




Department of Management Services
Division of Human Resource Management

RULE INTERPRETATION

STATUTE/RULE REFERENCE NUMBER: <i>Section 110.219(1), Attendance and leave; general policies. Rule 60L-34.0071(3)(d)1. Attendance & Leave-Administrative Leave, Florida Administrative Code (F.A.C.)</i>	TRACKING NUMBER: <i>60L-34-2006-#001</i>
SUBJECT: <i>Total Number of Administrative Leave hours for Death in the Family</i>	
APPROVAL SIGNATURE: Sharon D. Larson, Director 	EFFECTIVE DATE: <i>October 4, 2006 REVISED September 29, 2009</i>

Question:

When an employee has experienced a death in the family, how should the two (2) days of administrative leave be administered?

Answer:

Based on the premise that the Legislature intended leave benefits to be fairly administered for all eligible employees and that the provision of 2 days contemplated that employees would be on standard 8-hour days, the employee may use up to a maximum of sixteen (16) hours, as needed, provided that it is taken for an activity or documented purpose related to the death of a family member. The 16 hours applies to all full time employees, regardless of their flexible work schedule. (As with other benefits, part-time employees are entitled to a prorated amount, based on their FTE).

It is assumed that not all employees will need to take whole workdays for a death in the family, due to varying personal circumstances. Therefore, it is possible that an employee may be granted leave for less than a full workday or on an intermittent basis. When this is the case, the employee should only be granted the actual number of hours needed and the balance of the 16 hours will be available for later use, as appropriate. However, if the balance of leave is taken at a later date, the agency may require documentation that the leave was for a purpose related to the death of the family member (e.g. settling the estate, attending an autopsy report, etc.).

Since this leave category may be used for more than one death in the family, there is no edit in the People First System to limit the number of hours that employees use. Supervisors and/or the personnel office should manually track and/or run periodic reports to ensure that the appropriate limit is observed, regardless of whether leave is used in full workdays or otherwise.

Statute Citation:

Section 110.219(1), F.S., Attendance and leave; general policies.

- (1) The workday for each full-time state employee shall be 8 hours or as otherwise justified by the agency head.

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Rule Citation:

Rule 60L-34.0071(3)(d)1., F.A.C., Attendance & Leave - Administrative Leave

- (3) An agency shall comply with the following provisions when granting administrative leave for the reasons described.
 - (d) Death in family:
 - 1. An employee, upon request, shall be granted two days of administrative leave with pay on the death of the employee's spouse and on the death of the parents, grandparents, brothers, sisters, children, and grandchildren of either the employee or the spouse.

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