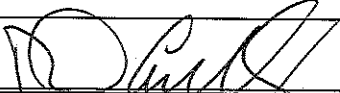




# POLICY CLARIFICATION

<b>STATUTORY/RULE REFERENCE NUMBER:</b> <i>Section 115.07, F.S., Officers and Employees' Leaves of Absence for Reserve or Guard Training</i> <i>Rule 60L-34.0062(2), F.A.C., Military Leave</i>	<b>TRACKING NUMBER:</b> 2006-#002
<b>SUBJECT:</b> <i>Military Leaves of Absence for Training</i>	
<b>APPROVAL SIGNATURE:</b> 	<b>DATE:</b> December 7, 2006

**Issue:**

To clarify the numbers of days/hours of administrative leave an employee on a flexible work schedule is entitled to when ordered to report for military training pursuant to Section 115.07, F.S., (136 hours or the number of hours based on the flexible work schedule).

**Definitions:**

Section 115.08, Florida Statutes, Definitions:

(1) The term "active military service" as used in this chapter shall signify active duty in the Florida defense force or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces, and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

**Background:**

The personnel rules pertaining to military leave. (Rule 60L-34.0062, F.A.C.), do not address the number of days to which employees are entitled to paid leave for annual training or inactive duty training. Rather, the State Personnel System defers to the provisions found in Florida statutes, as follows:

Rule 60L-34.0062, F.A.C., Military Leave:

- (2) An employee, who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or a member of the National Guard, shall be granted leave in accordance with Section 115.07, Florida Statutes.

Section 115.07, F.S., Officers and employees' leaves of absence for reserve or guard training:

- (2) Leaves of absence granted as a matter of legal right under the provisions of this section

shall not exceed 17 working days in any one annual period. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and shall be granted by the employing or appointing authority of any state, county, municipal, or political subdivision employee and when so granted shall be without loss of time or efficiency rating.

- (3) With respect to any officer or employee whose working day consists of a shift measured in hours, each such 12-hour shift or less shall equal 1 working day leave of absence. All other shifts over 12 hours and up to 24 hours shall equal 2 working days leave of absence.

Section 115.09, F.S., Leave to public officials for military service:

All officials of the state, the several counties of the state, and the municipalities or political subdivisions of the state, including district school and community college officers, which officials are also servicemembers in the National Guard or a reserve component of the Armed Forces of the United States, shall be granted leave of absence from their respective offices and duties to perform active military service, the first 30 days of any such leave of absence to be with full pay.

Section 115.04, F.S., Applicability of ss. 115.01-115.06 to certain officers:

The provisions of ss. 115.01-115.06 shall only apply to such officers as are now authorized by law to appoint deputies.

Section 115.14, F.S., Employees:

All employees of the state, the several counties of the state, and the municipalities or political subdivisions of the state shall be granted leave of absence under the terms of this law; upon such leave of absence being granted said employee shall enjoy the same rights and privileges as are hereby granted to officials under this law, insofar as may be, including, without limitation, receiving full pay for the first 30 days. Notwithstanding the provisions of s.115.09, the employing authority may supplement the military pay of its officials and employees who are reservists called to active military service after the first 30 days in an amount necessary to bring their total salary, inclusive of their base military pay, to the level earned at the time they were called to active military duty. The employing authority shall continue to provide all health insurance and other existing benefits to such officials and employees as required by the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

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**Policy:**

By definition, the workday of an employee on an approved flexible work schedule deviates from the standard eight hours. Therefore, for payroll administration purposes, the State Personnel System (in collaboration with the agencies and the Bureau of State Payrolls) adopted the policy that the total number of hours an employee is expected to work in a pay period (in order to receive full pay) is based on the flexible work schedule for which the employee is currently approved.

Therefore, the number of administrative leave hours that are to be charged in association with the military training provided for in Section 115.07, F.S., will depend on the number of hours

normally worked on the specific days that the employee takes the leave. Consequently, employees on a flexible work schedule (for example, employees who work 4 – 10 hour days) may use more than the standard 136- hour allotment.

However, agencies are reminded that per Section 115.07(3), F.S., the maximum hours for any one day (of the maximum 17 work days) is 12 hours. As such, the total maximum that any employee can receive for training during the military fiscal year is 204 hours.