

PERSONNEL RULES AND PROCEDURES

Of the

Office of the Capital Collateral Counsel

for the Southern Region

NEAL A. DUPREE  
Capital Collateral Regional Counsel  
State of Florida

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

1.1 Employment

A. Policies

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

B. Types of Appointments

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

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

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4. Demotion Appointment - The changing of the classification of an employee to a class having a lower maximum salary; or the changing of the classification of an employee to a class having the same or a higher maximum salary but a lower level of responsibility.

C. New Employee Orientation

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

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

D. Dual Employment and Compensation

1. Types of Dual Employment

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

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2. Dual Employment within State Government

(a) Limitations on dual employment and compensation

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

- 1) The secondary employment must be in the best interest of the State.
- 2) The secondary employment must be approved in advance of the date the dual employment is to begin.
- 3) Employment in excess of one full-time equivalent position will be approved only under extraordinary circumstances involving situations such as:
  - a) The immediate and untimely vacating of a position assigned duties which are essential to the Office's operations.
  - b) Special skills possessed by an employee which are needed to perform a critical assignment.
  - c) The inability to fill a critical position where recruitment practices have been unsuccessful.

3. Dual employment within State government may not be approved if the secondary employment will conflict with the job requirements of the primary employment or involve the use of State space, personnel, equipment, or supplies furnished by the primary employer.

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

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

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

4. Dual Employment Outside State Government

An employee who engages in a secondary job outside State government must advise his/her supervisor in writing of the employment. An employee may not engage in any dual employment which constitutes a conflict of interest pursuant to Chapter 112, Florida Statutes, or which requires working hours in outside employment which are in conflict with the regular working hours of the State position, unless the conflicting hours are covered by approved leave.

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

Supervisors must ensure that dual employment provisions are brought to the attention of all employees under their supervision. Violation of any of the provisions concerning dual employment within State government by an employee; or any employee who engages in dual employment outside State government which constitutes a conflict of interest or conflicts with working hours, and who fails to report such outside employment as required will be subject to disciplinary action.

E. Job Sharing (Shared Employment)

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

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

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

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

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

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

1.2 Pay Administration

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

A. Policies and procedures

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

An employee who is given an original or promotion appointment is normally paid the base rate of pay at the minimum salary for the class upon appointment. If an individual's qualifications and/or knowledge,

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skills, and abilities substantially exceed the requirements for the position, an appointment may be made up to the maximum of the salary range. Hires may also be made above the minimum of the salary range if the Office has experienced difficulty in filling the position at the minimum.

The proposed salary for an employee should be addressed in the supervisor's memorandum recommending appointment to the position. No commitment shall be made on a pay request until the request has been approved at all administrative levels.

2. Pay Upon Demotion

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

The proposed salary for an employee should be addressed in the memorandum recommending demotion. No commitment shall be made on a pay request until the request has been approved at all administrative levels.

3. Pay Upon Reassignment

An employee may be granted a pay increase upon reassignment based on criterion listed in 1, 2, and 4 of these Procedures.

4. Increases to Base Rate of Pay

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

The specific categories and justification requirements for increase requests are:

- (1) Superior Proficiency - An increase based upon documented sustained, superior performance as reflected on the Special Recognition/Accomplishment forms and/or memoranda.
- (2) Added Duties and Responsibilities - An increase based upon the addition of duties and responsibilities not warranting



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- (3) reclassification or assuming duties of a vacant or deleted position(s). The added duties and responsibilities must be documented on the official position description.
- (4) Education and Training - An increase based upon the satisfactory completion of an approved, documented, job related class of program having a continuing benefit to the Office.
- (5) Reassignment - An increase based upon documentation of recruitment difficulties to fill the position or specific needs identified by the Unit. The increase must be requested and approved prior to reassignment.
- (6) Transfer - An increase based upon documentation of recruitment difficulties to fill the position or specific need identified by the Unit. The increase must be requested and approved prior to reassignment.
- (7) Competitive Job Offer - An increase may be granted when an employee receives a documented bonafide job offer. A copy of the written job offer or written verification by the supervisor must be provided.
- (8) Internal Pay Relationships - An increase when it can be documented that labor market conditions necessitate hiring new employees at a higher rate than current employees may be increased to provide equity.

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

5. Salary Additives

Salary additive is a salary amount approved to be paid in addition to an employee's base rate of pay. If the conditions upon which the salary additive was granted change, the salary additive will be removed or adjusted.

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The Office of Capital Collateral Counsel may utilize the following salary additives:

- (1) On-Call Additive -This additive applies to all non-supervisory personnel. This provision may be in force during critical periods of litigation and death warrant activity.

Positions may be assigned an On-Call additive when:

- a) The employee has been instructed to remain available to work during an off-duty period.
- b) The employee must leave word where he/she may be reached by phone or electronic signaling device.
- c) The employee is available to return to the work location on short notice to perform assigned duties.

The On-Call additive for positions in the Office of Capital Collateral Counsel is \$1.00 per hour for each hour the employee is required to be On-Call. On Saturday, Sunday, and on holidays the employee may be compensated up to one-fourth of the minimum of the pay range for the position for the period the employee is required to be On-Call.

To activate this provision, the employee's supervisor will request approval from the Capital Collateral Counsel. The written request must include the justification for the action, the positions to be designated as On-Call, and the duration for the need for On-Call. The approval from the Capital Collateral Counsel will be forwarded to the Administrative Services Director.

- (2) Temporary Special Duty Additive -This additive will apply to those situations where a position is temporarily assigned duties and responsibilities not customarily assigned to the position. This additive may apply under the following circumstances:
  - a) When a position assumes the duties and responsibilities of a Senior Management or Selected Exempt Service position as a result of the position becoming vacant or the incumbent of the position being on extended annual or sick leave; and

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- b) When a position assumes the duties and responsibilities of a supervisory position as a result of the position becoming vacant or the incumbent of the position being on extended annual or sick leave; and
- c) When a position is assigned a special project mandated by law, or the Capital Collateral Counsel.

A written memorandum must be submitted explaining the circumstances which warrant approval of a Temporary Special Duty Additive. Implementation of a Temporary Special Duty Additive may be made on direction of the Capital Collateral Counsel or the Chief Assistant Capital Collateral Counsel.

B. Payment of Moving Expenses

1. Definitions

- (a) Moving Expenses. Moving expenses means, and is limited to the cost of packing and shipping of household goods or a mobile home.
- (b) Household Goods. Household goods means personal effects and property used in the employee's dwelling.
- (c) Mobile Home. Mobile home means any vehicle which is used as a home by an employee.

2. Policies

While the Office of the Capital Collateral Counsel is guided by the policies outlined in Chapter 60L-9, Personnel Management System Provisions, specific policies applicable to the Office are as follows:

- (a) Payment of moving expenses may include moving of household goods by a certified common carrier, a State-owned vehicle, or a rental truck or trailer. Also, payment may be made for the moving of an employee's privately-owned mobile home.

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- (b) Payment of moving expenses must be determined by the Capital Collateral Counsel or his designee to be in the best interest of the State.
- (c) Payment of moving expenses of any person paid from Other Personal Services (OPS) funds will not be authorized.
- (d) Authorization to pay for storage of household goods of any current or prospective employee will not be approved.
- (e) Payment for unpacking of household goods of any current or prospective employee will not be approved.
- (f) Payment for cleaning of any residence will not be approved.
- (g) Payment for shipment of household goods shall be limited to a maximum gross weight of 15,000 pounds. Other limitations such as maximum reimbursable costs may be imposed. When household goods or a mobile home are shipped by common carrier, the payment by the State shall not include payment for insurance beyond the normal liability of the common carrier. When household goods are shipped by rental vehicle, the payment by the State will be limited to the insuring of the vehicle. There shall be no payment by the State for insurance on the contents of the vehicle.

3. Procedure for Requesting Approval to Pay Moving Expenses

The hiring authority or other appropriate authority must prepare a memorandum and forward it through administrative channels to the Administrative Services Director. The memorandum shall contain the following information:

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- (a) Employee's name,
- (b) Employee's social security number,
- (c) Current job title and annual rate of pay,
- (d) Proposed job title and proposed annual rate of pay,
- (e) Present and proposed place of work,
- (f) Telephone number where the employee may be reached, and
- (g) Justification:
  - 1) The justification must include a complete statement as to the specific benefits to the State resulting from the relocation of the employee. Examples are particular skills, expertise, experience possessed by the employee, and particular needs of the unit such as organizational or programmatic changes.
  - 2) Any request involving an initial (original) appointment, including reinstatement must include a complete statement as to the recruitment problems encountered in filing the position. Such statement must include documentation such as:
    - a) Length of time the position was vacant;
    - b) Length of time the unit has been actively recruiting to fill the vacancy;
    - c) Action taken to recruit qualified applicants;
    - d) Number of qualified applicants;

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- e) Why the person was selected over other applicants;
- f) Recruitment problems peculiar to the position, if any; and
- g) A complete statement as to why the above factors constitute a recruitment problem.

After receipt of the request by the Administrative Services Director, he or she will contact the employee to request the following:

- 1) Approximate cost of move. This is done by obtaining three quotes. If the cost of the move is \$10,000.00 or more, the move must be bid in accordance with State law. All bidding procedures shall be coordinated with the Administrative Services Director.
- 2) Anticipated date of proposed move. The date of move is the approximate date the employee plans to move household goods or a mobile home. Moving expenses that have been approved will remain in effect up to 90 days past the approved move date.
- 3) Proposed method of effecting moving, i.e., common carrier, State-owned vehicle or rental truck, moving mobile home).

A purchase order may be issued after receipt of the required information. If an employee uses a rental truck or trailer to effect a move the employee will be reimbursed for the rental expenses, including the cost of insuring the truck or trailer. The employee must complete a Reimbursement Voucher for Expenses Other than Travel, and forward it through administrative channels.

5. Annual Lump-Sum Bonus Distribution Plan

The Capital Collateral Regional Counsel - Southern Region (CCRC-S) has developed a plan to implement provisions of s. 110.1245(2), Florida Statutes, for the establishment of an equitable performance bonus allocation process. Bonuses are subject to specific appropriation by the Legislature. This plan incorporates an annual Peer Review process and will focus on requirements outlined in the statute. Employees will receive a performance evaluation from their supervisor on a periodic basis. The evaluation will be included as a basis for the supervisor to make recommendations for the bonus to the Capital Collateral Regional Counsel or designee. The Capital Collateral Regional Counsel or designee will make the determination of those employees eligible for the bonus. Those employees will then be reviewed by their peers. Bonus determination will be based on 60% from supervisor's evaluation and 40% from peer review.

There will be a limitation on bonus distributions equal to 35 percent of the agency's authorized positions. The Capital Collateral Regional Counsel will determine the number and distribution of available bonuses.

A. Eligibility Criteria for Bonus Distribution

Per s. 110.1245(2), Florida Statutes, to be eligible for a bonus, an employee must, for the current fiscal year:

- (1) Have been continuously employed by CCRC-S since prior to July 1;
- (2) Not have been on leave without pay consecutively for more than six months;
- (3) Have not sustained disciplinary action (written reprimand or higher);
- (4) Have demonstrated initiative in work and have exceeded normal job expectations;

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- (5) Have modeled the way for others by displaying values of fairness, cooperation, respect, commitment, excellence, honesty and teamwork.

B. Work Unit Definition

A work unit is defined as a group of employees who work together to complete stated performance objectives. In general, a work unit may share a single supervisor, similar work description, and/or same physical work environment. The Capital Collateral Regional Counsel or designee will determine the work unit.

A simple survey questionnaire will ask employees to rate their peers within the work unit using criteria determined by Capital Collateral Regional Counsel or designee.

C. Recognition Awards

Specific Authority Chapter 27 Part IV F.S. 27.705(4)

- (1) A recognition award may be granted by the Capital Collateral Regional Counsel to recognize exceptional employee contributions. Criteria for this award may include, but not be limited to, the following: consistently goes above and beyond expectations; possesses superior job knowledge in area of specialty; works well independently - requiring only minimal supervision; completes work on or ahead of schedule; good problem solver; excellent communicator, both oral and written; mentors or trains others; excellent personal relations skills; highly dependable; excellent quality of work product; innovative - looks for new ways to make improvements; exemplary attendance record; special achievement and team performance. The recognition award may be in the form of a cash payment that shall not exceed \$5,000.00 plus applicable taxes and/or a tangible award (plaque, pin, etc...) that shall not exceed \$100.00 plus applicable



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taxes and/or administrative leave under this section. An employee may receive more than one award.

- (2) Each Capital Collateral Regional Counsel 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 service. Such awards may not cost in excess of \$100.00 each plus applicable taxes.
- (3) Each Capital Collateral Regional Counsel is authorized to incur expenditures to award suitable framed certificates, pins or other tokens of recognition to state employees who have achieved increments of 5 years of satisfactory service in the agency or the state, in appreciation and recognition of such service. Such awards may not cost in excess of \$100.00 each plus applicable taxes.
- (4) Each Capital Collateral Regional Counsel is authorized to incur expenditures not to exceed \$100.00 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.

6. Performance Evaluations

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

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1.3 Attendance and Leave

A. Work Schedule

1. Eight hours shall constitute a workday and 40 hours shall constitute a workweek.
2. The official workweek is Saturday through Friday.
3. Full-time employees shall be required to be present on their assigned jobs for the total hours in the established workweek or work period unless they are on approved leave.
4. Part-time employees shall be required to be present on their assigned jobs for the total number of hours for which they are being compensated unless they are on approved leave.
5. All time taken off on approved leave with pay and holidays will be counted as hours worked during a workweek provided such leave or observances of holidays is prior to the employee's last full day of actual work.
6. Required attendance at training courses will be considered as hours worked. If the training requires sessions, beyond the normal workday, i.e., evening sessions, this is also considered hours worked. Time spent completing homework assignments will not be considered hours worked.
7. Travel to and from an employee's home to the employee's regularly assigned headquarters shall not be counted as hours worked. Any time spent in required travel, whether on regular workdays or regular days off when an employee is in official travel status approved under State law and receiving reimbursement under Section 112.061(6), Florida Statutes, shall be counted as hours worked.

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8. When workload permits, employees may be allowed one rest break during the first half of their work shift and one rest break during the second half of their work shift. The following prohibitions apply:
  - (a) A rest break cannot exceed 15 minutes absence from the employee's workstation:
  - (b) Rest breaks are considered hours of work for determining eligibility for overtime; and
  - (c) Rest breaks cannot be combined or accumulated, or used to cover an employee's late arrival to work or early departure from work.

**B. Record Keeping and Reporting Requirements**

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

**1. Individual Attendance and Leave Report**

The Attendance and Leave Report is the official report of the employee's hours worked, leave taken, and holidays observed. It is used as the official vehicle for the employee's reporting of attendance and leave to the Administrative Services Director to update employee's leave balances.

Each employee should daily record the hours worked. At the end of the week the form must be signed by the employee certifying the accuracy of the report and also signed by the reviewing supervisor. The Individual Attendance and Leave Report and any required documents, such as medical certifications and documents required for approval of administrative leave, should be forwarded to the Administrative Service Director. Supervisors should ensure that reports for employees under their supervision are timely forwarded. Falsification of any attendance or leave record shall be cause for discipline, up to and including dismissal of the employee or employees involved.

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

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

Monthly Attendance and Leave Reports are maintained by the Administrative Services Director.

2. Supervisor and Employee Responsibility

The responsibility for the accuracy and proper maintenance of all attendance and leave records rests jointly with the employee and the employee's supervisor.

3. General Provisions

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

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C. Flexible Hour Work Schedule

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

1. The employee must work 40 hours per week.
2. The employee's regular schedule must be Monday through Friday.
3. No employee arrives prior to 7:00 a.m. or departs later than 6:30 p.m. or has a lunch less than 30 minutes or longer than 2 hours.
4. The office must be staffed during normal business hours, i.e., 8:30 a.m. to 5:30 p.m.
5. Break time cannot be used to cover late arrivals or early departures from duty.

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

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

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D. Overtime

For classes designated as included, overtime is defined as the hours of work, excluding holidays and leave with pay, required in excess of 40 hours during the established workweek. For excluded classes, overtime is defined as the hours of required work, excluding holidays and leave with pay, in the excess of the number of hours in the month.

1. Job Class Designations for Overtime Pay

The "included" classes for the purpose of overtime pay are as follows:  
Legal Secretary Supervisor; Legal Secretary; Staff Assistant; Information Specialist Coordinator; Investigator; Document Specialist/Investigator; Special Projects Coordinator; Accountant.

2. Compensation of Overtime - Employees in "Included" Classes

- (a) Overtime worked by an employee who is filling an "included" position will be paid at one and one-half times the employee's current hourly rate of pay. Cash payment for overtime must be made by the end of the pay period immediately following the pay period in which the overtime occurred. Payment must be made no later than the second regular payday following the pay period during which the overtime was worked.
- (b) Fair Labor Standards Act (FLSA) Special Compensatory Leave Credits - Effective upon the adoption of these guidelines, an employee who is filling an included position and who is eligible for overtime at the end of a workweek, may, if mutually agreed by the employee and his or her supervisor, waive cash payment for overtime.

If waived, the employee shall be entitled to special compensatory leave as follows:

- 1) At the end of the workweek all overtime hours will be credited as FLSA special compensatory leave credit at the rate of one and one-half hours credit for each hour of overtime worked.

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- 2) No Employee will be allowed to accumulate more than 160 hours of FLSA special compensatory leave credits.
- 3) FLSA special compensatory leave credits may be used in any increments, if mutually agreed by the employee and supervisor. If an agreement is not reached, the unit director or his/her designee may, with appropriate notice, require the employee to use leave credits at any time in increments of full or partial workdays.
- 4) An employee who separates from the Office of the Capital Collateral Counsel will be paid for all unused FLSA special compensatory leave credits at the employee's straight time regular hourly rate of pay at the time of separation or change in overtime designation.

3. Compensatory Leave for Overtime-Employees in "Excluded" Classes

- (a) Employees filling "excluded" positions shall be granted regular compensatory leave credits on an hour-for-hour basis for hours required to be worked in excess of the number of hours required for the month. No employee may be allowed to accumulate more than 360 hours of regular compensatory leave credits.
- (b) Earning of regular compensatory leave credits requires the specific approval of the employee's supervisor.
- (c) Extra hours worked may be offset within the same month.
- (d) When an employee moves from a position in a class requiring the granting of regular compensatory leave credits to another position in a class requiring the granting of regular compensatory leave credits, any unused regular compensatory leave credits shall be transferred. Regular compensatory leave credits may not be transferred from the Office of the Capital Collateral Counsel to another State Agency.
- (e) Every reasonable effort should be made to allow employees to use earned compensatory leave credits.

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4. Special Compensatory Leave

- (a) An employee in an included position who is required to work on a State holiday or over the required hours in a week where there is a State holiday will be eligible to accrue special compensatory leave credits on an hour-for-hour basis.
- (b) An employee in an excluded position who is required to work on a State holiday or over the required hours in a month where there is a State holiday will be eligible to accrue special compensatory leave credits on an hour-for-hour basis.
- (c) If an employee separates from State government or transfers to another State agency, or is appointed to the Selected Exempt Service or Senior Management Service, the employee will be paid for all unused special compensatory leave at the employee's rate of pay.
- (d) Special compensatory leave credits in excess of 40 hours must be used prior to any other compensatory or annual leave credits.

5. Overtime - Administration

Supervisors are responsible for monitoring hours worked by employees to ensure proper compensation.

Whenever possible, supervisors must arrange the employee's work schedule to prevent overtime by granting equal time off in the same official workweek (for employees in included positions) or month (for employees in excluded positions). This adjustment may be accomplished either prior to or after the required extra hours are worked.

Leave can be used only in amounts necessary to bring an employee to 40 credit hours in the week (for employees in included positions) or month (for employees in excluded positions). It is the responsibility of the supervisor to make adjustments to the leave approval. Otherwise, the Administrative Services Director will make the adjustment at the time leave is audited.



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6. Procedure for Authorization and Processing Overtime

- (a) When overtime is to be required of an employee an Authorization for Overtime Work form must be prepared and submitted for approval to the employee's supervisor.
- (b) After the work is performed the employee must certify in writing the number of overtime hours actually worked. This is then verified and signed off on by his/her supervisor. If overtime occurred due to travel, a copy of appropriate travel documentation should be attached.
- (c) Overtime authorizations resulting in cash payments along with the employee certification and a copy of the employee's Individual Attendance and Leave Report reflecting the overtime worked should be forwarded to the Administrative Services Director for processing the week following the week in which the overtime was worked. Payment must be made no later than the second regular payday following the pay period during which the overtime was worked.
- (d) Overtime authorizations resulting in accrual of FLSA special compensatory, regular compensatory leave, or special compensatory leave should be attached to the Attendance and Leave Reports forwarded to the Administrative Services Director at the end of the month. The Administrative Services Director will credit the appropriate amount of compensatory leave to the employee's leave account.

E. Break in Service

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

F. Creditable Service

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

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G. Paid Holidays and Other Authorized Activities

1. Holidays

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

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

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

2. Personal Holiday

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

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3. Provisions for Granting Paid Leave for Holidays

- (a) Full-time employees will be granted with hours of leave with pay for each of the above-mentioned holidays.
- (b) Part-time employees will be granted a prorated number of hours for each of the holidays based on the number of hours regularly worked during the workweek, using the following formula:  
  
$$\frac{8 \text{ hours} \times \text{number of hours worked per week}}{40} = \text{hours credit for holiday}$$
- (c) If the holiday is observed on the employee's regular workday and the employee is required to work, the employee will be credited with special compensatory leave equal to the time worked on the holiday not to exceed eight hours.
- (d) Employees who are on approved leave with pay when holidays are observed or a State Day of Mourning is declared shall not have those days charged against their accrued leave credits.
- (e) Where events are organized to celebrate some occasion in the locality, any employee who is desirous of attending such event may be granted annual or compensatory leave for that purpose, but shall not be granted any other type of leave with pay.
- (f) When an employee moves from one State agency to another and the holiday falls after the termination date from the exit agency, and prior to the beginning date with the receiving agency, the exit agency shall pay for the holiday, provided there is no other break in service.

H. Annual Leave

1. Method of Earning Annual Leave

- (a) Full-time employees who are filling established - "included" positions earn annual leave on a monthly basis as shown in the following table:

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<u>YEARS</u>	<u>LEAVE EARNED</u>
0 - 10 years	10.833 hours per month
Over 10 years	13.000 hours per month
<b>SICK LEAVE</b>	8.667 hours per month

Employees will be entitled to use all previous State government creditable service immediately upon reemployment for determining eligibility for higher annual leave credits.

- (b) Employees who work less than a full pay period (month due to initial employment or separation during a pay period, transfer between agencies, leave of absences without pay or educational leave with pay) earn annual leave credits for the hours worked during the month in accordance with the following table:

<u>NUMBER OF HOURS ACTUALLY WORKED</u>	<u>0 to 10 YEARS</u>	<u>OVER 10 YEARS</u>
Less than 36	0	0
36 through 70	2.708	3.250
71 through 103	5.417	6.500
104 through 138	8.125	9.750
139 or more	10.833	13.000

- (c) Full-time employees who are filling established “Senior Management” positions earn annual leave on a monthly basis as follows: 14.66 hours per month.
- (d) Part-time employees who work a fixed percentage of the pay period earn annual leave credits for the hours worked during that month in proportion to the time worked as noted in the above table.
- (e) The Capital Collateral Regional Counsel will earn annual leave on a monthly basis of 16 hours per month.
- (f) Annual leave earned during any pay period will be credited to the employee on the LAST day of the month or in the case of separation, on the last day the employee is on the payroll. Employees who complete five or ten years of continuous and creditable service during a pay period shall earn higher annual leave credits beginning the first day of that pay period.

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- (g) Employee will continue to earn annual leave credits during leaves of absence with pay, including Workers' Compensation. Leave credits will not be earned while on leave without pay.

2. Use of Annual Leave

- (a) Upon reasonable notice, an employee should be allowed to use annual leave credits unless work or performance related factors make approval inadvisable. An employee with less than ten years of service should be encouraged to utilize leave on a current year basis so that leave balances on December 31st do not exceed 130 hours. An employee with ten plus years of service should be encouraged to utilize leave on a current year basis so that leave balances on December 31st do not exceed 156 hours. Employees filling established "Senior Management" positions, regardless of tenure, should be encouraged to utilize leave on a current year basis so that leave balances on December 31<sup>st</sup> do not exceed 176 hours. The Attendance and Leave Report should normally be completed in advance and signed by the appropriate supervisor.
- (b) Annual leave should be used to provide periodic vacations; however, earned annual leave credits may be used for any other purposes when authorized.
- (c) Use of annual leave by "included" employees will not be authorized prior to the time it is earned and may only be used with the approval of the proper authority.
- (d) An employee who has accrued special compensatory leave credits may be required to first use such leave before using accrued annual leave credits except for forty hours.
- (e) Upon reasonable notice, a supervisor may require an employee to use any part of the employee's accrued annual leave for vacation purposes at any time this is deemed advisable.
- (f) Annual leave balances in excess of 130 hours at the close of business on December 31 of each calendar year for employees with less than ten years of service, will be transferred to sick leave on an hour-for-hour basis. Annual leave balances in excess of 156 hours at the close of business on December 31 of each calendar year for employees with ten plus years of service, will be transferred to sick leave on an hour-for-hour basis. Annual leave balances in excess

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- (g) of 176 hours at the close of business on December 31 of each calendar year for employees filling established “Senior Management” positions, will be transferred to sick leave on an hour-for-hour basis.

3. Transfer of Earned Annual Leave

- (a) An employee who moves from one position in State government to another position in State government outside of the Office of Capital Collateral Counsel shall have unused annual leave transferred to the receiving agency provided there is no break in service.
- (b) An employee who moves from a position in State government to a position with the Office of Capital Collateral Counsel may be credited with all annual leave appropriately credited to the employee’s leave balance and not paid for at time of the transfer. Generally, the Office of Capital Collateral Counsel will not accept annual leave accruals from previous employment within State Government.

4. Payment for Unused Annual Leave

As of close of business on May 31<sup>st</sup>, 2017 all eligible annual leave balances will be fully paid out. Employees with less than seven years of service will be paid no more than 240 hrs. Employees with more than seven but less than fourteen years of service will be paid no more than 360 hrs. Employees with fourteen plus years of service will be paid no more than 480 hrs.

**Beginning September 1<sup>st</sup>, 2021 payments for unused annual leave will be as follows:**

- (a) An employee with twelve months but less than ten years of service who separated from State government will be paid for unused annual leave, up to a maximum of 260 hours.**

**An employee with ten plus years of service who separated from State government will be paid for unused annual leave, up to a maximum of 312 hours.**

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An employee filling an established "Senior Management" position who separated from State government will be paid for unused annual leave, up to a maximum of 352 hours.

The appointed employee (CCRC) who separated from State government will be paid for unused annual leave, up to a maximum of 480 hours.

- (b) Any annual leave not paid or transferred will be forfeited.
- (c) An employee with twelve months of service who is being laid off may request payment of all unused annual leave as mentioned above or request in writing that unused annual leave be retained up to a maximum of one year pending reemployment.
  - 1) An employee who is not reemployed within one year will be paid for unused annual leave which has been held in abeyance in accordance with these procedures.
  - 2) An employee who is reemployed within one year following layoff, annual leave may be restored to the employee provided the employee requests such action in writing and repays the full amount of any lump sum payment received for accumulated annual leave credits.
- (d) Payment for accrued annual leave shall be made in a lump sum.

I. Sick Leave

1. Method of Earning Sick Leave

(a) Full-time employees filling established positions will earn 8.667 hours of sick leave for each full calendar month of employment. Part-time employees filling established positions will earn sick leave credits proportionate to the time worked. Employees who work less than a full pay period due to initial employment, separation during a pay period, transfer between agencies, leave without pay, or educational leave with pay, and part-time employees will earn sick leave credits for hours worked during the month as shown in the table below:

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<u>NUMBER OF HOURS ACTUALLY WORKED</u>	<u>HOURS OF SICK LEAVE CREDITS</u>
Less than 36	0
36 through 70	2.167
71 through 103	4.333
104 through 138	6.500
139 or more	8.667

- (b) Employees will continue to earn sick leave credits during leaves of absence with pay, including Workers' Compensation. Leave credits will not be earned while on leave without pay.
- (c) During leaves of absence with pay, an employee will continue to earn sick leave credits except when an employee is granted educational leave with pay or is granted leave in conjunction with resignation from State government.
- (d) Sick leave earned during any pay period shall be credited to the employee on the last day of the pay period or on the last day the employee is on the payroll.
- (e) There is no limit on the number of hours of sick leave an employee may accrue.

2. Use of Sick Leave

- (a) Unused sick leave credits earned prior to October 1, 1973 shall be used prior to any sick leave credits earned after October 1, 1973.
- (b) Sick leave shall be authorized only for the following purposes:
  - 1) The employee's personal illness, injury, or exposure to a contagious disease which would endanger others. Personal-illness shall include disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom, and any sick leave credits used for these reasons shall be authorized only in accordance with 13, Procedure for Approval of Sick Leave.



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- 2) The employee's personal appointments with a doctor, dentist, or other recognized practitioner.
  - 3) Illness, injury, or well care check-ups of the employee's spouse, the children or parents of the employee or the spouse, or a person the employee or the spouse has a caretaker responsibility for when the employee's presence is necessary. Caretaker responsibility applies to an individual who stands or stood in "loco parentis" to an employee when the employee was a child, an adopted, or foster child, a stepchild, a legal ward, or a child of a person standing 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". Caretaker responsibility also applies to the grandchildren, brothers, sisters, and grandparents of both the employee and the spouse.
- (c) An employee who becomes ill or disabled while on approved annual leave or parental leave shall be allowed to use accrued sick leave credits to cover the period of illness. However, an employee who is on any other type of leave with or without pay shall not be allowed to use sick leave credits while on such leave.
  - (d) An employee who has accrued compensatory leave credits may be allowed, at the discretion of the employee, to first use such leave before using accrued sick leave.
  - (e) Use of sick leave will not be authorized prior to the time it is earned and may only be used with the approval of the proper authority.

3. Procedure for Approval of Sick Leave

(a) Employee's personal illness

Notification of absence because of illness, injury or exposure to a contagious disease must be given to the employee's supervisor by the employee or his representative as soon as possible on the first day of the absence. Upon return to work the employee must complete and submit his/her Attendance and Leave Report to the appropriate supervisor. Certification of absence must be given to the employee's supervisor as follows:

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- 1) After three workdays or partial workdays of absence in any 30-calendar day period, the supervisor may require medical verification of any further absence(s) due to illness or injury.
- 2) After ten consecutive days of absence the employee must submit to the supervisor a medical verification from the attending physician before any additional use of sick leave credits or leave without pay will be authorized. The original medical certification must be attached to the employee's Attendance and Leave Report.
- 3) If the employee continues to be absent, the supervisor shall require further medical verification for each 30 consecutive days of absence, unless the supervisor has personal knowledge that the employee is hospitalized and unable to return to work. If the medical verification provided by the employee is not acceptable, the supervisor may require the employee to submit to a medical examination, which shall be paid for by the Office of the Capital Collateral Counsel. Based upon the results of the examination, the supervisor:
  - a) Shall not approve further use of sick leave credits if the employee is medically evaluated as fit for work; or
  - b) Shall allow the employee to use accrued sick leave credits until such leave credits have been used up or until the employee is able to return to work, whichever occurs first, of the employee's health is evaluated as unfit for work. If the employee is medically certified as being unable to return to work after all sick leave credits have been exhausted, the employee shall be allowed to use any accrued compensatory or annual leave credits before being placed on leave without pay.

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- (b) Illness, injury, or well care check-ups of a member of the employee's family as defined in Section I 2 (b) 3).

If absence(s) are for reasons defined in Section I 2 (b) 3) of these procedures, "when completing the Attendance and Report the employee must write "Family sick" under type of leave and write the relationship of the family member in the comment section.

4. Transfer of Sick Leave

- (a) An employee who transfers to the Office of Capital Collateral Counsel from another State agency and pay plan will be credited with his/her unused sick leave, provided there is no break in service.
- (b) An employee who transfers to another State agency and pay plan where the receiving plan does not accept the employee's leave credits, the credits shall be held in abeyance by the Office. Should the employee terminate or retire prior to returning to a pay plan which will accept the leave credits, all credits not transferred shall be paid for by the Office of Capital Collateral Counsel at the employee's regular rate of pay at the time the credits were held.
- (c) An employee who resigns from a city or county governmental authority within Florida to accept a position in the Office of Capital Collateral Counsel, within 31 calendar days from the date of the employee's last day of employment with the city or county governmental authority, shall if approved by the Capital Collateral Counsel, be credited with up to a maximum of 480 hours of unused sick leave which was accrued while employed by that organization. The maximum number of 480 hours shall be transferred as follows:

80 hours upon date of transfer and 80 hours upon the completion of each succeeding year.

5. Payment of Sick Leave

- (a) The only conditions under which an employee shall be paid for unused sick leave credits are when the employee:
- 1) Has completed 10 or more years of creditable State service;  
and

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- 2) Separates from State government because of retirement for other than disability reasons, 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 eligible employee will be compensated at the employee's current hourly rate of pay for:
- 1) one eighth of all unused sick leave credits accrued prior to October 1, 1973; plus
  - 2) one fourth of all unused sick leave credits accrued after October 1, 1973 up to 480 hours.
- (c) Payment for accrued unused sick leave shall be made in a lump sum and the employee shall not be carried on the payroll beyond the last official day of employment.
- (d) An employee who has ten years or more of creditable State service and is otherwise eligible for receipt of sick leave payment as mentioned above who is being laid off may request payment of all unused sick leave or request in writing that unused sick leave be retained up to a maximum of one year pending reemployment.
- 1) An employee who is not reemployed within one year will be paid for unused sick leave which has been held in abeyance in accordance with these procedures.
  - 2) An employee who is reemployed within one year following layoff sick leave may be restored to the employee provided the employee requests such action in writing and repays the full amount of any lump sum payment received for accumulated sick leave credits.
  - 3) An employee who is not eligible to be paid for sick leave payments at the time of layoff, may request in writing that sick leave be held in abeyance and if the employee is reemployed within one year following layoff, be credited to the employee upon reemployment.

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- (e) An employee forfeits all rights to payment of unused sick leave if, prior to retirement, separation from State government, 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 employment; or
  - 3) Is found guilty by a court of competent jurisdiction of having violated any State law against or prohibiting strikes by public employees.

6. Sick Leave Transfer Plan

(a) Purpose

The Sick Leave Transfer Plan provides for an employee to donate his/her personal sick leave credits to another employee within the Office of Capital Collateral Counsel.

(b) Administration

The Sick Leave Transfer Plan will be administered by the Administrative Services Director who will be responsible for the maintenance of accurate and reliable records relative to all functions of the Plan.

(c) General Provisions

- 1) Participation in the Sick Leave Transfer Plan at all times is voluntary on the part of any employee.
- 2) Sick Leave Transferred must be used for the employee's personal illness, accident, or injury.
- 3) An employee who completes and signs a Sick Leave Transfer form cannot cancel the donation once the transfer is completed.

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- 4) Sick Leave Transferred to an employee shall be credited on the last day of the month that the transfer form is received.
- 5) Leave credits shall not be transferred from an employee's individual sick leave balance to the Sick Leave Transfer Plan at the time of retirement or termination from State government.
- 6) Requests to transfer sick leave to another employee must be strictly voluntary by the donating employee and the receiving employee. Employees who attempt to coerce or pressure another employee to "donate" sick leave shall be subject to disciplinary action.
- 7) Alleged abuse of the sick leave transfer plan shall be investigated by the Administrative Services Director, and if warranted, the participating employee shall not be allowed to transfer or receive sick leave credits. The employee shall be subject to disciplinary action.

(d) Eligibility Requirement for Employees Transferring Sick

An employee may participate in the plan by voluntarily transferring sick leave after completion of one year of employment with the State, provided that a minimum of 64 hours of sick leave has been accumulated by the employee.

(e) Eligibility Requirements for Sick Leave Transfer Plan Recipients

An employee must meet the following conditions to be eligible to receive sick leave credits under the Plan:

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- 1) Must have completed one year of employment with the State.
- 2) Must have utilized all accrued sick, compensatory and annual leave.
- 3) Must have suffered a documented illness, accident or injury.
- 4) Is not eligible for disability leave with pay as outlined in these Procedures.

(f) Processing Sick Leave Transfers

The transfer of sick leave credits is initiated by submitting a Sick Leave Transfer Form to the Administrative Services Director. That person will ensure that both employees involved meet the conditions noted above before sick leave is transferred.

J. Disability Leave

1. Job-Connected Disability leave with pay

- (a) An employee who sustains a job-connected disability that is compensable under Chapter 440, Florida Statutes, shall be carried in full pay status for up to 40 work hours without being required to use accrued leave beginning immediately the onset of the injury. Such leave shall be used intermittently to cover appointments to health care providers, physical therapy, and similar activities provided such activities are directly related to the employee's Workers' Compensation injury. If the employee receives Workers' Compensation benefits for this period of leave with pay, the employee shall reimburse the 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. An employee who returns to work and has exhausted the 40 hours of disability leave will, upon presentation of written confirmation from the authorized physician, be granted additional disability leave not to exceed six workdays for follow-up examinations or treatment required by the authorized treating physician for a particular injury.

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Disability leave with pay will commence on the first calendar day following the last day the employee was paid for work, and in the comment section, note "job connected disability" on the employee's Attendance and Leave Report. Any absence between the period worked and the start of the disability leave must be covered by some type of leave.

- (b) If as a result of a job connected injury, the employee is unable to resume work at the end of the period specified above:
- 1) The employee may elect to use accrued sick, compensatory or annual leave in an amount necessary to receive salary payment that will increase the Workers' Compensation payments to the total salary being received prior to the occurrence of the disability. In no case shall the employee's salary and Workers' Compensation benefits exceed the amount of the employee's regular payments.

The employee's Attendance and Leave Report should reflect leave charges of 2.7 hours of sick, annual, or compensatory leave for each day the employee is out due to the Workers' Compensation injury when he elects to use accrued leave as an option.

- 2) If the employee elects not to use accrued leave or after the employee has exhausted all earned leave the employee shall be placed on leave without pay and shall revert to normal Workers' Compensation benefits. If the employee is on leave without pay in excess of 40 consecutive work hours, a Request for Leave of Absence without Pay, must be completed and submitted to the Administrative Service Director.
- 3) The employee's case may be reviewed by a physician appointed and paid by the Office of the Capital Collateral counsel and the supervisor shall determine the action he/she wishes to take regarding the matter. If the decision is to carry the employee is full pay status, the supervisor must request approval of such action from the Capital Collateral Counsel. If approved, the employee will be carried in full pay status under the following provisions:



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- a) If the employee is unable to resume work at the end of the initial period of full pay status, the employee has the choice of using accrued sick, compensatory, or annual leave credits in order to be carried in pay status, or the employee may elect not to use accrued leave and draw only Workers' Compensation benefit payments while on disability leave.
- 4) The employee who is unable to resume work as a result of a job-connected injury shall continue to earn and accrue full leave credit as long as the employee is carried in pay status.
- 5) In the event that the provisions listed above are not applicable, the employee may at the discretion of the supervisor be granted leave without pay for a period not to exceed the actual period of physical disability.
- 6) Detailed instructions on the handling of job-connected injuries can be found in Section 1.9 of these Procedures.

2. Compulsory Disability Leave

(a) Procedure

- 1) Supervisors may make recommendations through appropriate management channels if they believe that an employee should be placed on compulsory disability leave. Should the decision be made to have the employee examined, the procedures noted here must be coordinated with the Administrative Services Director.
- 2) If a supervisor believes that an employee is unable to perform assigned duties or is otherwise interfering with the operations of the office, due to physical or mental illness or injury, he/she may require the employee to submit to a medical examination by a physician named and paid by the Office of Capital Collateral Counsel.
- 3) If the medical examination confirms that the employee is unable to perform assigned duties, the supervisor shall

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place the employee on compulsory disability leave, or recommend removal from the class, including dismissal. The employee shall be notified in writing by the supervisor of the duration of the disability leave and the conditions under which the employee will be allowed to return to his/her employment.

(b) Leave charges

The employee who is placed on compulsory disability leave may elect to use earned leave to cover the period of disability. If the employee does not have sufficient leave credits to cover the disability leave, or elects not to use leave credits, the leave will be without pay.

(c) Alternative employee is unable to return to work

If the employee is unable to return to work at the end of an approved leave, based on a current medical certification, the supervisor may:

- 1) Request the employee's resignation for reasons of inability to perform assigned duties; or
- 2) Dismiss the employee for cause based on inability to perform assigned duties.

K. Administrative Leave

Administrative leave counts as hours of pay, but does not count as hours of work for overtime purposes.

Approval of administrative leave is limited to an amount necessary to bring the employee to full pay, 40 hours of work in the workweek for employees in included positions, and the number of approved hours in the month for employees in excluded positions.

The types of administrative leave are:

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1. Jury Duty

An employee who is summoned as a member of a jury panel will 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. Any jury fee shall be retained by the employee. The Office of Capital Collateral Counsel will not reimburse the employee for meals, lodging, and travel expenses incurred while service as a juror.

A copy of the jury summons must be attached to the employee's Attendance and Leave Report and in the comment section, "jury duty" must be noted.

2. Witness

(a) An employee who is subpoenaed as a witness, or to give a deposition, in a court or administrative hearing not involving personal litigation or service as a paid expert witness: will be granted administrative leave with pay. The employee may retain any witness fees paid. The Office of Capital Collateral Counsel will not reimburse the employee for meals, lodging or travel expenses incurred while serving as a witness.

(b) An employee who is subpoenaed in the line of duty as a witness or defendant will not be granted administrative leave and his/her appearance in such a case will be considered a part of the job assignment. The employee will be paid per diem and travel expenses and will be required to turn over to the agency any fees received from the court.

(c) In no case shall administrative leave with pay be granted for court attendance when an employee is engaged in personal litigation or service as a paid expert witness; however, an employee may be granted annual leave in such cases. A copy of the subpoena must be attached to the employee's Attendance Leave Report and in the comment section, "subpoenaed as a witness" must be noted.

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3. Examinations for Military Service

An employee who is ordered to appear for an examination for entrance into the military service shall be granted leave with pay for this purpose on the day of the examination. The appropriate military certification must be attached to the employee's Individual Attendance and Leave Report, and "examination for military service" must be noted in the comment section.

4. Death in Family

An employee, upon request, shall be granted two days of administrative leave with pay on the death of the employee's spouse, and the parents, grandparents, brothers, sisters, children and grandchildren of both the employee and the spouse.

The employee must note the name of, and the relationship to, the deceased in the comment section of his/her Individual Attendance and Leave Report.

5. Closing Facilities under Emergency Conditions

(a) By Executive Order

- 1) When the Governor by Executive Order declares an emergency, the Capital Collateral Counsel or his designated representative shall have the responsibility for determining whether affected facilities or portions thereof are to be closed.
- 2) Except for those employees determined to be necessary for providing essential services, employees assigned to those offices which have been closed shall be released from duty and granted administrative leave for the period the office is closed. Employees who are required to remain on duty to provide essential services shall be granted special compensatory leave credits for the hours worked during the period the office is closed and the other employees will be granted administrative leave.

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- 3) An employee who is on a prior approved leave of absence or scheduled holiday during an emergency shall not have the leave of absence changed to administrative leave.
- 4) If the Executive Order issued by the Governor does not specify an ending time and date, authority is limited to two consecutive calendar days. If it is determined that action is required beyond two days, the Capital Collateral Counsel shall notify all employees of the ending time.

A brief description of the emergency condition must be noted on the Attendance and Leave Report of the employees who will receive administrative leave. Those employees who were required to work and are eligible to accrue special compensatory leave must submit an Authorization for Overtime Work form along with their Attendance Leave Report.

The Capital Collateral Counselor his designee will determine whether offices are to be closed in any other disaster or emergency condition situations. In such cases, employees' attendance and leave will be handled as noted in Section K5 (a) of these Procedures.

6. Civil Disorder or Disaster: Volunteers

- (a) Employees who are members of a volunteer fire department, police auxiliary or reserve, civil defense unit, or other law enforcement-type organization may be granted administrative leave upon approval by the supervisor or his/her designee, when such employees are called on as members of these organizations to perform duties in times of civil disturbances, riots, and natural disaster, including employees who are members of the Civil Air Patrol, or Coast Guard Auxiliary who are called upon to assist in emergency search and rescue missions. Such leave shall not exceed two days on anyone occasion.
- (b) In accordance with the Florida Disaster Volunteer Leave Act, Section 110. 120, Florida Statutes, an employee of a State agency who is a certified disaster service volunteer of the American Red Cross may be granted leave of absence with pay for not more than

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15 working days in any 12-month period to participate in specialized disaster relief services for the American Red Cross. Such leave of absence may be granted only upon the request of the American Red Cross and with the approval of his/her supervisor. Leave under this act shall be granted only for services related to a disaster occurring within the boundaries of the State of Florida.

The employee must briefly describe the civil disorder or disaster in the comment section of his/her Attendance and Leave Report and attach the appropriate organization's request.

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 contest in either Pan American or Olympic competition, shall 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.

The employee must briefly explain his/her role in the event in the comment section of the Attendance and Leave Report.

8. Formal Investigation

An employee who is under formal investigation by the Office of Capital Collateral Counsel for violation of a rule or statute for which dismissal is a penalty, shall be temporarily assigned other duties if deemed advisable, or be placed on administrative leave if the absence from the work location is essential to the investigation. A recommendation will be made by the supervisor to the Capital Collateral Counsel on the appropriate action. The period of temporary assignment or the administrative leave shall not exceed 20 calendar days for each investigation. Such leave may be granted by the Capital Collateral Counselor his designated representative. Note "formal investigation" in the comment section of the employee's Attendance and Leave Report.

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9. Disabled Veterans Reexamination or Treatment

Any 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 reexamined or treated for such disability shall, upon presentation of written confirmation of having been so scheduled, be granted administrative leave for such reexamination or treatment without loss of pay, benefits or efficiency rating. The administrative leave shall not exceed six calendar days in any calendar year.

A copy of the employee's appointment papers for a service-connected disability must be attach, to his/her Attendance and Leave Report, and "V.A. Appointment" must be noted in the comment section.

10. Administrative Leave for Family Responsibility

Each employee is authorized to use one hour of administrative leave per month to participate in the following family activities:

- (a) Involvement in local school activities including preschools and kindergarten through high school.
- (b) Involvement with or visitation of children in child care centers.
- (c) Involvement in local school activities such as tutoring assignments, guest speaking, assisting in career day activities and helping in the after-school homework center program, or the Partners for Excellence Program.

Involvement means that the employee is a participator rather than a spectator in school related activities. Examples of participation are: helping a teacher handle the children in a parade, attending a parent-teacher meeting, coaching a school team, or having a conference with a teacher.

The employee must briefly explain his/her role in the event in the comment section of the Attendance and Leave Report.

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11. Elections

An employee who lives at such a distance from his/her assigned work location as to preclude voting outside of working hours, may be authorized a maximum of two hours of leave with pay for this purpose. Any other employee may be granted one hour of leave with pay for the purpose of voting during normal working hours. An employee will not be granted administrative leave to work at the polls during elections.

"To vote" must be noted in the comment section of the employee's Individual Attendance and Leave Report.

12. Examinations and Interviews

An employee may be granted leave with pay for the purpose of examinations before a State agency, provided that such examinations are pertinent to state employment, or for the purpose of having interviews for positions within State government.

The employee must note "State examination" or "interview for position within State government" in the comment section of his/her Attendance and Leave Report.

13. Procedure for Requesting Administrative Leave

Request for approval of administrative leave must be made by the employee on the Attendance and Leave Report. The employee must state under "comments" the purpose of such leave and provide documentation if required.

14. Limitations of Administrative Leave

Administrative leave is not accrued and will not be paid for as unused leave.

L. Military Leave

1. Employee Eligibility

Any employee, except an employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service



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or member of the national guard, or who is employed in a temporary position or employed on a temporary basis, who is drafted or volunteers for active military service shall be granted leave beginning with the date of induction and ending up to one year after the date of separation from military service or from hospitalization continuing after discharge.

Active military service includes active duty with any branch of the Army of the United States, the Air Force of the United States, the U.S. Navy, the Marine Corps of the U.S., the Coast Guard of the U.S., National Guard of the State or other service as provided in Sections 115.08 and 115.09, Florida Statutes. Such leave of absence shall be verified by official orders or appropriate military certification which shall be filed in the employee's personnel file.

2. Leave Charges

Upon presentation of a copy of the official orders or appropriate military certification, the first 30 calendar days of such leave will be with full pay and benefits, and the remainder approved military leave without pay. Leave payment of this type shall be made only upon receipt of evidence from appropriate military authority that 30 days of military service have been completed.

3. Employee Status

All unused leave benefits will be retained by the employee and credited to his/her record upon return to work. All leave shall be considered as creditable service toward earning higher annual leave credits. During military leave, the employee shall be entitled to retain the same rights and privileges as an employee granted leave without pay.

4. Position Status

The position of an employee granted military leave may be filled for the duration of the approved leave.

5. Return from Military leave

Upon separation from the military service, the employee shall be eligible to return to the former position held or a different position held or a different position in the same class in the same geographic location within the period noted in Paragraph 1 above. The supervisor may require the

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employee to submit to a medical examination to determine his/her fitness to perform the duties of the position to which the employee may be returning and, based upon the medical findings place the employee in another class with duties the employee is able to perform which is the nearest approximation to the position held prior to military service. The employee cannot be discharged without cause within one year after reemployment. All leave shall be considered as creditable service toward earning higher annual leave credits.

6. Procedure for Requesting Military Leave

Upon receipt of the official orders or appropriate military certification, the employee should immediately complete a Request for Leave of Absence without Pay form to be signed by the appropriate supervisor. The form and the official orders will be forwarded through supervisory channels for final approval by the Capital Collateral Counsel.

M. Military Reserve Training and National Guard Training Leave

An employee who is commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or a member of the National Guard, shall, upon presentation of a copy of the employee's official orders issued pursuant to the authority of Title 10 or Title 32 as stated above. Whether continuous or intermittent, such leave with pay shall not exceed 17 working days in anyone annual period beginning on October 1 and ending September 30 of the following year.

Any absence in excess of 17 working days may, upon request by the employee and approval by the appropriate supervisor, be covered by accrued annual leave credits, accrued compensatory leave credits or personal holiday, such absences in excess of 17 working days shall be approved as leave without pay; however, such leave shall be without loss of time or efficiency rating. Should any portion of the leave be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status.

Two copies of the employee's official orders must be attached to the employee's Individual Attendance and Leave Report, and "National Guard State Service" must be noted in the comment section. One copy of the official orders will be placed in the employee's personnel file.

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All leave shall be considered as continuous and creditable service toward earning higher annual leave credits.

N. National Guard State Service Leave

An employee who is a member of the Florida National Guard shall upon presentation of a copy of official orders issued pursuant to Chapter 250, Florida Statutes, be granted administrative leave during periods in which the employee, is

ordered to active state service by the Governor pursuant to Chapter 250, Florida Statutes. Such leave with pay shall not exceed 17 calendar days at any time.

Any absence in excess of 30 calendar days may, upon request by the employee and approval by his/her supervisor, be covered by accrued annual leave credits, accrued compensatory leave credits or personal holiday. If not requested by the employee or approved by the supervisor as annual compensatory leave or personal holiday, such absences in excess of 30 calendar days shall be approved as leave without pay; however, such leave shall be without loss of time or efficiency rating. Should any portion of the leave be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status.

All leave shall be considered as continuous and creditable service toward earning higher annual leave credits.

Two copies of the employee's official orders must be attached to the employee's Individual Attendance and Leave Report, and "National Guard State Service" must be noted in the comment section. One copy of the official orders will be placed in the employee's personnel file.

O. Active Military Service Leave

1. Employee Eligibility

Any employee, except an employee employed in a temporary position or employed on a temporary basis, who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or member of the National Guard, who is ordered to active military duty under Title 10 of the United States Code, Section 673b, not active duty training as outlined in 1.3 N of these Procedures, shall be granted leave beginning with the day ordered to duty and ending up to 31 days after the date of release from the military service or from hospitalization continuing after discharge. Active military service includes active duty with any branch of the Army of the United States, the Air Force of the United

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States, the U.S. Navy, the Marine Corps of the U.S., the Coast Guard of the U.S. National Guard of the State or other service as provided in Sections 115.08 and 115.09, Florida Statutes. Such leave of absence shall be verified by official orders or appropriate military certification which shall be tiled in the employee's personnel file.

2. Leave Charges

Upon presentation of a copy of the official orders or appropriate military

certification, the first 30 calendar days of such leave will be with full pay and benefits, and the remainder authorized military leave without pay. An employee shall be left on the payroll for the first 30 calendar days of the active military service. Payment for this period shall be made at the end of the month. Evidence that 30 calendar days of military service has been completed must be obtained from appropriate military authority.

When requested by the employee and approved by his/her supervisor, any period of the approved active military service without pay may be covered by the employee's personal accrued leave credits or the personal holiday. If such leave is granted, paid leave will begin on the first work day of each month. Should any portion of the leave be paid Levant the employee shall be entitled to accumulate all-benefits granted under paid leave status.

3. Employee Status

All unused leave benefits will be retained by the employee and credited to his/her record upon return to work. All leave shall be considered as creditable service toward earning higher annual leave credits. During military leave, the employee shall be entitled to retain the same rights and privileges as an employee granted leave without pay. Such employees are entitled to participate in insurance and other State benefit programs.

4. Position Status

The position of an employee granted military leave may be filled for the duration of the approved leave.

5. Return from Military Leave

Upon separation from the military service, the employee shall be eligible to return to the former position held or a different position in the same

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class in the same geographic location. The supervisor may require the employee to submit to a medical examination to determine his/her fitness to perform the duties of the position to which the employee may be returning and, based upon the medical findings, place the employee in another class with duties the employee is able to reform which is the nearest approximation to the position held prior to military service. The employee cannot be discharged without cause within a 6-month period of return from active military service. All leave shall be considered as creditable service toward earning higher annual leave credits.

6. Procedure for Requesting Military Leave

Upon receipt of the official orders or appropriate military certification, the employee should immediately complete a Request for Leave of Absence without Pay form to be signed by the supervisor. The form and the official orders will be forwarded through supervisory channels for final approval by the Capital Collateral Counsel.

P. Leaves of Absence Without Pay

Employees are encouraged to accrue sufficient annual, sick or compensatory leave credits to cover periods of absence without the need for leave without pay. Leaves of absence without pay of 40 or more consecutive hours must be approved in advance by his/her supervisor. Supervisors may approve leave without pay for less than forty (40) consecutive hours. Leave without pay may not be approved unless there is sound justification for such approval. When approving leave without pay, the supervisor must review the reason and justify the approval. Where appropriate, the Capital Collateral Counsel may approve the use of intermittent annual or compensatory leave credits to maintain State benefits.

1. Parental Leave

Parental leave is maternity or paternity leave for the mother or father of a child who is born or adopted by that parent. Such leave shall not exceed six calendar months.

- (a) Upon approval of parental leave, a copy of the employee's request which specifies the terms and conditions of the approval will be provided to the employee. The original will be placed in the employee's personnel file. Approval must include the date the employee will return to duty and that the employee will return to

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the same position or an equivalent position with equivalent pay fringe benefits and other service credits accumulated prior the leave period.

- (b) During the parental leave period, the employee may request and be placed on annual leave with pay commencing the date determined by the employee to cover any part of the six-month period until all or any specified part of the employee's annual leave credits are used. The employee may not be required to use annual leave.
- (c) Illness caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom will be treated as a temporary disability and the employee will be allowed to use accrued sick leave credits when certified by a physician that the illness or disability was caused due to one of these reasons.
- (d) The State Health Insurance contribution will be paid for up to six months for any employee who has been granted an approved parental leave of absence without pay.
- (e) The appropriate supervisor may grant other leave without pay prior to or after the period of maternity leave if requested by the employee. Such leave is optional.
- (f) Should any portion of the parental leave be paid leave, the employee will accumulate all benefits granted under paid leave status.

2. Family Leave for Family Responsibilities

Employees will be granted, upon request, family leave without pay for family responsibilities other than family medical leave for a period not to exceed thirty calendar days, provided the granting of such leave would have minimum, impact of employees' work unit. Family responsibilities in this area may include, but are not limited to caring for aging parents, involvement in settling parents' estate upon their death, relocating dependent children into schools, or visiting family members in places which require extensive travel time.

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3. Other Leave Without Pay

An employee may, upon request, be granted leave without pay for reasons other than those provided above for a period not exceeding twelve (12) calendar months provided the supervisor deems such leave to be justified and not detrimental to the operations of the Office of Capital Collateral Counsel. The supervisor has the authority to grant a leave of absence without pay up to six months. Requests for extensions in excess of six month up to twelve (12) months must be approved by the Capital Collateral Counsel.

4. Procedure for Requesting Leave of Absence Without Pay

Request for approval of leave of absence must be made by the employee on the Request for Leave of Absence without Pay form. If approval is obtained the form must be submitted to the Administrative Services Director. Any extensions of leave of absence requiring the approval of the Capital Collateral Counsel must be coordinated through the Administrative Services Director.

5. Limitations of Leave Without Pay

An employee will not earn leave credits for the period he/she is on leave without pay. Leave without pay used due to the exhaustion of other types of paid leave, when unscheduled and where appropriate, will be used in determining excessive absenteeism. An employee who has been placed on a leave of absence without pay and is therefore in non-pay status for the entire day before a holiday shall not be eligible to receive payment for such holiday or any other holiday observed while the employee is on such leave.

Q. Guaranteed Salary Provisions

Any employee who is filing an excluded position shall be considered to have a guaranteed salary subject to the following provisions:

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1. Absence for Personal Reasons

- (a) When an employee is absent from duty for personal reasons and is eligible for leave as provided in these Procedures, the employee shall be required to use such leave to cover these absences.
- (b) When an employee is absent from duty for other than personal reasons and is not eligible for leave as provided in these Procedures, the employee shall be carried in full pay status for the remainder of any workweek in which any work is performed; however, deductions shall be made from the employee's salary on a prorated daily basis for each full day the employee is absent from duty and performs no work.

2. Absence for Other than Personal Reasons

- (a) When an employee is absent from duty for other than personal reasons and is eligible for leave as provided in these Procedures, the employee shall be required to use such leave to cover these absences.
- (b) When an employee is absent from duty for other than personal reasons and is not eligible for leave as provided in these Procedures, the employee shall be carried in full pay status for the remainder of any workweek in which any work is performed; however, deductions shall be made from the employee's salary for each full workweek the employee is absent from duty and performs no work.

1.4 Recruitment and Selection

A. Policies

1. Equal Employment Opportunity/Affirmative Action

The Office of Capital Collateral Counsel is committed to providing the highest quality of leadership and service to the State of Florida. To achieve this end, it is essential to maintain a highly qualified work force that is representative of the people of Florida. It is, therefore, the policy of this office to take affirmative action to employ qualified individuals



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from every segment of the available population. Consideration will be given to women and members of minority populations in recruitment and selection of candidates for employment. The intent of this policy is to achieve a representative work force.

Full support from each supervisor in adhering to this policy and accomplishing its objectives is required. Supervisors are expected to take an active part in implementing the Office's affirmative action plan. Periodic evaluations will be made to assess program accomplishments, and where imbalances or lack of progress are evident, necessary measures will be taken to remedy the problem.

Employment actions and conditions of employment shall be without regard to age, sex, race, religion, national origin, political opinion or

affiliation, marital status, or disability, except when such requirement constitutes a bona fide occupational qualification necessary to perform tasks associated with a position. Employment practices include but are not limited to recruitment, hiring, promotion, transfer, reassignment, training, benefits, and separation.

2. Employment Eligibility

The Immigration and Nationality Act, as amended, requires employers to hire only persons who may legally work in the United States. A new employee's identity and employment eligibility is therefore required at the time of employment through the completion of the U.S. Department of Justice, Immigration and Naturalization Service. Employment Eligibility Verification, Form I-9.

No person who is required to register with the Selective Service System may be offered employment in an established position without proof of registration. Male employees born after December 31, 1959 must show proof of registration with the Selective Service System before they can be promoted.

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B. Job Opportunity Announcements

1. Positions that are to be fill are generally to be announced with the following exceptions:
  - (a) Positions that are to be filled by demotion or reassignment are not required to be announced.
  - (b) When approved by the Capital Collateral Counsel, applicants from a previous job announcement may be considered in filling a position. The selection must, however, be made within six months of the closing date of the previous job announcement; and the position being filled must be the same position as previously advertised, or be a different position in the same class in the same geographical work area and requiring the same minimum qualifications and required entry-level knowledge, skills and abilities at the previously advertised position.
  
2. Job Opportunity Announcements are issued by the Administrative Services Director. The Job Opportunity Announcement contains the following:
  - (a) Official Class Tide - The official name assigned to the position.
  - (b) Position Number (when available) - A five-digit number which is assigned to each position.
  - (c) Job Location - The unit where the position is located.
  - (d) Salary Range - The minimum and maximum annual salaries of the position.
  - (e) Minimum Qualifications - The minimum training and experience requirements for the job and any required entry-level knowledge, skills and abilities for the position provided that are documented on the position description.
  - (f) Brief Description of Job Duties - Two or three sentences describing the primary duties and responsibilities of the position.

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- (g) Posting Date - Date the job opportunity announcement is distributed.
- (h) Application Deadline - The last day to apply for the position.
- (i) How to Apply - the address where applications are to be submitted.

Positions are also advertised in newspapers, journals and magazines upon request.

3. Job Opportunity Announcements will be issued as:

- (a) Open Competitive Job Opportunity - when applications are accepted from all applicants.

The position will be announced for a minimum of fourteen (14) calendar days. If there is an insufficient applicant pool the position may be announced for ten (10) calendar days.

- (b) Internal Job Opportunity - when applications are only accepted from employees currently employed in an established position in the Office.

The position will be announced for a minimum of seven (7) calendar days.

4. The supervisor must provide the Administrative Services Director with the following information when a position is to be announced:

- (a) The type of announcement desired, i.e., Open Competitive or Internal;
- (b) The position title;
- (c) The position number;
- (d) The length of time the position is to be announced if more than the minimum required;
- (e) Any other required entry-level knowledge, skills, and abilities for the position;

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- (f) A brief description of the primary job duties and responsibilities;
- (g) The contact person who will receive the job applications;
- (h) The interviewer; and
- (i) If the position is to be announced in a newspaper(s), magazine(s), etc., the name of each and the days and/or time period for advertising.

C. Accepting Job Applications

The Administrative Services Director accepts employment applications for announced positions only.

The Administrative Services Director maintains a lot of all employment applications received for announced positions. In the event applications are received by the unit where the vacancy exists, the name, sex and race (if noted on the application), of the applicant, and the date the application was received must be provided to the Administrative Services Director. Applications received after the application deadline will not be included for employment consideration unless an applicant expresses interest in the announced vacant position by written letter

before the close of business of the deadline date.

When requested, the Administrative Services Director will compare each applicant's education and experience to the minimum qualifications for the position. Those applicants meeting the minimum qualifications for the class shall be determined eligible and their applications forwarded to the interviewer.

D. Selection Procedures

1. Job Analysis

The first step in selection is to review the job tasks assigned to the position to determine the significant knowledge, skills, and abilities required for successful performance of the job. The steps noted below are recommended to effectively verify tasks and identify knowledge, skills and abilities;

- (a) Gather all materials that provide information about the job such as class specifications, position descriptions, and. unit policy and procedures manual(s).

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- (b) Analyze materials thoroughly. Ensure that position descriptions are accurate and up-to-date.
- (c) Identify the four or five duties that are most important to successful job performance.
- (d) List the knowledge, skills, and/or abilities that are critical to successful performance of the identified job duties.
- (e) Review the duties and knowledge, skills, and/or abilities for accuracy, clarity, and relevancy.
- (f) Separate the knowledge, skills, and abilities which the employee must bring to the job, entry level, and the knowledge, skills and abilities which can be learned during the first months of employment.
- (g) Rank the entry-level knowledge, skills, and abilities in order of importance to successful job performance.
- (h) Record the date, the knowledge, skills, and abilities were identified and the name(s) of the person(s) who identified them.

2. Selection Techniques Required

The mandatory selection techniques required for filling any position in the Office of Capital Collateral Counsel are application analysis, oral interview, reference check, and background security check (if specified by the Capital Collateral Counsel).

(a) Application Analysis

This is the first screening of the applicants and will determine the applicants who will proceed further in the selection process.

- 1. Based on the entry-level knowledge, skills, and abilities identified, determine what particular items are essential for satisfactory job performance. These become the criteria for screening applications.
- 2. Sort the applications into two categories: a) those applicants who meet the screening criteria and b) those who do not. Only those applicants who meet the screening

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criteria will compete in the remainder of the selection process.

3. Put the criteria used for screening the applicants in writing and record the date.

Any education used to determine the applicant's eligibility for the job and any which is used in the evaluation of the applicants must be verified. If a college degree is required, verification of high school graduation would not be necessary if the college degree is verified. If specific course work is required, then a transcript of courses must be submitted. To avoid delays, documentation should be requested at the time interviews are scheduled. Copies of high school diplomas (GED), college transcripts, licenses, certificates of completions, etc., may be accepted as verification. The verification of relevant education of the applicant to be appointed is required.

(b) Oral Interview

An oral interview is a series of job-related questions that are consistently asked of all applicants chosen to be interviewed for a particular position with responses being noted and evaluated in order to identify applicants' relative qualifications for the position.

The interview questions are based on specific job tasks or behavior and knowledge, skills and abilities that can be assessed with this technique. Oral interviews may be conducted by one interviewer or by a panel of interviewers. To assure that the same questions are asked of each applicant, the interviewer(s) should develop a series of job-related questions for the position and incorporate them into a form, leaving sufficient space after each question for entering the applicant's responses, interviewer's notes, and any other pertinent information.

(c) Reference Check

Reference checks are the last screening. The objectives in reference checking are to confirm information provided by applicants and obtain an evaluation of applicants' past job performance as it relates to the essential knowledge, skills and abilities identified for the position. The use of reference checks relies upon information from individuals, such as supervisors who

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have had knowledge of an applicant's work experience or educational background. The reference information can be obtained in person, over the telephone, or in writing. Only work experience used to determine eligibility or used in the employment decision must be verified. Reference checks must be completed on the applicant recommended for the position.

(d) Background Security Checks

These checks, if required, are conducted by the Florida Department of Law Enforcement.

E. Procedure for Approval to Make Appointments

Supervisors will, in reviewing selective recommendations, be aware of the objectives of the Affirmative Action Plan to provide equal employment opportunities to all protected classes covered in the Plan. It is imperative that selection decisions be made in the best interest of the Office, while maintaining compliance with federal and state laws and rules.

When a selection decision has been made the application and recommendation should be forwarded to the Administrative Services Director. The final approving authority is the Capital Collateral Counsel or the Chief Assistant Capital Collateral Counsel.

F. Notification of Applicants after the Position has been Filled

After a selection has been approved for the position, the hiring authority must return all remaining applications and any other relevant materials, notes, documents, and/or selection devices to the Administrative Services Director. The Administrative Services Director will be responsible for notifying applicants that the position has been filled. This information should be forwarded to the Administrative Service Director immediately after approval to fill the position.

1.5 Position Classification

Each authorized position in the Office of Capital Collateral Counsel is assigned a classification based on the basic element(s) of either duty or responsibility which indicate kind and level of work being performed.

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A. Position Descriptions

The position description describes the officially assigned duties and responsibilities and other pertinent information. It is a form which is completed by the supervisor, and forwarded to the Administrative Services Director. That person maintains the approved position descriptions for all positions. Supervisors should insure that employees under their supervision have a copy of their position description.

B. When to Submit Position Descriptions

A position description must be submitted when:

1. Establishing a newly authorized position;
2. Transferring a position to another work unit or a new supervisor,
3. The position is being updated to reflect changes or additions to duties and responsibilities;
4. There has been a gradual increase or decrease of either the kind of duties or level of responsibility to such an extent that the classification of the position should be changed; and
5. Requested by the Administrative Services Director.

C. How to Describe a Position

These items are general guidelines to be used when describing a position:

1. The job itself should be described not the individual performing the job.
2. List the duties and responsibilities in order of their importance, the most important first.
3. Position descriptions should be written in a concise, uniform, and complete fashion to enable reviewing personnel to understand clearly the duties and responsibilities.
4. Position descriptions should be written in plain, straight-forward, everyday English. Common terms should be used.
5. Use short, direct verbs in the present tense.



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6. Include specifically and in sufficient detail:
  - (a) What work is done;
  - (b) What methods are used;
  - (c) What equipment or tools are used;
  - (d) Responsibility for the results;
  - (e) Consequence of actions or errors;
  - (f) Instructions or guidelines provided;
  - (g) Supervision exercised and received;
  - (h) Relationship of position with others within the organization; and
  - (i) Any other pertinent facts.
7. Assign approximate percent of time spent in each outlined responsibility.
8. Use official class titles.
9. If a position is to be allocated to one class within a class series, indicate sufficient information of the position description to clearly distinguish the level.
10. Do not copy the verbiage from the class specification.
11. Do not use ambiguous terms, such as "handle", "research", etc., without full explanation as to what is entailed.
12. Do not lump all assignments together and assign 100% of time to this hodgepodge.
13. Do not use abbreviations or technical language without an explanation.
14. Do not use working titles where official class titles are requested.
15. Do not editorialize. (Example: "Deals with the public and must have a pleasing personality at all times.")

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D. Updating Position Descriptions

When the current position description does not contain all the duties and responsibilities, and/or the duties and responsibilities have changed but not significantly enough to change the classification of the position, or the position significantly enough to change the classification of the position, or the position is moved to a new supervisor, the position description should be updated.

A new position description should be completed by the supervisor reflecting the additions/changes. On the back of the form in the block entitled, "Type of Transaction" should be typed "up-to-date". After signatures by the supervisor, employee (if any), and reviewing authority, the description should be forwarded to the Administrative Services Director. After review and processing by the Administrative Services Director, a copy of the finalized description will be returned to the originator.

E. Organization Charts

Organizations charts reflect the reporting structure for the various program units in the Office. The development of the charts is based on the supervisory relationships noted on position descriptions. The Administrative Services Director is responsible for maintenance of organization charts.

1.6 Review and Performance Planning System

A. Policy Statement

1. Each employee's performance shall be reviewed to assess performance in relation to job requirements.
2. Employees shall not be expected to meet work expectations which have not been defined on their official position descriptions or identified to them as being part of the performance standards/expectations requirements of their position.
3. The Review and Performance Planning System shall be used for, but not limited to, the following purposes:
  - (a) To inform the employee of strong and weak points in the employee's performance, improvements expected, and current and future training needs.
  - (b) To provide documentation in support of recommendations for

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salary increases, promotions, demotions reassignment's or dismissals.

(c) As a basis for improving the performance of the State's workforce.

B. Supervisors' Responsibilities

1. All forms shall be completed within stipulated time frames by the employee's current immediate supervisor unless it has been determined that another employee would be more appropriate to be designated as the supervisor for this purpose. Such designations shall be made in writing.
2. Supervisors shall be held accountable for performance reviews being completed within reasonable time frames.
3. All review forms shall be reviewed by a higher-level supervisor prior to discussion with the employee, whenever possible. The supervisor's completed Review and Performance Planning or Performance Improvement Plan forms shall certify that they have reviewed the form and may attach comments. Such written comments shall also be provided to employee.

C. Review and Performance Planning System Forms

The forms used in the Review and Performance Planning Systems are:

1. Review and Performance Planning - the record which documents;
  - (a) Planning for the initial review period;
  - (b) Performance of standards/expectations for a specific period of time; or
  - (c) Planning for subsequent review periods.
2. Performance Improvement Plan - the record which identifies performance deficiencies and improvements necessary.
3. Special Recognition/Accomplishment - the record which recognizes the employee for exceptional accomplishments made in the performance of duties. These are efforts which are above and beyond the normal work expectations.

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D. Review Periods

1. Review and Performance Planning forms and Performance Improvement Plans shall not overlap any of the same periods of time and periods shall be reflected on the required forms.
2. At the option of the supervisor, a six-month Review and Performance Planning form may be completed for each employee, hired, promoted, demoted, or reassigned. The form should be completed 30 calendar days prior to the end of six months of appointment to the position.
3. Annual Review - A Review and Performance Planning form should be time, at the discretion of the supervisor.
4. Special recognition and accomplishments may be documented at any time, at the discretion of the supervisor.
5. If there is any period of service which is not covered by a Review and Performance Planning form or a Performance Improvement Plan as indicated by the dates shown on the form, the employee shall be considered as having achieved the performance standards/expectations of the position for that time period.

E. Procedure

1. Upon original appointment (new hire), promotion, demotion, or reassignment, or at the beginning of a review period, the supervisor shall meet with the employee to provide the employee with a copy of the position description and to discuss performance standards/expectations. (A performance standard is a stated measure of objectives the employee is expected to accomplish. Performance expectations are job related goals set at the beginning of the performance planning period.)

The top portion of the Review and Performance Planning form is completed with the beginning date being the day the employee and supervisor meet. The employee and supervisor shall sign and date the Review and Performance Planning form indicating that the position description and performance standards/expectations have been discussed.

2. During the review period the supervisor and employee may meet periodically to review the employee's progress, identify problems and make necessary changes to duties and responsibilities and/or objectives/goals.

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3. The Administrative Service Director will notify the unit directors as performance reviews are due for employees in their unit.
4. After the supervisor prepares and signs the bottom portion of the review form, he/she forwards it to the next level supervisor as stated in 1.6 B3, above.
5. The supervisor and employee shall meet to discuss the employee's work performance during the previous review period and plan for the next review period. The employee shall be furnished a copy of the completed Review and Performance Planning form and shall sign a copy which will be placed in the employee's personnel file. The signature of the employee will indicate only that the employee's work performance and plan have been discussed with the employee and does not imply that the employee agrees or disagrees. In the event an employee refuses to sign the form, it shall be filed in the employee's personnel file with a notation dated and initialed by the supervisor that the employee refused to sign. A copy shall be furnished to the employee. A review is considered to be complete when it has been discussed with the employee and the employee has signed or refused to sign it.

The top portion of a new Review and Performance Planning form is then completed with the beginning date being the day after the employee's signature date on the completed form. The ending date is the date assigned within a year of the beginning date.

F. Performance Improvement Plan

If an employee is not achieving the performance standards/expectations of the position, a Performance Improvement Plan shall be completed. The employee shall have up to 60 calendar days from the date the Performance Improvement Plan is completed to improve the work performance. Any performance deficiency or pattern of performance deficiencies which give rise to, or contribute to, the preparation of a Performance Improvement Plan may be included in such plan provided the pattern of deficiencies has previously been documented and discussed with the employee.

1. Employee under a Six-Month Review Period

If an employee under a six-month review needs a Performance Improvement Plan during their review period, the bottom part of the Review and Performance Planning form should be completed with the

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same "period beginning" date that was originally noted on the top portion of the form. The ending date must be the day before the Performance Improvement Plan begins. A comment should be made in the supervisor's comment section that the employee is not meeting performance standards/expectations at this time and will be placed on a Performance Improvement Plan. The bottom portion of the form must be signed as noted in 1.6 E 5 above. A Performance Improvement Plan form should then be prepared with the beginning date the day after the ending date of the bottom portion of the Review and Performance Planning form. The ending date must be within 60 days from the beginning date.

At the end of the Performance Improvement Plan period if adequate improvement has not been made the employee must be removed from the class. Removal from the position may be demotion or termination. The supervisor's recommendation must be made in writing and forwarded through supervisory channels to the Capital Collateral Counselor his designee for approval.

If the employee's performance has improved adequately, the supervisor on closing out the Performance Improvement Plan must write in the supervisor's comment section that the employee is now meeting performance standards/expectations. The top portion of a new Review and Performance Planning form is then completed with the beginning date being the day after the employee's signature date of the Performance Improvement Plan form. The ending date of the new Review and Performance Planning form is the date that completes the six-month period or extended period.

2. Employee under an Annual Review Period

The process of implementing the Performance Improvement Plan for an employee under an annual review period is the same as for employees under a six-month review. If within the 60-day period the employee does not achieve the performance standards/expectations of the position action shall be initiated to remove the employee from the class. Removal from the position may be demotion or termination. The supervisor's recommendation must be made in writing and forwarded through supervisory channels to the Capital Collateral Counselor his designee or approval. The action shall be completed within 45 calendar days of being initiated.

If the employee's performance has improved adequately, the supervisor on closing out the Performance Improvement Plan must write in the supervisor's comment section that the employee is now meeting

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performance standards/expectation. The top portion of a new Review and Performance Planning form is then completed with the beginning date being the day after the employee's signature date on the Performance Improvement Plan form. The ending date of the new Review and Performance Planning form is any date within a year of the beginning date.

3. Review Period Extension(s)

- (a) The Performance Improvement Plan review period may be extended beyond the 60 calendar days on a day-for-day basis for any approved leaves of absence with or without pay which occur within the 60-day period.
- (b) Military leave shall be used to extend a Performance Improvement Plan review period beyond the 60 calendar days on a day-for-day basis.

1.7 Disciplinary Actions

A. Policy Statement

Employees of the Office of Capital Collateral Counsel are at will employees and as such may be terminated at any time deemed necessary or desired by management. In the event a decision is made to take disciplinary action, this section outlines the procedures that will be followed by management and supervisory staff in the Office.

B. Types of Disciplinary Actions

Oral reprimand, written reprimand, suspension and dismissal are disciplinary actions covered by this policy.

- 1. Oral Reprimand: This is the least severe type of disciplinary action and is used to get the attention of the employee if counseling has not been effective in correcting a particular problem.
- 2. Written Reprimand: A written reprimand warns an employee in writing of specific conduct or performance standard which has been violated and places the employee on written notice that corrective action must be taken.

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3. Suspension: Suspension is defined as the action taken by the Office to temporarily relieve the employee of duties and place the employee on leave without pay.
4. Dismissal: Dismissal is defined as the action taken by the Office to separate the employee from State government.

Suspension and dismissal actions must be coordinated with the Administrative Services Director prior to any action being taken.

C. Delegation of Authority

1. Oral and Written Reprimands: Oral and written reprimands may be given by all supervisory levels. However, oral or written reprimand are normally taken by the employee's immediate supervisor.
2. Suspension and Dismissal: The immediate supervisor may make recommendations, through supervisory channels to the Capital collateral counsel or his designated representative, on suspension or dismissal action.

D. Establishing Just Cause

Disciplinary actions shall only be taken for just cause. The disciplining authority shall review an alleged violation of Office conduct or performance standards to determine the following:

1. Notice: Has the employee been advised that his/her action(s) are contrary to the Office's standards of conduct or performance? If it is a repeated offense, was the employee previously warned of consequences of repeated offense?
2. Reasonably Related: Are the work standards and rules, over which the employee may be disciplined, related to the job, as opposed to arbitrary or discriminatory requirements that have no relationship to the employee's job?
3. Proof of Misconduct: Was the alleged offense investigated objectively and did the results clearly establish that the Office's standards of conduct or performance were not followed?



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4. Past Practice: Is the proposed discipline in the current case consistent with past treatment of employees who committed the same offense? The Administrative Services Director should be contacted for this information.

Appropriateness of Discipline: Is the severity of the proposed discipline reasonably related to the seriousness of the offense? Has the employee's prior record of work performance, conduct, and discipline been given consideration? The Administrative Services Director will provide assistance in determining whether just cause exists, as requested.

E. Investigatory Interview

An investigatory interview is used by the supervisory to determine whether the employee committed the alleged offense. The employee must be advised prior to the interview that the supervisor will be conducting an investigatory interview.

F. Procedure for Taking Disciplinary Actions

1. Procedure for Oral Reprimand

If it is determined by the disciplining authority that an employee's failure to meet the Office's standards of conduct or performance warrants an oral

reprimand the discipline authority shall:

- (a) Meet with the employee in as private a location as possible.
- (b) State specifically that the employee is being given an oral reprimand.
- (c) Cite the specific conduct or performance standard which had been violated.
- (d) Explain precisely what corrective action the employee should take.
- (e) Confirm the employee's understanding of the problem and possible future consequences if it is not corrected or if it occurs again.
- (f) Prepare a brief memorandum to the employee which will confirm that the employee was given an oral reprimand. The memorandum should include:

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- 1) The employee's name and disciplining authority's name.
  - 2) The date the oral reprimand was given.
  - 3) The nature of the offense or violation.
  - 4) A notation that copies are being tiled in the employee's personnel file.
- (g) The employee may be informed that he/she may file an explanatory memorandum which will be attached to the copies of the memorandum which confirms the oral reprimand.
- (h) The original memorandum should be given to the employee, and a copy should be forwarded to the Administrative Services Director to be filed in the employee's personnel file.

2. Procedure for Written Reprimand

If it is determined by the disciplining authority that an employee's failure to meet the Office's standards of conduct or performance warrants a written reprimand the discipline authority shall:

- (a) Prepare a memorandum to the employee. The memorandum should be concise and to the point and should include:
- 1) The employee's name and disciplining authority's name.
  - 2) The date of the written reprimand.
  - 3) A statement that the memorandum is or constitutes a written reprimand.
  - 4) The nature of the offense or violation.
  - 5) A statement of corrective action which is expected.
  - 6) A statement that future violations will result in progressively more severe disciplinary action.
  - 7) A notation that a copy is being filed in the employee's personnel file.

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- 8) A statement of receipt to be signed and dated by the employee should appear at the end of the memorandum. If the employee refuses to sign the statement of receipt, the disciplining authority should note that the employee refused to sign the statement.
  
- (b) Meet with the employee in as private a location as possible.
- (c) State specifically that the employee is being given a written reprimand.
- (d) Cite the specific conduct or performance standard which has been violated.
- (e) Discuss briefly the specific incident that prompted the discipline.
- (f) Indicate the corrective action which is expected.
- (g) Confirm the employee's understanding of the problem and that future violations will result in progressively more severe disciplinary action.
- (h) The employee may be informed that he/she may file and
- (i) explanatory memorandum which will be attached to the copies of the written reprimand.
- (j) The original of the written reprimand should be given to the employee. One copy should be sent to the supervisor and one copy should be forwarded to the Administrative Services Director to be filed in the employee's personnel file.

G. Offenses

The most commonly occurring offenses in an organization are absence without authorized leave. Excessive absence, continued inefficiency, inability to perform assigned duties, substandard performance of assignee duties, violation of CCRC policy, insubordination, conduct unbecoming a public employee, conviction of a crime or plea of guilty or nolo contendere sexual harassment, falsification of records, unauthorized use of State property, equipment or personnel. Improper and/or careless use or operation of State property or equipment, violation of safety practices, sabotage, and drinking on the job or reporting to work under the influence of alcohol.

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H. Demotion and Reduction in Pay

Demotion and reduction in pay actions are appropriate when an employee fails to meet performance standards/expectations as reflected in a Performance Improvement Plan.

1. Definitions

- (a) Demotion: Demotion is defined in Section 1.1B 4 of these Procedures.
- (b) Reduction in Pay: A reduction in pay is defined as discretionary action taken by the Office in reducing an employee's base rate of pay where such reduction is not required by the provisions of State rules.

2. Delegation of Authority

The immediate supervisor may make recommendations that action be taken to demote and/or reduce the pay of an employee. The Capital Collateral Counsel will make the final decision.

3. Procedure for Taking Demotion and/or Reduction in Pay Action

If it is determined that demotion and/or reduction in pay actions are warranted the Administrative Services Director should be contacted immediately. That person, in coordination with the supervisor will prepare the notice for the signature of the Capital Collateral Counsel or his designated representative. The supervisor must provide written documentation/justification for the recommended action(s). The letter signed by the Capital Collateral Counsel will be mailed by the Administrative Services Director and a copy sent to the supervisor and a copy placed in the employee's personnel file.

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1.8 Employee/Employer Relations

A. Code of Ethics

1. Policy Statement

It is the policy of this Office that, as stewards of the public trust, employees of the Office will use the powers and resources of the Office to further the interests of the clients we are duty bound to represent and not for any financial or personal benefit other than salaried compensation and employer provided benefits.

Employees are expected to safeguard their ability to make objective, fair and impartial decisions, and therefore must not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence pending or future decision. Employees shall avoid any conduct or financial relationships which might undermine public trust whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

Decisions made by employees in the performance of their duties shall be made without bias and shall not be improperly influenced by the race, color, national origin, age, sex, handicap, or religious creed.

2. General Provisions

Employees of the Office will comply with the requirements of Chapter 112, Part, Florida Statutes. Provisions of Chapter 112, Part III, Florida Statutes, in part, that are applicable to the Office are:

- (a) Employees are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service that is based on an understanding that their official action or judgment would be influenced by such gift.
- (b) Employees and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know or with the exercise of reasonable care should know, that it is given to influence their official action.

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- (c) Employees are prohibited from corruptly using or attempting to use their official positions to obtain a special privilege for themselves or others.
- (d) Employees are prohibited from disclosing or using information not available to the public and obtained by reason of their public positions for the personal benefits of themselves or others.
- (e) Employees are prohibited from soliciting an honorarium which is related to their public office of duties.
- (f) Employees acting as purchasing agents or employees acting in their official capacity are prohibited from purchasing, renting, or leasing any realty, goods, or services for the Office from a business entity in which they, their spouse, or child own more than 5% interest. Also, employees, acting in private capacity, are prohibited from renting, leasing, or selling any realty, goods, or services to the Office.
- (g) Employees are prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with the Office. Employees are also prohibited from holding any employment or having a contractual relationship which will pose a conflict between their private interests and public duties or which will impede the full and faithful discharge of their public duties.
- (h) An Employee who participates in the decision-making process involving a purchase request who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding the Office's contract for services, is prohibited from contemporaneous employment with a person holding such a contract with the Office.

For further discussion of these provisions refer to Chapter 112, Part III Florida Statutes.

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B. Opportunity/Affirmative Action

1. Policy

Any employee who believes that he or she has been discriminated against may file a complaint with the Florida Commission on Human Relations, the Capital Collateral Counsel, or the Administrative Services Director within 365 days of the action causing the complaint. Complaints will be handled in accordance with procedures set forth in Chapter 60Y, F.A.C. No employee of this Office shall in any way retaliate against a person filing a complaint of discrimination. A copy of the complaint will be provided to the Administrative Services Director who will work with the appropriate supervisor and designated staff to resolve the case.

2. Internal Complaint Procedure

Employees are encouraged to bring any prohibited conduct such as race, sex, age and handicap discrimination under Title VII of the Civil Rights Act of 1964; the Rights Act of 1992, as amended; Section 504 of the Rehabilitation Act of 1973; Equal Pay Act; or Age Discrimination Employment Act to the attention of the Administrative Services Director.

- (a) An employee may file a complaint concerning prohibited conduct under Title VII or the Rights Act of 1992, as amended, the Affirmative Action Plan, or the above cited Acts within ten workdays of the conduct. The complaint shall be filed with the Administrative Services Director. Oral complaints shall be reduced to writing by the Administrative Services Director. The complaint shall state the date, time, and facts constituting the conduct or action.
- (b) The Administrative Services Director shall confer with the complainant and the respondent within five workdays from the complaint being filed to ascertain whether the matter can be resolved. The Administrative Services Director will report the finding of the conference to the Capital Collateral Counsel. The Administrative Services Director shall investigate the complaint before the conference.
- (c) If no resolution can be reached at the conference, the Administrative Services Director shall report the matter to the

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Capital Collateral Counsel within five workdays for a final decision. The report shall be in writing and contain recommendations. The Capital Collateral Counsel may ask questions of either party, direct further investigation, or appoint a committee of three people to hear the complaint before reaching a decision.

- (d) If appointed, the committee shall hear the matter within ten workdays of being appointed. Each committee member shall make a written recommendation and submit it in a sealed envelope to the Capital Collateral Counsel within ten workdays after the hearing.
- (e) If the Capital Collateral Counsel's decision is not acceptable to the complainant, recourse may be sought by the complainant with the Florida Human Relations Commission, Equal Employment Opportunity Commission, or any other appropriate body.

C. Sexual Harassment Policy

1. Policy Statement

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (a) Submission is made either an explicit or implicit condition of employment;
- (b) Submission or rejection is used as the basis for an employment decision affecting the harassed employee; or
- (c) The harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Title VII of the Civil Rights Act prohibits sexual harassment by supervisory personnel, co-workers and non-employees who may be present in the work place. Supervisors who are aware of such conduct are required by law to take immediate corrective action. Failure to do so will result in disciplinary action toward the supervisor. Any employee who is found to have sexually harassed another employee will be subject to disciplinary action up to an including dismissal.



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Complaints of sexual harassment may be filed with the employee's immediate supervisor, or the Administrative Services Director. Complaints will be investigated promptly and appropriate action taken in a timely manner.

2. Complaint Procedure

Complaints may be resolved informally or through a formal process.

(a) Designation of the Investigator

- 1) If the complaint is filed with the immediate supervisor the immediate supervisor will investigate it if the employee wishes to resolve the complaint informally.
- 2) If the complaint is filed with the Administrative Services Director, he or she will investigate complaints unless otherwise assigned by the Capital Collateral Counsel.

(b) Procedure

The investigator will:

- 1) Get a verbal statement of the facts believed by the employee to constitute sexual harassment:
- 2) Determine if the employee wishes to resolve the complaint informally or whether the employee wishes to file a formal written complaint.
- 3) If the employee elects to handle the complaint and its disposition informally, the investigator will:
  - a) Make the accused aware of the specific nature the complaint, interview the accused and interview any other persons the accused and the employee may suggest to obtain a complete record of the facts surrounding the complaint;
  - b) Inquire of the employee and the accused as to any mutual resolution of the problem which may be

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acceptable between the parties at that point. If both agree upon an acceptable resolution of the complaint, the matter will be closed.

- c) If the employee and accused do not agree on an acceptable resolution, the investigator must advise the employee that a written complaint must be filed with the Capital Collateral Counsel.
  
- 4) An employee who is unable to reach an agreement through the informal process or who elects to utilize the formal procedure must file a written complaint with the Capital Collateral Counsel. Upon receipt of the complaint, the Capital Collateral Counsel will appoint an investigator. The investigator will obtain information gathered from the informal proceedings, if any, and interview the employee for the purpose of obtaining any additional facts that may be needed to supplement the complaint. The investigator will investigate all specific allegations, interview any witness, including supervisors and co-workers and take statements from witnesses, including supervisors and coworkers, if he or she deems it necessary. A written report of the findings as a result of the investigation will be submitted to the Capital Collateral Counsel with copies to the employee and the accused within thirty (30) days after filing of the complaint. The Capital Collateral Counsel will determine whether to dismiss the complaint as insufficient or to utilize the provisions of 1.7 of these Procedures.

If the complaint is dismissed or if corrective action is taken, the employee may still file a complaint with the United States Equal Employment Opportunity Commission or the Florida Human Relations Commission.

The employee may also file a complaint with the above Commissions without going through the Office's procedure.

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D. Policy of Non-Discrimination on the Basis of Disability

1. Policy Statement

The Office of Capital Collateral Counsel does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from The Administrative Services Director.

2. Internal Grievance Procedure

The Office has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Complaints should be addressed to the Administrative Services Director.

- (a) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- (b) A complaint should be filed within 15 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
- (c) An investigation as may be appropriate, shall follow a filing of complaint. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

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- (d) A written determination as to the validity of the complaint and a description of a resolution, if any, shall be issued by the Administrative Services Director and a copy forwarded to the complainant no later than 30 days after its filing.
- (e) The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 15 days to the Capital Collateral Counsel.
- (f) The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit to other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- (g) This procedure shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the Office complies with the standards and to assure that the Office complies with the Americans with Disabilities Act and implementing regulations.

E. Drug-Free Workplace Policy

1. General Provisions

Employees are subject to Florida Drug-Free Workplace Act, Section 112.0455, Florida Statutes and are subject to drug testing as outlined in Chapter 59A-24, Florida Administrative Code.

2. Types of Drug Tests

The drug tests conducted by the Office are:

- (a) Reasonable Suspicion - testing of an employee based on a belief that the employee is using or has used drugs in violation of this Policy.
- (b) Follow-up - testing of employees who have entered and completed treatment in an employee assistance program for drug related problems, or an alcohol and drug rehabilitation program.

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Employees will be subject to quarterly drug testing for two years from the date of completion.

3. Drugs:

Test will be conducted for the following drugs:

<b><u>DRUGS</u></b>	<b><u>TRADE OR COMMON NAMES</u></b>
Amphetamines	Amphetamine, Delcobes, Desoxyn, Dexedrine, Mediatric
Cannabinoids Marijuana	Pot, Acapulco Gold, Grass, Reefer. Sinsemilla, Thai Sticks
Tetrahydrocannabinol	THC
Hahish	Hash
Hashish Oil	Hash Oil
Cocaine	Coke, Flake, Snow, Crack
Hallucinogens Phencyclidine	PCP, Angel Dust, Hog
Methaqualone	Quaalude
Opiates	Opium, Dover's Powder, Paregoric, Parepectolin
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate
Benzodiazepines	Ativan, Azene, Clonopin, Edalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril

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Synthetic Narcotics

Methadone

Propoxyphene

Dolophine, Methadone, Methadose

Alcohol

Including distilled spirits, wine, malt beverages, and intoxicating liquors

4. Confidentiality

Employees will be permitted to confidentially report the use of prescription or nonprescription medication both before and after being tested. Employees may consult the testing laboratory for technical information regarding prescription and non-prescription medication. All information, interviews, reports, statements, memoranda, and test results written or otherwise, received by the Office through this testing program are confidential communications and shall not be or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Chapter 60L-19, of the Department of Management Services, Personnel Management System Provisions.

5. “Reasonable Suspicion” Drug Test Procedure

(a) Definition

"Reasonable suspicion" drug testing means drug testing based on a belief that an employee is using or has used drugs in violation of this policy drawn from specific objective and articulable facts reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- 1) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- 2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- 3) A report of drug use, provided by a reliable and credible source, which has been independently corroborated.

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- 4) Evidence that an individual has tampered with a drug test during his employment with the Office.
- 5) Information that an employee has caused, or contributed to, an accident while at work.
- 6) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on State premises or while operating the Office's vehicle(s), machinery, or equipment

(b) When a "Reasonable Suspicion" Drug Test is required

A "reasonable suspicion" drug test will be required upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question.

(c) Documentation Requirement

The supervisor recommending that an employee submit to "reasonable suspicion" drug testing must promptly detain in writing the circumstances which formed the basis of the determination that reasonable suspicion exists to warrant the testing. This document shall be forwarded under confidential cover or presented by hand by the immediate supervisor to the supervisor who would recommend testing. The document shall not be duplicated or stored in memory or on diskette by any word processing device. Where possible the written documentation should be prepared at the time the recommendation for testing is made.

6. Scheduling the Drug Test

If the decision is made to require a drug test, the supervisor must notify the Administrative Services Director and immediately forward under confidential cover the original documentation. The Administrative Services Director will schedule the appointment at the collection site. The Administrative Services Director will also provide the documents that must be taken to the collection site and information on the Office Drug Testing Program.

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7. Notification of Test Results

The Administrative Services Director will notify the recommending supervisor of the test results. If the results are positive and confirmed, the Administrative Services Director will advise the Capital Collateral Counsel.

8. Follow-Up Drug Test Procedure

An employee who has a first-time positive confirmed drug test result who successfully completes an employee assistance program or alcohol and drug rehabilitation program must submit to a drug test on a semi-annual basis for up to two years after treatment. DNA tests will be scheduled by the Administrative Services Director and the results provided to the Capital Collateral Counsel.

9. Appeal Rights

An employee who receives a positive confirmed drug test result may contest or explain the result in writing to the Administrative Services Director in 5 working days after receipt of notification of the positive confirmed test. An employee who is disciplined may file an appeal with the Public Employees Relations Commission. The appeal must be filed within 30 calendar days of receipt by the employee of notice of discipline. An employee alleging a violation of the provisions of chapter 60L-19, that is not remediable by the Commission, must institute a civil action for injunctive relief or damage, or both, in a court of competent jurisdiction within 180 days of the alleged violation, or be forever barred from obtaining relief.

10. Employee Assistance

Employees with a first-time positive confirmed drug test result may be required to seek treatment from an employee assistance program or alcohol and drug rehabilitation program which will be at the employee's expense. The successful completion of the program maybe a condition of continued employment. The Administrative Services Director will provide information and assistance in locating treatment programs.



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An employee will not be dismissed, disciplined, or discriminated against as a result of voluntarily seeking treatment for a drug related problem if the employee has not previously tested positive (confirmed) for drug use, entered an employee assistance program for drug related problems, or entered an alcohol and drug rehabilitation program.

11. Test Refusals/Positive Confirmed Test after Treatment

An employee who refuses to submit to a drug test is subject to immediate dismissal.

12. Drug-Free Awareness Program

The Office commits to and hereby reaffirms a Drug-Free Awareness Program to inform employees of the dangers of Drug-Free Workplace Policy drug abuse and of available drug counseling and rehabilitation programs. This will be accomplished through a continuing drug education program for current employees and the orientation of new employees.

13. Disciplinary Standards

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Office.

- (a) Any employee who is arrested for the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or who is arrested for driving under the influence of alcohol, on or off the job, shall notify their immediate supervisor and the supervisor will ensure that the Capital Collateral Counsel is notified of such an occurrence may result in dismissal. The Capital Collateral Counsel may place the employee on appropriate leave pending evaluation of the charges and disposition of the arrest.
- (b) Any employee convicted of or who enters a plea of nolo contendere to a crime relating the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, or other drug related criminal sanction shall be dismissed.
- (c) The Office will follow the provisions of the State Policy on Alcoholism in addressing infractions made by employees as a

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result of the use of alcohol. If working conditions and or public relations are obviously and adversely affected by the problem drinker's behavior the employee will be placed on compulsory disability leave. If the problem drinker refuses to recognize his/her condition and fails to seek help, or fails to complete the program of treatment is unsuccessful, the employee shall be dismissed.

14. Distribution

New employees will receive a copy of the policy on appointment. Supervisors are to ensure that a copy of this policy is posted in their unit.

1.9. Workers' Compensation

A. Basic Information

Whenever a workers' compensation injury occurs, the employees bears put of the loss, as the Workers' Compensation Law provides that the injured employee shall be paid compensation at the rate of  $66\frac{2}{3}$  of his/her average weekly wage during his/her disability.

Worker's compensation insurance protection covers all employees.

B. How to Report an Injury

Accidents must be reported to the Administrative Services Director. That person will forward a Notice of Injury form which must be completed and signed by the immediate supervisor and the employee. This form must be returned to the Administrative Services Director immediately. The employer's failure to notify the Division of Risk Management of an accident within nine calendar days of actual knowledge of the injury could result in the employer being penalized for each such failure. Accidents resulting in the death of an employee must be reported by telephone to the Administrative Services Director within 24 hours, and a Notice of Injury form must be filed immediately thereafter. The Administrative Services Director is responsible for reporting accidents to the Division of Risk Management.

C. Obtaining Medical Care for the Employee

If medical treatment seems to be necessary, the employee should go to the nearest walk-in clinic near the worksite. Hospital emergency rooms should only be used for true emergency treatment not for routine office visits and treatments. The

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majority of doctors and hospitals will provide necessary medical services without question. However, should the doctor or hospital require verification that the injury is job-related, the immediate supervisor should provide such information orally or in writing. The doctor or hospital should be informed that the Office is self-insured, and should be requested to forward their bill or medical report to the Department of Insurance, Division Risk Management, Bureau of State Employees' Workers' Compensation Claims, Larson Building, Tallahassee, Florida 32399-0339.

Should the employee pay medical bills resulting from a job-related injury, those bills should be submitted to the Administrative Services Director for referral to the division of Risk Management. The bills must show the name of the injured employee, the date of the injury the employee's social security number, and must be clearly marked "paid".

D. Absence Report

An employee who is absent due to a job-related disability must be shown, out on the employee's Individual Attendance and Leave Report under "Other" during the first seven calendar days or 40 intermittent work hours following the accident. In the "Comments" section, "disability leave with pay due to a job-related injury" should be noted.

E. Sick and/or disability Leave

After the employee has exhausted disability leave with pay, the employee has two alternatives:

1. Use his/her sick, compensatory or annual leave. Absence past the first seven calendar day period may be charged to sick, compensatory, or annual leave, as appropriate. When the employee receives workers' compensation benefit checks, these checks will be adjusted along with the employee's pay warrant to bring the monthly earnings up to the pre-injury gross rate of pay.

The employee's leave will be adjusted accordingly. The total of the workers compensation benefits and the gross salary should never exceed the employee's pre-injury gross rate of pay.

2. Request to be placed on leave without pay and receive worker's compensation benefits. If the employee chooses to receive worker's compensation benefits rather than use leave, the first 40 hours the employee is not at work are still charged to disability leave with pay.

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After that time, workers compensation benefit checks will be issued. The employee will accrue leave while on leave without pay due to a job-related injury. If an employee is on leave without pay in excess of forty (40) consecutive work hours, a Request for Leave of Absence without Pay form must be completed and submitted to the Administrative Services director.

In both alternatives described above, the employee will receive the workers' compensation check, the employee will receive from the Administrative Services Director a memorandum requesting the alternative he/she has selected.

F. Return to Alternate Duty

When the Division of Risk Management of the Department of Insurance has determined that an employee is entitled to receive a temporary partial disability benefit or a temporary total disability benefit pursuant to the provisions of Section 440.15, Florida Statutes, and there is medical certification that the employee cannot perform the duties of the employee's regular position but the employee can perform some type of work beneficial to the Office, the employee may be returned to the payroll at his/her regular rate of pay to perform such duties as the employee is capable of performing even if there is not an established position in which the employee can be placed. If his/her supervisor with approval of the Capital Collateral counsel elects to return an employee to alternate duties he/she will inform the injured employee in writing of the alternate duties to be performed, hours of work, and the expected length of time of the alternate assignment. A copy of such notification should be submitted to the Administrative Services Director.

An employee who performs such alternate duties shall have his/her performance reviewed at least quarterly. When the employee becomes able to perform the duties of his/her regular position, the supervisor shall reassign the duties accordingly and return the employee to his/her regular position. In no event shall the employee be allowed to continue performing the alternative duties once maximum medical improvement has been determined by the Division of Risk Management unless the employee is officially appointed to the position. The supervisor should notify the Administrative Services Director at the time the employee is removed from alternative duty.

G. Employer's Supplemental Report of Injury and Wage Statement

When an employee is absent more than 40 hours due to job-related injury, the supervisor who completed the Notice of Injury must complete, sign and forward the Employer's Supplemental Report of Injury to the Administrative Services

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Director. That person will prepare the Wage Statement and both reports will be forwarded to the division of Risk Management.

When an employee returns to duty after a period of absence due to a job-related injury, the supervisor must complete, sign and forward the employer's Supplemental Report of Injury to the Administrative Services Director.

H. Statement of Charges for Drugs and Medical Supplies

To be reimbursed for drugs or medical supplies due to an on the job injury, the employee must complete a Statement of Charges for Drug and Medical Supplies. After completion, the form must be submitted to the Administrative Services Director.

I. Information and Assistance

Supervisors should not attempt to give advice to injured employees on the legal aspects of the Workers' Compensation Law and should not make decisions on whether an injury is or is not covered. They must immediately obtain medical treatment for the injured employee, if necessary, and then file a timely Notice of Injury form. The division of Risk Management and the courts will rule on the validity and/or legality of claims.

All workers' compensation forms and claims must be submitted to the Administrative Services Director. If an employee claim for benefits is denied and/or the employee needs/desires information or clarification on his/her claim, supervisors must advise the employee to contact the Bureau of State Employees' workers compensation Claims by calling the toll-free number 1-800-262-4402.

1.10 Other Personal services (OPS)

A. Definition

Other Personal services (OPS) means the compensation for services rendered by a person who is not a regular or full-time employee fill in as an established position. This shall include, but not be limited to, temporary employees, stunner or graduate assistants, fellowships, part-time academic employment, board members, consultants, and other services specifically budgeted by each agency in this category.

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B. OPS Categories used by the Office

1. Student or Graduate Assistants

This category is reserved for bona fide degree-seeking students in an accredited secondary or post-secondary educational program who are employed on an occasional or part-time basis.

- (a) A part-time student eligible for employment as a student assistant must be enrolled for a minimum of nine quarter hours, six semester hours or part-time basis.
- (b) While there is no time limit for student assistants, students must furnish proof of enrollment at the beginning of each school term to their supervisor. Supervisors must forward such proof of enrollment to the Administrative Services Director for inclusion in the employees' personnel file. Proof of enrollment may be made by a validated student identification card, or certification by a college registrar, high school principal or similar official.

2. Temporary

This category is used for employees employed for the purpose of accomplishing tasks or projects that are short term in nature.

C. Recruitment of OPS Employees

The appointing authority may recruit from any source deemed appropriate to fill OPS jobs, e.g. job opportunity announcement, newspaper advertising etc. Upon request the Administrative Services Director will be available for recruitment of applicants for OPS jobs.

Each applicant that is interviewed must be provided a copy of the terms and conditions of Other Personal Services employment.

D. Pay for OPS Employees

The pay level of an OPS employee is determined by the supervisor with approval of the Capital Collateral Counsel. OPS employees are paid on an hourly basis for the number of hours actually worked. All provisions relating to payment of salaries are contingent upon Other Personal Services funds being available within the current operating budget

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E. Time and Attendance

OPS employees are paid only for the hours they actually work. They are not eligible for annual, sick, administrative or holiday leave pay as are employees in established positions. OPS employees are not granted administrative or other types of leave and are not paid for official holidays unless they actually work on these holidays.

OPS timesheets must be submitted to the Administrative Services Director on a biweekly basis to meet established payroll deadlines.

F. OPS Benefits

OPS employees may participate in the State's Direct Deposit Program. Additionally, OPS employees may participate in the State Deferred Compensation Plan, Florida State Employees' Charitable Campaign Payments for these programs are payroll deducted. State Student Loans may also be payroll deducted.

G. Requests for Extension of OPS Appointments

OPS employees may work up to 1040 hours. If an OPS employee is to be retained beyond total of 1040 hours. If an OPS employee is to be retained beyond a total of 1040 hours approval must be obtained from the Capital Collateral Counsel. Approval is required to extend hours beyond 1040 hours and beyond 2080 hours.

Extensions must be requested by memorandum containing the additional hours requested and justification to the Capital Collateral Counsel via the Administrative Services Director. The approval of an extension beyond 2080 hours is contingent upon one or more of the following criteria:

1. An emergency situation exists which affects the health, safety or welfare of State citizens.
2. The employment is for a specific project which is identified by statute, appropriation or time-limited grant.

There is no time limit for OPS student assistants.

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A. Recruitment

Selected Exempt Service. Each vacant position not filled by lateral movement (within the same pay grade) of another member of the Selected Exempt Service or by an action appointment may be advertised for fourteen calendar days.

B. Attendance and Leave

Senior Management and Selected Exempt employees accrue and use sick and annual leave as outlined in Chapters 60N-I and 60M-I respectively. These employees observe all State holidays and accrue a personal holiday at the beginning of each fiscal year. Also, the rules and procedures regarding administrative leave, annual leave, attendance and leave reporting, the sick leave pool, disability leave, leaves of absence without pay, military leave, and payment of sick leave hours are applicable to employees in these services.

C. Performance Appraisal

The performance of each Selected Exempt Service employee will be appraised at least once each calendar year and normally on an annual basis.

D. Other Applicable Rules and/or Procedures

Other Rules and/or procedures applicable to the Services are dual employment, payment of moving expenses, code of ethics, position classification, and worker's compensation.

1.11 Exceptions

The Capital Collateral Counsel may at his discretion alter or suspend any policy of personnel procedure continued in these Procedures that is not a requirement of State or Federal Rule or law.

Any deviation from these policies and procedures must be approved by the Capital Collateral Counsel.



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**FORMS AVAILABILITY:**

The forms discussed in these procedures may be obtained from the Administrative Services Director.

These procedures are hereby adopted by the Capital Collateral Counsel for the Southern Region effective September 1, 2021.

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Capital Collateral Regional Counsel –  
Southern Region