80-10

A RULE PROVIDING FOR ANNUAL, SICK, COMPENSATORY, OVERTIME, ADMINISTRATIVE, MILITARY, MATERNITY, DISABILITY, EMERGENCY, LEAVE FOR INJURY ON THE JOB FOR CLASSIFIED COUNTY COMMISSIONS TAXING AUTHORITY EMPLOYEES; AND PROVIDING FURTHER THE HOURS OF WORK FOR THE CLASSIFIED EMPLOYEES BY TAXING AUTHORITY; AND PROVIDING FURTHER TAXING AUTHORITY PROCEDURES FOR ACCUMULATION OF LEAVE WHETHER ANNUAL, SICK, COMPENSATORY, PURSUANT TO SECTION 33 OF CHAPTER 79-561, SENATE BILL NO. 2275 OF SPECIAL ACTS, VOLUME II, LAWS OF FLORIDA 1994

SECTION I. Scope and Purpose. This rule sets forth the rules and regulations governing the attendance and leave of employees in Santa Rosa County.

SECTION II. Statement of Policy.

A. It is the policy of the Human Resource Department where conflict exists between any rule and the Fair Labor Standards Act, hereafter referred to as FLSA, the FLSA shall prevail after April 15, 1985.

B. Unless specifically approved by the Human Resource Department:

1. Exempt employees are those defined by the FLSA. Work periods will be governed by the FLSA.

a. The workday for each full-time exempt employee is typically 8 hours, however may vary depending on departmental requirements or agreements between the employer and employee, and the work week shall be 40 hours during a given 7 day period.

b. Overtime shall be compensated for by granting the employee compensatory leave or actual wages, as determined by the appointing authority. Application shall be in accordance with Section V. amended: 08/25/2005

2. Non-exempt employees are those defined by the FLSA. Work periods will be governed by the FLSA.

a. No county appointing authority shall operate on less than 40 hours work weeks, except

as provided in Section VI, which authorizes specific holidays and other activities within the work week.

b. The work day for each full-time non-exempt employee is typically 8 hours, however may vary depending on departmental requirements or agreements between the employer and employee, and the work week shall be 40 hours during a given 7 day period.

c. The work period for each full-time non-exempt Law Enforcement employee shall be between 160 and 171 hours during an established 28 consecutive day period.

d. Overtime shall be compensated in accordance with the FLSA. Application of this policy shall be in accordance with Section V.

3. The workday for each part-time exempt and non-exempt employee is typically 4 hours, however may vary depending on departmental requirement or agreements between the employer and employee. A workweek of no less than 20 hours during a given 7 day period is required for insurance eligibility. amended: 03/25/2008

C. For all classified positions, the appointing authority shall arrange the employment and work program of the division in such a way that overtime is not required or permitted, except in emergency situations, or in the event of a special project. amended: 11/10/2004

Emergency situations are defined as:

1. Where an established post of duty must be covered 24 hours per day, and an employee is not available to cover that post on a given shift.

2. When danger to life, health, or well being of the public, employees, inmates, or other persons could occur if an employee is not required to be on duty or where danger to property is imminent.

3. Other situations where the appointing authority determines that the direct or indirect statutory responsibilities prescribed for the appointing authority cannot be accomplished unless overtime is authorized.

A special project is defined as:

A county approved assignment requiring committed involvement in the area of site development where the authorization of overtime is pre-approved by the appointing authority.

D. The granting of any leave of absence with or without pay must be approved by the Appointing Authority. An employee who is granted leave of absence without pay shall be an employee of the County classified service while on such leave. Employee shall be returned to the same position or a different position of the same class and same work location upon termination of the

approved leave of absence. The appointing authority and the employee may agree, in writing, to other conditions and terms under which leave is to be granted.

E. Any leave of absence with or without pay must be authorized prior to the leave being taken.

1. When prior approval cannot be obtained by the employee due to emergencies, the appointing authority shall take one of the following actions:

a. Grant the employee leave with pay, provided the employee has sufficient accrued leave credits to cover the absence.

b. Place the employee on leave without pay for the absence, or

c. If the absence is for 3 consecutive workdays, consider the employee to have abandoned the position and resigned from Santa Rosa County. The appointing authority shall immediately notify the Civil Service Board of such action, and the employee shall be notified by the Civil Service Board by certified mail. The employee shall have ten (10) days from the date of the Civil Service Board letter to file an appeal to this action.

2. If an employee's request for leave of absence is disapproved and the employee takes unauthorized leave, the appointing authority shall place the employee on leave without pay and after an unauthorized leave of absence of three (3) consecutive workdays shall consider the employee to have abandoned the position and resigned from Santa Rosa County. amended: 05/31/2007

a. Requesting leave while not having a sufficient amount of leave time available at the time of leave being taken will result in the employee being placed in a non-pay status and subject to disciplinary action. The exception would be leave without pay in conjunction with the Family and Medical Leave Act (FMLA). Amended: 5/31/2007

3. Leave of absence without pay for thirty days or less may be granted by the appointing authority.

4. No leave shall be granted for the purpose of enabling a full-time employee to engage in other employment.

5. Employees granted leave under this section shall not be entitled to continue to accrue annual leave or sick leave credits.

6. An approved leave of absence without pay does not constitute a break in service, however, the total length of the employee's leave up to one hundred eighty (180) calendar days will not affect the hire-in date. If the total length of the leave exceeds the one hundred eighty days the entire leave of absence shall be deducted from the employees total service.

7. Failure of an employee to return to duty upon expiration of their leave without pay shall be interpreted as a resignation.

SECTION III. Hours of Work.

A. As provided in Section II, 8 hours shall constitute a workday, and 40 hours shall constitute a workweek for full-time employees, and typically, 4 hours shall constitute a workday, and typically 20 hours shall constitute a workweek for part-time employees; however, may vary depending on departmental requirement or agreements between the employer and employee, and may be less than 20 hours. A workweek of no less than 20 hours during a given 7 day period is required for insurance eligibility. amended: 03/25/2008

1. The Appointing Authority may allow certain employees to work less than 8 hour workdays; however, these employees will earn and accumulate leave prorated at a rate based on their hours of work. These employees shall be classified as part-time employees.

2. The work period for each full time non-exempt law enforcement employee shall be between 160 and 171 hours during an established 28 consecutive day period.

B. Employees filling established positions are expected to accomplish their work without overtime being required, except in emergency situations as defined in Section III.

C. Full-time employees shall be required to be present on their assigned job for the total hours in the established workday and workweek. Unless absence from duty is authorized by the appropriate authority in accordance with the provisions of this section.

D. Part-time employees shall be required to be present on their assigned jobs for the total number of hours for which they are being compensated, unless absence from duty is authorized by the appropriate authority in accordance with the provisions of this section.

E. Except for regular compensatory leave used during the workweek in which it is earned, all approved leave of absence with pay and holidays, including delayed holidays that are granted as special compensatory leave earned for working a holiday, shall be counted as time worked during a workweek. When actual hours worked plus such leave time used exceed the established workweek or work period, the employee shall be given regular compensatory time for those hours as authorized by the appointing authority within the guidelines of the FLSA

When actual hours worked minus such leave time used exceed the established work week or work period, the employee shall be given compensatory overtime for those hours as authorized by the appointing authority within the guidelines of the FLSA.

SECTION IV. Record Keeping.

A. Each appointing authority is required to keep accurate record of all hours worked by each

employee, as well as a complete and accurate record of all authorized leave which is approved in accordance with this rule. Any employee who earns or uses compensatory leave credits in an amount of time which is less than a full hour shall be credited or charged with such leave to one decimal place in accordance with Section VII, B, 3.

B. The ultimate responsibility for the accuracy and proper maintenance of all attendance and leave records rests with the appointing authority.
C. Falsification of any attendance or leave record shall be cause for the dismissal of the employee or employees involved.

SECTION V. Overtime. Unless otherwise provided for herein, compensation will be made in accordance with the relevant provisions of the Fair Labor Standards Act (FLSA).
A. Non-exempt employees.

1. Overtime is defined as work performed by an employee beyond the established workweek or work period within the requirements of the FLSA.

2. When an employee is required to attend training courses and seminars, attendance at and travel to and from such training courses and seminars shall be considered as time physically on duty.

Overtime shall be recognized by compensating the employee on an hour for hour basis. When hours are physically worked over the established work week or work period, when an employee works on a holiday, or when an employee is subject to a special project as defined in section II, compensation will be earned at a ratio of one and one half hours for each hour worked. Any employee that is required to be on standby duty shall be allowed to be compensated for overtime hours. "Standby duty" being defined by the FLSA. The appointing authority may give a defined amount of compensation to an employee that is required to be "On Call". "On-Call" as defined by the FLSA. An appointing authority may compensate an employee for overtime with actual wages or compensatory time. Amended: 8/25/2005

3. Cash payment for any type of unused compensatory leave credits will be made if the employee moves to another appointing authority or ends employment in the classified service.

When an employee accrues any type of compensatory leave the appointing authority **SHALL** require the employee to use this leave prior to using annual leave credits. Leave shall be used in the following order; overtime compensatory hours, regular compensatory hours, annual leave.

B. Exempt Employees.

1. Overtime is defined as work performed by an employee beyond the established workday or work period.

2. Cash payment for any type of unused compensatory leave credits will be made if the employee moves to another appointing authority or ends employment in the classified service.

3. When an employee accrues any type of compensatory leave credits, the appointing authority **SHALL** require the employee to use this leave in lieu of annual leave credits.

SECTION VI. Holidays and Other Authorized Activities.

A. The following holidays are authorized for classified employees by the Human Resource Department: (rules applying to holidays will also apply to days of mourning)

1. Paid Holidays

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

2. Generally, if any of these holidays fall on Saturday, the preceding Friday will be observed as a holiday; or if any of these holidays fall on Sunday, the following Monday will be observed as a holiday. Shift workers will observe holidays on the actual day that the holiday occurs.

3. Due to unusual operational needs, an appointing authority may request that the Human Resource Department approve a variation in the holiday schedule for employees; however, the number of holidays approved shall not exceed the number of holidays authorized by this section.

4. Part-time employee's compensation shall be prorated at a rate based on their hours of work as per SECTION VI. D.

B. The Human Resource Department may designate any other workday as a holiday for employees of the classified service. Taxing Authorities may declare a day of mourning in observance of the death of a statesman in recognition of services rendered to the state or nation.

C. In municipalities in Santa Rosa County, when events are organized to celebrate some occasion in the locality, any employee who is desirous of attending such event may be granted annual or compensatory leave for that purpose, but shall not be granted any other type of leave with pay. This rule shall also apply to any holiday which is not specifically named or designated a holiday by the Human Resource Department in accordance with this rule.

D. Each employee shall be given all holidays designated in Section VI, if the workload of the division is such that the employee's work can be discontinued.

1. If the holiday falls on the employee's **regular workday** and the employee **is** required to work the employee shall be compensated at a ratio of one and one half hours for each hour worked.

2. If the holiday falls on the employee's **regular workday** and the employee **is not** required to work the employee shall be compensated at an hourly ratio of one for one for the hours the employee is normally scheduled to work (e.g. H8, H10, H12).

3. If the holiday falls on the employee's **regular day off** and the employee **is not** required to work, the employee shall be compensated at an hourly ratio of one for one, up to an eight (8) hour period.

4. If the holiday falls on the employee's **regular day off** and the employee **is** required to work, the employee shall be compensated at a ratio of one and one half hours for each hour worked.

5. If an employee is scheduled to work a holiday and for any reason does not work that day, holiday compensation will be for only eight (8) hours.

Holidays occurring during a work week/period involving special project events shall be counted as actual time worked for employees activity involved in such projects, the eligible employee is entitled to receive time and one-half for time normally offset by the occurrence of a holiday. Leave taken by the employee (compensatory leave, annual and sick) will reduce the amount of overtime pay based on the 40 hour work week/period. amended: 11/10/2004

E. Employees who are on approved leave with pay when holidays, allowed in this section, occur or by a state day of mourning is declared shall not have such days charged against their accrued leave credits.

F. Employees in a non-pay status, suspension or receiving donated leave, during any portion of the last scheduled workday before a holiday, shall not be eligible to receive payment for such holiday. The exception would be an employee on workers' compensation. amended: 11/12/2015

G. Each appointing authority may allow employees one work break during the first half of their work shift and one work break during the second half of their work shift, provided that:

1. An employee may not accumulate unused work breaks.

2. Work break time shall not be authorized for covering an employee's late arrival on duty or early departure from duty.

SECTION VII. Annual Leave.

A. Method of earning annual leave.

1. Full-time employees hired prior to April 24, 2003, who are filling established positions shall earn annual leave as shown in the following table:

Continuous and Creditable Service	Hours Leave Earned During Year
1 - 4 Years	96
5 - 9 Years	120
10 - 14 Years	144
15 - 19 Years	168
20 + Years	192

Full-time employees hired after April 24, 2003, who are filling established positions, shall earn annual leave as follows:

Eight (8) hours of annual leave credits per month from the first (1st) through the tenth (10th) year of continuous and creditable service. Twelve (12) hours per month shall accrue after ten (10) years of continuous and creditable service. A maximum accumulation of 240 hours per year is allowed. On December 31, all annual leave hours over 240 will transfer to sick leave. amended: 11/13/2003

Full-time employees who work a fixed percentage of the pay period shall earn annual leave credits proportionate to the time worked.

2. Annual leave earned during any pay period shall be credited to the employee on the first day of the following month or, in case of separation, on the last day the employee is on the payroll. amended: 1/27/2011

3. During leaves of absence with pay, an employee shall continue to earn leave credits, except in the case where an employee is granted educational leave with pay or is granted leave in conjunction with a resignation from county government. In such cases the employee shall not earn annual leave credits during leave of absence.

4. Each appointing authority should make every effort to insure that annual leave is used on a current yearly basis in order to provide employees with vacation and proper rest and relaxation. By following this practice, employees will not normally accrue annual leave in excess of that earned each year. amended: 1/27/2011

5. Under circumstances involving natural disasters or other emergencies an appointing authority may be required to cancel all approved leaves and to disapprove any requests for leave during an extended period of time which would prevent employees from using their accrued annual leave. When an emergency exists and the appointing authority cancels approved leave, the Human Resource Department shall be notified immediately.

B. Use of earned annual leave.

1. Annual leave should be used to provide periodic vacation; however, earned annual leave credits may be used for any other purpose when authorized by the appointing authority or the Human Resource Department.

2. Use of annual leave shall not be authorized prior to the time it is earned and credited to the employee and shall only be used with the approval of the appointing authority within the department.

3. An employee who uses annual leave in an amount of time which is less than a full hour shall be charged with such leave based on one of the following formulas, as determined by the appointing authority. amended: 11/10/2005

All hours worked shall be rounded to the nearest quarter of an hour, as follows:

Minutes Worked Or Leave Used	Time Charged Minutes	Time Charged Hours
0 – 7	00	.00
8 – 22	15	.25
23 – 37	30	.50
38 – 52	45	.75
53 – 60	60	1.00

Time worked shall be calculated from the following table. Normal work day minus time worked equals time used.

Example:			
	Normal work day	8:00 = total time	8.0
	Actual time worked	7:15 = earned time	7.25
	Time used	:45 = used time	.75

Time Earned	Minutes Worked	Time Earned	Minutes Worked
1 - 6	.1	31 - 36	.6
7 - 12	.2	37 - 42	.7
13 - 18	.3	43 - 48	.8
19 -24	.4	49 - 54	.9
25 - 30	.5	55 - 60	1.0

4. Appointing authorities shall use the same method for all employees in their organization.

C. Transfer of earned annual leave.

An employee who transfers from one department to another department in County shall be credited with unused annual leave by the receiving authority provided there is no break in service as defined in Rule 79-3.

D. Forfeiture of leave. An employee shall forfeit all rights of benefits under Section VII, if, an act or offense is committed while in the classified service and one of the following applies:

1. Has admitted to or is found guilty in a court of competent jurisdiction of committing, aiding or abetting any embezzlement, theft or bribery in connection with Santa Rosa County.

2. Is found guilty by a court of competent jurisdiction of having violated any state law prohibiting strikes by public employees.

E. Payment of earned annual leave

1. Employees shall be paid for unused annual leave upon separation from the County after six (6) months of satisfactory, continuous and creditable service, in the last paycheck; before the effective beginning date of participation in The Deferred Retirement Option Plan "DROP"; or within the provisions of selling leave if applicable. Amended: 12/5/2013

a. If employment is terminated as a result of any act referenced in Section VII, D, the employee shall not be paid for any unused annual leave credits even though the employee has six months creditable service.

2. In case of death of an employee, payment of unused annual leave at the time of death shall be made to the employee's beneficiary, estate, or as provided by law. Such payment shall be made at the rate of pay at the time of death and by the department in which the employee was last employed.

3. Terminal leave payment due employees shall be computed as follows:

a. Determine the current hourly rate in accordance with the employee's base salary.

b. Multiply the number of unused annual leave hours times hourly rate to determine the payment which shall be made. All such payments for accrued annual leave shall be made in a lump sum and the employee shall not be carried on the department payroll beyond the last official day of employment.

4. Upon terminal separation or death of the employee, hired prior to April 24, 2003, payment for accrued annual leave will not exceed 500 hours. Payment for employees hired after April 24, 2003 shall not exceed 240 hours. If at the time an employee enters DROP they do not have 500

hours of annual leave, or 240 for those hired after April 24, 2003, they may be paid for subsequent accumulated annual leave at the time of final separation, but the total number of hours for all payments shall not exceed 500 hours, or 240 for employees hired after April 24, 2003. Payment for annual leave associated with the provisions for the *Selling of Leave* or *Temporarily Terminated Status* will not affect the 500 hour cap, or for employees with a 240 cap, at terminal separation.
amended: 11/13/2003

5. Payment shall be made at the employee's current rate of pay.

SECTION VIII. Sick Leave.

A. Method of earning sick leave.

1. All full-time employees filling established positions shall earn 8 hours of sick leave for each full calendar month of employment.

2. Part-time employees who work a fixed percentage of the pay period shall earn leave credits for hours worked during the pay period proportionate to the time worked.

3. During leave of absence with pay, an employee shall continue to earn sick leave credits, except when an employee is granted educational leave with pay or is granted leave in conjunction with resignation from county government. In such case, the employee shall not earn sick leave credits during that leave of absence.

4. Sick leave earned during any pay period shall be credited to the employee on the first day of the following month, or in the case of separation, on the last day the employee is on the payroll.

B. Use of earned sick leave.

1. Use of sick leave shall not be authorized prior to the time it is earned and credited to the employee and shall only be used with the approval of the appointing authority within the department.

2. Sick leave shall be authorized only for the following purposes:

a. The employee's personal illness, injury or exposure to a contagious disease which would endanger others. Personal illness shall include disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery. Therefore, any sick leave credits used for these reasons shall be authorized only by the appointing authority.

b. The employee's personal appointments with a doctor, dentist or other recognized practitioner when it is not possible to arrange such appointment for off duty hours.

c. Illness or injury of a member of the employee's immediate family. Immediate family is defined as the spouse, grandparents, parents, brothers, sisters, children and grandchildren of both the employee and the spouse. amended: 02/26/2004

d. Four (4) days of personal leave will be allowed annually to any employee; provided that these days shall be charged to accrued sick leave; provided further, that personal leave days shall be non-cumulative.

3. Notification of absence due to illness, injury or exposure to a contagious disease shall be given to the appropriate authority by the employee or the employee's representative as soon as possible on the first day of absence.

4. Upon request, an employee shall be allowed to use accrued sick leave credits as provided in this section.

a. After 3 workdays of absence in any month, the appointing authority may require a medical certification of the employee's illness before authorizing any additional use of sick leave credits by the employee.

b. After ten consecutive days of absence, the employee shall submit to the appointing authority a medical certificate from the attending physician before any additional use of sick leave credits can be authorized for the employee. If the employee continues to be absent, the appointing authority shall require further medical certification for each thirty (30) consecutive days of absence, unless the appointing authority has personal knowledge that the employee is hospitalized and unable to return to work. Such medical certification must state that the employee is unable to perform the regularly assigned duties if sick leave is to be authorized by the appointing authority.

c. If the medical certification furnished by the employee is not acceptable to the Human Resource Department, the board shall require the employee to submit to a medical examination which shall be paid for by the appointing authority. Based on the medical certification, the Human Resource Department shall:

(1) If the employee is evaluated as fit for work, shall not approve further use of sick leave credits.

(2) If the employee's health is evaluated as unfit for work, shall allow the employee to use accrued sick leave credits until such leave credits have been used or until the employee is able to return to work, whichever occurs first. If the employee is unable to return to work after all sick leave credits have been used, the employee shall be allowed to use any accrued compensatory or annual leave credits before being placed on leave without pay.

d. An employee who, upon request by the appointing authority, refuses to comply with

these rules shall not be eligible to use accrued sick leave credits, and any absence from work shall be handled in accordance with Section II.

5. An employee who becomes ill while on approved annual leave, compensatory leave or maternity leave shall be allowed to use accrued sick leave credits to cover the period of illness. An employee who is on any other type leave with or without pay shall not be allowed to use sick leave credits while on such leave.

6. An employee who uses sick leave in an amount of time less than a full hour shall be charged with such leave using the following formula, as determined by the appointing authority.
amended: 11/10/2005

All hours worked shall be rounded to the nearest quarter of an hour, as follows:

Minutes Worked Or Leave Used	Time Charged Minutes	Time Charged Hours
0 – 7	00	.00
8 – 22	15	.25
23 – 37	30	.50
38 – 52	45	.75
53 – 60	60	1.00

Time worked shall be calculated from the following table. Normal work day minus time worked equals time used.

Example:				
	Normal work day	8:00	= total time	8.0
	Actual time worked	7:15	= earned time	7.3
	Time used	:45	= used time	.7

Minutes Worked	Time Earned	Minutes Worked	Time Earned
1 - 6	.1	31 - 36	.6
7 - 12	.2	37 - 42	.7
13 - 18	.3	43 - 48	.8
19 - 24	.4	49 - 54	.9
25 - 30	.5	55 - 60	1.0

7. Appointing authorities shall use the same method for all employees in their organization.

8. Such leave shall be used on a "first in - first out" basis, with sick leave accumulated prior to this rule being used first.

C. Transfer of unused sick leave.

An employee who transfers from one position to another position in County shall be credited with unused sick leave by the receiving authority.

D. Forfeiture of sick leave. An employee shall forfeit all right of benefits under Section VIII, if an act or offense is committed while in the classified service and one of the following applies:

1. Has admitted to or is found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement, theft or bribery in connection with Santa Rosa County, or

2. Is found guilty by a court of competent jurisdiction of having violated any state law prohibiting strikes by public employees.

E. Payment of unused sick leave.

1. If employment is terminated as a result of any act defined in Section VIII, the employee shall not be paid for any unused sick leave credits even though the employee has six months creditable service.

2. Employees shall be paid for unused sick leave credits when the employee has completed six (6) months of satisfactory, continuous and creditable service, and:

a. Separates from the County because of "normal" retirement with the effective date as determined by the State Retirement System, those hired prior to April 24, 2003 and begin participation in DROP, or death. If the employee is charged with misconduct and elects to retire or resign from County in lieu of a hearing before the Civil Service Board on such misconduct charge, the employee shall NOT be entitled to any accrued sick leave payment. In the case of death, payment for accrued unused sick leave credits shall be made to the employee's beneficiary, estate or as otherwise provided by law, OR amended: 11/12/2015

b. The employee's position is involuntarily transferred to another governmental agency. No payment shall be made for any sick leave recognized by the governmental agency to which the position is transferred. amended: 07/08/2004

3. An employee who is eligible for payment for unused sick leave credits shall be compensated at the rate of pay they were receiving at the time of eligibility for payment.

4. All such payments for unused sick leave credits shall be made in lump sum or two payments or according to the schedule below for DROP participants hired prior to April 24, 2003 with at least 400 hours of accumulated sick leave. The employee shall not be carried on the department payroll beyond the last official day of employment. amended: 11/12/2015

a. An employee hired prior to April 24, 2003 participating in DROP and has at least 400 hours of accumulated sick leave, shall have payment distributed according to the following table: amended: 11/12/2015

Months in DROP	Number of Payments	Portion for Each Payment
01-12	2	½, and balance
13-24	3	1/3, ½, and balance
25-36	4	¼, 1/3, ½, and balance
37-48	5	1/5, ¼, 1/3, ½, and balance
49-60	6	1/6, 1/5, ¼, 1/3, ½ and balance

b. Payments shall be as follows:

The first and all succeeding payments, other than the final payment, shall be in December, starting in the year the employee enters DROP. The final payment shall be in the month following the last date worked. (Example, last day worked = June 30, final payment = July.) If an employee enters and exits DROP and will not be employed in December of that year, then the remaining balance shall be paid in the month following the last date worked. At no time when a payment is to be made, other than the final one, shall the number of remaining days of sick leave be allowed to be less than 400 hours. If that would be the case then either a partial payment or NO pay shall be made.

5. The payments made pursuant to this section shall not be considered as salary payments and shall not be used in determining the average final compensation of the employee in any State/County administered retirement system.

6. Sick leave earned during any pay period shall be credited to the employee on the last day of the month or, in the case of retirement or death, on the last day the employee is on the payroll. Employees, hired prior to April 24, 2003, will be paid for 100% of their leave balance at 75% of their rate of pay at the time of retirement. Employees, hired after April 24, 2003, will be paid 25% of their leave balance with 480 hours being the maximum amount allowed at the time of retirement or DROP termination. When separation is due to the death of the employee, the beneficiary will receive 100% of the sick leave balance at 100% of the rate of pay at the time of separation. amended: 11/12/2015

7. No payment for unused sick leave shall be made if the employee has been found guilty or has admitted to being guilty of any disqualifying act as referenced in Section VIII D.
corrected typo: 12/9/09

SECTION IX. Disability Leave.

A. Disability leave is available to an eligible employee who has been absent from work in his or her position due to the employee's own medical condition. Disability leave is unpaid.

B. In order to be eligible for disability leave, an employee must: (1) be a full-time employee who has complete his or her probationary employment period; and (2) has provided to the County's Human Resources Department medical documentation from his or her health care provider establishing to the County's satisfaction that the employee is unable to perform the essential functions of his or her position with or without reasonable accommodation. Any eligible employee may request disability leave by contacting the County's Human Resources Department and making a written request.

C. Upon receipt of an employee's written request, the Appointing Authority will make a determination as to whether the employee will be granted disability leave, and if so, the amount and duration of the leave to be provided.

D. Typically, without notification from the County's Human Resources Department to the contrary, if an employee who is absent from work pursuant to this section is simultaneously absent from work due to a workers' compensation injury and/or his or her own Family and Medical Leave Act ("FMLA") qualifying serious health condition, then the employee's disability leave will run contemporaneously with his or her FMLA and/or workers' compensation leaves of absence.

   County employees who are simultaneously on disability leave pursuant to this policy, as well as FMLA leave, must comply with any and all certification, recertification, and fitness for duty certification obligations requested by the County in accordance with FMLA and its applicable regulations. County employees who have either exhausted their leave the FMLA, or who are not eligible for FMLA leave, may be required to provide medical certifications, recertifications, and fitness for duty certifications necessary to establish the employee's (1) need for disability leave; (2) continued need for disability leave; and (3) ability to return to work in his or her former position.

   The County's Disability Policy neither created nor provides any rights greater than those provided by the Americans with Disabilities Act ("ADA"), the FMLA or any other applicable federal or state law. Amended: 4/11/2013

SECTION X. Administrative Leave.

A. Court.

1. An employee who is summoned as a member of a jury panel shall be granted administrative leave with pay, and any jury fees shall be retained by the employee. The appointing authority shall not reimburse the employee for meals, lodging and travel expenses incurred while serving as a juror.

2. An employee subpoenaed as a witness, not involving personal litigation, shall be granted administrative leave with pay, and any witness fees shall be retained by the employee. The appointing authority shall not reimburse the employee for meals, lodging and travel expenses incurred while serving as a witness.

3. An employee subpoenaed in the line of duty to represent a county department as a witness or defendant shall not be granted administrative leave, and appearance in such cases shall be considered a part of the employee's job assignment. The employee shall be paid per diem for travel expenses and shall be required to turn over to the department any fees received from the court.

4. In no case shall administrative leave with pay be granted for court attendance when an employee is engaged in personal litigation; however, an employee may be granted annual leave in such cases with the approval of the appointing authority.

B. Elections. An employee who lives at such distance from assigned work location as to provide voting outside of working hours may be authorized a maximum of two hours leave with pay for this purpose. Any other employee may be granted one hour of leave with pay for the purpose of voting during normal working hours. An employee shall not be granted administrative leave to work at the polls during elections.

C. Meetings and conferences. In cases where it is deemed to be beneficial to the department an employee shall be granted leave with pay to attend such meetings or conferences as may contribute to the effectiveness of the individual's employment.

D. Examinations and interviews. An employee may be granted leave with pay for the purpose of taking or assisting in giving examinations, provided such examinations are pertinent to county employment or for the purpose of having interviews for promotional positions within the County.

E. Exceptional Circumstances.

When an employee is the subject of an investigation, or where removal of an employee from the work environment is deemed appropriate by the appointing authority or their designee, such employee may be placed on administrative leave with pay for a period not to exceed sixty calendar days.

F. Death in the immediate family.

An employee, upon request, shall be granted 3 days of administrative leave with pay on the death of any member of the employee's immediate and or step family, including miscarriage and

stillbirth infant loss. Immediate or step family is defined as the spouse, parents, grandparents, brother, sister, children and grandchildren of both the employee and the spouse.
amended: 04/11/2013

Each employee requesting administrative leave due to death in the immediate family shall submit a statement to the appointing authority stating the name of the deceased and the relationship to the deceased.

G. Natural disasters. Each appointing authority has the authority and responsibility to close department offices in an area affected by natural disasters, such as hurricanes, tornadoes and floods those employees who work in the affected area and are in offices that are closed on such occasions, shall be eligible for administrative leave if approved by the appointing authority.
Amended: 08/25/2005

1. When a geographical area is affected by a natural disaster, the County Administrator shall determine whether the conditions that existed constituted an emergency which warranted the closing of the county office involved.

2. In cases determined to be warranted, all employees affected shall be granted administrative leave, any employee who is required to work to provide essential services shall be allowed to earn regular compensatory leave credits for such time worked.

H. Civil disorders or disasters. Employees who are members of a volunteer fire department, police auxiliary or reserve, emergency services agency, National Guard, Reserve or other law enforcement type organization shall be granted administrative leave upon approval by the appointing authority when such employees are called on as members of these organizations to perform duties in times of civil disturbances, riots, and natural disasters. Such leave shall not exceed five days on any one occasion.

I. Law Enforcement Officers maliciously or intentionally injured. Any Law Enforcement Officer who is maliciously or intentionally injured while acting in the course of employment will be placed on administrative leave with pay for any period not covered by Worker's Compensation.

J. Military Veterans referred for Treatment. An employee who has incurred a (Military) service connected disability and has been scheduled by the U.S. Department of Veterans Affairs (VA) to be examined or treated for the disability shall be granted administrative leave with pay. In no event shall such leave exceed six (6) calendar days a year.

K. Accrual and payment of administrative leave. If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused

leave.

SECTION XI. Military Leave.

A. Permanent employees shall, upon presentation of a copy of their official orders, be granted leave with pay not to exceed three days for the purpose of taking their physical examination for induction into the military service. Such leave shall not be deducted from the employee's sick or annual leave credits.

B. Employees who are commissioned reserve officers or reserve enlisted personnel in the U.S. Military or naval service or members of the National Guard shall be granted leave without loss of pay for up to 240 working hours in the County's fiscal year for reserve or guard training, upon presentation of a copy of the official orders for such training. Amended 10/11/2012

C. An employee who is called to active military service shall be granted a leave of absence with full pay for the first thirty (30) days of such service, upon presentation of a copy of the official orders for such service. Amended 10/11/2012

SECTION XII. Educational leave with pay.

A. Enrollment in short courses, seminars, conferences or less than full time at a college, university or training academy which is required as part of the employee's job shall not be considered educational leave, but shall be considered a part of the employee's work assignment.

B. When an employee requests leave for the purpose of furthering education and when such leave does not conform to the provisions of this section, such leave shall not be considered educational leave with pay. In these cases the employee may be granted annual or compensatory leave at the discretion of the appointing authority; or the employee shall be required to work extra hours in an amount equal to the time absent, including travel to and from classes.

C. The granting of educational leave with pay to employees shall be in accordance with the departments approved program.

D. Employees who are granted educational leave with pay shall not earn annual or sick leave credits or have such time counted toward completion of their probationary period. Such employees shall be granted any pay adjustments in the same amount and at the same time as are granted all other employees in the same class. If a special appointment of rate is approved for a geographic area of the state, an employee on educational leave with pay shall be eligible for a pay adjustment only if the special appointment rate applies to the geographic area in which the employment was located prior to being placed on educational leave with pay.

SECTION XIII. Family and Medical Leave.

Eligible employees may take up to 12 workweeks of unpaid, job-protected leave under the Family and Medical Leave Act ("FMLA") in a fiscal 12-month period for specified family and medical reasons. In addition, eligible employees may qualify for up to 26 workweeks of unpaid job-protected leave under the FMLA in certain situations related to a covered family member's service in the Armed Forces. Amended: 1/27/2011

1. The birth of the employee's child and in order to care for the child (this also includes leave for a pregnant employee who becomes unable to work and leave for prenatal care);

2. The placement of a child with the employee for adoption or foster care in order to care for the child;

Entitlement to leave for the birth/placement of a child, for adoption or foster care will expire one year from the date of birth or placement. **NOTE**: If both parents work for the County, their combined leave entitlement for this reason is 12 weeks.

3. To care for the spouse, child or parent of an employee, if such family member has a serious health condition; or

4. The employee is unable to perform the functions of the position because of the employee's own serious health condition.

5. Because of any qualifying exigency (as defined by statute) arising out of the fact that a spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

6. Servicemember Family Leave. Subject to Section 103 of the FMLA, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

In addition to the limitation on leave for the birth/placement of a child for adoption or foster care, if both husband and wife work for the County, their combined leave for servicemember family leave is limited to 26 workweeks during the single 12-month period.

When an employee requests family or medical leave for his or her own serious health condition, or for any of the reasons listed above, the employee must use all available and appropriate leave credits concurrent with FMLA until all leave credits are exhausted. After all available and appropriate leave is expired, then any remaining FMLA may be used as unpaid leave. Based on information from the employee, every effort will be made to designate qualified leave as FMLA prior to taking such leave. amended: 1/27/2011

SECTION XIV. Domestic Violence Leave.

Employees with three (3) or more months of service are entitled to domestic violence leave.

A. Eligible employees can take up to three (3) working days of leave in any 12-month period if the employee, or family or household member of the employee, is the victim of domestic violence. This leave may be with or without pay, at the discretion of the appointing authority. This leave applies if the employee is:

1. Seeking an injunction for protection against domestic violence or an injunction for protection in cases of repeated violence or sexual violence;

2. Obtaining medical care or mental health counseling, or both, for the employee or family or household member to address physical or psychological injuries resulting from the act of domestic violence;

3. Obtaining the services from a victim-services organization, including, but not limited to, a domestic violence shelter of program or a rape crises center as a result of a domestic violence act;

4. Making the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or

5. Seeking legal assistance in addressing issues arising from the domestic violence or attending and preparing for court-related proceedings arising from the domestic violence.

Except in cases of imminent danger to the health or safety of the employee, family or household member, employees seeking such leave must provide their appointing authority with appropriate advance notice of the leave along with sufficient documentation of the domestic violence act.

Before receiving such leave, employees must exhaust all annual leave and compensatory leave, if applicable, which is available to the employees.

SECTION XV. Leave of Absence Without Pay.

A. Maternity leave.

1. An employee who is pregnant shall be granted leave of absence without pay for maternity purposes as follows:

a. In the case of pregnancy, the period of maternity leave shall not be approved earlier than two months before the anticipated date of birth, nor continue for more than two months beyond the date of birth.

b. An employee who adopts a child may, upon written request, be granted a leave of absence.

2. The appointing authority shall notify the employee, in writing, as to the period of leave to be granted, clearly specifying the date the employee will return to duty and that the employee will return to the same position.

3. While maternity leave is leave without pay, the County requires employees first use all available accrued leave credits during a FMLA qualifying leave event before being placed on LWOP. amended: 09/27/2007

4. Prior to being placed on maternity leave of absence, any illness caused or contributed to by pregnancy, miscarriage, or abortion shall be treated as a temporary disability and the employee shall use accrued sick leave credits in accordance with section VIII.

B. Other leave without pay.

1. An employee may, upon request, be granted leave without pay for a period not to exceed six calendar months, provided the appointing authority deems such leave to be justified and not detrimental to the position of the department however, such leave authorized for educational purposes may be granted for a period of twelve calendar months.

2. In exceptional cases, such leave may be extended on approval of the appointing authority.

C. Limitations of leave without pay.

1. An employee shall not earn annual or sick leave credits while on any type of leave without pay. Hours will be prorated when an employee is on leave without pay.

a. No employee on leave without pay, donated leave, or suspension shall earn leave credits of any kind. Leave credits shall be prorated based on the number of hours worked in that month. amended: 4/16/2014

b. Leave without pay will be granted only after all leave credits have been used. Amended: 11/12/2015

2. An employee shall not be granted salary increases of any type while on leave of absence without pay. amended: 11/12/2015

If a merit increase is approved for County employees while the employee is on leave without pay, the merit increase will be granted upon return to duty in accordance with Section II. amended: 11/12/2015

3. An employee who has been placed on leave of absence without pay for any amount of time, with the exception of workers' compensation, and is therefore in a non-pay status during any portion of the last scheduled work day before a holiday, shall not be eligible to receive payment for such holiday or any other holiday occurring while the employee is on such leave. 4/16/2014

SECTION XVI. Illness and Injury in the Line of Duty.
All full time employees shall be entitled to a maximum of five (5) days of illness or injury in the line of duty leave each fiscal year because of personal injury in the discharge of their duties or because of illness from a contagious or infectious disease contacted in their workplace. Such leave shall be noncumulative from year to year and when approved by the appointing authority shall be used before charging any absence to regular accrued sick leave, provided the following conditions are met:

A. The appointing authority shall be notified as soon as possible as the illness or injury occurs.

B. The employee shall file a written claim signed by the appointing authority for attachment to the payroll report for the periods in which the illness or injury occurred.

C. In the case of injury, a certificate from a licensed physician may be required and in the case of a claim relating to a contagious or infectious disease, the employee shall file a statement from a licensed physician certifying that beyond a reasonable doubt the contagious or infectious disease was contacted during the time the employee was actually engaged in the performance of their duties.

D. The appointing authority, after determining that the claim correctly states the facts and is valid, will approve the leave.

E. Any workman's compensation payment received by the employee while they are on compensable leave shall be deducted from the regular gross salary or the check received for workman's compensation shall be endorsed to the county.

F. The employee shall file a certificate signed by a licensed physician designated by the appointing authority stating that the employee is unable to return to duty because of the injury or illness for which the initial leave was granted.

G. The employee shall agree to file a medical report at such intervals as the appointing authority may direct showing that they are unable to perform their duties.

Any person granted Illness and Injury leave who has used the maximum five days may be granted additional leave by action of the appointing authority.

H. The employee shall not engage in any type of work for which they will receive compensation.

SECTION XVII. Transfer to the Private Sector.

In the event that employees jobs are transferred to the private sector under an agreement which guarantees that the transferring employees will carry forward all earned leave benefits to the

private sector employer, then no payment shall be made to departing employees by the appointing authority.

SECTION XVIII. Transfer or Donate Leave.

Any permanent full time, part time or unclassified employee may donate accumulated leave to another employee who has exhausted their leave. The donation of leave must be for a verifiable emergency, serious personal illness or serious injury of an employee and/or immediate family member as defined in Section X.F. Leave donations may also be made for a maternity or adoption absence of an employee or spouse. The following conditions apply:
amended: 12/5/2013

A. Only the hours and not the dollar amount shall be counted.

Employees being compensated by Worker's Compensation/Disability or any other means must submit a sworn statement regarding the type and amount they are receiving.

B. The illness or injury must be verified, in writing, by a licensed physician on the Medical Certification Statement" form. This must be completed and submitted to the Human Resources Department before an employee can receive donated leave. Written re-certification of the medical condition every five (5) weeks during the duration of the condition is required. The County also requires an employee on leave under this provision to report periodically, in writing, at least every two (2) weeks on his or her status and the intention of the employee to return to work. Failure of the employee on leave to report periodically on his or her status may subject the employee to discipline for unexcused absences. Amended: 5/31/2007

C. The use of donated leave may be allowed after the receiving employee has exhausted all accrued leave.

D. Only the Human Resources Department is designated to send county wide donation requests. Sending announcements for donations shall not be permissible from other individuals/departments.

1. Donations of less than eight (8) hours are not allowed.

2. The only type of leave allowed to be transferred or donated shall be annual and/or sick leave credits.

3. Before the donation of leave is permitted, a combined accumulation of 160 hours of leave is required. adopted: 09/27/2007

4. Donated leave cannot be requested, donated or received until 30 days prior to the exhaustion of the employee's leave.

5. No leave compensation shall be retroactive.

6. Employees who return to work on a part-time or intermittent basis, at the discretion of the Human Resources Department, may continue to use any donated leave for six months from the date they return to work if the absence is due to the original illness or emergency, or another verified illness.

7. When an employee returns to work full-time or six months from the part-time return to work date, donated leave can no longer be used and is returned to the donating employees. All unused leave shall be distributed to the donating employees by prorating the amount based on the number of hours donated when employee returns to work.

SECTION XIX. Definitions.

ABANDONMENT OF POSITION - The desertion by an employee of the employee's position for three consecutive workdays.

ADMINISTRATIVE LEAVE - Authorized leave of absence with pay not chargeable against an employee's accrued leave credits.

ANNUAL LEAVE - Authorized leave of absence with pay granted an employee for vacation or other personal purposes.

APPOINTMENT - The act of placing an employee in an established classified position.

COMPENSATORY LEAVE CREDITS - Leave credits granted to an employee for working beyond their regular work period.

- **Regular** Compensatory Credits are granted when the total hours physically worked are less than the regular work period.
- **Overtime** Compensatory Credits are granted when the total hours physically worked are more than the regular work period.

SPECIAL COMPENSATORY LEAVE CREDITS - are compensatory leave credits granted to an employee who is required to work on a holiday as provided in Section VI. Compensation is earned at a ratio of one and one half hours for each hour worked.

LEAVE OF ABSENCE WITHOUT PAY - Authorized leave of absence granted an employee for which period the employee shall receive no pay.

PROBATIONARY PERIOD - A working test period required of an employee following appointment to any class in which the employee does not hold permanent status.

RESIGNATION - A voluntary act by an employee to terminate employment in Santa Rosa

County .

RETIREMENT - As set out under the Florida Retirement System

SICK LEAVE - Authorized leave of absence with pay granted an employee for personal illness or injury.

DEPARTMENT - The office of each appointing authority as designated by the Human Resource Department

SECTION XX. The effective date of this rule shall be July 1, 2002.

*Note - On 8/4/81 individual classified employees of the County Commission were given a 30 day period in which to elect the leave provisions of this rule or to remain under the leave provisions existing prior to the implementation of this rule. Any employee deciding to remain under the old system forever relinquished any rights under the benefit system established under this rule. Leave accrued prior to 8/4/81 will be used prior to any leave accrued subsequent to 8/4/81.