

PAY PLAN FOR THE EMPLOYEES OF THE

Office of the Capital Collateral Regional Counsel

For the Northern Region

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**EFFECTIVE
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Personnel Rules and Office Procedures
Office of the Capital Collateral Regional Counsel for the Northern Region

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These procedures are modeled after those found in Chapters 110, 112, 216, and 440, Florida Statutes: the Career Service System Rules: Chapter 60M-I, Selected Exempt Service Rules; Chapter 60N-1, Senior Management Service Rules; and Chapters 60L-7, 8, 9, 11, 13, 17, 21, 23, and 26, Personnel Management System Provisions. However, all employees of the Capital Collateral Regional Council Regional Council serve at the pleasure of the Capital Collateral Regional Council.

1.1 Employment

A. Policies

1. Applicants must meet the minimum qualifications for the class to which they are appointed.
2. No Commitment to hire or promote should be made prior to the closing of the job Opportunity Announcement and approval by the Capital Collateral Regional Council or his or her designee.

B. Types of Appointments

The types of appointments that may be made to CCRC-North position are:

1. Original Appointment - The initial employment to an established position in the Office of the Capital Collateral Regional Council.
2. Promotion Appointment - The changing of the classification of an employee to a class having a higher maximum salary; or the changing of the classification of an employee to a class having the same or lower minimum salary but a higher level of responsibility.
3. Reassignment Appointment - Moving an employee from a position in one class to a different position in the same class or a different class having the same degree of responsibility. The same degree of responsibility is determined by pay range assignment and/or the essential functions of the position.
4. Demotion Appointment - The changing of the classification of an employee to a class having a lower maximum salary; or the changing of the classification of an employee to a class having the same or a higher maximum salary but a lower level of responsibility.

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C. New Employee Orientation

When the Office Manager receives notification of hiring, arrangements will be made with the new employee to meet with that person to complete personnel paperwork necessary for payroll and to meet the requirements of State and Federal Regulations. In this meeting the employee will be informed of the Office's personnel policies and employee benefits.

New employees must present their social security card and driver's license at the time they complete the personnel paperwork. These documents are used for employment eligibility determination. New employees who are not citizens must prove authorization to work in the United States.

D. Dual Employment and Compensation

1. Types of Dual Employment

- (a) Dual Employment within State Government - Employment in excess of one full-time equivalent established position, compensation of an employee within State government simultaneously from any appropriation other than appropriations for salaries, or compensation of an employee simultaneously by more than one State agency.
- (b) Dual Employment outside State Government - Any self-employment, or any services performed for any employer other than the State of Florida during or after regular State working hours of the employee, or while on approved leave, for which compensation is received.

2. Dual Employment Within State Government

(a) Limitations on dual employment and compensation

Criteria and limitations used in consideration of requests for dual employment within State government:

- 1) The secondary employment must be in the best interest of the State.

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- 2) The secondary employment must be approved in advance of the date the dual employment is to begin.
- 3) Employment in excess of one full-time equivalent position will be approved only under extraordinary circumstances involving situations such as:
 - a) The immediate and untimely vacating of a position assigned duties which are essential to the Office's operations.
 - b) Special skills possessed by an employee which are needed to perform a critical assignment.
 - c) The inability to fill a critical position where recruitment practices have been unsuccessful.
3. Dual employment within State government may not be approved if the secondary employment will conflict with the job requirements of the primary employment or involve the use of State space, personnel, equipment, or supplies furnished by the primary employer.

It is the hiring authorities responsibility to determine whether a dual employment situation will exist. This may be accomplished during the interview process by asking an applicant if he/she is currently employed with any other State agency.

(b) How to request approval of dual employment when the Capital Collateral Regional Counsel is the secondary employer

To request approval of dual employment within State government, the Department of Management Services form DP-A-15, Request for Approval of Dual Employment and Compensation, must be completed and forwarded through administrative channels to the Office Manager. Forms are available from that Office.

4. Dual Employment Outside State Government

An employee who engages in a secondary job outside State government must advise his/her supervisor in writing of the employment. An

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employee may not engage in any dual employment which constitutes a conflict of interest pursuant to Chapter 112, Florida Statutes, or which requires working hours in outside employment which are in conflict with the regular working hours of the State position, unless the conflicting hours are covered by approved leave.

A copy of the approved written notification should be forwarded through administrative channels to the Office Manager to be placed in the employee's personnel file.

Violation of any of the provisions concerning dual employment within State government by an employee; or any employee who engages in dual employment outside State government which constitutes a conflict of interest or conflicts with working hours, and who fails to report such outside employment as required will be subject to disciplinary action.

E. Job Sharing (Shared Employment)

Job sharing or shared employment permits two or more employees to share the duties of a full-time position. The shared employment position will be identified as a single position and will retain its unity for purposes of classification, pay grade assignment, and other personnel transactions that apply to the position. The position cannot be abolished or converted unless agreed to by the employee.

There are two instances when a position may be considered for job sharing or shared employment. They are:

1. When a new position is established or an existing position becomes vacant.
2. When an employee requests in writing that his or her position be designated as a shared position.

In both instances, the position can be reviewed to determine whether the duties and responsibilities of the position may be performed by two or more employees adequately or more adequately than by a single employee. Upon 10 percent of the agency positions are designated as shared employment, the position may be designated for job sharing.

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If it is determined that it is suitable to designate the position as a shared employment position, the employee may be appointed with no adverse effect on their continuous service with the State. Employees filling shared employment positions are part-time employees and will be subject to the rules governing part-time employees.

To request that a position be designated for shared employment, a memorandum with the required justification and an up to date position description must be submitted through appropriate administrative channels to the Office Manager for review prior to action being taken by the Capital Collateral Regional Counsel.

1.2 Pay Administration

The provisions of Chapter 60K-2, Career Service System Rules, guide the pay actions taken in the Office of the Capital Collateral Regional Counsel, Northern Region. The Capital Collateral Regional Counsel must approve all monetary personnel actions.

A. Policies and procedures

1. Pay Upon Initial Hire (Original Appointment) and Promotion

An employee who is given an original or promotion appointment is normally paid the base rate of pay at the minimum salary for the class upon appointment. If an individual's qualifications and/or knowledge, skills, and abilities substantially exceed the requirements for the position, an appointment may be made up to the maximum of the salary range. Hires may also be made above the minimum of the salary range if the Office has experienced difficulty in filling the position at the minimum.

2. Pay Upon Demotion

An employee may be demoted with or without a reduction in salary. An employee's base rate of pay may exceed the maximum of the salary range for the class to which demoted for a period of five years. An employee will not be granted an increase upon demotion.

3. Pay Upon Reassignment

An employee may be granted a pay increase upon reassignment.

4. Increases to Base Rate of Pay

An employee may receive an increase to his/her base rate of pay between the minimum and maximum of the pay range at any given time, based upon one or more of the following pay adjustment categories:

The specific categories and justification requirements for increase requests are:

- (1) Superior Proficiency - An increase based upon documented sustained, superior performance as reflected on the Special Recognition/Accomplishment forms and/or memoranda.
- (2) Added Duties and Responsibilities - An increase based upon the addition of duties and responsibilities not warranting reclassification or assuming duties of a vacant or deleted position(s). The added duties and responsibilities must be documented on the official position description.
- (3) Education and Training - An increase based upon the satisfactory completion of an approved, documented, job related class of program having a continuing benefit to the Office.
- (4) Reassignment - An increase based upon documentation of recruitment difficulties to fill the position or specific needs identified by the Unit. The increase must be requested and approved prior to reassignment.
- (5) Transfer - An increase based upon documentation of recruitment difficulties to fill the position or specific need identified by the Unit. The increase must be requested and approved prior to reassignment.
- (6) Competitive Job Offer - An increase may be granted when an employee receives a documented bonafide job offer. A copy of the written job offer must be provided.
- (7) Internal Pay Relationships - An increase when it can be documented that labor market conditions necessitate hiring new

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employees at a higher rate than current employees may be increased to provide equity.

To request approval of an increase to the base rate of pay, a memorandum, with required justification and documentation, must be submitted through appropriate administrative channels to the Office Manager for review and action by the Capital Collateral Regional Council. An employee may receive only one increase per category in any 12 month period, unless unusual circumstances are present. An employee must be performing at a satisfactory level to receive an increase.

5. Performance Evaluations

Written performance evaluations are not required, but may be done at the discretion of the Capital Collateral Regional Council.

1.3 Attendance and Leave

A. Work Schedule

1. Eight hours shall constitute a workday and 40 hours shall constitute a workweek.
2. The office's official working hours are from 8:30am to 5:30pm.
3. Full-time employees shall be required to be present on their assigned jobs for the total hours in the established workweek or work period unless they are on approved leave.
4. Part-time employees shall be required to be present on their assigned jobs for the total number of hours for which they are being compensated unless they are on approved leave.
5. All time taken off on approved leave with pay and holidays will be counted as hours worked during a workweek provided such leave or

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observances of holidays is prior to the employee's last full day of actual work.

6. Required attendance at training courses will be considered as hours worked. If the training requires sessions, beyond the normal workday, i.e., evening sessions, this is also considered hours worked. Time spent completing homework assignments will not be considered hours worked.
7. Travel to and from an employee's home to the employee's regularly assigned headquarters shall not be counted as hours worked. Any time spent in required travel, whether on regular workdays or regular days off when an employee is in official travel status approved under State law and receiving reimbursement under Section 112.061(6), Florida Statutes, shall be counted as hours worked.
8. When workload permits, employees may be allowed one rest break during the first half of their work shift and one rest break during the second half of their work shift. The following prohibitions apply:
 - (a) A rest break cannot exceed 15 minutes absence from the employee's workstation:
 - (b) Rest breaks are considered hours of work for determining eligibility for overtime; and
 - (c) Rest breaks cannot be combined or accumulated, or used to cover an employee's late arrival to work or early departure from work.

B. Record Keeping and Reporting Requirements

An accurate record of all hours worked as well as a complete and accurate record of all authorized leave must be maintained by the employee.

1. Individual Attendance and Leave Report

The Attendance and Leave Report is the official report of the employee's hours worked, leave taken, and holidays observed. It is used as the official

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vehicle for the employee's reporting of attendance and leave to the Office Manager to update employee's leave balances.

Each employee should daily record the hours worked. At the end of the month the form must be signed by the employee certifying the accuracy of the report and also signed by the Capital Collateral Regional Council - North. The Individual Attendance and Leave Report and any required documents, such as medical certifications and documents required for approval of administrative leave, should be forwarded to the Office Manager. The Office Manager should ensure that reports for all employees are timely forwarded. Falsification of any attendance or leave record shall be cause for discipline, up to and including dismissal of the employee or employees involved.

In completing the Attendance and Leave Report, the schedule below will be used in rounding leave taken and hours worked to the nearest quarter of an hour:

<u>MINUTES WORKED/ LEAVE USED</u>	<u>ROUND OFF TO THE FOLLOWING MINUTES & HOURS</u>		
	Minutes	=	Hours
0 - 7	00	=	.00
8 - 22	15	=	.25
23 - 37	30	=	.50
38 - 52	45	=	.75
53 - 60		=	1.00

Monthly Attendance and Leave Reports are maintained by the Office Manager.

2. Supervisor and Employee Responsibility

The responsibility for the accuracy and proper maintenance of all attendance and leave records rests jointly with the employee and the Office Manager.

3. General Provisions

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- (a) When an employee is called back to work beyond the employee's scheduled hours of work for that day, the employee shall be credited with actual time worked or a minimum of two hours of work, whichever is greater. Time not worked of the minimum of two hours is not counted as hours worked for the purposes of computing overtime compensation.
- (b) When an employee moves from the Office of the Capital Collateral Regional Council to another agency, the number of hours worked shall be the number of hours on duty plus any leave with pay occurring prior to the employee's last day of employment. For individuals transferring to the Office of the Capital Collateral Regional Council from another agency, the number of hours worked shall be the number of hours on duty plus any leave with pay falling after the employee's last day of employment with the other agency.

C. Flexible Hour Work Schedule

Any employee not in Select Exempt Status may be authorized to deviate from the normal schedule by having an individual flextime schedule approved. The flexible schedule must be based upon the understanding that the work must be accomplished in an effective and efficient manner. Those in Select Exempt Status shall be allowed to adjust work times to accommodate the work necessary to fulfill their duties. Flextime schedules agreed upon by the Capital Collateral Regional Council - North must be approved by the Capital Collateral Regional Council - North and are subject to the following:

1. The employee must work 40 hours per week.
2. The employee's regular schedule must be Monday through Friday.
3. No employee arrives prior to 7:00 a.m. or departs later than 6:30 p.m. or has a lunch less than 30 minutes or longer than 2 hours.
4. The office must be staffed during normal business hours, i.e., 8:30 a.m. to 5:30 p.m.

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5. Break time cannot be used to cover late arrivals or early departures from duty.

For employees who are allowed the use of flextime, it is to be considered a privilege which may be accorded when workload permits. The privilege shall be removed when:

1. There are excessive requests for changes of the previously agreed upon flextime schedule.
2. The employee fails to accomplish his/her work in an effective and efficient manner.
3. The employee fails to comply with the agreed upon flextime schedule hours. In addition, the employee will be subject to disciplinary action.

D. Overtime and Compensatory Leave

1. Overtime is defined as the hours of actual work required to be performed by an employee in excess of the work period. No employee shall be allowed to accrue more than 40 hours of Compensatory Leave credits in a six month period.
2. Extra hours worked in a workday may, with supervisor approval, be offset within the same work period on an "as needed" basis.
3. Earning Compensatory Leave requires approval of the Capital Collateral Regional Counsel - North.
4. In applying the overtime provisions of this chapter, every employee must be designated as filling either an "included position" or an "excluded position." The provisions of the U.S. Department of Labor's Fair Labor Standards Act (FLSA) shall be used to determine whether the duties of a position are exempt or non-exempt from the Act. No compensatory leave

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will be granted unless proper authorization was granted prior to the overtime hours being incurred.

5. Overtime worked by an included employee shall be compensated in accordance with the following provisions:

An employee who is filling an included position may be granted Compensatory Leave credits on a time and one-half basis for work in excess of the normal work week. Compensatory Leave must be used prior to annual leave or personal holiday and may be used in lieu of sick leave.

6. Earning and Using Leave for Excluded Employees:

- (a) Excluded employees may be granted regular Compensatory Leave credits on an hour-for-hour basis for hours required to be worked in excess of the regular work period.
- (b) For excluded, non-managerial, employees, Compensatory Leave must be taken by December 31 of each year or it will be forfeited.
- (c) The Capital Collateral Regional Counsel - North and Office Manager and Management employees may not accrue Compensatory Leave. All Compensatory Leave earned by these employees must be used within the month in which the leave is earned.
- (d) No payment shall be made for Compensatory Leave for excluded positions.

7. Transfer of Leave: Compensatory leave credits cannot be transferred.

E. Break in Service

An employee will be considered to have a break in service when the employee separates, and is not on any State payroll for at least 31 calendar days following the separation.

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F. Creditable Service

An employee is awarded one month of service credit for each calendar month that the employee is on the payroll of a State agency or during which the employee is on authorized leave without pay.

G. Paid Holidays and Other Authorized Activities

1. Holidays

- (a) The following holidays are observed by the Office of the Capital Collateral Regional Council:

New Year's Day
Birthday of Martin Luther King, Jr.
Good Friday
Memorial Day, last Monday in May
Independence Day
Labor Day, first Monday in September
Rosh Hashana
Yom Kippur
Veterans' Day, November 11
Thanksgiving Day
Friday after Thanksgiving
Christmas Day

- (b) If any of these holidays fall on Saturday, except Rosh Hashana or Yom Kippur, the preceding Friday shall be observed as a holiday; or if any of these holiday fall on Sunday, except Rosh Hashana or Yom Kippur, the following Monday shall be observed as a holiday.
- (c) The Capital Collateral Regional Council may declare, when appropriate that work shall be suspended when a state emergency exists or when appropriate as a Day of Mourning in observance of the death of a public officer or person in recognition of services rendered to the State or the nation.

2. Personal Holiday

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Employees who have completed six months of service in an established position are entitled to one personal holiday per fiscal year. The personal holiday will be credited to eligible employees on July 1 or the date the employee has six months of service and must be taken by the employee by June 30 of each fiscal year or it will be forfeited. Request for use of the personal holiday must be made and approved in the same manner as annual leave.

3. Provisions for Granting Paid Leave for Holidays

- (a) Full-time employees will be granted with hours of leave with pay for each of the above mentioned holidays.
- (b) Part-time employees will be granted a prorated number of hours for each of the holidays based on the number of hours regularly worked during the workweek, using the following formula:

$$\frac{8 \text{ hours} \times \text{number of hours worked per week}}{40} = \text{hours credit for holiday}$$

- (c) If the holiday is observed on the employee's regular workday and the employee is required to work, the employee will be credited with special compensatory leave equal to the time worked on the holiday not to exceed eight hours.
- (d) Employees who are on approved leave with pay when holidays are observed or a State Day of Mourning is declared shall not have those days charged against their accrued leave credits.
- (e) Where events are organized to celebrate some occasion in the locality, any employee who is desirous of attending such event may be granted annual or compensatory leave for that purpose, but shall not be granted any other type of leave with pay.

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- (f) 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 other break in service.

H. Annual Leave

1. Method of Earning Annual Leave

- (a) All non-managerial employees who are covered by these regulations shall earn Annual Leave as shown in the following table:

<u>Creditable Service</u>	<u>Hours of Leave Earned Per Month</u>
Up to 5 years (through 60 months)	8 hours, 40 minutes
5 to 10 years (61 through 120 months)	10 hours, 50 minutes
Over 10 years (over 120 months)	13 hours, 00 minutes

- (b) In applying the above table, it shall be determined that the employee has sufficient creditable service before the higher Annual Leave credits are granted. Employees shall be entitled to use all previous state government creditable service immediately upon reemployment for determining eligibility for higher Annual Leave credits.
- (c) The employee shall earn higher leave credits beginning with the first day of the pay period during which employee completes five (5) or ten (10) years of creditable service.
- (d) Part-time employees who work a fixed percentage of the pay period shall earn Annual Leave credits for the hours worked during that pay period proportionate to the time worked. This does not include persons paid from the Other Personal Services category.
- (e) Annual Leave earned during any pay period shall be credited to the employee on the last day of that pay period or, in the case of separation, on the last day the employee is on the payroll.

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- (f) DROP participants will accrue Annual Leave in the same manner and at the same rate as prior to entering the DROP.
- (g) During a leave of absence with pay, an employee shall continue to earn Annual Leave credits.
- (h) The employer should make every effort to ensure that earned Annual Leave is used on a current yearly basis in order to provide employees with vacation opportunities. By following this practice, employees will not normally accrue Annual Leave in excess of that earned each year. Employees who have accrued Annual Leave in excess of 120 hours on January 1, of each year shall have any leave in excess of 120 hours converted to Sick Leave on an hour-for-hour basis.
 - 1. Employees who work less than a full pay period due to initial employment or separation during a pay period, transfer between agencies, leave of absence without pay, shall earn Annual Leave credits for the hours worked during that pay period in accordance with the appropriate table:

Number of Hours Actually Worked	Monthly Pay Period		
	0 to 5 Years	5 to 10 Years	Over 10 Years
Less than 30	0	0	0
36 through 70	2.167	2.708	3.250
71 through 103	4.333	5.417	6.500
104 through 138	6.500	8.125	9.750
139 or more	8.667	10.833	13.000

- (2) Use of earned Annual Leave:
 - (a) Approved Annual Leave may be used by the employee for any purpose.
 - (b) Use of Annual Leave shall not be authorized prior to the time it is earned and credited to the employee and shall only be used with the approval of the Capital Collateral Regional Council – North.

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- (c) An employee who has used Annual Leave in an amount of time which is less than a full hour shall be charged with such leave to the closest quarter of an hour based on the following table:

<u>Minutes Used</u>	<u>Minutes</u>	<u>Time Charged Quarter Hour</u>
00 – 07	00	0.00
08 – 22	15	0.25
23 – 37	30	0.50
38 – 52	45	0.75
53 – 60	60	1.00

(3) Transfer of earned Annual Leave:

- (a) An employee who moves to another state agency may be credited with the employee's unused Annual Leave by the receiving agency.
- (b) An employee transferring from another state agency into the Capital Collateral Regional Counsel – North may be credited with the employee's unused Annual Leave at the discretion of the Capital Collateral Regional Counsel – North.

(4) Payment for earned Annual Leave:

- (a) An employee can be paid for unused Annual Leave upon terminal separation from Capital Collateral Regional Counsel – North or entry into the DROP program.
- (b) In no case shall an employee receive payment for accrued Annual Leave in excess of 120 hours. However, in the case of the death of an employee, payment for all unused Annual Leave at the time of death shall be made to the employee's beneficiary, estate, or as provided by law. Such payments shall be made at the rate of pay at the time of death and by Capital Collateral Regional Counsel – North.
- (c) Payment of unused Annual Leave for DROP participants:

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1. Employees electing to participate in DROP may request payment for up to 120 hours of accrued Annual Leave at the time of entry into DROP. Hours in excess of 120 will be carried forward. However, employees electing payment of this leave are not eligible for any accrued Annual Leave payment upon separation from service, except to the extent the employee has earned additional Annual Leave which combined with the hours of the original payment does not exceed 120 hours.
 2. Employees electing to defer their payment of Annual Leave until separation from service will be paid for any accumulated Annual Leave up to 120 hours.
- (5) Designation of Management Classes and the Capital Collateral Regional Counsel – North
- The designation of management level classes shall be made by the Capital Collateral Regional Counsel – North. The Office Manager is a management level class position for accrual of Annual Leave only.
- (6) Attendance and Leave for Management Employees
- (a) Upon appointment to a management position, each appointee shall accrue 17 (seventeen) hours of Annual Leave and eight (8) hours and forty (40) minutes of Sick Leave per month.
 - (b) Annual Leave may be accrued. However, any leave in excess of 240 hours on January 1 of each year shall be converted to Sick Leave on an hour per hour basis. A management level employee shall be paid for unused Annual Leave upon termination not to exceed 240 hours. DROP participants will continue to accrue Annual Leave in the same manner as prior to entry into the DROP.
- (7) The Capital Collateral Regional Counsel – North shall accrue 20 hours of Annual Leave and eight (8) hours and forty (40) minutes of sick leave per month. Annual Leave may be accrued and any Annual Leave in excess of 480 hours on January 1st of each year shall be converted to sick leave on an hour to hour basis. The Capital Collateral Regional Counsel – North shall be paid for unused Annual Leave upon termination, not to exceed 480 hours.

I. Sick Leave

- (1) Method of earning Sick Leave

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- (a) All employees covered by these regulations shall earn eight (8) hours and forty (40) minutes of Sick Leave for each full calendar month of employment.
- (b) Part-time employees who work a fixed percentage of the pay period shall earn Sick Leave credits for hours worked during that pay period proportionate to the time worked. This does not include persons paid from the Other Personal Services category.
- (c) During a leave of absence with pay, an employee shall continue to earn Sick Leave credits.
- (d) Sick Leave earned during any pay period shall be credited to the employee on the last day of that pay period or, in the case of separation or resignation, on the last day the employee is on the payroll.
- (e) There shall be no limit on the number of hours of unused Sick Leave an employee may accrue. Employees who worked less than a full pay period due to initial employment or separation during a pay period, transfer between agencies, or leave of absence without pay shall earn Sick Leave credits for the hours worked during that pay period in accordance with the table below:

Monthly Pay Period	
<u>Number of Hours Actually Worked</u>	<u>Hours of Sick Leave Credits</u>
Less than 30	0
36 through 70	2.167
71 through 103	4.333
104 through 138	6.500
139 more	8.667

(2) Use of earned Sick Leave

- (a) Use of Sick Leave shall not be authorized prior to the time it is earned and credited to the employee and shall only be used with the approval of the Capital Collateral Regional Council – North.
- (b) Sick Leave shall be authorized only for the following purposes:
 - 1. The employee's or employee's immediate family's personal illness, injury, exposure to a contagious disease that would endanger others;
 - 2. The employee's or employee's immediate family personal appointments with a doctor, dentist, or other practitioner;

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3. Illness, injury, or well care check-ups of the employee's or employee's immediate family; and
 4. Maternity Leave.
- (c) Notification of absence due to illness, injury, or exposure to a contagious disease shall be given to the appropriate supervisor by the employee, or the employee's representative, as soon as possible on the first day of absence.
- (d) An employee who uses Sick Leave in an amount of time which is less than a full hour shall be charged with such leave to the closest quarter of an hour.
- (3) Retention and transfer of Sick Leave:
- (a) Sick Leave credits shall be transferred within state government between agencies, and may be transferred between pay plans, depending upon whether the receiving plan shall accept the employee's leave credits.
 - (b) When an employee moves to another pay plan, any credits not transferred shall be forfeited.
- (4) Forfeiture of unused Sick Leave:
- (a) An employee who has less than 10 years of creditable service with the State and separates from the Capital Collateral Regional Counsel - North for any reason shall forfeit all unused Sick Leave credits.
 - (b) An employee shall forfeit all rights to Sick Leave benefits if, prior to retirement, termination from the Capital Collateral Regional Counsel - North, or death, the employee:
 1. Is found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement, theft, or bribery in connection with state employment; or
 2. Has admitted to committing, aiding, or abetting any embezzlement, theft, or bribery in connection with state government; or
 3. Is found guilty by a court of competent jurisdiction of having violated any State law against or prohibiting strikes by public employees; or
 4. Is dismissed for cause.

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(5) Payment for unused Sick Leave:

(a) The only conditions under which an employee shall be paid for unused Sick Leave credits are when the employee:

1. Has not been found guilty or has not admitted to being guilty of any disqualifying act as defined in this section; and
2. Separates from state government because of retirement for "other than" disability reasons, termination, or death. In the case of a death payment, accrued unused Sick Leave credits shall be made to the employee's beneficiary, estate, or as otherwise provided by law.

(6) An employee who is eligible for payment for unused Sick Leave credits shall be compensated at the employee's current regular hourly base 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 leave credits does not exceed 480 hours. In no case shall compensation be made for leave in excess of 480 hours.

(7) All payments for unused Sick Leave credits shall be made by lump sum and the employee shall not be carried on the Capital Collateral Regional Counsel - North 's payroll beyond the last official day of employment.

(8) Payments made pursuant to this section shall not be considered as salary payments and shall not be used in determining the average final compensation of an employee in a state administered retirement system.

J. Sick Leave Pool and Transfer Plan

When an employee has met the criteria contained in the Sick Leave Transfer Plan below, sick leave credits in the Sick Leave Pool shall be used prior to sick leave credits donated by other employees. Upon depletion of sick leave credits in the Sick Leave Pool, donated hours from other employees will be available to the requesting employee. No sick leave credits shall be

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accepted by the Administrator of the Sick Leave Transfer Plan until the Sick Leave Pool is depleted.

(1) Sick Leave Transfer Plan

(a) This section provides procedures for employees of the Capital Collateral Regional Counsel - North to donate and receive Sick Leave credits when a Capital Collateral Regional Counsel - North employee has suffered a documented personal illness, accident or injury. Participation in the Sick Leave Transfer Plan shall at all times be voluntary. Employees who attempt to coerce or pressure another employee to donate Sick Leave, or employees otherwise found to have abused the Sick Leave Transfer Plan, shall be subject to disciplinary action. The Office Manager shall serve as Administrator of the Sick Leave Transfer Plan and shall ensure compliance with this procedure.

(b) An employee may request sick leave credits for a documented illness, accident or injury of a member of the employee's immediate family and shall follow all procedures herein. However, the employee may not receive any credits from the sick leave pool and instead may receive only those sick leave credits transferred directly from other employees.

(2) Eligibility for Receiving Sick Leave Pool Credits

(a) An employee requesting to receive sick leave pool credits:

1. Must have used all accrued Sick and Annual Leave, and the Personal Holiday; and
2. Must have suffered a documented personal illness, accident or injury. Medical documentation shall be from a licensed medical physician that shall include an explanation of the nature of the personal illness, accident or injury and the dates the employee is expected to be unable to work. The Capital Collateral Regional Counsel - North may require additional medical documentation that may be necessary to make a determination regarding the

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request and may request periodic medical updates of the recipient employee's condition.

(b) The following occurrences or situations shall not be considered a personal illness, accident or injury for the purpose of this procedure:

1. Cosmetic or other elective surgery, unless such surgery results in serious complications or was necessitated by an illness, accident, or injury not excluded under this subsection;
2. Normal childbirth and recovery, except complications requiring hospitalization and/or convalescence, which shall be an eligible illness;
3. Treatment for addictions;
4. An accident or injury incurred during the commission of a felony or first degree misdemeanor;
5. Must not be eligible for disability leave with pay under the provisions of this Pay Plan; and
6. Must be on an authorized and approved leave of absence for the reasons documented in the medical certification.

(3) Eligibility for Donating Sick Leave Credits

- (a) To be eligible to donate sick leave an employee must have completed at least one year of continuous employment with the State of Florida and have at least sixty-four (64) hours of accumulated Sick Leave credits at the time the transfer action is completed;
- (b) An employee may donate an unlimited amount of accrued Sick Leave; however, they must maintain a minimum Sick Leave balance of sixty-four (64) hours;

(4) Request for Transfer of Sick Leave Credits

- (a) An employee requesting the transfer of sick leave hours must submit a Capital Collateral Regional Counsel - North Application for Leave, Application for use of Sick Leave Transfer Hours, and Sick Leave Transfer Plan Physician Report to the Office Manager.

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If the employee is personally unable to submit the request, the Office Manager may coordinate the submission of the required forms with a family member of the employee, or the employee's physician when a family member is not available. Once the transfer request is approved, the Office Manager will notify Capital Collateral Regional Counsel - North staff via e-mail of the request for transfer of sick leave. The e-mail will not include the name of the employee in need of Sick Leave Hours, unless otherwise requested by the employee on the Application for Use of Sick Leave Transfer Hours. The notification shall include a general description of the circumstances surrounding the need, but shall not include any specific medical information.

- (b) Sick Leave in increments of at least eight (8) hours (pro-rated for part-time employees) may be transferred to another employee for a documented personal illness, accident or injury requiring an absence from work of at least five (5) continuous workdays, when the employee has insufficient accrued leave credits to cover all or a portion of the absence.
- (c) An employee who desires to donate Sick Leave to an employee determined eligible within the provisions of this section shall complete and sign a Sick Leave Transfer Authorization form and submit it to the Administrator for processing. Disapproved requests shall be returned to the employee.
- (d) The Office Manager shall determine the hours to be donated by the employees on a first-in, first-donated basis. If any of the leave donated is not needed by the recipient, excess hours will be returned to the donors in the reverse order of receipt.
- (e) A copy of the Sick Leave Transfer form shall be returned to each donor indicating the disposition of the requested transfer. The Office Manager shall advise the donor of Sick Leave hours donated at the time they are credited to the recipient's Sick Leave balance;
- (f) Sick Leave donated to a recipient shall be credited on the last day of the pay period that the request is approved by the Office Manager.

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- (g) Medical information received shall be considered a confidential medical record and shall be retained in the confidential medical records file of the recipient. All other records related to the Sick Leave Transfer Plan shall be maintained by the Office Manager.
- (h) The names of the donors shall not be announced.
- (i) An employee who completes and signs a Sick Leave Transfer Authorization form cannot cancel the transfer once the form is received in the Human Resources Section.
- (j) Employees who plan to retire or terminate from the State Government may donate Sick Leave credits under the Transfer plan up to 30 days before retirement or separation.
- (k) Upon retirement, resignation, or termination, an employee's sick leave credits in excess of 1920 hours will be transferred to the sick leave pool.
- (l) Employees may only request to donate leave to another employee based on a notification for transfer of leave as provided in this procedure.
- (m) If an employee requesting the use of the Sick Leave Transfer Plan is denied, a review of the decision by the Capital Collateral Regional Counsel - North may be requested.

K. Disability Leave

(1) Disability Leave with Pay:

- (a) An employee who sustains a job-connected disability that is compensable under the Workers' Compensation Law shall be carried in full pay status for a period not to exceed the seven (7) calendar days immediately following the injury or for a maximum of forty (40) work hours, if taken intermittently, without being required to use accrued leave credits. If the employee receives Workers' Compensation benefits for this period of leave with pay, the employee shall reimburse the Capital Collateral Regional Counsel - North the amount of the benefits. Such reimbursement shall not include payments for medical, surgical, hospital, nursing, or related expenses, or lump sum or scheduled payments of disability losses.

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(b) If, as a result of the job-connected injury, the employee is unable to resume work at the end of the period provided in paragraph (a) of this subsection:

1. The employee may elect to use accrued Sick, Compensatory, or Annual Leave in an amount necessary to receive salary payment that will increase the Workers' Compensation payments to the total salary being received prior to the occurrence of the disability. In no case shall the employee's salary and Workers' Compensation benefits exceed the amount of the employee's regular salary payments; and
2. If the employee elects not to use accrued leave (or after the employee has exhausted all earned leave in accordance with paragraph 1 above), the employee shall revert to normal Workers' Compensation benefits and is eligible to continue paying only the employee's portion of state insurance premiums. Capital Collateral Regional Counsel - North will continue to pay the employer's portion of premiums. The employee will continue to be in pay status and accrue full leave credits.

(2) Compulsory Disability Leave:

- (a) The Capital Collateral Regional Counsel - North, believing that an employee is unable to perform assigned duties due to illness or injury, may require the employee to submit to a medical examination by a physician named and paid by the agency. If the medical examination confirms that the employee is unable to perform assigned duties, the Capital Collateral Regional Counsel - North shall place the employee on Compulsory Disability Leave.
- (b) At the time the Capital Collateral Regional Counsel - North determines that the employee is to be placed on Compulsory Disability Leave, the employee shall be notified in writing of the duration of the mandatory leave period and the conditions under which the employee will be allowed to return to the position.
- (c) The employee who is placed on Compulsory Disability Leave shall be required to use any earned leave credits prior to being placed on Leave Without Pay. If the employee does

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not have sufficient leave credits to cover the period of Compulsory Disability Leave, the Capital Collateral Regional Counsel - North may place the employee on Leave Without Pay for a maximum of 30 calendar days.

- (d) If the employee is unable to return to work at the end of the mandatory leave period, based on a current medical certification, the Capital Collateral Regional Counsel - North may:
1. Approve an extension of the thirty (30) days Leave Without Pay; or
 2. Upon written request by the employee, place the employee on Leave Without Pay; or
 3. Request the employee's resignation for reasons of inability to perform assigned duties; or
 4. Dismiss the employee.

L. Administrative Leave

(1) Court:

- (a) An employee who is summoned as a member of a jury panel shall be granted Administrative Leave with pay for all hours required for such duty not to exceed the number of hours in the employee's normal workday. However, if the jury duty does not require absence for the entire workday the employee shall return to duty immediately upon release by the court. If the employee's court attendance 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 the employee's regular workday. Such leave shall be granted on the next scheduled work shift following each day the employee is in court. Any jury fees shall be retained by the employee. The Capital Collateral Regional Counsel - North shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a juror.

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- (b) An employee subpoenaed in the line of duty to represent a state agency, as a witness or defendant, shall not be granted Administrative Leave, and appearance in such cases shall be considered a part of the employee's job assignment. The employee shall be paid per diem and travel expenses, and shall be required to turn over to the Capital Collateral Regional Counsel - North any fees received from the Court.
- (c) In no case shall Administrative Leave with pay be granted for court attendance when an employee is engaged in personal litigation or service as a paid expert witness; however, an employee may be granted Annual Leave in such cases with the approval of the employee's immediate supervisor.

(2) Examinations and Interviews:

An employee may be granted up to two (2) hours leave with pay for the purpose of taking examinations before a state agency, provided such examinations are pertinent to state employment or for the purpose of having interviews for positions within other state agencies.

(3) Elections:

An employee who lives at such distances from the employee's assigned work location, as to preclude voting outside of working hours, may be granted a maximum of two hours of Leave With Pay for the purpose of voting in a primary or general election or any special election called by the Supervisor of Elections. An employee shall not be granted Administrative Leave to work at the polls during elections.

(4) National Guard State Service Leave:

An employee who is a member of the Florida National Guard shall be entitled to Administrative Leave without loss of pay, time, or efficiency rating on all days when ordered to active service by the state. Such leave with pay shall not exceed thirty (30) consecutive calendar days at any one time.

(5) Reserve or Guard Training:

An employee who is a commissioned reserve officer or reserve enlisted personnel member in

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the United States Military or Naval Service or member of the National Guard, shall, upon presentation of a copy of the employee's official orders or appropriate military certification, be granted Administrative Leave without loss of pay, time, or efficiency rating during periods in which the employee is ordered to active or inactive duty for training. Whether continuous or intermittent, such leave with pay shall not exceed 240 working hours in any one calendar year. A copy of the official orders or appropriate military certification shall be filed in the employee's personnel file.

(6) Examinations for Military Service:

(a) An employee who is ordered to appear for an examination for entrance into the military service shall be granted Administrative Leave.

(b) An employee who has been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a military-service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability shall be granted administrative leave for such reexamination or treatment without loss of pay or benefits. However, such paid leave may not exceed forty-eight (48) hours per calendar year.

(7) Death in Immediate Family: An employee, upon request, shall be granted three (3) days of Administrative Leave with pay on the death of any member of the employee's immediate family.

(8) Natural Disasters and other Emergency Conditions:

(a) When the Governor, by Executive Order, declares an emergency, the Capital Collateral Regional Counsel - North shall have the responsibility for determining whether affected facilities, or portions thereof, which are located in the area covered by the Executive Order, are to be closed.

(b) Except for these employees determined by the Capital Collateral Regional Counsel - North to be necessary for providing essential services, employees assigned to those

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facilities which have been closed by the Capital Collateral Regional Counsel - North shall be released from duty and granted Administrative Leave for the period the facility is closed. Those employees who were required by the Capital Collateral Regional Counsel - North to remain on duty to provide essential services shall be granted Compensatory Leave for the hours worked during the period the facility is closed.

- (c) In any other natural disaster, which may necessitate the closing of facilities in an area, the Capital Collateral Regional Counsel - North shall have the authority, and responsibility, to determine whether the facilities, or any portion thereof, are affected by the emergency and are to be closed.

(9) Civil Disorder or Disaster:

Employees who are members of a volunteer fire department, police auxiliary or reserve, civil defense unit, or other law enforcement-type organization may be granted Administrative Leave upon approval by the Capital Collateral Regional Counsel - North, when such employees are called on as members of these organizations to perform duties in times of civil disturbances, riots, and natural disasters, including employees who are members of the Civil Air Patrol, or Coast Guard Auxiliary who are called upon to assist in emergency search and rescue missions. Such leave shall not exceed two (2) days on any one occasion.

(10) Formal Investigation:

An employee who is under formal investigation by an agency for violation of a rule or statute for which dismissal is a penalty, may be placed on Administrative Leave not to exceed ten (10) workdays when the employee's absence from the work location is essential to the investigation. Such leave may be granted by the Capital Collateral Regional Counsel - North.

- (11) Each employee is authorized to use up to one hour a week, not to exceed five hours in a month, to participate in the following activities:

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- (a) Involvement in local school activities including preschools and kindergarten through high school;
 - (b) Involvement with or visitation of children in childcare centers;
 - (c) Involvement in local school activities, such as tutoring assignments, mentoring, guest speaking, assisting in career day activities and helping in an after school homework center program; and
 - (d) Volunteer work with, or for, a not-for-profit or non-profit organization.
- (12) Accrual and payment of Administrative Leave:

If an employee does not use Administrative Leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.

M. Military Leave

The Capital Collateral Regional Counsel - North shall permit military leave to its employees consistent with state and federal law, including but not limited to, rules adopted by the Department of Management Services.

N. Other Leave Without Pay

- (1) The Capital Collateral Regional Counsel - North may place an employee on Involuntary Leave Without Pay without advance notice, for up to one year for the purposes of investigation of criminal charges. During such leave, the employee may continue his/her coverage under the State Group Insurance but without any state contribution. The employee shall not receive any other benefits.
- (2) Limitations of Leave Without Pay:
 - (a) An employee shall not be granted salary increases of any type while on Leave Without Pay. However, certain protected Leaves Without Pay will entitle the employee to automatic pay increases (that they would have received had they not been on leave without pay) upon return to work.

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- (b) An employee who has been placed on leave of absence without pay, and is therefore in non-pay status for the entire day before a holiday, shall not be eligible to receive payment for such holiday observed while the employee is on such leave.

O. Family Medical Leave Act

(1) All provisions of the Family Medical Leave Act shall apply to Capital Collateral Regional Counsel - North employees and may be implemented through the Employee Handbook.

(2) 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 are entitled to:

(a) Twelve work weeks of leave in a 12-month period for:

1. the birth of a child and to care for the newborn child within one year of birth;
2. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
3. to care for the employee's spouse, child, or parent (as defined in the FMLA and implementing regulations) who has a serious health condition;
4. a serious health condition that makes the employee unable to perform the essential functions of his or her job;
5. 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 work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

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P. Domestic Violence or Sexual Violence Leave

- (1) Employees who have been employed with the Capital Collateral Regional Counsel - North for at least three (3) months who are, or who have a family or household member who are, victims of domestic violence, or of sexual violence, are entitled to up to three (3) days of unpaid Domestic Leave during any twelve (12) month period in order to:
 - (a) seek an injunction relating to the domestic violence;
 - (b) obtain medical or mental health care to address injuries resulting from the domestic violence or sexual violence;
 - (c) obtain assistance from a victim-services organization because of the domestic violence or sexual violence;
 - (d) make the home secure, or seek secure housing from the perpetrator of domestic violence or sexual violence; or
 - (e) seek legal assistance in addressing issues resulting from or relating to the domestic violence or sexual violence.
- (2) Employees must give advance notice of taking Domestic or Sexual Violence Leave, unless the employee, or their family or household member, is in imminent danger. Employees must provide documentation of the need for Domestic or Sexual Violence Leave. Personal identifying information contained in records documenting an act of domestic or sexual violence is confidential and exempt under the Public Records Law, as is any written request for domestic or sexual violence leave from the employee. Domestic or Sexual Violence Leave is leave without pay. Employees may use Annual Leave or Sick Leave during Domestic Violence or Sexual Violence Leave.