

DEPARTMENT OF ENVIRONMENTAL PROTECTION

FTE EMPLOYEE HANDBOOK



Herschel T. Vinyard Jr.
Secretary

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Equal Employment Opportunity/Affirmative Action Employer

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Key Phone Numbers

Bureau of Personnel Services	850-245-2511
People First Service Center	866-663-4735
Division of Retirement	888-739-2252
Emergency Assistance Park Police	850-245-2896
Employee Assistance Program	800-860-2058
Florida Retirement System Investment Plan	866-446-9377
General Counsel/Ethics Officer	850-245-2242
Inspector General	850-245-3151
People First Medical Reimbursement Account	800-643-0321
People First Recruitment and Qualifications	877-562-7287
To Report a Workers' Compensation Claim - OptaComp	877-518-2583

PURPOSE

Welcome to the Department of Environmental Protection (DEP). You have joined a team of individuals who are dedicated to the protection of Florida's environment as expressed by the will of the people of Florida through laws passed by the Legislature to conserve, preserve, and protect Florida's environment and natural resources.

The Department seeks to provide all employees with a work environment conducive to the achievement of the Department's mission and that fosters achievement of each employee's professional goals.

With these thoughts in mind, this handbook is intended to be a source of useful information for you. In its pages, you will discover important information to assist you in quickly answering questions that are frequently asked by new employees. It also contains information regarding the Department's history, organizational structure, personnel-related policies and rules, programs and practices, employee responsibilities, employment privileges and benefits and our expectations of you as a new member of the team.

The information contained in this handbook is of a general nature and is intended as a guide. It does not alter or replace Florida Statutes, rules embodied in the Florida Administrative Code or Department directives governing your employment. It is not to be construed as a binding contract between DEP and its employees. The contents, therefore, may be changed, deleted, or expanded upon, at the discretion of management. Applicable laws or rules governing any aspect of information in this handbook take precedence in the event of any conflict between the information in this handbook and the governing law, statute, or rule. Specific answers to any questions concerning your employment, not fully covered or not found in this handbook, should be directed to your immediate supervisor or an appropriate staff member in the Bureau of Personnel Services at 850-245-2511.

It is your responsibility to review the handbook and, after so doing, complete the "Acknowledgement of Receipt" found on the last page of this handbook. The signed "Acknowledgement of Receipt" should be sent to the Bureau of Personnel Services at MS 70. This signed acknowledgment will be placed in your official Personnel file as documentation of you having reviewed a copy of the handbook.

We hope this publication will be an informative and helpful source of information to you and that your employment with DEP is a pleasant and rewarding experience. You are an important contributor to the Department's overall success. We hope too that you will experience personal and professional growth with the DEP.

DEPARTMENT HISTORY

The Department has evolved and changed over many years. This evolution is a direct result of Florida's increasing awareness of its vast environmental assets and the need to protect its natural resources and scenic beauty. Our Department has a rich and varied history of conserving, managing, and protecting Florida's natural resources.

The Public Land Office, early forerunner of the Division of State Lands, is the state's oldest agency. It was created in December of 1845, the year that Florida was admitted to the Union. In 1855, the land office was placed under the newly created Trustees for the Internal Improvement Trust Fund, headed by the Governor and the Cabinet.

In 1907, the Legislature created the Florida Geological Survey to collect data and to prepare reports on the state's water and mineral resources. The Florida Geological Survey came under the umbrella of the Board of Conservation, designated a full Cabinet agency in 1933.

The Florida Archaeological Survey, created in 1935, was placed under the Board of Conservation but, in 1967, was given independent status as the State Board of Antiquities. In 1968, the Legislature combined those duties and responsibilities held by the Board of Conservation and the Department of State Parks to create the Department of Natural Resources.

The Legislature removed the Department of Game and Fresh Water Fish from the Board of Conservation in 1935 and, in addition, created the Department of State Parks with duties formerly held by the Bureau of Forestry. Six years later, the Game and Fresh Water Fish Commission became an autonomous agency when Florida voters ratified a constitutional amendment.

The Florida Environmental Reorganization Act of 1975 created the Department of Environmental Regulation. This Act centralized a number of environmentally related duties and responsibilities, formerly divided among the Department of Air and Water Pollution Control, the Department of Health and Rehabilitative Services, the Department of Natural Resources and the Board of Trustees of the Internal Improvement Trust Fund.

The present day Department became titled as the Florida Department of Environmental Protection (DEP) by the Florida Environmental Reorganization Act of July 1, 1993. This Act combined the Department of Natural Resources and the Department of Environmental Regulation and centralized the responsibilities and efforts of both agencies responsible for the protection, conservation, and management of Florida's environmental and natural resources.

ORGANIZATIONAL OVERVIEW

The Governor constitutes the head of the DEP. The chief administrative officer of our Department is the Secretary, who is appointed by the Governor and is subject to confirmation by the Cabinet and the Senate. The Department is organized into eight divisions, six regulatory districts and several offices.

Office of the Secretary

The Office of the Secretary is comprised of the Chief of Staff, the General Counsel, the Inspector General and Director of the Division of Law Enforcement.

All other organizational entities report to one of three deputy secretaries.

The Deputy Secretary for Water Policy and Ecosystems Projects oversees the Office of Water Policy and Ecosystem Projects and the Everglades/Ecosystems Director.

The Deputy Secretary for Land and Recreation oversees the Offices of Coastal and Aquatic Managed Areas, Greenways and Trails, Florida Geological Survey, Cabinet Affairs, as well as the Divisions of State Lands and Recreation and Parks.

The Deputy Secretary for Regulatory Programs oversees the Office of Siting Coordination and the Divisions of Air Resource Management, Waste Management, Water Resource Management and Environmental Assessment and Restoration. The Regulatory Districts, under the Deputy Secretary for Regulatory Programs, include the Northeast District, Northwest District, Central District, Southwest District, Southeast District, and South District.

Chief of Staff

The Chief of Staff oversees the Office of External Affairs, the Office of the Ombudsman and Public Services, Office of Intergovernmental Programs, Office of Technology and Information Services, the Office of Legislative and Governmental Affairs and the Division of Administrative Services.

Office of External Affairs. The Office of External Affairs is charged with the overall responsibility of communicating the Department's mission and initiatives to Florida's residents and visitors, policy makers, businesses and students who are interested in protecting the environment and natural resources. It is comprised of the Office of External Outreach and Public Education, the Office of Environmental Education, the Press Office and the Office of Sustainable Initiatives.

Office of the Ombudsman and Public Services. The Office of the Ombudsman and Public Services ensures open and effective communication with the general public by acting as a

liaison to the public and the Department's programs. The Office assists the public with Department-related issues and complaints, promotes transparency and responsiveness to the public, and coordinates with the Governor's Office of Citizen Services to provide public assistance. This Office is also the primary contact for public records requests and open government or "Sunshine Law" inquiries and facilitates training to staff on open government. In addition, the Office oversees the Department's participation in Florida Emergency Information Line operations and is also responsible for operating the Welcome Desk in the Douglas Building (DEP Headquarters Office).

Office of Intergovernmental Programs (OIP). The Office of Intergovernmental Programs is responsible for four separate programs: the Florida State Clearinghouse; the Comprehensive Plan/Transportation Project Review; Offshore Projects and the Florida Coastal Management Program.

The Florida State Clearing-house coordinates the state's position on federal and federally funded projects (e.g. Corps of Engineers' permits and the use of federal highway funds) and federal consistency reviews and provides environmental feasibility statements on transportation projects. Clearinghouse staff also review proposed transportation projects submitted through the Florida Department of Transportation's Efficient Transportation Decision Making process.

The Comprehensive Plan/Transportation Project reviews statewide and regional growth management plans; seaport, airport, and campus master plans; comprehensive plan amendments; and evaluation and appraisal reports. Staff also coordinates the Department's involvement in Florida's Area of Critical State Concern program.

Offshore Projects assesses the environmental impact of proposed activities on the Outer Continental Shelf, as well as proposed rules and laws affecting the offshore environment and is the state's single point-of-contact for all oil and gas exploration and development activities.

The Florida Coastal Management Program administers an annual federal grant from the National Oceanic and Atmospheric Administration, ensures that federal activities are consistent with state laws and rules and implements programs that protect coastal resources and communities, such as the beach safety flag and beach access programs and the Waterfronts Florida Program.

Office of Technology and Information Services (OTIS). The Office of Technology and Information Services provides enterprise information technology support services and has implemented a Strategic Plan for Information Technology. This plan includes several strategic themes, which are: Supporting the Mobile Workforce, Advancing Quality, Improving Technical Infrastructure, Enhancing Customer Service, Supporting Business Process Improvement, and Promoting Environmentally Sustainable Information Technology. This service continues efforts to ensure that internal and external Information Technology customers have applications that support mission critical data access needs in a timely fashion and ensures maximum effectiveness in the use of these technologies. By

providing robust network/system services that are available full-time ensures maximum use of these aligned resources. Timely computer problem resolution ensures our users maximum operational access and productivity related to problem-free computing. Stakeholders include the Department's divisions and regulatory districts, as well as local governments that utilize regulatory databases. Regulated industries and the public use web-based applications to view performance measures and permit applications.

Office of Legislative and Governmental Affairs (OLGA). The Office of Legislative and Governmental Affairs coordinates the Department's legislative lobbying efforts by preparing legislative proposals, as well as planning, policy and budgetary analysis or recommendations on legislative bills. The legislative program includes developing legislation and support information and finding sponsors for legislation. This Office also serves as a central point for legislators and their staffs for information about the Department's programs.

Division of Administrative Services. The Division of Administrative Services provides centralized administrative and support services to all other Department programs. Services include budget administration and strategic planning; Personnel administration and services, payroll processing, in-house training and staffing the Welcome Desk in the Carr Building; finance, accounting and grants administration; procurement activities, records and physical property management and mail, duplicating and printing services; and facilities services and safety programs.

Office of the General Counsel

The General Counsel handles Department rulemaking as well as administrative and judicial litigation.

Office of the Inspector General

The Inspector General operates under the authority of section 20.055, Florida Statutes. As such, the Inspector General is responsible for ensuring that Department employees carry out their varied missions, in compliance with state and federal laws and rules and regulations, in order to promote ethical employee standards of conduct and fiscal integrity. This Office carries out its responsibilities by assisting Department staff through its program improvement reviews, audits of the Department's program activities and processes and internal investigations related to allegations of misconduct.

Division of Law Enforcement

The Division of Law Enforcement is responsible for statewide environmental law enforcement as well as providing law enforcement services within state parks, greenways, trails, aquatic preserves and other lands managed by the Department. Activities include environmental education and enforcement, environmental crime investigation, protection of public safety through proactive patrol on DEP-managed recreational lands, response to natural disasters, civil unrest, hazardous material incidents, and oil spills. Law enforcement officers are constituted state police officers with full powers of arrest. Each law

enforcement officer is also federally deputized which allows them to enforce national and state endangered species laws.

Deputy Secretary for Water Policy and Ecosystems Projects

The Deputy Secretary for Water Policy and Ecosystems Projects directs the Office of Water Policy and Ecosystems Projects. This includes coordination of the water management district functions and consistency to ensure proper management of the state's water resources.

In addition, the Deputy Secretary is responsible for coordinating the state's efforts regarding critical ecosystem restoration projects, including Everglades and the ACF Tri-State Water management effort.

Deputy Secretary for Land and Recreation

The Deputy Secretary for Land and Recreation oversees the Office of Coastal and Aquatic Managed Areas, Office of Florida Geological Survey, Office of Cabinet Affairs, as well as the Divisions of State Lands and Recreation and Parks.

Office of Coastal and Aquatic Managed Areas (CAMA). The Office of Coastal and Aquatic Managed Areas administers the state's programs at the Florida Keys National Marine Sanctuary, the National Estuarine Research Reserves, the Coral Reef Conservation Program, and the state-owned and designated aquatic preserves. CAMA also hosts the Florida Ocean and Coastal Resources Council and coordinates Gulf of Mexico Alliance and the South Atlantic Alliance activities for the Department.

Office of Florida Geological Survey (FGS). The Florida Geological Survey, established in 1907, is the state's primary earth-system research and assessment program that collects, interprets, and stores geologic data used by government agencies, industry, consultants, academia, and the public. The information collected by the Florida Geological Survey aids governmental programs by providing expertise and peer-reviewed reports on which regulatory, land-use planning, conservation, environmental protection and management decisions are based. Specifically, the information and knowledge is used for mineral-resource characterizations and assessments (i.e., aggregates, beach-renourishment sediments), solid and liquid waste disposal, geologic hazards assessments (e.g., coastal erosion, sinkholes, pipe clay areas, radon, mercury), and water-resource development and protection (e.g., aquifer storage and recovery, aquifer mapping, aquifer vulnerability). Pursuant to Chapter 377, Florida Statutes, the Florida Geological Survey provides geologic interpretations to the U.S. Environmental Protection Agency, the U.S. Geological Survey, the U.S. Minerals Management Service, and the Department of Community Affairs, Florida's water management districts, planning councils, counties, cities, and multiple program areas within the Department.

Office of Cabinet Affairs (OCA). The Office of Cabinet Affairs serves as DEP's clearinghouse for all Cabinet agenda items for presentation to the Governor and Cabinet,

sitting as the Board of Trustees of the Internal Improvement Trust Fund and the Power Plant Siting Board. The Office of Cabinet Affairs coordinates the preparation of Cabinet agenda items pertaining to the acquisition, administration, disposition, and use of state lands with the DEP divisions, district offices, and water management districts. The Office of Cabinet Affairs provides technical and logistical support to the Department's executive staff, Cabinet-level reviews of agenda items and transmittal of these items to the Governor and Cabinet. Serving as a liaison with the Cabinet Offices, the Office of Cabinet Affairs coordinates overall programmatic assignments with the Deputy Secretary of Land and Recreation or other DEP staff as needed.

Division of State Lands. The Division of State Lands is Florida's lead agency for environmental management and stewardship. As such, the Division's role goes far beyond just acquiring lands for protection. It provides oversight for the management of activities on more than 11 million acres of public lands including lakes, freshwater springs, and islands. These public lands help assure all Florida's residents and visitors have the opportunity to truly appreciate Florida's unique landscapes.

The Division of State Lands also assists landowners who want to sell land to the state, buy land from the state, or gain access to public lands.

Division of Recreation and Parks. Under the direction of the Deputy Secretary for Land and Recreation, the Division of Recreation and Parks is responsible for the development, maintenance, and operation of the statewide system of parks, greenways and trails, recreation areas, preserves, reserves, museums, ornamental gardens, and special feature sites for public use. It also administers recreation-related programs of financial and technical assistance to local governments and is responsible for preparing and maintaining Florida's Statewide Comprehensive Outdoor Recreation Plan.

Under the direction of the Division of Recreation and Parks, the mission of the Office of Greenways and Trails is to establish a connected statewide system of greenways and trails for conservation, recreation, and alternative transportation purposes. In support of its mission, Office of Greenways and Trails manages greenways and trails, acquires land for trails, provides funding for trail development, coordinates state and regional projects, and conducts other appropriate functions.

Deputy Secretary for Regulatory Programs

The Deputy Secretary for Regulatory Programs oversees the Office of Siting Coordination and the regulatory programs administered by the Divisions of Air Resource Management, Water Resource Management, Waste Management and Environmental Assessment and Restoration and six regulatory district offices located in strategic geographical areas of the state.

Division of Air Resource Management. Under the direction of the Deputy Secretary for Regulatory Programs and in partnership with the United States Environmental Protection Agency, the Division of Air Resource Management is responsible for maintaining Florida's

air quality. The Division issues permits for sources of air pollution, develops air quality standards, monitors air quality, and implements programs to reduce air pollution.

As part of the Division of Air Resource Management, the Siting Coordination Office coordinates the interagency licensing process under three siting acts. The siting acts address threshold electrical power plants, electrical transmission lines, and natural gas pipelines.

Division of Waste Management. Under the direction of the Deputy Secretary of Regulatory Programs, the Division of Waste Management works closely with the regulatory district offices to implement state and federal laws to protect the environment from the improper handling and disposal of solid and hazardous wastes. This includes regulatory programs for waste facilities and pollutant storage systems and non-regulatory activities such as financial and technical assistance with waste recycling and reduction. The Division also oversees and contracts for the cleanup of sites contaminated with petroleum products, dry-cleaning solvents, or other hazardous wastes.

Division of Water Resource Management. The Division of Water Resource Management administers programs to safeguard Florida's water quality. The division assists in funding, oversees the construction and operation of drinking water treatment facilities, and domestic and industrial wastewater treatment plants; develops the state's water policy; administers Florida's reclaimed water and ground water protection programs; oversees mined land reclamation; develops and implements Florida's beach management plan for critically eroding areas and provides financial assistance to implement the plan. The division also regulates construction below the mean high water line in marine waters and seaward of the Coastal Construction Control Line, and implements the state's wetland and storm water Environmental Resource Permit program.

Division of Environmental Assessment and Restoration. The Division of Environmental Assessment and Restoration (DEAR) implements strategies to protect and restore Florida's rivers, lakes, streams, estuaries, and aquifers. DEAR establishes the technical basis for the state's surface and ground water quality standards, monitors water quality, manages the associated data, and assesses the health of those water resources. The division directs Florida's watershed management program, including the continuous identification of "impaired" (polluted) surface waters and the establishment of scientific total maximum daily load (TMDL) determinations to address sources of pollution for clean up. In conjunction with this effort, DEAR provides highly specialized biological and chemical laboratory support to DEP programs, Florida's water management districts, and other local, state, and federal entities. The division also manages the Department's quality assurance program, performing laboratory, field, and data audits; developing standard operating procedures for all environmental field activities; and providing training.

Regulatory District Offices. The six regulatory District Offices ensure statewide compliance with Department rules. The regulatory programs affecting air, water and waste management are carried out by the district offices. Within their respective jurisdictions, each district handles matters pertaining to permitting, enforcement, and compliance. Each

district office is under the charge of a director of district management, who reports directly to the Deputy Secretary for Regulatory Programs.

Environmental Regulation Commission

The Florida Environmental Regulation Commission (ERC) is a non-salaried, seven-member board selected by the Governor, who represents agriculture, the development industry, local government, the environmental community, citizens, and members of the scientific and technical community. The Commission sets standards and rules that protect Floridians and the environment based on sound scientific and technical validity, economic impacts, and risks and benefits to the public and Florida's natural resources.

Acquisition and Restoration Council

The Acquisition and Restoration Council replaced the Land Acquisition and Management Advisory Council. The Council has sole responsibility for the evaluation, selection, and ranking of state land acquisition projects on the Florida Forever priority list. The Council, with the assistance of staff and the [Florida Natural Areas Inventory \(FNAI\)](#), annually reviews all Florida Forever acquisition proposals, decides which proposals should receive further evaluation through the preparation of detailed resource assessments, determines the final project boundaries, and establishes the priority ranking of Florida Forever projects.

MAJOR EMPLOYMENT LAWS AND POLICIES

Equal Employment Opportunity

Equal employment opportunity refers to several federal laws, regulations, and policies prohibiting discrimination in employment practices. The Department's policy assures that each applicant and employee will receive equal opportunity in all aspects of recruitment and employment. The Department is committed to attaining the best possible quality of life for all Florida's citizens and visitors. Through our recruiting efforts, we seek to provide a workforce that mirrors the diversity of Florida's citizenry. Our diverse workforce and equitable employment practices make us a stronger Department and a better employer.

Equal employment opportunity and affirmative action are often used interchangeably; however, they have different meanings. Equal employment opportunity means that all persons are entitled to the same opportunity for employment based on their qualifications and job-related criteria. Federal and state laws prohibit discrimination based on age, creed, sex, race, color, religion, national origin, disability, marital status, or political affiliation. Except as provided by law, DEP assures equal opportunity in recruitment, appointment, training, promotion, demotion, compensation, retention, discipline, separation or other employment practices to any person who is an applicant or employee, including disabled persons. Affirmative action is a policy or program aimed at countering discrimination against minorities and women, especially in employment and education.

Affirmative Action Plan

The Affirmative Action Plan includes voluntary steps taken to promote and ensure equitable employment opportunities are provided. Such measures include recruitment and retention of qualified employees and applicants. The DEP sets no quotas and establishes no set-asides in employment for any particular group of individuals.

DEP's goal, as embodied in its Affirmative Action Plan, is to reach "parity" with the available labor market. Parity is reached when the DEP's workforce mirrors the diversity available in the labor market. When the number of minorities or women are fewer than those in the available labor market for a particular equal employment opportunity category, this is called "under-utilization", and goals are established to help us address such under-utilization and achieve parity with the labor market. In the Affirmative Action Plan, jobs are categorized into eight occupational groups, or equal employment opportunity categories; Officials/Administrators, Professionals, Technicians, Protective Service Workers, Paraprofessionals, Administrative Support, Skilled Craft, and Service/Maintenance.

Once goals are identified, efforts to reach our goals begin by advertising to find an adequate pool of qualified applicants in the targeted group. The DEP does **not** hire under-qualified persons to meet quotas. The DEP's policy is to employ the best-qualified candidates for every job, and the DEP does not sanction employment of candidates who are not fully

qualified. However, if two applicants are equally suited for a position and one is from a group with an affirmative action goal, an offer of employment is usually extended to the candidate who would fulfill our employment goals. Regardless of any other established employment goals, Florida law requires that certain wartime era military veterans receive preference in the employment process.

Anti-Discrimination Policy

The DEP assures applicants, employees, volunteers, and visitors an equal opportunity in employment and accessibility to facilities or services without regard to that person's age, race, color, sex, religious creed, national origin, political opinion, affiliation, marital status, or disability. The sole exception occurs when job requirements constitute a bona fide occupational qualification necessary to perform essential job tasks. Equal employment opportunity will be attained using both objective and subjective merit principles and shall apply to Department employment practices.

The Department strictly prohibits discrimination or harassment. This policy applies to employees, volunteers, contractors or other persons doing business with the Department as outlined in [DEP Directive 436](#), Discrimination and Harassment.

DEP acknowledges the federal guideline definition of sexual harassment as a request for sexual favors, unwelcome sexual advances, or other verbal or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly a term or condition of employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting the employee; or the conduct unreasonably interferes with the employee's work performance or creates an intimidating, hostile, or offensive work environment.

Americans with Disabilities Act

The Department also complies with the Americans with Disabilities Act. The Americans with Disabilities Act is the federal law, which prohibits discrimination against qualified applicants or employees with disabilities. The Americans with Disabilities Act which states, in part, "...no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination..." in programs, activities or employment.

If the need exists and can be met by the employer without "undue hardship," it also requires that such persons be provided "reasonable accommodation" to participate in the job application and selection process or, if employed, to perform the "essential functions" of their job. If you have questions or concerns about who is covered and whether you qualify for a special accommodation, contact the Bureau of Personnel Services.

Florida Commission on Human Relations

The mission of the Florida Commission on Human Relations is to prevent unlawful discrimination by ensuring people in Florida are treated fairly and are given access to opportunities in employment, housing, and certain public accommodations; and to promote mutual respect among groups through education and partnerships. Section 760.05, Florida Statutes, states that the ‘commission shall promote and exchange 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.’

Please contact the Florida Commission on Human Relations at 850-488-7082 or visit their web site at <http://fchr.state.fl.us> for more detailed information.

Where to File Complaints of Discrimination

Complaints of discrimination, including complaints of sexual harassment, may be addressed to either the **Bureau of Personnel Services, Office of Inspector General, your supervisor, bureau chief or upper-level management or their designee, or the Chief of Staff of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, FL, 32399-3000; the Florida Commission on Human Relations within 365 calendar days; or the Equal Employment Opportunity Commission within 300 calendar days.**

Discrimination and harassment complaints are held confidential until the investigation is officially closed. Employees are assured that retaliation or retribution for filing a complaint is prohibited. Complaints will be investigated promptly and thoroughly with the respect and dignity extended to the complainant, and to those accused of discrimination or harassment, and to any persons providing information related to the complaint. Time periods for filing are calculated beginning with the date of the action that gave rise to the complaint. All complaints shall be treated in accordance with [DEP Directive 436](#), Discrimination and Harassment and the procedures set forth by law, [Chapter 60L-36.004](#), Florida Administrative Code. All complaints must be documented using the [DEP Form 54-102](#), Discrimination Complaint Form, available on the [Administrative Services Forms](#) website.

Fair Labor Standards Act

The Fair Labor Standards Act is the federal law requiring at least the federal minimum wage and overtime pay (at time and one-half of the employee’s regular rate of pay) for covered employees for hours worked over 40 hours in a workweek. The State Personnel System refers to employees covered by Fair Labor Standards Act as “included” and to those not covered by the Fair Labor Standards Act minimum wage and overtime provisions as “excluded.”

The 40-hour workweek is the work period (also called Fair Labor Standards Act period) for most included employees. This workweek begins on a Friday and extends through the following Thursday.

The Fair Labor Standards Act permits state agencies to offer included employees the opportunity to waive cash payment for overtime and instead accrue Fair Labor Standards Act Special Compensatory Leave credits at the rate of one and one-half hours for each overtime hour worked. These leave credits will be available for use, but unused credits are paid at regular intervals set by the Department; usually January and August for DEP.

Excluded employees are not eligible for overtime pay under the Fair Labor Standards Act. 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 the calendar month.

If you are not sure if you are an included or excluded employee under the Fair Labor Standards Act, and whether your work period is the 40-hour workweek, an extended work period, or the same as your pay period, ask your supervisor or contact the Bureau of Personnel Services.

Veterans' Preference

Chapter 295, Florida Statutes, sets forth the requirements for public employers to provide preferences in employment, retention, and promotion, to eligible veterans and spouses of veterans who are Florida residents.

An overview on Veterans' Preference by the Department of Veterans' Affairs is available at: <http://www.floridavets.org/benefits/veteranspref.asp> and questions and answers about this preference at: http://www.floridavets.org/pdf/vetpref_bro.pdf.

Additional information on Veterans' Preference is available from the Department of Management Services website at:

[http://dms.myflorida.com/human_resource_support/human_resource_management/for state hrpractitioners/hrm_correspondence/program_guidelines](http://dms.myflorida.com/human_resource_support/human_resource_management/for_state_hrpractitioners/hrm_correspondence/program_guidelines).

BUREAU OF PERSONNEL SERVICES

The Bureau of Personnel Services is responsible for administering all aspects of the Department's Personnel Program. This includes recruitment, employment status or pay changes, employee and labor relations, benefits, grievances, collective bargaining administration, position classification, insurance, attendance and leave, employment verifications, Workers' Compensation, Employee Assistance Program, performance appraisals, training, dual employment, perquisites, tuition assistance, and other issues related to employee rights and programs.

The staff of the Bureau of Personnel Services is dedicated to serving you. They are available to answer questions regarding Personnel rules, your rights and responsibilities and any other aspect of your employment.

The Bureau of Personnel Services is open from 8:00 a.m. to 5:00 p.m. The telephone number is 850-245-2511. The main office is located in the Carr Building, Room 155, 3800 Commonwealth Boulevard, in Tallahassee, Florida 32399-3000.

Personnel and Medical Records

The Bureau of Personnel Services maintains every employee's official personnel file electronically. Each file includes the employment application, appraisals, discipline, personnel/payroll changes, and any other information that is relative to employment.

Under Chapter 119, Florida Statutes, personnel files are considered public record and may be reviewed by anyone upon request. As a matter of courtesy, employees are informed when someone, other than an appropriate supervisor or other authorized personnel, requests and reviews their personnel file.

Your Social Security number and any medical information are exempted from disclosure unless you consent to the disclosure. The Social Security numbers of all current and former employees are exempt from public record, 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 record, as provided by the Public Records Law of Florida and the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Florida law also provides for additional exemptions from public disclosure for home address, telephone number, and photographs of employees in certain positions that are sworn, certified or otherwise designated by the law. Additionally, any document that reveals the identity, home or employment telephone numbers, addresses or personal assets of crime victims is also exempt from disclosure under the Public Records Law of Florida. Other exemptions include both the home and employment telephone numbers and address of employees who are the spouse or child of a current or former employee in a position that is sworn, certified or otherwise designated by the law, as well as the name and location of the schools and day care facilities used by the children of such employees.

You must inform the Bureau of Personnel Services that you qualify for an exemption. To claim the exemption, you will need to complete [DEP Form 54-606](#), Exemption from Public Records Requests - Privacy Test Questionnaire, and submit it to the Bureau of Personnel Services, MS 70.

Your Personnel record is important as it helps the Department maintain current information, such as your home address, telephone number(s), marital status, etc. This information is used to maintain current data that affects payroll, W-2 forms, emergency contacts, insurance coverage, etc. Therefore, **each employee is required to update changes in personal status in the [People First](#) system to assure proper administration of these and other items.** This information can be updated by each employee under the Personal Info tab in People First.

Employment Verification

Should you require employment verification for loans, or when pursuing other job opportunities, ask your financial institution or perspective employer to contact the Bureau of Personnel Services to verify your relevant salary and employment data.

STATE EMPLOYMENT POLICIES

Oath of Loyalty

Sections 110.201 and 876.05, Florida Statutes stipulate that all state employees must sign an Oath of Loyalty as a condition of employment. [DEP Form 54-603](#), Oath of Loyalty, is furnished in your new employee package and is to be completed upon your initial employment with the Department.

Employment Status

Employees hired into the Career Service System, the Selected Exempt Service or the Senior Management Service receive many benefits, including Annual Leave and Sick Leave credits, participation in the Department's various insurance programs, paid observance of state holidays, and an Employee Assistance Program. Career Service employees also enjoy certain rights that begin after the employee has achieved permanent status in the Career Service. For example, a Career Service employee may only be disciplined or dismissed for "cause", and may grieve or appeal certain personnel actions. All employees enjoy the protection of federal and state laws prohibiting unlawful discrimination. Selected Exempt Service and Senior Management Service employees are hired and retain employment at the will and pleasure of the Secretary, and are not entitled to grieve or appeal personnel actions.

Probationary Period

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

A Career Service employee may be disciplined or dismissed from employment during any probationary period without the right to appeal or grieve the action. Selected Exempt Service or Senior Management Service employees do not serve probationary periods because they serve at the pleasure of the Secretary. This is referred to as 'at will' employment.

Permanent Status

Upon the satisfactory completion of a probationary period, a Career Service employee will receive permanent status in the Career Service System. This entitles the employee to all the rights, benefits, and privileges of a permanent Career Service employee. Once received, permanent status is retained throughout the employee's continuous employment in that position or in another position in the same occupational group and level with the same or substantially similar duties and responsibilities.

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 as outlined in Part III, Chapter 112, Florida Statutes. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is an enacted code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code not only serve 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 of Florida that state and local public officers and employees are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the Florida State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered by the Florida Commission on Ethics with respect, regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

Employee Relationships with Regulated Entities

Section 110.233, Florida Statutes and rules of 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 agency.

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

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

You may be considered to have "regulatory responsibility" if you are directly responsible for determining if a regulated entity is in compliance with federal or state statutes/regulations or recommending or approving the issuance, suspension, revocation or cancellation of a license. Generally, you are prohibited from the following:

- Soliciting or accepting any gift, favor, loan, or service of any value that could cause you to be influenced in your duties;
- Owning a material interest in any business doing business with our Department;
- Using or attempting to use your position to gain special privileges, benefits, or exceptions for yourself or others;
- Accepting other employment with any business subject to regulation by the Department;
- Accepting employment or engaging in self-employment that will create a conflict between your private interest and the performance of public duties;
- Disclosing information gained by reason of your employment for personal usage or benefit or for the personal gain of any other person.

You should talk with your supervisor about the Department’s regulations before becoming involved with potential conflict-of-interest situations. The Office of General Counsel serves as the Department’s Ethics Officer and should be consulted if you have any questions regarding what may or not be ethical behavior as anticipated by DEP or the [State of Florida’s Code of Ethics](#). [DEP Directive 202](#), Code of Ethics, contains more information about DEP’s Code of Ethics. In addition, you should report any suspected violations of the DEP Ethics Code to your supervisor, **bureau chief, director, deputy secretary, Bureau of Personnel Services or OIG** as appropriate.

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 in accordance with [DEP Directive 407](#), Nepotism – Employment of Relatives, and Section 112.3135, Florida Statutes.

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

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

A public official may employ a relative on a temporary basis in an emergency. An emergency is defined as an event, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

In the event that a public official with jurisdiction or control over an employee becomes related to the employee through marriage or other means after initial appointment, the employee may remain in their position. However, the employee shall not be promoted or recommended for promotion by the public official. In addition to statutory restrictions, no relative of a current DEP employee may be offered employment within the same office, district or division without the approval of the applicable Senior Management representative, Division or District Director, or designee. Requests shall not be approved if there is a supervisory/subordinate relationship.

Political Activities



Our employees are encouraged to register and vote their preference at election time. This is an exercise of constitutional rights and a responsibility of citizenship. However, any other political activities on your part may be limited while you are employed with the Department. The [Federal Hatch Act](#) and Florida law both provide for such restrictions.

You may express political opinions by wearing badges or buttons, displaying posters or bumper stickers in or on your privately-owned vehicle(s), and other means stipulated by the Department of Management Services. When authorized by the Secretary and approved by the Department of Management Services, you may be a candidate for elected public offices involving no conflicting or interfering interest with state government. If your position is subject to the Federal Hatch Act as determined by the Department, you may not become a candidate in a partisan election.

Requests for approval to be a candidate for local office shall be submitted through normal supervisory channels to the Secretary, in writing, no later than forty-five (45) days prior to the deadline of qualifying for the office. Each request must show the title and summary of the duties for local public office to be sought, the hours of work involved in campaigning for or holding office, what effect, if any, the campaign or office duties may have on your regular duties with the Department, and the amount of remuneration, if any, which will be received if elected.

If you qualify for the campaign or hold public office without obtaining prior approval as required, you will be ineligible for continued state employment and shall be deemed to have resigned your job without appeal rights to the Public Employees Relations Commission.

We recommend that you seek guidance from the Bureau of Personnel Services if you decide to run for public office or participate actively in any political campaign. Failure to comply with rules governing this issue could cause you to forfeit your employment without appeal rights.

For more information, consult [DEP Directive 490](#), Political Activities and Section 110.233, Florida Statutes.

Financial Disclosure

Financial disclosure forms are mailed to state and local officers and employees, specified state employees, as well as candidates for elective local offices in mid May as provided in Sections 112.3144 and 112.3145, Florida Statutes. Financial disclosure forms must be completed on or before July 1 of each year and be mailed to the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709. Persons who fail to file the annual disclosure form by September 1 of each year are subject to automatic fines of \$25 for each late day.

Department employees required to file Financial Disclosure are Specified State Employees:

- Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.
- The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.
- The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, Assistant Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.
- Assistant State Attorneys, Assistant Public Defenders, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.
- The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.
- State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$15,000.
- The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

Persons who leave their position during the year are still required to file disclosure for the previous year and for any period of time worked during the year in which they left. If your position requires filing a financial disclosure form, you must complete and **submit a Final Statement of Financial Interests (Form 1F) within 60 days of separation from your position.**

Specific information about the definitions of those designated to file and access to forms you will need to complete are available on the Florida Commission on Ethics website at <http://www.ethics.state.fl.us>. Select **Financial Disclosure** on the left pane.

Performance Management

At a minimum, supervisors are required to provide employees feedback on their performance on an annual basis. For DEP, our annual evaluation date is September 1. In accordance with [Rule 60L-35](#), Florida Administrative Code, 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. The Performance Evaluation System for DEP employees is explained in more detail in the Employee Relations Section of this handbook and [DEP Directive 415](#), Employees' Performance Evaluation System.

Separations

Resignations

If you are leaving your job for any reason, please notify your supervisor of your intentions at least two weeks, or as soon as practicable, before your last day on the job. It is recommended that a letter of resignation be submitted to your supervisor and that you specify if you are moving to another agency or retiring.

[DEP Form 54-601](#), Certificate of Termination for FTE and OPS Employees, must be completed by the employee and the employee's immediate supervisor and forwarded to the Bureau of Personnel Services, MS 70. It is your responsibility to return all state property, (i.e., cell phone, computer, printers, credit cards, keys, ID badges, etc.) which were issued to you. [DEP Form 54-616](#), Checklist of Employee Separation Information, documents return of all items and terminates your access to all computer applications. Your supervisor/ delegated authority will complete this form prior to your final day of work. Your signature acknowledges return of these items. Failure to comply with returning items issued to you could result in legal action. You should complete your final timesheet in People First and submit it to your supervisor. Remember to ensure your mailing address shown in People First is up-to-date prior to leaving.

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

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

Retirement

The State of Florida offers Career Service employees two retirement options. You may choose to participate in a defined benefit (pension) plan or defined contribution (investment) plan. These options are jointly funded by the state and the employee. We hope you will choose to make your career with state government and this Department a fulfilling one that will allow you to enjoy this reward for years of dedicated service. Refer to the benefits section of this handbook for more detailed information about retirement or contact the Bureau of Personnel Services.

Layoffs

Layoffs occur when agencies delete Career Service positions, either filled or vacant, due to budget cuts, program reductions resulting from outsourcing or privatization efforts, or program phase-outs. Layoffs are carried out in accordance with Rule 60L-33.004, Florida Administrative Code, and terms of applicable collective bargaining agreements. Accordingly, agencies develop workforce transition plans to outline how they will implement the layoffs and ensure that efforts are made to assist adversely affected employees through the process as provided in Section 110.227, Florida Statutes and [DEP Directive 405](#), Workforce Reduction.

If layoff is unavoidable, affected employees will be given as much advance notice as possible. The Department will attempt to place affected employees in vacant positions for which they qualify, whenever possible. When layoff is unavoidable, layoff occurs based on the Department's operational needs and affected employees' work history and qualifications based on those needs. Prior to the layoff of the affected employee, his or her length of service, comparative merit, demonstrated skills and experience will be taken into consideration.

Special procedures are followed for the layoff of sworn law enforcement personnel. Questions related to layoffs should be directed to the Bureau of Personnel Services, Employee Relations Section.

Dismissals

Selected Exempt Service and Senior Management Service employees serve at the will and pleasure of the Secretary. This means that while enjoying the protection of federal and state laws prohibiting unlawful discrimination, Selected Exempt Service and Senior

Management Service employment may be severed at any time, without the right to appeal or grieve the decision.

Similarly, a Career Service employee who has not yet attained permanent status may be dismissed at any time without the right to challenge the dismissal. No employee may be dismissed due to discrimination based on age, race, gender, national origin, religion, marital status or similar lawfully protected status.

A Career Service employee with permanent status in the Career Service System may only be dismissed for cause. A dismissal is a personnel action that the Department takes only for serious and substantiated reasons. Such reasons could include circumstances that are due to no fault of the employee, such as an inability to perform the job duties for health-related or similar reasons. Other reasons for dismissal include inadequate job performance or violations of the Department's standards of conduct. In all cases, the Department must be able to demonstrate that it has a sound business reason or "cause" for dismissing a permanent status Career Service employee from his/her job. Refer to the Employee Relations section of this handbook for more information.

COMPENSATION

The following information about compensation (pay) is summary in nature and not intended to address all situations or circumstances. For complete information, please refer to appropriate Florida Statutes and 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.

Compensation for Hours Worked and Overtime

Included employees (whether Career Service or Selected Exempt Service) 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, included employees will be paid for overtime by cash payment at the rate of one and one-half times the hourly regular rate of pay. However, if elected in lieu of cash, such employees may instead be credited Fair Labor Standards Act Special Compensatory Leave subject to the following:

- For every excess hour worked, employees are credited one and one-half hours of Fair Labor Standards Act Special Compensatory Leave;
- Fair Labor Standards Act Special Compensatory Leave credits are available for employees to use upon supervisory approval and/or may be allowed to accrue up to a maximum of 80 hours or the number of hours allowed by the collective bargaining agreement;
- Fair Labor Standards Act Special Compensatory Leave credits not used as of June 30 and December 31 each year are paid at the employee's straight time regular rate of pay; and
- Unused Fair Labor Standards Act Special Compensatory Leave credits are also paid at the time of separation from a Career Service position.

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

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

- For every excess hour worked, employees are credited Regular Compensatory Leave on an hour-for-hour basis;
- 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;

- Regular Compensatory Leave credits may not be paid upon separation from your agency and will NOT be transferred to another agency unless the employee moves from a Career Service position to a Selected Exempt Service position; and
- Regular Compensatory Leave credits have no cash value, unless they are earned under an Agency Payment Plan.

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

Rate of Pay

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

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

Salary Additives

Under some circumstances, a salary additive may be included in a Career Service employee's pay. A salary additive is a specific salary amount paid in addition to an employee's base rate of pay to compensate the employee for unusual conditions or job requirements. An additive applies to a particular position and therefore may be removed from the employee's pay, if the employee leaves that particular position, or the circumstances justifying the additive change.

As an example of a salary additive, when an employee is asked to assume the duties of a higher-level position on a temporary basis, a salary additive may be granted. Other salary additives used by DEP include Competitive Area Differential, Leadworker, Temporary Special Duty, Trainer, and Hazardous Duty additive.

Additional information pertaining to increases to base rate of pay and salary additives can be found in [DEP Directive 462](#), Compensation and Pay Administration.

Pay Day

DEP is a monthly payroll Department and employees are paid the last working day of the month unless that day is a holiday. In that case, employees are paid on the last working day of the month prior to the holiday.

Pay Deductions

It is compulsory that deductions be made from an employee's pay for Federal Income Withholding Tax and Social Security (FICA). Premiums for optional insurance plans, contributions for certain charitable organizations, and deductions for credit union transactions are all payroll deductible. If you find an error in your deductions, immediately notify the Bureau of Personnel Services.

Earnings Statement

You may review your [earnings statement](#) each payday at the [Department of Financial Services](#) website. Your statement provides a summary of your earnings and deductions for the current pay period, along with pertinent year-to-date totals. You should check your earnings statement each payday for correct earnings and deductions.

Direct Deposit

Unless a documented hardship exists and is approved by the Department of Financial Services, all new employees are required to have their net salary payments deposited directly into their accounts at a financial institution through electronic funds transfer (EFT) as provided in Section 110.113, Florida Statutes. Banks, savings and loan associations, and credit unions are eligible to accept such deposits. Direct deposit information is entered directly into People First. Once you are logged in, choose **Employee Information** on the menu bar, click on the **Personal Information** tab and then choose **Direct Deposit**. If you need assistance, please contact the Bureau of Personnel Services.

Salary Increases

Generally, increases to employees' pay are authorized by legislative appropriation as an "across the board" pay adjustment.

A promotional pay increase may occur when an employee is appointed to a position with a greater degree of responsibility, at a higher occupational level or in another occupation having a greater degree of responsibility. Upon promotion, an employee is eligible for, but not guaranteed, an increase in salary. Ordinarily the promotional pay increase raises the employee's salary to the minimum of the pay band. Supervisors are encouraged to pay employees at the minimum of the pay grade, rather than the minimum of the pay band, unless the minimum for the pay band is higher. The actual amount of the pay increase, if appropriate, will depend on factors such as the employee's experience, knowledge, skills, abilities or budgetary considerations.

Other circumstances may occur which may result in an increase to an employee's pay. One example is when an employee is assigned additional, more complex duties that are not usually assigned to that particular job, but which are not sufficient to warrant reclassification of the position. Even though an employee may be eligible for a pay increase because of superior proficiency or other reasons, discretionary pay increases may only be given when there are sufficient funds available to do so and are given at management's discretion. Typically, there are many demands on salary dollars and spending authority may be limited. Any pay increase must be justified in writing and must be based on

established criteria in collective bargaining agreements and in [DEP Directive 462](#), Compensation and Pay Administration.

Dual Employment and Compensation

Dual Employment within State Government

Prior approval must be obtained for any employee to be employed or compensated by more than one state agency or position within state government as provided in Section 216.262, Florida Statutes. If a current DEP employee wishes to be employed within state government, either part-time, or in a regular established position, a [Dual Employment and Compensation Request](#) form must be completed, approved by your director and filed with the Bureau of Personnel Services before secondary employment within state government can begin. This approval is required if an employee is compensated simultaneously by more than one state employer or state agency within the State Personnel System whether part-time, temporary, Career Service, Selected Exempt Service, Senior Management Service or Other Personal Service. Additional information about dual employment is contained in [DEP Directive 401](#), Dual State Employment and Compensation and Secondary Employment Outside of State Government.

Secondary Non-State Employment (Outside State Government)

Secondary non-state employment is defined as services rendered to any employer other than the State of Florida (including self-employment) and for which the employee receives compensation. Secondary non-state employment may be acceptable as long as it does not:

- Represent a conflict of interest as specified by Chapter 112, Part III, Florida Statutes;
- Does not interfere with the ability and availability of the employee to perform his or her regular duties; and
- Does not require the use of state space, time, personnel, equipment, or supplies.

Unless you occupy a Selected Exempt Service or Senior Management Service position, secondary non-state employment shall be reviewed by your director based on the above criteria only. A copy of [DEP Form 54-613](#), Notification of Secondary Non-State Employment, shall be submitted to the Bureau of Personnel Services to be placed in your official Personnel file.

Selected Exempt Service or Senior Management Service employees must receive approval for secondary non-state employment from the Office of General Counsel. Procedures for requesting secondary non-state employment may be found in [DEP Directive 401](#), Dual State Employment and Compensation and Secondary Employment Outside of State Government.

INSURANCE - STATE GROUP INSURANCE PROGRAM BENEFITS

STATE GROUP INSURANCE PROGRAM BENEFITS

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

Newly hired employees wishing to participate in any of the benefit plans/programs offered must enroll within 60 days of their date of hire or they will not be able to enroll until the next scheduled annual open enrollment period, unless they experience a Qualifying Status Change (QSC) event. The most common QSC's are marriage, divorce, death, adoption, birth, moving out of a Health Maintenance Organization (HMO) service area and dependent/spouse's loss of coverage. New benefit elections must be made within 31 days of the QSC. 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 program options or enrollment and eligibility, visit www.MyFlorida.com/MyBenefits or call the People First Service Center at 866-663-4735. For information about plan coverage, contact the insurance company directly or refer to plan documents. Contact information and certificates of coverage are located at www.MyFlorida.com/MyBenefits.

Health Insurance

The State of Florida offers all eligible employees (full and part-time Career Service, SES and SMS) participation in the State Group Health Insurance Program, which offers four health insurance plan options on a pre-tax basis. These options are a Preferred Provider Organization (PPO) Standard Plan, a PPO Health Investor Plan (High Deductible) with a Health Savings Account option, or, where available, an HMO Standard Plan or an HMO Health Investor Plan, with a Health Savings Account option. These plans provide enrollees access to a variety of services such as physician care, inpatient hospitalization, outpatient services, and prescription drugs. The PPO Plan options are available nationwide (worldwide), while HMO options are available only to employees that live or work in a participating HMO service area.

Full-time employee premium contributions vary by enrollment tier (Individual vs. Family), and plan option (PPO and HMO Standard Plan vs. PPO and HMO Health Investor Plan). The State of Florida contributes the major portion of a full-time Career Service employee's premium for these health plans. Employee premium contributions required for part-time employees are higher and depend on the percentage of their full-time equivalent employment status. Health insurance premiums are payroll deducted on a monthly basis. One monthly deduction is required to collect a full month's premium. Payroll deducted health insurance premiums pay for the following month's coverage. Unless specifically waived, premiums are deducted on a pre-tax basis. SES and SMS employees receive health insurance coverage at a reduced premium cost to the employee.

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.

A free Basic Life benefit of \$25,000 is available to all full-time employees (part-time employees pay prorated premiums based on their FTE). Enrollment for full-time new hires is automatic.

The basic and optional life insurance coverage includes an additional benefit for accidental death and dismemberment coverage.

Any state employee participating in the State Group Life Insurance Program may elect to participate in the Optional Group Life Insurance Plan. The Optional Group Life Insurance Plan is a salary-multiple life insurance plan; employees can purchase additional term life insurance - from 1 to 7 times base annual earnings, **up to a maximum optional coverage benefit of \$1,000,000**. Medical underwriting may be required. Premiums are fully paid by the employee on a post-tax basis.

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

If life insurance coverage is discontinued due to termination of employment with the state, retirement 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.

Pre-Tax Supplemental Insurance

The State of Florida offers all eligible employees (Career Service, Selected Exempt Service and Senior Management Service) 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. Products offered by various supplemental insurance companies include vision care insurance, dental insurance, supplemental hospitalization insurance, cancer and cancer/intensive care insurance, and accident and accident/disability insurance. Some insurance plans require medical underwriting, and enrollment is subject to approval by the supplemental insurance carrier. There may be a number of options within a type of supplemental insurance, allowing employees to choose between several different types of coverage for different premium payments.

Post-Tax Miscellaneous Insurance

Along with the State Health and Life Insurance Programs, the following companies have been authorized by the Department to provide, on a post-tax basis, a payroll deduction for additional benefits to employees and their dependents. However, unlike the State-Sponsored Health and Life Insurance Plans, the state does not contribute to the costs of these benefits. The Department does not evaluate the benefits of any particular provider’s product, or sponsor or endorse any product or provider. Interested employees are

encouraged to consider each provider’s product, term conditions, and value carefully in making a decision.

As a reminder to new employees, the same 60-day enrollment period may apply to some of the insurance programs listed below as with the State-Sponsored Health and Life Insurance Programs. Please contact the company directly at the number listed below for additional information concerning enrollment restrictions, procedures, and to obtain additional information about their products.

Company Name	Specialty	Contact Number
Anthony Finaldi	Life Insurance	850-385-2880
Capital Insurance Agency	Life, Disability Income Protection	850-942-2323 or 1-800-780-3100
Capital Casualty Insurance	Auto, Home, Renters, Liability	850-385-9620 or 1-800-528-0222
Colonial Insurance Agency	Life, Accident & Disability, Cancer	850-926-3867 or 1-800-325-4368
Florida Fringe Benefits/Conseco	Cancer, ICU, Heart/Stroke, Accident, Critical Illness, Hospital Short Term Disability, Life	386-938-3541
Pre-Paid Legal Services	Legal Services	407-718-6352
Richard Smith & Associates	Life Insurance	850-877-1445 or 1-800-342-0209
State Securities Insurance	Life Insurance	850-386-2300 or 1-800-277-2300
Triam Financial Group	Life Insurance	954-568-1402 or 1-800-859-5563
Unum Central Life Insurance Co	Life Insurance	800-257-4997

Flexible Spending Accounts

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

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

Sections 125 and 129 Internal Revenue Code and Chapter 60P, Florida Administrative Code 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 an employee’s paycheck during the year, and any unused balance in the account after April 15th of the following year will be forfeited.

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.

When a medical expense is incurred, a participant may choose to pay for qualifying expenses with the myMRA Debit Card. This card is similar to a personal debit card and may be used to pay for prescription drugs or co-pays for doctor visits. Over-the-counter drug purchases will need to be submitted by invoice for reimbursement to People First. People First then provides reimbursement by direct deposit to your bank or savings account.

More information on this plan is available at

[http://www.myflorida.com/mybenefits/Health/Reimbursement Accounts/Medical Reimbursement Account.htm](http://www.myflorida.com/mybenefits/Health/Reimbursement%20Accounts/Medical%20Reimbursement%20Account.htm)

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

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

Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)

Employees and their dependents that would otherwise lose insurance coverage in any State Group Insurance Program health, and/or dental, and/or vision plan because of a "qualifying event" are eligible for continuation coverage under the state's group policy

pursuant to the federal COBRA law. COBRA provides continuation coverage equal to the coverage applicable to active employees for a limited time period. When an employee leaves the Department, People First mails information about COBRA to their home address.

Continuation of Health and Life Insurance Coverage for Retirees

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

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

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.

OTHER STATE SPONSORED BENEFITS AND PROGRAMS

Deferred Compensation

You are encouraged to explore the benefits of the [State Deferred Compensation Program](#). Despite an outstanding retirement program, employees should plan to put aside additional savings to supplement their retirement income and Social Security benefits. Deferred Compensation is an easy way to do this and at the same time reduce your federal income tax liability. A list of the Deferred Compensation providers may be obtained from the Florida Department of Financial Services, Bureau of Deferred Compensation at www.myfloridadeferredcomp.com.

If you have any questions regarding retirement, Deferred Retirement Option Program (DROP) or Deferred Compensation, contact the Bureau of Personnel Services.

Florida State Employees' Charitable Campaign (FSECC)

The Florida State Employees' Charitable Campaign is an annual organized event during which employees can donate to eligible charities of their choice, either through payroll deduction or through 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 Florida State Employees' Charitable Campaign is the only authorized solicitation of state employees allowed at the workplace during work hours. Employee contributions to the Florida State Employees' Charitable Campaign and participation in any Florida State Employees' Charitable Campaign fund-raising event are voluntary.

United States Savings Bonds

Employees may secure U.S. Savings Bonds through an automatic direct debit by requesting that TreasuryDirect debit your personal bank account to purchase securities on a schedule of your choice. Learn more about this by visiting [TreasuryDirect](#).

Series "EE" Bonds are an appreciation-type security with a maturity period of 12 years. They may be redeemed at any time after six months from issue date. Each bond costs one-half of its face value. Denominations are available in \$100, \$200, and \$500 bond purchases. Interest earned is exempt from state and local taxes, and federal tax reporting may be deferred until redemption or final maturity, whichever comes first. Series "HH" Bonds are available in exchange for Series "EE" Bonds and/or U.S. Savings Notes with a total redemption value of \$500, or more.

Awards Program



DEP recognizes the contributions of employees and volunteers as a means of encouraging improvement and increasing staff satisfaction. This is accomplished through five components:

- **Savings Sharing Component.** This component recognizes Career Service and Selected Exempt Services employees whose innovative ideas result in dollar savings or additional revenue as provided in Section 110.1245, Florida Statutes. These employees may receive a portion of the savings resulting from the generated savings. You are encouraged to think about and suggest ways to help DEP achieve greater efficiency and productivity.
- **Satisfactory Service Component.** This component provides for recognition of Career Service, Selected Exempt Service and Senior Management Service employees for satisfactory state service, as well as retiring state employees whose service to the state has been satisfactory. Recognition is in the form of an appropriate honor award for five-year increments of satisfactory service.
- **Employee or Team of the Month component.** This component recognizes exceptional, continued and/or outstanding service to the Department or the public by Career Service, Selected Exempt Service, Senior Management Service, Other Personal Service employees and volunteers.
- **Spot Award for Excellence in Customer Service.** This component recognizes Career Service, Selected Exempt Service or Other Personal Service employees and volunteers for specific acts of exceptional customer service.
- **Division/District Awards.** The final component of the program is a division/district award where employees or volunteers are recognized. Directors are required to develop written procedures governing administration and eligibility of these awards.

DEP also participates in the Prudential Davis Productivity Awards Program each year. Many DEP employees have received cash and honor awards through the Davis Awards Program.

For additional information concerning awards or recognition, or to obtain assistance in submitting ideas or suggestions, contact the DEP Awards Coordinator in the Bureau of Personnel Services, your supervisor or your Division or District awards representative. Visit the DEP Awards Main Page on the DEP Intranet at <http://depnet/admin/awards/Awards.htm>.

Telecommuting Program

Telecommuting is a work arrangement authorized in certain circumstances as provided in Section 110.171, Florida Statutes, whereby DEP employees may be allowed to perform the normal duties and responsibilities of their positions through the use of telecommunications, at home or another place apart from the employee's usual place of work. Telecommuting offers several potential benefits, which include the reduced need for office space, employee savings on commuting expenses, and improved employee satisfaction due to increased flexibility.

Telecommuting is not appropriate for all jobs, and may be appropriate for some jobs only under certain circumstances. A [list of positions](#) that have been identified for consideration for telecommuting at DEP is available on the Bureau of Personnel Services website under Telecommuting. Details concerning the Telecommuting Program and employee eligibility policies may be reviewed in [DEP Directive 470](#), Employee Telecommuting Program and Section 110.171, Florida Statutes, which are used to administer the program.

Employees interested in telecommuting should follow the procedures outlined in the directive for initiating a request to telecommute. An employee approved to telecommute will be required to sign a telecommuting agreement outlining the work policies, schedules and expectations of the telecommuting arrangement.

Unemployment Compensation

Employees who are subject to a workforce reduction or separated from employment, voluntarily or involuntarily, may be entitled to Unemployment Compensation benefits. For more information, contact the [Agency for Workforce Innovation](#).

Bonuses

When authorized by the Legislature with appropriate funding, the Department has awarded bonuses to employees for their contributions to the accomplishment of our mission and core values. As a DEP employee, you may be eligible to receive a bonus for your outstanding contributions, and you may also have a role to play in recognizing your peers through bonus awards. [DEP Directive 402](#), Bonus Administration, governs how bonuses are administered in DEP.

Blood Bank

As a benefit to you and/or your immediate family, the Department maintains a blood bank group account with the Southeastern Community Blood Center. Quarterly drives are held at various DEP building sites in Tallahassee. While donations are encouraged, they are strictly voluntary. For employees outside the Tallahassee area, similar arrangements are available for blood donations.

RETIREMENT



All new Career Service, Selected Exempt Service and Senior Management Service employees are automatically enrolled in the state-sponsored Florida Retirement System and covered by federal Social Security. The Florida Retirement System 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 Pension Plan and a defined contribution plan known as the Investment Plan. Employees under either primary plan participate in the following membership classes: the Regular, Special Risk (law enforcement positions) and Senior Management Service classes for DEP. In addition to these two primary plans, the Senior Management Service Optional Annuity Program, an alternative optional defined contribution program, is available to certain Senior Management Service employees. The Florida Retirement System is a contributory retirement system, which means that employees and the state pay a required retirement contribution. Effective July 1, 2011, employees contribute three percent of their pre-tax salary as a retirement contribution. If you are a DROP participant or a re-employed retiree who is not allowed to renew membership, you will not be required to make the three percent contribution. A new employee has a choice to participate in the Pension Plan or the Investment Plan.

Most Career Service and Selected Exempt Service employees are enrolled in the Regular Class of the Florida Retirement System. Career Service and Selected Exempt Service employees employed in certain designated positions in law enforcement, firefighting or corrections are enrolled in the Special Risk Class. Senior Management Service employees and other positions designated by law have the opportunity to select participation in either the Senior Management Service Class of the Florida Retirement System or the Senior Management System Optional Annuity Program.

Florida Retirement System Pension Plan

Employees who began prior to July 1, 2011 and choose to participate in the defined benefit plan, known as the Florida Retirement System Pension Plan, are vested (have the right to collect future retirement benefits) after a minimum of six years of creditable service. For employees in the Regular Class, Senior Management Service Class, and Elected Officers' Class, "normal" retirement age is 62 years, or any age before age 62 when the employee has 30 years of creditable service. For employees in the Special Risk Class, normal retirement age is 55 years, or any age if the employee has a minimum of 25 years of special risk creditable service.

Employees who began on or after July 1, 2011 and choose to participate in the defined benefit plan, known as the Florida Retirement System Pension Plan, are vested (have the right to collect future retirement benefits) after a minimum of eight years of creditable service. For employees in the Regular Class, Senior Management Service Class, and Elected Officers' Class, "normal" retirement age is 65 years, or any age before age 65 when the employee has 33 years of creditable service. For employees in the Special Risk Class, normal retirement age is 60 years, or any age if the employee has a minimum of 30 years of special risk creditable service or the first day of the month in which the member reaches age 57 and has completed 30 years of service comprised of Special Risk Class service and up to four years wartime military service purchased under Section 121.111, Florida Statutes.

Early retirement is available, if an employee in any of the Florida Retirement System Pension Plan membership classes desires to retire after vesting, but within 20 years of their normal retirement age. Early retirement benefits are reduced by five percent for every year under the required age (prorated monthly) at retirement. The amount of the retirement benefit depends on the employee's age, total years of creditable service, and average final compensation rate at the time of retirement. The retirement benefit is paid in the form of a monthly benefit for the employee's lifetime. For those employed prior to July 1, 2011, benefits will be increased by a cost-of-living adjustment of up to three percent each year after retirement. The Florida Retirement System 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:

Disability Retirement

A member of the Pension Plan or a participant of the Investment Plan shall be eligible to apply for a disability benefit in accordance with Section 121.091(4), Florida Statutes, provided:

- The member is in the employ of a Florida Retirement System employer at the time the member becomes disabled; and
- The member is no longer able to work; and
- The member has creditable service as follows:
 - The member becomes disabled in-line-of-duty regardless of length of service; or
 - The member was employed on or after July 1, 2001, and has completed at least eight years of creditable service; or
 - The member completed at least 10 years of creditable service prior to July 1, 2001; or
 - The member completed five years of creditable service prior to July 1, 1980; or
 - The member was employed on July 1, 1980, had completed less than five years of creditable service on that date, but has since completed a total of five years creditable service and provides proof that he has not attained a fully insured status for benefits under the federal Social Security Act.

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 to receive a disability benefit (coverage begins with the first day of employment). Employees may also receive Social Security payments in addition to state retirement.

Survivor Benefits

Regular survivor benefits are provided to the employee's eligible beneficiary if the employee has completed at least six years of service. Eligible beneficiaries include that employee's spouse, dependent children, or other dependent individuals that can be claimed on the employee's taxes. 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.

Deferred Retirement Option Program

The [Deferred Retirement Option Program](#) (DROP) is a retirement option available to an employee who is eligible for normal retirement benefits, based on either age or years of service. DROP participation allows an employee to retire and defer termination and receipt of retirement benefits while continuing employment for up to five years or 60 months. The deferred monthly retirement benefits plus interest, compounded monthly, are accrued in the Florida Retirement System Trust Fund, on behalf of the participant, for the specified period of the DROP participation. Upon termination of employment, the employee receives the total accumulated retirement benefit plus interest and begins to receive his or her previously determined monthly retirement benefit that may be increased by cost-of-living adjustments for those employed prior to July 1, 2011.

For additional information concerning retirement options and benefits under the Florida Retirement System Pension Plan, visit the Division of Retirement web site at www.myfrs.com or contact the division at 850-488-6491.

Florida Retirement System Investment Plan

Employees who choose to participate in the Florida Retirement System Investment Plan are vested (have the right to collect future 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 employee and 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 Florida Retirement System-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 permanent disability occur as a result of duties required by the job. An employee retiring under the disability provisions of the Florida Retirement System Investment Plan must surrender his or her account value at retirement and become a retiree under the Florida Retirement System 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 members may not participate in the Deferred Retirement Option Program.

The Florida Retirement System Investment Plan is administered by the Florida State Board of Administration. For additional information about the Florida Retirement System Investment Plan benefit, visit www.myfrs.com or call the toll-free help line at 866- 446-9377.

Senior Management Optional Annuity Retirement Plan

Senior Management Service employees may elect to participate in the Senior Management Service Optional Annuity Program, a defined contribution plan that provides for immediate vesting of all employee and employer contributions with no minimum years of service or age requirements, instead of the Senior Management Service Class of the Florida Retirement System. The employee has a retirement account established in his or her name with the employee and 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. Disability and survivor benefits are based on the account value at the time of disability or death.

For additional information concerning retirement benefits under the Senior Management Service Optional Annuity Program, contact the People First Service Center or visit the "[Optional Plans](#)" page of the Division of Retirement's Web site at http://dms.myflorida.com/human_resource_support/retirement/optional_plans.

Retiree Health Insurance Subsidy Program

An employee who retires under either the Florida Retirement System Pension Plan or the Florida Retirement System 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 Program payment. The Health Insurance Subsidy payment is based upon the employee's total Florida Retirement System service credit at retirement.

ATTENDANCE AND LEAVE

Attendance and Leave Overview

Employees are expected to report to work timely and as assigned to provide services. Tardiness is defined as failure to report to work at the established work site at the exact time assigned. Unexpected or unavoidable events can occur from time-to-time. Such unplanned occurrences should be infrequent in nature. The state recognizes that some time away from work is necessary and beneficial, and therefore provides for both Annual and Sick Leave. However, frequent absences from work, especially when unplanned, create a hardship on the work unit. Absenteeism, even for legitimate reasons, can become excessive to the point that management must take appropriate remedial action, including disciplinary action, if necessary. Your job is an important one. If you are absent, your work must be assumed by someone else or be left undone. You are encouraged to consider the value of the work you do, consider the impact of absences on your fellow employees and your supervisor, and plan your absences accordingly.

An employee who expects to be absent from or tardy to work for any reason is expected to request approval, in writing, from his or her immediate supervisor. Advance approval is required, except for illness or emergency situations, so that disposition of the employee's work may be made to avoid undue hardship on fellow employees. When you know you will be late or absent from work due to illness or emergency, notify your supervisor as soon as possible at the beginning of the workday. Each work unit may establish operating procedures for reporting absences. Your supervisor will inform you of your work unit's specific requirements in this regard.

If you do not indicate on the first day of absence that you will be absent more than one day, then you must call your supervisor or other designated person on each successive day to report your absence. Failure to provide such notice will ordinarily result in unauthorized leave without pay for all days you were absent where proper notification is not given. The Department may consider an employee who is absent from work without authorization to have abandoned his/her position and resigned from employment. An employee who is confronted with an emergency situation should contact his or her immediate supervisor as soon as reasonably possible, explain the situation and request verbal approval of leave. Upon returning to work, the employee shall obtain documented approval for the absence from the immediate supervisor.

Attendance and Leave Reporting

An accurate daily record of all hours worked and leave taken must be kept. All hours worked and leave taken should be rounded to the nearest quarter hour. At the end of the pay period, each employee or designated Timekeeper should record hours worked, including the appropriate charge object, and leave taken on the timesheet in the People First System and submit the timesheet to his or her immediate supervisor for approval. The [Timesheet Hours Types and Descriptions List](#) will provide detailed information for use

in accurately completing your timesheet. Falsification of a timesheet is grounds for disciplinary action, up to and including dismissal.

Work Hours and Breaks

The normal work schedule is eight hours per day, five days or 40 hours per week. Although not required by law, a lunch period is usually provided, the length to be determined by the employee's supervisor based on the needs of their office. Employees may also be given a fifteen-minute break in the first half and in the second half of their work shifts. Such break periods must also be approved and prearranged with the immediate supervisor. These lunch and break periods may not be accumulated to provide for a shorter work schedule or to compensate for arriving late or leaving early from the employee's workstation site. Your supervisor will determine your particular work schedule as required by the duties of your position.

Flexitime and Variable Workweek



The Department has approved exceptions to the normal workweek schedule. For example, some employees are approved to work a variable workweek such as four ten-hour days, or four nine-hour days and one four-hour day. Other employees may work a flexitime schedule with varying starting and ending times. A flexitime or variable workweek schedule allows an employee to vary daily work hours within approved

limits to meet their desired working hours and/or to accommodate personal needs, such as car-pooling or child care arrangements. Your participation in flexitime or a variable workweek schedule is usually voluntary, and is subject to the work requirements of the Department and of your particular work unit. Participation requires approval from your immediate supervisor, the appropriate Bureau Chief, and Director, if applicable.

Telecommuting

Telecommuting is another work option authorized in certain circumstances as provided in Section 110.171, Florida Statutes, whereby DEP employees may be allowed to perform the normal duties and responsibilities of their positions through the use of telecommunications at home or another place apart from the employee's usual place of work. Telecommuting is covered in detail in this handbook under **Other State Sponsored Benefits and Programs**.

Overtime

Overtime occurs when the actual number of hours worked by an employee exceeds the required hours in the established workweek or work period, such as forty hours in a workweek (from Friday through Thursday). Every position has been designated as either "included" [subject to the overtime provisions of the Federal Fair Labor Standards Act, or "excluded" (exempt from the overtime provisions of the Federal Fair Labor Standards Act). All employees, whether they are in the Career Service, Selected Exempt Service or Senior Management Service are designated either "included" or "excluded" for overtime earning purposes. The Fair Labor Standards Act is the federal law requiring at least the federal minimum wage and overtime pay (at time and one-half of the employees' regular rate of pay) for covered employees for hours worked over 40 hours in a workweek. The DEP's established workweek is Friday through Thursday.

Holiday observance or any leave taken **does not count** toward “hours worked” for the purpose of calculating when overtime is earned. In addition, the Department is required to adjust any overtime worked, when possible, through leave taken, to offset the extra hours worked. Therefore, if an employee works extra hours on one day of the week, but takes leave of any kind in the week, the employee’s leave credits are not reduced and instead, the extra hours worked are used to “offset” the leave taken. The only exception to the required “offset” would be for law enforcement positions covered by the Police Benevolent Association (PBA) Collective Bargaining Agreement when an employee is out on Sick Leave.

Occasionally, you may be expected or required to work overtime. If you are in a Career Service or Selected Exempt Service position eligible for overtime pay (included), you will be paid at the rate of one and one-half times your hourly base rate of pay for all hours you are required to work in excess of forty hours in a workweek. Career Service employees excluded from receiving overtime pay must be credited with Regular Compensatory Leave (up to a maximum accumulation of 240 hours) on an hour-for-hour basis for all required work hours beyond the employee’s scheduled work hours for a given calendar month. Your supervisor can tell you if your position is “included” or “excluded”, or you can call the Bureau of Personnel Services for this information. Included Career Service or included Selected Exempt Service employees or excluded Selected Exempt Service and Senior Management Service employees cannot earn Regular Compensatory Leave credits. However, within the work month, excluded Selected Exempt Service and Senior Management Service employees can offset any leave taken with extra hours worked.

An included employee cannot waive payment for overtime in exchange for time off. However, a supervisor may arrange for an employee to offset extra hours worked with time off within the 40-hour workweek to avoid incurring overtime. In addition, included employees may elect, at their discretion, to earn Federal Fair Labor Standards Act Special Compensatory Leave credits at an hour and one-half for each hour of overtime worked in lieu of receiving overtime pay. Each June and December employees receive payment for any unused Federal Fair Labor Standards Act Special Compensatory Leave credits.

An “included” employee **may not** “volunteer” to work extra hours beyond forty without compensation. Supervisors **may not** require an employee to work overtime without compensation and are prohibited from instructing employees to record less than the actual number of hours worked to avoid overtime. Included employees **may not** earn Regular Compensatory Leave for overtime. Any employee who works extra hours or works outside the assigned work schedule without supervisory approval is subject to disciplinary action. Falsification of a time record or instructing an employee to falsely report actual attendance is grounds for disciplinary action, up to and including dismissal.

Included and excluded Career Service employees may earn Special Compensatory Leave credits, (unlike Federal Fair Labor Standards Act Special Compensatory Leave credits - that can ONLY be earned by an included employee). Special Compensatory Leave is earned when a Career Service employee works extra hours during a holiday period. Those

required extra work hours worked in lieu of being able to observe the holiday will be accrued as Special Compensatory Leave unless offset during the work period.

[DEP Directive 425](#), Attendance and Leave, governs the timekeeping procedures of the Department. This directive is accessible via the [DEP Internet home page](#), or by contacting your supervisor or the Bureau of Personnel Services. In addition, collective bargaining agreements contain provisions governing overtime, Fair Labor Standards Act Special Compensatory Leave and Special Compensatory Leave.

General Leave Overview

The use of Annual, Compensatory, Administrative, some forms of Sick Leave and the Personal Holiday require prior approval by the supervisor. In addition, with prior notice, employees may be compelled to use all or part of their accumulated Annual Leave and Special Compensatory Leave credits based on Department needs and in compliance with any collective bargaining agreement. With the exception of Sick Leave, employees are required to utilize Special Compensatory Leave credits **before** approval to use Annual or Regular Compensatory Leave.

Employees in positions less than a full-time equivalent (1.00 FTE), (e.g. .75 FTE, .50 FTE, etc.) earn leave proportionate to time worked during the pay period. Employees who work less than a full pay period due to initial employment, separation or leave of absence without pay will earn leave credits on a pro-rated basis.

Annual and Sick Leave earned during any pay period shall be credited to the employee at the close of business on the last day of that pay period or, in the case of separation, on the last day the employee is on the payroll. Leave shall not be used prior to being earned and credited at the close of business on the last day of the pay period. 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.

An employee will not be paid for leave or holidays occurring after the last day of employment.

Annual Leave

Annual Leave is intended to be used for providing periods of rest, relaxation, vacation and to conduct personal business. However, it may also be used for other purposes with the approval of the immediate supervisor. Annual Leave may be denied if the employee's absence would adversely affect the work unit.

All full-time Selected Exempt Service and Senior Management Service employees receive 176 hours of Annual Leave on the anniversary date of their first appointment to the Selected Exempt Service or Senior Management Service. All full time Career Service employees earn Annual Leave as follows:

<u>Continuous/ Creditable Service</u>	<u>Hours of Leave Earned Monthly</u>
Up to 5 years (through 60 months)	8.667
5 to 10 years (61 to 120 months)	10.833
Over 10 years (over 120 months)	13.000 hrs.

Annual Leave credits a Career Service employee earned in excess of 240 hours should be used prior to December 31 of each calendar year. The Department recognizes that circumstances may prevent the employee from utilizing Annual Leave. In recognition of such circumstances, the Department allows Career Service employees to carry up to 360 hours of Annual Leave after December 31. Every effort should be made to reduce the carried over hours to 240 by the following December 31. Hours over 360 on December 31 are added to the employee's Sick Leave balance. **If a Career Service employee leaves the Department, any annual hours over 240 are forfeited.**

Annual Leave in excess of 480 on a Selected Exempt Service or Senior Management Service employee's anniversary date is added to the employee's Sick Leave balance. A Selected Exempt Service or Senior Management Service employee leaving the DEP forfeits any unused Annual Leave hours over 480.

Employees moving from one state department to another may retain their Annual Leave, so long as there is no break in service, subject to the provisions of the receiving agency.

A Career Service employee separating from state government must have at least **12 months of service in order to receive payment for unused Annual Leave**, up to a maximum of 240 hours. **Time spent in an Other Personal Service position does not count toward the 12 months service threshold.** In addition, there is a 240-hour lifetime cap of Annual Leave payout for Career Service employees that includes payments received after December 31, 2001.

A Selected Exempt Service or Senior Management Service employee separating from state government may be paid for up to a maximum of 480 hours. The actual hours paid include the Selected Exempt Service or Senior Management Service employee's Annual Leave balance on the day prior to the employee's anniversary date, plus the prorated portion of any leave earned after the anniversary date. Payment for Annual Leave shall be made at the employee's current or last regular hourly rate of pay. In case of the death of an employee, the employee's beneficiary shall be paid for all Annual Leave credits.

Credit for Prior Service

You are entitled to use all previous state government creditable service for the purpose of determining eligibility to earn higher Annual Leave credits, when returning to a Career Service position in state employment following a break in service (31 days or more). To determine your eligibility, you must **provide a written request** by submitting a completed [DEP Form 54-218](#), Leave Accrual Eligibility Form, to the Bureau of Personnel Services. Once verification of eligible service is completed, your leave accrual date will be modified

so that you are credited with any additional higher leave credits due from your first day of re-employment.

If you resign from one state department to accept a position with another state department, any period in excess of 31 days elapsing between jobs must be covered by Annual or Compensatory Leave or the period will be considered a break in service.

Sick Leave

All full-time Selected Exempt Service and Senior Management Service employees are credited with 104 hours of Sick Leave on the anniversary date of their first appointment to the Selected Exempt Service and Senior Management Service. All full-time Career Service employees shall earn Sick Leave credits at the rate of eight hours and forty minutes (8.667) per month. Career Service employees earn Sick Leave credits even during leaves of absence with pay. There is no limit to the number of hours of Sick Leave any employee may accrue.

An employee can use Sick Leave for the following purposes:

- Personal illness (including maternity-related disability), injury or exposure to a contagious disease which would endanger others, or
- An appointment with a doctor, dentist, or other recognized practitioner when it is not possible to arrange such appointments during off-duty hours; or
- Illness, injury, or well-care check-ups of the employee's spouse, children, or parents of the employee and the spouse, or a person for whom the employee or spouse has **caretaker** responsibilities, when the employee's presence is necessary. **Caretaker** responsibility is when an employee's presence is necessary for illness, injury or well-care check-ups for:
 - brothers, sisters, grandchildren and grandparents of the employee or spouse;
 - someone for whom the employee or spouse has legal responsibility; or
 - someone for whom the employee or spouse has day-to-day responsibilities to help care for and provide substantial financial support on an ongoing basis.

If a medical appointment is necessary during work hours, prior approval is required to use earned Sick Leave, unless the nature of the medical necessity dictates otherwise. In such cases, approval for the use of Sick Leave must be obtained as soon as possible.

If a pattern of excessive absence develops, your supervisor may require Medical Certification of the illness before authorizing additional use of Sick Leave credits. In addition, after a total of three workdays of absence in any 30-day calendar period, the supervisor may, at his/her discretion, require a Medical Certification. After ten consecutive workdays of absence, the employee **must** submit a Medical Certification from the attending physician to his/her immediate supervisor before the supervisor will authorize any additional use of Sick Leave credits, Annual or Compensatory Leave credit due to illness, or leave without pay. If the employee continues to be absent, the immediate supervisor **must** require further Medical Certification for each 30 consecutive days of absence. Such medical

verification must indicate that the employee is unable to perform his/her regularly assigned duties before further Sick Leave or other leave for illness purposes is authorized.

Employees transferring to the DEP from another state government agency shall have their unused Sick Leave credits transferred. Upon separation from state government, an employee with ten or more years of creditable service is eligible for payment of unused Sick Leave credits at the employee's current regular hourly rate of pay for one-fourth of all unused Sick Leave credits accrued after October 1, 1973.

In no case shall an employee receive payment for unused Sick Leave credits accrued after October 1, 1973, in excess of 480 hours. **Upon employment separation without ten years service, any unused Sick Leave credits are forfeited.** Florida Statutes provide for exceptions to payment of Sick Leave under certain circumstances involving employee misconduct. In case of death of an employee, payment for Sick Leave shall be made to the employee's beneficiary.

Sick Leave Transfer

A Sick Leave Transfer Plan is available to employees who have experienced a serious medical condition causing exhaustion of all other leave credits. Plan participation is strictly voluntary for both donating and receiving employees. Employees must follow specific requirements in order to donate or receive leave under this plan. For more information, see [DEP Directive 433](#), Sick Leave Pool and Sick Leave Transfer Plan or contact the Bureau of Personnel Services.

Sick Leave Pool

Participation in a Sick Leave Pool is available to Career Services, Selected Exempt Service and Senior Management Service employees as provided in Section 110.121, Florida Statutes. Eligibility for participation in the pool requires one year of employment with the state and a Sick Leave balance of 64 hours. Eligible employees may join the pool at any time by donating eight hours of Sick Leave to the pool. The pool is intended to assist an employee who has a serious medical condition. Participants of the pool may utilize up to 480 hours in a 12-month period after exhausting all other leave credits. A copy of [DEP Form 54-201](#), Sick Leave Pool Application, is available on the [Administrative Services Forms](#) website. For more information, see [DEP Directive 433](#), Sick Leave Pool and Sick Leave Transfer Plan, or contact the Bureau of Personnel Services.

Other Types of Leave – Paid Leave

Holidays

The Department observes the following holiday schedule as provided by Section 110.117, Florida Statutes:

- New Year's Day
- Martin Luther King's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day

If a holiday falls on Saturday, the preceding Friday shall be observed as a holiday. If a holiday falls on Sunday, the following Monday shall be observed as a holiday.

The birthday of Dr. Martin Luther King shall be observed on the third Monday in January; Memorial Day shall be observed on the last Monday in May; and Labor Day shall be observed on the first Monday in September.

Career Service employees required to work on a holiday or work extra hours during a holiday workweek or work period are credited with Special Compensatory Leave credits if the extra hours are not offset within the work period.

If a holiday falls on an employee's regular day off and is not offset within the work period, the employee will accrue eight (8) hours of Special Compensatory Leave credits as holiday compensation.

If the holiday falls on the employee's established workday and the employee is required to work and cannot offset these hours worked within the work period, the employee shall be credited with Special Compensatory Leave equal to the time worked on the holiday (not to exceed the number of hours in the employee's established workday).

If the holiday falls on the employee's established workday and the employee is required to work a partial workday, the employee shall be credited with Special Compensatory Leave equal to the number of hours worked and will observe the holiday for the remainder of the workday.

Holidays for part-time FTE employees are prorated based on the employee's contracted work hours using the formula shown:

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

If a Selected Exempt Service or Senior Management Service 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. Selected Exempt Service and Senior Management Service employees will not earn Special Compensatory Leave credits.

NOTE: An employee on full-day leave without pay on the day before a holiday, will not be allowed to observe the holiday, and will be charged leave without pay for the holiday.

Personal Holiday

In addition to regular holidays, each FTE employee receives a Personal Holiday upon hire and every July 1 thereafter. Part-time employees receive a pro-rated 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. You may choose the scheduling of this holiday subject to your immediate supervisor's approval. 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.

Administrative Leave

Administrative Leave is a leave of absence with pay that is not charged against any earned or accrued leave. Administrative Leave is not counted as hours worked for the purpose of calculating overtime, or accrual of Regular Compensatory Leave or Special Compensatory Leave. Administrative Leave may be granted for a variety of specific purposes, but cannot be used without prior approval. The [Timesheet Hours Types and Descriptions List](#) provides information regarding all Administrative Leave that may be granted including any required documentation and/or limitation of usage.

Disability Leave

If you sustain a job-connected disability that is compensable under the Workers' Compensation Law, you will be carried in full pay status beginning with your next scheduled work shift following the date of your accident for a period not to exceed seven calendar days or a maximum of forty work hours. If an authorized treating physician approves the absence, you will not be required to use your earned leave credits for this disability period.

Upon your return to work after exhausting the 40 hours Disability Leave, you will be granted additional Disability Leave not to exceed 48 hours. This leave can only be granted if the authorized treating physician provides written confirmation that it is needed and used for follow-up examinations or treatment the authorized treating physician requires for your work-related injury or illness.

If you are unable to return to work at the end of the seven-day period or forty work hours, you may use earned leave credits to supplement Workers' Compensation payments. More information about work-related accidents or illnesses can be found in [DEP Directive 450](#), Workers' Compensation Claims.

Military Leave



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

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

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

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

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

The Uniformed Services Employment and Reemployment Rights Act protects the job rights of Career Service, Selected Exempt Service and Senior Management Service 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 the Uniformed Services Employment and Reemployment Rights Act can be found on the U. S. Department of Labor’s web site at <http://www.dol.gov/compliance/laws/comp-userra.htm>.

Additional detailed information can be found in the Active Duty Military Leave of Absence Guidelines on the Department of Management Services, Division of Human Resource

Management's web site, at

[http://dms.myflorida.com/human_resource_support/human_resource_management/for state hr practitioners/hrm_correspondence/program_guidelines](http://dms.myflorida.com/human_resource_support/human_resource_management/for_state_hr_practitioners/hrm_correspondence/program_guidelines).

Upon separation from military service, you may be returned to your former position or a different position in the same occupation and pay level, in the same geographical location. However, volunteering or re-enlisting for an additional tour of military duty will cause you to forfeit the leave of absence. This means the Department will not be obligated to reinstate you.

Should you come back to work for the Department, a medical examination may be required to determine your fitness to perform the duties of the position to which you will be returning.

United States Armed Forces Reserves, National Guard, Florida National Guard

As a member of the United States Armed Forces Reserves or National Guard, you will be granted a leave of absence on all days during which you perform ordered active or inactive duty training such as armory drill, unit-training assemblies, or summer training camp in accordance with Section 115.07, Florida Statutes. Such leave, whether continuous or intermittent, will be granted as Administrative Leave. Such leave with pay shall not exceed 240 hours in any one annual period beginning October 1 and ending September 30 of the following year. Upon request by the employee, any absence in excess of the 240 hours may be covered by accrued leave credits or accrued Compensatory Leave credits.

Members of the Florida National Guard, upon presentation of the employee's official orders, shall be granted Administrative Leave during periods the Governor of Florida orders the employee to active state service. Such leave with pay shall not exceed 30 calendar days at any one time, unless extended by further Executive Order from the Governor.

An employee may request supervisory approval to use Annual or Compensatory Leave credits to cover any absence in excess of 240 hours for reserve duty or training or for any absence in excess of 30 working days for Florida National Guard active service ordered by the Governor.

More information regarding Military Leave can be found in [DEP Directive 425](#), Attendance and Leave or contact the Bureau of Personnel Services.

Educational Leave with Pay

In the past, employees in some circumstances could be granted paid educational leave with pay for a maximum of 12 calendar months. Due to current budget considerations, we do not anticipate offering this benefit for some time. For information concerning educational leave with pay, see [DEP Directive 426](#), Educational Leave with Pay, or contact the Bureau of Personnel Services.

Other Types of Leave – Unpaid Leave

Educational Leave without Pay

An employee may be granted a maximum of 12 calendar months of unpaid leave for educational purposes. Normally, such leave is based on the work unit's capability to handle the workload given the employee's absence and is granted to degree-seeking employees in their last year of study.

Family Medical Leave Act

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

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

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

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

Leave taken by an employee under the Family and Medical Leave Act, for the birth or adoption of a child, or because of a serious health condition of the employee or the employee's spouse, child or parent, runs at the same time as any Parental Leave and/or Family Medical Leave provided to the employee, under the Florida Family Supportive Work Program (see description below). Leave under the Family and Medical Leave Act 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 leave under the Family and Medical Leave Act begins 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 written notice sufficient to make the employer aware

that the employee needs Family and Medical Leave Act-qualifying Leave, and the anticipated timing and duration of the leave, except under emergency conditions. When the approximate timing of the need for leave is not foreseeable, an employee should give notice of the need for Family and Medical Leave Act-qualifying leave, as soon as possible. The employee must comply with all other requirements contained in the Family and Medical Leave Act implementing regulations.

In certain circumstances, the Department may determine that the medical absence qualifies for leave under the Family and Medical Leave Act. In such cases, the Department will notify the employee that Family and Medical Leave Act is being applied.

During any period that an employee is on leave under the Family and Medical Leave Act, 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 leave period covered by the Family and Medical Leave Act. The employee will return to the same position or to an equivalent position with equivalent pay and with seniority, retirement, fringe benefits, and other service credits accumulated prior to the leave period. The employee will be entitled to accumulate all benefits granted under paid leave status if any portion of the Parental or Family Medical Leave is paid leave.

If an employee is taking leave for non-medical reasons under the Family and Medical Leave Act, the employee may elect not to use accrued Annual Leave to cover the Family Leave of Absence, and 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 at 866-663-4735 to ensure continuation of state-administered health care coverage, where necessary.

Employees requesting leave under the provisions of the Family and Medical Leave Act will need to complete [DEP Form 54-202](#), Medical Certification Form, if the leave is for medical reasons. This form must be completed by a health care provider and returned to the Bureau of Personnel Services. Consult with the Bureau of Personnel Services for assistance in processing a Family Medical Leave of Absence request, leave use options and benefit continuation.

Parental or Family Medical Leave

The Family Supportive Work Program is a state law that allows a Career Service, Selected Exempt Service or Senior Management Service 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. Prior approval by the immediate supervisor and a director or designee is required and a copy of the approval must be sent to the Bureau of Personnel Services. After approval by the employer, such leave will start on a date that is determined by the employee in consultation with the attending physician following notification to the employer in writing.

For the purposes of Parental or Family Medical Leave, the employee may be placed on leave without pay or may elect to use accrued Sick Leave or Annual Leave credits. During this time, the state contribution toward the employee's health insurance coverage will continue. In addition, where appropriate, Family Supportive Work Program Leave will run concurrent with leave under the Family and Medical Leave Act. For the purposes of this leave, family is defined as spouse, child, stepchild, adopted child, parent of the employee or the parent of the employee's spouse. Medical documentation is required for authorization of leave designated as leave under the Family and Medical Leave Act.

Leave for Family Responsibilities

Under the Florida 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 minimum impact on the employee's work unit. Family responsibilities may include, but are not limited to:

- Caring for aging parents;
- Involvement in settling parent's estate upon his/her death;
- Relocating dependent children into schools; or
- Visiting family members in places requiring extensive travel time.

An employee requesting Leave for Family Responsibilities must submit a written request to the immediate supervisor stating the date leave will begin, the anticipated return to work date, and whether the employee intends to use accrued Annual Leave to cover all or part of the leave of absence.

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

Other Leave Of Absence without Pay

An employee may be granted a leave of absence without pay for up to 12 months for personal reasons provided such leave is deemed by the employee's director or designee to be justified and not detrimental to the program's operation. The director or designee may also approve the use of intermittent leave credits to maintain state benefits. In very limited cases, the Department of Management Services may approve extensions beyond 12 months.

Unauthorized Leave without Pay

An employee who takes unauthorized leave will be placed on leave without pay. Unauthorized leave may also result in disciplinary action. In addition, under some circumstances, unauthorized absence can be considered abandonment of employment, constituting a resignation from employment.

TRAINING

Required Training

The following classes are required within 30 days of hire for all new DEP employees:

- New Employee Orientation (Online)
- Harassment Is...Government Version (Online)
- Diversity in the Real World (Online)
- DEP Code of Ethics (Online)
- DEP Public Records (Online)
- DEP Civil Rights Training (Online)
- Information Security Awareness Training (Online)

Annually thereafter, all employees are required to take a Combo-DEP Annual Refresher Course. You must have completed the full version of the seven courses listed above before you will receive credit for taking the Combo-DEP Annual Refresher Course. All of these courses are online and can be taken by accessing the Bureau of Personnel Services [Training Opportunities](#) web site. **NOTE:** DEP Civil Rights Training will be added to the refresher course in 2012.

The following classes are highly recommended for all new DEP employees:

- People First Orientation (Online)
- Quality Service in the Public Sector (Online)
- Plain Language Initiative (Online)
- New Supervisors' Training, if you are a supervisor (Classroom, webinar)

Section 110.112, Florida Statutes, requires all supervisory personnel to receive training in the principles of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and the establishment of affirmative action goals. These subjects are covered in the Supervisory Skills Training class, Recruitment and Selection, which is offered as classroom training and is also available as a webinar class. Refer to the Training Class Schedule on the Bureau of Personnel Services web site.

Other Training

In addition, there are a number of online classes on various subjects of interest to employees. Some titles include Americans with Disability Act, Family Medical Leave Act, Interviewing, Defensive Driving, and Documenting Discipline. Classroom training is scheduled for 'lunch and learn' topics as well as retirement planning, deferred compensation, and other requests provided to the Training Section in the Bureau of Personnel Services. A monthly training calendar is sent to all staff with information on available classes.

Educational Assistance

The Department encourages employees to develop skills, knowledge, and abilities that will improve their work performance and the quality of public service. In support of employees' efforts to attain additional education and training, DEP makes available three methods of educational and training assistance. All are more fully described in [DEP Directive 430](#), State Employee Tuition Waiver Program, Department-Funded Tuition Program and Other DEP-Paid Training Program.

Tuition-Fee Waiver Courses



Section 1009.265, Florida Statutes, authorizes full-time state employees to enroll at a state university, community college or public vocational/technical training institution for up to six credit hours of tuition-free courses per term on a space available basis. Courses are not required to 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. This benefit is subject to Legislative approval each year. For more information about this program, please refer to the Tuition Waiver Program information located at <http://depnet/admin/personnel/TuitionWaiverInfo.htm> or contact the Bureau of Personnel Services, Training Section.

HEALTH AND SAFETY

Safety/Loss Control Management Program

It is DEP policy to provide a safe and healthy work environment for the protection of our most vital resources -- our employees. The safety of employees is paramount to all levels of management and supervision -- ranking in importance above production, quality, cost, and service. The Department is continually striving to provide safe and healthy working conditions for all employees. Your safety is a great concern and management is fully committed to preventing injuries, illnesses, and accidents in the field, office, and home.

The Department's basic philosophy is that we can prevent all personal injuries. While the ultimate responsibility for safety begins and ends with the Secretary, all DEP employees share in that responsibility. For example, Division/District Directors are responsible for the safety of their staff. All employees, at every level, are fully responsible for their own safety and for the safety of those with whom they work. There is no tolerance in the Department for unsafe conditions for any employee. The Department will maintain a vigorous safety and loss prevention program at each location and will allocate the necessary resources to assure a safe and healthy work environment.

REMEMBER, accidents do not just happen -- they are caused! Statistics indicate that 99% of all accidents are preventable when causes are known. Seventy-five percent (75%) of all accidents are caused by unsafe acts and twenty-five percent (25%) are caused by unsafe conditions. Unsafe acts include:



- Taking short cuts
- Not paying attention
- Inadequate training
- Outdated policies and procedures and
- Failure to wear Personal Protective Equipment (PPE).

[DEP Directive 710](#), Workplace Safety and Loss Control Management Program, and the [DEP Health & Safety Manual](#) provide an explanation of the Department's safety/loss control management program. Valuable health and safety information about the DEP safety/loss control management process may be viewed at the [Safety and Loss Control Management](#) web site. The Division of Administrative Services, Director's Office, administers and coordinates the DEP safety/loss control management process.

Safety Advisory Board

The Department has also designated a [Safety Advisory Board](#) to work with the Office of Safety/Loss Control Management and coordinate Department-wide administration of our safety process.

The Safety Advisory Board consists of one Safety Program Coordinator from each Division/District and is chaired by the Safety Program Administrator. The Safety Advisory Board meets quarterly or at the call of the Safety Program Administrator to address the Department's safety program. For further details or information, contact the DEP Safety and Loss Control Management Program Administrator, Division of Administrative Services. **MAKE SAFETY A HABIT- IT'S A WAY OF LIFE!**

Reporting Accidents

Any accident occurring during work hours must be reported immediately to your supervisor who will see that you receive proper medical treatment. Never fail to report an accident because you think it may be minor or unimportant.



Workers' Compensation

All employees are covered by Workers' Compensation insurance. This insurance provides for medical care and compensation for injury or disability sustained in the line of duty. This coverage pays all medical costs for medically necessary services. This plan also provides payment for part of the wages you may lose if injury or illness disables you for more than 40 work hours.

Regardless of how minor you feel an injury may be, it is important that you report it to your supervisor **immediately**. Your supervisor must report job-related injuries and/or illnesses to OptaComp, the Workers' Compensation provider, and the Bureau of Personnel Services **within 24 hours**, otherwise claims may not be paid. OptaComp is the Medical Administrator for Workers' Compensation. **Unless an injury is life threatening, contact OptaComp before obtaining medical attention.** A physician authorized by OptaComp must provide medical treatment for any injury or illness, except a life-threatening injury.

[DEP Directive 450](#), Workers' Compensation and Return-To-Work Program, Provides Detailed information about Workers' Compensation, including questions regarding the proper [procedures](#) for reporting job-related injuries and illnesses. You can also contact the Bureau of Personnel Services at 850-245-2511.

Medical Monitoring Program

Certain positions carry an inherent risk by virtue of the job duties assigned to that position. These positions are designated as medical monitoring positions. This designation is based on guidelines from the federal Occupational Safety and Health Administration (OSHA) and

the federal Environmental Protection Agency (EPA). Employees who fill a medical monitoring position are required to participate in the Department's Medical Monitoring Program and undergo a baseline physical examination by a contracted physician. Thereafter, these examinations occur based on the risk category of the position. Employees who leave the Department, or transfer into a position that does not require medical monitoring, will be required to undergo an "exit" physical examination. **NOTE: If the employee's last medical monitoring physical occurred any time within six months prior to the effective date of termination or transfer, that exam may serve as the exit physical.**

Medical monitoring physicals are paid by the Department and are scheduled in a manner that is convenient for the employee whenever possible. Results of the examinations are strictly confidential between the employee and the physician. The Department will only be notified of any job-related medical condition(s) that may require the employee to take additional safety measures, (e.g., safety equipment) or that may require an adjustment in the employee's job duties. Should a medical examination discover a condition resulting from job performance that requires further medical attention, treatment will be provided at no cost to the employee through the state's Workers' Compensation Insurance Plan.

Additional information about the Medical Monitoring Program is in [DEP Directive 477](#), Medical Monitoring Program. You may also contact the Medical Monitoring Coordinator in the Division of Administrative Services, Director's Office.

GENERAL INFORMATION

Personal Appearance



Although DEP does not have an official dress code, we do expect our employees to maintain a neat, clean, and appropriate appearance. Your job may require that you wear certain types of clothing or gear for health, safety or security reasons. Unless approved by your supervisor, clothing worn in recreational activities, such as shorts or attire that doesn't cover the torso, is inappropriate in an office. You should dress appropriately for the work setting and type of work you perform.

Hairstyles, jewelry, wigs, beards, mustaches, sideburns, and other grooming effects are generally considered a personal matter, unless your job performance or safety may be affected because of them.

Fingerprinting

Employees who fill certain positions in state government, require fingerprinting for the purposes of conducting a criminal history record check. Applicants will be advised of this requirement prior to appointment to such a position.

Bulletin Boards/Newsletters/DEP Intranet

The Department has placed employee bulletin boards in your work location. Bulletin boards are often used to post notices important to you, such as insurance notifications, job announcements, memoranda from the Secretary, policy updates, safety publications, etc. Each employee should review the bulletin board(s) near his/her workstation for such announcements.

The Department bulletin boards are not for personal use or for personal advertisements, etc., and should be limited to work-related business or notices. If you have questions concerning the bulletin boards or wish to post a notice, advertisement, or announcement, contact your supervisor or the Bureau of Personnel Services for information concerning bulletin boards that may be available for the item you wish to post.

The Department, as well as some divisions within the Department, publishes newsletters that will also include important information. Employees are encouraged to read these newsletters to remain current on important Department issues.

Information about current events within DEP is also posted on the [DEP Intranet](#). Supervisors are responsible for providing information communicated via the e-mail system

or DEP Intranet to any employees who does not have access to computer resources. The DEP Intranet is an electronic information source available to most DEP employees. DEP directives and forms, Department news, messages from the Secretary and other useful information are posted on this electronic information medium. The [DEP Home Page](#), on the Internet, is another useful information resource available to the general public and employees.

Smoking Policy

The Department's Smoking Policy prohibits smoking at all times in all buildings and main entries owned or leased by the Department. Smoking is permitted outside of DEP buildings, but only in those areas designated with the appropriate cigarette butt containers. Smoking is prohibited at or near the direct entrances to all DEP buildings.

Smoking is prohibited at all times in all DEP vehicles, except those classified as Class C. (Refer to [DEP Directive 366](#), Smoking Policy, for definitions of Class C vehicles). At the request of smokers, breaks shall be granted during any trip in excess of one hour, but the number and duration shall not exceed employee break periods allowed by [DEP Directive 425](#), Attendance and Leave.

Violations of this directive or the Florida Clean Indoor Act may result in a disciplinary action pursuant to [DEP Directive 435](#), Conduct of Employees.

Questions concerning the Department's Smoking Policy should be directed to the Facilities Manager in the Division of Administrative Services or the Division of Administrative Services Director.

Use of State Property, Equipment or Personnel

State property, equipment, supplies and time of personnel are intended for official state business. The Department recognizes that there are occasions when personal use of equipment may be allowed. Examples include taking or receiving incidental personal telephone calls to attend to personal responsibilities, receiving incidental personal e-mails or using a state vehicle while in travel status to drive to and from a restaurant after working hours.

Information Security

The Department of Environmental Protection relies heavily on the application of computer-based systems for efficient and effective management of its complex organization. The value of data and software, in terms of restoration costs or losses due to unauthorized disclosure, far exceeds the value of its associated hardware. For this reason, information processing by computers must be recognized as a major state asset and be protected accordingly.

Within the Department, people represent the greatest asset in maintaining an effective level of security. At the same time, people represent the greatest threat to information security. No security program can be effective without maintaining employee awareness and motivation. Information security policies and standards apply to all employees of the Department and each employee is responsible for adhering to DEP Directive 390, Information Resources Security Policies and Standards, as it relates to his/her employment.

Policies and standards apply to automated information systems, which access, process, or have custody of data. They apply to mainframe, minicomputer, microcomputer distributed processing, and networking environments of the Department. They apply equally to all levels of management and to the personnel they supervise. Each employee shall be held responsible for systems security to the degree that his/her job requires the use of information and associated systems. Fulfillment of security responsibilities is **mandatory**.

All employees are required to acknowledge their understanding of these responsibilities. Within the first three days of your employment with the Department, you will be asked to sign DEP Form 54-614, **RECEIPT OF ACKNOWLEDGEMENT OF KEY DIRECTIVES**. By signing this document, you are attesting your awareness of key department policies, one of which is DEP 390, Information Resources Security Policies and Standards. Further, within 30 days of employment, you will be required to complete Information Security Awareness training. This course will explore DEP Directive 390 and help you understand what your minimum responsibilities are to make sure the Department's computer information is safe and that your use of DEP's computer resources is appropriate. The policies presented in this course apply to all agency employees, contractors and vendors, as well as, private organizations and citizens granted account / computer access to DEP resources. As with all courses, completion is documented in the system's database. Upon completion of this training, you will also be provided with a certificate that you may keep for your records.

Annually, you will also be required to take Combo-DEP Required Annual Refresher Course, a mandatory course that serves as a refresher training.

Use of Non-Department Software

The use of personal, shareware or other non-Department owned software on Department owned information resources is not allowed unless approved by the Chief Information Officer in consultation with the Information Security Manager. Public Domain, freeware and other software, which offers unrestricted use without charge, may be approved by the appropriate Information Technology Coordinator, provided the software's use is not in conflict with policies or standards established by the Department. This software, along with any data disk introduced into Department information systems, should first be virus checked prior to use on Department computer systems. If in doubt, contact the respective Information Security Representative or the Information Security Manager.

Making Software Copies

Copying licensed, leased, or state-owned software is prohibited unless authorized by said license lease.

Reporting Security Problems, Concerns, and Suggestions

Report your security concerns to the Information Security Manager or supervisor so the Department can improve or correct security problems.

Reporting Security Violations

You are responsible for reporting suspected violations of established security policies or procedures to your supervisor or directly to the Information Security Manager immediately.

Specific Threats to Department Information Security

- Malicious Damages:
 - Computer viruses that destroy computer data
 - Physical destruction of Department property
- Fraud/Criminal Element:
 - Duplication of licensed or DEP software
 - Collusion with internal or external persons
 - Invasion of Privacy - Viewing confidential records
- Human Error:
 - Erroneous data input
 - Running wrong version of program
- Equipment Failure:
 - Power failures without data backup equipment
 - Floppy disks malfunctions
- Natural Disaster:
 - Fires, hurricanes, floods

Your Security Responsibilities

- For Official Use Only. State-owned, leased, or licensed computer hardware and software must only be used to conduct state business. Employees must only use Department provided Internet access for official business, unless otherwise approved by the supervising authority.
- Password Control. All employees issued a computer password will ensure the confidentiality of that password.
- Access Control. Employees having access to computer data will ensure adequate protection of such data.
- Data Integrity and Security. Make backup copies of all data at periodic intervals acceptable for the importance of the information you are archiving. Secure it from unauthorized use.

E-mail Usage

The [DEP Directive 202](#), Code of Ethics and [DEP Directive 390](#), Information Resources Security Policies and Standards, as well as this Handbook, contain provisions addressing e-mail usage. Please review these documents and as a reminder, these are some of the specific provisions:

- Employees shall not use the Department's e-mail services to access, send, store, create or display inappropriate or illegal content, including sexually suggestive or explicit material, gambling, profanity, political activities, obscenity, harassment or discrimination regarding age, race, color, sex, religious belief, national origin, political opinion or disability.
- Employees shall not use the Department's computers to visit non-state sponsored "chat rooms" or to visit Internet sites that contain sexually suggestive or explicit material.
- Employees shall not use the Department's e-mail services for unlawful activities, commercial purposes outside the Department, personal financial gain, or uses that violate other Department policies or guidelines.
- Employees shall not use the Department's e-mail services to represent, express opinions, or otherwise make statements on behalf of the Department or any unit of the Department unless authorized to do so.
- Employees shall not use computers for personal reasons while working, except for incidental use. Such incidental use should be infrequent and not interfere with the Department's operation of computers or e-mail services, burden the Department with noticeable incremental cost or interfere with the e-mail user's employment obligations to the Department.
- Employees shall not use computers to make personal purchases with a state e-mail or physical address for shipping or billing purposes or to store personal files.
- Employees shall not use the Department's e-mail services for purposes that could reasonably be expected to cause, directly or indirectly, excessive strain on any computing resources, or unwarranted or unsolicited interference with the use of e-mail or e-mail systems by others (e.g., animated e-mail signatures).
- Employees shall not send mass e-mails unless authorized. This restriction does not preclude an employee from sending multiple e-mails to a finite group for official business. Large attachments with graphics, streaming video, or sound effects are discouraged.

We recognize that you do not have control over who sends e-mail to you. However, if you receive an inappropriate e-mail (see bullet above) and do not recognize the sender's name or e-mail address, you should:

- Create a new e-mail with "Spamreport" as the Department's e-mail address to send to and then drag the inappropriate e-mail into the body of this new e-mail so that it becomes an attachment. Press Send. (The name "Spam Report" is a Department e-mail address that will fill in when typed in the "To" field.)
- Click the Shift and Delete keys simultaneously on your computer to permanently delete the e-mail you received.
- If receipt continues, contact the Department IT Help Desk by phone at 850-245-7555 or e-mail helpdesk@dep.state.fl.us.
- When you receive an inappropriate e-mail from a non-Department person you know personally or from a Department employee, you should:
 - Respond to the sender by e-mail, letting the sender know he/she has reached your work e-mail address and his/her e-mail may be a violation of [DEP Directive 390](#), Information Resources Security Policies and Standards. Ask that they send future e-mails of this nature to your personal e-mail address or not at all.
 - Do not forward the original e-mail and any attachments to others.
 - Click the Shift and Delete keys simultaneously on your computer to permanently delete the original e-mail you received.
 - Report any additional receipt of unsolicited e-mails from this individual to your supervisor by e-mail to document that you have reported the incident as required by the Department's directive.

Discipline for Inappropriate Computer Use

Inappropriate use of the Department's computers may result in disciplinary action up to and including dismissal. As DEP employees, we must take seriously the following security message that appears each time we log on to a Department computer:

"NOTICE TO WORKSTATION USERS: Successful log-on and access to this workstation and the information systems it provides constitutes acceptance of applicable Department policies and procedures. You should have no expectation of privacy as to your use of Department information technology resources as all data is potentially subject to Florida's public records law. Use of this workstation is subject to monitoring per DEP 390 with or without prior consent."

Use of State Vehicles

When traveling on state business, a DEP vehicle should ordinarily be used unless one is not available. The most economical means of travel should be considered in determining the type of vehicle used. If a DEP vehicle or other cost-effective means of transportation is not available, an employee may be reimbursed .445 cents per mile for using a private vehicle under certain circumstances.

Accidents involving a state vehicle (even those where the employee is not at fault) are recorded in the employee's personal driving record. The employee's insurance company is not liable for such accidents. Employees are required to wear seat belts when operating a state vehicle. No employee is authorized to operate a state vehicle without a valid driver's license.

Only authorized persons may travel in a state vehicle. **Employees are not permitted to transport family members or friends in a state vehicle, even if such travel is incidental, unless such persons are authorized to travel for legitimate departmental or state business reasons.** The pick-up and conveyance of hitchhikers or other persons while driving a state vehicle is prohibited.

Personal use of a state vehicle or driving under the influence of alcohol or drugs is also prohibited. Except under special circumstances authorized by a director, a state vehicle may not be used to transport alcohol. State vehicles are never to be used to transport or to contain illegal drugs or prescription drugs obtained unlawfully. Employees are cautioned to remember that members of the public have a right to expect state employees to use a state vehicle for legitimate purposes only. When traveling on state business, care should be exercised to drive in a safe manner, obeying all traffic laws, and to refrain from taking the vehicle to locations that could be perceived as inappropriate for a public servant.

Consult [DEP Directive 620](#), Motor Vehicle/Watercraft Assignment and Utilization and [DEP Directive 630](#), Reporting of Accidents Involving State-Owned Motor Vehicles/Watercraft and the Procurement of Related Repairs, for more information concerning use of state vehicles.

Alternative means of transportation may be used when state vehicles are not available. When taxis and limousines are impractical or financially prohibitive for an employee who is on an out-of-town assignment, a rental car may be obtained under state contract. For more information concerning use of rental cars, contact the Bureau of Finance and Accounting. Additional information on fueling or purchasing items or services for state vehicular use may be obtained from the Bureau of General Services. Whether traveling by state vehicle or by a personal vehicle, an employee should keep fuel receipts or any other receipts from out-of-pocket expenses incurred to operate the vehicle while on official business.

Travel



All travel must be approved in advance. The initial authorization to travel is granted by the employee's supervisor or cost center administrator. During periods of economic downturn, additional approvals are required. Consult with your supervisor to ensure all necessary approvals are received prior to traveling. Prior authorization is obtained by completing an "Authorization to Incur Travel Expenses" form, located on the [Finance and Accounting](#) forms webpage. The request must include: registration fees, the most economical transportation cost, rental cars when justified, and per diem or travel expense allowance.

A travel day is divided into four quarters of six hours, with the first quarter beginning at midnight. The per diem rate for reimbursement is currently \$20.00 per quarter. If a traveler's actual expenses exceed \$80.00 per day, s/he may be reimbursed for actual costs, substantiated by receipts.

State travel is divided into classes. Class A is continuous travel over 24 hours from the employee's official headquarters; quarters begin at midnight. Class B travel is 24 hours or less, requiring overnight absence; quarters begin at the time of departure. For both Class A and Class B travel, per diem is computed on the number of quarters the individual is away from the regular duty station. Reimbursement time includes the period of actual travel. Class C travel requires the employee to be away from the official headquarters on short, daytime trips. No per diem is paid or meal allowance is provided for Class C travel.

All claims for reimbursement of travel expenses and per diem must be on a completed "Authorized Travel Expense Voucher," located on the [Finance and Accounting](#) forms webpage and submitted for payment to the Bureau of Finance and Accounting.

If a state contract for airfare has been established, it must be used when flying to cities covered by the contract unless justification for the use of other airfare is shown on the travel voucher. For more information concerning travel, contact the Bureau of Finance and Accounting, Travel Section or review [DEP Directive 610](#), Travel Policy, for additional information.

Building Security and Maintenance

Each building (or group of buildings) has specific building security and building maintenance telephone number(s). Please become familiar with these numbers for your particular work location.

Building Access

Some DEP facilities may require a security access code or device during normal working hours or only for access to a DEP facility after hours. Your supervisor will inform you if you will need an access code or access device and how to obtain it.

Evacuation Procedures under Emergency Conditions

Each work unit has specific evacuation procedures due to fire, storm or other threats, such as bomb threats. Please become thoroughly familiar with those procedures and ask your supervisor any questions you may have about what to do in the event of an emergency. Fire/evacuation drills are conducted periodically. Employee floor wardens will assist staff in the evacuation procedures during these drills. Please take these drills seriously and follow the warden's instructions.

Identification Cards

Employees in certain positions are issued identification cards. These cards are to be used for identification in connection with official business only. They are not transferable, remain the property of the Department, and are to be returned to the appropriate supervisor upon termination from the Department or transfer from the program necessitating the issuance of the identification card.

Solicitation

There is only one state-sponsored and recognized charitable solicitation authorized during working hours. It is the Florida State Employees Charitable Campaign, on behalf of United Way Charities in Florida. Other charitable solicitation by employees on behalf of recognized and reputable charitable organizations is permitted in keeping with guidelines specified in [DEP Directive 476](#), Access to and Use of DEP Facilities for the Purpose of Soliciting DEP Employees, as long as the privilege is not abused. Employees are permitted to solicit for other causes and distribute literature during **non-working hours (including lunch and rest periods) as long as employees who are working are not involved.**

After receiving prior approval, non-employees are allowed to solicit and distribute literature only in public areas. Representatives of the State Insurance Plan and Deferred Compensation providers are exempted from the State Solicitation Policy, but are required to adhere to the Department's solicitation policy stated in [DEP Directive 476](#), Access to and Use of DEP Facilities for the Purpose of Soliciting DEP Employees. Employees who are on work time or in a work location are not permitted to be involved in any unauthorized solicitation or solicitation by an employee. Solicitation and distribution is not to interfere with the intended use of the public area. Representatives of other insurance programs must abide by solicitation rules for non-employees contained in DEP Directive 476 or required by the Department of Management Services for facilities under its management. If you are the recipient of unwanted solicitation, by telephone or by someone in person, notify your supervisor and contact the Facilities Manager in the Division of Administrative Services for further information.

CAREER ADVANCEMENT AND RECRUITMENT

The Department recognizes the importance of promoting from within the organization and encourages all employees to seek advancement within the Department. Job advancement will be administered in accordance with applicable federal laws, collective bargaining agreement provisions and Chapters 110 and 295, Florida Statutes, Rule 60L-31 and 60L-33, Florida Administrative Code and [DEP Directive 404](#), Recruitment and Selection Procedures.

Vacant positions are advertised via the Internet at <http://www.dep.state.fl.us/careers/> or the [People First](https://peoplefirst.myflorida.com) website at <https://peoplefirst.myflorida.com>. Through the People First website, you may apply for a vacant position when announcements are posted. Eligibility for selection consideration will be based on you meeting the position's required knowledge, skills, and abilities and preferred criteria.

If you have questions about a particular position, you should contact the office listed on the announcement. Positions advertised as "Internal Agency Opportunity" are opportunities available only to current DEP employees employed in fulltime equivalent positions; employees in Other Personal Service positions are not eligible to apply. Positions advertised as "State Personnel System" opportunities are open only to employees currently in fulltime equivalent positions in the Career Service system, regardless of the Department. Positions advertised as "Open Competitive" are open to any applicant.

To be considered for any advertised vacancy, a completed [State of Florida Employment Application](#) must be entered in the People First system and submitted for the vacancy by the closing date for the position. Selected Exempt Service or Senior Management Service employees may submit a resume in lieu of a State of Florida Employment Application when applying for advertised vacancies; however, if selected for the position, they must follow up with a completed State of Florida Employment Application. Additional information may be obtained by calling the People First Service Center at 1-877-562-7287.

Veterans' Preference

Section 295, Florida Statutes, sets forth the requirements for public employers to provide preference in employment, retention, and promotion, to eligible veterans and spouses of veterans who are Florida residents applying for Career Service positions. Selected Exempt Service and Senior Management Service positions are exempt from Veterans' Preference.

To be eligible for Veterans' Preference, an applicant/employee must state which of the five categories best represent their situation on the State of Florida Employment Application and provide a copy of their DD214 or equivalent document prior to the close of a job announcement. This is normally done online through the People First System.

An eligible veteran, or eligible spouse of a veteran, who meets the minimum requirements of the position is entitled to preference at each step of the selection process, including being

granted an interview. However, the preference does not guarantee that a veteran will be selected to fill the position. Preference applies as follows:

- Only external applicants, (i.e. either non-state employees or current state employees applying to positions outside of their current employing agency).
- Where a layoff is necessitated in a “covered position”, (within the Career Service System) similar preferences must be given to the covered employee in the retention process.
- When a Career Service employee leaves employment for the purpose of serving in the armed forces, he or she is entitled to reinstatement or reemployment upon release or discharge from active military service. To qualify, the employee must serve at least one day during a wartime period as stated in Section 1.01(14), Florida Statutes, then the employee may again request Veterans’ Preference with that same agency.
- Promotion preference applies only to a veterans’ first promotion after reinstatement or reemployment, without exception.

Supplemental Application

All new hires for Full-Time Equivalent or Other Personal Services positions are required to complete [DEP Form 54-706](#), the Supplemental Application Process and provide the required documentation.

E-Verify

The Immigration Reform and Control Act of 1986, prohibits employers from knowingly hiring illegal workers. We are to employ individuals who may legally work in the United States; either U.S. citizens or foreign citizens who are authorized to work in the U.S.

E-Verify is an Internet-based system, used to determine the eligibility of employees to work in the United States. The verification is done by staff in the Bureau of Personnel Services who compare information from an employee’s Form I-9, Employment Eligibility Verification, to data from the U.S. Department of Homeland Security and the Social Security Administration records to confirm employment eligibility. The supervisor or administrative contact is notified of the results by staff in the Bureau of Personnel Services.

Selective Service System

In accordance with Section 110.1128, Florida Statutes, and the Military Selective Service Act, 50 U.S.C. App. 453, male applicants/employees born on or after October 1, 1962, are prohibited from promotional and employment opportunities if they fail to register or provide a letter of exemption from the Selective Service System prior to their 26th birthday. Effective November 2008, any DEP male employee who was required to register, but failed to do so, may continue in their current pay grade. However, they will not be eligible for promotions within the Career Service or any subsequent appointment to Selected Exempt

Service or Senior Management Service, and if they leave state government, they will not be eligible for rehire.

Job Announcements

The Department recognizes the importance of promoting employees who exhibit and possess the knowledge, skills and abilities necessary to perform the duties of a higher-level position. In every case, the Department's policy is to select an individual from among the best-qualified applicants. All job announcements are posted on the Department's website at <http://www.dep.state.fl.us/careers/> and at the [People First](#) website.

Employees are encouraged to submit completed State of Florida employment applications for each vacant position for which they wish to be considered through this venue. Questions concerning job qualifications and additional information may be directed to the People First Service Center at 1-877-562-7287.

Job Classification

Each established position is assigned to a specific job family, occupational group and level, occupation and pay band. An occupational profile outlines the general requirements of an occupation throughout state government. The specific required knowledge, skills and abilities and work duties of each position are described in a position description. Each position has its own position description, position title and position number. Your supervisor can tell you your position's occupation title, group and level and position title, position number, and your rate of pay.

Each employee must have access to or be given a copy of his/her position description upon employment. It is very important that you review your position description, since performance evaluations are based on duties and responsibilities contained therein. If for some reason you do not have access to or **did not** receive a copy of your position description, one may be obtained from your immediate supervisor or from the Bureau of Personnel Services.

On occasion, you may be asked to review and, if appropriate, update your position description. This is accomplished by listing in detail the day-to-day duties and responsibilities of your job. Position descriptions should be reviewed and updated every two years or whenever duties have changed.

EMPLOYEE RELATIONS

Performance Evaluation System

The Public Employees Performance Evaluation System provides employees with an assessment of their performance in relation to the requirements of their position and a formal opportunity to discuss their performance with their immediate supervisor. Section 110.224, 110.403 and 110.605, Florida Statutes and Rule 60L-35, Florida Administrative Code address public employee performance evaluations.

Your supervisor will prepare, and you will receive, a written performance evaluation in accordance with [DEP Directive 415](#), Employee Performance Evaluation System. You will have an opportunity to discuss the evaluation with your immediate supervisor. For Career Service employees, this occurs after you have been employed in your position for approximately twelve (12) months and is called your “probationary” evaluation. After your “probationary” evaluation, you will be evaluated on the DEP’s annual evaluation date, which is September 1. Supervisors will have 60 days from September 1 to complete and submit your evaluation to the Bureau of Personnel Services. Your supervisor’s evaluation will be based on your official position description and any additional performance expectations established for your job. You will not be evaluated on job duties not defined and/or explained to you as part of your job.

An evaluation is used for, but not limited to, the following purposes:

- Informing an employee of strengths and weaknesses in his/her performance, improvements expected;
- Recognizing an employee’s potential for promotion;
- Recognizing employee performance achievements; and
- Serving as a basis for improving the performance of the state’s work force.

If an employee’s performance is deficient, the supervisor has an obligation to explain any deficiencies to help the employee improve his/her performance. Employees with an overall score below 3.00 should be placed on an Employee Improvement Plan not to last more than 60 days. At the end of the 60 days, the employee will be appraised again. If the employee has not improved to an acceptable level, the employee should be removed from the position.

If the employee was promoted from within the Department to the current position and a decision is made to remove the employee from a position, the Department must return the employee to his or her former position, if vacant, or a comparable one, if available. If neither of these exists, the employee may be terminated after a reasonable effort has been made to find a vacant position for the employee.

Employee Assistance Program

The Employee Assistance Program is available to help employees and members of their immediate family with personal, familial, behavioral, medical, financial, or other problems as provided in Section 110.1091, Florida Statutes. Such problems may affect or have the potential to affect work performance. The program goal is to address these issues to prevent them from progressing to the point that job performance is adversely affected. Participation in this program may be as a self-referral, an informal supervisory referral, a formal supervisory referral or as a condition of continued employment. Regardless of how an employee accesses the Employee Assistance Program, the Department pays for the cost of the initial assessment and referral consultation and the employee uses their personal insurance to cover the cost of additional visits. Employees are allowed to count up to six (6) visits as “time worked.” An employee’s job security may not be jeopardized, nor will disciplinary action be taken solely for participation or non-participation in the Employee Assistance Program through a self- or supervisory referral.

Records associated with an individual’s participation in an Employee Assistance Program will be kept only in clinic or treatment files and will be maintained in a strictly confidential manner, independent of the Department’s Personnel records or other Departmental records. DEP cannot obtain access to medical information in Employee Assistance Program files without your specific consent to allow access to your medical records. Florida law protects the privacy of employees who participate in the Employee Assistance Program by exempting from disclosure any records relating to the Employee Assistance Program under the Public Records Law, Chapter 119, Florida Statutes. For more information about the Employee Assistance Program, refer to [DEP Directive 460](#), Employee Assistance Program, the [Employee Assistance Program](#) provider website or contact any Employee Relations representative in the Bureau of Personnel Services. The Employee Assistance Program provider may be contacted directly at 800-860-2058.

Drug-Free Workplace Policy



The Department has a zero tolerance policy for use or possession of illegal drugs or illegally obtained controlled substances. DEP prohibits the unlawful manufacture, distribution, dispensing, storage, possession or use of a controlled substance, including alcohol, in any Department work location or by any Department employee while on or off duty and in a work location or while in any state vehicle or vessel. Any employee found to be in violation of this prohibition is subject to disciplinary action, up to and including dismissal. Refer to the [DEP Directive 420](#), Drug-Free Workplace and Drug Testing, and Section 112.0455, Florida Statutes, for additional information.

Each Department employee shall abide by these requirements as a condition of employment. Further, Department employees are required to notify their immediate supervisor of any **arrest** or conviction for a drug or alcohol violation on or off the job, by the end of the first working day following the occurrence. Violations of this policy will

result in referral to EAP and/or disciplinary action against such employee, up to and including dismissal.

Drug Testing

Some positions are subject to pre-employment or random drug testing. Sworn law enforcement positions require pre-employment drug testing. Employees who operate motor vehicle equipment requiring a Chauffeur's license require both pre-employment and random drug testing. Other employees may only be drug-tested under reasonable suspicion circumstances, as specified in [DEP Directive 420](#), Drug Free Workplace and Drug Testing, and Section 112.0455, Florida Statutes. The Bureau of Personnel Services coordinates drug-testing activities and can answer your questions about the Department's drug-free workplace policy and drug testing.

Employee Arrest Reporting Requirements

If you are arrested for a drug or alcohol violation on or off the job, you must notify your immediate supervisor by the end of the first working day following the occurrence as provided in [DEP Directive 420](#), Drug-Free Workplace and Drug Testing. Your immediate supervisor will be responsible for notifying their Director, the Personnel Officer and the Inspector General of such an occurrence. If the arrest involves a Senior Management Service employee, the supervisor will also notify the Chief of Staff. Your failure to provide notification of arrest by the end of the first working day following the occurrence may result in dismissal.

If arrested for a third-degree misdemeanor or higher for a violent offense, filed or issued an injunction, or convicted for an incident of domestic or other violence, you must report such information to your immediate supervisor, the Office of the Inspector General and the Bureau of Personnel Services, within 24 hours of receipt or the next working day as provided in [DEP Directive 421](#), Violence-Free Workplace Policy. A copy of the injunction must be provided to the supervisor and the Office of the Inspector General immediately upon receipt. The Office of the Inspector General will contact other appropriate personnel as may be warranted concerning the injunction.

If you are a law enforcement officer and you receive an injunction, you must provide a copy of the injunction to your immediate supervisor and to the Office of the General Counsel. The Office of the General Counsel will review the injunction and determine as soon as possible whether the injunction meets the criteria established in 18 USC, Section 922(g)(8) which prohibits the shipping, transporting, receiving or possessing of any firearm or ammunition by a law enforcement officer who is the subject of a domestic violence injunction. Upon a determination that an injunction meets the criteria established in 18 USC, Section 922(g)(8), the Director of Law Enforcement will notify the law enforcement employee of appropriate actions that will be taken in accordance with applicable Department procedures. Disciplinary procedures as provided in DEP Directive 435 shall be followed in administering any disciplinary action warranted by threats or acts of aggression or violence.

If you are convicted or have been the subject of an investigation by the Inspector General's Office with a sustained finding for a first or subsequent occurrence of domestic or other violence, you will be disciplined in accordance with [DEP Directive 435](#), Conduct of Employees, up to and including dismissal. If you are convicted or have been the subject of an investigation with a sustained finding by the Inspector General's Office for a second or subsequent occurrence of domestic or other violence, you will normally be dismissed, unless there are compelling mitigating circumstances.

Violence-Free Workplace Policy

The Department has adopted a zero tolerance policy for violent behavior and prohibits any act of violence at any DEP facility or by any DEP employee at any time as provided in [DEP Directive 421](#), Violence-Free Workplace Policy. This includes threats of violence or any action that a reasonable person would consider an act or threat of violence. Employees are expected to handle disputes in accordance with the processes described herein or through other non-violent and socially acceptable means.

The Bureau of Personnel Services has information about services available to employees who may be subjected to domestic violence, including instituting Personnel records confidentiality provisions. Section 741.313, Florida Statutes, provides that employees may take up to three days of leave within a 12-month period for certain activities resulting from an act of domestic violence. The employee may use personal leave or take leave without pay.

Employees (or family household members of the employee) who are either the victim of domestic violence or who have reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, may file a sworn petition for an injunction for protection against domestic violence.

The Bureau of Personnel Services, the Department's Safety Officer, Department of Management Services building security personnel, the Office of Inspector General and the Division of Law Enforcement coordinate resources to obtain services or institute appropriate safety measures to address any potential threat of violence. Swift and severe disciplinary action or dismissal will be taken against any employee who commits or threatens violence. For more information, employees can refer to [DEP Directive 421](#), Violence-Free Workplace Policy.

Complaints of Discrimination, Including 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 pursuant to Section 110.1221, Florida Statutes. Complaints of harassment and/or discrimination may be reported to the Bureau of Personnel Services, the Inspector General's Office or the Chief of Staff. In the alternative, employees may file such complaints with the federal Equal Employment Opportunity Commission or the Florida Commission on Human Relations. [DEP Form 54-102](#), Discrimination and Harassment Policy Statement and Complaint Procedure and [DEP Directive 436](#), Discrimination and Harassment may be accessed on the DEP web site.

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.

Whistle-Blower's Act of 1986

This Act prevents agencies or independent contractors from taking retaliatory action against an employee who reports 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, the next level supervisor, Chief of Staff, Office of the Inspector General, Chief of the Bureau of Personnel Service, and/or the Florida Commission on Human Relations.

Collective Bargaining

Most Career Service employees in the state have the following rights: To organize, form, join or assist labor unions or labor organizations; to refrain from such activities; or bargain collectively through representatives of their own choosing; and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

The Department respects the right of each employee to be a member of a union or to be represented by an organization in matters of collective bargaining. The state has specific

guidelines to be followed by management, employees, and unions for collective bargaining issues. Whether you are a dues-paying member of a union or not, if you are in a Career Service position, you are very likely covered by the provisions of a collective bargaining agreement. The Bureau of Personnel Services or your supervisor can tell you if your position is one covered by a collective bargaining agreement.

Conflict Resolution, Complaints and Grievance Procedures



Professional and positive inter-personal relationships are an integral part of a successful organization. The DEP strives to achieve and to maintain a work environment that is both pleasant and productive for all employees. There may be occasions, however, in which an employee becomes dissatisfied with a decision or an action that appears to be unjustified, or inequitable.

In such cases, employees are encouraged to bring such matters to the attention of their immediate supervisor who will attempt to resolve the problem. The Employee Relations Staff of the Bureau of Personnel Services is also available to assist employees and supervisors in amicably and effectively resolving conflicts or disputes. Other grievance procedure options that may be available to the employee are discussed below.

Career Service employees have two grievance procedures available to resolve specific issues of dispute. Employees are encouraged to familiarize themselves with the provisions found in each of the grievance procedures. This will save the employee time in determining the correct procedure to use in relation to the problem they may be experiencing and, therefore, will allow for more timely resolution of the problem.

Internal Grievance Procedure

The Career Service grievance procedure is a vehicle internal to the Department whereby the employee can seek a resolution to a condition felt to be unjust, inequitable, a hindrance to operations, or which creates a problem for the employee. **The internal grievance procedure cannot be used to settle issues regarding suspension, demotion, reduction in pay, dismissal, a performance evaluation (unless the employee alleges that the evaluation was based on factors other than job performance), employment discrimination, and/or harassment.** Grievances filed under this procedure must be presented to the employee's immediate supervisor in writing, and must be filed within 14 calendar days following the event causing the grievance (Step 1). Grievances that are not resolved at Step 1 may be submitted in writing to the employee's director or whomever in the employee's work unit may have been delegated authority to hear grievances at Step 2, with a copy of the grievance forwarded to the Bureau of Personnel Services. The decision at Step 2 is final.

Collective Bargaining (Union) Grievances

The provisions contained in a collective bargaining agreement between the state and various unions cover most Career Service employees' positions. The collective bargaining (union) grievance procedure is a vehicle whereby covered employees can seek a resolution to a dispute involving the interpretation or application of a specific provision of the agreement as specified in Section 110.227(4), Florida Statutes. Suspensions and dismissals may be grieved under a collective bargaining agreement or may be appealed to the Public Employees Relations Commission if the employee is in the Career Service. If you are eligible to use either option, you must decide prior to filing a grievance which option you wish to use. An employee may not use both.

In order to file a collective bargaining agreement grievance, an employee must file the grievance within the time limits specified in the collective bargaining agreement. Depending on the alleged violation, a collective bargaining grievance may be filed at the oral step with the immediate supervisor or to a higher-level manager. Typically, a union representative will assist the employee, although this is not required. If the employee's grievance is not resolved at the oral step, it may be advanced to Step 1. Step 1 management representatives may be a director or bureau chief or equivalent management representative. If the grievance is not resolved at Step 1, it may, depending on the alleged violated provision, be advanced to Step 2. The Department's Step 2 representative is the Chief of Personnel Services. Grievances not resolved at this step may, again depending on the alleged violated provision, be advanced to Step 3. The Step 3 representative is the Chief Negotiator of the Department of Management Services. In some rare cases, again depending on the alleged violated provision, a grievance unresolved at Step 3 may be advanced to arbitration.

Arbitration is a civil administrative procedure. An arbitrator is an independent individual, typically, an attorney, qualified to arbitrate labor disputes. The Department of Management Services representative and a union representative or the union attorney select the arbitrator from a panel of arbitrators. The arbitrator is empowered to consider the merits of the grievance after taking testimony and reviewing evidence and render a decision, which is final and binding on both parties.

Public Employees Relations Commission (PERC) Appeal Procedure



A Career Service employee who has satisfactorily completed a one-year probationary period in his or her current position, may appeal, within 14 calendar days after receipt of final notice of the action, certain personnel actions such as a suspension, demotion, pay reduction and dismissal to the Public Employees Relations Commission. Prior to taking such actions, the Department is required to provide official advance notice to an employee and inform the employee of his/her rights. State agencies may not take adverse personnel actions for arbitrary and capricious reasons. Certain statutory and Florida Administrative Code requirements mandate that state agencies demonstrate that they have "cause" as a basis for taking any adverse action against employees with

permanent status in the Career Service System. Employees should first review applicable Department directives for details concerning actions that may be appealed. The Employee Relations Section of the Bureau of Personnel Services can provide additional information in this regard.

Standards of Conduct and Disciplinary Actions

Standards of Conduct

Standards of conduct are established for the benefit of employees as well as the Department. We cannot afford to ignore any breach of these standards because it may lead to repeated violations, weaken employee morale, and shatter the goal of equal treatment for all employees. Our standards of conduct as described in [DEP Directive 435](#), Conduct of Employees, provide a constructive means for correcting inappropriate behavior. Inherent in this philosophy is a belief in the employee's ability and desire to comply with these standards. Employees are expected to refrain from engaging in any of the unacceptable behaviors cited in [DEP Directive 435](#) and to abide by socially accepted behaviors while at work, while acting as a representative of the Department, or during off-duty hours, such that the employee's conduct will at all times reflect positively on the Department and the State of Florida. Employees are also expected to be aware of and abide by the Department's Code of Ethics, found in [DEP Directive 202](#), Code of Ethics. Employees are also expected to be aware of and abide by all Department directives and work unit policies and procedures. Employees may be disciplined for any act of job-related misconduct whether on or off duty and whether specifically cited under those stated as constituting cause. All DEP directives are available on the [DEP Internet](#). If this option is not available to you, ask your supervisor or an Employee Relations representative in the Bureau of Personnel Services to provide a copy.

The Department supports the principle that disciplinary action should be appropriate to the offense committed. Therefore, an oral reprimand, a written reprimand, a suspension without pay or dismissal are the types of disciplinary action that may be taken depending upon the specific circumstances associated with a violation of the Department's standards of conduct. In some instances, progressive disciplinary steps may be appropriate. In other circumstances dismissal or a lesser disciplinary action may be imposed.

In accordance with Section 110.227, Florida Statutes and Chapter 60L-36, Florida Administrative Code, an employee may be disciplined, including suspension without pay, demotion, having his/her pay reduced or be dismissed for cause. Cause for taking disciplinary action shall include, but not be limited to, poor performance, negligence, inefficiency or inability to perform assigned duties, insubordination, violation of the provisions of law or Department rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime. Further details are shown below:

- **Poor Performance** - Employees shall strive to perform at the highest level of efficiency and effectiveness; they shall do more than "just get by."

- Employees are expected to be reliable and dependable. For example, employees must show up and be ready for work on a reliable basis; to observe established work hours and scheduled appointments; to complete work on time; and to obtain permission before being off work, and to schedule leave in a manner that minimizes work disruption.
- Employees are expected to be effective. For example, employees should be able to organize their work; stay focused on job-related activities and provide the level of effort necessary to get the job done. They should also be able to demonstrate willingness and ability to make decisions, exercise sound judgment, produce work that consistently meets or exceeds expectations and accept responsibility for their actions and decisions. They should be able to adapt to changes in work assignments, procedures and technology and be committed to improving individual performance.
- **Negligence** - Employees shall exercise due care and reasonable diligence in the performance of job duties.
- **Inefficiency or Inability to Perform Assigned Duties** - Employees shall, at a minimum, be able to perform duties in a competent and adequate manner.
- **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.
- **Violation of Law or Agency Rules** - Employees shall abide by the law and applicable rules and policies and procedures, including those of the employing agency and the rules of the State Personnel System. All employees are subject to Part III of Chapter 112, Florida Statutes, governing standards of conduct, which agencies shall make available to employees. An agency may determine that an employee has violated the law even if the violation has not resulted in arrest or conviction. Employees shall abide by both criminal law, for example, drug laws, and the civil law, for example, laws prohibiting sexual harassment and employment discrimination.
- **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.
 - Employees shall be courteous, considerate, respectful and prompt in advising and serving the public and co-workers.
 - 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.

- 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.
- **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.
- **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.
- **Conviction of Any Crime** - Including a plea of nolo contendere and a plea of guilty with adjudication withheld.

Disciplinary action may be taken for any inappropriate behavior or act of misconduct, whether or not identified in the paragraph above. An employee may also be disciplined for conduct not specifically defined or specified in these definitions. Every situation is unique. Therefore, the discipline imposed will take into account many factors, including the consequences of the behavior, whether the employee had been previously disciplined for the same or a similar offense, as well as any mitigating and/or aggravated circumstances. The circumstances associated with an offense and other pertinent factors determine what action may be appropriate. The Employee Relations Section of the Bureau of Personnel Services can provide additional information and guidance in this regard.

Disciplinary Actions

The state may provide employees with counseling, adequate warning or other notice of the need for corrective action before formal disciplinary action is administered. A letter of counseling is not considered discipline and is not documented in the employee Personnel file.

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.

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. 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.

Disciplinary action types include but are not limited to the following:

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

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

The supervisor should confirm in writing that an oral reprimand was discussed with the employee, the date it took place, and a copy of such shall be placed in the employee's official Personnel file and a copy given to the employee by the immediate supervisor. The Employee Relations Section of the Bureau of Personnel Services is available to review and provide examples of an oral reprimand.

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

- **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. The Employee Relations Section of the Bureau of Personnel Services is available to review and provide examples of a written reprimand.

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. A copy is provided to the employee and a copy is included in the employee's official Personnel file. Refusal of the employee to acknowledge receipt shall be noted on the reprimand. However, such refusal shall not invalidate the disciplinary action.

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

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

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

Employees subject to reduction in pay, demotion, suspension or dismissal must be advised of the right to a predetermination conference where the employee appears before the Department or official taking the action to answer orally or 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 the Public Employees Relations Commission or, in the alternative, if the employee is covered by a collective bargaining agreement, the right to file a collective bargaining grievance.

In accordance with Section 110.227(5)(b), Florida Statutes, extraordinary situations may require that an employee be suspended or dismissed without 10 days prior notice, provided 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. This may be the case 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.

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 Department 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. 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.

In accordance with the provisions of Rule 60L-34.0071(3)(f), Florida Administrative Code, any non-sworn employee who is under formal investigation for violation of a rule or statute for which dismissal is a penalty, may be temporarily assigned other duties if deemed advisable by the Department. The employee may also be placed on administrative leave if their absence from the work location is essential to the investigation.

Grievance and Appeal Rights

For Career Service employees who have satisfactorily completed at least a one-year probationary period in their current position:



- Oral reprimands may be grieved only through the Career Service Grievance Procedure.
- Written reprimands may be grieved through the Career Service Grievance Procedure or as provided in the applicable collective bargaining agreement.
- Reductions in pay, demotions, suspensions and dismissals may be appealed to the Public Employees Relations Commission or as provided in the applicable collective bargaining agreement.

Employees in the Selected Exempt Service, Senior Management Service or in Other Personal Services positions have no grievance or appeal rights regarding disciplinary actions.



PRINT the Acknowledgement of Receipt of DEP FTE Handbook.
Sign the form and return it to the Bureau of Personnel Services at MS 70.