

State Personnel System



EMPLOYEE HANDBOOK TEMPLATE*

Division of Human Resource
Management

REVISED
July 1, 2009



***INSTRUCTIONS FOR USING THIS TEMPLATE**

The State Personnel System (SPS) "Employee Handbook Template" summarizes State Personnel System laws and policies that have general applicability to all employees. Therefore, this template is not an employee handbook and the basic information it contains must be supplemented by agency specific policies and procedures. Each agency under the State Personnel System is encouraged to develop its own handbook, using this template.

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[OPTIONAL]

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[OPTIONAL]

PURPOSE

This handbook only applies to employees governed by the State Personnel System. This includes all employees in the Career Service (regardless of probationary or other status), Selected Exempt Service (SES) and Senior Management Service (SMS).

This handbook explains the State Personnel System rules and policies that relate to your employment with the **[INSERT AGENCY NAME HERE]**. It is your responsibility to become familiar with the contents of this handbook and other employment information provided to you.

However, this handbook is not a contract, nor is it intended to address all situations and circumstances that could occur during your employment. Also, the **[INSERT AGENCY NAME HERE]** reserves the right to make changes in the content, as needed. If you have specific questions regarding any employment rule or policy (whether covered in this handbook or not), please contact your supervisor or the personnel office.

NOTE

Agencies also hire Other Personal Services (OPS) employees to help accomplish short-term tasks. OPS employees are temporary and not covered by this handbook.

If you are an OPS employee, please refer to the OPS General Information Sheet on the Department of Management Services - State Employee Web site at:

http://dms.myflorida.com/human_resource_support/human_resource_management/for_state_employees/other_personal_services_employment_ops.

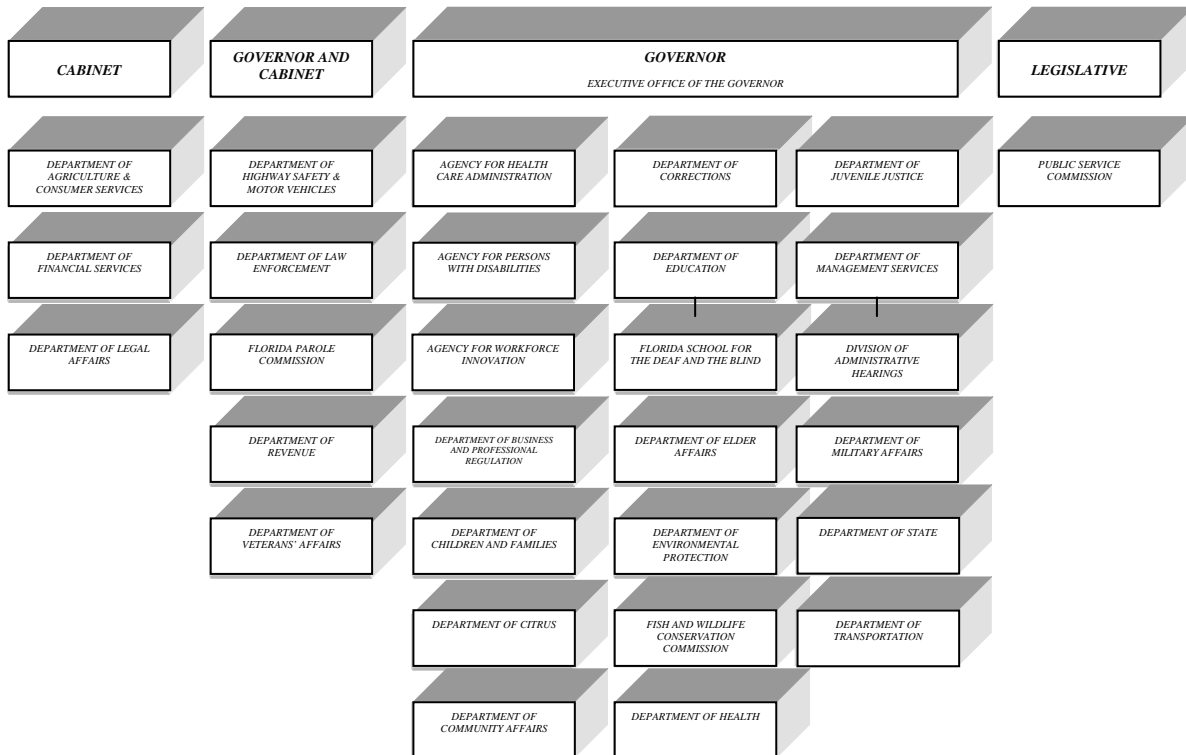
STATE PERSONNEL SYSTEM OVERVIEW

Of the three branches of State government (Executive, Judicial and Legislative), the Executive Branch is the largest and holds the majority of state government jobs. In turn, the majority of these state government jobs are governed by the **State Personnel System**.

The State Personnel System has three separate pay plans providing employees with differing levels of pay and benefits:

- The **Career Service System** - Florida's civil service
- The **Selected Exempt Service (SES)** - middle management, professional and selected positions considered managerial, supervisory or confidential by law
- The **Senior Management Service (SMS)** - upper management

The following chart shows the 30 entities (and one Legislative agency) that are part of the State Personnel System.



I. MAJOR EMPLOYMENT LAWS

A. Equal Employment Opportunity (EEO)

EEO refers to several federal laws, regulations, and policies prohibiting discrimination in employment practices. The State of Florida complies with these laws by assuring each applicant and employee equal opportunities without regard to that person's race, color, gender, religion, age, creed, national origin, marital status, or political opinions/affiliations. Except as provided by law, each agency also assures equal opportunity in recruitment, appointment, training, promotion, demotion, compensation, retention, discipline, separation, or other employment practices to any person who is an applicant or employee, including disabled persons.

Employees who feel they have been discriminated against should contact the agency EEO Officer or the Florida Commission on Human Relations for more detailed information at (850) 488-7082, or visit their Web site at <http://fchr.state.fl.us/>.

B. Americans with Disabilities Act (ADA)

ADA is the federal law which prohibits discrimination against qualified applicants or employees with a disability. And, if the need exists and can be met by the employer without "undue hardship," it also requires that such persons be provided "reasonable accommodation" to participate in the job application and selection process or, if employed, to perform the "essential functions" of their job. If you have questions or concerns about who is covered and whether you qualify for a special accommodation, contact the personnel office.

C. Florida Commission on Human Relations (FCHR)

The mission of FCHR is to prevent unlawful discrimination by ensuring people in Florida are treated fairly and are given access to opportunities in employment, housing, and certain public accommodations; and to promote mutual respect among groups through education and partnerships. Section 760.05, Florida Statutes states that the 'commission shall promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, handicap, or marital status and mutual understanding and respect among all members of all economic, social, racial, religious, and ethnic groups; and shall

endeavor to eliminate discrimination against, and antagonism between, religious, racial, and ethnic groups and their members.

For more detailed information, please contact FCHR at (850) 488-7082 or visit their Web site at: <http://fchr.state.fl.us>.

D. Fair Labor Standards Act (FLSA)

FLSA is the federal law requiring that covered employees be paid at least the federal minimum wage and overtime pay (at time and one-half of the employee's regular rate of pay) for all hours worked over 40 hours in a workweek. The State Personnel System refers to employees covered by FLSA as "included" and to those not covered by the FLSA minimum wage and overtime provisions as "excluded".

The 40-hour workweek is the work period (also called FLSA period) for most included employees. This workweek begins on a Friday and extends through the following Thursday. However, the FLSA permits state agencies to place certain included employees (for example, those in fire protection, law enforcement, and corrections) on a 28-day extended work period. Such extended work periods may consist of either 160 hours or 192 hours, depending on the agency and position. Included employees under an extended work period are paid overtime for all hours worked over the number of contracted hours in their extended work period.

The FLSA also permits state agencies to offer included employees the opportunity to waive cash payment for overtime and instead accrue FLSA special compensatory leave credits at the rate of one and one-half hours for each overtime hour worked. These leave credits will be available for use, but unused credits will be paid at regular intervals set by the agency. If you are an included employee, ask the personnel office whether this option is available to you.

Excluded employees are not eligible for overtime pay under the FLSA. However, under certain special circumstances they may receive leave credits or straight-time pay, depending on the pay plan and level of their position. The work period for excluded employees is always the same as their pay period. That is, for monthly employees the work period covers the entire calendar month and for biweekly employees it covers an 80-hour period that falls between specific biweekly start dates and end dates.

If you are not sure whether you are an included or excluded employee under FLSA and whether your work period is the 40-hour workweek, an extended work period, or the same as your pay period, ask your supervisor.

II. PERSONNEL AND MEDICAL RECORDS

The personnel records of employees are public records and are open to inspection and copying by anyone who desires access to these files, as provided in Chapter 119, Florida Statutes (Public Records Law). Exceptions to this law are the home addresses, telephone numbers, and photographs of **current or former** employees in certain positions that are sworn, certified or otherwise designated by the law. Additionally, any document that reveals the identity, home or employment telephone numbers, addresses or personal assets of crime victims is also exempt from the public record. Other exemptions include both the home and employment telephone number and address of employees who are the **spouse or child** of a current or former employee in a position that is sworn, certified or otherwise designated by the law, as well as the name and location of the day care facility used by the children of such employees. For detailed information about who qualifies for an exemption to public record disclosures, please see Section 119.07, Florida Statutes, and other relevant statutes. If you believe you qualify for an exemption from the Public Records Law, please contact the personnel office to have your records properly flagged.

The social security numbers of all current and former employees are exempt from public records, as provided by both the Public Records Law of Florida and the federal regulations of the Social Security Administration.

Medical records are exempt from public records, as provided by the Public Records Law of Florida and the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Therefore, social security numbers and employee medical information are kept confidential and are never subject to disclosure, unless specifically required by law.

III. STATE EMPLOYMENT POLICIES

The State only hires U.S. citizens and lawfully authorized alien workers. As required by federal law, new hires must present documentation of employment authorization within three days of employment and employees with work visas that have an expiration date must provide continued proof of a valid visa or work authorization or face termination.

In addition, the State only hires and promotes persons who, if required, have registered with the federal Selective Service System or have obtained the necessary exemption. Registration in the Selective Service System, under the Military Selective Service Act, applies to males born on or after January 1, 1960. [Section 110.1128, Florida Statutes]

A. Oath of Loyalty

Florida law requires all employees to sign an Oath of Loyalty as a condition of employment. This oath is provided in this handbook and becomes a part of the employee's official personnel file. [Sections 110.201, 876.05, Florida Statutes]

B. Probationary Period for Career Service Employees

When any Career Service employee receives an original appointment, promotion or demotion or at any time moves between agencies, the employee will serve at least a one-year probationary period, unless the demotion or promotion is to a position in which the employee previously held permanent status in the agency. Employees on probationary status are eligible for transfer or promotional consideration. [Section 110.213, Florida Statutes]

SES and SMS employees do not serve probationary periods because they serve at the pleasure of the agency head. This is referred to as "at will" employment.

C. Code of Ethics for Public Officers and Employees

It is the policy of the state that no officer or employee will have any interest, financial or otherwise, direct or indirect; or engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest. To implement this policy and strengthen the faith and

confidence of the people of the state in their government, there is an enacted code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code serve not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate its provisions.

It is the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the Florida State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered by the Florida Commission on Ethics with respect regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern. [Part III, Chapter 112, Florida Statutes]

D. Employee Relationships with Regulated Entities

Florida Statutes and rules of the Florida Administrative Code (F.A.C.) require that state employees disclose potential or actual relationships with entities (i.e., individuals, partnerships, corporations, and other entities) subject to regulation by or doing business with the employee's agency.

Employees who exercise "regulatory responsibilities" must disclose within five working days if they:

- Make application for employment with a regulated entity; or
- Receive an offer of employment or for a contractual relationship for compensation from a regulated entity; or
- Obtain a financial interest in a regulated entity.

You may be considered to have “regulatory responsibility” if you are directly responsible for determining if a regulated entity is in compliance with federal or state statutes/regulations or recommending or approving the issuance, suspension, revocation or cancellation of a license. [Section 110.233, Florida Statutes]

E. Nepotism/Employment of Relatives

A public official may not employ, promote, advance or advocate the employment, promotion, or advancement of an individual who is a relative, to a position in the agency over which he or she exercises jurisdiction or control.

“Public official” is defined as an employee of the department who has the legal authority to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in each agency.

Relatives include: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. [Section 112.3135, Florida Statutes]

F. Political Activities

A Career Service employee is prohibited from holding, or being a candidate for, public office while in the employment of the state or taking any active part in a political campaign while on duty or within the period of time during which the employee is expected to perform services for which compensation is received from the state. However, the employee may be a candidate for or hold local public office when authorized by the agency head and approved by the Department of Management Services (DMS) if it involves no interest which conflicts with, or activity which interferes with, his/her state employment.

Before running for public office or taking active part in a political campaign, SES and SMS employees should first contact the personnel office for guidance regarding activities that may or may not be permitted, as determined by each agency head.

Employees whose positions are subject to the Federal Hatch Act may not become candidates in any partisan election. The agency head will determine which employees are subject to the Hatch Act. [Section 110.233, Florida Statutes]

G. Performance Management

At a minimum, supervisors are required to provide employees feedback on their performance on an annual basis. In accordance with Rule 60L-35, F.A.C., this feedback will be based upon performance expectations, which are identified, defined and communicated to employees as being part of the requirement(s) of their position. This allows the supervisor and the employee to establish goals for improving performance and identify additional training, which may lead to career advancement opportunities. [Sections 110.224, 110.403, 110.605, Florida Statutes]

H. Separations

If you decide to resign or retire from your job, please notify your supervisor of your intentions at least two weeks, or as soon as practicable, before your last day on the job. It is recommended that a letter of resignation be submitted to your supervisor and that you specify if you are moving to another agency or retiring. It is your responsibility to return all state property, (i.e., cell phone, computer, printers, credit cards, keys, ID badges, etc.) which your agency issued to you. Failure to comply could result in legal action.

If you are moving to another agency, the transfer of any leave credits you have accrued will depend on whether your new agency is considered a state agency for leave transfer purposes and whether your move is within 31 days of your separation. Therefore, it is important to identify the name of your new agency and to include the date of your new employment in the letter of resignation, to ensure the proper transfer of your leave credits. In cases where changing employing agencies does not result in your being off the payroll for a full calendar month, your state group insurance enrollments will also transfer with you, assuming your new agency also participates in State group insurance. However, your enrollments in other voluntary insurance plans through payroll deduction are not necessarily transferable or automatic. Therefore, it is your responsibility to contact the vendors or carriers to verify if you may continue participation at your new agency and whether the amounts to be deducted will change.

If you participate in the Deferred Compensation Program, you will need to contact your investment provider(s) to ensure that, if you are moving to another agency, the proper adjustment (if any) is made to your payroll deduction. If you are separating from state government (or retiring), contact your investment provider(s) to ensure timely processing of distributions or payout options, as well as to arrange for tax deferral of any pending annual and/or sick leave terminal payments, if desired. In the case of separation from state government or retirement, it is also important to contact your credit union or other banking institution about the settlement of any savings and/or loan accounts you currently maintain through payroll deduction.

I. Exit Interview

Exit interviews are used to collect feedback from employees who separate in order to promote continuous quality improvement. Ask your supervisor or personnel office about any exit interview process in which you may be asked to participate.

J. Workforce Reduction

A workforce reduction occurs when agencies delete Career Service positions, either filled or vacant, due to budget cuts, program reductions resulting from outsourcing or privatization efforts, or program phase-outs. Workforce reductions are carried out in accordance with Rule 60L-33.004, F.A.C., and terms of applicable collective bargaining agreements. Accordingly, agencies develop workforce transition plans to outline how they will implement the workforce reduction and ensure that all reasonable efforts are made to assist adversely affected employees through the process. [Section 110.227, Florida Statutes]

IV. COMPENSATION

The following information about compensation (pay) is summary in nature and not intended to address all situations or circumstances. For complete information, please refer to appropriate Florida Statutes, Florida Administrative Code (rules), federal codes and applicable payment plan documents. If any information in this handbook conflicts with the Florida Statutes, rules, federal codes, or official payment plan documents, those statutes, rules, codes, or payment plan documents are the final authority.

A. Compensation for Hours Worked and Overtime

Included employees (whether Career Service or SES) are paid at their straight time regular rate of pay for the first 40 hours of work in the workweek (or total contracted hours in their extended work period), including holidays and leave with pay.

For hours in excess of 40 hours in the workweek (or in excess of contracted hours in the extended work period) included employees will be paid for overtime by cash payment at the rate of one and one-half times the hourly regular rate of pay. However, if elected in lieu of cash, such employees may instead be credited FLSA Special Compensatory Leave subject to the following:

1. For every excess hour worked, employees are credited one and one-half hours of FLSA special compensatory leave;
2. FLSA special compensatory leave credits are available for employees to use upon supervisory approval and/or may be allowed to accrue up to a maximum of 80 hours or the number of hours allowed by the collective bargaining agreement;
3. FLSA Special Compensatory Leave credits not used as of June 30 and December 31 each year (or other dates approved by the employing agency) are paid at the employees' straight time regular rate of pay; and
4. Unused FLSA Special Compensatory Leave credits are also paid at the time of separation from a Career Service position.

Excluded employees (whether Career Service, SES, or SMS) are paid at their straight time regular rate of pay for all contracted hours in their work period, including holidays and leave with pay.

Excluded Career Service employees will be credited Regular Compensatory Leave for hours in excess of contracted hours in the work period, subject to the following:

1. For every excess hour worked, employees are credited Regular Compensatory leave on an hour-for-hour basis;
2. Regular Compensatory leave credits are available for employees to use upon supervisory approval or may be allowed to accrue up to a maximum of 240 hours;
3. Regular Compensatory Leave Credits may not be paid for upon separation from your agency and will NOT be transferred to another agency unless the employee moves from a Career Service position to a SES position; and
4. Regular Compensatory Leave credits have no cash value, unless they are earned under an Agency Payment Plan. **[INSERT PAYMENT PLAN PROVISIONS, IF APPLICABLE]**

Any extra hours worked in a workweek or extended work period (for included employees) or regular work period (for excluded employees) will offset any leave taken (including administrative leave) during that workweek, extended work period or regular work period.

B. Rate of Pay

The base rate of pay is the rate of pay (monthly or biweekly) that employees earn and which does not include any additives or incentive payments. Employees may receive a salary increase to their base rate of pay at any time based upon documented justification in accordance with agency policy and provided funds are available and the increase is not prohibited by law.

Career Service employees may receive a “salary additive” to their base rate of pay under certain circumstances, as described below:

1. *Shift Differential Additive* – Agencies may approve this additive for a position when justified by competitive labor practices.

2. *On-Call Additive* – Agencies may approve employees to be placed on-call. Agencies may pay individuals this additive when all of the following conditions are satisfied.
 - a. The employee has been instructed by the appropriate management to remain available to work during an off duty period.
 - b. The employee must leave word where the employee 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.
3. *Hazardous Duty Additive* – An agency may approve this additive for specific positions when it can be demonstrated that such positions are required to perform duties and responsibilities that are exceptionally hazardous or dangerous. Such duties and responsibilities shall not be customarily associated with all positions in the broadband level.
4. *Leadworker Additive* – An agency may approve this additive for individuals with sufficient knowledge and experience to lead others when assigned such responsibilities on a continuing basis. The leadership does not include evaluating other's performance or administering disciplinary actions, and it does not justify reclassification. Duties must be reflected on the position description and in accordance with Chapter 60L-31, F.A.C.
5. *Temporary Special Duty Additive* – An agency may approve this additive, for a period of ninety days, when an employee has been assigned temporary duties and responsibilities not customarily assigned to the position. An agency shall not extend the period without Department approval.
6. *Trainer Additive* – An agency may approve this additive when an employee is assigned the responsibility to provide on-the-job training to other employees as part of an agency-approved formalized training program; provided, that such training is not part of the customarily assigned duties of the position.
7. *Competitive Area Differential Additive* – An agency shall not grant this additive without Department approval. This additive is justified for specific positions within an agency when it can be demonstrated that the additive is based on

geographical, localized recruitment, turnover, or competitive pay problems. If requested by the agency, this additive may apply to positions within the requesting agency with similar duties and responsibilities in the approved broadband level within the geographical area for which the Department approves the additive.

8. *Critical Market Pay Additive* – An agency shall not grant this additive without Department approval. This additive is justified when pay for a position is substantially below the prevailing market rate, resulting in hiring and retention difficulties. In considering requests for this additive, the Department shall conduct all relevant analyses to determine the need for a pay adjustment for the position. An agency requesting this additive shall assist the Department in any analyses the Department requests.

Salary additives will be discontinued once the qualifying condition no longer exists. Certain Career Service and Select Exempt Service positions in law enforcement and firefighting may also be eligible for incentive payments, such as the Criminal Justice Incentive Payment (CJIP) or the Firefighter Incentive Payment (FFIP) for continuing education. Contact the personnel office for more information on additives or educational incentive pay.

When a Career Service employee's base rate of pay includes pay additives or educational incentive payments, it is referred to as the "regular rate of pay". (The regular rate of pay for SES employees is usually the same as their base rate of pay. The regular rate of pay for SMS employees is always the same as their base rate of pay.)

C. Dual Employment and Dual Compensation within State Government

To be employed or compensated by more than one state agency or hold more than one state job, an employee must:

- Complete a Dual Employment and Compensation Request form, and
- Obtain agency approval prior to engaging in any secondary employment with another state agency.

Contact your personnel office for more information. [Section 216.262, Florida Statutes]

D. Additional Employment Outside State Government

To ensure that additional employment outside state government does not conflict with the Code of Ethics identified in Chapter 112, Florida Statutes, an agency may require an employee to obtain approval prior to holding additional outside employment. To request approval an employee should:

[INSERT AGENCY POLICIES]

V. STATE GROUP INSURANCE PROGRAM BENEFITS

The following benefit information is summary in nature and not intended to address all situations or circumstances. For complete information, please refer to appropriate Florida Statutes, Florida Administrative Code (rules), federal codes and applicable plan documents. If any information in this handbook conflicts with the Florida Statutes, rules, federal codes, or official plan documents, those statutes, rules, codes, or official plan documents are the final authority.

Active employees may participate in the State Group Insurance Program health and life insurance plans, as well as a variety of supplemental insurance plans, including vision, dental, cancer, intensive care, accident, and accident and disability. Employee premium contributions for these plans are deducted on a pre-tax basis, unless post-tax is requested by the employee. Additional tax-saving benefits available to active employees include the Medical and Dependent Care Reimbursement Accounts.

Newly hired employees wishing to participate in any of the benefit plans/programs offered must enroll within 60 days of their date of hire or they will not be able to enroll until the next scheduled annual open enrollment period, unless they experience a Qualifying Status Change (QSC). The most common QSC's are marriage, divorce, death, adoption, birth, moving out of a Health Maintenance Organization (HMO) service area and dependent/spouses loss of coverage. New benefit elections must be made within 31 days of the QSC. For some, supporting documentation is required. The supporting documentation must be submitted within 60 days. Current employees may only change benefit elections during the annual open enrollment period, or if they experience a QSC event.

For additional information concerning the State Group Insurance Program options and benefits described below, please call the People First Service Center at (866) 663-4735, visit their Web site at: http://dms.myflorida.com/human_resource_support/people_first or visit www.MyFlorida.com/MyBenefits.

A. Health Insurance

The State of Florida offers all eligible employees (full and part-time Career Service, SES and SMS) participation in the State Group Health Insurance Program, which offers four health insurance plan options on a pre-tax basis. These options are a Preferred Provider Organization (PPO) Standard Plan, a PPO Health Investor Plan (High Deductible) with a Health Savings

Account option, or, where available, a HMO Standard Plan or an HMO Health Investor Plan, with a Health Savings Account option. These plans provide enrollees access to a variety of services such as physician care, inpatient hospitalization, outpatient services, and prescription drugs. The PPO Plan options are available nationwide (worldwide), while HMO options are available only to employees that live or work in a participating HMO service area.

Full-time employee premium contributions vary by enrollment tier (Individual vs. Family), and plan option (PPO and HMO Standard Plan vs. PPO and HMO Health Investor Plan). The State of Florida contributes the major portion of a full-time Career Service employee's premium for these health plans. Employee premium contributions required for part-time employees are higher and depend on the percentage of their full-time equivalent employment status. Health insurance premiums are payroll deducted on a biweekly or monthly basis. Two biweekly or one monthly deduction is required to collect a full month's premium. Payroll deducted health insurance premiums pay for the following month's coverage. Unless specifically waived, premiums are deducted on a pre-tax basis. SES and SMS employees receive health insurance coverage at no cost to the employee.

1. PPO Standard Plan

The PPO Standard Plan is a self-insured health plan, with the medical component administered by Blue Cross and Blue Shield of Florida, Inc. (BCBSF). The administrator is responsible for processing medical claims, providing access to a Preferred Provider Care (PPC) Network, and providing customer service, utilization review, and case management.

The PPO Plan provides the "freedom of choice" between a network provider and a non-network provider, but this choice has cost implications that must be taken into consideration. Network providers are contracted to charge PPO-Plan participants no more than a co-payment or pre-negotiated fee for covered services. This co-payment or pre-negotiated fee is lower than the provider's actual charge, and the provider agrees to bill no more than this amount. Choosing a network provider saves money.

When an enrollee receives services from a non-network provider, the enrollee is subject to the higher non-network deductibles, co-payments and co-insurance costs, as well as the difference between the allowed amount and the non-network provider's actual charge for that service. Out-of-pocket expenses will be significantly higher for services from a non-network provider.

The PPO Plan has a “six month/12 month” pre-existing condition exclusion for new members. If you and/or your dependent(s) have received diagnostic treatment or service for any covered accident or illness within six months before coverage becomes effective, it is considered “pre-existing.” Services related to the care and treatment of the pre-existing condition will not be covered for 12 months after the effective date of coverage. You may be eligible to receive full or partial credit toward the PPO Plan’s pre-existing condition exclusion if you have satisfied the pre-existing condition exclusion (full or partial) under prior health insurance coverage and have not had a lapse in coverage that exceeds 63 days.

Prescription drug benefits are administered by Caremark, L.L.C. The Prescription Drug Program has two components: a network-based retail card program and a mail order pharmacy program primarily used for maintenance drugs. A three-tier (generic, preferred-brand or non-preferred brand) co-payment or co-insurance structure applies to the PPO Standard Plan and PPO Health Investor Plan, as applicable. Co-payments/co-insurance and number of days supply vary between retail and mail order. Enrollees can get up to a 90-day supply through mail order while retail distribution is limited up to a 30-day supply. If an enrollee requests a brand name drug when a generic is available, the enrollee must pay the cost difference between the generic equivalent and the submitted charge of the brand name drug, *plus* the appropriate co-payment or co-insurance, as applicable.

2. PPO Health Investor Plan (High Deductible) with Health Savings Account

Like the PPO Standard Plan, the Health Investor PPO Plan gives you flexibility to see network or non-network providers, with a lower cost to you when you use network providers. Health Investor PPO Plan participants have lower insurance premiums, in exchange for higher deductibles. In addition, you may enroll in a Health Savings Account (HSA) which is like a personal savings account for healthcare, except it's tax-free and can be used to pay out-of-pocket expenses (for example, deductibles and co-insurance) now or in the future.

3. Health Maintenance Organization (HMO) Standard Plan

Each participating HMO is a fully insured health plan that provides health services to people who live or work within the HMOs service area. Most contracted HMOs provide limited or no coverage for services outside their service areas except in emergency circumstances. It is important to understand the HMOs policy, especially for enrollees having covered dependents who do not live in the service area. HMO coverage does not have pre-existing condition exclusions or waiting periods.

Certain HMOs require that the enrollee select a Primary Care Physician (PCP) from the HMOs provider network. The PCP may be required to authorize all medical care, including referrals to specialists and hospital admissions. Some HMOs permit enrollees to refer themselves to a hospital or specialist. All permit self-referral to network dermatologists, gynecologists, chiropractors, podiatrists and in the case of an emergency.

In the HMO plans, the enrollee pays a co-payment or co-insurance for services such as office visits, emergency room visits and hospital admissions. HMO participants have access to a network-based retail prescription drug program and a mail order pharmacy program. The three-tier co-payment/co-insurance structure explained under the PPO Plan applies to HMO prescription drug coverage.

4. *HMO Health Investor Plan, with Health Savings Account*

Like the traditional HMOs the state offers, with the Health Investor HMO Plans you must use network providers to receive benefits; no benefits are paid when you use non-network providers unless it's an emergency. Emergency room expenses are subject to the deductible. The Health Investor HMO Plans are provided by many of the same HMOs that offer the traditional HMO Plans to state employees – in the same geographical areas. HMO Health Investor Plan participants have lower insurance premiums, in exchange for higher deductibles. In addition, you may enroll in a Health Savings Account which is like a personal savings account for healthcare, except it's tax-free and can be used to pay out-of-pocket expenses (for example, deductibles and co-insurance) now or in the future.

B. Life Insurance

The State of Florida offers all eligible employees (full and part-time Career Service, SES and SMS) term life insurance, including an accidental death and dismemberment benefit. Career Service employees are provided level term insurance equal to 1.5 times their annual salary and coverage amounts are reduced by 50 percent at age 70. SMS employees, SES employees, legislative employees, and certain classes of state employees are provided insurance equaling two times their annual salary. Premiums for these employees are paid entirely by the State of Florida.

The basic life insurance coverage includes an additional benefit for accidental death and dismemberment coverage. Payment amounts vary from 25 percent to 100 percent of the

coverage amount depending upon the severity of the injury, but no more than 100 percent of the coverage amount is payable for all losses due to the same accident.

Any state employee participating in the State Group Life Insurance Program may elect to participate in the Optional Group Life Insurance Plan. The Optional Group Life Insurance Plan is a salary-multiple life insurance plan; employees may elect up to five times base annual earnings with a maximum benefit level of \$500,000. There is no minimal life insurance amount. Premiums are fully paid by the employee on a post-tax basis. At the time the employee is first eligible, they may purchase coverage from one to five times their base annual earnings on a guaranteed-issue basis (without medical underwriting).

The Accelerated Death Benefit, or “living benefit option,” may provide covered members an advance benefit in the event of a terminal illness diagnosis that will result in death within a one-year period. Upon death, the balance of the life insurance benefit, if any, will be paid to the named beneficiaries.

If life insurance coverage is discontinued due to termination of employment with the state or an employee becoming ineligible for coverage, the employee has the option of converting some or all of the life insurance to an individual contract.

C. Supplemental Insurance

The State of Florida offers all eligible employees (full and part-time Career Service, SES and SMS) the opportunity to participate in a number of optional “employee-pay-all” supplemental insurance plans, and to have the premium payments for these plans deducted on a pre-tax basis. The following products are offered by various supplemental insurance companies: vision care insurance, dental insurance, supplemental hospitalization insurance, cancer and cancer/intensive care insurance, and accident and accident/disability insurance. Some insurance plans require medical underwriting, and enrollment is subject to approval by the supplemental insurance carrier. There may be a number of options within a type of supplemental insurance, allowing employees to choose between several different types of coverage for different premium payments.

D. Flexible Spending Accounts

The State of Florida offers all eligible employees (full and part-time Career Service, SES and SMS) the opportunity to participate in the Flexible Spending Accounts (FSA) Program where a portion of income may be set aside to pay for non-reimbursed and eligible health and dependent care expenses through “medical reimbursement accounts” and “dependent care reimbursement accounts.” Money is deducted pre-tax from each participant’s paycheck throughout the plan year and credited to the account(s) sheltering those funds from federal income and Social Security taxation. Funds cannot be transferred between accounts.

During the year, the participant submits invoices (claims) for eligible expenses. The plan year includes a “grace period”. With the grace period, the participant has until March 15th to use eligible services for the prior year’s contributions. The participant is reimbursed for eligible expenses as defined by the Internal Revenue Service.

Sections 125 and 129 Internal Revenue Code and Chapter 60P, F.A.C. govern administration of this program. Unless the participant experiences a QSC event, federal and state laws do not allow any change in the amount deducted from the paycheck during the year, and any unused balance in the account after April 15th of the following year will be forfeited.

1. Medical Reimbursement Accounts

The entire annual election amount of a Medical Reimbursement Account or Limited Purpose Medical Reimbursement Account is available at the beginning of a plan year. A participant who terminates employment will not be eligible for reimbursement of expenses incurred after leaving state employment unless arrangements are made to continue the account after termination. Participants may use the Medical Reimbursement Account for reimbursement of eligible expenses incurred during the plan year.

2. Dependent Care Reimbursement Account

Employees can only be reimbursed for dependent care expenses up to the amount of the current balance in the Dependent Care Reimbursement Account. Unlike Medical Reimbursement Accounts, the entire annual election amount is not available for reimbursement at the beginning of the plan year.

Before enrolling in, employees should carefully consider its benefits by estimating the potential tax savings from this plan and comparing it to other available federal income tax credits. A qualifying dependent is any person who lives in the employee's home and for whom the employee must provide care while the employee is working. Qualifying dependents may be, but are not limited to, a parent, a disabled person, or any child younger than age 13. If the employee is divorced or legally separated and the dependent lives with the employee, the employee is entitled to claim work-related care expenses. This is true even if the employee is not entitled to claim the dependent as an exemption on the tax return.

Qualified expenses are those for the care of qualified dependents so the participant (and the spouse, if married) can work, look for work or attend school. Qualified expenses include those paid to: a licensed day care center for either children or adults, a school or YMCA after school program, summer program, or an individual who cares for the children (before or after school). Non-qualified expenses include overnight camp, charges for transportation, and other such items that are not directly related to care.

E. Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)

Employees and their dependents who would otherwise lose insurance coverage in any State Group Insurance Program health, and/or dental, and/or vision plan because of a "qualifying event" are eligible for continuation coverage under the state's group policy pursuant to the federal COBRA law. COBRA provides continuation coverage equal to the coverage applicable to active employees for a limited time period.

Unless an employee qualifies for the American Recovery and Reinvestment Act (ARRA) subsidy described below, employees must pay the full premium amount and may be required to pay an administrative fee.

Important COBRA Notice about the American Recovery and Reinvestment Act of 2009: To help people maintain COBRA coverage during the current recession, the federal government is providing a temporary COBRA subsidy to employees who lose their jobs. Eligible individuals who are terminated from employment between September 1, 2008 and December 31, 2009 can have a nine-month federal subsidy that will cover up to 65% of the cost of COBRA for themselves and their eligible dependents. The subsidy applies to health, dental and vision coverage continued under COBRA. To be eligible for the new subsidy, an individual must meet the following requirements:

- Become eligible for COBRA continuation coverage between September 1, 2008 and December 31, 2009, and
- Timely elect COBRA continuation coverage, and
- Lose group coverage due to an involuntary termination of the covered employee's employment, and
- Not be eligible for:
 - Any other group health plan, or
 - Flexible Spending Arrangement, or
 - Medicare

Information about eligibility and how to apply for the COBRA subsidy is included in the COBRA package that employees receive at the time of separation from service.

F. Continuation of Health and Life Coverage for Retirees

Retired state employees and officers, as defined in Section 110.123(2) (g), Florida Statutes, may elect to continue state group health and life insurance at their time of retirement. Such coverage may be maintained for life, but retirees must pay the full premium amount and once they (and/or their spouses) become Medicare eligible, Medicare becomes the primary plan for health insurance purposes. Retirees may also continue other health plans (for example dental coverage) under the provisions of COBRA. Retirees may also continue their active employee basic life coverage and/or optional life coverage by requesting conversion of the policy to an individual policy within 31 days after your active employment terminates.

If an employee terminates or retirees due to total disability and remains totally disabled for a period of at least nine months, the employee can apply for a "Waiver of Premium for Total Disability".

G. Continuation of Health Coverage for Surviving Spouses

The surviving spouse may participate in the health program with family coverage if there are eligible children to be covered; otherwise, the surviving spouse may only participate under

individual coverage. A surviving spouse who remarries is not eligible to continue in the health program as a surviving spouse.

VI. OTHER STATE SPONSORED BENEFITS AND PROGRAMS

A. Adoption Benefits

State employees who adopt a child or children who are in the permanent custody of the State of Florida may be eligible to receive a one-time monetary benefit in the amount of \$5,000 per child or, if the child meets the state's definition of "special needs," in the amount of \$10,000 per child. The Florida Department of Children and Families administers this program and conducts an annual open enrollment period during which employees may apply for these benefits. For more information call (800) 96-ADOPT.

B. Child Care (State–Sponsored Program)

The state Employee Child Care Program provides for work-site child care centers to be located in state-owned space or in privately-owned buildings leased by the state. State-sponsored centers are open to all eligible state employees with the sponsoring agency having first priority for enrollment. The sponsoring agency covers most of the cost of the physical facility (space, utilities and maintenance) and may cover other operating costs of the center. The contracted service provider covers the cost of the service (staff, food, supplies, insurance, etc.) by charging the parents monthly fees, which are deducted from the employee's paycheck. Factors such as population, need, space, funding and community impact are used as criteria in reviewing requests from state agencies to established centers.

Centers established under the state-sponsored child care program meet more stringent requirements than the state's child care licensing standards (smaller child-to-staff ratios, more qualified staff, etc.). Since the agency sponsoring the work-site center subsidizes a portion of the cost, the provider is expected to provide higher quality service without charging state employees more for the higher quality child care.

Currently, the state has three child care centers in operation: Ina Thompson Child Care Center and the Gwen Cherry Child Care Center are both located in Tallahassee, and Highways to Tomorrow is located in Bartow. [Section 110.151, Florida Statutes] Contact your personnel office for more information.

C. Deferred Compensation

The State of Florida has established a Deferred Compensation Plan to allow employees to set aside a portion of their salary (either a set amount or a percentage) and receive its value when they separate from state employment. The amount of current earnings deferred is not considered income for federal tax purposes until its value is paid. This supplemental income will complement the employee's social security benefits and Florida Retirement System benefits. A list of the Deferred Compensation providers can be obtained from the Florida Department of Financial Services, Bureau of Deferred Compensation, at www.myfloridadeferredcomp.com.

D. Direct Deposit

Effective January 1, 2002, Florida law requires, with the exception of OPS employees, that all state employees have their paychecks directly deposited to their financial institution by means of Electronic Funds Transfer as a condition of employment. Exemptions are granted by the Department of Financial Services and may be requested when the employee can demonstrate a hardship. New employees are required to submit a completed Authorization for Direct Deposit within the first 30 days of employment through the personnel office. [Section 110.113, Florida Statutes]

E. Florida State Employees' Charitable Campaign (FSECC)

The FSECC is an annual organized event during which employees can donate to eligible charities of their choice, either through payroll deduction or a one-time gift. Employees are encouraged to use payroll deduction, which allows them a full calendar year to finance their gift with small payments. The FSECC is the only authorized solicitation of state employees allowed at the workplace during work hours. Employee contributions to the FSECC and participation in any FSECC fund raising event are entirely voluntary.

F. Savings Bonds

EE Series Savings Bonds are offered to state employees. Bonds are purchased by using payroll deduction and are mailed to the employee's home mailing address. These bonds are appreciation-type, registered securities that are issued for an original maturity of 12 years and are available through payroll deduction in denominations of \$100, \$200 and \$500. The

purchase price is half of the face value of the bond. Interest is paid when the bond is cashed and will accrue at a variable, market-based rate (or a minimum rate, whichever is more) if the bond is held at least five years. Bonds held less than five years earn interest on a fixed, graduated scale. Bonds must be held a minimum of six months before they can be redeemed.

G. Savings Sharing Program

The Savings Sharing Program grants options to agencies that provide employee incentives by rewarding and recognizing the employee for cost savings and efficiencies.

Each agency may adopt a Savings Sharing Program. The Savings Sharing Program affords employees the opportunity to submit a written proposal sharing their ideas to increase productivity, eliminate or reduce state expenditures, improve operations or generate additional revenue. The purpose of the Savings Sharing Program is to provide a process by which agencies can retain a portion of their budget for implementing internally generated program efficiencies or cost reductions, and then redirect the savings to employees. The savings approved for retention may be used for permanent salary increases to high-performing employees and for non-recurring monetary awards to employees who initiate proposals that result in eliminating or reducing state expenditures. Each proposed award and amount of money must be approved by the Legislative Budget Commission.

Career Service and SES employees are encouraged to participate in the Savings Sharing Program and to offer suggestions to increase productivity, eliminate or reduce expenditures and improve the operations of each agency. Additional details and forms can be obtained from the personnel office. [Section 110.1245, Florida Statutes]

H. Telecommuting Program

Telecommuting is a work arrangement whereby state employees may be allowed to perform the normal duties and responsibilities of their positions through the use of telecommunications, at home or another place apart from the employee's usual place of work. Telecommuting offers several potential benefits which include the reduced need for office space, employee savings on commuting expenses, and improved employee satisfaction due to increased flexibility. Agencies are required to identify and maintain a current listing of positions which are suitable for telecommuting. Agencies adopting such programs should have

formalized internal operating procedures and forms in accordance with section 110.171, Florida Statutes, which are used to administer the program and with which agency employees should be familiar. Employees interested in telecommuting should follow their agencies' established procedures for initiating a request to telecommute. Employees who telecommute, in coordination with their supervisors, must develop a telecommuting agreement signed by the employee and an agency representative, outlining the work policies, schedules and expectations of the telecommuting arrangement. [Section 110.171, Florida Statutes]

I. Unemployment Compensation

An employee who is laid off or terminated through no fault of his/her own may be entitled to unemployment compensation benefits. If an employee is laid off or terminated under these conditions, he/she may contact the nearest Unemployment Compensation Office within the Agency for Workforce Innovation. For additional information, please visit the Web site at: <http://www.floridajobs.org/unemployment>.

J. Voluntary Insurance Plans through Payroll Deduction

An agency may authorize a variety of miscellaneous payroll deductions. Contact the personnel office for information on authorized deductions.

[INSERT AGENCY SPONSORED PLANS]

VII. RETIREMENT

All new Career Service, SES and SMS employees are automatically enrolled in the state-sponsored Florida Retirement System (FRS) and covered by federal Social Security. The FRS is a single retirement system consisting of two primary retirement plans and other nonintegrated programs administered under Chapter 121, Florida Statutes. It is designed to provide retirement, total and permanent disability, and survivor benefits to participating state and local government employees. The primary plans are a defined benefit plan known as the FRS Pension Plan and a defined contribution plan known as the FRS Investment Plan. Employees under either primary plans participate in the following membership classes: the Regular, Special Risk, Special Risk Administrative Support, SMS, and Elected Officers' Classes. In addition to these two primary plans, the SMS Optional Annuity Program, an alternative optional defined contribution program, is available to certain SMS state employees. The FRS is a noncontributory retirement system, which means that the state pays all required retirement contributions – no employee contributions are required. A new employee has a choice to participate in the FRS Pension Plan or the FRS Investment Plan.

Most Career Service and SES employees are enrolled in the Regular Class of FRS. Career Service and SES employees employed in certain designated positions in law enforcement, firefighting or corrections are enrolled in the Special Risk Class. SMS employees and other positions designated by law have the opportunity to select participation in either the SMS Class of the FRS or the SMS Optional Annuity Program.

A. FRS Pension Plan

Employees who choose to participate in the defined benefit plan known as the FRS Pension Plan are vested (have the right to collect retirement benefits) after a minimum of six years of creditable service. For employees in the Regular Class, SMS Class, and Elected Officers' Class, "normal" retirement age is 62 years, or any age if the employee has a minimum of 30 years of creditable service. For employees in the Special Risk Class and the Special Risk Administrative Support Class, normal retirement age is 55 years, or any age if the employee has a minimum of 25 years of special risk creditable service. "Early" retirement is available, if an employee in any of the FRS Pension Plan membership classes desires to retire after vesting but before reaching their normal retirement age (or combination of age/years of service). Early

retirement benefits are reduced by five percent (prorated monthly) for every year under age 62 at retirement (or age 55 for employees in the Special Risk Class). The amount of the retirement benefit depends on the employee's age, total years of creditable service, and best five years of earnings (averaged) at the time of retirement. It is paid in the form of a monthly benefit for the employee's lifetime and benefits are increased by a cost-of-living adjustment each year after retirement. The FRS Pension Plan also contains provisions that allow employees to elect a reduced monthly benefit in exchange for guaranteeing a continuing benefit to their surviving spouse or other dependent. Other features are as follows:

1. Disability Retirement

Regular Disability benefits are provided if an employee has completed eight years of service and is permanently and totally disabled from all employment. However, if the permanent disability occurred as a result of duties required by the job, the employee may receive In-Line-of-Duty Disability benefits, which does not require any minimum amount of service (coverage begins with the first day of employment).

2. Survivor Benefits

Regular survivor benefits are provided to the employee's eligible beneficiary if the employee has completed at least six years of service. The employee's spouse or dependent children are eligible for In-Line-of-Duty survivor benefits beginning with the first day of employment should an employee's death occur as a result of duties required by the job.

3. Deferred Retirement Option Program (DROP)

The DROP is available to an employee who is eligible for normal retirement benefits, based on either age or years of service. DROP participation allows an employee to retire and defer termination and receipt of retirement benefits while continuing employment for up to five years or 60 months. The deferred monthly retirement benefits accrue in the FRS Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation. Upon termination of employment, the employee receives the total accumulated retirement

benefits plus interest and begins to receive his or her previously determined monthly retirement benefit that has been increased by cost-of-living adjustments.

For additional information concerning retirement options and benefits under the FRS Pension Plan, visit the Division of Retirement's Web site at http://dms.myflorida.com/human_resource_support/retirement or contact the division at (850) 488-6491.

B. FRS Investment Plan

Employees who choose to participate in the FRS Investment Plan are vested (have the right to collect retirement benefits) after one year of creditable service regardless of the membership class in which they participate. The employee has a retirement account established in his or her name with the employer contribution being directed to the employee's retirement account. The employee has the responsibility of selecting how these contributions are invested within an approved set of investment choices available under the plan. The employee's retirement benefit at retirement is based upon the value of the employee's account. The employee may choose from a variety of payment options including a rollover to an eligible retirement plan, a lump sum withdrawal, or various forms of periodic payments. If an employee terminates before becoming vested, his or her account balance is held in a suspense account for up to five years. If the employee does not return to FRS-covered employment within five years, these non-vested funds are forfeited.

Regular disability benefits are provided if an employee has completed eight years of service and is permanently and totally disabled from all employment. The employee is covered for In-Line-of-Duty Disability beginning with the first day of employment should a permanent disability occur as a result of duties required by the job. An employee retiring under the disability provisions of the FRS Investment Plan must surrender his or her account value at retirement and become a retiree under the FRS Pension Plan. An employee may choose to retain his or her account balance in lieu of receiving disability benefits.

The survivor benefit provided under this plan is the payment of the account balance to the employee's beneficiary. Investment plan providers may not participate in DROP.

The FRS Investment Plan is administered by the Florida State Board of Administration. For additional information about your FRS Investment Plan benefits visit www.myfrs.com or call the toll-free help line at (866) 446-9377.

C. Senior Management Service Optional Annuity Program

SMS employees and certain other designated employees may elect to participate in the SMS Optional Annuity Program, a defined contribution plan that provides for immediate vesting of all employer contributions with no minimum years of service or age requirements, instead of the SMS Class of the FRS. The employee has a retirement account established in his or her name with the employer contribution being directed to the employee's retirement account. The employee has the responsibility of selecting how these contributions are invested within an approved set of investment choices available under the plan. The employee's retirement benefit is based upon the value of the employee's account. The employee may choose from a variety of payment options including a rollover to an eligible retirement plan or a monthly annuity.

For additional information concerning retirement benefits under the SMS Optional Annuity Program, contact the People First Service Center or visit the Division of Retirement's Web site at http://dms.myflorida.com/human_resource_support/retirement.

D. Retiree Health Insurance Subsidy Program

An employee who retires under either the FRS Pension Plan or the FRS Investment Plan may be eligible to receive a monthly benefit in addition to his or her retirement benefit. The employee must apply and be approved to receive a Health Insurance Subsidy (HIS) Program payment. The HIS payment is based upon the employee's total FRS service credit at retirement.

To qualify, an employee must provide proof of health insurance coverage. For additional information concerning HIS payments, visit the Division of Retirement's Web site at http://dms.myflorida.com/human_resource_support/retirement or contact the division by telephone at (850) 488-6491.

VIII. ATTENDANCE AND LEAVE

A. Attendance

Employees are required to be present on their assigned jobs for the total hours in the established workday or work period unless the supervisor authorizes absence from duty. Employees who expect to be absent from work for any reason should request approval from the supervisor as much in advance as possible. When an employee will be late to or absent from work, the supervisor is to be notified in accordance with the established procedure of the employee's office. Absences without authorization will result in leave without pay and may be cause for disciplinary action, up to and including dismissal.

B. Work Schedules

Standard business/office hours are from 8 a.m. to 5 p.m., Monday through Friday, unless otherwise approved.

Each agency may set regular and/or flexible work schedules (including break times) specific to the agency's needs or requirements. The supervisor establishes employee daily work schedules, and all deviations in the schedule require the supervisor's prior approval. When workload permits, two rest breaks of 15 minutes may be taken during an eight hour day shift. Breaks are to be observed according to the procedure of the work unit to which the employee is assigned, and breaks may not be combined or accumulated to cover a late arrival, early departure or extended lunch.

Agencies recognize that there may be situations and circumstances where modified work schedules would be beneficial to employees. The supervisor may consider an employee's request to vary the eight hour workday schedule (arrival/departure). Such flexible work schedules (flex time) may consist of more or less than an eight hour workday and may be approved if consistent with the agency's policy. An employee should consult with the supervisor or the employing agency's personnel office for more information regarding flexible schedules.

C. Employee Attendance and Leave Reporting

An accurate daily record of all hours worked and leave taken must be kept. When completing a timesheet, an employee should round all hours worked and leave taken to the

nearest one-quarter of an hour. Falsification of an attendance and leave report is grounds for disciplinary action, up to and including dismissal.

At the end of the pay period, each employee should total his or her work and leave hours, certify the accuracy of the timesheet, and submit it to his or her immediate supervisor.

D. Holidays

The following are State paid holidays, as provided by Section 110.117, Florida Statutes:

- New Year's Day – January 1
- Birthday of Martin Luther King Jr. – Third Monday in January
- Memorial Day – Last Monday in May
- Independence Day – July 4
- Labor Day – First Monday in September
- Veterans Day – November 11
- Thanksgiving Day – Fourth Thursday in November
- Friday after Thanksgiving Day
- Christmas Day – December 25

Holidays that fall on Saturday will be observed on the Friday before, and those that fall on Sunday will be observed on the Monday after. If the holiday is observed on the employee's established workday, the employee will be credited with a holiday equal to the hours in the employee's established workday, unless the holiday falls on an established workday of less than eight hours, in which case the employee will be credited with an eight hour holiday. However, if the holiday is observed on the employee's established day off, the employee will be credited with an eight hour holiday.

When Career Service employees must work on a holiday or extra hours during a holiday workweek or work period, they will be credited with Special Compensatory Leave credits. These credits will be granted if the employee did not use leave during the work period. Special Compensatory Leave credits may not exceed the number of hours in the employee's established workday.

If a SMS or SES employee is unable to observe a holiday or the holiday falls on a workday of less than eight hours, the employee may take an alternate day/half day off during the work period. SMS and SES employees will not earn Special Compensatory Leave credits.

Employees receive a personal holiday when they are hired and every July 1 thereafter. Part-time employees receive a prorated personal holiday (see formula). The personal holiday must be taken as one full day prior to June 30 of the following year; otherwise the employee will lose the personal holiday. Employees should request approval from their supervisors prior to using the personal holiday. The personal holiday has no cash value, and compensatory leave credits may not be earned the same work period during which the personal holiday is observed.

Holidays are pro-rated for part-time employees using the following formula:

$$\frac{\text{Eight hours} \times \text{Number of Hours Worked Per Week}}{\text{Forty Hours}} = \text{Hours of Credit for the Holiday}$$

E. General Leave Overview

The use of annual, compensatory, administrative, some forms of sick leave and the personal holiday require prior approval. Also, with prior notice an agency may compel the use of all or part of an employee’s accumulated annual, holiday special compensatory leave credits and/or special compensatory leave credits, based on agency needs. However, such usage requirement must be in accordance with any collective bargaining agreement. An agency may also require an employee to use accumulated special compensatory leave credits prior to approving an employee’s request to use other types of approved leave, with the exception of sick leave. Furthermore, an agency may send an employee home and compel the employee to use his/her accumulated sick leave under certain circumstances where management, in good faith, has reason to believe the sick employee’s health condition is an immediate threat to the health of other employees, clients, or the good working order of the office.

Leave must be earned before it is taken. Leave must be taken in increments of 15 minutes or more (rounded to the nearest quarter hour). Only the amount of leave necessary to bring the employee to full pay status may be taken. Leave may not be used to exceed the number of contracted hours in an employee’s scheduled work period.

Each agency will accept annual and sick leave credits upon transfer from another state agency, provided the transfer occurs within a 31-day period from the date of separation from the previous agency.

G. Annual Leave

Annual leave is used to provide periods of rest, relaxation, vacation, and to conduct personal business. Before taking annual leave, the employee must submit a request for supervisor approval. Annual leave may be denied if the employee’s absence would adversely affect the work unit.

1. Career Service:

Full time employees earn annual leave as follows:

<u>Creditable Service</u>	<u>Hours Earned Biweekly</u>	<u>Hours Earned Monthly</u>
Up to five years (through 60 months)	4	8.667
Five to 10 years (61 through 120 months)	5	10.833
Over 10 years (Over 120 months)	6	13

Part-time employees earn credits proportionate to time worked during the pay period.

All previous state government creditable service may be counted immediately upon employment for the purpose of determining eligibility to earn higher annual leave credits.

Annual leave is credited to an employee’s balance at the close of business on the last day of the pay period or, in the case of separation, the last day on the payroll. Annual leave is not available for use prior to being credited. These credits are earned on a pro-rated basis for employees who work less than a full pay period due to initial employment, separation or leave of absence without pay.

Employees may carry annual leave balances over 240 hours during the calendar year. However, at the close of business on December 31 of each calendar year, annual leave hours

in excess of **[INSERT AGENCY POLICIES]** hours will be converted to sick leave on an hour-for-hour basis.

Employees with permanent status may request to be paid up to 24 hours of unused annual leave as provided in Section 110.219(7), Florida Statutes. This optional annual leave payment is counted toward the employee's 240-hour lifetime payment cap. This optional payout is offered each December subject to availability of funds and the employee's eligibility.

2. Selected Exempt Service and Senior Management Service:

Employees are granted a lump sum accrual of 176 hours of annual leave upon appointment and on each anniversary date of their appointment. The current year's annual leave accrual is prorated upon separation from the pay plan or retirement. The maximum payment for unused annual leave credits upon separation or retirement is 480 hours.

Exempt employees may carry over 480 hours of annual leave from anniversary date to anniversary date; however, credits in excess of 480 hours at the close of business on the day prior to the anniversary date will be converted to sick leave credits on an hour-for-hour basis. Leave credits (up to 480) may be transferred, subject to the provisions of the receiving agency.

G. Sick Leave

Employees must receive prior approval to use sick leave if a medical appointment is necessary during work hours. Sick leave may be used for the following reasons:

1. Personal illness (including maternity-related disability), injury or exposure to a contagious disease which would endanger others; or
2. Personal appointments with a doctor, dentist or other recognized medical practitioner; or
3. Illness, injury or well care checkups of the following family members when the employee's presence is necessary: employee's spouse, children or parents of the employee or spouse, stepchildren, stepparents, a person for whom the employee or spouse has a "caretaker" responsibility. **[INSERT AGENCY 'CARETAKER' DEFINITION]**

After three workdays or partial workdays of absence in any 30-calendar day period, the supervisor may require medical certification before approving additional sick leave.

Medical certification is required after 10 consecutive days of absence in any 30-calendar day period. Medical certification must indicate that the employee is unable to perform regularly assigned duties for additional sick leave to be approved. Medical certification may be required for each additional 30 consecutive days of absence.

1. Career Service:

All full-time Career Service employees earn sick leave at a rate of four hours each biweekly period and eight hours and 40 minutes of sick leave each monthly period. Part-time employees earn credits proportionate to time worked.

Sick leave is credited to an employee's balance at the close of business on the last day of the pay period or, in the case of separation, the last day on the payroll and is not available for use prior to being credited. There is no limit to the number of hours of sick leave that may be accrued.

Sick leave credits are earned on a pro-rated basis for employees who work less than a full pay period due to initial employment, separation or leave of absence without pay.

2. Selected Exempt Service and Senior Management Service:

Employees are granted a lump sum accrual of sick leave credits in the amount of 104 hours upon appointment and on each anniversary date of the appointment. There is no limit in the number of hours of sick leave that an exempt employee may accrue.

H. Sick Leave Pool [Section 110.121, Florida Statutes]

[INSERT AGENCY POLICIES]

I. Sick Leave Transfer Plan

[INSERT AGENCY POLICIES] [Intended for Agencies that have Transfer Plans]

J. Leave Payment upon Separation from Service

1. Criteria for payment of terminal annual leave credits:

Career Service – The employee must have completed at least 12 months of continuous service. Payment cannot exceed a lifetime cap of 240 hours and will

be paid at the employee's current rate of pay. In the event of death, there is no cap and all unused annual leave will be paid to the employee's beneficiary, estate or as provided by law.

Selected Exempt Service and Senior Management Service – There is no minimum service requirement, but the current year's leave accrual will be prorated. Payment cannot exceed 480 hours (per payment). In the event of death, there is no cap and all unused annual leave will be paid to the employee's beneficiary, estate or as provided by law.

2. Criteria for payment of terminal sick leave credits (for Career Service, SES and SMS):

- Must have completed 10 or more years of creditable state service.
- Must separate from state government employment for reasons other than disability retirement.
- Payment is made at the employee's current hourly regular rate of pay for one-fourth of all unused sick leave accrued on or after October 1, 1973, not to exceed 480 hours, plus one-eighth of any unused sick leave credits accrued before October 1, 1973.

3. Criteria for payment of unused compensatory leave credits for Career Service and SES:

- No Career Service employee will receive payment for unused *regular* compensatory leave credits upon separation (unless it was accrued under the agency's Payable Regular Compensation Plan). Career Service employees who transfer to the SES will transfer those unused *regular* and/or *special* compensatory leave credits (which were not accrued under a Payable Regular Compensation Plan or FLSA Special Compensation Plan).
- Payment for unused *special* compensatory leave credit will be made on an hour-for-hour basis at the employee's current regular hourly rate of pay.

[INSERT AGENCY POLICIES]

K. Administrative Leave

Administrative leave is leave with pay that is not taken from an employee's personal leave balances and is available to all Career Service, SES and SMS employees. Approval of administrative leave is limited to an amount necessary to bring the employee to full pay status for the work period. In no case can approval of administrative leave cause the employee to exceed the number of contracted hours in the employee's work period.

Prior approval by the supervisor is required. Examples of the types of Administrative Leave and how it may be used are listed below:

- Jury Duty (documentation required)
- Subpoenaed Court Appearance for non-personal litigation (documentation required)
- Voting (up to one hour)
- Disabled Veteran Re-examination or Treatment (requires medical certification of treatment/evaluation of service connected disability)
- Disaster Service Volunteers (approved by the governor or agency head)
- Formal agency investigation for violation of a rule or statute, for which dismissal is a penalty
- Athletic Competition for World, Pan Am or Olympic level sports (documentation required)
- Visitation to Child's School or Day care/Parent Teacher Conferences (one hour a month)
- Death in Immediate Family (two days for death of spouse, children, parents, grandparents, stepparents, stepchildren, brothers, sisters and grandchildren of the employee or spouse)
- Governor's Mentoring Initiative (one hour of administrative leave per week, not to exceed five hours per calendar month, to participate in school or community volunteer activities)
- Office Closures (as authorized by the governor or agency head)
- Interviews and Examinations for State Personnel System Vacancies (up to two hours)

- Day of Entrance Examination for Military Service (documentation required)

L. Disability Leave

The supervisor or employee should notify the employing agency's personnel office of all periods of disability due to an on-the-job injury. For employees who suffer a documented on-the-job injury/illness, leave with pay is provided as follows:

- To cover the initial 40 hours of absence needed to obtain medical treatment/therapy or to recuperate from the injury/illness.
- To cover up to an additional 48 hours of absence needed to attend medical/therapy appointments that occur after the employee has returned to work, provided that the employee has presented written confirmation from the authorized worker's compensation medical provider and the initial 40 hours have been exhausted.

M. Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) is a federal law that allows employees to take up to 12 workweeks of paid or unpaid, job-protected leave within a 12-month period for one of the following reasons (FMLA-qualifying events):

1. the birth of the employee's child and to care for the newborn child;
2. the placement of a child with the employee for adoption or foster care;
3. the employee is needed to care for a family member (child, spouse or parent) with a serious health condition;
4. the employee's own serious health condition makes the employee unable to perform the functions of his/her job; or
5. a qualifying exigency (as defined by the U.S. Department of Labor) arising from a spouse, child, or parent's call to active military duty in support of a contingency operation

In addition, an employee who is the spouse, parent, child, or next of kin of a current member of the armed forces (including the regular armed forces) who was injured while on active duty, may be eligible for up to 26 weeks of FMLA leave in a 12-month period. The 26

weeks of leave allowed includes the types of leave above.

To be eligible for FMLA, employees must have been employed by the state for at least 12 months. They must also have worked for at least 1,250 hours during the 12-month period immediately before the start of their leave.

FMLA leave taken by an employee for the birth or adoption of a child, or because of a serious health condition of the employee or the employee's spouse, child or parent, runs at the same time as any parental leave and/or family medical leave provided to the employee under the Florida Family Supportive Work Program (see description below). FMLA leave for the birth or placement of a child for adoption or foster care expires 12 months from the date of the birth or placement.

An employee must provide at least 30 days advance notice, or as much notice as practicable, before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member. An employee will provide, at least, verbal notice sufficient to make the employer aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. When the approximate timing of the need for leave is not foreseeable, an employee should give notice of the need for FMLA leave as soon as practicable under the facts and circumstances of the particular case. The employee must comply with all other requirements contained in the FMLA implementing regulations.

In certain circumstances, the agency may determine that the medical absence is qualified for FMLA. In such cases, the agency will notify the employee that FMLA is being applied.

During any period that an employee is on FMLA leave, the employee's State of Florida group health insurance benefits and state-approved life insurance or supplemental insurance plans will continue under the same terms and conditions as if the employee had been continuously working during the FMLA leave period.

If the employee elects not to use accrued annual leave to cover any part of a family leave of absence, the employee will be placed on authorized leave without pay status. An employee on authorized leave without pay status is responsible for coordinating payment of payroll deductions with the People First Service Center to ensure continuation of state-administered health care coverage, where necessary.

Consult with the personnel office for assistance in processing a family medical leave of absence request, leave use options and benefit continuation.

N. Family Supportive Work Program

Parental or Family Medical Leave

The Florida Family Supportive Work Program (FSWP) is a state law which allows a Career Service, SES or SMS employee to take up to six months of leave for the birth or adoption of a child or for a family member's serious health condition. Such leave will commence on a date that is determined by the employee in consultation with the attending physician following notification to the employer in writing, and that is approved by the employer.

For the purposes of parental or family medical leave, the employee may be placed on leave without pay or may elect to use accrued sick leave or annual leave credits. During this time the state contribution toward the employee's health insurance coverage will continue. Also, where appropriate, FSWP leave will run concurrent with FMLA leave.

Leave for Family Responsibilities

Under the Florida FSWP, employees may also request and be granted a leave of absence for family responsibilities (other than for family medical leave) up to 30 calendar days provided such leave would have minimum impact on the employee's work unit. Family responsibilities may include, but are not limited to:

- Caring for aging parents.
- Involvement in settling parents' estate upon their death.
- Relocating dependent children into schools.
- Visiting family members in places which require extensive travel time.

An employee requesting family leave must submit a written request to the immediate supervisor stating the date family leave will commence, the anticipated return to work date, and whether the employee intends to use accrued annual leave to cover all or part of the family leave of absence.

If the employee elects not to use accrued annual leave to cover any part of a family leave of absence, the employee will be placed on authorized leave without pay status. An employee on authorized leave without pay status is responsible for coordinating payment of

miscellaneous payroll deductions with the People First Service Center to ensure continuation of state-sponsored health care coverage, where necessary.

O. Military Leave

The National Defense Authorization Act of 2008 amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. This Act’s amendments also include the allowance of eligible employees to take up to 26 weeks of job-protected leave in a single “12-month period” to care for a covered servicemember with a serious injury or illness. In addition, leaves of absence for military service will be granted pursuant to the provisions of Sections 115.09, 115.14 and 250.48, Florida Statutes. All such leaves of absence will be verified by official orders or appropriate military certification submitted to the supervisor and/or agency personnel office. Please see the FMLA section of this Handbook for more detailed information.

An employee called to active duty will automatically continue coverage in any benefit plans the employee was enrolled in at the time of reporting for active duty, unless coverage is cancelled. For health and basic life, the employer will continue to pay the state share of the premiums for that coverage.

The employee will continue to be responsible for any amount that the employee had been paying, whether through continued payroll deductions or by personal check or money order. If payments are to be made, employees should make the personal check or money order payable to the Division of State Group Insurance and remit the payment to the People First Service Center at the following address:

People First Service Center
PO Box 863477
Orlando, FL 32886-3477

If the employee participates in a plan outside of the State Group Insurance Program (i.e., agency contracted plans), the agency personnel office should inform the employee of payment options and how to remit payment.

Reservists called to active military service must notify the agency within 90 days from the date of discharge from active service. The employee or his/her power of attorney is responsible for notifying the agency of the last day of active duty.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of Career Service, SES and SMS employees (including part-time and probationary employees) who voluntarily or involuntarily leave employment positions to undertake military service.

Further information regarding employment and reemployment rights under USERRA can be found on the Department of Labor's Web site at <http://www.dol.gov/compliance/laws/comp-userra.htm>.

Additional detailed information can be found in the Active Duty Military Leave of Absence Guidelines on the Division of Human Resource Management's Web site, at http://dms.myflorida.com/human_resource_support/human_resource_management/for_state_hr_practitioners/hrm_correspondence/program_guidelines.

P. Other Leaves of Absence

An employee may, upon request, be granted a leave of absence for up to 12 calendar months provided the absence is deemed justified and not to be detrimental to the operations of the employee's work unit.

An agency may approve the use of intermittent leave credits to maintain state benefits.

Q. Unauthorized Leave

An employee who is absent without authorization will be placed on leave without pay and may be subject to appropriate disciplinary action, up to and including termination.

IX. TRAINING

Training is the process of providing or making available to employees coordinated programs and courses, which directly relate to the performance of official duties. Training enables employees to improve their knowledge, skills and abilities, improving the products and services provided to our customers. Requests for training can be initiated by the supervisor or by the employee.

A. Required Training

1. EEO/AA: Section 110.112, Florida Statutes, requires all supervisory personnel to receive training in the principles of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and the establishment of affirmative action goals.

2. **[INSERT AGENCY POLICIES REGARDING MANDATORY AND/OR JOB-SPECIFIC TRAINING]**

B. Tuition Waiver Program

Section 1009.265, Florida Statutes, authorizes full-time state employees to enroll at a state university or community college for up to six credit hours of tuition-free courses per term on a space available basis. There is no requirement that courses be job-related, but each school has its own rules regarding which courses are available under this program.

Employees usually attend classes after hours, but if the class is during normal working hours, (as approved by the immediate supervisor), the employee will be required to either make up work time or use annual or compensatory leave. In no case are the hours spent in class counted as "time worked."

Pursuant to 26 U.S. Code 127, the first \$5,250 in educational assistance provided per plan year under the program qualifies for tax-free treatment. Any educational assistance provided to an employee under the program, which is valued in excess of \$5,250, will be reported to the Internal Revenue Service.

Part-time employees are not eligible to participate in this program. Please refer to the Tuition Waiver Program information located on the DMS Web site, at http://dms.myflorida.com/human_resource_support/human_resource_management/for_hr_practitioners/hr_topics.

X. GENERAL INFORMATION

[INSERT AGENCY POLICIES REGARDING THE TOPICS BELOW OR ANY ADDITIONAL TOPICS]

A. Personal Appearance/Dress Code

Employees are expected to be neat and clean in appearance and dress appropriately for office or public contact. Additional requirements may be established by the employing agency.

B. Fingerprinting

Employees filling certain positions in state government may be required to be fingerprinted for purposes of conducting a criminal history record check. Applicants will be advised of this requirement prior to appointment to such a position. [Section 110.1127, Florida Statutes]

C. Parking

The rules for employee parking depend upon the location of employment. Some agency locations have specific parking and traffic regulations. Specified parking areas have been designated for disabled employees. Disabled parking areas should not be utilized unless authorized. Employees may be assigned to a location where there are free parking spaces available. In other cases, employees may have to pay for parking or search for other on-site or off-site parking alternatives. For additional information on parking, contact your supervisor or the personnel office for additional information.

D. Blood Bank

Patients in our community are dependent on donors from state agencies, businesses, schools, and churches to provide a safe and adequate blood supply. To meet that demand, state agencies are allowed to sponsor blood drives and to encourage employees to donate during the mobile unit visits.

E. Smoking Policy

Smoking is not allowed in any state building. There are designated smoking areas outside most state buildings. Any employee who violates this policy is guilty of a non-criminal violation, punishable by disciplinary action, up to and including dismissal, and/or a fine.

F. Internet/E-mail

Most employees of the State of Florida have been provided with computers that enable them to send and receive electronic-mail (e-mail) and access the Internet to assist in the performance of their job duties. It is expected that all employees will use these systems for appropriate purposes. The Internet may not be accessed at any time to gamble or engage in other illegal activities or to view, display, store, download, transmit, or receive any material that is fraudulent, harassing, sexually explicit, profane, obscene, defamatory, or otherwise unlawful, including offensive material concerning gender, race, color, national origin, religion, age, disability or other characteristic protected by law, regardless of intent. Violation of this policy may result in disciplinary action, up to and including dismissal. Additionally, each agency may restrict the use of state equipment in its individual policies. Please refer to the personnel office for more information.

G. Information Security/Passwords

It is the employee's responsibility to make every effort to protect the information resources available to them. Each employee is responsible for their computer and/or passwords assigned to him/her for their use and security.

No employee is authorized to arbitrarily grant access to use any information resource or computer without a specific need and permission to do so. Authorized access may be requested through an employee's supervisor or owner of the system.

The protection of information processed and stored by the state is outlined in section 839.26, Florida Statutes. Any employee engaging in unauthorized use, disclosure, alteration, or destruction of data in violation of these statutes will be subject to appropriate disciplinary action, up to and including dismissal.

The following are recommendations to assist employees in maintaining the security of information resources:

- In order to provide accountability, passwords should be individually owned rather than owned by a group.
- Your password is personal, keep it private! Never write passwords down or share with another individual.
- **PASSWORDS SHOULD NEVER BE SAVED IN MEMORY!** Do not store your password on your computer.
- Passwords must be changed every 90 days.
- If permitted by the system, passwords should be at least eight characters in length. Passwords for critical systems should be longer, if permitted by the system.
- If permitted by the system, passwords should be composed of a combination of upper and lower case alpha characters (a or A to z or Z) and numbers (0 to 9) as well as special characters (!@#\$%^&*()_+|~-=\`{}[]:~<>?,./)
- A best practice for password creation is to not use names or birth dates of family members or any words found in the dictionary.
- When you leave your desk, log out or use a password-locked screensaver to obscure the normal display of your monitor. This prevents a logged-in system from being accessed by unauthorized individuals, protects you from an e-mail being sent “from you” without your knowledge, protects the information stored on your computer, and also hides the work currently being done from passers-by.
- When not in use, keep removable storage media and paper documents containing information that should be protected from disclosure in a secure place.

Report suspected computer security incidents such as viruses, unauthorized disclosure or inappropriate use to the information technology office.

H. Travel

There are two classes of travel that are utilized by employees when traveling on state business: Class A travel and Class B travel.

- Class A Travel is continuous travel of 24 hours or more away from the official headquarters.

- Class B Travel is continuous travel of less than 24 hours requiring overnight absence from the official headquarters.

All travelers are allowed subsistence when traveling to a convention, conference or on bona fide state business within or outside the state. The following options are available for each day of such travel:

1. Eighty dollars (\$80.00) per diem; or
2. If actual expenses exceed \$80.00, the following amounts for meals, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills:
 - a. Breakfast - \$6.00
 - b. Lunch - \$11.00
 - c. Dinner - \$19.00

Note: When lodging or meals are provided at a state institution, employees will be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum amounts stated above. No one, whether traveling out-of-state or in-state, will be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

Incidental Expenses

Employees may be reimbursed for incidental traveling expenses, including: (1) taxi and ferry fare; (2) bridge, road and tunnel tolls; (3) storage or parking fees; (4) communication expenses (i.e., telephone; fax; etc.) for official state business; (5) convention or conference registration fees; and (6) reasonable tips and gratuities. All incidental expenses over \$25 require paid receipts for verification.

Use of Privately-Owned Vehicle

When use of a privately owned vehicle is approved for official travel, the traveler will be entitled to a mileage allowance which is currently at a fixed rate of \$.445 per mile. No reimbursement will be allowed for expenditures related to the operation, maintenance and ownership of the vehicle. All mileage will be calculated from the point of origin to the point of destination on the basis of the current map or chart published by the Florida Department of Transportation. [Section 112.061, Florida Statutes]

I. Use of Seat Belts

All front and rear seat occupants of state-owned, leased or rented vehicles and all personal vehicles operated on state business are required to wear seat belts. Failure to wear seat belts will be considered improper use of a vehicle and will subject employees to disciplinary action. If an accident resulting in injury to an employee occurs and the employee is not wearing seat belts and the failure to use the seat belts contribute to injuries received, the employee's worker's compensation benefits may be reduced under the provisions of Section 440.09(4), Florida Statutes.

J. Safe Use of Cellular Phones

The state promotes safe use of cellular phones by encouraging drivers to follow common sense tips to ensure their wireless phone is not a distraction. It is even more important to pay attention to the road and make driving safety your first priority; do not use a cellular phone when driving.

XI. EMPLOYEE RELATIONS

[INSERT AGENCY POLICIES, WHERE APPLICABLE]

A. Employee Assistance Program (EAP)

The EAP assists all employees, as well as anyone who resides in the employee's household, or any employee's family member who is financially dependent on who may be suffering from behavioral or medical problems, which may affect the employee's work performance. The state recognizes that behavioral or medical disorders and mental health problems can be successfully treated. Horizon Health is the organization contracted with People First to provide these services.

Horizon Health is a provider of comprehensive employee assistance programs and administrative behavioral services. Horizon has provided EAP services for employees of America's major corporations since 1975. Horizon's counselors are fully licensed professionals who have the clinical training and expertise to help employees and their families. Horizon Health is privately owned, and is not the subsidiary of, nor an agent for, any insurance company or treatment provider. The program goal is to help those individuals who develop such problems by providing confidential short-term counseling and referral assistance in order for them to obtain access to treatment.

Participating in the EAP will in no way jeopardize an employee's job security. Information concerning an employee's participation in the program is strictly confidential and independent of personnel or other public records.

Please contact the personnel office or Horizon Health directly at (800) 860-2058 for further information regarding EAP services. [Section 110.1091, Florida Statutes]

B. Drug-Free Workplace

The State of Florida acknowledges that drug use has serious adverse effects in the workplace resulting in lost productivity each year and poses a threat to public health and safety. Maintaining a healthy and productive workforce with safe working conditions free from the effects of drugs decreases the occurrence of injuries on the job, absenteeism and theft, and promotes employee morale.

The Drug-Free Workplace Act promotes the goal of drug-free workplaces within government through fair and reasonable drug-testing methods for the protection of public

employees and employers. While Section 112.0455, Florida Statutes, does not require state agencies to have a Drug-Free Workplace Program, it does require that employers give their employees 60 days notice prior to drug testing if they do not have a Drug-Free Workplace Policy. This section defines an employer as “any agency within state government that employs individuals for salary, wages or other remuneration.”

Section 112.0455, Florida Statutes, identifies and defines the types of drug testing: job applicant testing, routine fitness for duty testing, follow-up testing and reasonable suspicion drug testing. “Reasonable suspicion drug testing” means drug testing based on a belief that an employee is using or has used drugs in violation of the employer’s policy drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience. A job applicant is defined in Section 112.0455, Florida Statutes, as “a person who has applied for a special risk or safety-sensitive position with an employer and has been offered employment conditioned upon successfully passing a drug test.” Job applicant testing only provides for the testing of safety-sensitive, special risk or other positions specifically required by legislative authority. To learn more about the other types of drug-testing, review Section 112.0455, Florida Statutes, by visiting the Web site <http://www.leg.state.fl.us/>.

All employees are expected to adhere to the state’s standards of conduct concerning the possession and/or use of drugs or alcohol while on duty or while in or on state property. Violations of this policy will result in referral to EAP and/or disciplinary action up to and including dismissal. [Section 112.0455, Florida Statutes]

C. Violence in the Workplace

The State of Florida recognizes the seriousness of violence in the workplace, especially domestic and sexual violence. Personal issues can be extended to the workplace and are of concern. Employees facing such issues may seek assistance through EAP. The State of Florida does not tolerate violence in the workplace.

D. Domestic Violence

Section 741.313, Florida Statutes, provides that employees may take up to three days of leave within a 12-month period for certain activities resulting from an act of domestic violence. The employee may use personal leave or take leave without pay. This law also requires that

employers keep an employee's leave information confidential and prohibits employers from taking certain actions against employees for exercising rights specified in the bill.

Employees (or family household members of the employee) who are either the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence may file a sworn petition for an injunction for protection against domestic violence. Florida law currently prohibits dismissing from employment any person who testifies in a judicial proceeding in response to a subpoena. Please consult your personnel office for additional information.

E. Sexual Harassment

Every employee will be afforded the opportunity to work in an environment free from unwelcome sexual advances, demands for sexual favors, and other verbal or physical conduct of a sexual nature. The public policy of the State of Florida is zero tolerance of any form of sexual harassment.

The state does not condone nor does it tolerate sexually offensive or harassing behavior of its employees. Any employee who has been a victim of such harassment should immediately contact their supervisor, supervisor's supervisor, agency head, Office of the Inspector General, the EEO Officer or the People First Service Center. Employees who are found to have sexually harassed or knowingly filed a false complaint of sexual harassment against another employee will be subject to disciplinary action, up to and including dismissal. [Section 110.1221, Florida Statutes]

F. Whistle-Blower's Act of 1986

This Act prevents agencies or independent contractors from taking retaliatory action against an employee who reports to appropriate agency violations of law on the part of a public employer or independent contractor [as defined in Section 112.3187(3)(d), Florida Statutes], that creates a substantial and specific danger to the public's health, safety or welfare. It also prevents agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or neglect of duty on the part of an agency, public officer, or employee.

Violations of this act should be reported in accordance with Section 112.3187, Florida Statutes. Any employee who has a complaint should immediately contact the supervisor, supervisor's supervisor, agency head, Office of the Inspector General, the EEO Officer, and/or the People First Service Center. [Section 112.3187, Florida Statutes]

G. Career Service Grievance Process

In accordance with Section 110.227(4), Florida Statutes, a grievance procedure is available to Career Service employees who have satisfactorily completed a one-year probationary period in his or her current position. Claims of discrimination and sexual harassment, and claims related to suspensions, reductions in pay, demotions and dismissals, are not subject to the Career Service grievance process. Refer to the personnel office for further information. For more information, contact the Public Employees Relations Commission (PERC) at (850) 488-8641 or visit their Web site at: <http://perc.myflorida.com/>.

H. Appeals

A Career Service employee who has satisfactorily completed a one-year probationary period in his or her current position, who is subject to a suspension, reduction in pay, demotion, or dismissal, may appeal such action to the PERC within 14 calendar days after receipt of final notice of the action.

XII. STANDARDS OF CONDUCT

Employees of the state are expected to perform their specific duties and conduct themselves in a manner that fosters the achievement of the agency's purpose and goals. The conduct of each employee is expected to reflect a commitment to:

- Putting forth the employee's best effort;
- Managing the employee's work time for maximum effectiveness and efficiency; and
- Performing to the best of the employee's ability the duties and responsibilities of the position.

Disciplinary guidelines are established to communicate the state's view regarding inappropriate conduct and to assure that fair and equitable disciplinary action is administered when an employee violates the standards of conduct.

A. Disciplinary Standards

Section 110.227, Florida Statutes, and Rule 60L-36, Florida Administrative Code (F.A.C.), sets forth the minimal standards of conduct that apply to all employees in the State Personnel System, a violation of which may result in discipline up to and including dismissal. Agencies may develop Standards of Conduct and Disciplinary Standards that are specific to the unique mission of the agency, however they should supplement, not replace, the state's philosophy concerning discipline that is found in Section 110.227, Florida Statutes, Rule 60L-36, F.A.C., and applicable collective bargaining agreements. Career Service employees who have satisfactorily completed at least a one year probationary period in their current position may be suspended or dismissed only for cause, which shall include, but not be limited to, the following:

1. **Poor Performance** - Employees shall strive to perform at the highest level of efficiency and effectiveness; they shall do more than "just get by."
 - a. Employees are expected to be reliable and dependable. For example, employees must show up and be ready for work on a reliable basis; to observe established work hours and scheduled appointments; to complete work on time; and to obtain permission before being off work, and to schedule leave in a manner that minimizes work disruption.

- b. Employees are expected to be effective, for example: to organize their work; to stay focused on job-related activities during work hours; to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgment; to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures and technology; and to be committed to improving individual performance.
- 2. **Negligence** - Employees shall exercise due care and reasonable diligence in the performance of job duties.
- 3. **Inefficiency or Inability to Perform Assigned Duties** - Employees shall, at a minimum, be able to perform duties in a competent and adequate manner.
- 4. **Insubordination** - Employees shall follow lawful orders and carry out directives of persons with duly delegated authority. Employees shall resolve any differences with management in a constructive manner.
- 5. **Violation of Law or Agency Rules** - Employees shall abide by the law and applicable rules and policies and procedures, including those of the employing agency and the rules of the State Personnel System. All employees are subject to Part III of Chapter 112, Florida Statutes, governing standards of conduct, which agencies shall make available to employees. An agency may determine that an employee has violated the law even if the violation has not resulted in arrest or conviction. Employees shall abide by both criminal law, for example, drug laws, and the civil law, for example, laws prohibiting sexual harassment and employment discrimination.
- 6. **Conduct Unbecoming a Public Employee** - Employees shall conduct themselves, on and off the job, in a manner that will not bring discredit or embarrassment to the state.
 - a. Employees shall be courteous, considerate, respectful and prompt in advising and serving the public and co-workers.
 - b. Employees shall maintain high standards of honesty, integrity and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use, or attempt to use, their

official position for personal gain or confidential information for personal advantage.

- c. Employees shall protect state property from loss or abuse, and they shall use state property, equipment and personnel only in a manner beneficial to the agency.
7. **Misconduct** - Employees shall refrain from conduct which, though not illegal or inappropriate for a state employee generally, is inappropriate for a person in the employee's particular position. For example, cowardice may be dishonorable in people generally, but it may be entirely unacceptable in law enforcement officers. By way of further example, people are generally free to relate to others, but it may be entirely unacceptable for certain employees to enter into certain relationships with others, such as correctional officers with inmates.
8. **Habitual Drug Use** - Agencies shall not tolerate violations of Florida's Drug-Free Workplace Act, Section 112.0455, Florida Statutes, or other misuse of mood- or mind-altering substances, including alcohol and prescription medications.
9. **Conviction of Any Crime** - Including a plea of nolo contendere and a plea of guilty with adjudication withheld.

B. Disciplinary Actions

The state may provide employees with counseling, adequate warning or other notice of the need for corrective action before formal disciplinary action is administered. Discipline is the means by which the state gives formal notice to the employee of (1) specifically what he/she did wrong; (2) the rule or standard violated; (3) corrective action needed; and (4) what the employee can expect if the offense is committed again. Personnel actions such as transfer, layoff or reassignment are not forms of disciplinary action.

Disciplinary actions shall be taken in the most timely, judicious and consistent manner possible, providing fair treatment for employees while protecting the efficient operations of the State. The level of discipline imposed is best left to the discretion of each agency based on its unique mission, standards of performance, disciplinary standards, and individual circumstances.

Probationary employees and other employees exempt from the Career Service may be disciplined up to and including dismissal and need only be advised in writing of the action and

the effective date. An employee who has not satisfactorily completed at least a one year probationary period in their current position may be suspended or dismissed at any time without the right to appeal such action to the PERC. Although probationary and exempt employees have no recourse to disciplinary action, it is the intent of the state to exercise as judicious and fair an approach in taking disciplinary action against a probationary or exempt employee as any other employee.

The types of disciplinary actions include but are not limited to:

1. **Oral Reprimand** - This is the least severe form of disciplinary action. Its purpose is to bring a specific problem to the attention of the employee thereby directing them to take corrective action.

Following consultation with the management designee, the supervisor shall meet with the employee privately to discuss the nature of the improper behavior or act, the specific work or conduct standard violated, and the corrective action necessary. The employee shall be advised that an oral reprimand is being issued and that similar behavior in the future may result in more severe disciplinary action.

The supervisor should confirm in writing that an oral reprimand was discussed with the employee, the date it took place, and a copy of such shall be placed in the employee's official personnel file and a copy given to the employee by the immediate supervisor.

If the employee deems it appropriate, he or she may prepare an explanatory memorandum to be placed with the written record in the official personnel file

2. **Written Reprimand** - The written reprimand may or may not be preceded by an oral reprimand for unacceptable conduct. Its purpose is also to help an employee who violates a work standard or behaves improperly to recognize the deficiency and take corrective action.

This reprimand is in writing, normally in memorandum form. It shall cite the specific standard or rule that was violated, briefly describe the specific incident prompting the discipline, indicate the expected corrective action, and state that similar behavior in the future may result in more severe disciplinary action.

Following consultation with the delegated management designee, the supervisor shall meet with the employee privately and issue the written reprimand. The employee shall acknowledge receipt by signing and dating the written reprimand to be included in the employee's official personnel file. Refusal of the employee to acknowledge receipt shall be noted on the reprimand. However, such refusal shall not invalidate the disciplinary action.

If the employee deems it appropriate, he or she may prepare an explanatory memorandum to be placed with the reprimand in the official personnel file.

3. **Reduction in Pay, Demotion, Suspension and Dismissal** - These forms of discipline are severe and appealable.

A Career Service employee who has satisfactorily completed at least a one year probationary period in the current position and who is subject to a reduction in pay, demotion, suspension or dismissal shall receive written notice in accordance with Section 110.227(5)(a), Florida Statutes.

Employees subject to reduction in pay, demotion, suspension or dismissal must be advised of the right to appear before the agency or official taking the action to answer orally and in writing the charges against him or her prior to the date the action is to be taken. The notice of final action must advise the employee of the right to appeal the action to PERC, or, in the alternative, if the employee is covered by a collective bargaining agreement, the right to file a collective bargaining grievance.

In extraordinary situations such as when the retention of the employee would result in damage to state property, would be detrimental to the best interest of the state or would result in injury to the employee, a fellow employee or some other person, such employee may be suspended or dismissed without 10 days prior notice, provided that written or oral notice of such action, evidence of the reasons therefore, and an opportunity to rebut the charges are furnished to the employee prior to such dismissal or suspension in accordance with Section 110.227(5)(b), Florida Statutes.

C. Disciplinary Investigations

The methods of investigation and designation of investigators utilized to investigate complaints or charges of employee misconduct shall vary with the nature of the alleged offense and the needs of the agency to obtain information. In the event that sworn law enforcement personnel are under investigation, the rights provided under Part VI, Chapter 112, Florida Statutes, shall apply. In the event firefighter personnel are under investigation, the rights provided under Section 112.82, Florida Statutes, shall apply. If an employee is in a position covered by a collective bargaining agreement, the employee may request that a union representative be present during any disciplinary investigation or investigatory meeting during which the employee is questioned relative to the alleged misconduct.

Any non-sworn employee who is under formal investigation for a violation of a rule or statute for which dismissal is a penalty may be temporarily assigned other duties if deemed advisable by the agency or may be placed on administrative leave if the employee's absence from the work location is essential to the investigation in accordance with the provisions of Rule 60L-34.0071(3)(f), F.A.C.

D. Distribution

Each agency head will ensure that all employees of the agency have reasonable access to the standards of conduct and shall provide each current employee of the agency a written or an electronic copy of the standards of conduct. Each employee will be required to acknowledge receipt of the standards of conduct in writing and the dated receipt will be placed in the employee's official personnel file. Each employee is responsible for reading and understanding the standards of conduct.

E. Grievance and Appeal Rights for Career Service Employees Who Have Satisfactorily Completed at Least a One Year Probationary Period in Their Current Position

1. Oral reprimands may be grieved only through the Career Service Grievance Procedure.
2. Written reprimands may be grieved through the Career Service Grievance Procedure or as provided in the applicable collective bargaining agreement.

3. Reductions in pay, demotions, suspensions and dismissals may be appealed to PERC or as provided in the applicable collective bargaining agreement.

F. Grievance and Appeal Rights for Selected Exempt Service, Senior Management Service

Employees in the SES, SMS or in OPS positions have no grievance or appeal rights regarding disciplinary actions.

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of the Department of _____ (**INSERT AGENCY NAME**) Employee Handbook. I accept my responsibility to read and understand this handbook, including the State Personnel System’s policy on discipline and standards of conduct. I understand the topics discussed in this handbook represent the general policies of the State Personnel System and that my employing agency may impose additional requirements, depending upon the nature of my position and the authority granted by the agency.

Employee Name: _____
(Please print)

Employee Signature

Date

OATH OF LOYALTY

STATE OF FLORIDA
COUNTY OF _____

I, _____, a citizen or authorized non-citizen of the State of Florida and of the United States of America, and being employed by or an officer of the _____ and a recipient of public funds as such employee or officer, do hereby solemnly swear and affirm that I will support the Constitutions of the United States of America and the State of Florida.

Signature

Sworn to and subscribed before me
this ____ day of _____
20__.

Personally known _____ or produced identification
Type of Identification Produced _____

NOTARY
(SEAL)

Please sign and return this acknowledgement to the agency personnel office.



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