



# FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROCEDURE

**Title:** Settlement of Litigated Personnel Disputes Procedures

**Related Policy:** FDJJ –1420

## I. DEFINITIONS

**Settlement** – Settlement is defined as an agreement obligating the Department of Juvenile Justice (DJJ) to discharge a debt due an employee or former employee pursuant to litigation or pending litigation. Examples include settlements resulting from employment grievance arbitrations, Public Employees Relations Commission appeals, Division of Administrative Hearings cases, and other employment related disputes.

This procedure does not apply to claims or lawsuits against DJJ that are managed, paid for, and settled by the Bureau of State Liability Claims or the Bureau of Worker’s Compensation Claims within the Department of Financial Services (DFS), Division of Risk Management.

## II. STANDARDS/PROCEDURES

### A. Settlements that Involve Re-employment but have No Fiscal Impact:

1. The program area shall ensure the position to be offered is, in fact, available for hire and verify with the Bureau of Budget that rate is available for the hire. The program area shall also verify with the Bureau of Human Resources the anticipated effective date of placement on payroll.
2. The Office of General Counsel shall prepare a settlement agreement and obtain opposing party’s signature.
3. The Office of General Counsel shall sign the settlement agreement on behalf of the Department, file a copy with the appropriate forum and provide copies to the opposing party, the Bureau of Human Resources, Bureau of Budget, and appropriate program area.

### B. Settlements that Involve Re-employment and Have Fiscal Impact (Back Pay; Lump Sum; Leave/Retirement Restoration):

1. The program area shall ensure the position to be offered is, in fact, available for hire and verify with the Bureau of Budget that rate is available for the hire. The program area shall verify with the Bureau of Human Resources the anticipated effective date of placement on payroll.
2. The program area shall work with the Bureau of Budget to determine sufficient funds offered for settlement.
3. The Office of General Counsel shall consult with the Bureau of Human Resources to ensure all necessary implementing language related to any fiscal issues has been incorporated into the proposed settlement.

**FLORIDA DEPARTMENT OF JUVENILE JUSTICE**

**SUBJECT: Settlement of Litigated Personnel Disputes Procedures**

**SECTION: FDJJ – 1420P**

4. The Office of General Counsel shall prepare a settlement agreement and obtain opposing party's signature.
5. The Office of General Counsel shall sign the settlement agreement on behalf of the Department, file a copy with the appropriate forum, and provide copies to the opposing party, the Bureau of Human Resources, Bureau of Budget, and appropriate program area.

**C. Settlements that Involve Fiscal Impact (Back Pay; Lump Sum; Leave/Retirement Restoration) but No Re-employment:**

1. The program area shall work with the Bureau of Budget to determine sufficient funds offered for settlement. The program area shall work with the Bureau of Human Resources to ensure appropriate settlement language.
2. The Office of General Counsel shall prepare a settlement agreement and obtain opposing party's signature.
3. The Office of General Counsel shall sign the settlement agreement on behalf of the Department, file a copy with the appropriate forum, and provide copies to the opposing party, the Bureau of Human Resources, Bureau of Budget, and appropriate program area.

**D. Settlements that Involve No Fiscal Impact and No Re-employment:**

1. The Office of General Counsel shall prepare a settlement agreement and obtain opposing party's signature.
2. The Office of General Counsel shall sign the settlement agreement on behalf of the Department, file a copy with the appropriate forum, and provide copies to the opposing party, the Bureau of Human Resources, and appropriate program area.

**E. Processing of Signed Settlements:**

1. For settlements involving fiscal impact, the Bureau of Human Resources shall review the prepared settlement agreement and/or supporting documents in accordance with DFS rules and regulations.
2. For settlements involving fiscal impact, the Bureau of Human Resources shall prepare all necessary documents for submission to DFS for processing. The Bureau of Human Resources retains copies of documents submitted to DFS.
3. For settlement involving fiscal impact, once the payment is processed through DFS and returned for distribution, a copy of the voucher is forwarded to the Bureau of Finance and Accounting. Payment is distributed in accordance with the settlement agreement.
4. The Bureau of Human Resources shall record the settlement agreement in its worksheet.
5. The Bureau of Human Resources shall file the settlement agreement in the employee personnel file.

**FLORIDA DEPARTMENT OF JUVENILE JUSTICE**  
**SUBJECT: Settlement of Litigated Personnel Disputes Procedures**  
**SECTION: FDJJ – 1420P**

6. The Bureau of Human Resources shall initiate and complete all required personnel actions.

**III. RESPONSIBILITY AND DUTIES**

A. Program Offices:

1. Shall ensure the position to be offered is, in fact, available for hire and verify with the Bureau of Budget that rate is available for the hire.
2. Shall verify with the Bureau of Human Resources the anticipated effective date of placement on payroll.
3. Shall work with the Bureau of Budget to determine sufficient funds offered for settlement.

B. Office of General Counsel:

1. Shall prepare a settlement agreement and obtain opposing party's signature.
2. Shall consult with the Bureau of Human Resources to ensure all necessary implementing language related to any fiscal issues has been incorporated into the proposed settlement.
3. Shall sign the settlement agreement on behalf of the Department, file a copy with the appropriate forum, and provide copies to the opposing party, the Bureau of Human Resources, Bureau of Budget, and appropriate program area.

C. Bureau of Human Resources:

1. For settlements involving fiscal impact, shall review the prepared settlement agreement and/or supporting documents in accordance with DFS rules and regulations.
2. For settlements involving fiscal impact, shall prepare all necessary documents for submission to DFS for processing, retaining copies of all documents submitted.
3. Shall record the settlement agreement in its worksheet.
4. Shall file the settlement agreement in the employee personnel file.
5. Shall initiate and complete all required personnel actions.

**IV. ATTACHMENTS N/A**