60L-32.0001 Definitions.
For the purpose of administering this chapter, the following definitions shall apply:

(1) Base Rate of Pay – An employee’s salary excluding any approved pay additive, incentive pay, discretionary or non-discretionary bonus payment, and other legislatively approved agency specific pay additive.

(2) Dual Employment and Dual Compensation – Employment in a total of more than one full-time equivalent established position; compensation of an employee simultaneously from any appropriation other than appropriations for salaries; or compensation of an employee simultaneously by more than one state agency as provided for in section 216.011(1)(qq), F.S.

(3) Excluded – A designation of exemption from the overtime provisions of the federal Fair Labor Standards Act (FLSA).

(4) Included – A designation of coverage under (not exempted from) the overtime provisions of the FLSA.

(5) Pay Additive – Temporary increases in pay in addition to the base rate of pay as specified in section 110.2035(7), F.S.

(6) Regular Rate of Pay – An employee’s base rate of pay plus any approved pay additive, Criminal Justice Incentive Pay, Firefighter Supplemental Compensation, non-discretionary bonus payment, legislatively approved agency specific pay additive, and other payments as specified in this chapter.

(7) Overtime – Hours of work suffered, permitted or required, in excess of 40 hours during the established workweek or in excess of the number of full-time contract hours in the established extended work period, for which included employees are paid at the rate of time and one half, in accordance with the FLSA.
60L-32.001 Determining Salary upon Appointment.

Upon appointment, an agency shall set an employee’s base rate of pay within the pay band for the broadband level to which appointed; however an employee appointed with trainee status may be paid less than the minimum of the pay band during the training period in accordance with the individual training schedule, subject to FLSA requirements and in accordance with section 448.110, F.S., the Florida Minimum Wage Law.

60L-32.0011 Increases to Base Rate of Pay.

An agency may increase an employee’s base rate of pay within the established pay band at any time, based upon documented justification, provided funds are available for the increase, and the increase is not specifically prohibited by law.

60L-32.0012 Pay Additives and Incentive Pay.

(1) Employees filling career service positions for which a pay additive has been approved shall receive the pay additive. A pay additive shall be removed or adjusted if there is a change in the conditions upon which it was granted.

(2) Career service pay additives include the following:

   (a) Shift Differential – When justified by competitive labor practices and in accordance with applicable collective bargaining agreements, agencies may approve this additive for positions regularly assigned to an evening, night, rotating or split shift when the major portion of the hours assigned during the shift are between 5:00 p.m. and 6:00 a.m.

   (b) On-Call – Agencies may approve employees to be placed on-call. Employees placed on-call shall be compensated in accordance with applicable collective bargaining agreements.

      1. Agencies may assign this additive to individual employees subject to the following conditions:

         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; and

         c. The employee is available to return to the work location on short notice to perform assigned duties, notwithstanding that the employee may be in paid or unpaid leave status.

      2. An employee who is absent from work due to personal illness for all or part of the previous
work shift may be excluded from on-call status at the supervisor’s discretion.

3. The on-call additive will begin when the employee is released from the work shift and actually goes “on-call.” An employee cannot receive the on-call additive while performing regularly scheduled or “normal work,” even if the work day is extended beyond the normal hours of work.

4. An employee shall continue to be compensated for the on-call additive in addition to any hours the employee is compensated for being called back to the work location to perform work activities.

(c) Hazardous Duties – An agency may approve this additive for specific positions when it can be demonstrated that the duties and responsibilities on the official position description of such positions require work activities that are exceptionally hazardous or dangerous and when performed could result in serious injury or death. Such duties and responsibilities shall not be customarily associated with all positions in the broadband level.

(d) Leadworker Duties – An agency may approve this additive for employees who are assigned limited supervisory responsibilities that include directing the work of employees having the same or similar duties in the same work unit. The duties may also include distributing work, maintaining a balanced workload among employees, keeping records, and defining work priorities. The duties do not include evaluating performance or administering disciplinary actions, and do not justify reclassification. The duties must be reflected on the official position description and in accordance with chapter 60L-31, F.A.C.

(e) Temporary Special Duties – general – Subject to the request and approval requirements provided in section 110.2035(7)(b), F.S., an agency may approve this additive when an employee has been assigned temporary duties and responsibilities not customarily assigned to the position. The Department’s review shall include the following: the duties being assigned the position; the additive amount; and compliance with the applicable collective bargaining agreement.

(f) Temporary Special Duties – absent coworker – Unless otherwise provided in the General Appropriations Act, an agency may approve this additive when the employee is assigned the duties and responsibilities of a coworker who is absent from work due to authorized FMLA or authorized military leave.

(g) Trainer Duties – 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.

(h) Competitive Area Differential – This additive is provided for specific positions with similar duties and responsibilities when it has been determined that recruitment, turnover, or competitive pay problems exist in a defined geographic region or county(ies).

(i) Critical Market Pay – This additive is agency specific and provided when pay for a position is substantially below the prevailing market rate, resulting in hiring and retention difficulties.

(3) Initial establishment or increases to existing levels of Competitive Area Differential or Critical Market Pay additives must be implemented in accordance with the provisions of section 110.2035(7)(c), F.S.
(4) Employees filling certain career service and selected exempt service positions may be eligible for Criminal Justice Incentive Pay and Firefighter Supplemental Compensation as provided for in sections 943.22, and 633.422, F.S., respectively.

Rulemaking Authority 110.1055, 110.201(1), 110.2035(7) FS. Law Implemented 110.2035 FS. History–New 1-22-02, Amended 4-3-03, 1-26-14.

60L-32.0013 Reduction in Pay.

The following actions shall not constitute a reduction in pay: removal of pay additives; actions to correct overpayments resulting from erroneous application of the Florida Statutes, legislative appropriation, Department rules, or agency pay procedures; legislatively mandated reductions, including furloughs; or salary adjustments agreed to in lieu of a workforce reduction.

Rulemaking Authority 110.1055, 110.201(1), 110.403(1), 110.605(1) FS. Law Implemented 110.403, 110.603 FS. History–New 1-22-02, 1-26-14.

60L-32.0014 Computation of Overtime.

(1) Included employees shall be compensated for overtime in accordance with the FLSA. Such compensation may take the form of pay or FLSA compensatory leave credits as described in subsection 60L-34.0031(4), F.A.C.

(2) Payment for overtime shall be computed at the rate of one and one half times the employee’s hourly regular rate of pay for the workweek or approved extended work period during which the overtime occurred.

(a) If an employee received a non-discretionary bonus, as defined in the FLSA, the amount of the bonus shall only be included in the regular rate of pay for overtime purposes during the work week or extended work period in which the bonus was received.

(b) If an employee is called back while in on-call status, only the actual time worked as a result of being called back shall be included for purposes of computing overtime compensation.

Rulemaking Authority 110.1055, 110.201(1) FS. Law Implemented 110.131(2), 110.2035 FS. History–New 1-26-14.
60L-32.002 Computation of Hourly Rate of Pay.

(1) All pay is computed on the basis of 2080 work hours annually, regardless of whether an employee is paid biweekly or monthly.

(2) Calculate hourly base rate of pay as follows:
\[
\text{Biweekly Base Rate of Pay} \times 26 = \text{Hourly Base Rate of Pay} \\
\frac{2080}{\text{Hours}}
\]

\[
\text{Monthly Base Rate of Pay} \times 12 = \text{Hourly Base Rate of Pay} \\
\frac{2080}{\text{Hours}}
\]

(3) Calculate hourly regular rate of pay as follows:
\[
\text{Biweekly Regular Rate of Pay} \times 26 = \text{Hourly Regular Rate of Pay} \\
\frac{2080}{\text{Hours}}
\]

\[
\text{Monthly Regular Rate of Pay} \times 12 = \text{Hourly Regular Rate of Pay} \\
\frac{2080}{\text{Hours}}
\]

(4) If an employee is paid at different rates of pay during a pay period, the employee’s hourly pay at each rate shall first be determined as demonstrated above. Next, the number of hours worked at each hourly rate shall be multiplied by that hourly rate and the two amounts shall be added to obtain the total amount to be paid during that pay period. To determine the weighted average hourly rate of pay for the pay period, the total pay for that pay period is divided by the total hours worked during the pay period.

Rulemaking Authority 110.1055, 110.201(1), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, 110.2035, 110.403, 110.603 FS. History–New 1-1-02, Amended 4-3-03, 1-26-14.

60L-32.003 Dual Employment and Dual Compensation.


(2) Employees seeking dual employment and dual compensation shall initiate a Dual Employment and Dual Compensation Request (Form DMS/HRM/DUAL eff. 1/26/14) hereby incorporated by reference, in accordance with the instructions on the form. This form is available at http://www.flrules.org/Gateway/reference.asp?No=Ref-03644.

Rulemaking Authority 110.1055, 110.201(1), 110.403(1), 110.605(1) FS. Law Implemented 110.131, 110.2035, 110.403, 110.605, 216.262(1)(e) FS. History–New 1-6-02, Amended 1-26-14.

60L-32.004 Perquisites.

(1) Without prior Department approval, or a delegation of authority to approve, agencies in the executive branch shall not furnish perquisites or sell goods or services to state employees. The Department’s primary criteria for approval are the ultimate benefit to the state and the exceptional or unique requirements of the position.
(2) Goods and services furnished or sold under this rule shall be considered as part of the employee’s total compensation; therefore, the kind and value of goods and services shall be as uniform as practicable in similar situations. The value of goods and services shall not be used to compute the employee's base rate of pay or regular rate of pay unless specifically required by the Department to meet FLSA requirements.

(3) The following policies apply solely to sales of goods and services to state employees.

(a) The provisions of the law apply where items generally sold to the public are offered to state employees at a lower rate.

(b) Sale of goods and services to patients, inmates, or other persons who are not employees of the state shall not require approval under this rule.

(c) This rule does not govern the sale of state surplus property.

(d) In requesting approval of the sale of any goods or services, the agency head shall determine, as nearly as possible, the fair market value of the goods or services to be sold. The Department shall make the final decision as to the cost of the goods or services, but in no case shall a cost be established which is below the cost to the state for providing the goods or services.

(e) The selling price may be deducted from any amounts due by the state to any person receiving such goods and services. Receipts from such deductions, or other methods of payments, shall be accounted for by the employing agency.

(4) By August 1 of each year, agencies in the executive branch shall report to the Department all perquisites, including dollar value, approved by the agency during the preceding fiscal year.

Rulemaking Authority 110.1055, 110.201(1)(a), 110.403(1), 110.605(1) FS. Law Implemented 216.262(1)(f), 216.262(1)(g) FS. History—New 1-6-02, 1-26-14.

60L-32.005 Benefits.

Rulemaking Authority 110.1055, 110.201(1), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.403, 110.603 FS. History—New 1-1-02, Amended 4-3-03, 5-20-08, 1-26-14, Repealed 12-27-15.

60L-32.006 Other Personal Services.

(1) Notwithstanding anything in this chapter 60L-32, F.A.C., to the contrary, employees paid from appropriations for other personal services are entitled only to the compensation expressly designated as available to them.

(2) The employing agency will determine the appropriate rate of pay; however, such payments shall be in compliance with the FLSA. Upon request, the Department shall help agencies determine how the FLSA applies to individual other personal services payments.

Rulemaking Authority 110.1055, 110.201(1) FS. Law Implemented 110.131 FS. History—New 1-6-02.
60L-32.007 Selected Exempt Service Extraordinary Payment Plan.

Rulemaking Authority 110.1055, 110.201(1), 110.602, 110.605(1), (2) FS. Law Implemented 110.201, 110.603 FS. History—New 5-21-09, Repealed 10-8-12.

60L-32.0071 Selected Exempt Service Extraordinary Payment Plan.

Notwithstanding the provisions of subsection 60L-34.0031(3), F.A.C., an agency may propose, for Department approval, an agency-wide plan to compensate excluded Selected Exempt Service (SES) employees below the bureau chief or bureau chief comparable level who are directed to work hours in excess of the contracted hours in the regular work period in response to an unforeseen extraordinary event or occurrence to provide agency mission critical services to the public subject to the following:

(1) The plan must be activated in writing by the agency head or designee and must document how the unforeseen extraordinary event or occurrence impacts recipients of agency mission critical services to justify plan activation.

(2) Plan activation shall be contingent upon the availability of adequate budget and funds for the compensation payments and shall include a beginning and ending date.

(3) The agency head or designee shall notify the Executive Office of the Governor, the President of the Senate, the Speaker of the House and the Department immediately upon each plan activation or extension by providing a copy of the activation or extension letter and any supporting documentation.

(4) Payment shall be made at the employee’s straight time hourly regular rate of pay on an hour-for-hour basis for any hours worked in excess of the contracted hours during the regular work period.

(5) All hours worked in excess of the contracted hours in the regular work period and compensated as a result of a plan activation for an extraordinary event or occurrence shall be recorded in the State Personnel System Human Resource Information System using the code designated for SES Extraordinary Pay unless otherwise instructed by the Department.

(6) A record must be maintained of all hours worked and payments made in connection with each plan activation.

Rulemaking Authority 110.1055, 110.201(1), 110.602, 110.605(1), (2) FS. Law Implemented 110.201, 110.603 FS. History—New 10-8-12.