

CF OPERATING PROCEDURE
NO. 60-40, Chapter 8

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, July 5, 2017

Human Resources

LEAVE FOR DISASTERS AND OTHER EMERGENCY CONDITIONS

8-1. Purpose. This operating procedure establishes guidelines for approval of administrative leave for all covered employees during disasters or emergency conditions, and for approval and use of special compensatory leave credits for certain Career Service and Selected Exempt Service employees who are required to perform essential services during such emergencies.

8-2. Scope. This operating procedure applies to employees filling positions in the Career Service, Selected Exempt Service (SES) and Senior Management Service (SMS).

8-3. References.

- a. Section 110.219, Florida Statutes (F.S.), Attendance and Leave.
- b. Section 110.120, F.S., Florida Disaster Volunteer Leave Act.
- c. Section 60L-34.0071, Florida Administrative Code (F.A.C.).

8-4. Definitions.

a. Administrative Leave. Administrative leave is an authorized leave of absence with pay used to cover an employee's absence from scheduled work that is not charged against an employee's earned leave. Administrative leave is only used in an amount necessary to bring an employee up to the regularly scheduled hours in the relevant work period and cannot result in either accrual of compensatory leave credits or overtime payment.

b. Special Compensatory Leave Credits. Within the context of this operating procedure, special compensatory leave credits are those credits earned when a Career Service or SES employee, filling a position below that of bureau chief or bureau chief comparable as defined in Section 20.04(3)(b), F.S., is required to work and remain on duty to provide essential services during an emergency or disaster.

c. Declared Emergency. A condition that the Governor has, by Executive Order, declared to be an emergency.

d. Delegated Authority. Secretary, Deputy Secretary, Chief of Staff, Assistant Secretaries, Regional Directors and Hospital Administrators, or as otherwise delegated by the Secretary.

e. Disaster or Other Emergency. A potential catastrophe caused by weather or other conditions that brings with it the possible destruction of life and/or property, such as floods, hurricanes, violent weather disturbances or other acts, which may necessitate the closing of facilities. Such an emergency includes, but is not limited to, the failure of man-made devices, the presence of hazardous materials, fires, bomb threats, riots or other situations that endanger the health or safety of the employees or clients occupying a facility.

This operating procedure supersedes CFOP 60-40, Chapter 8, dated July 15, 2015.

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8-5. Policy.

a. Declared Emergency by Executive Order of the Governor.

(1) Based on the requirements of the Executive Order, the delegated authority shall determine which affected facilities, or portions thereof, are located in the area covered by the Executive Order.

(2) When facilities are closed, employees deemed necessary to provide essential services by the delegated authority are assigned to work and remain at the work location.

b. Disaster or Other Emergency Without an Official Declaration of Emergency.

(1) In any disaster or other emergency which is not a declared emergency, the delegated authority determines whether the facilities, or any portion thereof, are affected by the disaster or other emergency and are to be closed for up to two consecutive workdays. If the facility is a Department of Management Services (DMS) operated facility, approval to close the facility must be granted by DMS.

(2) For any closure beyond two consecutive workdays, approval from DMS must be requested, in writing, through the Human Resources Director. Requests should include a proposed course of action including the closing or the possibility of closing the facility, the assignment of affected employees to other work areas, or the release of all or part of the workforce.

(3) When facilities are closed, employees deemed necessary to provide essential services by the delegated authority are assigned to work and remain at the work location.

c. Disaster Service Volunteers. An employee who is a Certified Disaster Service Volunteer of the American Red Cross may be granted administrative leave for up to 15 working days in any 12-month period to participate in specialized disaster relief services for the American Red Cross. Such leave of absence may be granted upon the request of the American Red Cross and upon approval of the delegated authority. Leave under this provision may only be approved for services related to a disaster designated at Level II and above in the American National Red Cross regulations and procedures and occurring within the boundaries of the State of Florida; except that, with the approval of the Governor and Cabinet, leave may be granted for services in response to a disaster occurring within the boundaries of the United States. Employees paid from Other Personal Services may be granted an unpaid leave of absence under this paragraph.

d. Employees on Approved Leave. Under the provisions of paragraph 8-6d of this operating procedure, employees who are on a prior approved leave of absence or scheduled holiday during an emergency or disaster will not have the leave of absence changed to administrative leave, unless otherwise addressed by Executive Order or the Florida Department of Management Services (DMS).

e. Other Personal Services (OPS) Employees. OPS employees are not eligible for administrative leave or special compensatory leave credits.

8-6. Procedures.

a. Employees assigned to facilities the Department has closed shall be released from duty and granted administrative leave for the period that their facility is closed, except for those employees the Department determines are necessary for providing essential services. Any employees directed or permitted to continue working when their assigned facility is closed, whether at the closed facility or any other location, is considered an "essential" employee under these provisions and any hours of work considered Hours Type 1006.

b. Essential Services Employees.

(1) Those Career Service and SES employees, if they hold a position below that of bureau chief or bureau chief comparable as defined in Section 20.04(3)(b), F.S., whom the Department requires to report for duty to provide essential services shall be granted special compensatory leave credits for the hours worked during the period the facility is closed. The deadline for using special compensatory leave accrued in conjunction with a specified office closure is 120 days from the end of the work period during which the credits were accrued. For employees in the Security Services Unit, any such unused special compensatory leave after this 120 days shall be extended for an additional 180 days, and all leave credits earned on or after November 1, 2014 shall be used prior to any pre-November 1, 2014 credits. If any leave credits earned on or after November 1, 2014 remain at the end of the 180 day extended period, employees in the Security Service Unit shall be paid for such unused leave at the employee's current regular rate of pay. For the purpose of administering this paragraph, the Headquarters Human Resources Director shall maintain a listing of SES bureau chiefs or bureau chief comparable level positions or above (positions in Pay Grades 240, excluding Attorney Supervisors, Pay Grades 520, 530, 540 and 560). Employees filling SES bureau chief or bureau chief comparable level positions and SMS employees are **not** eligible for special compensatory leave credits.

(2) It is Department policy to require employees to use any special compensatory leave credits prior to approving an employee's request to use other types of approved leave (with the exception of sick leave, administrative leave, FLSA compensatory leave and the personal holiday) in accordance with DMS Rule 60L-34.0044 and subject to any limitations in any applicable collective bargaining agreement (check applicable bargaining agreement for specific provisions). The substitution of special compensatory leave for requests of regular compensatory leave or annual leave are required unless such leave is being substituted for an employee's unpaid leave granted in accordance with the federal Family and Medical Leave Act (FMLA) or Section 110.221(2)(c), F.S., of the Family Supportive Work Program (FSWP) or both (see DMS Rule Interpretation 60L-34-2008-#005). Effective January 2014, this substitution has been incorporated into People First functionality.

(3) Essential employees must record hours worked using the People First charge object code 1006, Essential Employee-Required to Work. Hours recorded under this charge object code will be used to credit the employee with special compensatory leave for working while the facility was closed.

c. In the event that employees are unable to travel to their office or facility due to the affects of an emergency or disaster, and their work-site or portion thereof, remains open, such employees shall not be granted administrative leave, unless otherwise addressed by Executive Order or other authority. Such employees may request to use annual, compensatory leave, or leave without pay to cover their absence from work. The employee may be scheduled additional hours of work to assure the employee works the normally scheduled hours for the workweek or pay period. For employees who telework, one of the stated benefits of telework is continuity of operations. A teleworking employee who is directed to continue performing essential work by agency management while the employee's headquarters location is closed due to an emergency condition should record time worked under Hours Type 1006. If a teleworking employee's assigned headquarters facility is not closed, the employee must record any hours worked as Hours Type 1000, regardless of any localized issues (e.g., power outages, internet down, natural disasters, etc.) that may be impacting the alternative work location. In accordance with instructions from DMS, any exceptions to this for teleworkers must be addressed in the Telework Agreement.

d. In anticipation of a forecasted emergency or disaster, affected employees may be approved to use earned annual or compensatory leave prior to the anticipated disaster or emergency in order to secure their families and/or personal properties. Such employees shall not be granted administrative leave for such absence from their work location, unless otherwise addressed by Executive Order or

other delegated authority. The employee may be scheduled additional hours of work to assure the employee works the normally scheduled hours for the workweek or pay period.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

DENNISE G. PARKER
Human Resources Director

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

The primary change to this operating procedure relates to telework and recently revised DMS policy guidelines (see paragraph 8-6c).