

CF OPERATING PROCEDURE
NO. 60-40, Chapter 1

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, October 2, 2017

Human Resources

FAIR LABOR STANDARDS ACT (FLSA) AGENCY PLAN FOR COMPENSATORY LEAVE CREDITS

1-1. Purpose. This operating procedure describes the Department's plan for accrual of Fair Labor Standards Act (FLSA) Compensatory Leave Credits in lieu of cash payment for overtime for employees filling positions designated as *Included* for purposes of FLSA and overtime.

1-2. Scope. This operating procedure applies to all Career Service and Selected Exempt Service employees assigned to positions designated as *Included* in the Department.

1-3. References.

- a. Chapter 60L-34, Florida Administrative Code (F.A.C.), Attendance and Leave.
- b. Fair Labor Standards Act, Title 29 United States Code.

1-4. General.

a. All overtime hours worked must be pre-approved. However, in a true client emergency, it is presumed that overtime is approved. See CFOP 60-01, Chapter 2, Hours of Work, Overtime, and Compensatory Leave, paragraph 2-5, for additional information on emergency situations. In the event of such an emergency, the employee should promptly contact his or her supervisor and explain the circumstances. Any Department employee who is filling a position in an *Included* class and is eligible for overtime at the end of a workweek or approved extended period, may, if mutually agreed by the employee and the supervisor or other authority, waive cash payment for overtime. If this waiver of payment is agreed upon¹, all overtime hours for the workweek or extended period shall be processed as FLSA compensatory leave credits. The People First system enables the employee to select earning FLSA compensatory leave credits.

b. Pressure or persuasion to compel employees to waive payment of overtime and be credited with FLSA compensatory leave credits is strictly prohibited. Any employee found to have violated this non-coercion clause will be subject to appropriate disciplinary action.

c. Overtime hours shall be credited as FLSA compensatory leave credits at the rate of one and one-half hours credit for each hour of overtime worked. Any overtime hours worked in the first week of the pay period must be approved by the supervisor in the People First system at the end of the first week of the pay period for any FLSA compensatory leave credits earned to be used during the second week of the pay period.

¹ Rule 60L-34.0031(4), F.A.C., requires the employee and the agency agree on crediting FLSA compensatory leave. The Department of Management Services (DMS) has advised that when People First was set-up agencies could elect to have an FLSA Plan for compensatory leave credits, and the Department of Children and Families elected to have such a plan. Therefore, the People First system allows *Included* employees to elect FLSA compensatory leave when entering extra work hours on their timesheet. **However, if extra work hours could become overtime, the election of FLSA compensatory leave credits must be approved in advance by the supervisor.**

d. Prior to electing that FLSA compensatory leave be credited, the employee shall be advised of conditions for crediting, use and payment for such leave credits.

(1) An employee shall be permitted to accumulate up to a maximum of 80 hours of FLSA compensatory leave credits.

(2) An employee who requests the use of FLSA compensatory leave credits shall be permitted to use such leave within a reasonable period after making the request, if the use does not unduly disrupt the operations of the affected office. FLSA compensatory leave credits may be used in any increments if mutually agreed upon by the employee and the supervisor. If such mutual agreement is not reached, the supervisor may, with a minimum of five workdays notice, require the employee to use such leave credits at any time in increments of full workdays.

(3) All unused FLSA compensatory leave credits shall, at the close of business on March 31 and September 30 of each year, be paid for at the employee's current straight-time regular hourly rate of pay.

(4) An employee who separates from the Department, or moves to an Excluded position, shall be paid for all unused FLSA compensatory leave credits at the employee's straight time regular hourly rate of pay at the time of separation, or change in overtime designation.

e. It is the employee's and the supervisor's responsibility to ensure that all hours worked are accurately recorded on the timesheet. Intentional falsification of a timesheet shall be cause for disciplinary action up to and including dismissal in accordance with the Florida Administrative Code.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

DENNISE G. PARKER
Human Resources Director

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This revision updates Department policy including, but not limited to, the following:

1. Aligns the term "FLSA compensatory leave" with the DMS Rule.
2. References CFOP 60-01, Chapter 2, in paragraph 1-4a.
3. Includes new footnote with the history of this type leave and People First system functionality.
4. Eliminates previous paragraph 1-4d(3) as unnecessary based on 1-4d(2).