Information related to the former system is available on the DMS website:

- [Classification Plan](#)
A reference for the former classification system that contains the class specifications (the allocation factors, examples of work performed, KSAs, and minimum qualifications of the class) for positions in the Career Service and SES. All classifications in the SMS are specific to the position; therefore, there are no specifications for these classes.
- [Definition of Terms Used in the Schedule of Salary Ranges](#)
A reference that provides the definitions for terms used for Career Service, SES, and SMS pay plans as well as information regarding the Class Codes, Class Titles, Collective Bargaining Unit (CBU) designations, Equal Employment Opportunity (EEO) Job Categories, and Pay Plans for classes in the former system.

- [Broadband Crosswalk](#)

The DMS website also contains the Broadband Crosswalk which is a document that cross-references the Broadband Classification and Compensation System with the former Classification and Pay Plan. It is a useful tool to assist in managing classification actions by providing information on broadband levels, occupations, pay bands, EEO job categories, etc.

Classifying Positions

Classification is the beginning point for many key HR processes such as: recruiting for the position, establishing the performance expectations, determining if the position is eligible for overtime pay, etc. As the foundation for these HR processes, classification provides a means to evaluate jobs, determine the nature and complexity of the work being performed, and to categorize that work.

The proper classification of positions assists in identifying accurate reporting relationships, reducing potential recruiting problems and may possibly prevent future grievances. The classification system provides a standard and objective way to view jobs and identify their worth or value to the agency. In addition, the classification process determines the service category (Career Service, SES or SMS) of the position which drives the types of benefits assigned and determines the compensation, pay plan and collective bargaining status of the position.

Determining a position's classification is based upon the duties and responsibilities assigned to the position, not the person performing the duties. The duties and responsibilities of the position also determine the KSAs needed to successfully perform in the position.

Position classification establishes a logical relationship between:

- the duties and responsibilities of the position;
- the qualifications required to fill the position;
- the salary range assigned for the type of work; and
- the pay plan to which the position is assigned.

When reviewing and analyzing a position for classification, carefully study the PD and other related materials submitted for review, such as the organizational charts. Such documents highlight important information related to the position.

Consider how a position has changed (additional duties, supervision exercised and received, and other critical components of the position) and review and compare the PD to the published occupational group characteristics and occupation profiles to ensure the duties stated on the PD meet the concepts of the description of the work.

Consult the supervisor or other appropriate authority, if necessary, to obtain their perspective and assessment of the position. In many cases, the supervisor will be the one to prepare the PD based on the duties that are to be performed.

Consider these factors when classifying a position:

- Nature or type of work performed
- Level of responsibility
- Impact of position on the section, bureau, division, or agency
- Reporting relationships

- Scope of duties
- Complexity of work
- Supervision received
- Supervision exercised
- KSAs required to perform the duties

Factors that should not be considered in classifying a position:

- Incumbent of the position
- Performance of the incumbent
- Longevity of the incumbent in position
- Qualifications of the incumbent that are not required by the position

Determine the appropriate occupation after review and comparisons.

Position Descriptions

The PD is the official document that lists the assigned job duties and responsibilities, the necessary KSAs, as well as certain position attributes assigned to a position. Agencies must use the [Position Description Form](#) found on the DMS website. This site also includes the [Instructions for Completing the Position Description Form](#).

All established full time equivalent (FTE) positions require a PD. While PDs are not required for Other Personal Services (OPS) positions, agencies may use them at their discretion.

Basic information included on the PD includes: job duties and responsibilities (which may include percentage of time spent on tasks, depending on agency policy), KSAs, work location, organizational level, reporting structure, other job-related requirements, broadbanding information and class titles from the former system (due to the continued reliance on these former classes in classification and compensation decision-making), as well as:

- **Service Category:** The pay plan to which the position is assigned, i.e., Career Service, SES, or SMS.
- **Exemptions:** Certain positions are exempt from the Career Service based on statute, such as executive and mid-level managers, certain professionals (attorneys, physicians, etc.) and supervisors. Section 110.205, F.S., contains exemptions from the Career Service. DMS also has guidance on its website concerning section 110.205(2)(w): [Exempting Employees from the Career Service as Confidential](#).
- **Position Attributes:** A position attribute is a characteristic which impacts the treatment of a position and/or incumbent. Specific information regarding positions and their attributes is also entered into the People First system and the system maintains this information for use in other employment actions. There are many attributes associated with positions. Certain attributes are indicated on the PD, which identify key characteristics associated with the position:
 1. **Equal Employment Opportunity (EEO) job category code:** Identifies the federal EEO job category for all positions within the SPS. There are eight job categories which describe the type of work a position is assigned in terms of affirmative action planning and reporting. For example, code 01 is listed as Officials and Administrators and represents those

positions that have a high level of authority over operations, etc. These federal EEO job categories and their definitions are on the DMS website at:

https://www.dms.myflorida.com/workforce_operations/human_resource_management/for_state_personnel_system_hr_practitioners/equal_employment_opportunity_affirmative_action

2. Collective Bargaining Unit (CBU) designation: The CBU is used to identify the collective bargaining unit to which a position's class has been assigned. Information on CBUs can be found on the DMS website at:
https://www.dms.myflorida.com/workforce_operations/human_resource_management/for_state_personnel_system_hr_practitioners/labor_relations
3. Special Risk designation: Indicates that a position has been determined by DMS to be eligible for membership in the Special Risk Retirement class in accordance with section 121.0515, F.S. This designation allows members to retire sooner and accrue retirement credits at a higher rate due to the nature of the work assigned to the position. Law enforcement, firefighters and corrections officers, among others, are eligible for this designation. Additional information is on the DMS website at:
https://www.dms.myflorida.com/workforce_operations/human_resource_management/for_state_personnel_system_hr_practitioners/classification_and_compensation/broadband_classification_and_compensation_program/classes_eligible_for_special_risk_retirement
4. Overtime (eligibility) designation: Indicates whether a position is excluded (exempt) or included (non-exempt) from the overtime provisions of the FLSA which are addressed in the Compensation Section of this manual. The PD should capture the job duties and responsibilities which support overtime eligibility.
5. Competitive Area Differential (CAD) designation: Indicates that a class has been approved by DMS and the Legislature to receive a pay additive which is designed to attract and retain workers in geographical areas where other employers pay comparatively more for similar jobs. Pay additives are addressed in the Compensation Section of this manual.

Organizational Charts

Chapter 20, F.S., provides for five successive levels of organization: department, division, bureau, section, and subsection, unless otherwise provided for in statute. Organizational charts serve as an illustration of each agency's official structure and should clearly show each position within the hierarchy as well as reporting relationships, broadband codes, pay bands, pay grades, class titles and position numbers assigned to each entity.

All classification requests submitted as part of a request to change the service category of a position or a structural reorganization should contain both current and proposed organizational charts with proposed changes highlighted. The level of detail provided on the charts should accurately reflect the requested classification action or reorganization.

See the [Agency Reorganization Request Program Manual](#) for additional information.

Career Service, SES, and SMS Designation Changes

By law, all SPS positions are to be classified within the Career Service unless specifically exempted by statute. Agencies should exercise caution when changing position designations so as not to incorrectly or inadvertently deprive employees of their constitutional right to bargain collectively (see Chapter 447, Part II, F.S.). This is why Rule 60L-31, F.A.C., Classification Plan, requires that certain classification requests related to SES or SMS positions be submitted to DMS for approval as stipulated under DMS Authority/Responsibilities on page 2.

General Guidance for Service Category Changes:

- Review internal agency information to ensure that proposed action(s) are appropriate/ reasonable based on the specific situation, consistent with the state classification system, and can be documented as necessary.
- Review section 110.205 (2), F.S., to determine whether the position should be exempted from the Career Service and placed in either the SES or the SMS; or whether the position no longer meets the exemption criteria and should be reclassified to the Career Service. Also, if appropriate, review the Program Guideline: [Exempting Employees from the Career Service as Confidential](#).
- Review [Occupational Group Characteristics and Occupation Profiles](#) to determine the appropriate level and broadband occupation for the position.
- Check the broadband crosswalk for specific information pertaining to the occupations. This includes, but is not limited to, codes, titles, and salary information.
- Prepare the PD.
- Prepare current and proposed organizational charts, highlighting affected positions.
- Prepare the transmittal letter explaining requested action(s).
- Email requests to the Workforce Design and Compensation Team at: ClassificationActionRequests@dms.myflorida.com
- See Appendices A through I for specific checklists for designation changes that need to be submitted to DMS.
- See [People First HR Training – Org Management](#) for system processing.

Reorganizations

When an agency seeks to change its functional organization, it must seek an approval recommendation from DMS and request final approval from the Governor's Office of Policy and Budget (OPB). Reorganization changes include changes to divisions, bureaus, sections, and/or subsections. For reorganizations, the agency should provide a detailed explanation of the purpose and structure of the reorganization in the request to DMS.

An agency initiates the reorganization process by preparing the appropriate documentation as outlined in the Agency Reorganization Request Program Manual. The request to DMS is submitted through the Budget Amendment Processing System (BAPS). DMS reviews the request for technical aspects of human resource management and forwards its recommendations to OPB. OPB's review of the request concludes with an approval or disapproval notification sent to the agency.

Information about the official organizational structure of an agency can be found in Chapter 20, F.S. Information about budget policies and procedures can be found in Chapter 216, F.S.

Guidance for Reorganizations:

- Review internal agency information to ensure that proposed organizational changes are appropriately described and supported, and can be documented.
- Coordinate with agency budget staff.
- Check Chapter 20, F.S., for specific agency organizational structure requirements.
- Review [Agency Reorganization Request Program Manual](#).
- Prepare current and proposed organizational charts for each division, bureau, or section affected by the reorganization; highlight positions that require the submittal of PDs so they are easily identifiable.
- Prepare PD(s) following the [Instructions for Completing the PD Form](#) for each **key position** affected by the proposed reorganization. Include “updated” PDs for division, bureau, section, or subsection heads; the positions to which these positions report; and reclassification actions that are a part of the reorganization request. It is **not necessary** to submit PDs to DMS for every position in the division, bureau, section, or subsection affected by the reorganization.
- Prepare request explaining the proposed reorganization and any associated classification changes.
- Submit request and attachments (PD(s) and organizational charts) via BAPS.

COMPENSATION

Introduction

Compensation is governed by section 110.2035, F.S., as is the classification system. In addition, Rule 60L-32, F.A.C, Compensation and Benefits, establishes the policies and procedures applicable to all occupations in the SPS.

The SPS compensation program includes not only salary, but also a benefits package that is provided to employees. These benefits include health and life insurance, retirement, Social Security, Medicare, and paid leave, etc. This manual focuses primarily on the salary or pay component of total compensation. However, the consideration of pay must be viewed within the context of total compensation.

Pay Bands

In the Broadband System, pay is determined through a range or pay band. Pay bands have a minimum rate and a maximum rate which establishes the lowest base pay and the highest base pay of the pay band. Each occupation within a job family is assigned to one of the 25 pay bands which serves as the official pay range for that occupation.

Because pay bands are so wide from the minimum rate to the maximum rate, the pay grades of the former system provide for more specificity and are used to help manage salaries for budget and salary rate purposes. As noted in the Classification Section, even though broadbanding is the official classification/compensation system, it is necessary to remain familiar with the former job classification system as well as the former pay grade system. The Legislature and the OPB also continue to use the former pay grade system for budget and salary purposes.

Budget and Rate

The salary structure for employees requires a fundamental understanding of the terms “budget” and “salary rate.” While interrelated, these two terms are distinctively different in how they are used in managing the compensation program for employees.

- **Budget:** Budget reflects both salary and benefit costs associated with positions.
- **Salary Rate:** Salary rate is equal to the individual rate of all filled positions plus the entry salary level of all vacant positions. Salary rate is provided to each agency at the beginning of each fiscal year. Salary rate is not assigned to OPS or contracted positions.

Rate is explained by three distinct terms:

1. **Annual salary rate** is monetary compensation authorized to be paid an appropriated position on an annualized basis, including salary additives, but excluding benefits, associated with the position.
 2. **Approved rate** is the amount of annual salary rate allotted to each department for the purpose of managing the department’s salary rate.
 3. **Actual rate** is salary rate associated with established positions listed in the People First system. This includes the actual salary rate for filled positions and the minimum salary rate of the pay grade for any vacant positions.
- **Effect of Budget and/or Salary Rate Actions**

Budget dollars can be generated by holding positions vacant. However, salary rate cannot be generated by holding positions vacant.

When a filled position becomes vacant, the salary rate generated equals the difference between the filled position’s salary rate and the entry level rate (minimum salary of the pay grade) of the vacant position.

Downgrading (reclassifying) a vacant position generates salary rate equal to the difference between the minimum salary of the pay grade of the former class and the minimum salary of the pay grade of the new class.

Determining Salary

Determining an employee’s salary upon appointment (Rule 60L-32.001, F.A.C., Determining Salary Upon Appointment) involves the consideration of a number of factors including: the type of appointment, the KSAs required of the position and possessed by the employee, difficulty in recruitment for the position, years of service and experience of employee, licensure, certification and registration, etc.

Determining salary is a subjective process. While the salary must be in the pay band range, an agency’s actual determination of salary upon appointment of an employee is based on a sound assessment and consideration of the different factors listed above. Each appointment or employment decision may vary because of the variation of impact of these factors from one

decision to another. As a result, consistency within each agency in the assessment of these factors is critical to avoid any appearance of unfairness.

Rule 60L-32.0011, F.A.C., Increases to Base Rate of Pay, authorizes agencies to increase an employee's base rate of pay within the established pay band at any time, as long as the reason for the increase is justified and documented, funds are available, and there is no specific prohibition in law for the increase.

Pay Cycles

The SPS uses monthly and biweekly pay cycles. The monthly pay cycle is based on 12 months and has 12 pay periods while the biweekly pay cycle is based on 52 weeks and usually has 26 pay periods. NOTE: Due to the rolling nature of the calendar, some years have 27 biweekly pay periods.

All pay is computed on the basis of 2,080 work hours annually, regardless of whether an employee is paid biweekly or monthly. Most OPS employees are paid on an hourly basis based on a 40 hour work week and the overtime provisions of the FLSA.

Pay Additives

Pay Additives, governed by section 110.2035(7), F.S., and Rule 60L-32.0012, F.A.C., Pay Additives and Incentive Pay, are temporary increases in pay in addition to an employee's base rate of pay. Pay additives can only be given to Career Service employees and are based on unique circumstances associated with the position.

The following pay additives are authorized:

1. Shift differentials.
2. On call.
3. Hazardous duties.
4. Lead-worker duties.
5. Temporary special duties - general.
6. Temporary special duties - absent coworker.
7. Trainer duties.
8. Competitive area differentials.
9. Critical market pay.

Agencies are authorized to implement shift differentials, on-call, hazardous duties, lead-worker duties, temporary special duties - absent coworker (when the absent coworker is on military leave or federal Family and Medical Leave Act (FMLA) leave), and trainer duties pay additives as necessary and in accordance with DMS rules, the General Appropriations Act (GAA), and collective bargaining agreements.

However, a new competitive area differential (CAD) or a new critical market pay (CMP) additive may not be implemented unless DMS has reviewed and recommended approval and the Legislature has provided express authority to implement such action. This includes increases in the level of CAD or CMP additives, as well as the initial establishment and implementation of any CAD or CMP additive effective on or after January 1, 2012.

As circumstances warrant an additive change, agencies are required to initiate the appropriate action to modify or remove the additive.

Additional guidance on pay additives is provided in the Program Guideline: [Pay Additives](#), [Salary Additives: On-Call and Leave Status](#), and [Salary Additives: On-Call/Call-Back](#).

Incentive Pay

Incentive pay is additional compensation provided to employees who meet the eligibility criteria prescribed in statute. There are two different types of incentive pay: Criminal Justice Incentive Pay (CJIP), which is governed by section 943.22, F.S., and Firefighter Supplemental Compensation (formerly Firefighter Incentive Pay (FFIP)), which is governed by section 633.422, F.S.

Pay additives, incentive pay, plus the base rate of pay equals the regular rate of pay for an employee and are included for the purposes of calculating overtime.

Perquisites

Perquisites are those things, or the use thereof, or services of a kind that confer on the employees receiving them, some benefit in the nature of additional compensation. Perquisites benefit employees because the use of such items reduces the personal expenses of employees. Perquisites are covered in section 216.262(1)(f), F.S., and Rule 60L-32.004, F.A.C., Perquisites. Perquisites may be provided only when in the best interest of the state due to exceptional or unique circumstances.

Items considered to be perquisites include, but are not limited to: housing, utilities, laundry services, medical service, moving expenses, and the use of state-owned vehicles for other than state purposes.

Agency heads have the authority to grant perquisites utilizing the DMS approved and enumerated categories.

Delegated authority for granting perquisites is contained in the annual letter concerning perquisite reporting.

The value of the perquisite is not used to compute an employee's base rate of pay or regular rate of pay unless required by DMS to meet federal FLSA requirements. Perquisites may have a tax implication.

All perquisites and moving expenses must be reported for each fiscal year to DMS on the Perquisite Reporting Form. DMS sends out a notice in June of each year providing guidance and the due date for the fiscal year report.

Additional information on perquisites is provided on the DMS website at:

https://www.dms.myflorida.com/workforce_operations/human_resource_management/for_state_personnel_system_hr_practitioners/classification_and_compensation/compensation

Fair Labor Standards Act (FLSA)

The FLSA, also known as the Wage and Hour Law, regulates employee overtime status, overtime pay, child labor, minimum wage, and related record-keeping. The Wage and Hour Division of the Department of Labor (DOL) is responsible for enforcing the FLSA and provides [compliance guidance](#) for applying provisions of the law.

- **FLSA Exemptions:** The FLSA provides for certain exemptions or exclusions from its overtime and record-keeping requirements. Employees in positions designated as *excluded* from the FLSA are not eligible for overtime pay. The most common of the exemptions are applicable to *Administrative, Professional, and Executive* employees.

Each exemption is narrowly construed and the burden of proof is on the agency to document that employees meet the exemption's criterion. Decisions on whether employees are excluded or included must be based on the duties performed as recorded on the employee's PD. Class titles or pay band assignments cannot be used as the only basis for making the determination. A position by position analysis is required even though there may be designations for a particular class title from the former system.

Most Career Service, OPS and some SES employees are included (nonexempt) and are covered by the FLSA overtime requirements.

All SMS, most SES and some Career Service employees are excluded (exempt) from FLSA overtime requirements. OPS doctors, lawyers, teachers, and some computer employees paid \$27.63 or more per hour, also may be excluded. Refer to 29 CFR Part 541, Code of Federal Regulations, for guidance in this area.

Excluded Career Service employees, required to work beyond their normal work period, earn regular compensatory leave on an hour-for-hour basis, as provided for in Rule 60L-34.0043(1), F.A.C., Regular Compensatory Leave, up to a maximum of 240 hours. For information on docking the pay for excluded employees, see the Policy Clarification: [Allowable Salary Deductions for Excluded Employees Under the Fair Labor Standards Act](#).

- **Minimum Wage:** Florida has a constitutional provision that creates a Florida minimum wage even though the FLSA includes the federal minimum wage. This state minimum wage applies to all employees in the state who are covered by the federal minimum wage.

The Florida Department of Economic Opportunity (DEO) is required to calculate a minimum wage rate each year. Each September, DEO makes this annual calculation based on the percentage increase in the federal Consumer Price Index for Urban Wage Earners and Clerical Workers in the South Region for the previous 12-month period (September 1 to August 31). Agencies must pay their employees the hourly state minimum wage for all hours worked in Florida. The definitions of *employer, employee, wage, and exemptions* (e.g. full time students, workers with disabilities, etc.) for state purposes are the same as those established under the FLSA.

DMS will notify agencies of any changes to the minimum wage and the effective date. Agencies will be provided lists of any employees who have hourly rates below the new minimum wage.

Florida Statutes require employers who must pay their employees the Florida minimum wage to post a minimum wage notice in a conspicuous and accessible place in each establishment

where these employees work. This poster requirement is in addition to the federal requirement to post a notice of the federal minimum wage.

- **Overtime and Pay Periods:** Overtime is not earned until an included employee has worked hours in excess of 40 hours in the work week or in excess of their approved extended work period as indicated below. Because the FLSA requires that included employees be paid for all hours “suffered” (i.e., worked), each agency should establish procedures for approving overtime before the employee works additional hours in their established FLSA work period.

While the work period for most included employees is the 40-hour workweek (resulting in overtime pay at a rate of one and one-half times their regular hourly rate of pay for all hours worked in excess of 40 hours in the workweek), there are some included employees (specifically law enforcement and firefighters) who work an approved extended work period as authorized by DMS in accordance with FLSA provisions. Depending on the extended work period adopted by each agency, employee overtime is calculated based on working in excess of 160, 168, or 192 hours in a 28-day cycle, or in excess of 80 hours in a 14-day cycle.

Pay period work hours are the number of hours for which the employee is accountable for working or charging leave each pay period. They are based on the number of hours per day an employee is scheduled to work multiplied by the number of work days in the pay period (biweekly or monthly). All biweekly pay periods have 80 work hours, but work hours for monthly pay periods will vary depending on the number of work days in the month. For example, for a monthly employee working eight (8) hours per day in January 2018 had 168 work hours (8 x 21 workdays) and in February 2018 had 160 work hours (8 x 20 workdays). However, if this same monthly employee is on a compressed work schedule (an established “flex schedule” in the People First system), the number of work hours for which the employee is accountable in any given month will be driven by the flex schedule and not the standard monthly formula.

- **FLSA Compensatory Leave:** Included employees may choose to earn FLSA Compensatory Leave (Rule 60L-34.0031(4), F.A.C., Regular Time and Overtime) instead of overtime pay, if offered by the agency. If the employee elects FLSA Compensatory Leave in lieu of being paid for overtime, the employee will be credited with this leave at the rate of one and one-half hours of credit for each overtime hour worked. There are limits (usually 80 hours) on the number of hours an employee may accumulate pursuant to the rule. Once the applicable limit is reached, any overtime earned must be paid in cash to the employee. In addition, the agency must pay the balance of any FLSA Compensatory Leave hours not taken pursuant to the applicable interval stipulated in the rule.
- **Regular Compensatory Leave Payment Plan:** In accordance with Rule 60L-34.0043(5), F.A.C., Regular Compensatory Leave, the Regular Compensatory Leave Payment Plan is a document that serves as an agency’s payment plan for paying excluded Career Service employees who are directed to work hours in excess of the regular work period due to states of emergency or extraordinary circumstances impacting the agency. These payments are made at the straight time rate of pay and are in lieu of accruing regular compensatory leave. The [Career Service Regular Compensatory Leave Payment Plan - Template](#) is available on the DMS website.
- **SES Extraordinary Payment Plan:** Employees filling excluded SES positions and all SMS positions are expected to work as many hours as required to perform their job and do not earn overtime pay or compensatory leave. However, Rule 60L-32.0071, F.A.C., Selected Exempt Service Extraordinary Payment Plan, authorizes agencies to establish plans to compensate

excluded SES employees, below the level of bureau chief (or bureau chief comparable), who are directed to work hours in excess of the contracted hours in the regular work period in response to an unforeseen extraordinary event or occurrence to provide agency mission critical services to the public. Under certain conditions, these employees receive payment at the employees' straight time hourly rate of pay on an hour-for-hour basis for hours worked in excess of the contracted hours of work in the regular work period. Employees who work additional hours in accordance with their agency's activated SES Extraordinary Payment Plan will be paid on the supplemental payroll.

The agency must have an established SES Extraordinary Payment Plan approved by DMS. Plan activation requires notice to the Executive Office of the Governor (EOG), President of the Senate, Speaker of the House and DMS and the plan must be activated prior to the work commencing.

Dual Employment and Dual Compensation

Pursuant to Section 216.262(1)(e), F.S., approval of dual employment or dual compensation is required by "state agencies" for: 1.) Employment in more than a total of one full-time established position; or 2.) Compensation of an employee simultaneously from any appropriation other than appropriations for salaries (example: OPS appropriations); or 3.) Compensation of an employee simultaneously by more than one "state agency". Rule 60L- 32.003, F.A.C., Dual Employment and Dual Compensation, governs dual employment and dual compensation.

Dual employment and dual compensation creates the potential for overtime; therefore, the hours worked should be tracked to ensure any liability for overtime is appropriately handled.

Dual employment and dual compensation is different from outside employment because the outside employment has no ties to the SPS. For example, an employee working a second job in the private sector, at a state university, or other non-SPS entity is not considered to be in a dual employment or dual compensation situation. Review the [Dual Employment and Dual Compensation Guidelines and Procedures](#) for additional information. Additionally, the [Dual Employment and Dual Compensation Request Form](#) is on the DMS website.

APPENDIX A – CAREER SERVICE TO SES CHECKLIST

- Fill out PD ensuring all necessary fields are completed, based on the Instructions for Completing the Position Description Form found on the DMS website.
- Use the Broadband Crosswalk as a resource of information where appropriate.
- Select box for SES.
- List the appropriate exemption for section 110.205, Florida Statutes.
- If the exemption is from section 110. 205 (2)(w), Florida Statutes, select Managerial, Supervisory, or Confidential based on Chapter 447, Florida Statutes.
- If the position is exempted as supervisory, verify that the position supervises at least two FTE or equivalent.
- List information for current position in “Current” fields.
- List information for proposed position in “Proposed” fields.
- Select appropriate SES CBU code:
 - 80 – Physicians Unit
 - 81 – Selected Exempt Service Attorneys Unit
 - 86 – Supervisory Non-Professional Unit
 - 87 – Supervisory Unit
 - 89 – Other Selected Exempt Service Unit – Not Represented
- If percentages are used make sure they equal 100%.
- Make sure the duties assigned align with those in the Occupation Profile for the Occupation selected.
- Make sure the level of work is appropriate for the occupational level selected.
- The position should be classified based on broadband criteria.
- Make sure the “Approval of Agency Personnel Officer” line on the last page of the position description is signed and dated.
- Submit current and proposed organizational charts for all affected charts.
- Prepare letter to HRM explaining the request and include the exemption being used. Submit with all supporting documents to the Workforce Design and Compensation Team.

APPENDIX B – SES TO SES CHECKLIST

- Fill out PD ensuring all necessary fields are completed, based on the Instructions for Completing the Position Description Form found on the DMS website.
- Use the Broadband Crosswalk as a resource of information where appropriate.
- Select box for SES.
- List the appropriate exemption for section 110.205, Florida Statutes.

If the exemption is from section 110. 205 (2)(w), Florida Statutes, select Managerial, Supervisory, or Confidential based on Chapter 447, Florida Statutes.
- If the position is exempted as supervisory, verify that the position supervises at least two FTE or equivalent.
- List information for current position in “Current” fields.
- List information for proposed position in “Proposed” fields.
- Select appropriate SES CBU code:
 - 80 – Physicians Unit
 - 81 – Selected Exempt Service Attorneys Unit
 - 86 – Supervisory Non-Professional Unit
 - 87 – Supervisory Unit
 - 89 – Other Selected Exempt Service Unit – Not Represented
- If percentages are used make sure they equal 100%.
- Make sure the duties assigned align with those in the Occupation Profile for the Occupation selected.
- Make sure the level of work is appropriate for the occupational level selected.
- The position should be classified based on broadband criteria.
- Make sure the “Approval of Agency Personnel Officer” line on the last page of the position description is signed and dated.
- Submit current and proposed organizational charts for all affected charts involved in the request.
- Prepare letter to HRM explaining the request and include the exemption being used. Submit with all supporting documents to the Workforce Design and Compensation Team.

APPENDIX C – SES TO CAREER SERVICE CHECKLIST

- Fill out PD ensuring all necessary fields are completed, based on the Instructions for Completing the Position Description Form found on the DMS website.
- Use the Broadband Crosswalk as a resource of information where appropriate.
- Select box for Career Service.
- List information for current position in “Current” fields.
- List information for proposed position in “Proposed” fields.
- Select appropriate Career Service CBU code:

<p>Career Service Represented:</p> <ul style="list-style-type: none">01 - Administrative and Clerical Unit02 - Operational Services Unit03 - Human Services Unit04 - Professional Health Care Unit05 - Professional Unit06 - Law Enforcement Unit08 - Security Services Unit10 - Special Agent Unit11 - Fire Service Unit12 - Florida Highway Patrol Unit	<p>Career Service Non-Represented:</p> <ul style="list-style-type: none">07 - Supervisory Unit09 - Managerial/Confidential Unit18 - Fruit and Vegetable Inspection Service Unit
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- If percentages are used make sure they equal 100%.
- Make sure the duties assigned align with those in the Occupation Profile for the Occupation selected.
- Make sure that any duties that made the position SES have been removed from the PD.
- Make sure the level of work is appropriate for the occupational level selected.
- The position should be classified based on broadband criteria.
- Make sure the “Approval of Agency Personnel Officer” line on the last page of the PD is signed and dated.
- Submit current and proposed organizational charts for all affected charts involved in the request.
- Prepare letter to HRM explaining the request. In the letter give the reason the position is being removed from the SES. Submit with all supporting documents to the Workforce Design and Compensation Team.

APPENDIX D – SES TO SMS CHECKLIST

- Fill out PD ensuring all necessary fields are completed, based on the Instructions for Completing the Position Description Form found on the DMS website.
- Use the Broadband Crosswalk as a resource of information where appropriate.
- Select box for SMS.
- List the appropriate exemption for section 110.205, Florida Statutes.
- List information for current position in “Current” fields.
- List information for proposed position in “Proposed” fields.
- Select SMS CBU code 99.
- If percentages are used make sure they equal 100% (frequently not on SMS PD).
- Make sure the duties assigned align with those in the Occupation Profile for the Occupation selected.
- Make sure the level of work is appropriate for the occupational level selected.
- The position should be classified based on broadband criteria.
- Make sure the “Approval of Agency Personnel Officer” line on the last page of the PD is signed and dated.
- Submit current and proposed organizational charts for all affected charts involved in the request.
- Prepare letter to HRM explaining the request and include the exemption being used. Submit with all supporting documents to the Workforce Design and Compensation Team.

APPENDIX E – CAREER SERVICE TO SMS CHECKLIST

- Fill out PD ensuring all necessary fields are completed, based on the Instructions for Completing the Position Description Form found on the DMS website.
- Use the Broadband Crosswalk as a resource of information where appropriate.
- Select box for SMS.
- List the appropriate exemption for section 110.205, Florida Statutes.
- List information for current position in “Current” fields.
- List information for proposed position in “Proposed” fields.
- Select SMS CBU code 99.
- If percentages are used make sure they equal 100% (frequently not on SMS PD).
- Make sure the duties assigned align with those in the Occupation Profile for the Occupation selected.
- Make sure the level of work is appropriate for the occupational level selected.
- The position should be classified based on broadband criteria.
- Make sure the “Approval of Agency Personnel Officer” line on the last page of the PD is signed and dated.
- Submit current and proposed organizational charts for all affected charts involved in the request.
- Prepare letter to HRM explaining the request and include the exemption being used. Submit with all supporting documents to the Workforce Design and Compensation Team.

APPENDIX F – SMS TO SES CHECKLIST

- Fill out PD ensuring all necessary fields are completed, based on the Instructions for Completing the Position Description Form found on the DMS website.
- Use the Broadband Crosswalk as a resource of information where appropriate.
- Select box for SES.
- List the appropriate exemption for section 110.205, Florida Statutes.
- List information for current position in “Current” fields.
- List information for proposed position in “Proposed” fields.
- Select appropriate SES CBU code:
 - 80 – Physicians Unit
 - 81 – Selected Exempt Service Attorneys Unit
 - 86 – Supervisory Non-Professional Unit
 - 87 – Supervisory Unit
 - 89 – Other Selected Exempt Service Unit – Not Represented
- If percentages are used make sure they equal 100%.
- Make sure the duties assigned align with those in the Occupation Profile for the Occupation selected.
- Make sure the level of work is appropriate for the occupational level selected.
- The position should be classified based on broadband criteria.
- Make sure the “Approval of Agency Personnel Officer” line on the last page of the PD is signed and dated.
- Prepare letter to HRM explaining the request and include the exemption being used. Submit with all supporting documents to the Workforce Design and Compensation Team.

APPENDIX G – SMS TO SMS CHECKLIST

- Fill out PD ensuring all necessary fields are completed, based on the Instructions for Completing the Position Description Form found on the DMS website.
- Use the Broadband Crosswalk as a resource of information where appropriate.
- Select box for SMS.
- List the appropriate exemption for section 110.205, Florida Statutes.
- List information for current position in “Current” fields.
- List information for proposed position in “Proposed” fields.
- Select SMS CBU code 99.
- If percentages are used make sure they equal 100% (frequently not on SMS PD).
- Make sure the duties assigned align with those in the Occupation Profile for the Occupation selected.
- Make sure the level of work is appropriate for the occupational level selected.
- The position should be classified based on broadband criteria.
- Make sure the “Approval of Agency Personnel Officer” line on the last page of the PD is signed and dated.
- Submit current and proposed organizational charts for all affected charts involved in the request.
- Prepare letter to HRM explaining the request and include the exemption being used. Submit with all supporting documents to the Workforce Design and Compensation Team.

APPENDIX H – SMS TO CAREER SERVICE CHECKLIST

- Fill out PD ensuring all necessary fields are completed, based on the Instructions for Completing the Position Description Form found on the DMS website.
- Use the Broadband Crosswalk as a resource of information where appropriate.
- Select box for Career Service.
- List information for current position in “Current” fields.
- List information for proposed position in “Proposed” fields.
- Select appropriate Career Service CBU code:

<p>Career Service Represented:</p> <ul style="list-style-type: none">01 - Administrative and Clerical Unit02 - Operational Services Unit03 - Human Services Unit04 - Professional Health Care Unit05 - Professional Unit06 - Law Enforcement Unit08 - Security Services Unit10 - Special Agent Unit11 - Fire Service Unit12 - Florida Highway Patrol Unit	<p>Career Service Non-Represented:</p> <ul style="list-style-type: none">07 - Supervisory Unit09 - Managerial/Confidential Unit18 - Fruit and Vegetable Inspection Service Unit
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- If percentages are used make sure they equal 100%.
- Make sure the duties assigned align with those in the Occupation Profile for the Occupation selected.
- Make sure that any duties that made the position SMS have been removed from the position description.
- Make sure the level of work is appropriate for the occupational level selected.
- The position should be classified based on broadband criteria.
- Make sure the “Approval of Agency Personnel Officer” line on the last page of the PD is signed and dated.
- Submit current and proposed organizational charts for all affected charts involved in the request.
- Prepare letter to HRM explaining the request. In the letter give the reason the position is being removed from the SMS. Submit with all supporting documents to the Workforce Design and Compensation Team.

APPENDIX I – ABOLISHMENT OF SES OR SMS POSITIONS CHECKLIST

- Submit the current PD for the position.
- For Type of Transaction put “Abolish.”
- Make sure the “Approval of Agency Personnel Officer” line on the last page of the position description is signed and dated.
- Submit current and proposed organizational charts for all affected charts involved in the request.
- Prepare letter to HRM explaining the request. Submit with all supporting documents to the Workforce Design and Compensation Team.