



FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROCEDURE

Title: Attendance and Leave Procedures

Related Policy: FDJJ - 1002.03

I. DEFINITIONS

Administrative Leave – Authorized leave with pay not chargeable against an employee’s accrued leave credits.

Annual Leave (Code 0051) – Authorized leave with pay granted an employee for vacation or other personal purposes to be charged against the employee’s annual leave credits.

Attendance and Leave Coordinator – A member of the Bureau of Human Resources who coordinates the attendance and leave program area.

Base Rate of Pay – An employee's salary excluding any salary additives.

Break in Service – An employee shall be considered to have a break in service when the employee separates, and is not on any state payroll for at least thirty-one (31) calendar days following the separation. A break in service shall apply to the transfer of annual leave provisions as defined herein.

Career Service – Includes all positions not specifically exempted from Career Service under the provisions of Section 110.205(2), Florida Statutes (F.S.), or other provision of law.

Caretaker – An employee, who is legally responsible for caring for another person who is ill, injured, or in need of assistance.

Compensatory Leave Credits – There are several types of compensatory leave credits. They are:

- **FAIR LABOR STANDARDS ACT (FLSA) Compensatory (Code 0085):** Leave credits accrued by an employee in an included position at one and one-half hours, in lieu of an overtime payment, when hours worked exceed 40 hours of work in a workweek. This leave code is payable on an hour-for-hour basis at the employee’s current rate of pay for balances as of June 30 and December 31, of each year.
- **Regular Compensatory (Code 0054):** Leave credits earned by an excluded Career Service employee for work hours in excess of the regular work period or an approved extended work period, on an hour-for-hour basis; no employee may accrue more than 240 hours. This code is not payable.
- **Special Compensatory Holiday - Pre 7/2012 (Code 0055):** Leave credits earned by an employee prior to July 1, 2012, in an included or excluded Career Service position when the total hours for the work period exceed the required hours (40 for included or 80 excluded) for either holiday work or working during a facility closure. Additionally, Selected Exempt Service (SES) employees, below the level of bureau chief, accrue special compensatory leave in this hour type for performing essential

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services during facility closures. This leave code is payable at the employee's current hourly rate of pay upon separation from the agency or movement between pay plans.

- **Special Compensatory Holiday (Code 0091):** Leave credits earned by an employee in an included or excluded Career Service position when the total hours for the work period exceed the required hours (40 for included or 80 excluded) due to a State holiday. This leave code is payable if accrued on or after November 1, 2019, pursuant to certain collective bargaining agreement provisions when not used by the end of the six-month accrual period (either November through April or May through October). Balances eligible for payment are paid at the employee's current hourly rate of pay. Leave accrued before November 1, 2019, carried over to Special Compensatory Holiday – Carry Over (**Code 0096**). Please reference the definition below.
- **Special Compensatory - Office Closure (Code 0094):** Leave credits earned by a Career Service who holds a position below that of bureau chief or comparable for essential services performed during facility closures. This leave code is payable if accrued on or after November 1, 2019, pursuant to certain collective bargaining agreement provisions when not used within 120 days following the work period in which it was accrued. Balances eligible for payments are paid at the employee's current hourly rate of pay. Leave accrued before November 1, 2019, is not payable and shall expire/forfeit on April 28, 2020 SES employees are excluded from this leave type. Please reference Special Compensatory – Pre 7/2012 (**Code 0055**) definition above.
- **Special Compensatory Holiday - Carry Over (Code 0096):** Leave accrued before November 1, 2019, carried over from Special Compensatory Holiday (**Code 0091**). This leave code is not payable and shall expire/forfeit on April 28, 2020, if not used.

Continuous Service – The most recent date the employee has been continuously employed in an established (non-OPS) position without a break in service.

Creditable Service – Employment in an established (non-OPS) position with the State Personnel System, the State Court System, the Justice Administration Commission, the Legislature, the Florida Lottery, a state university, or the State Board of Administration.

Deferred Retirement Option Program (DROP) – The program created by Section 121.091(13), F.S., effective July 1, 1998, for eligible employees who retire and elect to defer their retirement benefits while continuing employment for a limited period up to five (5) years.

Disability Leave – Leave granted to an employee who sustains a job-connected disability that is compensable under the Workers' Compensation Law.

Domestic Violence – As defined in Section 741.28 (2), F.S., means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member, or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence. Family or household member as defined in Section 741.28(3), F.S., Domestic Violence; means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married.

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With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Emergency Situation – Occurs when danger to the life, health or well-being of the public, employees, or other persons or danger to property is imminent.

Essential Employee – One whose presence is necessary to perform or support the state emergency relief or continuation of operations during a declared state of emergency; or whose assigned duties and responsibilities must be accomplished despite the declaration of a state of emergency.

Excluded Position – A position in the Career Service, Selected Exempt Service (SES), or Senior Management Service (SMS) as being exempt from the Fair Labor Standards Act (FLSA) and excludes employees from being eligible for cash payment for overtime.

Fair Labor Standards Act – A federal law that establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments.

Family Leave – Leave that may be approved for up to thirty (30) days for non-medical family responsibilities, provided that the leave has minimal impact on the employee’s work unit as determined by the supervisor. Family responsibilities in this area may include, but are not limited to, the following:

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

Family Medical Leave Act (FMLA) – A federal law that entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Employees shall be responsible for payments towards health insurance. Eligible employees are entitled to:

- (a) Twelve (12) workweeks (480 hours) of leave in a (12) twelve-month period for:
 - The birth of a child and to care for the newborn child within one (1) year of birth;
 - The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one (1) year of placement;
 - To care for the employee’s spouse, child, or parent who has a serious health condition;
 - A serious health condition that makes the employee unable to perform the essential functions of his or her job;
 - Any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” **or**

- (b) Twenty-six (26) workweeks (1,040 hours) of leave during a single (12) twelve-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember’s spouse, son, daughter, parent, or next of kin (military caregiver leave).

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- “Parent” means a natural or biological parent, current stepparent, an adoptive parent, foster parent, a legal ward, or an individual who once stood “in loco parentis,” as defined in the FMLA regulations.
- “Child” means natural or biological child, a current stepchild, an adopted child, a foster child, legal ward, or child with “in loco parentis” status, either under the age of 18 or 18 years and older and incapable of self-care because of a physical or mental disability, as defined in the FMLA regulations.

Family Medical Leave Act Eligibility – An OPS, Career Service (probationary or permanent status), Selected Exempt Service (SES), or Senior Management Service (SMS) employee employed by the State of Florida for at least twelve (12) months and has physically worked (**Code 1000**) at least 1,250 hours within the State Personnel System during the previous (12) twelve-month period.

Family Sick Leave (Code 0053) – Illness, injury or well-care check-ups of a member of the employee's immediate family or someone for whom the employee or the employee's spouse has a caretaker responsibility and when the employee's presence is necessary to care for such person.

Family Supportive Work Program (FSWP) – Parental or family medical leave granted for up to six (6) months (1,040 hours) within one (1) year following the birth or adoption of a child and/or for a family member's serious health condition, as defined in the FMLA and implementing regulations. Family, as applied to the FSWP, specifically means:

- “Spouse” (Current legal spouse as defined in the FMLA).
- “Parent” which include biological parents, current stepparent, adoptive parent.
- “Child” which include biological child, current stepchild, and adopted child, regardless of age. Section 110.221, F.S. does not provide an age limit.
- All other family relationships are excluded; for example, grandparents, brothers and sisters, grandchildren, and great grandchildren.

FDJJ Attendance and Leave Form – Official document used by employees to account for their work and leave time.

Flexible Work Schedule – A work schedule wherein fixed times of arrival and departure are replaced by a workday which is composed of "Core Work Time" and work hours other than 8:00 a.m. to 5:00 p.m.

Flextime – Work schedules that allow an employee to vary arrival and departure from the work place during a workday.

Health Care Provider – A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices medicine or osteopathy, or a podiatrist, dentist, clinical psychologist, optometrist, and chiropractor (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and perform within the scope of their practice, under law; or any health care provider recognized by the employer or the employer's State Health Plan Benefits provider.

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Hours of Work – Hours spent in physical or mental exertion permitted, controlled, or required by and for the benefit of the agency or the state, that are counted in accordance with the FLSA in determining an employee's eligibility for overtime.

Immediate Family – Spouse, parents, grandparents, brothers, sisters, children, and grandchildren of both the employee and the spouse, stepparents, and stepchildren are considered members of the immediate family.

Included Position – A position in a Career Service or Selected Exempt Service (SES) class, which is designated by the Department of Management Services (DMS) as not being exempted from the Fair Labor Standards Act and includes employees eligible for cash payment for overtime.

Leave of Absence Without Pay (LWOP) – Leave without pay to cover any absence from work for a period not to exceed twelve (12) months.

Authorized – Code 0058

- An employee may, upon request, be granted leave without pay for a period not exceeding twelve (12) calendar months if the approving authority deems such leave to be justified and not detrimental to agency operations.
- An employee requesting a personal leave of absence without pay must submit a written request to the appropriate director through the immediate supervisor. Once approved, the manager must initiate a LWOP Personnel Action Request (PAR) through the People First System.
- In exceptional cases, leave without pay may be extended if approved by the DMS.
- Such leave when used due to the exhaustion of other types of paid leave, when unscheduled and where appropriate, will be used by the agency in determining excessive absenteeism.
- Limitations of Leave Without Pay:
 - An employee will not earn leave credits or be granted salary increases of any type while on a leave of absence without pay.
 - Employees on leave without pay the entire day before a holiday shall not be eligible to receive payment for such holiday or any other holiday observed while the employee is on such leave.

Unauthorized – Code 0059

- Leave without pay for an employee's leave of absence, not authorized by the supervisor.

Medical Certification – Written documentation which contains the health care provider full name, address and telephone number, is signed and dated by a Licensed Health Care Provider and provides pertinent health information about the patient.

Military Caregiver Leave – Leave granted up to twenty-six (26) workweeks (1,040 hours) in a single (12) twelve-month period to care for a covered servicemember with a serious injury or illness. Such leave is granted per servicemember, per injury.

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Covered Servicemember – Is a current member of the Armed Forces, including the National Guard or Reserves or is on a temporary disabled list due to a serious injury or illness incurred in the line of duty while on active duty for which they are receiving continual medical treatment.

Caregiver Eligibility – The spouse, son, daughter, parent, or next of kin, the nearest blood relative other than the covered servicemember’s spouse, parent, son or daughter, or a blood relative granted custody by court decree, brothers and sisters, grandparents, aunts and uncles, and first cousins of a covered servicemember, unless the servicemember has specifically designated next of kin in writing.

Qualifying Exigency Leave – Shall be approved for up to twelve (12) weeks. Leave may be used for any reason that arise out of a spouse, son, daughter, or parent’s active duty status or call to active duty status.

Military Leave – Leave of absence which must be granted by the appropriate manager/supervisor when requested by an employee (except an employee who is employed in a temporary position or employed on a temporary basis) who is drafted, who volunteers for active military service, or who is ordered to active duty. Active duty training is not considered military leave.

On-Call – The status of an employee who has been instructed by the appropriate management to remain available to return to the work location on short notice to perform assigned duties during an off-duty period, and to leave work where the employee may be reached by phone or other electronic signaling devices. Such assignment is not compensable as hours worked.

Other Personal Services (OPS) – A temporary employer/employee relationship used solely for accomplishing short term or intermittent tasks.

Overtime – Hours worked in excess of 40 hours during the established workweek for included employees. Hours worked in excess of 80 hours pay period for excluded employees. Overtime for excluded employees shall be reflected as regular compensatory leave.

Parental Leave – Maternity or paternity leave with or without pay, not to exceed six (6) months, for the mother or father of a child who is born to or adopted by that parent.

Pay As You Go – A concept whereby special compensatory (SC) earned under certain collective bargaining agreements become payable if unused after the passage of a specified period of time. This is also commonly referred to as “Pay Go”.

People First System – The State of Florida's self-service, secure, web-based personnel system that automates the State’s human resource functions, such as payroll, benefits, hiring, personnel management, leave, time, and attendance information.

Personal Holiday (Code 0066) – A holiday credited to each full-time and part-time employee upon employment and on July 1 of each subsequent year that must be taken or be forfeited by the close of business on June 30 of each fiscal year.

Regular Rate of Pay – An employee's base rate of pay plus any salary additives approved by DMS, including additives necessary to meet the requirements of the FLSA.

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Salary Additives – A special salary amount approved by DMS and paid in addition to an employee's base rate of pay. Salary additives include Competitive Area Differential (CAD), lead-worker, shift differential, on-call fees, coordinator, temporary special duty, trainer, and hazardous duty additives. Salary additives are associated with Career Service positions only and are removed from the employee's pay upon the employee's movement from the position.

Selected Exempt Service – Includes all positions assigned to the Selected Exempt Service (SES).

Senior Management Service – Includes all positions assigned to the Senior Management Service (SMS).

Serious Health Condition – An illness, injury, impairment, or physical or mental medical condition that involves a) inpatient care in a hospital, hospice, or residential medical care facility or b) continuing treatment by a health care provider. Under regulations within the Family Medical Leave Act, a serious health condition involves one of the following four circumstances:

- Illness or injury that involves an overnight stay in a hospital, hospice, or residential medical care facility, including any subsequent treatment therefrom; or
- Illness or injury that causes more than three (3) consecutive calendar days of incapacity and two (2) or more treatments within thirty (30) days of the first day of incapacity by a health care provider; or
- Illness or injury that causes more than three (3) consecutive calendar days of incapacity and involves at least one (1) treatment by a health care provider and a regimen of continuing treatment under a health care provider's supervision; or
- Any period of incapacity due to pregnancy/prenatal care, or a chronic serious health condition, or a permanent or long-term serious health condition, or to receive medical treatment for restorative surgery or a condition that will likely result in a period of incapacity of more than three (3) days in the absence of medical intervention or treatment.

SES Extraordinary Pay – A payment plan for excluded Selected Exempt Service (SES) employees who are directed to work extended hours due to extraordinary circumstances impacting the Department or the citizens of the State of Florida.

Shift Work – The shift to which the position is assigned the largest percentage of time determines the shift assignment.

- 0 Administrative Shift (8:00 a.m. to 5:00 p.m.)
- 1 Evening Shift (4:00 p.m. to 12:00 a.m. Midnight)
- 2 Night Shift (12:00 a.m. Midnight to 8:00 a.m.)
- 3 Rotating Shift

Sick Leave (Code 0052) – Authorized leave with pay granted an employee for the employee's personal illness, injury, exposure to a contagious disease that would endanger others; or the employee's personal

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appointments with a doctor, dentist, or other recognized practitioner; or the illness, injury, or well-care check-ups of the employee's spouse, children or parents of the employee or the spouse, or a person for whom the employee or the spouse has a caretaker responsibility, when the employee's presence is necessary.

Spouse – Refers to the other person with whom an individual entered into a marriage as defined or recognized under state law for purposes of marriage in the State. This definition includes an individual in a same-sex or common law marriage that either:

- Was entered into in a State that recognizes such marriages; or
- If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

State Personnel System (SPS) – The employment system comprised of positions within the Career Service, SES, or SMS, and within all state agencies, except those in the state university system, the Florida Lottery, the Legislature, the Justice Administrative System, or the State Courts System.

Victim – As defined in Section 741.313 (1)(f), Florida Statutes, means an individual who has been subjected to domestic violence or sexual violence.

Visitor – A person, to include children, who visits the employee's workplace.

Workday – Pursuant to Subsection 110.219(1), F.S., the workday for each full-time state employee shall be eight (8) hours or as otherwise justified by the agency head.

Workweek – Forty (40) hours in a period of seven (7) consecutive calendar days and when included employees exceed this (40) forty-hour period, overtime pay is earned. For operational purposes, the SPS workweek runs from 12:00 a.m. on Fridays through 11:59 p.m. on Thursdays (midnight to midnight).

Workplace – The physical place where an employee works.

II. STANDARDS/PROCEDURES

A. Work Hours:

1. Full-time and part-time Career Service employees are required to be present on their assigned job for the total hours in the established workweek or work period and in accordance with their approved flextime or other approved schedule unless absence from duty is authorized.
2. Required attendance at training courses shall be considered as hours worked.
3. Travel to and from an employee's regularly assigned headquarters shall not be counted as hours worked. However, Career Service employees who are on-call and are called back to work beyond the employee's scheduled hours of work for that day shall be credited with actual time worked or a minimum of two (2) hours of work, whichever is greater. Time worked or the (2) two-hour minimum are not counted as hours worked for the purpose of computing overtime compensation.
4. Under state law, any official travel during an employee's normal working or non-working hours, whether on regular workdays or regular days off, shall be counted as hours worked.

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5. Employees shall work their established schedule in the regular or extended work period. Should the need arise during the pay period, and with prior approval of the supervisor, an employee may work other than their regularly scheduled hours.
6. An employee may take a 30 to 60-minute lunch break between the hours of 11:00 a.m. and 2:00 p.m. each workday. A lunch period other than between 11:00 a.m. and 2:00 p.m. may be approved by the supervisor on a temporary basis, if it is beneficial to the employee and will not hinder the work unit's operations. Lunch breaks for direct care employees will differ according to their work schedule.
7. Some employees may not be granted a lunch break due to extenuating circumstances (i.e. office operations, staff reductions, etc.); therefore, employees would remain on duty for their entire work period.
8. If, under unusual and temporary circumstances, an employee wishing to work outside the regular hours of operation, may use those hours toward satisfying the employee's daily hourly requirement; however, prior approval by the appropriate director, or designee, is required.

B. Flexible Work Schedule:

1. Each manager or supervisor will determine whether to permit participation in a flexible work schedule. If a flexible work schedule is adopted, participation is strictly on a voluntary basis.
2. The request must be entered in the People First System by the employee at least one (1) week in advance of the start date, to include the begin and end dates. The system will automatically send the request to the supervisor for approval after the record has been saved.
3. Approval can be withdrawn at any time at the discretion of the supervisor, or at the request of the employee.
4. If an employee's request is withdrawn by the supervisor, the supervisor must provide the employee the reason(s) why the request was denied.
5. If a holiday falls on a day the employee is scheduled to work four (4) hours or less and the workweek is not adjusted, the employee shall be credited with special compensatory leave credits, not to exceed eight (8) hours.
6. No bureau or section will be allowed to completely shut down on any full or partial day.
7. Adequate supervision will be provided when the employee's immediate supervisor is not present.
8. Adequate coverage in all offices will be maintained so statutory responsibilities can be met and service to the public or others served will not be jeopardized during the hours of operation.

C. Visitors and Pets:

1. Visitors, including children, may be permitted at the workplace during an employee's work hours on a limited basis, provided they do not adversely affect office operations and visitors are not strictly prohibited.

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2. Employees must have their supervisor's approval before a visitor can be permitted at the workplace.
3. Employees shall not use visitation at the Department as a means or substitute for childcare.
4. All visitors must check in at the security desk and obtain a temporary badge, which must be visible at all times. When security is not assigned to the location, management must be informed of the visitor's presence.
5. The Department is responsible for ensuring the health and safety of all employees. In keeping with this objective, the Department shall not permit employees to bring their household pets to work.
6. An employee who requires the help of a service animal will be permitted to bring their service animal to the office. Only dogs are recognized as service animals under Title II (State and local government services) of the Americans with Disabilities Act (ADA). Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
7. Animals that provide comfort, therapy, or emotional support to the employee are not permitted in the workplace and are not recognized as service animals under the ADA. Animal-assisted therapy for agency-wide authorized programs are permitted.
8. Visitors and service animals must be accompanied by the employee at all times.

D. Recording Attendance and Leave:

1. Employees are required to submit their timesheet in the People First System, and supervisors are required to review and approve the timesheet on or before each payroll deadline.
2. Supervisors are responsible and accountable for timely review and approval of employees' timesheet. In the absence of the employee or supervisor, timesheet shall be approved by the next level supervisor or designated timekeeper.
3. Employees filling an OPS position are paid according to the number of hours worked biweekly. If they work additional required hours they shall be compensated for those hours.
4. All leave should be requested and approved in advance, even when it is known that the employee may work additional hours to offset the need for leave. If the hours worked and leave taken in an employee's schedule exceeds the number of required hours in the work schedule, adjustment of the leave is required to eliminate the need for overtime compensation or compensatory leave accrual. Adjustments must be reflected on the employee's timesheet.
5. Leave balance information is available to supervisors for each employee by accessing the People First System.

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E. Break in Service:

1. Employees who have experienced a break in service shall be entitled to utilize all previous state service (excluding OPS, city and county service) in determining eligibility for higher annual leave credits. Employees shall submit an email to the [HR Attendance and Leave](#) distribution box if there are discrepancies on the [Key Service Date](#) screen in the People First System.
2. Based on HR findings the employee will be notified via email of the outcome of their request. The People First System will be updated, if necessary.
3. Authorized leaves of absence without pay (i.e. LWOP) shall be considered creditable service.
4. When an employee resigns or retires from one state agency to accept a position with another state agency, any period in excess of thirty-one (31) calendar days shall be considered a break in service.

F. On-Call:

1. Specified employees are required to remain available to return to work during an off-duty period, being able to be reached by telephone or by an electronic mobile device in order to return to work on short notice.
2. These employees may be instructed verbally to be on-call for up to 24 consecutive hours; however, no employee shall be required to be on-call for more than 24 consecutive hours or one (1) consecutive calendar day, unless such instructions are in writing.
3. To be eligible to receive on-call payment, the employee must have been released from regular work hours before beginning the on-call period or be released from the call back period before beginning regularly scheduled work hours.

G. Call Back:

1. When an employee is called back to work beyond the employee's scheduled hours of work, the employee is either credited for the actual time worked or a minimum of two (2) hours of work, whichever is greater.
2. When an employee is called back to work they are to record the actual time worked. If the actual time worked is less than two (2) hours, the People First System will automatically adjust the employee's pay to two (2) hours.
3. **Only actual time worked is counted as hours worked for the purpose of computing overtime compensation.**

H. Overtime:

1. Managers and supervisors are responsible for arranging employees' work in such a way that the need to work overtime is minimized or avoided.

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2. In situations where overtime is necessary, prior approval by the supervisor is required. Supervisors are responsible for ensuring overtime worked is authorized for compliance with the provisions of the FLSA.
 3. An employee shall not be permitted to work overtime without proper authorization.
 4. Overtime worked without proper authorization is subject to disciplinary action, up to and including dismissal.
 5. When additional hours are required, they must be accurately recorded in the People First System.
- I. Overtime Compensation:
- A. Included Positions**
1. Employees filling included positions within the State Personnel System shall be paid at a rate of one and one-half times the employee's hourly regular rate of pay for all required work hours in excess of 40 hours during a workweek.
 2. Under the FLSA, an employee filling an included position may waive cash payment for overtime, if mutually agreed by the employee and the appropriate manager or supervisor. If such an election is made by the employee in the People First System, overtime hours worked shall be credited as FLSA Compensatory Leave at time and a half.
 3. Managers or supervisors must approve actual hours worked on the People First System timesheet, even if the overtime was not approved in advance.
 4. There are two (2) FLSA compensatory leave periods: January 1 to June 30 and July 1 to December 31 of each year.
 5. A maximum of 80 hours of FLSA compensatory leave may be accrued during each period. Any hours over 80 shall be paid at time and a half.
 6. Unused FLSA compensatory leave credits as of June 30 and December 31 of each year shall be paid at the employee's straight-time regular hourly rate of pay.
 7. If mutually agreed by the employee and the supervisor, FLSA compensatory leave credits may be used in quarter increments. The supervisor may, with a minimum of five (5) workdays notice, require an employee to use such leave credits in quarter increments up to a full workday.
 8. FLSA Compensatory leave credits **shall not** be transferred to another agency and shall be paid at the employee's current hourly rate of pay.
 9. An employee who terminates from an included position, shall be paid for all unused FLSA compensatory leave credits at the employee's current hourly rate of pay.
 10. Upon prior notice, a manager or supervisor may compel the use of an employee's accumulated FLSA compensatory leave credits, based on agency needs.

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11. An employee who moves from an included to an excluded position within the Department, the FLSA compensatory leave credits shall carry over.

B. Excluded Positions

1. Career Service employees in an excluded position **shall not** be paid for any additional hours worked over 80. Any additional hours worked in excess of the regular work period or approved extended period shall be credited with regular compensatory leave on an hour-for-hour basis; not to exceed 240 hours. Every reasonable effort should be made to allow employees to use earned compensatory leave credits.
 - a. Regular compensatory leave credits may be used in quarter increments if mutually agreed to by the employee and the appropriate supervisor. If such mutual agreement is not reached, the supervisor may, with a minimum of five (5) workdays notice, require the employee to use such credits at any time.
 - b. If an employee is required to take regular compensatory leave, every effort shall be made to grant such leave in blocks of hours equivalent to the number of hours in the employee's regular workday.
 - c. Cash payment to an excluded employee for accrued regular compensatory leave is prohibited upon separation of the employee from the agency. An employee transferring within the agency from one excluded position to another will retain any unused regular compensatory leave credits.
 - d. Regular Compensatory Leave credits are no longer transferable between agencies or from one pay plan to another, effective November 5, 2013.
 - e. Managers and supervisors are responsible for ensuring overtime and compensatory leave provisions are uniformly and consistently applied for all excluded employees within their respective organizational unit. Deviation in the application of compensatory leave provisions from one work unit to another shall not be permitted.
 - f. Extra hours worked by an excluded employee in a workday may be offset within the same work period.
2. When specifically authorized by the Secretary, or designee, and approved by the Department of Management Services, regular compensatory leave earned for work performed during an emergency situation, as declared by an Executive Order and/or determined and defined by the Secretary, or designee, may be paid at the employee's straight time regular hourly rate of pay.
 - a. The Secretary, or designee, will identify the beginning and ending dates in which regular compensatory leave credits earned can be paid.
 - b. The appropriate region/circuit will notify the Bureau of Human Resources when an emergency exists for which earned regular compensatory leave credits may be paid.

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- c. Only regular compensatory leave credits earned for defined work performed during the emergency will be eligible for regular compensatory leave payment.
 - d. Payment for regular compensatory leave earned during an emergency period must be contingent upon an identified, outside source of revenue, and may not be paid from a region or district existing salary appropriation.
 - e. In such situations, all excluded employees, from any region or circuit, who are required to work additional hours due to the same emergency or extraordinary situation, must be compensated equally. Such compensation shall be considered a benefit to the employee and shall not be considered compensation for overtime.
 - f. Compensation shall be calculated based on an hour for hour basis for all additional hours worked.
3. An agency may propose for Department approval a fiscally sound agency-wide plan for the payment on an hour-for-hour basis of unused regular compensatory leave credits, subject to the following.
- a. No cash payments shall be made for any regular compensatory leave credits earned prior to the effective date of the plan.
 - b. Payment shall be made at the employee's straight time regular hourly rate of pay.
 - c. Payment shall be made in a lump sum, and may be made annually or at more frequent intervals as determined by the agency.
 - d. An employee who becomes ineligible, or is otherwise not covered by the agency's plan, shall at that time be paid for the appropriate balance.

C. SES Positions

- 1. When specifically authorized by the Secretary, or designee, and approved by the Department of Management Services; excluded SES employees below the bureau chief or bureau chief comparable level are eligible to be paid for an extraordinary situation.
 - a. A manager or supervisor will initiate a written request to the Secretary, or designee, outlining the nature of the extraordinary situation, the unit(s) employees performing the extraordinary responsibilities, and the recommended beginning and ending dates associated with the request.
 - b. If approved, the Secretary, or designee, will confirm the approval in writing noting the beginning and ending dates, in which the hourly payments will be made.
- 2. Payment shall be made at the employee's straight time hourly regular rate of pay on an hour-for-hour basis for any hours worked in excess of the contracted hours during the regular work period; only when a specific funding has been identified for this purpose.

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J. Special Compensatory Leave:

1. Special compensatory leave earned should be monitored by supervisors and used by the employee as soon as it is feasible. In most instances, it is the following pay period in which it was earned. An employee should not be allowed to accumulate such hours for the purpose of being able to receive a lump sum cash payment.
2. Upon prior notice, the agency head may compel the use of all or part of an employee's accumulated special compensatory leave credits based on agency needs, provided such usage requirement is in accordance with any collective bargaining agreement provisions. A Career Service employee may also be required to use accumulated special compensatory leave credits prior to approving the request to use other types of approved leave, with the exception of sick leave.
3. Special compensatory leave credits (Pre 7/2012) earned, shall be paid if the employee is moving from a Career Service position to a SES position within the Department or separates from the agency.
4. Special compensatory leave credits shall not be transferred from the agency or pay plan where the credits were earned to another agency or pay plan.
5. Please reference "**Compensatory Leave**" in the **Section I - DEFINITIONS** of these procedures for additional information.

K. Holidays and Other Authorized Activities:

A. Holidays (Code 1005)

1. The following holidays shall be observed as paid holidays on the designated day. Employees in a non-pay status the entire day before a holiday shall not be entitled to payment for the holiday.
 - New Year's Day
 - Martin Luther King, Jr.'s Birthday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Veteran's Day
 - Thanksgiving Day
 - Friday after Thanksgiving Day
 - Christmas Day
2. If the holiday falls on Saturday, the preceding Friday shall be observed as a holiday. If the holiday falls on Sunday, the following Monday shall be observed as a holiday.
3. Career Service employees required to work or whose regular day off falls on any holiday designated above shall be compensated as follows:
 - a. If the holiday is observed on the employee's regular workday and the employee is required to work, the employee shall be credited with special compensatory holiday leave equal to the number of hours worked on the holiday.

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- b. If the holiday falls on an established workday of less than eight (8) hours, the employee will be credited with an eight-hour holiday.
 - c. If the holiday is observed on the employee's established regular day off, the employee will be credited with an eight-hour holiday.
 - d. Special compensatory holiday leave that is credited from working on a holiday shall be used to offset on an hour-for-hour basis any type of leave used within that same work period.
 - e. Special compensatory holiday leave should be used as soon as feasible. Employees should not be allowed to accumulate large amounts of special compensatory holiday leave credits.
4. When hours worked, leave taken, and holidays observed (excluding the personal holiday) total more than 40 hours in the workweek, 80 hours in the pay period, the excess hours will be accrued as special compensatory holiday leave.
 5. Employees on approved leave with pay when holidays are observed shall not have such days charged against their accrued leave credits. An employee who is scheduled to work but does not work, due to illness or for personal reasons, shall not be allowed to use any type leave on the holiday. Employees are required to observe the holiday on that day.
 6. When an employee moves from one state agency to another and the holiday falls after the termination date from the exit agency, and prior to the beginning date with the receiving agency, the exit agency shall pay for the holiday, provided there is no break in service.

B. Personal Holiday (Code 0066)

1. Each full-time employee shall be entitled to one (1) personal holiday each fiscal year. Such personal holiday shall be credited to eligible employees immediately upon employment and on July 1 of each fiscal year and must be taken prior to June 30, or be forfeited. The following provisions will apply.
 - a. The hours must be taken at one time and not in increments of hours or partial hours.
 - b. It must be taken during the fiscal year, and it will not carry over into the next fiscal year.

L. Work Breaks:

1. Supervisors may allow each employee to take one (1) work break during the first half of their work shift and one (1) work break during the second half of their work shift.
2. Work breaks shall not exceed a (15) fifteen-minute absence from the employee's workstation and unused work breaks may not be accumulated nor may they be used to cover an employee's late arrival or early departure from duty.

M. Lunch Periods:

1. Employees cannot accumulate lunch periods for use at their discretion. If an employee needs to deviate from their regular scheduled lunch period, they must first get approval from their supervisor. The supervisor will work with the employee to offset hours in the same work day.

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- 2. When a supervisor authorizes an included employee to work through their scheduled lunch period, and the employee’s work requirements do not allow them to flex the time in the same work day, the supervisor should attempt to flex the employee’s work hours during the remaining workweek to ensure the employee does not work more hours than scheduled during the workweek.

For example, if an included employee works through their (1) one-hour lunch period on a Friday and cannot take off one (1) hour on the same Friday, the supervisor should alter the employee’s work schedule before the end of their workweek (which ends Thursday at midnight) to offset the hour worked during their Friday lunch.

N. Annual Leave:

A. Method of Earning Annual Leave

- 1. Selected Exempt Service (SES) and Senior Management Service (SMS) employees shall earn 176 hours of annual leave upon appointment to the appropriate service, and on the anniversary date of that appointment thereafter.
- 2. All full-time employees in a Career Service position shall earn annual leave as follows:

Continuous and Creditable Service	Hours of Leave Earned Biweekly
Up to 5 years (through 60 months)	4
5 to 10 years (61 through 120 months)	5
Over 10 years (over 120 months)	6

- 3. Career Service employees who work less than a full biweekly pay period due to initial employment or separation during a pay period, part-time work, transfer between agencies, or leave of absence without pay, shall earn annual leave credits proportionate for the hours actually worked during that pay period in accordance with the following:

Number of Hours Actually Worked	0 to 5 Years	5 to 10 Years	Over 10 Years
Less than 17	0	0	0
17 through 32	1.000	1.250	1.500
33 through 47	2.000	2.500	3.000
48 through 63	3.000	3.750	4.500
64 or more	4.000	5.000	6.000

- 4. Annual leave earned during any pay period shall be credited to the employee on the last day of that pay period and cannot be used before the beginning of the following pay period. In the case of separation, annual leave shall be credited on the last day the employee is on payroll.

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5. During leaves of absence with pay including Workers' Compensation, an employee shall continue to earn annual leave credits.

B. Use of Earned Annual Leave

1. Use of annual leave by an employee shall not be authorized prior to the time it is earned and shall only be used with the prior approval of the proper authority.
2. Annual leave should be used to provide periodic vacation; however, earned annual leave credits may be used for any purpose when authorized.
3. Upon reasonable notice, an employee may be required to use any part of their accrued annual leave if deemed advisable by the supervisor.
4. All Career Service employees who have accrued annual leave in excess of 360 hours at the close of business on December 31 of each year shall have the excess annual leave transferred to their sick leave balance on an hour-for-hour basis.
5. Senior Management Service (SMS) and Selected Exempt Service (SES) employees with annual leave credits in excess of 480 hours at the close of business on the day before their anniversary date shall have those hours converted to sick leave on an hour-for-hour basis.
6. Supervisors shall make every effort to ensure earned annual leave is used on a current yearly basis in order to provide employees with vacation and proper rest and relaxation.

C. Transfer of Earned Annual Leave

1. If an employee moves from one position in the State Personnel System to another position in the State Personnel System in a different agency within thirty-one (31) days, the exiting agency shall transfer the employee's unused annual leave.
2. If an employee moves from a position in the State Personnel System to a position outside the State Personnel System, DJJ shall either transfer unused annual leave credits to the system into which the employee is transferring, or, if the new system will not accept the leave credits, pay for the leave in accordance with the provisions of this policy. For either transfer or payment, current year leave credits shall be prorated.

D. Payment of Unused Annual Leave

1. All Career Service employees who separate from state government with twelve (12) continuous months of service shall be paid for unused annual leave, **up to a lifetime maximum of 240 hours**. If re-employed by the State, a Career Service employee must work at least 365 days to be eligible for an additional payout. In calculating the lifetime maximum, DJJ shall include only payments after December 31, 2001. In case of death, the 240-hour limit shall not apply and all unused annual leave at the time of death shall be paid to the employee's beneficiary, estate, or as provided by law.
2. A Senior Management Service (SMS) or Selected Exempt Service (SES) employee who separates from state government shall be paid for unused annual leave up to a maximum of 480 hours, with the

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current year's accrual prorated. In the case of death, the 480-hour limit shall not apply and all unused annual leave at the time of death shall be paid to the employee's beneficiary, estate, or as provided by law.

3. Each December, a permanent Career Service employee shall be entitled, subject to the availability of funds, to a payout of up to 24 hours of unused annual leave provided:
 - a. After the payout, the employee's annual leave balance is at least 24 hours;
 - b. The total payout shall not exceed the lifetime maximum of 240 hours.
 - c. Any 24-hour annual leave payout received counts towards your 240-hour lifetime maximum.
 - d. The Bureau of Human Resources shall provide employees with the appropriate form for the 24-hour leave payout during November of each year.
4. A Career Service employee with twelve (12) continuous months of service, who is being laid off, shall be paid for all unused annual leave in accordance with this policy, unless the employee requests in writing that the annual leave be retained up to a maximum of one (1) year, pending reemployment. If the employee is not reemployed within one (1) year, the annual leave held in abeyance shall be paid for in accordance with this policy and the State Personnel System Rules.
5. The Bureau of Human Resources shall provide employees with a leave payout option form, within the notice of lay-off; process requests for leave payout, as appropriate; and maintain records of any leave payouts.
6. An employee electing to participate in DROP may request in writing payment for accrued annual leave at the time of entry into DROP; the employee may elect to defer payment until separation from employment. If the employee elects immediate payment, then upon separation of employment the employee shall be eligible for accrued annual leave payment only to the extent the employee has earned additional annual leave, which combined with the original payment does not exceed 240 hours for Career Services employees or 480 hours for SES and SMS employees. The maximum leave payout hours are based on the employee's pay plan (CS, SES, SMS) at the time of separation.
7. The Bureau of Human Resources shall transfer annual leave credits to another agency, as permitted by Chapter 60L-34, F.A.C.

O. Sick Leave:

A. Method of Earning Sick Leave

1. Full-time Career Service employees shall earn four (4) hours of sick leave for each full biweekly pay period worked. Part-time Career Service employees and Career Service employees who work less than a full pay period, transfer between agencies, or leave of absence without pay, shall earn sick leave credits for the hours worked during that pay period as follows:

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Number of Hours Actually Worked	Hours of Sick Leave Credit
Less than 17	0
17 through 32.99	1
33 through 47.99	2
48 through 63.99	3
64 or more	4

2. Employees in Senior Management Service (SMS) and Selected Exempt Service (SES) positions shall be credited with 104 hours of sick leave upon appointment, and on the anniversary date of that appointment thereafter.
3. During a leave of absence with pay, an employee shall continue to earn sick leave credits.
4. Sick leave earned during any pay period shall be credited to the employee on the last day and cannot be used before the beginning of the following pay period. In the case of separation, sick leave shall be credited on the last day the employee is on payroll.
5. There shall be no limit on the number of hours of unused sick leave an employee may accrue.

B. Use of Earned Sick Leave

1. Use of sick leave by an employee shall not be authorized prior to the time it is earned and shall only be used with the approval of the proper authority.
2. Sick leave shall be authorized only for the following purposes:
 - a. The employee's personal illness, injury, or exposure to a contagious disease that would endanger others. Personal illness shall include disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery there from;
 - b. The employee's personal appointment with a doctor, dentist, or other recognized practitioner; or
 - c. Illness, injury, or well-care check-ups of the employee's spouse, the children or parents of the employee or the spouse, or a person for whom the employee or the spouse has a legal caretaker responsibility, when the employee's presence is necessary.
3. The employee shall give notification of absence due to illness, injury, or exposure to a contagious disease to the appropriate supervisor as soon as possible on or before the first day of absence.
4. After three (3) workdays or partial workdays of absence in any (30) thirty-day period, the supervisor may require medical certification of the employee's absence(s) due to illness or injury before authorizing any additional use of leave credits.
5. After ten (10) consecutive days of absence, the employee shall submit to the supervisor a medical certification from the attending physician before authorizing additional use of sick leave credits or

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leave without pay. If absence continues, the supervisor shall require, as appropriate, further medical verification for each thirty (30) consecutive days of absence. To justify further sick leave, the medical verification must indicate that the employee is unable to perform regularly assigned duties.

6. An employee who becomes ill while on approved annual leave shall be allowed to use accrued sick leave for the period of illness in accordance with the above standards.
7. An employee who uses sick leave in an amount of time, which is less than a full hour, shall have such leave rounded to the nearest quarter of an hour.

C. Transfer of Unused Sick Leave

1. An employee's sick leave credits shall be transferred within the State Personnel System, and may be transferred or received from another state government employer, depending upon whether the receiving plan accepts the employee's leave credits. If the receiving employer does not accept the credits, the employee shall be paid for the credits if he or she has ten (10) years of state employment; otherwise, the credits shall expire.

D. Payment of Unused Sick Leave

1. An employee who has less than ten (10) years of creditable service with the state and separates from state government for any reason (other than layoff) shall forfeit and not be paid for any unused sick leave credits.
2. If employment is terminated as a result of being found guilty of certain criminal charges, or other causes specified in Section 110.122, Florida Statutes, the employee shall not be paid for unused sick leave credits even though the employee has completed ten (10) years of creditable state service.
3. Employees shall be paid for unused sick leave credits when they resign from state government service and have completed ten (10) years of creditable state service. Payment for unused sick leave credits shall be compensated at the employee's current hourly rate of pay for:
 - a. One-eighth (1/8) of all unused sick leave credits accrued prior to October 1, 1973; plus
 - b. One-fourth (1/4) of all unused sick leave credits accrued after October 1, 1973, provided the one-fourth (1/4) of the unused sick leave credits does not exceed 480 hours.
4. If an employee is laid off, the following provisions govern accrued sick leave credits.
 - a. If a Career Service, Selected Exempt Service (SES), and Senior Management Service (SMS) employee has ten (10) years of creditable state service and is otherwise eligible for receipt of sick leave payment pursuant to the personnel rules, the Bureau of Human Resources shall initiate payment for the credits at the time of the layoff, unless the employee requests, in writing, that the Department hold the credits in abeyance pending reemployment within one (1) year of the layoff.
 - b. If the employee is reemployed with the Department within one (1) year following the layoff, the Bureau of Human Resources shall restore the credits to the employee, provided the employee requests restoration, in writing, and returns the full amount of any payment received at time of layoff for the credits.

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- c. If the employee is not eligible for receipt of sick leave payment at the time of layoff, the Bureau of Human Resources shall hold the credits in abeyance and, if the employee is reemployed with the Department within one (1) year following layoff, shall credit them to the employee upon reemployment.
 5. The Bureau of Human Resources shall transfer sick leave hours to another state agency, as permitted by Chapter 60L-34, F.A.C.
- P. Use of Leave for Victims of Domestic or Sexual Violence:
1. An employee must provide advance notice of the leave (except in cases of imminent danger). Sufficient documentation shall include, but is not limited to, police reports, medical verification, court papers, subpoena, injunction or protective orders, etc.
 2. An employee will be granted three (3) days of leave in any (12) twelve-month period regardless of whether the employee, their family or household member is a victim of either or both domestic and sexual violence. The employee may request to use **any** accrued leave. If the employee has exhausted accrued leave, then the employee shall be granted/authorized leave without pay.
 3. Leave may be used in increments of less than a full workday to attend to matters related to domestic violence or sexual violence.
 4. An employee must be employed for at least three (3) months in order to use three (3) working days of leave with or without pay within a (12) twelve-month period.
 5. Domestic violence or sexual violence leave may be used to:
 - a. Seek an injunction for protection against domestic violence or sexual violence;
 - b. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;
 - c. Obtain services from a victim-services organization;
 - d. Make the employee's home secure or to seek housing; or
 - e. Seek legal assistance to address issues arising from the act of domestic violence or sexual violence and to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.
 6. A supervisor shall require documentation of the act of domestic violence or sexual violence, and is required to keep information relating to the employee's leave confidential, and is prohibited from taking any disciplinary action against the employee for exercising rights provided for in Section 741.313, Florida Statutes.
 7. A supervisor may approve additional leave for victims of domestic violence or sexual violence.

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Q. Administrative Leave:

1. Administrative Leave counts as hours of pay, but does not count as hours of work for overtime purposes.
2. Approval of administrative leave is limited to an amount necessary to bring the employee to full pay for 40 hours of work in the workweek, the number of approved hours in the extended work period, or the number of hours in the work period. In no case shall approval of administrative leave cause the employee to exceed 40 hours during the workweek, hours in an approved extended work period, or hours in a regular work period for excluded employees.

A. Administrative Leave - Jury Duty (Code 0031)

1. An employee who is summoned as a member of a jury panel shall be granted administrative leave for hours required for such duty not to exceed the number of hours in the employee's normal workday.
2. If the jury duty does not require absence for the entire workday, the employee shall return to duty immediately upon release by the court.
3. If the employee's jury duty does not coincide with the employee's regular work schedule, the employee shall be granted administrative leave based on the total hours served on jury duty, not to exceed the number of hours in employee's regular workday. Such leave shall be granted on the next scheduled work shift following each day the employee is in court.
4. The employee shall retain any jury fees received.
5. DJJ shall not pay the employee for travel or per diem, for jury duty.

B. Administrative Leave – Witness (Code 0032)

1. An employee subpoenaed as a witness or to give a deposition in a court or an administrative hearing not involving personal litigation or service as a paid expert witness, shall be granted administrative leave; any witness fees shall be retained by the employee; and DJJ shall not pay for travel or per diem.
2. An employee subpoenaed in line of duty to represent a state agency as a witness or defendant shall not be granted administrative leave. Appearance in such cases shall be considered a part of the employee's job assignment; the employee shall turn over any fees received from the court to the agency; and, applicable expenses for per diem and travel are paid.
3. In no case shall administrative leave be granted for court attendance when an employee is engaged in personal litigation or service as a paid expert witness.

C. Administrative Leave – Elections (Code 0035)

1. A supervisor may grant an employee up to one (1) hour of administrative leave for the purpose of voting during normal working hours. An employee shall not be granted administrative leave to work at the polls during elections.

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D. Administrative Leave - Examinations and Interviews (Code 0036)

1. A supervisor may grant an employee up to two (2) hours of administrative leave for the purpose of taking an examination before a state agency, provided such examinations are pertinent to state employment, or for the purpose of having interviews for positions within the State Personnel System.

E. Administrative Leave - Military Reserve Training and National Guard Training Leave (Code 0057)

1. An employee who is a member of the United States military or naval services, including the National Guard, will, upon presentation of a copy of the employee's official orders issued pursuant to the authority of Title 10 or Title 32 of the United States Code, be granted administrative leave during periods in which the employee is ordered to active or inactive duty for training. Whether continuous or intermittent, such leave with pay may not exceed thirty (30) working days in any one annual period beginning on October 1 and ending September 30, of the following year. A copy of the official orders must be submitted to the Bureau of Human Resources immediately upon receipt by the employee.
2. Any absence in excess of thirty (30) working days may, upon request by the employee and approval by the appropriate supervisor, be covered by accrued annual leave credits, accrued compensatory leave credits or a personal holiday. If not requested by the employee or approved by the appropriate supervisor as annual, compensatory leave or personal holiday such absences in excess of thirty (30) working days will be approved as leave without pay; however, such leave will be without loss of time or efficiency rating.

F. Administrative Leave - National Guard State Service Leave (Code 0061)

1. An employee who is a member of the Florida National Guard will, upon presentation of a copy of the employee's official orders issued pursuant to Chapter 250, Florida Statutes, be granted administrative leave during periods in which the employee is ordered to active state service by the Governor of Florida pursuant to Chapter 250, Florida Statutes. Such leave with pay may not exceed thirty (30) calendar days at any one time. A copy of the official orders must be forwarded to the Bureau of Human Resources immediately upon receipt by the employee.
2. Any absence in excess of thirty (30) working days may, upon request by the employee and approval by the appropriate supervisor, may be covered by accrued annual leave credits, accrued compensatory leave credits or a personal holiday. If not requested by the employee or approved by the appropriate supervisor as annual, compensatory leave or personal holiday, such absences in excess of thirty (30) working days will be approved as leave without pay; however, such leave will be without loss of time or efficiency rating. Should any portion of the leave be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status. All such leave will be considered as continuous and creditable service toward earning higher annual leave credits.

G. Administrative Leave - Military Leave (Code 0069)

1. Any employee, except an employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or member of the National Guard, or who is

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probationary, or employed on a temporary basis, who is drafted or who volunteers for active military service, will be granted leave beginning with the date of induction and ending up to one (1) year after the date of separation from the military service or from hospitalization continuing after discharge. Active military service includes active duty with any branch of the Army of the United States, the Air Force of the United States, the United States Navy, the Marine Corps of the United States, the Coast Guard of the United States, the National Guard of the state, or other service as provided in Sections 115.08 and 115.09, Florida Statutes. Such leave of absence must be verified by official orders or appropriate military certification, which will be filed in the employee's personnel file.

2. Upon presentation of a copy of the official orders or appropriate military certification, the first thirty (30) calendar days of such leave will be with full pay and benefits, and the remainder approved military leave without pay. Leave payment of this type shall be made only upon receipt of evidence from appropriate military authority that thirty (30) days of military service have been completed.
 - a. During such leaves of absence, the employee will be entitled to retain the same rights and privileges as an employee granted leave without pay.
 - b. All unused leave benefits will be retained by the employee and credited to the employee's record upon return to an assigned position.
3. When an employee is granted military leave, their position may be filled by another employee with substitute status. Upon separation from the military service, the employee will be eligible to return to the former position held or a different position in the same class in the same geographic location up to one (1) year after date of separation from the military service or from hospitalization continuing after discharge. The Secretary, or designee, may require the employee to submit to a medical examination to determine the employee's fitness to perform the duties of the position to which the employee may be returning and, based on the medical findings, place the employee in another class with duties the employee is able to perform and which is the nearest approximation to the position held prior to military service. Such employees cannot be discharged without cause within one (1) year after reemployment.
4. All such leave shall be considered as creditable service toward earning higher annual leave credits.

H. Administrative Leave - Active Military Service Leave (Code 0082/0083)

1. Any employee, except an employee employed in a temporary position or employed on a temporary basis, who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or member of the National Guard, who is ordered to active military duty under Title 10 of the United States Code, Section 673b, shall be granted leave beginning with the day ordered to duty and ending up to thirty-one (31) days after the date of release from the military service or from hospitalization continuing after discharge. Active military service includes active duty with any branch. Such leave of absence will be verified by official orders or appropriate military certification that will be submitted to the Bureau of Human Resources immediately upon receipt by the employee.
2. Upon presentation of a copy of the official orders or appropriate military certification, the first thirty (30) calendar days of such leave will be with full pay and benefits, the remainder authorized leave

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without pay. An employee will be left on the payroll for the first thirty (30) calendar days of the active military service. Payment for this period will be made at the end of the normal pay cycle. Evidence that thirty (30) calendar days of military service has been completed must be obtained from appropriate military authority.

3. When requested by the employee, and approved by the agency, any period of the approved active military service without pay may be covered by the employee's personal accrued leave credits or their personal holiday. If such leave is granted by the agency, paid leave should begin on the first work day of each pay period. Should any portion of the leave be paid leave, the employee will be entitled to accumulate all benefits granted under paid leave status. During active military service leave of absence, the employee will be entitled to retain the same rights and privileges as an employee granted leave without pay in accordance with this section. Such employees are entitled to participate in insurance and other state benefit programs. All unused leave benefits will be retained by the employee and will be credited to the employee's record upon return to the assigned position.
4. An employee's position may be filled with another individual with substitute status when military leave is granted in accordance with this section. Upon separation from the military service, the employee will be eligible to return to the former position held or a different position in the same class in the same geographic location. The Secretary, or designee, may require the employee to submit to a medical examination to determine the employee's fitness to perform the duties of the position to which the employee may be returning and, based on the medical findings, place the employee in another class with duties the employee is able to perform and which is the nearest approximation to the position held prior to military service. Such employees cannot be discharged without cause within six (6) months of return from active military service. All such leave shall be considered as creditable service toward earning higher annual leave credits.

I. Administrative Leave - Examination for Military Service (Code 0033)

1. A supervisor shall grant administrative leave to an employee, who is ordered to appear for an examination for entrance into the military service. The employee shall be granted administrative leave for this purpose on the day of the examination.

J. Administrative Leave - Death in the Immediate Family (Code 0034)

1. A supervisor shall grant an employee two (2) days (sixteen (16) hours regardless of the work schedule) of administrative leave on the death of the employee's or spouse's family member, as follows:
 - a. Current Spouse;
 - b. Parents, which may include biological, current stepparents, and foster and adoptive parents;
 - c. Grandparents, which may include biological grandparents, current step-grandparents, adoptive grandparents, and great grandparents;
 - d. Brothers and Sisters, which may include biological brothers and sisters, current stepbrothers or sisters, half brothers or sisters, and adoptive brothers and sisters;
 - e. Child, which may include biological child, current stepchild, and foster and adopted child;
 - f. Grandchild, which may include biological, adopted, and step-grandchild, and great grandchild, as well as the foster child of the employees' own child.

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2. Each employee requesting administrative leave due to death in the family shall enter the request in the People First System stating the name of and relationship to the deceased.

K. Administrative Leave – Formal Investigations (Code 0046)

1. An employee under formal investigation for a violation that could result in dismissal, upon consultation with the Office of General Counsel, shall be (a) temporarily assigned other duties, or (b) placed on administrative leave.
2. Prior to placing an employee on administrative leave, the supervisor must have the approval of the Office of General Counsel.
3. When an employee is placed on administrative leave, the supervisor shall write a memorandum to the employee notifying him or her that they are being placed on administrative leave, and provide the Bureau of Human Resources with a copy of the memorandum for official personnel file.
4. Once the formal investigation is completed the supervisor shall notify the employee in writing that:
(a) the employee must report for duty, no disciplinary action is pending, (b) there is no need to continue the employee on leave pending the disciplinary action, (c) disciplinary action is pending and the supervisor believes it is in the best interests of the agency that the employee not report for duty, or (d) require the employee to use his or her own leave time pending the final disciplinary action.
5. The supervisor must make sure appropriate timesheets are completed, submitted and approved through the People First System for employees who are on administrative leave due to a formal investigation.

L. Administrative Leave – Mentoring (Code 0044)

1. A supervisor may grant an employee up to one (1) hour of administrative leave per week, not to exceed five (5) hours per calendar month, to participate in the Governor's Mentoring Initiative, including the following school or community voluntary activities:
 - a. Mentoring, tutoring, guest speaking and, when participating in an established mentoring program serving a school district, providing any related services at the direction of the program or volunteer coordinator; and/or
 - b. Participating in community service programs that meet child, elder, or human needs, including Guardian Ad Litem, Big Brother/Big Sister, Senior Corps, and Adult Literacy.
2. When granting administrative leave under this section, the supervisor shall consider the impact of such leave on the employee's work unit.
3. A supervisor may approve the aggregated use not to exceed five (5) hours in any calendar month, provided he or she deems such usage appropriate under this section.

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M. Administrative Leave – Closing Facilities Under Emergency Conditions (Code 0045)

1. By Executive Order:

- a. When the Governor, by Executive Order, declares an emergency, the Agency Secretary, or designee, shall determine which affected facilities or portions of facilities are located in the area covered by the Executive Order.
- b. Except for those employees the agency determines are necessary for providing essential services, employees assigned to the facilities the agency has closed shall be released from duty and granted administrative leave for the period the facility is closed. Employees whom the agency requires to remain on duty to provide essential services shall enter (**Code 1006**) on their timesheet for time worked and shall be granted special compensatory leave credits for the hours worked during the period the facility is closed, and the other employees will be granted administrative leave.
- c. An employee who is on a prior approved leave of absence or scheduled holiday during an emergency **shall not** have the leave of absence changed to administrative leave.
- d. If the Executive Order issued by the Governor does not specify an ending time and date, the agency's authority under this section is limited to two (2) consecutive calendar days. Any facility anticipated to be closed beyond two (2) days shall require a written request from the Assistant Secretary of the branch to the Chief of Human Resources who will submit to the Department of Management Services for approval.

2. Other than Executive Orders:

- a. In any other disaster or emergency condition that may necessitate the closing of facilities in an area, the Assistant Secretary shall inform the Chief of Staff or Deputy Secretary of the disaster or emergency condition for approval. If approved, employees assigned to the office or facility shall be granted administrative leave. The Chief of Human Resources must be notified, in addition to notifications through the normal chain of command. Updates regarding closures shall be communicated pursuant to the COOP plan.
- b. Any facility anticipated to be closed beyond two (2) days shall require a written request from the Assistant Secretary of the branch to the Chief of Human Resources who will submit to the Department of Management Services for approval.
- c. The Chief of Human Resources shall notify the appropriate Assistant Secretary of the branch making the extension request of the Department of Management Services' decision.

N. Administrative Leave - Disabled Veterans Re-Examination or Treatment (Code 0075)

1. An employee rated by the Veterans Administration to have incurred a service-related disability and who has been scheduled by the Veterans Administration to be re-examined or treated for such disability shall, upon presentation of written confirmation of having been so scheduled, be granted administrative leave without loss of pay, benefits, or efficiency rating not to exceed six (6) calendar days in any calendar year.

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O. Administrative Leave - Athletic Competition (Code 0037)

1. An employee who is a group leader, coach, official or athlete who is a member of the official delegation of the United States team competing in the World, Pan American, or Olympic Games will be granted administrative leave for the purpose of preparing for and engaging in the competition for the period of the official training camp and competition, not to exceed thirty (30) calendar days in a calendar year.

P. Administrative Leave - Civil Disorder or Disaster Volunteer (Code 0038)

1. In accordance with the Florida Disaster Volunteer Leave Act, an employee of a state agency who is a certified disaster service volunteer of the American Red Cross may be granted a leave of absence with pay for not more than fifteen (15) working days in any (12) twelve-month period to participate in specialized disaster relief services for the American Red Cross.
2. Such leave of absence may be granted only upon the request of the American Red Cross and with the approval of the employee's supervisor.
3. Leave under this act will be granted only for services relating to a disaster occurring within the boundaries of the State of Florida.

Q. Administrative Leave - Child Activities (Code 0080)

1. Each employee will be granted one (1) hour of administrative leave per month to participate in family activities such as involvement in local school activities including preschool through high school; involvement or visitation of children in child care centers and; involvement in local school activities such as tutoring assignments, guest speaking, assisting in career day activities, parent teacher conferences, and helping in the after school homework center program, or the Partners for Excellence Program. The employee must be an active participant in the event rather than a spectator. Simply attending a school function does not qualify.

R. Family Medical Leave Act (FMLA):

A. Basic Leave Entitlement

1. The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees may take up to **twelve (12) (480 hours) workweeks** of leave in a (12) twelve-month period for one or more of the following reasons:
 - a. The birth of a child and to care for the newborn child within one (1) year of birth;
 - b. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one (1) year of placement;
 - c. To care for the employee's spouse, child, or parent who has a serious health condition;

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- d. A serious health condition that makes the employee unable to perform the essential functions of his or her job;
 - e. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
 - f. **Twenty-six (26) workweeks (1,040 hours)** of leave during a single (12) twelve-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).
2. To be *eligible* for leave under the Family Medical Leave Act, an employee must have worked at least 1,250 hours during the previous twelve (12) months; and have worked for the employer for twelve (12) months. The twelve (12) months of employment do not have to be consecutive. Time worked for the same employer (i.e. State Personnel System) within seven (7) years of the request can be used to meet the (12) twelve-month requirement.
3. The term serious health condition is defined as "illness, injury, impairment, or physical medical condition that involves inpatient care, or continuing treatment by a health care provider."
4. The most common serious health conditions that qualify for FMLA leave are:
- a. Conditions requiring an overnight stay in a hospital or other medical care facility;
 - b. Conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three (3) consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
 - c. Chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
 - d. Pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

B. Requesting FMLA

- 1. Employees seeking to use FMLA leave are required to provide (30) thirty-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day of becoming aware. When the need for leave is not foreseeable, the employee must provide notice as soon as practicable under the facts and circumstances. Absent unusual circumstances, employees must comply with these requirements for requesting leave.
- 2. When an employee is [on leave or requests leave] for a FMLA-qualifying reason, after ten (10) consecutive days of absence or recurrent intermitted leave, the supervisor shall:
 - a. Determine if the employee meets work eligibility requirements for FMLA leave,

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- b. Provide the employee with the Request to Use FMLA letter,
- c. Provide the employee with the “Notice of Eligibility and Rights and Responsibilities for Taking FMLA Leave,”
- d. Provide the employee with the [FMLA poster](#), and
- e. Provide the [Certification of Health Care Provider](#) form to the employee.

These tasks may be delegated to the HR Liaison.

3. The employee shall:
 - a. Complete the top portion of the Certification of Health Care Provider form,
 - b. Provide the form to the appropriate licensed health care provider for completion, and
 - c. Return the completed signed form to their supervisor within fifteen (15) calendar days.
4. Upon receipt of the certification form, the supervisor shall forward to their respective [HR Liaison](#).
5. If the form is *incomplete*, the HR Liaison must advise the employee in writing of additional information necessary to make the certification complete and allow the employee seven (7) calendar days to return the completed form to the HR Liaison.
6. The HR Liaison shall determine if the employee has submitted a complete and sufficient certification pursuant to these procedures.
7. Once the employee submits a complete and sufficient certification to the HR Liaison, the HR Liaison shall forward via email the certification form to their assigned General Counsel within 24 hours of receipt for legal review.
8. Within two (2) business days of receipt, General Counsel shall review the certification form, determine if it meets the legal criteria for FMLA, and email the HR Liaison of approval or denial.
9. If the employee is determined *ineligible* for FMLA leave, or the request does not meet the legal criteria for FMLA, the HR Liaison must advise the supervisor of the employee’s ineligibility.
10. The supervisor must provide the letter of [approval](#) or [ineligibility](#) to the employee within five (5) business days of the employee’s request. This task may be delegated to the HR Liaison.
11. The supervisor shall provide a copy of the letter to the Bureau of Human Resources via email to [HR Attendance and Leave](#). This task may be delegated to the HR Liaison.
12. The Bureau of Human Resources shall enter or update the FMLA/FSWP Leave Request screen in the People First System.
13. Employees may appeal in writing to the Office of General Counsel, if ineligible for FMLA leave.
14. Employees may request approval to use other forms of leave when ineligible.

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15. The details of the leave granted is dependent on the medical certification received, but in no case shall the leave exceed twelve (12) workweeks (twenty-six 26 workweeks (1,040 hours) for military) of entitlement within one (1) year of the date of eligibility.
16. FMLA can be applied retroactively to the first day of absence for a FMLA-qualifying reason.
17. Employees must provide an updated [Certification of Health Care Provider](#) form to their supervisor every thirty (30) days to continue FMLA approval **if the certification form does not provide a return date. If the duration of a condition is “lifetime” or “unknown,” recertification is required every six (6) months.**
18. Employees must contact People First (1-866-663-4735) to make arrangements to pay for benefit deductions, if the employee does not have sufficient leave or paid hours to cover benefit deductions.

S. Family Supportive Work Program (FSWP):

A. Parental or Family Medical Leave

1. Supervisors shall approve parental or family medical leave to assist employees in meeting family needs, subject to the following:
 - a. Within one (1) year following the birth or adoption of a child, leave shall be granted for up to six (6) months for the parent.
 - b. Leave shall be granted for up to six (6) months for a family member’s serious health condition, as defined in the FMLA and implementing regulations
2. In cases where the employee’s request for parental leave or family medical leave meets the eligibility criteria of both the FMLA and FSWP, both programs shall run concurrently.

B. Family Leave

1. Supervisors shall approve up to thirty (30) days family leave for non-medical family responsibilities, provided that the leave has minimal impact on the employee’s work unit.
2. Family responsibilities in this area may include, but are not limited to, the following:
 - a. Caring for aging parents;
 - b. Involvement in settling parents’ estate upon their death;
 - c. Relocating dependent children into schools; or
 - d. Visiting family members in places that require extensive travel time.

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C. Requesting FSWP Leave

1. Parental and Family Leave requests under the FSWP for a FMLA qualifying reason shall be requested and approved pursuant to the FMLA process (See Section II. R. Family Medical Leave Act).
2. For Parental and Family Leave request that do not qualify for a FMLA qualifying reason, the employee must submit a written request for parental leave to his or her immediate supervisor or the HR Liaison.
3. Upon receipt of the written request, the supervisor shall forward the request to the Office of General Counsel for review to ensure the employee is eligible for leave under the FSWP. This task may be delegated to the HR Liaison.
4. If the employee is eligible for leave under the FSWP, the supervisor or the HR Liaison shall provide a written letter of approval to the employee.
5. The supervisor shall provide a copy of the employee's request and the documented approval or ineligibility via email to the [HR Attendance and Leave](#) for the official personnel file. This task may be delegated to the HR Liaison.
6. The Bureau of Human Resources shall enter or update the leave request in the People First System under FMLA/FSWP Leave Request screen.
7. The employee may use accrued special compensatory or regular compensatory, or annual leave for the parental or family medical leave.
8. The employee may use accrued sick leave credits when certification by the attending physician is submitted to the supervisor, documenting the family member's serious health condition, as defined in the FMLA and implementing regulations. Family, as applied to the FSWP.
9. Employees and supervisors must complete, submit, and/or approve timesheets prior to [Payroll Deadline](#) in the People First System to account for leave taken, and ensure correct payment.
10. The supervisor shall review and approve timesheets at the end of each pay period.

T. Military Family Leave Entitlements:

A. Qualifying Exigency Leave

1. A covered employer must grant an eligible employee up to a total of twenty-six (26) workweeks (1,040 hours) of unpaid, job-protected leave during a "single (12) twelve-month period" to care for a covered servicemember with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. A covered servicemember is either:
 - a. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or

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- b. A veteran of the Armed Forces (including the National Guard or Reserves) discharged within the (5) five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.
- 2. For a current servicemember, a serious injury or illness is one that may render the servicemember medically unfit to perform his or her military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.
- 3. [Certification of Health Care Provider \(Serious Injury or Illness of a Covered Service Member for Military Family Leave – Attachment 3\)](#) must be completed by:
 - a. Department of Defense (DOD) health care provider;
 - b. U.S. Department of Veterans' Affairs health care provider;
 - c. DOD TRICARE network authorized private health care provider; or
 - d. DOD non-network TRICARE authorized private health care provider.

U. Falsification of Records:

- 1. Instances of the falsification of attendance and leave records shall result in discipline, up to and including dismissal.

V. Leave Audits:

- 1. An employee may file a written request for a leave audit via email to [HR Attendance and Leave](#), when the employee determines there may be a discrepancy in his or her leave balance report.
- 2. The Attendance and Leave Coordinator in the Bureau of Human Resources shall process leave audit requests on a first in/first out basis. Corrections to leave balances will be updated in the People First System when required and notification will be sent via email to the requestor.

III. RESPONSIBILITY AND DUTIES

A. Employee:

- 1. Shall maintain and promptly submit an accurate record of all hours worked on the official timesheet in the People First System. Hours worked must be totaled at the end of the workweek and the total shall be rounded to the nearest quarter of an hour (i.e. .25, .50, .75).
- 2. An employee requesting to use accrued leave credits to be absent from work for any reason must receive prior approval from their supervisor.
- 3. An employee shall not be permitted to work overtime without proper authorization.

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4. Overtime worked without proper authorization is subject to disciplinary action, up to and including dismissal.

B. Supervisor:

1. Shall ensure each subordinate's timesheet is submitted timely and, accurately before approving in the People First System by the end of each workweek. This includes all leave types (i.e. annual, sick, special compensatory, regular compensatory leave, etc.).
2. Managers and supervisors are responsible for arranging employees' work in such a way that the need to work overtime is minimized or avoided.
3. In situations where overtime is necessary, prior approval by the supervisor is required. Supervisors are responsible for ensuring overtime worked is authorized for compliance with the provisions of the FLSA.

C. Bureau of Human Resources:

1. The Bureau of Human Resources shall ensure compliance in accordance Chapter 60L-34, F.A.C., and pursuant to these procedures.
2. The People First System maintains online timesheets, which are available for review through the People First System for up to eighteen (18) months.

IV. ATTACHMENTS

Attachment 1 - [Certification of Health Care Provider](#)

Attachment 2 - [Certification for Serious Injury or Illness of a Covered Service Member for Military Family Leave](#)

Attachment 3 - [Certification of Qualifying Exigency for Military Leave](#)

V. HELPFUL LINKS

[DMS Attendance and Leave Communications](#)

[Department of Labor](#)

[Florida Personnel Rules and Florida Statutes](#)

[DMS Administration of Special Compensatory Leave Policy Guideline](#)

[General Counsel's Labor and Employment Forms Library](#)