

CF OPERATING PROCEDURE
NO. 60-4, Chapter 11

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, June 18, 2018

Human Resources

FAMILY SUPPORTIVE WORK PROGRAM

11-1. Purpose.

a. The Department of Children and Families recognizes that state employees must both work and attend to their family duties, responsibilities, and obligations, without adversely affecting their employment.

b. This operating procedure implements the Family Supportive Work Program within the Department of Children and Families. The program is intended to support employees in balancing their work responsibilities and obligations with the needs of their family in hope of developing a more satisfied skilled, accountable, and committed workforce.

11-2. Scope. This operating procedure supplements CFOP 60-40, Chapter 10, Family and Medical Leave Act, by outlining other leave benefits to state employees. While the Family and Medical Leave Act ensures compliance with the Federal law, this operating procedure provides benefits in accordance with the state law. Where appropriate, this operating procedure will be used in conjunction with CFOP 60-40, Chapter 10.

11-3. References.

a. Section 110.105(2)(b) and (5), Florida Statutes (F.S.).

b. Section 110.221, F.S.

c. Section 110.219, F.S.

d. Section 110.123, F.S.

e. Rule 60L-34.0031, Florida Administrative Code (F.A.C.).

f. Rule 60L-34.0051, F.A.C.

g. Rule 60L-34.0052, F.A.C.

h. Fair Labor Standards Act of 1938, Title 29 United States Code section 207(4).

i. CFOP 60-40, Chapter 10, Family and Medical Leave Act.

j. CFOP 60-1, Employee Handbook.

k. The Department of Management Services (DMS) Program Guidelines, dated July 29, 2010, revised September 9, 2014; Subject: Administration of the Nursing Mother Provision of the Federal Patient Protection and Affordable Care Act of 2010.

This operating procedure supersedes CFOP 60-4, Chapter 11, dated April 10, 2018.

OPR: ASHR

DISTRIBUTION: A

11-4. Definitions.

- a. Administrative Leave. An authorized leave of absence with pay which is not chargeable against an employee's accrued annual or sick leave balances. This leave counts as hours of pay but does not count as hours of work for overtime purposes.
- b. Administrative Leave for Family Responsibilities. Administrative leave to allow the employee to participate in specified local school and child care center activities.
- c. Agency Head or Designee. The Secretary, Deputy Secretary, Chief of Staff, Assistant Secretary, Regional Managing Director, Hospital Administrator, or other persons with authority delegated by one of the above.
- d. Child. A natural child, an adopted child, a stepchild of the employee.
- e. Core Work Hours. A period of time when all employees for that shift are expected to work.
- f. Delegated Authority. A supervisor or manager with written approval authority which has been delegated through the chain of command from the Secretary.
- g. Department. The Department of Children and Families, which includes mental health treatment facilities.
- h. Employee. An individual employed in the Career Service, Senior Management Service (SMS), or Selected Exempt Service (SES).
- i. Family. As defined in section 110.221, F.S., means the child, parent or spouse of the employee.
- j. Family Leave. Leave with or without pay, other than family medical leave, for a period not to exceed 30 calendar days per calendar year for family responsibilities.
- k. Family Medical Leave. Leave with or without pay for a period not to exceed six months for a child, parent, or spouse who has a serious health condition.
- l. Flexible Hour Work Schedules or Flextime. Approved work schedules that allow an employee to vary arrival and departure from the work place.
- m. Full-time Employee. An employee who is in a full time established position and is regularly scheduled to work 40 hours per week.
- n. Job Sharing. Two or more part-time employees that share the duties of a full-time position.
- o. Parental Leave. Leave granted for a period not to exceed six months for the father or mother of a child who is born to or adopted by that parent.
- p. Part-time Employee. An employee who is in an established position and is regularly scheduled to work less than 40 hours per week.
- q. Serious Health Condition. An illness, accident, disease, or condition that poses imminent danger of death, requires hospitalization involving an organ transplant, limb amputation, or other procedures of similar severity, or any mental or physical condition that requires constant in-home care.

r. Standard Workweek. Five eight-hour days within a given seven-day period beginning at 12:00 a.m., Friday and ending at 11:59 p.m., Thursday.

s. Variable Workweek. An approved work schedule which places an employee on a regular work schedule of more or less than an eight hour workday within the workweek.

11-5. Work Schedules.

a. The Department's peak hours of operation are 8:00 a.m. to 5:00 p.m., Monday to Friday. Days and hours of operation may vary from this schedule to meet specific operational needs, and the supervisor may schedule the employee's workweek accordingly.

b. The workweek for purposes of pay and attendance and leave occurs during the period beginning at 12:00 a.m., Friday and ending at 11:59 p.m., Thursday.

c. Variations in the workweek are a privilege and may be approved to assist the employee in meeting family needs within the following parameters:

(1) The variable workweek does not deteriorate the effective operation of the unit or office;

(2) The employee and the supervisor mutually agree to the variable workweek;

(3) The Deputy Secretary, Chief of Staff, Assistant Secretary, Regional Managing Director, or Hospital Administrator is delegated the authority to approve an employee initiated request for a variable workweek;

(4) It is recommended that at least a 30-minute unpaid meal period be included with work shifts of eight or more hours, except for some shift employees like Institutional Security Specialists who work 12 hour work shifts which may include a meal period on work time; and,

(5) If circumstances warrant a change, an employee may request changes in the variable workweek during the calendar year. However, a variable workweek is normally set for an established period of time and any proposed changes to the workweek would require approval.

d. Options for a variable workweek include but are not limited to the following:

(1) A four-day workweek consisting of a combination of four workdays of ten hours each work day; or,

(2) A five-day workweek consisting of four workdays of nine hours each work day and a workday of four hours for the remaining work day.

e. A flexible hour work schedule or flextime is a privilege and is allowable to assist the employee in meeting family needs. Flextime allows the employee to vary the arrival to and departure from the work place on a scheduled workday. Requirements for a flexible hour work schedule are:

(1) The flextime does not deteriorate the effective operation of the unit or office;

(2) The employee and the immediate supervisor agree to the flextime;

(3) The Deputy Secretary, Chief of Staff, Assistant Secretary, Regional Managing Director, Hospital Administrator or delegated authority approves the flextime; and,

(4) The flextime work day for a full-time employee shall include the core work hours of 10:00 a.m. to 3:00 p.m. The Deputy Secretary, Chief of Staff, Assistant Secretary, Regional Managing Director, or Hospital Administrator may establish alternate core work hours that meet operational needs (e.g., shift workers).

11-6. Adjusting Approved Work Schedules.

a. Approval of a variable workweek or flextime does not prevent the immediate supervisor from requiring an employee to work on holidays or at any time when circumstances require extra hours of work or overtime in accordance with Chapter 60L-34, F.A.C.

b. At the employee's request, the immediate supervisor may temporarily adjust an employee's work hours within a workday or workweek if there is a family need which cannot be met outside of the scheduled work hours.

c. Failure to comply with the approved variable workweek or approved flextime may result in withdrawal of these privileges. Absences without authorization, which may include excessive tardiness and/or early departures, may result in disciplinary action as outlined in Chapter 60L-36.005, F.A.C., Disciplinary Standards and the standards for disciplinary actions found in the Employee Handbook, CFP 60-1, which is incorporated into this operating procedure by reference.

11-7. Job Sharing. An employee may request a shared employment appointment to meet family responsibilities or needs that cannot be met if the employee were to work a full time work schedule. The Deputy Secretary, Chief of Staff, Assistant Secretary, Regional Managing Director, Hospital Administrator, or other delegated authority may approve a request for job sharing under this paragraph and shall be in accordance with provisions of section 60L-33.032, F.A.C.

11-8. Parental Leave.

a. An employee who is the father or mother of a natural born or adopted child may request up to 6 months leave which must be requested within one year and conclude by the end of the 12th month period following the date of birth or adoption of the child.

b. The employee may use any of the following leave types while on Parental Leave:

(1) Leave Without Pay;

(2) Annual Leave;

(3) Sick Leave when an illness or temporary disability is caused by or contributed to by the pregnancy, miscarriage, abortion, childbirth and recovery;

(4) Compensatory Leave; or,

(5) Personal Holiday.

c. The employee's request for leave must be in writing and shall include a physician's certification or documentation supporting the adoption of a child. The agency shall acknowledge to the employee, in writing, the period of leave being granted and the date the employee is expected to return to work.

d. Although an extension of parental leave beyond six months is not possible, the employee may request leave without pay in accordance with section 60L-34.0052, F.A.C.

e. While the granting of parental leave is mandatory, the Deputy Secretary, Chief of Staff, Assistant Secretary, Regional Managing Director, Hospital Administrator, or other delegated authority may grant a regular leave of absence prior to the effective date of parental leave or grant an extension of a regular leave of absence in accordance with section 60L-34.0052, F.A.C., Leaves of Absence Without Pay.

f. The state contribution for an employee enrolled in the state health, the state life, or a state recognized health maintenance organization (HMO) program shall continue for the period the employee is on approved parental leave or family medical leave without pay, not to exceed six months beginning with the first day of approved leave, in accordance with section 110.123(4)(a), F.S., 1997.

11-9. Family Medical Leave.

a. Leave shall be granted for up to six months for a family member's serious health condition, as defined in the Family and Medical Leave Act and implementing regulations. This leave is only used by the employee to care for a spouse, child or parent. It is not for the employee's own personal illness.

b. This leave may be used for one or more family members and may be used intermittently or consecutively.

c. The request shall be in writing and shall include a physician's certification of the medical condition for which the leave is requested. The Department shall acknowledge to the employee, in writing, the period of leave to be granted and the date the employee is expected to return to work.

d. The employee, upon being granted family medical leave, may request and be placed on one of the following types of leave status:

(1) Leave Without Pay;

(2) Annual Leave;

(3) Sick Leave (when the employee's presence is required to care for a spouse, child or parent due to a medical reason; a physician's certification will be required for this type of sick leave);

(4) Compensatory Leave; and,

(5) Personal Holiday.

e. Although an extension of family medical leave beyond six months is not possible, the employee may request leave without pay in accordance with section 60L-34.0052, F.A.C.

f. The state contribution for an employee enrolled in the state health, the state life, or a state recognized health maintenance organization (HMO) program shall continue for the period the employee is on approved family medical leave or parental leave without pay, not to exceed six months beginning with the first day of approved leave, in accordance with section 110.123(4)(a), F.S.

11-10. Family Leave.

a. The Department shall approve up to 30 days of leave for non-medical family responsibilities, provided that the leave has minimal impact on the employee's work unit. Family responsibilities in this area may include, but are not limited to the following:

(1) Caring for aging parents;

- (2) Involvement in settling parents' estate upon their death;
- (3) Relocating dependent children into schools; or,
- (4) Visiting family members in places that require extensive travel time.

b. The employee's request shall be in writing. The Department shall acknowledge to the employee, in writing, the period of leave to be granted and the date the employee will be expected to return to work. The employee may use any of the following leave types while on Family Leave:

- (1) Leave Without Pay;
- (2) Annual Leave;
- (3) Compensatory Leave; or,
- (4) Personal Holiday.

11-11. Nursing Mothers. Nursing of a baby is an important and basic act of nurture which this Department promotes. Managers and supervisors are required to grant reasonable break times for nursing mothers to express breast milk and specify the locations for taking these breaks. Guidance on reasonable break times may be found in the DMS Program Guidelines, Administration of the Nursing Mother Provision of the Federal Patient Protection and Affordable Care Act of 2010, Section IV. The following procedures must be followed to ensure compliance with the Patient Protection and Affordable Care Act of 2010.

a. Employees must be granted reasonable break times to express milk in accordance with the following:

(1) Employees may use the state established two 15-minute break periods within each full work day for this purpose.

(2) If additional break periods are needed within the same work day, the employee may use their personal leave or authorized leave without pay. The employee may also be allowed to adjust the work hours or be given a flexible work schedule.

b. Managers and supervisors must designate the location, other than a bathroom, shielded from view and free from intrusion within the work unit to be used to express breast milk in accordance with the DMS Program Guidelines:

(1) This location does not have to function solely as a space dedicated for expressing breast milk, but to meet statutory requirements it must be available to nursing mothers when needed.

(2) For any room to be reasonably considered an appropriate lactation place, it should meet some minimal standards, e.g., a door with a lock for privacy, a table or flat surface to hold the breast pump, a chair, and an electrical outlet.

c. Employees may provide a cooler for their milk or store the breast milk in a publicly shared refrigerator, if desired. Supervisors should consider the needs and feedback of all employees when deciding where to store breast milk. Breast milk should always be labeled with the employee's name and date collected.

11-12. Administrative Leave for Family Responsibilities.

a. Upon request, each full-time or part-time employee shall be granted by the supervisor one hour of administrative leave once per calendar month to participate in the following family activities:

(1) Involvement in local school activities including preschool and kindergarten through high school.

(2) Involvement with, or visitation of, children in child care centers.

(3) Involvement in local school activities, such as tutoring assignments, guest speaking, assisting in career day activities and helping in the after school homework center program or the Partners for Excellence Program.

b. Documentation of the activity for which administrative leave was granted will be completed on the employee's time sheet.

c. This administrative leave can only be used when the employee is in a pay status. Administrative leave may not be used while the employee is on approved leave without pay.

d. If an employee does not use the administrative leave as authorized in this paragraph, the employee shall not accrue or be paid for such unused leave.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

SHELBY JEFFERSON
Acting Human Resources Director

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

In paragraphs 11-4r and 11-5b, corrected the workweek time period to read "beginning at 12:00 a.m., Friday and ending at 11:59 p.m., Thursday."