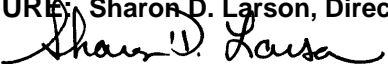




Department of Management Services
 Division of Human Resource Management

POLICY CLARIFICATION

STATUTORY/RULE REFERENCE NUMBER: <i>Section 110.219, Attendance and leave; General Policies, Florida Statutes (F.S.), Rule 60L-34.0071 Attendance & Leave-Administrative Leave, Florida Administrative Code (F.A.C.) State of Florida - Collective Bargaining Agreements</i>	TRACKING NUMBER: 2008-#002
SUBJECT: <i>Use of Administrative Leave to Attend Union Negotiation Sessions with the State</i>	
APPROVAL SIGNATURE: Sharon D. Larson, Director 	EFFECTIVE DATE: September 16, 2008

Issue:

The collective bargaining agreements contain a provision that, in general, grant bargaining unit employees designated by their Union to serve on its negotiations committee "leave with pay" or "time off with pay" to attend negotiation sessions with the State. What is the proper way to account for this time (that is, how is it to be tracked on the timesheet)?

Policy:

Time spent by employees participating in union negotiation activities does not qualify as work time. However, the purpose of the language in the collective bargaining contracts is to ensure that union designated employees do not have to use personal leave to perform certain negotiation activities as specified in each collective bargaining unit agreement. Therefore, the granting of administrative leave is appropriate in these circumstances. Since there is no unique leave category for this type of administrative leave, employees who meet the criteria should charge their time to "Other Administrative Leave" (Leave Code 0056) in the People First System.

Background:

Historically the Labor Relations Unit / Staff / Chief Labor Negotiator have instructed agencies to allow these employees to use administrative leave to attend union negotiation sessions with the state.

Applicable Statute/Rule/Collective Bargaining Agreement Citation:

Section 110.219, F.S., Attendance and leave; General Policies

- (5) Rules shall be adopted by the department in cooperation and consultation with the agencies to implement the provisions of this section; however, such rules must be approved by the Administration Commission prior to their adoption. Such rules must provide for, but need not be limited to:

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Rule 60L-34.0071, F.A.C., Administrative Leave

- (1) Administrative leave counts as hours of pay, but does not count as hours of work for overtime purposes.
- (2) Approval of administrative leave, under subsection (3) of this rule or otherwise, is limited to an amount necessary to bring the employee to full pay for forty hours of work in the workweek, the number of approved hours in the extended work period, or the number of hours in the work period. In no case shall the approval of administrative leave cause the employee to exceed forty hours during the workweek, hours in an approved extended work period, or hours in the regular work period for excluded employees.

Collective Bargaining Agreements

1. **American Federation of State County and Municipal Employees (AFSCME)** - Article 18, Section 5
The Union may designate certain employees within each unit to serve as its Negotiation Committee, and such employees will be granted leave with pay to attend negotiating sessions with the State.
2. **Florida State Fire Service Association (FSFSA)** – Article 5, Section 9(b)
FSFSA may designate up to six (6) employees within the Unit to attend each single-day session as Negotiation Committee members and such employees will be granted leave with pay to attend negotiating sessions with the State.
3. **Florida Nurses Association (FNA)** – Article 5, Section 7(b)
The Association may designate certain employees within the Unit to serve on its Negotiation Committee, and such employees will be granted time off with pay to attend negotiating sessions with the State. No individual employee shall be credited with more than the number of hours in the employee’s regular workday for any day the employee is in negotiations.
4. **Federation of Physicians and Dentists - SES-Physicians Unit (FPD)** – Article 5, Section 6(b)
The Union may designate certain employees within the Unit to serve on its negotiation committee, and such employees will be granted time off with pay to attend negotiation sessions with the State.
5. **Federation of Physicians and Dentists - SES Supervisory Non-Professional Unit (SNPU)** – Article 5, Section 7(a)
The Union may designate certain employees within the Unit to serve on its Negotiation Committee, and such employees will be granted time off with pay to attend negotiating sessions with the State. No individual employee shall be credited with more than the number of hours in the employee’s regular workday for any day the employee is in negotiations.
6. **State Employees Attorneys Guild – SES Attorney’s Unit (SEAG)** – Article 5, Section 5(b)

The Union may designate certain employees within the Unit to serve on its negotiation committee, and such employees will be granted administrative leave time off with pay to

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attend formally scheduled negotiation sessions with the State when such attendance does not interfere with the performance of the employee's duties or the agency's mission.

7. **Police Benevolent Association (PBA)** - The four PBA contracts provide leave as follows:

Security Services Unit, Article 18, Section 2

(A) The Association may designate certain employees within this unit to serve as its Negotiation Committee, and such employees will be granted administrative leave to attend negotiating sessions with the State. An employee serving on the Negotiation Committee shall also be granted a maximum of eight (8) hours administrative leave to attend a negotiation preparatory meeting to be held the calendar day immediately preceding each scheduled negotiation session, provided that the negotiation preparatory meeting is held on what would otherwise be the employee's normal workday. No individual employee shall be credited with more than the number of hours in the employee's regular workday for any day the employee is in negotiations. The total number of hours, including the hours spent in negotiation preparatory meetings, paid all employees on the Association's Negotiation Committee shall not exceed five hundred (500) hours. The time in attendance at such preparatory meetings and negotiating sessions shall not be counted as hours worked for the purpose of computing compensatory time or overtime. The agency shall not reimburse the employee for travel, meals, lodging, or any expense incurred in connection with attendance at preparatory meetings or negotiating sessions.

(B) No more than two (2) employees shall be selected from the same work unit at any one time, nor shall the selection of any employee unduly hamper the operations of the work unit.

Law Enforcement Unit, Article 5, Section 7(B)

The PBA may designate up to eight (8) employees within the Unit to attend each single-day session as Negotiation Committee members and such employees will be granted administrative leave to attend negotiating sessions with the State. If travel to and from negotiations unavoidably occurs on work days immediately preceding or following a day of negotiation, Unit employees shall be eligible to receive administrative leave on an hour for hour basis for such reasonable travel time pending review and approval by the employing agency. If the PBA chooses to hold a negotiation preparatory meeting on the calendar day immediately preceding a scheduled negotiation session, negotiation committee members will be granted administrative leave for attendance at such meeting. Administrative leave for travel time to such preparatory meeting is limited to the day of the preparatory meeting. No individual employee shall be credited with more than the number of hours in the employee's regular workday for any day the employee is attending negotiations or traveling to or from negotiations. The time in attendance at such negotiating sessions shall not be counted as hours worked for the purpose of computing compensatory time or overtime. The Agency shall not reimburse the employee for travel, meals, lodging, or any expense incurred in connection with attendance at negotiating sessions.

Florida Highway Patrol Unit, Article 5, Section 7(B)

The PBA may designate up to four (4) employees within the Unit to attend each single-day session as Negotiation Committee members and such employees will be granted administrative leave to attend negotiating sessions with the State. If travel to and from

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negotiations unavoidably occurs on work days immediately preceding or following a day of negotiation, Unit employees shall be eligible to receive administrative leave on an hour for hour basis for such reasonable travel time pending review and approval by the employing agency. If the PBA chooses to hold a negotiation preparatory meeting on the calendar day immediately preceding a scheduled negotiation session, negotiation committee members will be granted administrative leave for attendance at such meeting. Administrative leave for travel time to such preparatory meeting is limited to the day of the preparatory meeting. No individual employee shall be credited with more than the number of hours in the employee's regular workday for any day the employee is attending negotiations or traveling to or from negotiations. The time in attendance at such negotiating sessions shall not be counted as hours worked for the purpose of computing compensatory time or overtime. The Agency shall not reimburse the employee for travel, meals, lodging, or any expense incurred in connection with attendance at negotiating sessions.

Special Agent Unit, Article 5, Section 8(B)

The Association may designate certain employees within this unit to serve as its Negotiation Committee, and such employees will be granted administrative leave to attend negotiating sessions with the State. An employee serving on the Negotiation Committee shall also be granted a maximum of eight (8) hours administrative leave to attend a negotiation preparatory meeting to be held the calendar day immediately preceding each scheduled negotiation session, provided that the negotiation preparatory meeting is held on what would otherwise be the employee's normal workday. No individual employee shall be credited with more than the number of hours in the employee's regular workday for any day the employee is in negotiations. The maximum number of employees that may attend any one (1) preparatory meeting or negotiating session shall be three (3). The time in attendance at such preparatory meetings and negotiating sessions shall not be counted as hours worked for the purpose of computing compensatory time or overtime. The agency shall not reimburse the employee for travel, meals, lodging, or any expense incurred in connection with attendance at preparatory meetings or negotiating sessions.

Date: 08/18/08
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