

FLORIDA DEPARTMENT OF HEALTH

EMPLOYEE HANDBOOK

State Personnel System



November 1, 2009

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DOH MISSION STATEMENT, VISION, AND VALUES

MISSION:

Promote, protect, and improve the health of all people in Florida.

VISION:

A healthier future for the people of Florida.

VALUES:

Excellence: We achieve and maintain quality results and outcomes through continuous performance improvement and learning.

Commitment to Service: We dedicate ourselves to provide services unconditionally and without partiality.

Accountability: We take full responsibility for our behavior and performance.

Empowerment: We create a culture that encourages people to exercise their judgment and initiative in pursuit of organizational goals.

Integrity: Our guide for actions--which incorporates our commitment to honesty, fairness, loyalty and trustworthiness--is in the best interests of our customers and employees.

Respect: We recognize and honor the contributions of one another in our daily activities and create an environment where diversity is appreciated and encouraged.

Teamwork: We encourage active collaboration to solve problems, make decisions, and achieve common goals.

PURPOSE

This handbook applies to employees governed by the State Personnel System. This includes all employees in the Career Service (regardless of probationary or other status), as well as all Selected Exempt Service (SES) and Senior Management Service (SMS) employees. Other Personal Services (OPS) employees are temporary and not covered by the State Personnel System; however, some of the provisions of this handbook apply to OPS employees. Questions regarding which provisions apply to OPS employment can be directed to the servicing human resource office.

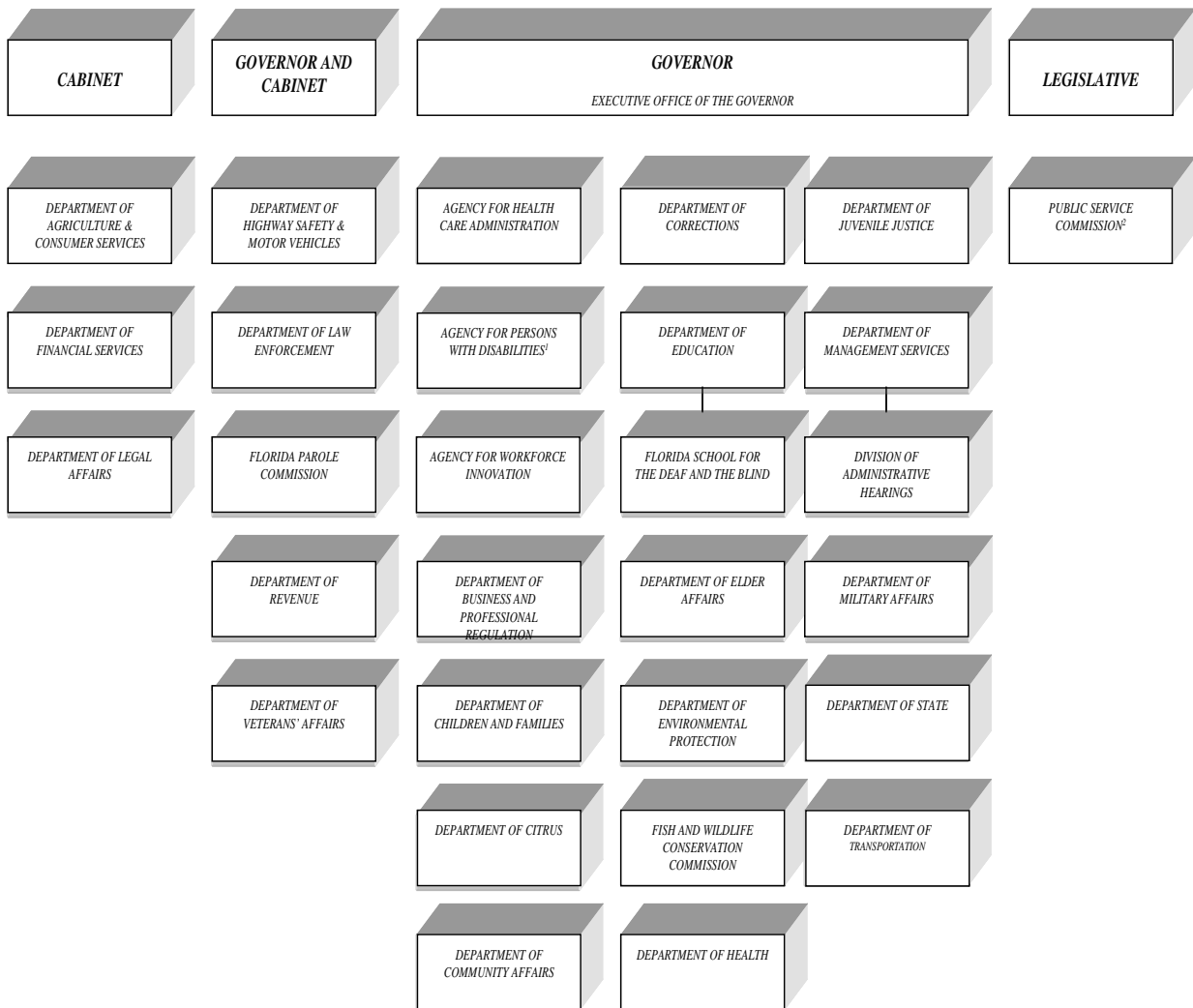
This handbook explains the State Personnel System rules and policies that relate to your employment with the Department of Health (DOH or the department). It is your responsibility to become familiar with the contents of this handbook and other employment information provided to you. However, this handbook is not a contract, nor is it intended to address all situations and circumstances that could occur during your employment. Also, the Department of Health 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), contact your supervisor or the servicing human resource office.

OVERVIEW OF THE EXECUTIVE BRANCH

Of the three branches of state government (Executive, Judicial and Legislative), the Executive branch is the largest. The majority of state government jobs are in the Executive Branch and are governed by the **State Personnel System**. The State Personnel System has three separate pay plans that provide employees with differing levels of pay and benefits:

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

State Personnel System policies apply to employees of the above three pay plans within the following agencies (including the Executive Office of the Governor):



I. MAJOR EMPLOYMENT LAWS

A. Equal Opportunity (EO)

EO 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, sex, religion, age, creed, national origin, marital status, political opinions/affiliations, or disability. 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 persons with disabilities.

Employees who feel they have been discriminated against should contact the department's human resource EO office, Office of the Inspector General, Florida Commission on Human Relations (FCHR), or federal Equal Employment Opportunity Commission for more detailed information.

B. Americans with Disabilities Act (ADA)

ADA is the federal law which prohibits discrimination against qualified applicants or employees with a disability. 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 reasonable accommodation, contact your supervisor.

C. 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. Employees covered by FLSA are referred to as "included" and those exempt from the FLSA minimum wage and overtime provisions are referred to 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.

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, 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.

D. Florida Commission on Human Relations (FCHR)

The Florida Commission on Human Relations is the state agency charged with the prevention of 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, contact the Florida Commission on Human Relations at (850) 488-7082 or visit their web site at: <http://fchr.state.fl.us>.

E. Reporting Fraud and Other Abuses

The Florida False Claims Act (Sections 68.081-68.092, Florida Statutes), the Federal Deficit Reduction Act of 2005, 42 USC 1396h, et seq., Section 20.055, Florida Statutes, and Sections 112.3187-31895, Florida Statutes, provide for reporting and investigating false claims, fraud, waste, mismanagement, misconduct, and other abuses against our state and federal health programs. The Department of Health is committed to providing an environment of honesty, integrity, and trust. DOH is responsible for the proactive prevention of fraud, waste, mismanagement, misconduct, and other abuses through education and training of applicable DOH staff.

DOH staff is responsible for reporting concerns regarding actual, suspected, or potential fraud, waste, mismanagement, misconduct, and other abuses. Staff should report their concerns regarding the DOH or federal health programs administered by the DOH by contacting the DOH Office of the Inspector General. If the concern(s) involve illegal or fraudulent conduct that endangers the public's health, safety, or welfare; gross mismanagement; gross waste of public funds; or gross neglect of duty, then staff may contact the state's toll free Whistleblower's Hotline at 1-800-543-5353. DOH shall ensure that it will not retaliate, discharge, demote, harass, or discriminate in any manner against any individual who reports violations of law, rules, or DOH policies and procedures.

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, address or personal assets of a crime victim is also exempt from the public record. Also, the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public records upon written request by the victim. (Such information shall cease to be exempt five years after the receipt of the written request.) Further, the identity of the victim of the crime of sexual battery, the identity of the victim of a lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age, or the identity of the victim of the crime of child abuse, is also exempt from public records. 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 law, as well as the name and location of the day care facility used by the children of such employees. For detailed information on who qualifies for an exemption to public record disclosures, see Section 119.07, Florida Statutes, and other relevant statutes. If you believe you qualify for an exemption from the Public Records Law, contact your supervisor 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, employee medical information is kept confidential and is 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. The Federal Selective Service System requires all males between the ages of 18 and 26 to register with or be exempted from the selective service system. Federal law requires that new hires present documentation of employment authorization within three days of employment. Employees with work visas that have an expiration date will be required to provide continued proof of a valid visa or work authorization or face termination. [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, 110.605, and 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 appointment 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] Probationary periods cannot be extended for DOH employees.

Selected Exempt Service (SES) and Senior Management Service (SMS) employees do not serve probationary periods because they serve at the pleasure of the department 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, the code of ethics sets forth standards of conduct required of state, county, and city officers and employees, and of 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 will 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 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 the department's Code of Ethics, the Florida Statutes, and advisory opinions rendered by the Florida Commission on Ethics with respect thereto 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 set forth in or published in the Florida Administrative Code 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 department. [Rule 60L-36.003, F.A.C.] Positions with regulatory authority must be designated as such.

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

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

Regulatory responsibility includes the direct responsibility for determining an entity's compliance with federal or state statutes/regulations or for recommending or approving department license issuance, suspension, revocation, or cancellation.

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 department 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 the department.

Relatives are individuals who are related to a public official as 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 department head and approved by the Department of Management Services 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 their servicing human resource office for guidance regarding activities that may or may not be permitted, as determined by each department head.

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

G. Lobbying

During legislative season, many DOH partners or advocacy groups file legislation related to DOH programs. Employees are not to endorse or reject any legislation. In addition, all proposed legislation for consideration by the department will come from the Office of Legislative Planning. Legislative bill analyses should remain objective at all times.

Requests for data or other information to support legislation being proposed outside the department should be referred to the Office of Legislative Planning. The requestor should be provided with the telephone number of the Office of Legislative Planning and offered to have their call forwarded to (850) 245-4006. This form should be completed:

http://dohiws.doh.ad.state.fl.us/Divisions/Legislative_Planning/Forms/legiscontactform.htm.

Public records requests should continue to be answered in the normal course of business.

Employees who are not registered lobbyists may only provide information, not opinions, to a member or employee of the Florida Legislature. Educating is acceptable as long as there is no attempt to affect the outcome. Employees who plan to meet, talk, or e-mail a member of the Legislature should contact the Legislative Planning Office at (850) 245-4006. The following link provides the necessary form to document the interaction with the Legislature: http://dohiws.doh.ad.state.fl.us/Divisions/Legislative_Planning/Forms/legiscontactform.htm .

Lobbying by non-registered state employees is prohibited by Section 11.061, Florida Statutes. The use of any state funds for lobbying, including time, photocopies, and telephone expenses is prohibited by Section 11.062, Florida Statutes. Under Section 11.061, Florida Statutes, if executive branch employees do not register or record hours spent lobbying, their hourly wage for time spent lobbying is deducted from their salary. Under Section 11.062, Florida Statutes, the cost of the state supplies used for lobbying is deducted from the salary of the employee who violated the provision and the violation may also be investigated by Commission on Ethics.

In addition to the statutory penalties, violations could result in disciplinary action, up to and including dismissal.

H. Performance Management

At a minimum, supervisors are required to provide employees' feedback on their performance on at least an annual basis. 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. [Section 110.224, 110.403, 110.605, Florida Statutes]

I. Separations

Employees who decide to resign or retire from their jobs should notify their supervisor of their intentions at least two weeks, or as soon as practicable, before the last day on the job. It is recommended that a letter of resignation be submitted by the employee to his or her supervisor and that it specify if the employee is moving to another state agency or retiring. If the employee should move to another state agency within 31 days of separation, the resignation letter should include the date of his or her employment with the new state agency and identify the name of

the state agency. In such cases, the transfer of state group insurance enrollments will be handled by the state. Employees who are enrolled in any other benefit or insurance through payroll deduction must contact the vendors or carriers to ensure that enrollment is transferable and to verify whether the deduction amount needs to change. It is the employee's responsibility to return all state property (i.e., cell phone, laptop, computer, printers, credit cards, keys, ID badges, etc.). Failure to return state equipment could result in legal action.

Employees who are retiring (or just separating from state government) who participate in the Deferred Compensation Plan need to contact the investment provider(s) to ensure timely processing of distributions or payout options, as well as to arrange for tax deferment of any pending annual and/or sick leave payments, if desired. It is also important for separating employees to contact their credit union or other banking institution about the settlement of any savings and/or loan accounts they currently maintain through payroll deduction.

J. Exit Interview

Exit interviews are used to collect feedback from employees who separate in order to promote continuous quality improvement. Employees may ask a supervisor or servicing human resource office about any exit interview process in which they may be asked to participate.

K. Workforce Reduction

A workforce reduction occurs when the department deletes 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, Florida Administrative Code, and terms of applicable collective bargaining agreements. Accordingly, the department develops workforce transition plans to identify the steps the department will take during the workforce reduction and outline the manner in which it will be implemented. The goal of the plan is to ensure that the department makes reasonable efforts to provide a smooth transition for adversely affected employees. [Section 110.227, Florida Statutes]

L. Licensure

Certain positions or work assignments require the maintenance of a clear and active license, registration or certification. It is the employee's responsibility to maintain the required license (including driver's license), registration or certification and to notify the supervisor of any change in status. Failure to maintain a clear and active required license, registration or

certification, or to notify the supervisor of a change in status, may result in removal from the position. Proof of a clear and active license should be maintained in the employee's personnel file and documented electronically in People First.

IV. COMPENSATION

The following information about compensation (pay) is summary in nature and not intended to address all situations or circumstances. For complete information, 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 1½ times the hourly regular rate of pay.

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

For hours in excess of contracted hours in the work period, excluded Career Service employees will be credited Regular Compensatory Leave 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 state government 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.

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

B. Rate of Pay

The base rate of pay is the biweekly rate of pay that employees earn and 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 department 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 if one of the following qualifying conditions exists, and management approves such an increase:

1. Competitive Area Differential Additive (CAD)
2. Shift Differential Additive
3. On-Call Additive
4. Lead-Worker Additive
5. Temporary Special Duties Additive
6. Trainer Additive
7. Hazardous Duty Additive
8. Critical Market Pay Additive

Salary additives will be discontinued once the qualifying condition no longer exists. Contact the servicing human resource office for more information on additives.

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 and SMS employees is the same as their base rate of pay).

C. Dual Employment and Dual Compensation

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

1. Complete a Dual Employment and Compensation Request form, and
2. Obtain approval prior to engaging in any secondary employment with another state agency.
3. Contact the servicing human resource 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, and the department's Code of

Ethics, an employee is required to obtain approval prior to holding additional outside employment. To request approval an employee should:

1. Complete the Notification of Additional Employment Outside of State Government Form.
2. Obtain approval prior to engaging in the additional outside state employment.
3. Contact the servicing human resource office for more information.

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, 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 payment plan documents are the final authority.

Active employees may participate in State Group Insurance Program health and life insurance plans, as well as a variety of supplemental insurance plans, including, dental, cancer, vision, intensive care, supplemental hospitalization, accident, and accident and disability. Employee premium contributions for these plans may be deducted on a pre-tax basis. 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 event (QSC). The most common QSCs are marriage, divorce, death, adoption, birth of a child and dependent/spouse's loss of coverage. New benefit elections must be made within 31 days of the QSC. For some QSCs, supporting documentation is required and 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, call the People First Service Center at 1-866-663-4735, or visit their web site at: http://dms.myflorida.com/human_resource_support/people_first. The Division of State Group Insurance is an additional information resource that can be reached at 1-800-226-3734, or visit their website at: http://dms.myflorida.com/human_resource_support/state_group_insurance.

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 pretax basis. These options are a Preferred Provider Organization (PPO) Standard Plan, a PPO Health Investor Health Plan (High Deductible) with a Health

Savings Account option, a Standard Health Maintenance Organization (HMO) plan, or an HMO Health Investor Health Plan, with 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, 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 Health 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. Health insurance premiums are payroll deducted on a biweekly basis. Two biweekly deductions are 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 pretax basis. SES and SMS employees receive health insurance coverage at no cost to the employee.

1. State Employees' PPO Standard Plan

The State Employees' PPO 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 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 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 “6 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 Plans’ 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 CVS Caremark, Inc. The Prescription Drug Program has two components: a network-based retail card program and a mail order pharmacy program primarily for maintenance drugs. A three-tier (generic, preferred-brand, and non-preferred brand) co-payment or coinsurance structure applies to the PPO Standard Plan and PPO Health Investor Health 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 current State Employees' PPO Plan, the Health Investor PPO gives you flexibility to see network or non-network providers, with a lower cost to you when you use network providers. Health Investor PPO participants also 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 is all tax-free and can be used to pay out-of-pocket expenses (i.e., deductibles and coinsurance) now or in the future.

3. Health Maintenance Organizations (HMO)

Each participating HMO is a fully insured health plan that provides health services to people who live or work within the HMO’s service area. Most contracted HMOs provide limited or no coverage for services outside their service areas except in

exceptional circumstances. It is important to understand the HMO's policy, especially for enrollees having covered dependents who do not live in the service area. HMO coverage does not require pre-existing condition exclusions or waiting periods.

When choosing an HMO, the enrollee must select a Primary Care Physician (PCP) from those in the HMO's 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 same three-tier co-payment/coinsurance structure applies to prescription coverage.

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

Like the traditional HMOs the state offers, with the Health Investor HMOs you must use network providers to receive benefits; no benefits are paid when you use non-network providers unless it is a medical emergency. Emergency room expenses are subject to the deductible. The Health Investor HMOs are provided by many of the same health plans who offer the traditional HMO to state employees - in the same geographical areas. Health Investor PPO or HMO participants have lower insurance premiums, in exchange for meeting certain deductibles. In addition, you may enroll in a Health Savings Account (HSA) which is like a personal savings account for healthcare, except it is all tax-free and can be used to pay out-of-pocket expenses (i.e., deductibles and coinsurance) 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% at age 70. SMS and SES employees are provided insurance equaling two times their annual salary. Premiums for these employees are paid entirely by the state of Florida, provided they are full-time.

The basic life insurance coverage includes an additional benefit for accidental death and dismemberment coverage. Payment amounts vary from 25% to 100% of the coverage amount depending upon the severity of the injury, but no more than 100% of the coverage amount is payable for all losses due to the same accident.

Any state employee participating in the State Group Life Insurance Plan 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 1, 2, 3, 4 or 5 times base annual earnings with a maximum benefit level of \$500,000. There is no minimum 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 up to 100% of the policy face amount in the event of a terminal illness diagnosis that will result in death within 12 months or less. Upon death, any remaining balance of the life insurance benefit will be paid to the named beneficiaries.

If the basic 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. If the employee leaves state employment, other than by retiring, the employee may continue optional life coverage and continue paying group rates until age 70.

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: dental, vision, supplemental hospitalization, cancer and cancer/intensive care, 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 Program (FSA) 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 claims for eligible expenses. The participant is reimbursed for eligible expenses as defined by the Internal Revenue Service.

Sections 125 and 129 Internal Revenue Code and Florida Administrative Code (F.A.C.) govern administration of this program. Unless the participant experiences a qualifying status change event, federal and state laws do not allow any change in the amount deducted from the paycheck during the year, and any unclaimed 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 the Dependent Care Reimbursement Account, employees should carefully consider its benefit 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 under the age of 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 latch-key program, summer programs, 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, including health, vision, and dental, 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. Employees must pay the full premium amount and may be required to pay an administrative fee.

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(s) and after they (and/or their spouses) become Medicare eligible, Medicare becomes the primary plan for health insurance purposes. Retirees may also continue other health plans (i.e., dental and vision coverage) under the provisions of COBRA.

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 Family Services administers this program and conducts an annual open enrollment period during which employees may apply for these benefits. For more information call "1-800-96-ADOPT".

B. Child Care (State-Sponsored Program)

The State Employee Child Care Program allows work-site childcare 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 establish centers.

Centers established under the state-sponsored childcare program meet more stringent requirements than the state's childcare 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 childcare.

Currently, the state has three childcare 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]

C. Deferred Compensation

The state of Florida has established a Deferred Compensation Plan to allow employees to set aside a portion of their salary 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 FRS retirement 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 (EFT) 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 servicing human resource 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 the 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 for charitable organizations allowed at the workplace during work hours. Employee contributions to the annual FSECC are entirely voluntary. [Section 110.181, Florida Statutes]

F. Savings Bonds

The "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 5 years. Bonds held less than 5 years earn interest on a fixed, graduated scale. Bonds must be held a minimum of 6 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.

The department has 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 the department. Additional details and forms can be obtained from the servicing human resource office. [Section 110.1245, Florida Statutes]

H. Telecommuting Program

Telecommuting is a work arrangement whereby employees may be allowed to perform the normal duties and responsibilities of their positions through the use of computers or telecommunications at home or another place apart from the employees' usual place of work less than five days a week. Telework is a work arrangement whereby employees are allowed to perform the normal duties and responsibilities of their positions through the use of computers or telecommunications at home or another place apart from the employees' usual place of work up to five days a week. Agencies adopting such programs identify positions that are suitable for telecommuting and may have internal operating procedures and forms that each employee interested in telecommuting should become familiar with. The supervisor and employee jointly develop a telecommuting work plan, which outlines policies, schedules, and expectations. [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, refer to their web site at: <http://www.floridajobs.org/unemployment>.

J. Workers' Compensation

All employees are covered by workers' compensation insurance, which provides for all reasonable and necessary medical care resulting from a work-related illness or injury, as well as payment for part of the wages lost if the injury or illness disables the employee for more than seven calendar days. Employees are covered from the first day of employment. The state of Florida has contracted with a third party to provide medical case management for injured workers under a Managed Care Arrangement (MCA). Employees are required to immediately report on-duty accidents or job-connected illnesses to their supervisor. The supervisor will report the injury to the MCA ensuring that the third party guidelines for reporting injuries and medical treatment are followed. The MCA will advise the injured worker of the appropriate medical provider/facility for treatment. In the case of a medical emergency, employees should seek immediate attention at the nearest medical facility or call 911, if necessary. Following emergency treatment, the injured worker should notify the supervisor or contact the MCA. Except for emergency situations, injured employees should have authorization prior to seeking treatment. For additional information, contact the servicing human resource office.

K. Voluntary Insurance Plans through Payroll Deduction

The department authorizes a variety of miscellaneous payroll deductions. Contact your servicing human resource office for information on authorized deductions.

VII. RETIREMENT

All new Career Service, SES and SMS employees are automatically enrolled in the state-sponsored Florida Retirement System (FRS) and are 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 the FRS Pension Plan 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 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 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 Deferred Retirement Option Program (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 5 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 website at <http://www.myflorida.com/frs>, or contact the division at (850) 488-6491 or toll-free at 1-888-738-2252.

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 participants 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 1-866-446-9377.

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 Division of Retirement at 1-877-378-7677 or visit the division's website at www.myflorida.com/frs.

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 website at www.myflorida.com/frs, or contact the division by telephone at (850) 488-6491 or toll-free at 1-888-738-2252.

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 8:00 AM to 5:00 PM, Monday through Friday, unless otherwise approved, with a required minimum one-half hour meal period.

The department may set regular or flexible work schedules (including break times) specific to the department'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 8-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.

The department recognizes 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 8-hour workday schedule (arrival/departure). Such flexible work schedules (flex time) may consist of more or less than an 8-hour workday and may be approved if consistent with the office's policy. An employee should consult with the supervisor or the servicing human resource 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/her work and leave hours, certify the accuracy of the timesheet, and submit it to his/her immediate supervisor.

D. Holidays

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

1. New Year's Day – January 1
2. Martin Luther King Jr.'s Birthday – Third Monday in January
3. Memorial Day – Last Monday in May
4. Independence Day – July 4
5. Labor Day – First Monday in September
6. Veterans' Day – November 11
7. Thanksgiving Day - Fourth Thursday in November
8. Friday after Thanksgiving Day
9. 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 8 hours, in which case the employee will be credited with an 8-hour holiday. However, if the holiday is observed on the employee's established day off, the employee will be credited with an 8-hour holiday.

When Career Service employees are required to 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 below). 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 supervisor 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:

$$\frac{8 \text{ hours} \times \text{Number of Hours Worked Per Week}}{40 \text{ Hours}} = \text{Hours of Credit for the Holiday}$$

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, the department may compel the use of all or part of an employee's accumulated annual leave, sick leave (under compulsory disability leave provisions), regular compensatory leave, or special compensatory leave credits, based on department needs. However, such usage requirement must be in accordance with any collective bargaining agreement. The supervisor 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. Upon reasonable notice, an employee may be required to use accrued annual leave.

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 upon transfer from another state agency, provided the transfer occurs within a 31-day period from the date of separation from the previous agency.

F. 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. Upon reasonable notice, DOH may require an employee to use accrued annual leave.

1. Career Service: Full time employees earn annual leave as follows:

| Creditable Service | Hours Earned Biweekly |
|---------------------------------------|----------------------------------|
| Up to 5 years (through 60 months) | 4 |
| 5 to 10 years (61 through 120 months) | 5 |
| Over 10 years (Over 120 months) | 6 |

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 360 hours during the calendar year. However, at the close of business on December 31 of each calendar year, annual leave hours in excess of 360 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 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 appointment to career service 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 hours) may be transferred, subject to the requirements 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.

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 4 hours each biweekly 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 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]

All department employees, continuously employed for one year with state government, may voluntarily join and participate in the department sick leave pool provided the employee has at least 64 hours of unused personal sick leave credits. Each full-time employee shall contribute eight hours of sick leave credits to become a member of the pool. Each part-time employee shall contribute a prorated number of hours based on full-time equivalency to become a member of the pool. No employee meeting these requirements shall be denied participation in the pool unless any prior sick leave pool membership has been cancelled. Review the department's [Sick Leave Pool](#) policy (DOHP 60-12-00) for additional details.

I. Sick Leave Transfer Plan

Review this plan which is included in the department's [Attendance and Leave](#) policy (DOHP 60-3-09).

J. Leave Payment upon Separation from Service

1. Criteria for payment of terminal annual leave credits:

a. 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.

b. 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):

a. Must have completed 10 or more years of creditable state service.

- b. Must separate from state government employment for reasons other than disability retirement.
 - c. Payment is made at the employee's current hourly regular rate of pay for 1/4 of all unused sick leave accrued on or after October 1, 1973, not to exceed 480 hours, plus 1/8 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:
- a. 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).
 - b. 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.

K. Administrative Leave

Administrative leave is leave with pay that is not taken from an employee's personal leave balance 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:

1. Jury Duty (documentation required).
2. Subpoenaed Court Appearance for non-personal litigation (documentation required).
3. Voting (up to 1 hour).
4. Disabled Veteran Re-examination or Treatment (requires medical certification of treatment/evaluation of service connected disability).
5. Disaster Service Volunteers (approved by the Governor or Agency Head)
6. Formal agency investigation for violation of a rule or statute, for which dismissal is a penalty.

7. Athletic Competition for World, Pan Am or Olympic level sports (documentation required).
8. Visitation to Child's School or Daycare/Parent Teacher Conferences (1 hour a month).
9. Death in Immediate Family (2 days for death of spouse, children, parents, grandparents, stepparents, stepchildren, brothers, sisters, and grandchildren of the employee or spouse).
10. Governor's Mentoring Initiative (1 hour of administrative leave per week, not to exceed five hours per calendar month, to participate in school or community volunteer activities).
11. Office Closures (as authorized by the Governor or agency head).
12. Interviews and Examinations for State Personnel System Vacancies (up to 2 hours).
13. Day of Entrance Examination for Military Service (documentation required).

L. Disability Leave

The supervisor or employee should notify the servicing human resource 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:

1. To cover the initial 40 hours of absence needed to obtain medical treatment/therapy or to recuperate from the injury/illness provided that the employee has presented written confirmation from the authorized workers' compensation medical provider.
2. 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 workers' compensation medical provider and the initial 40 hours have been exhausted.

M. Family and Medical Leave Act of 1993

The Family and Medical Leave Act of 1993 (FMLA) is a federal law that allows employees to take up to 12 work weeks of paid or unpaid, job-protected leave within a 12-month period. FMLA leave can be taken intermittently. To be eligible for FMLA, employees must have been employed by the state for at least 12 months (need not be continuous, but cannot normally include a break in service in excess of 7 years). They must also have worked for at least 1,250

hours during the 12-month period immediately before the start of their leave. FMLA may be granted for the following reasons (“FMLA-qualifying events”):

1. birth of the employee’s child and to care for the newborn child;
2. placement of a child with the employee for adoption or foster care;
3. employee is needed to care for a family member (child, spouse or parent) with a serious health condition; or
4. employee’s own serious health condition makes the employee unable to perform the functions of his/her job.
5. due to a qualifying exigency that arises out of the fact that the spouse, son, daughter or parent of the employee is on active duty or called to active duty status as a member of the National Guard or reserve components, or is a retired member of the regular Armed Forces, that is in support of a contingency operation (a military operation in which members of the Armed Forces may be called to action against an enemy of the United States).

Eligible employees are authorized to use up to 26 weeks of Military Caregiver Leave (but not in addition to other FMLA leave) during a single 12 month period to care for a current service member in the Armed Forces who is undergoing medical treatment, recuperation or therapy for a serious illness or injury incurred in the line of duty on active duty. Employees should discuss the circumstances and requirements with their supervisor or servicing human resource office.

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, should run 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 Section VIII.N.). 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 supervisor may determine that the medical absence is qualified for FMLA. In such cases, the supervisor 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 leave to cover any part of the FMLA leave of absence, or if the supervisor does not require the use of accrued leave, 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 and the servicing human resource office to ensure continuation of state-administered health care coverage, where necessary.

Employees should consult with the servicing human resource office for assistance in processing a family medical leave of absence request, leave use options and benefit continuation.

N. Family Supportive Work Program

1. Parental or Family Medical Leave

The Family Supportive Work Program 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.

An employee granted family supportive workplace leave may request to use accrued leave credits. If the employee does not so request, the employee will be placed on leave without pay for the period of the authorized absence. During this time the state contribution toward the employee's health insurance coverage will continue.

2. Leave for Family Responsibilities

Under the Family Supportive Work Program, 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 minimal impact on the employee's work unit. Family responsibilities may include, but are not limited to:

- a. Caring for aging parents.
- b. Involvement in settling parents' estate upon their death.
- c. Relocating dependent children into schools.
- d. 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 and the servicing human resource office to ensure continuation of state-sponsored health care coverage, where necessary.

O. Military Leave

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 servicing human resource office.

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 by personal check/money order, employees must be given instructions to 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
Post Office 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 servicing human resource 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 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 website 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 Department of Management Services, Division of Human Resource Management's website at http://dms.myflorida.com/human_resource_support/human_resource_management.

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. The department 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/or abilities, which improves the products and services provided to our customers. Requests for training can be initiated by the supervisor or by the employee.

A. Required Training

Review the department's [Training Policy](#) (DOHP 180-1-06) for details.

B. Tuition Waiver and Tuition Reimbursement Programs

This law 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. For more information, refer to the Tuition Waiver Program information located on the DMS website at http://dms.myflorida.com/human_resource_support/human_resource_management/for_hr_practitioners/hr_topics.

Employees who are seeking additional education, and who exhibit superior aptitude and performance, may request a reimbursement for up to six credits per term. The reimbursement will cover the cost of the tuition (excludes lab fees, books, miscellaneous fees, etc.) for the work-related courses at public community colleges, public technical centers, or public universities.

X. GENERAL INFORMATION

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.

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 department office locations have specific parking and traffic regulations. Specified parking areas have been designated for disabled employees. Disabled parking areas must 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. Contact your supervisor or your servicing human resource 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, the department is 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 or any DOH facility. There are designated smoking areas outside of most DOH buildings. Any employee who violates this policy may be disciplined, up to and including dismissal, or be found guilty of a non-criminal violation punishable by a fine, as provided by law.

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 job-related 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 sex, 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. See the department's [Information Security and Privacy Policy](#) (DOHP 50-10-07) for additional information. Contact your servicing human resource office if you have any questions.

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 this statute 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:

1. In order to provide accountability, passwords should be individually owned rather than owned by a group.
2. Your password is personal, keep it private! Never write passwords down or share with another individual.
3. Passwords should never be saved in a memory! Do not store your password in your PC or laptop.
4. Passwords must be changed every 90 days, or as required.

5. If permitted by the system, passwords should be at least 8 characters in length. Passwords for critical systems should be longer, if permitted by the system.
6. 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 (!@#\$%^&*()_+|~-=\`{}[]:;'<>?,./)
7. A best practice for password creation is to not use names or birth dates of family members or any words found in the dictionary
8. 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 PC, and also hides the work currently being done from passers-by.
9. All computers must be secured with a password-protected screensaver with an automatic activation feature set at no more than ten minutes.
10. 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 that are suspected or confirmed to the local information security and privacy coordinator.

H. Travel

1. There are three classes of travel that can be utilized by employees while traveling on state business: Class A, Class B, or Class C travel.
 - a. Class A Travel is continuous travel of 24 hours or more away from the official headquarters.
 - b. Class B Travel is continuous travel of less than 24 hours that involves overnight absences from the official headquarters.
 - c. Class C Travel is for short or day trips where the traveler is not away from official headquarters overnight. Currently, per diem and meal allowances are not reimbursable under Class C travel.
2. 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:
 - a. Eighty dollars (\$80.00) per diem; or

b. 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:

- 1) Breakfast - \$ 6.00
- 2) Lunch - \$11.00
- 3) 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.

3. Incidental Expenses

Employees may be reimbursed for incidental traveling expenses, including:

- a. taxi and ferry fare;
- b. bridge, road and tunnel tolls;
- c. storage or parking fees;
- d. communication expenses (i.e., telephone, fax, etc.) for official state business;
- e. photocopy charges
- f. reasonable tips and gratuities for taxi drivers, mandatory valet parking and actual portage charges.

All incidental expenses over \$25 require paid receipts for verification.

4. 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

Front and rear seat occupants of all 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 may subject employees to disciplinary action. If an accident resulting in injury to an employee occurs

and the employee is not wearing a seat belt, and the failure to use the seat belt contributes to injuries received, the employee's workers' compensation benefits may be reduced under the provisions of Section 440.09(5), Florida Statutes.

J. Safe Use of Electronic Equipment (Cellular Phones, Blackberries, Laptops, etc.)

The state promotes safe use of electronic equipment (cellular phones, blackberries, laptops, etc.) by encouraging drivers to follow common sense tips to ensure their wireless device 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 electronic equipment when driving.

K. Reporting Arrests or Criminal Actions

Employees are required to inform their supervisor if they are arrested or charged with any offense, or have any judicial action. Judicial action includes, but is not limited to, arrest, charge, conviction, plea of guilty or nolo contendere, adjudication withheld, being placed on probation for a crime, entering into a pre-trial intervention program or agreement, or other similar action. This section applies to both felonies and misdemeanors.

L. Reporting of Licensure Investigation or Complaint

Employees who are licensed by the Florida Bar, Division of Medical Quality Assurance, or other licensing authority, should advise their supervisor if they receive notice that they are under investigation, or if a complaint has been filed against them.

XI. EMPLOYEE RELATIONS

A. Employee Assistance Program

The Employee Assistance Program (EAP) is intended to assist employees and their immediate family members who are suffering from behavioral/medical problems, which may affect the employee's work performance. The state recognizes that behavioral/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 has remained a free-standing provider of comprehensive employee assistance programs, serving employees and their families throughout the United States. 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 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.

Contact your servicing human resource office or Horizon Health directly at 1-800-860-2058 for further information regarding EAP. [Section 110.1091, Florida Statutes]

B. Drug Free Workplace

The state of Florida acknowledges that drug and alcohol use have 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. The Department of Health has implemented a [Drug-Free Workplace Policy](#), DOHP 60-9-99. Prior to actual drug testing, the department provides a copy of the policy to job applicants for safety sensitive positions and employees being tested pursuant to reasonable suspicion.

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 and articulable 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 website <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 increasing 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. Consult your servicing human resource office for additional information.

D. 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 the supervisor, supervisor's supervisor, department head, Office of the Inspector General, the human resource EO Office and/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]

E. Whistle-Blower's Act

The Whistle-Blower's Act of 1986 prevents agencies or independent contractors from taking retaliatory action against an employee who reports to the 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 human resource EO Office, and/or the People First Service Center. [Section 112.3187, Florida Statutes]

F. 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/her current position. Claims of discrimination and sexual harassment, and claims related to suspensions, reductions in pay, demotions, involuntary transfers of more than 50 miles by highway, and dismissals, are not subject to the Career Service grievance process. Refer to the servicing human resource office for further information.

G. Collective Bargaining Grievance Process

Some department employees are covered by a collective bargaining (union) agreement and may have grievance rights as provided in that agreement.

H. Appeals

A Career Service employee who has satisfactorily completed a one year probationary period in his/her current position, who is subject to a suspension, reduction in pay, demotion, involuntary transfer of more than 50 miles by highway, or dismissal, may appeal such action to the Public Employees Relations commission (PERC) within 21 calendar days after receipt of final notice of the action. For more information, contact the Public Employees Relations Commission (PERC) at (850) 488-8641 or visit their web site at: http://dms.myflorida.com/other_programs/perc.

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:

1. Putting forth the employee's best effort;
2. Managing the employee's work time for maximum effectiveness and efficiency; and,
3. 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.), set 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, observe established work hours and scheduled appointments, complete work on time, obtain permission before being off work, and schedule leave in a manner that minimizes work disruption.
 - b. Employees are expected to be effective, for example: organize their work, stay focused on job-related activities during work hours, provide the level of effort

necessary to get the job done, demonstrate willingness and ability to make decisions and exercise sound judgment, produce work that consistently meets or exceeds expectations, accept responsibility for their actions and decisions, adapt to changes in work assignments, procedures and technology and 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 department 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. The department 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 (i.e., drug laws), and the civil law (i.e., 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, 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 based on the agency's 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 Public Employees Relations Commission (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.

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

3. **Reduction in Pay, Demotion, Suspension, Involuntary Transfer of More Than 50 miles by Highway, 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

To ensure the availability of the department's policies to all employees, the policies can be accessed from the department's intranet home page [Publications/Policy and Procedure Search](#). Each employee is responsible for reading and understanding these policies and should contact their supervisor or the servicing human resource office if they have any questions.

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 as outlined in [Career Service Grievance](#) policy (DOHP 60-13-09)
2. Written reprimands may be grieved through the Career Service Grievance procedure or may be grieved as provided in the applicable collective bargaining agreement.
3. Reductions in pay, demotions, suspensions, involuntary transfers of more than 50 miles by highway, 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, or Other Personal Service (OPS)

Employees in SES, SMS or OPS positions are employed "at will" and have no grievance or appeal rights regarding disciplinary actions.

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 your servicing human resource office.