



FLORIDA PROSECUTING ATTORNEYS ASSOCIATION

CLASSIFICATION AND PAY PLAN

FOR THE EMPLOYEES OF THE

OFFICES OF THE STATE ATTORNEYS

OF FLORIDA

2021

Printed and distributed in its entirety
with revisions through
March 2021

CLASSIFICATION AND PAY PLAN

INTRODUCTION

Authority - Part I, Section 27.25(1), Florida Statutes. The Florida Legislature, effective July 1, 1981, required that "the State Attorneys of all judicial circuits shall jointly develop a coordinated classification and pay plan which shall be submitted on or before January 1, of each year to the Justice Administrative Commission, the Office of the President of the Senate, and the Office of the Speaker of the House of Representatives."

Scope and Purpose - These rules were adopted by the Florida Prosecuting Attorneys Association effective July 1, 1982, and as amended subsequently, as general guidelines in administering the Classification and Pay Plan applicable to employees filling authorized and established positions in the State Attorney offices of all judicial circuits.

Statements of Policy - All employees of the State Attorney offices are exempt from the State of Florida Career Service System and serve at the pleasure of the State Attorney.

TABLE OF CONTENTS

CHAPTER 1.....	5
CLASSIFICATION PLAN	5
1.01 SCOPE AND PURPOSE.....	5
1.02 STATEMENTS OF POLICY.....	5
1.03 ADMINISTRATION OF THE PLAN.....	6
1.04 CLASS SPECIFICATIONS.....	6
1.05 POSITION DESCRIPTION.....	7
1.06 EXERCISE OF CLASSIFICATION AUTHORITY AND PROCEDURES.....	8
1.07 ASSIGNMENT OF LEAD-WORKER DUTIES.....	8
1.08 USE OF CLASS TITLES.....	9
CHAPTER 2.....	10
PAY PLAN	10
2.01 SCOPE AND PURPOSE.....	10
2.02 STATEMENTS OF POLICY.....	10
2.03 SALARY SCHEDULE.....	11
2.04 EMPLOYMENT SALARY.....	11
2.05 SALARY INCREASES.....	12
2.06 ON-CALL FEES.....	13
2.07 PAY UPON DEMOTION.....	13
2.08 DOWNWARD PAY ADJUSTMENTS.....	13
2.09 PAY FOR LESS THAN FULL-TIME EMPLOYMENT.....	14
2.10 OVERLAP IN POSITION.....	15
2.11 DUAL EMPLOYMENT AND COMPENSATION.....	15
2.12 PROCESSING OF PAY CHANGES.....	16
2.13 BUDGETARY LIMITATIONS.....	16
2.14 COMPUTATION OF HOURLY RATE.....	16
2.15 EFFECTIVE DATE OF SALARY CHANGES.....	17
2.16 PAYROLL CORRECTION DUE TO CLERICAL ERRORS.....	17
2.17 INSURANCE BENEFITS FOR ASSISTANT STATE ATTORNEYS.....	17
2.18 ACTIONS INCONSISTENT WITH PAY PLAN OR FLORIDA STATUTES.....	18
CHAPTER 3.....	19
ATTENDANCE AND LEAVE	19
3.01 SCOPE AND PURPOSE.....	19
3.02 STATEMENTS OF POLICY.....	19
3.03 HOURS OF WORK.....	20
3.04 RECORD KEEPING.....	21
3.05 OVERTIME.....	21
3.06 HOLIDAYS AND OTHER AUTHORIZED ACTIVITIES.....	22
3.07 ANNUAL LEAVE.....	24
3.08 SICK LEAVE.....	27
3.09 DISABILITY LEAVE.....	31
3.10 ADMINISTRATIVE LEAVE.....	33
3.11 MILITARY LEAVE.....	36
3.12 LEAVE IN CONNECTION WITH A MEMBER OF THE ARMED FORCES.....	42
3.13 RESERVE OR GUARD TRAINING LEAVE.....	58
3.14 EDUCATIONAL LEAVE WITH PAY.....	58
3.15 FAMILY AND MEDICAL LEAVE.....	59
3.16 DOMESTIC LEAVE PAY.....	65
3.17 OTHER LEAVE WITHOUT PAY.....	66
CHAPTER 4.....	67

EMPLOYEES PERFORMANCE EVALUATIONS	67
4.01 SCOPE AND PURPOSE	67
4.02 STATEMENTS OF POLICY.....	67
4.03 PROCEDURES	68
CHAPTER 5.....	71
DISCIPLINARY ACTIONS AND GRIEVANCES	71
5.01 SCOPE AND PURPOSE	71
5.02 STATEMENTS OF POLICY.....	71
5.03 DISCIPLINARY ACTIONS.	71
5.04 GRIEVANCES.....	72
CHAPTER 6.....	74
DEFINITIONS	74
6.01 DEFINITIONS.....	74
CHAPTER 7.....	78
RECOGNITION AWARDS PROGRAM.....	78
7.01 SCOPE AND PURPOSE	78
7.02 STATEMENTS OF POLICY.....	78
7.03 RECOGNITION AWARDS.....	78
CHAPTER 8.....	80
MANAGEMENT EMPLOYEES.....	80
8.01 SCOPE AND PURPOSE	80
8.02 STATEMENTS OF POLICY.....	80
8.03 DESIGNATION OF MANAGEMENT CLASSES.	80
8.04 APPOINTMENT.	80
8.05 SALARY.....	81
8.06 RULES AND PROCEDURES.	81
8.07 ATTENDANCE AND LEAVE.....	81
8.08 INSURANCE BENEFITS.....	82
8.09 RETIREMENT BENEFITS.	82
8.10 TRANSITION PROVISIONS.....	82
8.11 SEPARATIONS.	82
SENIOR MANAGEMENT CHECKLIST.....	83

CHAPTER 1

CLASSIFICATION PLAN

- 1.01 Scope and Purpose
- 1.02 Statements of Policy
- 1.03 Administration of the Plan
- 1.04 Class Specification
- 1.05 Position Descriptions
- 1.06 Exercise of Classification Authority and Procedures
- 1.07 Assignment of Lead-Worker Duties
- 1.08 Use of Class Titles

1.01 Scope and Purpose.

This chapter sets forth the rules for the establishment, maintenance, and administration of the uniform Classification Plan applicable to the positions in the Offices of the State Attorneys.

1.02 Statements of Policy.

(1) The Florida State Attorneys shall establish and maintain a uniform Classification Plan applicable to positions in the State Attorneys' Offices, and shall be responsible for the overall coordination, review and maintenance of the plan. The plan shall consist of, but not limited to, (1) all approved classes of positions, (2) the class specifications for all approved classes of positions, (3) The allocation of each position to its proper class, and (4) the rules governing the administration of the plan.

(2) Each class shall be defined by a class specification, assigned to an appropriate pay grade, a class code, class title and EEO category.

(3) Approved classes shall be listed in the Florida State Attorneys' Salary Schedule.

(4) Positions shall not be allocated to a class which have not been approved as part of the Classification Plan.

(5) No action shall be taken to fill any position until it has been classified in accordance with

the Classification Plan.

1.03 Administration of the Plan.

- (1) The primary responsibility for the day-to-day administration of the Classification Plan rests with each State Attorney, or their designee.
- (2) The responsibilities of the Florida State Attorneys shall be:
 - (a) The overall coordination, review and maintenance of the Classification Plan.
 - (b) The establishment of new classes and the revision or abolishment of existing classes.
 - (c) The conduct of periodic studies and surveys to assure that the Classification Plan is maintained on a current basis.

1.04 Class Specifications.

- (1) Classes shall be established, revised or abolished by the Florida State Attorneys as necessary for the current maintenance of the Classification Plan, and such changes to the Plan shall be reflected in the class specifications.
- (2) Each class specification shall contain the characteristics, allocation factors and concepts for positions that will be allocated to the class. While the exact duties and responsibilities of positions in a class may differ, all positions allocated to a class shall be sufficiently similar as to kind of work, level of difficulty or responsibility, and qualification requirements to warrant like treatment.
- (3) Notification of new or revised specifications or notification of abolished classes shall be furnished to each State Attorney's office by the chair of the classification and pay committee upon finalization of the class actions.
- (4) The training and experience requirements of a class shall be job related and reflect those knowledge, skills and abilities that an individual would need upon entry to a position in the class.

The following shall be considered in establishing training and experience requirements.

- (a) Training and experience requirements shall not be recommended or determined by the level of pay that is desired for the class.
- (b) Training and experience requirements shall be structured, where possible, to facilitate the progression of employees from lower to higher or lateral levels of work without artificial barriers.
- (c) Training and experience requirements shall state specific kinds and amounts of qualifying experience and/or education required for applicants to be eligible for a class.
- (d) Training and experience requirements shall not include any protected characteristic (such as age, sex, or physical requirements) unless they are justifiable occupational qualifications essential for the work to be performed.
- (e) Training and experience requirements shall not include statements related to conduct or reputation of applicants unless required by law or essential for the work to be performed.
- (f) Necessary special requirements shall be included where required by law or when such requirements can be clearly shown to be essential.
- (g) Minimum requirements as reflected on the class specifications may be substituted by an equivalent combination of training and/or experience approved by each State Attorney, or their designee.
- (h) The probationary period for a class shall be six months or as stated in the class specification.

1.05 Position Description.

The State Attorneys shall maintain a current position description for each established position authorized. The current position description shall serve as the official record of the duties and responsibilities assigned the position and shall be used to officially classify the position. (Position Descriptions revised 2021.)

1.06 Exercise of Classification Authority and Procedures.

- (1) Each State Attorney shall have the authority and responsibility to classify positions authorized by the Legislature or authorized pursuant to Section 216.262, F.S.; to classify positions that are added in lieu of positions deleted pursuant to Section 216.262, F.S. and to reclassify established positions.
- (2) Classification and reclassification actions taken by the State Attorney shall be within classes of positions established by the Florida State Attorneys.
- (3) When classification or reclassification action is taken by a State Attorney, a current position description shall be submitted to the Justice Administrative Commission within thirty (30) days of the effective date of any such action.
- (4) If a new class or class revision is requested, the State Attorney requesting same shall furnish a position description and proposed class specifications to the State Attorney Classification and Pay Plan Committee for review and recommendations to the State Attorney Board of Directors for appropriate action. The request and the recommendations of the Classification and Pay Plan Committee shall be presented to the Board of Directors within a reasonable period of time. Upon approval by the Board, the class will be established.
- (5) Employee Personnel Transactions. When a position is classified and when a reclassification or classification correction is effected, the pay for the employee filling that position shall be determined in accordance with the provisions of the pay plan established in Chapter 2 of these procedures.

1.07 Assignment of Lead-Worker Duties.

- (1) If there are several positions in the same class or a different class with the same pay grade located in the same work unit, one or more of the positions may be assigned lead-worker duties provided:
 - (a) The assignment of duties and responsibilities of a limited supervisory nature is in

addition to the normal duties and responsibilities of the position.

(b) The additional responsibilities do not justify reclassification of the position to a supervisory class.

(2) If lead-worker duties are assigned a position, an approved position description shall be prepared and processed in the same manner as a reclassification action.

(3) An employee filling a lead-worker position shall be paid in accordance with the provision of the pay plan established in Chapter 2.05(2) of these procedures.

1.08 Use of Class Titles.

Official class titles and class codes shall be used on all personnel payroll records and in the preparation of legislative and operating budgets.

CHAPTER 2

PAY PLAN

- 2.01 Scope and Purpose
- 2.02 Statements of Policy
- 2.03 Salary Schedule
- 2.04 Employment Increases
- 2.05 Salary Increases
- 2.06 On-Call Fees
- 2.07 Pay Upon Demotion
- 2.08 Downward Pay Adjustments
- 2.09 Pay for Less Than Full-Time Employment
- 2.10 Overlap in Position
- 2.11 Dual Employment and Compensation
- 2.12 Processing Pay Changes
- 2.13 Budgetary Limitations
- 2.14 Computation of Hourly Rate
- 2.15 Effective Date of Salary Changes
- 2.16 Payroll Corrections Due to Clerical Errors
- 2.17 Insurance Benefits for Assistant State Attorneys
- 2.18 Actions Inconsistent with Pay Plan or Florida Statutes

2.01 Scope and Purpose.

This chapter sets forth the rules for the establishment, maintenance, and administration of an equitable pay plan which shall be applicable to positions in the Offices of the State Attorneys.

2.02 Statements of Policy.

- (1) The Pay Plan shall consist of (a) the official Schedule of Pay Ranges, (b) the official Salary Schedule, and (c) the rules governing the administration of the Pay Plan.
- (2) The Schedule of Pay Ranges shall consist of all pay grades and their assigned pay ranges.
- (3) The Salary Schedule shall consist of, but not be limited to, class codes, class titles, pay grades, and the minimum and maximum rates of pay for all classes.
- (4) The Florida State Attorneys through their Classification and Pay Plan Committee shall review all pay grade assignments for the purpose of making recommendations for pay changes that will maintain a competitive pay plan.

(5) Each pay range shall be structured in such a way that a minimum and maximum rate is established.

(6) An employee previously employed by another State Agency may be employed at the rate received from the previous State Agency even though said rate of pay exceeds the maximum.

2.03 Salary Schedule.

All employees shall be paid in accordance with the rates shown in the official Salary Schedule and the provisions of this chapter.

2.04 Employment Salary.

An employee shall be paid at the minimum of the pay range for the class to which appointed, unless a higher or lower salary is approved for the employee by the State Attorney or their designee as follows:

(1) The employee possesses training and/or experience substantially above the minimum training and experience required for the class and the State Attorney or their designee determines that the employee is exceptionally well qualified for the position. In such cases, the State Attorney or their designee may pay the employee at any rate up to 10% above the minimum of the pay range established for the class to which the appointment is being made, or at a higher rate within the pay range with the approval of the State Attorney.

(2) An employee who is given a reinstatement appointment may, at the discretion of the State Attorney, be paid at any rate within the pay range for the class to which the employee is being reinstated, which is equal to or below the rate being paid at the time of separation. The employee shall not be eligible for adjustments in the pay range while not employed; however, if the employee's rate at the time of separation was lower than the current minimum of the pay range for the class, the employee shall be paid at least the current minimum rate, and may be paid at the discretion of the State Attorney or their

designee, up to 10% above the minimum of the pay range for the class if the employee possesses training and/or experience substantially above the minimum training and experience required for the class.

(3) An employee who has been granted an authorized leave of absence without pay shall be paid at the same rate being paid at the time leave was granted except that, upon return from leave, the employee shall be granted any adjustments made in the pay range during such absence. In determining the amount of adjustment which the employee shall be granted, the same implementation instructions which applied to all employees in that class shall be followed.

(4) An employee who is appointed with emergency status shall be paid in accordance with the provision of this section.

(5) When the employee does not possess the minimum training and experience required for the class to which appointed, the employee may be paid below the minimum of the pay range for the class.

(6) State Attorneys in geographical areas which have been deemed by the most recent Florida Price Level Index to exceed the State average cost of living may establish modified pay schedules for selected classes within Pay Grades 46 and lower. Each participating State Attorney shall establish the pay plan modifications as deemed appropriate for each affected county. Modifications are not to exceed 10%, and must be applied uniformly to all employees within each selected class.

2.05 Salary Increases.

An employee shall be eligible to receive salary increases at any time as follows:

- (1) A merit salary advancement - May be granted by a State Attorney or their designee to an employee who has received a satisfactory or better performance evaluation.

- (2) An upward pay adjustment - May be granted by a State Attorney or their designee to an employee whose class has had a pay range increase, or lead-worker designation.
- (3) A temporary pay increase - May be granted by a State Attorney or their designee to any employee for conditions which may include, but are not limited to: temporary additional duties and responsibilities, temporary reassignment, temporary transfer and temporary special duties.
- (4) A special pay increase - If unusual conditions exist, which justify pay increases not provided for in this chapter, the State Attorney or their designee may approve a special pay increase for any employee.
- (5) A promotion - An employee's salary shall be increased at least to the minimum for the class to which the employee is promoted. (See 2.13)

2.06 On-Call Fees.

The State Attorney shall have the authority to establish policies and procedures for the payment of On-Call Fees to employees assigned to Victim Advocate I-II; Special Victim Advocate I-II; Victim/Witness Specialist I-V; Victim Services Director classes. The State Attorney shall determine the rate of compensation.

2.07 Pay Upon Demotion.

- (1) An employee may be demoted with or without a reduction in pay, at the discretion of the State Attorney or their designee.
- (2) An employee who is demoted shall not be granted a pay increase at the time of demotion.

2.08 Downward Pay Adjustments.

When a class has a pay range decrease, the pay of employees within that class shall not be changed.

2.09 Pay for Less than Full-Time Employment.

(1) An employee who is paid on a monthly basis and is filling an established position on a part-time basis or who is employed or separated during a pay period shall have the pay determined in accordance with the following:

(a) Where the employee is on the payroll for less than a full month:

$$\text{Amount to be paid} = \frac{\text{Hours Worked in the Month} \times \text{Monthly Rate}}{\text{No. of Work Hours in Month}}$$

Hours worked in the month are defined as hours actually worked, time off with approved leave with pay, or time off due to a holiday falling within the period the employee is on the payroll. Number of work hours in the month is determined by multiplying 8 x the number of work days in the month. To determine the monthly rate where an employee is paid on an hourly basis the following shall be used:

1. Hourly Rate x 2080 = Annual Rate
2. Annual Rate divided by 12 = Monthly Rate

(b) Where employed on a part-time basis:

Amount to be paid = Regular full-time monthly rate x percentage of time worked by the employee each month.

(2) In applying the formula set forth in this section for determining less than full-time employment, the following shall apply:

(a) All new employees - The number of hours worked shall be the number of hours on duty plus any holidays falling after the employee's first day of work.

(b) Part-time employees - The number of hours worked shall be the number of hours on duty plus any leave with pay and a prorated number of hours for any holidays falling during the pay period after the first day of work.

(c) Employees moving from one agency to another agency - The number of hours

worked in the agency plus any leave with pay and any holidays falling prior to the employee's last day as an employee of that agency. The number of hours worked in the agency to which the employee is moving shall be the number of hours on duty in that agency plus any leave with pay and any holidays falling after the employee's last day as an employee of the other agency.

(d) Employees separating from the State Attorney - The number of hours worked shall be the number of hours on duty plus any leave with pay and any holidays falling prior to the employee's last day of employment.

2.10 *Overlap in Position.*

Section 216.262(3), Florida Statutes, provides that no full-time position shall be filled by more than the equivalent of one full time officer or employee except when extenuating circumstances exist.

(1) The State Attorney or their appointed designee may authorize the overlapping of positions if the employee is appointed to perform the duties of another person in a filled position.

(2) It is the responsibility of the State Attorney to insure that each overlap is justified as being in the best interest of the state.

2.11 *Dual Employment and Compensation.*

Section 216.262(1)(e), Florida Statutes, provided that no individual employed by a state agency may fill more than a total of one full-time equivalent established position, receive compensation simultaneously from any appropriation other than appropriations for salaries, or receive compensation simultaneously from more than one state agency. All requests for dual employment and compensation shall be approved by the State Attorney, or their designee.

(1) In considering requests for dual employment and compensation, the State Attorney office shall apply the following criteria.

- (a) Compensation must be commensurate with assigned duties.
 - (b) There must be a demonstrated need for the proposed action.
 - (c) The services must not give rise to the appearance of a conflict of interest or otherwise violate legislative intent.
- (2) The employee seeking dual employment and compensation shall initiate a Dual Employment and Compensation Request (Form DMS/HRM/DUAL eff. 1/1/02) in accordance with the instructions on the form.

2.12 Processing of Pay Changes.

- (1) All pay changes shall be processed through the Justice Administrative Commission. The State Attorney's personnel representative shall review each change to determine that it is in compliance with the provisions of this chapter.
- (2) In processing pay changes made in accordance with the provisions of this chapter all computations should be rounded to the nearest cent. If the third decimal place is five, or more, round up to the next higher cent. If the third decimal place is four, or less, round down to the next lower cent.

2.13 Budgetary Limitations.

- (1) All provisions of this chapter relating to payment of salaries are contingent upon funds being available.
- (2) Any deviation from paying employees in accordance with these rules because of budgetary limitations must be approved by the State Attorney or their designee.

2.14 Computation of Hourly Rate.

- (1) All pay is computed on the basis of 2080 work hours annually.
- (2) An employee who is paid on a monthly basis shall have the hourly rate for OVERTIME PURPOSES determined as follows:

Monthly rate times 12 divided by 2080 equals hourly rate

(MR x 12 = HR)

2080

2.15 Effective Date of Salary Changes.

The effective date of all salary changes provided for in this chapter shall be the date specified by the State Attorney or their designee.

2.16 Payroll Correction Due to Clerical Errors.

Due to clerical error, a payroll correction may be made by the State Attorney or their designee to provide the salary change to be effective on the date of eligibility of the employee.

2.17 Insurance Benefits for Assistant State Attorneys.

In accordance with the current General Appropriations Act, each full-time Assistant State Attorney shall pay a portion of his or her health insurance premium (prorated for part-time Assistant State Attorneys) as follows:

(1) For the standard plans and high deductible health plans \$8.34 per month for individual coverage and \$30 per month for family coverage.

(2) For the standard plans and high deductible health plans \$15 per month for each ASA participating in the Spouse Program.

(3) The state will continue paying 100% of the premium for the individual disability insurance policies.

(4) The state will continue paying 100% of the premium for the state individual life insurance policy, but for the coverage period beginning January 1, 2011 the value of the life insurance policy will be \$25,000. DMS shall continue to offer the optional life insurance program based on the premiums paid by employee only.

2.18 *Actions Inconsistent with Pay Plan or Florida Statutes.*

The JAC is not authorized to process any transaction that is inconsistent with the Pay Plan or the Florida Statutes.

CHAPTER 3

ATTENDANCE AND LEAVE

- 3.01 Scope and Purpose
- 3.02 Statements of Policy
- 3.03 Hours of Work
- 3.04 Record Keeping
- 3.05 Overtime
- 3.06 Holidays and Other Authorized Activities
- 3.07 Annual Leave
- 3.08 Sick Leave
- 3.09 Disability Leave
- 3.10 Administrative Leave
- 3.11 Military Leave
- 3.12 Leave in Connection with A Member of the Armed Forces
- 3.13 Reserve or National Guard Training Leave
- 3.14 Educational Leave With Pay
- 3.15 Family Medical Leave
- 3.16 Domestic Leave
- 3.17 Other Leave Without Pay

3.01 Scope and Purpose.

This chapter sets forth the rules and regulations governing the attendance and leave of employees in the State Attorneys' Offices.

3.02 Statements of Policy.

- (1) Unless specifically approved by the State Attorney the workweek shall be 40 hours or the equivalent thereof during a given 7-day period.
- (2) The granting of any leave of absence with or without pay shall be in writing and shall be approved by the proper authority within the State Attorney's Office. An employee who is granted a Personal Leave of Absence with or without pay shall remain an employee of the State Attorney while on such leave and shall be returned to the same position or a different position upon termination of the approved leave of absence, if a position is available. If no position is available at the time the employee returns from leave of absence, said employee may be terminated. If an

employee is on Family and Medical Leave, on Military Leave or on Leave in Connection with a Member of the Armed Forces, the employee shall be returned to a position consistent with those respective policies (see Sections 3.11, 3.12 and 3.14 herein).

(3) Any leave of absence with or without pay shall be approved prior to the leave being taken, except in the case of an emergency where the employee must be absent prior to receiving approval from proper authority for the absence.

(a) When prior approval cannot be obtained by the employee due to such emergencies, the State Attorney or their designee may take one of the following actions:

1. Grant the employee leave with pay, provided the employee has sufficient awarded paid leave to cover the absence.
2. Place the employee on leave without pay for the absence, or,
3. If the absence is for 3 consecutive workdays, consider the employee to have abandoned the position and resigned from the Office of the State Attorney.

(b) If an employee's request for leave of absence is disapproved and the employee takes unauthorized leave, the State Attorney or their designee may place the employee on leave without pay and, after an unauthorized leave of absence for 3 consecutive workdays, may consider the employee to have abandoned the position and resigned from the Office of the State Attorney.

3.03 Hours of Work.

(1) As provided in Section 3.02, 40 hours shall constitute a workweek for all full-time employees unless a different workweek is specifically approved by the State Attorney or their designee.

(2) Full-time employees shall be required to be present on their assigned job for the total hours in the established workweek, unless absence from duty is authorized by appropriate authority in accordance with the provisions of this section.

- (3) 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 absence from duty is authorized by appropriate authority in accordance with the provisions of this section.
- (4) All time taken off as approved leaves of absence with pay and observance of holidays prior to the employee's last full day of actual work shall be compensated in accordance with this section.
- (5) Required attendance at training courses shall be considered as hours worked.
- (6) When an employee is in official travel status under the law, time spent in required travel beyond the normal workday on the first and last day of such travel shall be considered as hours worked.

3.04 Record Keeping.

- (1) Each State Attorney's Office is required to keep an accurate record of all hours worked by each employee, as well as a complete and accurate record of all authorized leave which is approved in accordance with this chapter. Any employee who earns or uses compensatory leave credits in an amount of time which is less than a full hour shall be credited or charged with such leave to the closest quarter of an hour.
- (2) All hours worked must be totaled at the end of the workweek for included employees and at the end of the month for excluded employees and the totals shall be rounded to the nearest quarter of an hour.
- (3) The ultimate responsibility for the accuracy and proper maintenance of all attendance and leave records rests with the State Attorney or their designee.
- (4) Falsification of any attendance or leave records shall be cause for dismissal of the employee or employees involved.

3.05 Overtime.

- (1) Overtime is defined as the hours of actual work required to be performed by an employee

in excess of 40 hours of actual work during the established workweek.

(2) In applying the overtime provisions of this chapter, every employee must be designated as filling either an "included position" or an "excluded position". This determination shall be based upon the employee's full time status, salary and duties as determined by the Fair Labor Standards Act.

(3) Overtime worked by an employee shall be compensated in accordance with the following provisions:

(a) An employee who is filling an included position may be paid for all overtime at one and one-half times the employee's base rate of pay, or, may be granted compensatory leave credits on a time and one-half basis for all hours worked in excess of the forty hours in a workweek. If the method of compensation is by compensatory leave credits, the State Attorney will advise the employee of same in advance of overtime worked. Overtime is prohibited unless preapproved by the State Attorney or designee.

(b) An employee who is filling an excluded position may be granted regular compensatory leave credits on an hour-for-hour basis for all hours required to be worked in excess of the normal workweek at the discretion of the State Attorney or their designee.

(c) Compensatory leave must be taken within a reasonable period of time. Cash payment shall be made for unused compensatory leave credits upon termination for included positions.

(d) In accordance with Section 7(k) of the Fair Labor Standard Act, the State Attorney may establish a work period of twenty-eight (28) consecutive days or a lesser number of consecutive days (not less than seven (7)) for the purpose of computing overtime pay for law enforcement employees.

3.06 *Holidays and Other Authorized Activities.*

(1) The following holidays, as provided by Section 110.117, Florida Statutes shall be observed

as paid holidays by state agencies:

New Year's Day	Veterans' Day
Martin Luther King's Birthday	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Day
Labor Day	

- (a) Memorial Day shall be observed on the last Monday in May, and Labor Day on the first Monday in September.
- (b) If any of these holidays fall on Saturday, the preceding Friday shall be observed as a holiday; or if any of these holidays fall on Sunday, the following Monday shall be observed as a holiday.
- (c) Any other workday designated as a holiday by the Secretary of Management Services may be observed by the State Attorneys' Offices.
- (d) In the event additional holidays are declared by the Courts or local government, such days may be observed by the State Attorney's Office.
- (e) All full-time employees shall be granted 8 hours of leave with pay for each of these holidays, regardless of the day or hours which constitute the workweek. Part-time employees shall be granted a prorated number of hours for each of these holidays based on the number of hours regularly worked during the workweek, using the following formula:

$$\frac{8\text{-Hrs} \times \text{Number of Hrs. Worked Per Week}}{40 \text{ hrs.}} = \text{Hrs. Credit}$$

40 hrs. for Holiday

- (f) An employee in pay status (actual work or paid leave) for any portion of the workday prior to a holiday shall be eligible for the paid holidays. The only exception is furloughs due to budget constraints.
- (g) Each employee may, at the discretion of the State Attorney, be allowed up to two hours of administrative leave for the purpose of voting in any bonafide election for which

said employee is a part of the qualified electorate.

- (2) Each full-time employee shall be entitled to one personal holiday per year. Such personal holiday shall be credited to eligible employees on July 1 of each year and must be taken prior to June 30 of the following year or forfeited.
- (3) Each employee shall be given all holidays designated if the workload of the State Attorney's office is such that the employee's work can be discontinued.
- (4) Employees who are on approved leave with pay when holidays allowed in this section are observed or a State Day of Mourning is declared shall not have such days charged against their accrued leave credits.
- (5) Each State Attorney may designate employee work breaks as needed during their work shifts to ensure the efficient and effective operation of their office provided that:
 - (a) No single work break shall exceed 15 minutes absence from the employee's work station.
 - (b) An employee may not accumulate unused work breaks.
 - (c) Work break time shall not be authorized for covering an employee's late arrival on duty or early departure from duty.

3.07 Annual Leave.

- (1) Method of earning annual leave
 - (a) All full-time employees who are filling established positions shall earn annual leave as shown in the following table:

<u>Creditable Service</u>	<u>Hours of Leave Earned</u>
0-36 months	8 hours and 40 minutes
37-48 months	10 hours
49-120 months	13 hours and 20 minutes
121 months and over	16 hours and 40 minutes
 - (b) Annual leave will be credited on the last working day of the month or in the case of separation, on the last day the employee is on the payroll.
 - (c) During leave of absence with pay, an employee shall continue to earn annual leave

credits.

(d) Part-Time employees who work a fixed percentage or other pay period shall earn annual leave credits for the hours worked during that pay period proportionate to the time worked.

(e) An employee may accrue annual leave credits in excess of the maximum of 360 hours. Annual leave credits earned in excess of the maximum of 360 hours should be used during the calendar year, or may be forfeited. However, subject to the availability of funds, the State Attorney or their designee may pay the employee for all annual leave hours in excess of 360 hours on December 31st or, in the absence of necessary funds, may convert all unused annual leave hours in excess of 360 hours to sick leave or to the agency sick leave pool on an hour per hour basis. Further, upon application by an employee, the State Attorney may authorize excess annual leave to be transferred to sick leave at any time.

(f) Under certain justifiable conditions the State Attorney or their designee may grant approval to an employee or a group of employees to earn and retain annual leave credits in excess of 360 hours.

(g) DROP participants will accrue annual leave in the same manner and at the same rate as prior to entering DROP.

(2) Use of earned annual leave

(a) As indicated, annual leave should be used to provide periodic vacation; however, earned annual leave credits may be used for any other purpose when authorized by the State Attorney or their designee.

(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 proper authority within the State Attorney's office.

(c) An employee who 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>Time Charged</u>	
			Minutes	Quarter Hour
0	-	7	00	.00
8	-	22	15	.25
23	-	37	30	.50
38	-	52	45	.75
53	-	60	60	1.00

(d) Upon reasonable notice, a State Attorney or their designee may require an employee to use part of the employee's accrued annual leave for vacation purposes at any time this is deemed advisable.

(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 a State Attorney's Office may be credited with the employee's unused annual leave at the discretion of the employing State Attorney or their designee.

(4) Payment for earned annual leave

(a) An employee can be paid for unused annual leave upon terminal separation from a State Attorney's Office.

(b) In no case shall an employee receive payment for accrued annual leave in excess of 360 hours except for: in case of 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.

(c) Payment of unused annual leave for DROP participants:

1. Employees electing to participate in DROP may request payment

for up to 360 hours of accrued annual leave at the time of entry into DROP. Hours in excess of 360 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 360 hours.

(d) An employee's leave shall not be paid when the employee moves to a different pay plan or retirement plan within a State Attorney's Office. An employee's leave shall be paid if the employee moves to the elected and appointed state officers' pay plan, or the DROP retirement plan.

(e) Terminal leave payments due employees shall be computed as follows:

1. Determine the current hourly rate in accordance with Section 2.14
2. Multiply the number of unused annual leave hours times the current hourly rate to determine the payment which shall be made. All such payment for accrued annual leave shall be made in a lump sum.

3.08 Sick Leave

(1) Method of earning sick leave

(a) All full-time employees filling established positions who are paid on a monthly basis shall earn 8 hours and 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.

(c) Sick leave conversion: An employee who has used no sick leave during the leave year and has been employed for the full leave year may have converted, on the first day of the succeeding leave year, six (6) days of sick leave to annual leave. Employees who have

used sick leave during the leave year and have been employed for the full leave year may have sick leave converted to annual leave as follows:

<u>Days of Sick Leave Used</u>	<u>Days Converted to Annual Leave</u>
0	6
1	5
2	4
3	3
4	2
5	1
6	0

Whenever an employee uses annual leave, converted leave will be used prior to using the regularly accrued annual leave, and any converted annual leave must be used during the next leave year with any remaining at the end of the leave year reconverted to sick leave. In addition, any converted annual which remains unused upon termination shall be reconverted to sick leave for the purpose of compensation in accordance with provision of Section 110.122, Florida Statutes.

(d) During leaves of absence with pay, an employee shall continue to earn sick leave credits.

(e) Sick leave earned during any pay period shall be credited to the employee on the last working day of the month or, in the case of separation, on the last day the employee is on the payroll.

(f) There shall be no limit on the number of hours of unused sick leave an employee may accrue.

(g) The State Attorney may designate up to 5% of the staff or a minimum of three (3) full-time employees to senior management level for the purpose of sick leave accrual. These employees would receive 120 hours of sick leave each January 1st.

(2) Use of earned sick leave - 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 proper

authority within the State Attorney's Office. Sick Leave (Family Sick Leave) may be authorized for the illness or injury of a member of the employee's immediate family up to a maximum of 13 working days (104 hours) during any calendar year, unless otherwise designated by the State Attorney, when the employee's presence with the family member is necessary. Immediate family is defined as the employee's spouse, and the employee's and/or their spouses' grandparents, step-grandparents, parents, step-parents, brothers, step-brothers, sisters, step-sisters, children, step-children, grandchildren and step-grandchildren.

(3) Transfer of unused sick leave

(a) An employee who moves from one position in state government to another position in state government may be credited by the receiving agency with all unused sick leave not paid.

(b) An employee who resigns from a city or county governmental authority within Florida to accept a position in a State Attorney's office within 31 calendar days from the date of the employee's last day on the payroll with the city or county governmental authority, may, at the discretion of the State Attorney or their designee, be credited with up to a maximum of 480 hours of unused sick leave which was accrued while employed by that organization.

(c) An agency may establish a formal plan that provides for an employee to donate their personal sick leave credits to another employee within the same agency.

(4) Forfeiture of unused sick leave

(a) An employee who has less than 10 years of creditable service with the State and separates from a State Attorney's office 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 a State Attorney's office, 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.

(5) Payment for unused sick leave

(a) The only condition under which an employee shall be paid for unused sick leave credits is when the employee:

1. Has completed 10 or more years of creditable state service;
2. Has not been found guilty or has not admitted to being guilty of any disqualifying act as defined in this Section; and
3. Separates from state government because of retirement, termination or death. In the case of death, payment for accrued unused sick leave credits shall be made to the employee's beneficiary, estate, or as otherwise provided by law.

(b) 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:

1. One-eighth (1/8) of all unused sick leave credits accrued prior to October 1, 1973; plus
2. 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 such leave in excess of 480 hours be paid for.

(c) All such payments for unused sick leave credits shall be made lump sum and the employee shall not be carried on the State Attorney's payroll beyond the last official day of

employment.

(d) The 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.

3.09 Disability Leave.

(1) Disability Leave with pay

(a) An employee who sustains a job-connected disability that is compensable under the Worker's Compensation Law shall be carried in full pay status for a period not to exceed the 7 calendar days immediately following the injury or for a maximum of 40 workhours if taken intermittently without being required to use accrued leave credits. If the employee receives Worker's Compensation benefits for this period of leave with pay, the employee shall reimburse the State Attorney's office 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.

(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 Worker's Compensation payments to the total salary being received prior to the occurrence of the disability. In no case shall the employee's salary and Worker's Compensation benefits exceed the amount of the employee's regular salary payments.

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 Worker's Compensation benefits.

(2) Compulsory Disability Leave

(a) A State Attorney or their designee who believes 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 State Attorney or their designee shall place the employee on compulsory disability leave.

(b) At the time the State Attorney or their designee 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 not have sufficient leave credits to cover the period of compulsory disability leave, the State Attorney or their designee 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 State Attorney or their designee may:

1. Approve an extension of the 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 for cause based on inability to perform assigned duties.

3.10 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 State Attorney's office shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a juror.

(b) An employee subpoenaed as a witness in a court or an administrative hearing, not involving personal litigation or service as a paid expert witness; shall be granted administrative leave with pay, and any witness fees shall be retained by the employee. The State Attorney's office shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a witness.

(c) An employee subpoenaed in 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 State Attorney's office any fees received from the Court.

(d) 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 State Attorney.

(2) Meeting and conferences

In cases where it is deemed to be beneficial to the State Attorney's office, an employee may be granted leave with pay to attend such meetings or conferences as may contribute to the effectiveness of the individual's employment.

(3) Examinations

An employee may be granted Administrative leave with pay for the purpose of taking examinations before a state agency, provided such examinations are pertinent to state employment.

(4) Death in immediate family

(a) An employee, upon request, shall be granted 3 days of administrative leave with pay on the death of any member of the employee's immediate family. Immediate family is defined as the employee's spouse and employee's and/or their spouse's grandparents, step-grandparents, parents, step-parents, brothers, step-brothers, sisters, step-sisters, children, step-children, grandchildren and step-grandchildren .

(b) Each employee requesting administrative leave due to death in the immediate family shall submit a statement to the appropriate authority stating the name of the deceased and the relationship to the deceased.

(5) Natural Disasters and other Emergency Conditions

(a) When the Governor, by Executive Order, declares an emergency, the State Attorney 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.

1. Except for those employees determined by the State Attorney or their designee to be necessary for providing essential services, employees assigned to

those facilities which have been closed by the State Attorney shall be released from duty and granted administrative leave for the period the facility is closed. Those employees who were required by the State Attorney to remain on duty to provide essential services shall be granted compensatory leave for the hours worked during the period the facility is closed.

2. An employee who was on a prior approved leave of absence or scheduled holiday during the emergency may have the leave of absence changed to administrative leave at the discretion of the State Attorney or their designee.

(b) In any other natural disasters which may necessitate the closing of facilities in an area, the State Attorney 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.

(6) 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 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 2 days on any one occasion.

(7) Athletic Competition

An employee who is a group leader, coach, official, or athlete who is a member of the official delegation of the United States team for athletic competition on the World, Pan American, or Olympic level in a sport contested in either Pan American or Olympic competition may 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 30 calendar days in a calendar year.

(8) 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 10 workdays when the employee's absence from the work location is essential to the investigation. Such leave may be granted by the State Attorney.

(9) An employee who has been rated by the Veterans Administration to have incurred a service-connected disability and 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 for such re-examination or treatment without loss of pay or benefits not to exceed six calendar days in any calendar year.

(10) The State Attorney at their discretion may grant administrative leave with pay.

(11) 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.

3.11 Military Leave.

1) Employees, who are absent from work because of “service in the uniformed services” will be granted Military Leave in accordance with federal, state and local laws as set forth in this Chapter. Employees employed for a brief, non-recurrent period with no expectation of such employment continuing indefinitely or for a significant period are not eligible for Military Leave.

(2) “Service in the uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service, including:

- (a) active duty,
- (b) active duty for training,
- (c) initial active duty for training,
- (d) inactive duty training,

- (e) full-time national guard duty,
- (f) to attend and take an examination to determine a person's fitness for any of these types of duty,
- (g) funeral honors duty performed by National Guard or reserve members, and
- (h) (i) duty performed by intermittent employees of the National Disaster Medical System (NDMS) when activated for a public health emergency, and
 - (ii) approved training to prepare for such NDMS service.

The "uniformed services" consist of the:

- (a) Army, Navy, Marine Corps, Air Force or Coast Guard,
 - (b) Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve,
 - (c) Army National Guard or Air National Guard,
 - (d) Commissioned Corps of the Public Health Service, and
 - (e) any other category of persons designated by the President in time of war or emergency.
- (3) Notice – An employee seeking Military Leave, or an appropriate officer of the branch of the military in which the employee will be serving, must provide advance notice, written or oral, to the State Attorney's Office of their military service, unless military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable.
- (4) Length of Military Leave
- (a) The cumulative length of service causing the employee's absence from work may not exceed five (5) years during the employee's career with his/her respective State Attorney's Office. The State Attorneys, in their discretion, may extend the maximum allowable Military Leave period beyond five years.
 - (b) Only the following are exempted from the five-year limitation period:

- (i) service to complete an initial period of obligated service,
 - (ii) service from which an employee, through no fault, is unable to obtain a release,
 - (iii) required training for reservists and National Guard members,
 - (iv) service under an involuntary order to, or to be retained on, active duty during domestic emergency or national security related situations,
 - (v) service under an order to, or to remain on, active duty (other than for training) because of a war or national emergency declared by the President or Congress,
 - (vi) active duty (other than for training) by volunteers supporting “operational missions” for which Selected Reservists have been ordered to active duty without their consent,
 - (vii) service by volunteers who are ordered to active duty in support of a “critical mission or requirement” in times other than war or national emergency and when no involuntary call up is in effect, or
 - (viii) federal service by member of the National Guard called into action by the President to suppress an insurrection, repel an invasion or to execute the laws of the United States.
- (c) Service time will be disqualified when:
- (j) separation from the service is with a dishonorable or bad conduct discharge, or under other than honorable conditions,
 - (ii) dismissal of a commissioned officer involves a court martial or is by order of the President in time of war, or

(iii) the employee is dropped from the rolls because he/she has been absent without authority for more than three months from service or is imprisoned by a civilian court.

(5) Reporting to Work

(a) When the employee's service is 1-30 days long or the employee is absent from work to take a fitness-for-service examination, the employee must report to work by the beginning of the first regularly scheduled work period that begins on the next calendar day following completion of service, after allowance from safe travel home and an 8-hour rest period.

(b) When the employee's service is 31 to 180 days long, the employee must submit an application for reemployment no later than 14 days after completion of his/her service, and must provide documentation showing:

- (i) their application for reemployment is timely,
- (ii) they have not exceeded the five-year service limitation, and
- (iii) their separation from service was not for a disqualifying reason (as set forth in Section 3.11(4) (c)).

(c) When the employee's service is 181 days long or more, the employee must submit an application for reemployment no later than 90 days after completion of his/her military service, and must provide documentation showing:

- (i) their application for reemployment is timely,
- (ii) they have not exceeded the five-year service limitation, and
- (iii) their separation from service was not for a disqualifying reason (as set forth in Section 3.11(4)(c)).

(d) Failure to provide documentation because it is unavailable will not result in the employee not being re-employed. If evidence, however, later becomes available

showing the employee did not meet any reemployment criteria, the employee may be terminated immediately. For those employees who were absent for 91 or more days, the State Attorney's Office may delay making retroactive pension contributions until the employee submits the satisfactory documentation.

(e) An employee who is hospitalized or convalesced because of a disability incurred or aggravated during his/her military service will have his/her reporting or application deadlines extended for up to two years.

(f) Any period of unexcused delay in reporting or reapplying will be subject to the State Attorney's Office rules governing unexcused absences.

(6) Reemployment

(a) Employees whose military service lasted up to 90 days will be promptly re-employed in a position he/she would have held if continuously employed. If the employee is, or after reasonable efforts remains, unqualified for such a position, the employee will be re-employed in the position he/she held prior to commencing service.

(b) Employees whose military service lasts more than 91 days will be promptly re-employed either in a position he/she would have held if continuously employed or to another position with like seniority, status, pay so long as the employee is qualified for the position or can become qualified after reasonable efforts by the State Attorney's Office to qualify the employee. If the employee is or remains unqualified for such positions, he/she will be re-employed in a position with like seniority, status, and pay, with duties the employee is qualified to perform. If the employee has a disability (incurred or aggravated while on military service) and is or remains unqualified for such positions, he/she will be re-employed in a position that is consistent with his/her case, most nearly approximating such position's seniority, status, and pay.

(7) Pay

- (a) Employees who request Military Leave under this Chapter will receive full pay and benefits for their first 30 calendar days of Military Leave. The remainder of the employees' Military Leave will be without pay, except as set forth in this Chapter.
 - (b) The State Attorneys may, in their discretion, supplement an employee's military pay, when the employee is on Military Leave in excess of 31 days, in an amount necessary to bring the employee's total salary (inclusive of military pay) to the level earned at the time the employee was called to active duty.
 - (c) Employees may request that any period of their Military Leave be covered by their earned and unused Annual Leave, Converted Sick Leave and/or Floating Holiday Leave.
- (8) Benefits
- (a) Employees on Military Leave for 30 days or less will not be required to pay more than their normal employee share of health insurance premiums.
 - (b) Employees on Military Leave for 31 days or longer may continue their health insurance benefits under COBRA and will be required to pay 102% of the total cost of their health insurance benefits if they wish to continue benefits. The State Attorneys may, in their discretion, continue to provide health insurance or other benefits to employees who are on Military Leave in excess of 31 days.
 - (c) Upon reemployment from Military Leave, employees who ceased their health insurance benefits while on Military Leave will have these benefits reinstated immediately, without having to go through any exclusions or waiting period.
 - (d) While on Military Leave, employees shall be entitled to retain the same seniority rights and benefits they would have attained with reasonable certainty had they remained continuously employed and the same non-seniority based rights and benefits as an employee granted leave without pay in accordance with this Pay Plan. In addition, such

employees will be entitled to any rights and benefits that became available while they were on Military Leave.

(e) Employees shall retain all earned and unused leave benefits while on Military Leave. Such leave benefits will be credited to the employee upon his/her reemployment after Military Leave.

(f) Upon reemployment from Military Leave, employees are entitled to continued pension participation, vesting, and accrual of benefits without incurring a break in service.

(9) Termination – Employees reemployed under this Chapter after Military Service may not be discharged without cause for:

(a) six months after the date of reemployment if the employee’s period of military service was between 31 and 180 days long; or

(b) one year after the date of reemployment if the employee’s period of military service was longer than 180 days.

If it is reasonable to discharge the employee for engaging (or failing to engage) in certain conduct and the employee had notice, express or fairly implied that such conduct would be cause for discharge, the employee is discharged “for cause” under this Chapter.

3.12 Leave in Connection with A Covered Military Member

EMPLOYEES MAY TAKE QUALIFYING EXIGENCY LEAVE IF THEIR SPOUSE, SON, DAUGHTER, OR PARENT (THE “COVERED MILITARY MEMBER”) HAS BEEN NOTIFIED OF AN IMPENDING CALL OR ORDER TO COVERED ACTIVE MILITARY DUTY OR WHO IS ON COVERED ACTIVE DUTY FOR ONE OR MORE OF THE QUALIFYING EXIGENCIES SET FORTH BELOW.

(1) QUALIFYING EXIGENCIES

(a) *Short-notice deployment.* To address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty in support of a contingency operation seven (7) or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven (7) calendar days beginning on the date a covered military member is notified of an impending call or order to active duty in support of a contingency operation.

(b) *Military events and related activities*

1. To attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of a covered military member.

2. To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

(c) *Childcare and school activities*

1. To arrange for alternative childcare when the active duty or call to active duty status of a covered military member necessitates a change in the existing childcare arrangement for a biological, adopted, or foster child, a stepchild, or a legal ward of a covered military member, or a child for whom a covered military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that Leave is to commence.

2. To provide childcare on an urgent, immediate need (but not on a routine, regular, or everyday) basis when the need to provide such care arises from the active duty or call to active duty status of a covered military member for a biological, adopted, or foster child,

a stepchild, or a legal ward of a covered military member, or a child for whom a covered military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that Leave is to commence.

3. To enroll in or transfer to a new school or day care facility a biological, adopted, or foster child, a stepchild, or a legal ward of the covered military member, or a child for whom the covered military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that Leave is to commence, when enrollment or transfer is necessitated by the active duty or call to active duty status of a covered military member.

4. To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a biological, adopted, or foster child, a stepchild, or a legal ward of the covered military member, or a child for whom the covered military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that Leave is to commence, when such meetings are necessary due to circumstances arising from the active duty or call to active duty status of a covered military member.

(d) *Financial and legal arrangements*

1. To make or update financial or legal arrangements to address the covered military member's absence while on active duty or call to active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS),

obtaining military identification cards, or preparing or updating a will or living trust.

2. To act as the covered military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on active duty or call to active duty status, and for a period of ninety (90) days following the termination of the covered military member's active duty status.

(e) *Counseling*

To attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the covered military member, or a child for whom the covered military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that Leave is to commence, provided that the need for counseling arises from the active duty or call to active duty status of a covered military member.

(f) *Rest and recuperation*

To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation.

(g) *Post-deployment activities*

1. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status.

2. To address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements.

(h) *Parental Care*

For purposes of leave for “Parental Care,” the parent of the military member must be incapable of self-care and must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age. A parent who is incapable of self-care means that the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living. Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

1. To arrange for alternative care for a parent of the military member when the parent is incapable of self-care and the covered active duty or call to covered active duty status of the military member necessitates a change in the existing care arrangement for the parent;

2. To provide care for a parent of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;
3. To admit to or transfer to a care facility a parent of the military member when admittance or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and
4. To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member but not for routine or regular meetings;

(i) *Additional activities*

To address other events which arise out of the covered military member's active duty or call to active duty status provided that the State Attorney or designee and the employee agree that such leave qualifies as an exigency, and agree to both the timing and duration of such leave.

(2) QUALIFYING EXIGENCY LEAVE DEFINITIONS

The term “**covered military members**,” means the employee’s spouse, son, daughter, or parent is on active duty or call to active duty status.

(a) **“Son or daughter”** on active duty or call to active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.

(b) **“Covered active duty”** or **“call to covered active duty status”** in the case of a member of the Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country.

(c) **“Covered active duty”** or **“call to covered active duty status”** in the case of a member of the **Reserve** components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the U.S. Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the U.S. Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the U.S. Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the U.S. Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the U.S. Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the U.S. Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the U.S. Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during

a national emergency declared by the President or Congress so long as it is in support of a contingency operation.

1. For purposes of covered active duty or call to covered active duty status, the Reserve components of the Armed Forces include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation.

2. The active duty orders of a member of the Reserve components will generally specify if the military member is serving in support of a contingency operation by citation to the relevant section of Title 10 of the U.S. Code and/or by reference to the specific name of the contingency operation and will specify that the deployment is to a foreign country.

(d) **“Deployment of the member with the Armed Forces to a foreign country”**

means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States, including international waters

(e) **“Outpatient status”** means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

(3) QUALIFYING EXIGENCY LEAVE POLICY

Full-time employees who have been employed with the Office for at least twelve (12) months *and* who have worked at least 1,250 hours within the previous twelve (12) months are eligible

to take up to twelve (12) weeks of unpaid Qualifying Exigency Leave within any twelve (12)-month period and will be restored to the same or an equivalent position upon return from leave.

Part-time employees (0.5 FTEs) who have been employed with the Office for at least twelve (12) months *and* who have worked at least 625 hours within the previous twelve (12) months are eligible to take up to six (6) weeks of unpaid Qualifying Exigency Leave within any twelve (12)-month period and will be restored to the same or an equivalent position upon return from leave. Part-time employees who are more or less than 0.5 FTEs are eligible for a pro-rated number of hours of Qualifying Exigency Leave, subject to having worked a pro-rated amount of hours within the previous twelve (12) months.

When applicable, Qualifying Exigency Leave runs concurrently with Family, Medical and Military Caregiver Leave and any paid leave used during the Qualifying Exigency Leave.

(4) REASONS FOR MILITARY CAREGIVER LEAVE

Employees may take Military Caregiver Leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member for the Armed Forces, the National Guard or Reserves who is on the temporary disability list, who has a serious injury or illness incurred in the line of duty on active duty for which he/she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this policy to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service-member, the employee must be the spouse, son, daughter, parent or next of kin of the covered service-member.

(5) MILITARY CAREGIVER LEAVE DEFINITIONS

(a) A “**covered service-member**” means:

1. 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 otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness; or

2. A covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

(b) “**Covered veteran**” means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five (5)-year period prior to the first date the eligible employee takes Military Caregiver Leave to care for the covered veteran. An eligible employee must commence Leave to care for a covered veteran within five (5) years of the veteran's active duty service, but the single twelve (12)-month period may extend beyond the five (5)-year period.

1. For an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period between October 28, 2009 and March 8, 2013 shall not count towards the determination of the five (5)-year period for covered veteran status.

(c) A “**son or daughter of a covered service-member**” means the covered service-member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service-member stood in loco parentis, and who is of any age.

(d) A “**parent of a covered service-member**” means a covered service-member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service-member. This term does not include parents “in law.”

(e) The “**next of kin of a covered service-member**” is the nearest blood relative, other than the covered service-member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service-member by court decree or statutory provisions, brothers, sisters, grandparents, aunts, uncles and first cousins, unless the covered service-member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the Military Caregiver Leave. When such designation has been made, the designated individual shall be deemed to be the covered service-member's only next of kin. When no such designation has been made, and there are multiple family members with the same level of relationship to the covered service-member, all such family members shall be considered the covered service-member's next of kin and may take Military Caregiver Leave to provide care to the covered service-member, either consecutively or simultaneously.

(f) A “**serious injury or illness:**”

1. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service-member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

2. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

(i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service-member unable to perform the duties of the service-member's office, grade, rank, or rating; or

(ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of fifty percent (50%) or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) a physical or mental condition that substantially impairs, or would do so absent treatment, the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service; or

(iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(6) MILITARY CAREGIVER LEAVE POLICY

Full-time employees who have been employed with the Office for at least twelve (12) months *and* who have worked at least 1,250 hours within the previous twelve (12) months are eligible to take up to twenty-six (26) workweeks, during a single twelve (12)-month period, of unpaid Military Caregiver Leave and will be restored to the same or equivalent position upon return from leave.

Part-time employees (0.5 FTEs) who have been employed with the Office for at least twelve (12) months *and* who have worked at least 625 hours within the previous twelve (12) months are eligible to take up to thirteen (13) weeks of unpaid Military Caregiver Leave during a single twelve (12)-month period and will be restored to the same or an equivalent position upon return from leave. Part-time employees who are more or less than 0.5 FTEs are eligible for a pro-rated number of hours of Military Caregiver Leave, subject to having worked a pro-rated amount of hours within the previous twelve (12) months.

When applicable, Military Caregiver Leave runs concurrently with Family, Medical and Qualifying Exigency Leave and any paid leave used during the Military Caregiver Leave.

The “**single twelve (12)-month period**” begins on the first day the eligible employee takes Military Caregiver Leave to care for a covered service-member and ends twelve (12) months after that date. If an employee does not take all of his/her twenty-six (26) workweeks of leave entitlement to care for a covered service-member during this “single twelve (12)-month period,” the remaining part of the twenty-six (26) workweeks of leave entitlement to care for the covered service-member is forfeited.

Military Caregiver Leave will to be applied on a per-covered-service-member, per-injury basis

such that an eligible employee may be entitled to take more than one period of Military Caregiver Leave if the Leave is to care for different covered service-members or to care for the same service-member with a subsequent serious injury or illness, except that no more than twenty-six (26) workweeks of Leave may be taken within any “single twelve (12)-month period.” An employee may take more than one period of twenty-six (26) workweeks of Leave to care for a covered service-member with more than one serious injury or illness only when the serious injury or illness is a subsequent serious injury or illness. When an employee takes Military Caregiver Leave to care for more than one covered service-member or for a subsequent serious injury or illness of the same covered service-member, and the single twelve (12)-month periods corresponding to the different military caregiver leave entitlements overlap, the employee is limited to taking no more than twenty-six (26) workweeks of leave in each single twelve (12)-month period.

In any case in which a husband and wife are both employed with the Office and are entitled to Military Caregiver Leave under this policy, the aggregate number of workweeks to which both are entitled is limited to twenty-six (26) workweeks within a single twelve (12)-month period.

(7) REQUESTING QUALIFYING EXIGENCY OR MILITARY CAREGIVER LEAVE

To be eligible for Leave in connection with a member of the Armed Forces, an employee must provide the agency with reasonable notice of an intention to take leave, if possible.

In any case in which the necessity for leave because of a qualifying exigency, whether because the spouse, or a son, daughter, or parent, of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable. If

Leave is unforeseeable, the employee should notify his/her Supervisor within two (2) business

days of when the need becomes known to the employee. Failure to provide such notice may be grounds for delay of leave.

(8) USE OF LEAVE

Leave in connection with a member of the Armed Forces is unpaid leave. However, if an employee requests such leave, the employee may use any awarded Annual, Sick, Converted Sick or Personal (Floating) Holiday Leave during the unpaid Leave in connection with a member of the Armed Forces Leave, pursuant to these Leave Policies. The substitution of paid leave time for unpaid leave time does not extend the twelve (12) weeks/twenty-six (26)-workweeks Leave in connection with a member of the Armed Forces Leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in an employee's receipt of more than 100% of his/her salary. The amount of Leave in connection with a member of the Armed Forces Leave available to an employee will be determined by calculating the amount of Family, Medical, Military Caregiver Leave and Qualifying Exigency Leave the employee has used in the twelve (12) month period preceding the requested leave.

(9) INTERMITTED AND REDUCED SCHEDULE LEAVE

Leave in connection with a member of the Armed Forces may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday) if medically necessary. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt operations and is subject to approval. If leave is unpaid, the Office will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced schedule leave, the employee may temporarily be transferred to an available alternative position that better accommodates the employee and which has equivalent pay and benefits.

(10) CERTIFICATION

Employees who are requesting Leave to care for their spouse, son, daughter, parent, or next of kin (the nearest blood relative of the employee) who is a member of the Armed Forces, including a member of the National Guard or Reserves, and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness must supply an appropriate medical certification from the health-care provider. When an employee requests Leave, they will be notified of the requirement for medical certification and when it is due (at least fifteen (15) days after requesting leave). If an employee provides at least thirty (30) days notice of Leave, the employee should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of Leave until it is provided.

Employees who are requesting Leave related to active duty or a call to active duty must provide certification issued to the member of the Armed Forces.

(11) MEDICAL AND OTHER BENEFITS

While employees are on Leave in connection with a member of the Armed Forces, their health benefits will be maintained under any “group health plan” in which they are currently enrolled. However, employees must continue to pay their share of the premiums during the leave period. Generally, unless an employee has been designated as a “key employee” (*i.e.*, among the highest paid 10% of all employees), employees have a right to return to their same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave. Taking Leave in connection with a member of the Armed Forces will not result in the loss of any benefit awarded prior to the start of the leave. If an employee does not return to work following Leave to care for a service member, the employee may be required to

reimburse the Office for a portion of its share of health insurance premiums paid on the employee's behalf during the Leave in connection with a member of the Armed Forces.

(12) **REPORTING WHILE ON LEAVE**

If an employee takes leave to care for a service member, the employee must contact the agency on a fourteen (14) day basis regarding the status of the condition and the employee's intention to return to work, unless otherwise agreed upon. In addition, the employee must give notice as soon as practical (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

3.13 Reserve or Guard Training Leave.

An employee who is a commissioned reserve officer or reserve enlisted personnel member in 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. (Fla. Stat. §115.07).

3.14 Educational Leave With Pay.

(1) Educational leave with pay is leave granted at the discretion of the State Attorney or designee to an employee to attend a college, university, or training academy for one or more full academic periods for the purpose of receiving training that is of clearly foreseeable benefit to the State Attorney's office.

(2) Enrollment in short courses, seminars, conferences, or less than full-time at a college,

university, or training academy which is required as part of any employee's job shall not be considered education leave, but shall be considered a part of the employee's work assignment.

(3) When an employee requests leave for the purpose of furthering education and when such leave does not conform to the provisions of this section, such leave shall not be considered educational leave with pay. In these cases, the employee may be granted annual or compensatory leave at the discretion of the State Attorney; or the employee shall be required to work extra hours in an amount equal to the time absent, including travel to and from classes.

(4) The granting of educational leave with pay to employees shall be in accordance with the State Attorney's Office approved program.

(5) Such employees shall be granted any pay adjustments in the same amount and at the same time as are granted all other employees in the same class.

3.15 Family and Medical Leave (rev 8/14)

(1) Employees may take Medical Leave for any of the following reasons:

(a) to care for the serious health condition of a son, daughter, spouse or parent (does not include parent in-law);

(b) to care for the serious health condition of a grandparent for whom the employee has assumed primary financial responsibility;

(c) because of the employee's own serious health condition which renders the employee unable to perform an essential function of his/her position.

(2) As used in this Section, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves in patient care or continuing treatment by a health care provider .

(a) in-patient care includes at least one overnight stay in a hospital, hospice, or residential care facility.

(b) continuing treatment includes any of the following:

1. **Incapacity and treatment:** A period of incapacity defined as an inability to work, attend school or perform other regular daily activities, of more than three (3) consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

a. Treatment two or more times, within 30 days of the first day of incapacity by or on orders of health care provider; or

b. Treatment by health care provider on at least one occasion, which results in a regimen of continuing treatment under supervision of the health care provider.

c. Treatment means an in-person visit, the first or only in-person treatment must take place within 7 days of first day of incapacity.

2. **Pregnancy or prenatal care periods of incapacity.** This does not need to meet three consecutive full calendar days of incapacity.

3. **Chronic conditions:** periods of incapacity and treatments for the incapacitation for a serious health condition that requires at least twice a year visit for treatment; continues over an extended period of time; and may cause episodic incapacitation. This does not need to meet three consecutive full calendar days of incapacity.

4. **Permanent or long-term conditions.** The condition may not be treatable but patient must be supervised.

5. **Conditions requiring multiple treatments.** Includes periods of absence to receive treatment and recover from the treatment.

(3) Full-time employees who have been employed with that State Attorney's Office for at least twelve (12) months *and* who have worked at least 1,250 hours within the previous twelve (12) months (excluding paid and unpaid leave) are eligible to take up to twelve (12) weeks of unpaid Medical Leave within the twelve (12)-month period determined by the State Attorney or his/her designee from the Department of Labor FMLA guidelines. The employee will be restored to the same or an equivalent position upon return from leave. Part-time employees (0.5 FTEs) who have been employed with the Office for at least twelve (12) months *and* who have worked at least 625 hours within the previous twelve (12) months (excluding paid and unpaid leave) are eligible to take up to six (6) weeks of unpaid Medical Leave within the twelve (12)-month period set by the State Attorney or his/her designee and will be restored to the same or an equivalent position upon return from leave. Part-time employees who are more or less than 0.5 FTEs are eligible for a pro-rated number of hours of Medical Leave, subject to having worked a pro-rated amount of hours within the previous twelve (12) months. When applicable, Medical Leave runs concurrently with Family Leave, Military Caregiver Leave and Qualifying Exigency Leave and any paid leave used during the Medical Leave.

(4) Employees may take Family Leave for any of the following reasons:

- (a) the birth and care of a newborn child; or
- (b) the placement of a child with the employee for adoption or foster care.

(5) Family Leave must be completed within the twelve (12)-month period beginning on the date of birth or placement.

(6) Fulltime employees who have been employed with that State Attorney's Office for at least twelve (12) months and who have worked at least 1,250 hours in the previous twelve (12) months (excluding paid and unpaid leave) are eligible to take up to twelve (12) weeks of unpaid Family Leave within the twelve (12)-month period determined by the State Attorney or his/her

designee from the Department of Labor FMLA guidelines. The employee will be restored to the same or an equivalent position upon return from leave. Part-time employees (0.5 FTEs) who have been employed with the Office for at least twelve (12) months *and* who have worked at least 625 hours within the previous twelve (12) months (excluding paid and unpaid leave) are eligible to take up to six (6) weeks of unpaid Family Leave within the twelve (12)-month period established by the State Attorney or his/her designee and will be restored to the same or an equivalent position upon return from leave. Part-time employees who are more or less than 0.5 FTEs are eligible for a pro-rated number of hours of Family Leave, subject to having worked a pro-rated amount of hours within the previous twelve (12) months . When applicable, Family Leave runs concurrently with Medical Leave, Military Caregiver Leave and Qualifying Exigency Leave and any paid leave used during the Family Leave.

(7) To be eligible for Family or Medical Leave, employees must provide the State Attorney or his/her designee with reasonable notice of an intention to take leave, if possible. Reasonable is defined as thirty (30) days in advance when the leave is foreseeable. If leave is unforeseeable, employees should notify the State Attorney or his/her designee within two (2) business days of when the need becomes known to the employee. Failure to provide such notice may be grounds for delay of leave. Additionally, if an employee is planning a medical treatment, the employee must consult with that State Attorney's Office first regarding the dates of such treatment.

(8) Family/Medical leave is unpaid leave. However, if an employee requests Family/Medical Leave, the employee may use any awarded Annual, Sick, Converted Sick or Personal (Floating) Holiday Leave during the unpaid Family/Medical Leave. The substitution of paid leave time for unpaid leave time does not extend the twelve (12)-week Family/Medical Leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in an employee's receipt of more than 100% of his/her salary. The amount of

Family/Medical Leave available to an employee will be determined by calculating the amount of Family, Medical Leave Military Caregiver Leave and Qualifying Exigency Leave, which the employee has used in the twelve (12) month period preceding the requested leave.

(9) Family/Medical Leave for a husband and wife employed by the State Attorney's Office is limited to a combined total of 12 weeks if leave is taken for birth or care of newborn; placement of child with employee through adoption or foster-care and after placement care; or care of employee's own parent with serious health condition. However each spouse is entitled to the difference between the amount he or she has taken individually for one of the reasons stated above and 12 weeks for FMLA leave for other purposes like his or her own serious health condition or to care for a child with a serious health condition.

(10) Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday) if medically necessary. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt operations and is subject to approval. If leave is unpaid, the employee's salary will be reduced based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced schedule leave, the employee may temporarily be transferred to an available alternative position that better accommodates the employee and which has equivalent pay and benefits.

(11) Employees who are requesting leave because of their own or a covered relation's serious health condition must supply an appropriate medical certification from their health-care provider. When an employee requests leave, the employee will be notified of the requirement for medical certification and when it is due (at least fifteen (15) days after requesting leave). If an employee provides at least thirty (30) days notice of medical leave, the employee should

also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

(12) The State Attorney or his/her designee, at the agency's expense, may require an examination by a second health-care provider designated by that State Attorney's Office if it reasonably doubts the medical certification initially provided. If the second health-care provider's opinion conflicts with the original medical certification, the State Attorney or his/her designee, at the agency's expense, may require a third, mutually agreeable, health-care provider to conduct an examination and provide a final and binding opinion.

(13) The State Attorney or his/her designee may require subsequent medical re-certification. The State Attorney or his/her designee may request re-certification no more often than once every 30 days in connection with the employee's absence unless the medical certification indicates a minimum duration of the condition is more than 30 days. In such case a re-certification may be required at the end of the stated duration period or every 6 months. Re-certifications may be required in less than 30 days if the employee requests an extension of leave; circumstances described in the previous certification have changed significantly; or the State Attorney or his/her designee receives information that casts doubt upon the continuing validity of the certification. Failure to provide the requested certification within fifteen (15) days, when practical, may result in delay of further leave until it is provided.

(14) While employees are on Family/Medical Leave, their health benefits will be maintained under any "group health plan" in which they are currently enrolled. However, employees must continue to pay their share of the premium during the leave period. Generally, unless an employee has been designated as a "key employee" (*i.e.*, among the highest paid 10% of all employees), employees have a right to return to their same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave. Taking

Family/Medical Leave will not result in the loss of any benefit awarded prior to the start of the leave.

(15) If an employee does not return to work following Family/Medical Leave for a reason other than:

(a) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to Family/Medical Leave; or

(b) other circumstances beyond the employee's control, the employee may be required to reimburse the agency for its share of health insurance premiums paid on the employee's behalf during the Family/Medical Leave.

(16) If an employee takes leave because of his/her own serious health condition or to care for a covered relation, the employee must contact the State Attorney or his/her designee on a fourteen (14) day basis regarding the status of the condition and the employee's intention to return to work, unless otherwise agreed upon. In addition, the employee must give notice as soon as practical (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

(17) If an employee takes Medical Leave because of his/her own serious health condition (except if taking intermittent leave), the employee may be required to provide medical certification that he/she is fit to resume work. Employees failing to provide a certification to return to work from their health-care provider will not be permitted to resume work until it is provided. If an employee is on an intermittent leave or reduced schedule the State Attorney or his/her designee may require certification that the employee is fit to work if the employee was notified in advance and there are reasonable safety concerns involved.

3.16 Domestic Leave Pay.

Employees who have been employed with a State Attorney's Office 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:

- (1) seek an injunction relating to the domestic violence;
- (2) obtain medical or mental health care to address injuries resulting from the domestic violence or sexual violence;
- (3) obtain assistance from a victim-services organization because of the domestic violence or sexual violence;
- (4) make the home secure, or seek secure housing, from the perpetrator of domestic violence or sexual violence; or
- (5) seek legal assistance in addressing issues resulting from or relating to the domestic violence or sexual violence.

Employees must give advance notice of taking Domestic or Sexual Violence Leave , unless the employee or their family or household member is imminent danger. Employees must provide documentation of the need for Domestic or Sexual Violence Leave. Any documentation provided to the Human Resources Department is exempt from public record. Domestic Leave is leave without pay; employees may use Annual Leave, Converted Sick Leave, Sick Leave (if applicable) or Comp. Time during Domestic Violence Leave.

3.17 Other Leave Without Pay.

(1) An employee may, upon request, be granted leave without pay for reasons other than those provided in this Section for a period not exceeding 12 calendar months, provided the State Attorney deems such leave to be justified and not detrimental to the operations of the State Attorney's office. An extension beyond 12 calendar months may be approved by the State Attorney.

(2) The State Attorney may place an employee on involuntary leave without pay without advance notice for up to one year for the purpose of investigation of a violation of a rule or statute

or pending the disposition of criminal charges. During such leave the appointee may continue his or her coverage under the State Group Insurance State contributions for health, basic life and disability will continue but the employee may be required to reimburse a portion of the state's contribution unless waived by the State Attorney. The employee shall not receive any other benefits.

(3) Limitations of leave without pay

(a) An employee shall not be granted salary increases of any type while on leave of absence without pay.

(b) An employee who has been placed on a leave of absence without pay and is therefore in a nonpay 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.

CHAPTER 4

EMPLOYEES PERFORMANCE EVALUATIONS

- 4.01 Scope and Purpose
- 4.02 Statements of Policy
- 4.03 Procedures

4.01 Scope and Purpose.

This chapter sets forth the rules for evaluating the work performance, with the exception of Assistant State Attorneys or Senior Management employees, of employees in the State Attorney's Office.

Evaluations are not required for Assistant State Attorneys or Senior Management employees.

4.02 Statements of Policy.

- (1) The State Attorney's Office may establish written procedures for evaluating the performance of all employees, with the exception of Assistant State Attorneys or Senior

Management employees, on an impartial basis.

(2) Each employee's performance may be periodically evaluated to assess performance in relation to the job requirements.

(3) Employees may not be expected to meet performance standards which have not been defined and explained as part of the requirements of their position.

(4) Employee performance evaluations may be used for, but not limited to the following purposes:

(a) To inform the employee of strong and weak points as well as training needs and improvements expected.

(b) To recognize the employee's potential for promotion.

(c) To determine the employee's eligibility for merit salary advancements.

(d) As a basis for taking disciplinary and/or dismissal actions against the employee.

4.03 Procedures

(1) The employee performance evaluation program may provide overall evaluations of the four (4) performance levels which are as follows:

(a) **Excels** - An evaluation resulting from performance which is highly satisfactory and considerably above the performance standards of the position to which an employee has been assigned, and which cannot be exceeded by an appreciable difference by another employee.

(b) **Satisfactory** - An evaluation resulting from performance which fully meets the performance standards of the position to which the employee has been assigned.

(c) **Needs Improvement** - An evaluation resulting from performance which fails slightly to meet the minimum performance requirements for the position, but the employee shows potential for some improvement.

(d) **Unsatisfactory** - An evaluation resulting from performance which fails

considerably to meet the minimum performance standards to the position to which an employee has been assigned.

(2) All performance evaluations shall be made by the employee's immediate supervisor and reviewed by a higher level supervisor, whenever possible. The immediate supervisor's final evaluation shall not be changed by higher level supervisors; however, reviewing supervisors shall certify that they have reviewed the rating and may attach any written comments they deem appropriate concerning the evaluation.

(3) The performance of each employee who has been given either an original appointment or a reinstatement, promotion, demotion, or reassignment appointment to a position in a different class shall be evaluated prior to the completion of six (6) months of service in the class. If the probationary period is extended, the employee shall be evaluated within 30 calendar days prior to the extensions.

(4) The performance of each employee who has completed six (6) months of satisfactory service in a class may be evaluated prior to the employee's anniversary date and at least annually thereafter. The effective date of such evaluation shall be the date the rating is signed by the employee, and if the employee refuses to sign the performance evaluation, the effective date shall be the date the employee refuses to sign the form which shall be noted on the form by the supervisor.

(5) Special performance evaluations may be given at any time, at the discretion of the supervisor, however, when an employee's performance is less than satisfactory; the supervisor shall prepare a performance evaluation on the employee. The effective date of such evaluation shall be the date the rating is signed by the employee and if the employee refuses to sign the performance evaluation, the effective date shall be the date the employee refuses to sign the form.

(6) If an employee received an overall evaluation of Needs Improvement or Unsatisfactory, the immediate supervisor, with the cooperation of his supervisors, shall be responsible for

identifying for the employee the specific improvements necessary for the employee to accomplish satisfactory performance. If at the time of receiving such evaluation, the employee is retained by the agency, the employee's performance shall be reevaluated at least each 30 days thereafter until:

(a) The employee's performance has improved and is evaluated as at least Satisfactory, or:

(b) One hundred twenty (120) calendar days have elapsed without the employee receiving a rating of at least Satisfactory. In such cases, management shall take action to remove the employee from the class.

(7) The State Attorney or their designee may remove the employee from the class at any time if adequate improvement is not made in the employee's performance from the effective date of the initial Needs Improvement or Unsatisfactory rating. In no case shall an employee be retained in the class for more than one hundred twenty (120) calendar days from the effective date of the Needs Improvement or Unsatisfactory rating if the employee's performance continues to be less than satisfactory during the thirty (30) day rating intervals.

(8) The performance rating shall be discussed with the employee, who shall be furnished a copy of the completed rating, and shall sign a copy thereof which shall be placed in the employee's personnel file. The signature of the employee shall indicate only that the employee's performance has been discussed with the employee and does not imply that the employee agrees or disagrees with the evaluation. In the event an employee refuses to sign the performance evaluation, the performance evaluation shall be filed in the personnel file of the employee with a notation on the performance evaluation that the employee refused to sign the evaluation. A copy of the performance evaluation with such notation shall be furnished to the employee.

(9) If an employee failed to receive an evaluation by the end of the required evaluation period, the employee's performance for that period shall be considered satisfactory.

CHAPTER 5

DISCIPLINARY ACTIONS AND GRIEVANCES

- 5.01 Scope and Purpose
- 5.02 Statements of Policy
- 5.03 Disciplinary Actions
- 5.04 Grievances

5.01 Scope and Purpose.

This chapter sets forth the rules for disciplinary actions and grievances for employees in the State Attorney's Office. All employees of the State Attorney's Offices are exempted from the State of Florida Career Service System and serve at the pleasure of the State Attorney.

5.02 Statements of Policy.

- (1) Each State Attorney may establish written procedures by which disciplinary actions and grievances shall be handled within each unit of the agency.
- (2) Each State Attorney may insure that all employees of the agency are completely familiar with the agency's established procedures on disciplinary actions and grievances.

5.03 Disciplinary Actions.

- (1) Each State Attorney may establish rules and procedures which will insure timely and equitable disposition of actions determined to be necessary in dealing effectively with employee deficiencies and breaches of good conduct.
- (2) In order to have an effective program for handling disciplinary problems each State Attorney should make available to all employees clearly defined agency objectives, work performance standards, standards of conduct, and other policies which are to be applicable in a given work situation.
- (3) Each State Attorney program for handling disciplinary problems may include standard

ranges of penalties for various types of work deficiencies and conduct offenses, as well as review procedures which will insure that all supervisors are being reasonably consistent in taking disciplinary actions against employees involved in similar situations.

(4) Each State Attorney's program for handling disciplinary problems may provide for the following types of disciplinary actions:

- (a) Oral Reprimand - The employee's Supervisor gives the employee a verbal counseling
- (b) Written Reprimand - The employee's Supervisor issues an employee a written warning
- (c) Reduction in Pay – The employee's rate of pay is reduced.
- (d) Demotion - Moving an employee from a position in one class to a different position in another class having a lesser degree of responsibility and a lower pay grade.
- (e) Suspension - Means the action taken by an agency against an employee to temporarily relieve him of his duties and place him on leave without pay.
- (f) Discharge - The action taken by an agency against an employee to separate the employee from the State Attorney's Office.

5.04 Grievances.

(1) A grievance is defined as the dissatisfaction that occurs when an employee thinks or feels that any condition affecting the employee is unjust, inequitable, a hindrance to effective operation, or, creates a problem, except that an employee shall not have the right to file a grievance against performance evaluations unless it is alleged that the evaluation is based on factors other than the employee's performance.

(2) Suspension, reductions in pay, transfers, layoffs, demotions, and dismissals shall not be considered as grievances.

(3) Each State Attorney may establish written procedures to allow any employee in the State Attorney's Office to bring grievances concerning the employee's employment to the attention of

the agency head and to require specific action by the agency head on such grievances, and may establish written procedures to allow any employee to bring grievances concerning the employee's employment only to the attention of the immediate supervisor and the next level supervisor.

CHAPTER 6

DEFINITIONS

6.01 Definitions

6.01 Definitions.

For the purpose of administering these rules the following words and terms shall have the meaning indicated:

- (1) ABANDONMENT OF POSITION - The unauthorized absence by an employee from the employee's position for 3 consecutive workdays
- (2) ADD AND DELETE - A budgetary action involving the abolishment of an authorized and/or established position, and the addition of an authorized position in lieu thereof between judicial circuits.
- (3) ANNIVERSARY LEAVE YEAR - Is defined as twelve (12) calendar months, to the date from the original date of appointment.
- (4) APPOINTMENT - The act of placing an employee in an established position.
- (5) AUTHORIZED POSITION - A position included in an approved budget. In counting the number of authorized positions, part-time positions may be converted to full-time equivalents.
- (6) "CLASS TITLE" OR "TITLE OF POSITION" - The official name assigned to a position or class of positions.
- (7) CLASSIFICATION PLAN - A document which formally describes the concepts, rules and regulations and class specifications utilized in the classification and reclassification of positions in the State Attorney's Office.
- (8) CLASS SPECIFICATION - The document issued by the Florida State Attorneys which defines the allocation concepts, type of work, level of difficulty or responsibilities, training and

experience requirements, as well as other information determined appropriate by the Florida State Attorneys.

(9) CREDITABLE SERVICE - Employment with one or more state agencies that may include prior service with county agencies at the discretion of the State Attorney. Authorized leaves of absence without pay shall be considered creditable service.

(10) DEFERRED RETIREMENT OPTION PROGRAM (DROP) - The program created by Section 121.091(13), Florida Statutes, effective July 1, 1998, for eligible employees who retire and elect to defer their retirement benefits while continuing employment for a limited time.

(11) DUAL EMPLOYMENT AND COMPENSATION - Compensation of an employee within state government simultaneously from any appropriation other than appropriations for salaries or the compensation of any employee simultaneously by more than one state agency.

(12) EMERGENCY STATUS - An employee appointed to fill an established position on a full-time or part-time basis for a period not to exceed 3 calendar months during any 12 month period, shall be given emergency status when an emergency exists and a vacancy must be filled immediately.

(13) ESTABLISHED POSITION - An authorized position which has been classified in accordance with a classification and pay plan as provided by law.

(14) EXCLUDED POSITION - A classified position in the State Attorney's salary schedule which does not permit the payment of overtime.

(15) FULL-TIME POSITION - A position authorized for the entire normally established work period at 40 hours/week, excluding holidays and leave with pay..

(16) INCLUDED POSITION - A classified position in the State Attorney's Office salary schedule which permits the payment of overtime.

(17) LAYOFF - Termination of employment due to abolishment of positions necessitated by a shortage of funds or work, or a material change in the duties or organization of an agency.

- (18) LEAVE YEAR - Calendar year.
- (19) OVERLAP IN POSITION - A temporary condition in which two employees in pay status are assigned to the same established position.
- (20) OVERTIME - Overtime is defined as work performed beyond the forty (40) hours of the established workweek excluding holidays and leave with pay.
- (21) PART-TIME POSITION - Means a position authorized for less than the entire normally established work period, daily, weekly, monthly, or annually.
- (22) PAY PERIOD - The pay period is from the first of the month until the last day of the month. Paychecks will be distributed on the last workday of the month.
- (23) PAY PLAN - A document which formally describes the procedures and the salary schedule for compensating employees for work performed.
- (24) POSITION - Means the work, consisting of duties and responsibilities, assigned to be performed by an officer or employee.
- (25) POSITION DESCRIPTION - The document prepared by the employing agency which describes the officially assigned duties and responsibilities and other pertinent information relative to a position.
- (26) POSITION NUMBER - Means the identification number assigned to an established position.
- (27) PREVIOUS STATE SERVICE - An employee shall be entitled to utilize all previous State service determining eligibility for higher annual leave credits upon submission of a properly signed "Certification of Prior State Service" from previous State agencies.
- (28) PROBATIONARY PERIOD - A working test period required of an employee following appointment to any class.
- (29) PROMOTION - Means moving an employee from a position in one class to a different position in another class having a greater degree of responsibility and a higher maximum salary.

- (30) REASSIGNMENT - Means 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 and the same maximum salary.
- (31) RECLASSIFICATION - Means changing an established position in one class in a series to a higher or lower class in the same series or to a class in a different series which is the result of a natural change in the duties and responsibilities of the position.
- (32) RESIGNATION - A voluntary act by an employee to terminate employment in the State Attorney's Office.
- (33) SALARY RANGE OR PAY RANGE - Means the minimum salary, the maximum salary, and intermediate rates which are payable for work in a specific class of positions.
- (34) SALARY SCHEDULE - Means an official document which contains a complete list of classes and their assigned salary ranges.

CHAPTER 7

RECOGNITION AWARDS PROGRAM

- 7.01 Scope and Purpose
- 7.02 Statements of Policy
- 7.03 Recognition Awards

7.01 Scope and Purpose.

This chapter sets forth the rules for the establishment and administration of a program to recognize and reward employees, individually or in groups, who have made exceptional contributions to improve State Attorney operations. Each State Attorney may administer their agency program within the following guidelines.

7.02 Statements of Policy.

- (1) Supervisory personnel shall encourage employees to develop and propose constructive ideas and to achieve their fullest potential.
- (2) The State Attorney, or his designee, shall determine whether an award is justified.

7.03 Recognition Awards.

- (1) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such services. Such awards may not cost in excess of \$100 each plus applicable taxes.
- (2) (a) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.

- (b) Notwithstanding paragraph (a), and for the 2007-2008 fiscal year only, agencies

may additionally use funds for cash awards to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Awards may not exceed \$100 to any employee and shall be allocated from an agency's existing budget. An employee may not receive awards pursuant to this paragraph in excess of \$100 total during the fiscal year. By March 1, 2008, agencies that elect to make cash awards shall report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representative the dollar value and number of such awards given. If available, any additional information concerning employee satisfaction and feedback should be provided. This paragraph expires July 1, 2008.

(3) Each department head is authorized to incur expenditures not to exceed \$100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to any appointed member of a state board or commission whose service to the state has been satisfactory, in appreciation and recognition of such service upon the expiration of such board or commission member's final term in such position.

CHAPTER 8

MANAGEMENT EMPLOYEES

- 8.01 Scope and Purpose
- 8.02 Statements of Policy
- 8.03 Designation of Management Classes
- 8.04 Appointment
- 8.05 Salary
- 8.06 Rules and Procedures
- 8.07 Attendance and Leave
- 8.08 Insurance Benefits
- 8.09 Retirement Benefits
- 8.10 Transition Provisions
- 8.11 Separations

8.01 Scope and Purpose.

This chapter sets forth the rules for the establishment, maintenance, and administration of benefits available to employees occupying Management level positions.

8.02 Statements of Policy.

- (1) Benefits authorized by this chapter are designed to attract, retain and develop highly competent individuals for positions having principally managerial responsibilities.
- (2) A Policy for Management Employees is a part of the Florida State Attorneys' Classification and Pay Plan.

8.03 Designation of Management Classes.

The designation of Management level classes shall be at the discretion of the State Attorney. The maximum number of Management employees per circuit is limited to 5% of total FTE general revenue positions or three positions, whichever is greater.

8.04 Appointment.

An appointment to a Management position is at the discretion of the State Attorney.

8.05 Salary.

- (1) Upon making an appointment to a Management position, the State Attorney shall set the salary at an amount within the assigned pay range, (denoted on pay schedule) and at other times may give the appointee an increase in salary based on merit provided the total salary is within the assigned pay range.
- (2) An appointee may be paid less than the minimum of the assigned pay range if approved by the State Attorney.

8.06 Rules and Procedures.

All rules, procedures and definitions of this manual are applicable to Management level employees unless stated otherwise.

8.07 Attendance and Leave.

- (1) All Management employees are entitled to observe the holidays observed and permitted by the State Attorney Classification and Pay Plan.
- (2) These employees would receive 240 hours of annual leave and 120 hours of sick leave each January 1st. An employee appointed to a Management position at any time other than January 1st would receive annual leave and sick leave on a pro-rated basis.
- (3) DROP participants will continue to accrue leave in the same manner as prior to entry into the DROP.
- (4) The State Attorney may designate up to 5% of the staff or a minimum of three (3) full-time employees to a senior management level for purpose of annual leave accrued. In addition, these employees would be allowed to carry and be paid for up to 480 hours of earned annual leave upon termination of employment. However, annual leave credits earned in excess of 480 hours should be used during the calendar year. Subject to the availability of funds, the State Attorney or their designee may pay the employee for all annual leave hours in excess of 480 hours on December 31st or, in the absence of necessary funds, may convert all unused annual leave hours in excess of

480 hours to sick leave on an hour per hour basis, or under certain justifiable conditions, may grant approval to retain these hours for a specified period. Further, upon application by an employee, the State Attorney may authorize excess annual leave to be transferred to sick leave at any time.

(5) Use of sick leave shall be authorized for the purposes stated in Chapter 3.08(2). Sick leave may be accrued without limit and be subject to terminal payment in accordance with Section 110.122, Florida Statutes.

8.08 Insurance Benefits.

Each individual circuit is limited to three Management positions, or 3% of ASA FTE, whichever is greater, for partially paid insurance benefits.

8.09 Retirement Benefits.

Each State Attorney may designate one position for inclusion in the Senior Management Class of the Florida Retirement System. Additional positions may be designated in accordance with the limitations and advertisement requirements. (Section 121.055, Florida Statutes).

8.10 Transition Provisions.

Each Management employee shall retain all leave previously accrued.

8.11 Separations.

(1) An employee's leave shall not be paid when the employee moves to a different pay plan or retirement plan within a State Attorney's Office. An employee's leave shall be paid if the employee moves to the elected and appointed State Officer's pay plan or the DROP retirement plan.

(2) A Management employee shall be paid for unused annual leave upon termination, not to exceed 480 hours except for: in case of 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. Payment for sick leave may be made when permitted by Section 110.122, Florida

Statutes.

(3) Members electing to participate in the DROP may request payment for accrued annual leave up to 480 hours. Any hours in excess of 480 will be carried forward. However, an employee electing payment of this leave is 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 480 hours.

Senior Management checklist
by Monica Hofheinz- Executive Director-17th Circuit retired.

Senior Management Leave Accrual and Payout

Pursuant to FPAA Classification & Pay Plan, Chapter 8, each State Attorney may designate up to 5% of staff or a minimum of three full-time employees to senior management level for the purpose of annual leave accrual. In addition, these employees would be allowed to carry and be paid for up to 480 hours of earned annual leave upon termination of employment (further restrictions apply).

These designated senior management employees would receive 240 hours of annual leave and 120 hours of sick leave each January 1st.

FTE x 5% = _____ positions

Select Exempt Service Class
Health Insurance Benefit

Prior to May 1, 2000, each SA office was limited to three management positions or 3% of ASA FTE, whichever is greater, for the 100% paid health insurance benefit.

_ASA FTE's x 3% = _____ positions

Effective May 1, 2000, pursuant to the General Appropriations Act of FY98-99, all ASA's were designated SESC for 100% paid health insurance benefits.

Effective July 1, 2010, pursuant to the General Appropriations Act of FY10-11, all state employees were required to pay a premium for health insurance benefits. ASA's, who were considered 'payalls' because of SESC status, were required to contribute \$30 family plan or \$8.34 single plan, monthly as their health insurance premium.

Senior Management Service Class
2% Retirement benefit

In 1994, F.S. 121.055(h) extended the SMSC to the SA's allowing each to designate one position plus one for every 200 FTE's in the SMSC for the 2% retirement benefit. This benefit required specific statutory qualifications and publication of legal notice.

Effective January 2001, the statute was amended to automatically include all ASA's members of the SMSC. This provided the SA's with the option of utilizing the designation/publication SMSC positions for other qualifying staff.