



DEPARTMENT OF MANAGEMENT SERVICES  
DIVISION OF HUMAN RESOURCE MANAGEMENT ADVISORY

**STATE PERSONNEL SYSTEM**

**ADVISORY:** HRMA #2019-015

**DATE:** October 11, 2019

**SUBJECT:**

*Changes in the Administration of Special Compensatory (SC) Leave by Collective Bargaining Unit (CBU)*

**STATUTES/RULES/REGULATIONS/LAWS:**

*Rule 60L-34.0044, Florida Administrative Code (F.A.C.), Special Compensatory Leave*

**FORMS:** N/A

**ADDITIONAL REFERENCE MATERIALS:**

*American Federation of State, County, and Municipal Employees (AFSCME) Collective Bargaining Agreement (CBA), Florida State Fire Service Association (FSFSA) CBA, Police Benevolent Association (PBA) Florida Highway Patrol (FHP) CBA, and PBA Law Enforcement (LE) CBA*

Dear Colleagues,

During the last collective bargaining cycle, new SC leave Pay as You Go provisions for the AFSCME, FSFSA, LE, and FHP CBAs were finalized. The following information regarding administration of these new SC provisions, which take effect November 1, 2019, will assist in transitioning from the 2018-19 CBAs to the new provisions in the 2019-20 CBAs. The information also assists in the ongoing administration of SC. A revised Policy Guideline on *Administration of Special Compensatory Leave within the State Personnel System* will be issued when the new provisions are effective.

**AFSCME and FSFSA CBUs:**

AFSCME and FSFSA bargaining unit employees are moving to SC leave Pay as You Go effective November 1, 2019. The following information is intended to assist agencies in transitioning from the 2018-19 CBA provisions for SC (which remain in effect through October 31, 2019) to the new 2019-20 CBA provisions.

Hours Type 0091 (Leave-SC Holiday):

- October 31, 2019 will be the last forfeiture date for SC accrued in Hours Type 0091, but agencies have one last opportunity to carry over these hours to the Hours Type 0096 (Leave-SC Holiday CO) bucket on November 1, 2019 for forfeiture on April 28, 2020 if not used by that date. Use of the carry over bucket option must be justified in accordance with the appropriate 2018-19 CBA.
- SC accrued on or after November 1, 2019 in Hours Type 0091 shall be paid if it is not used by the end of the six-month accrual and use period (either November through April or May through October). The first payments made by agencies for Hours Type 0091 will be for

ending balances on April 30, 2020. Subsequent payments shall occur each year for Hours Type 0091 balances on October 31 and April 30.

Hours Type 0094 (Leave-SC Closures):

- SC accrued in Hours Type 0094 before November 1, 2019 for working during office closures are manually forfeited by the agencies 120 days following the work period in which the SC was accrued, but agencies have one last opportunity to extend the use period by 180 days before the forfeiture occurs. The 180-day extension must be justified in accordance with the appropriate 2018-19 CBA.
- SC accrued on or after November 1, 2019 in Hours Type 0094 for working during office closures shall be paid by agencies if it is not used within 120 days following the work period in which the SC was accrued.

**Note:** The use of SC leave in Hour Types 0091 and 0094 earned on or after November 1, 2019 cannot be extended by 180-days before being paid. Hours Type 0096 shall not be utilized by agencies to carry over holiday hours after the final carry over period ends with forfeitures on April 28, 2020.

**Note:** If an employee separates, changes Pay Plans, or changes agencies, SC accrued on or after November 1, 2019 shall be paid when the action occurs in accordance with Rule 60L-34.0044, F.A.C. Additionally, if an employee changes CBUs (to another CBU with or without Pay as You Go), SC accrued on or after November 1, 2019 shall be paid when the action occurs.

**PBA LE and FHP CBUs:**

LE and FHP bargaining unit employees are moving to SC leave Pay as You Go effective November 1, 2019. Additionally, effective November 1, 2019, the People First hierarchy will be activated for the first time for both units. The People First hierarchy will require SC leave in Hours Type 0091 (Leave-SC Holiday) and Hours Type 0094 (Leave-SC Closures) to be used (substituted) prior to using annual leave and regular compensatory leave. In accordance with these two CBAs, employees will not be required to use the older accrued SC leave balances (all unused SC accrued prior to November 1, 2019) in Hours Type 0055 (Leave-SC Pre July 2012). Hours Type 0055 leave balances will be protected from substitution and compelled use.

The following information is intended to assist agencies in transitioning from the 2018-19 CBA provisions for SC (which remain in effect through October 31, 2019) to the new 2019-20 CBA provisions.

Hours Type 0091 (Leave-SC Holiday):

- Leave balances on October 31, 2019 will be the last hours that shall be moved by agencies from Hours Type 0091 to Hours Type 0055.
- SC accrued on or after November 1, 2019 in Hours Type 0091 shall be paid if it is not used by the end of the six-month accrual and use period (either November through April or May through October). The first payments made by agencies for Hours Type 0091 will be for ending balances on April 30, 2020. Subsequent payments shall occur each year for Hours Type 0091 balances on October 31 and April 30.

Hours Type 0094 (Leave-SC Closures):

- Leave balances accrued through October 31, 2019 will be the last hours that shall be moved by agencies from Hours Type 0094 to Hours Type 0055. Balances need to be moved by October 31, 2019 even if they were accrued within the last 120 days to avoid premature payments for balances accrued under the 2018-19 CBA provisions.
- SC accrued on or after November 1, 2019 in Hours Type 0094 for working during office closures shall be paid by agencies if it is not used within 120 days following the work period in which the SC was accrued.

**Note:** If an employee separates, changes Pay Plans, or changes agencies, all types of SC shall continue to be paid when the action occurs in accordance with Rule 60L-34.0044, F.A.C. Additionally, if an employee changes CBUs (to another CBU with or without Pay as You Go), SC accrued on or after November 1, 2019 shall be paid when the action occurs.

### **Identifying, Adjusting, and Paying SC Leave Balances in People First:**

Human resource staff can identify SC balances in Hour Types 0091 and 0094 using the *Special Compensatory Leave Audit Report* (user guide is found at the link below) or by using the *Business Objects (BOBJ)* reporting software.

[https://www.dms.myflorida.com/content/download/143423/956728/Instructional\\_Guide\\_-\\_Special\\_Compensatory\\_Leave\\_Audit\\_Report\\_updated\\_01-17-19\\_\(SCLA\).pdf](https://www.dms.myflorida.com/content/download/143423/956728/Instructional_Guide_-_Special_Compensatory_Leave_Audit_Report_updated_01-17-19_(SCLA).pdf)

SC payments made through the *Leave Payout* screen or by mass load automatically reduce leave balances and do not require leave balance adjustments. Payments made through the On-Demand Payroll System do require leave balance adjustments or a mass load to reduce leave balances and avoid retroactive use of SC after the payments occur.

**Note:** Payments for Hours Type 0091 should be made effective April 30 or October 31, unless the payment is for a separation, change in Pay Plan, change in agencies, or change in CBU.

All SC payments for leave accrued on or after November 1, 2019 under Pay as You Go (Hour Types 0091 and 0094) are now reportable income to Division of Retirement. This reporting occurs automatically if the leave is paid via the *Leave Payout* screen or by mass load.

### **Employees Not Included in the CBUs Mentioned Above:**

Employees in the PBA Special Agent CBU, all employees in the Selected Exempt Service, and all non-unit Career Service employees are not moving to SC Pay as You Go on November 1, 2019 and administration of SC remains status quo for these employees. Additionally, employees in the PBA Security Services and the Florida Nurses Association Professional Health Care bargaining units were already subject to SC Pay as You Go CBA provisions and administration remains status quo for these units.

If you have any questions, please contact John Apthorp at 850-922-1274 or email at [john.apthorp@dms.myflorida.com](mailto:john.apthorp@dms.myflorida.com).

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**FILE PATH:** S:\\Workforce\\HRM\\HRM Policy Communication\\HRM Advisory\\Final