



# Florida Highway Patrol Policy Manual

<b>SUBJECT</b> DUTY/LEAVE	<b>POLICY NUMBER</b> 5.04	<b>ISSUE DATE</b> 02/01/1996
	<b>TOTAL PAGES</b> 16	<b>REVISION DATE</b> 09/28/2023

## **5.04.01 PURPOSE**

To provide Florida Highway Patrol members with established guidelines governing duty assignment and leave requests.

## **5.04.02 AUTHORITY**

Chapters 110, 115, and 321, Florida Statutes

Chapter 60L-32, Florida Administrative Code (F.A.C.), Compensation and Benefits

Chapter 60L-34, Florida Administrative Code (F.A.C.), Attendance and Leave

Federal Fair Labor Standards Act (FLSA)

DHSMV Policy 3.03, Assignment to Administrative Leave for Formal Investigation or to Alternate Duty

DHSMV Policy 5.01, Attendance and Leave

## **5.04.03 POLICY**

This policy is established to provide guidance in matters of duty and leave and to implement procedures for all members while balancing the needs with the overall mission of the Florida Highway Patrol.

## **5.04.04 DEFINITIONS**

- A. **ADMINISTRATIVE LEAVE** – Authorized leave with pay not charged against a member's accrued leave and does not count as hours worked for overtime purposes.

- B. **ALTERNATE DUTY** – The assignment of a member to other duties on a temporary basis. Sometimes informally referred to as “light duty.”
- C. **CARETAKER** – The primary provider of direct care for a person who is ill, injured, or requires well care check-ups when the member’s presence is necessary.
- D. **IMMEDIATE FAMILY** – Includes the member’s spouse and the great grandparents, grandparents, parents, brothers, sisters, children and grandchildren of both the member and the spouse as defined in Chapter 60L-34, F. A. C.

**5.04.05 OBJECTIVES**

- A. To provide guidelines for reporting for duty.
- B. To provide information on the types of leave available and procedures for the use of leave.

**5.04.06 RESPONSIBILITIES**

- A. Members are responsible for accurately entering their hours worked and/or leave taken on at least a weekly basis in the People First system.
- B. Supervisors are responsible for:
  - 1. Reviewing member’s People First time entry for accuracy.
  - 2. Verifying that a member requesting to use leave has accrued a sufficient amount of leave credits prior to authorizing the leave.
  - 3. Ensuring that adequate staffing will be available prior to authorizing a member to take leave.
- C. To determine whether other alternative work schedules are appropriate, District Commanders shall review personnel assignments and determine which members have routine and predetermined travel between the member’s residence and work location.

**5.04.07 PROCEDURES**

- A. REPORTING FOR DUTY

1. General

- a. Members will report for duty as scheduled unless otherwise authorized by an appropriate supervisor.
- b. Members will use radio code "10-58" when entering their work zone and "10-57" when leaving their work zone. Upon reporting for duty, members will ensure that they are properly equipped and will make themselves aware of any information necessary for the proper performance of their duties.
- c. Members assigned to special duties will report for duty according to the order authorizing the special assignment. In all cases which involve members on special assignment traveling from one part of the state to another, whether in the district of assignment or traveling across other districts, the member shall be on patrol and responsible for all duties and responsibilities of a Highway Patrol officer. All members will place special emphasis on providing assistance to disabled vehicles and will adhere to the posted speed limit.
- d. If, due to an illness or other circumstances, a member cannot report for duty at the assigned time but will be late, the member will contact their supervisor before the start of the shift to explain the situation and provide an estimated time of arrival.
- e. Unless an emergency situation exists, any member unable to report for duty due to illness or injury shall personally notify their immediate supervisor at least two hours prior to the beginning of their shift. In the event the immediate supervisor is not available, the next in line supervisor available or supervisor on-call shall be notified. Members are expected to contact the supervisor on each day of absence prior to the beginning of the assigned shift, except during periods of extended illness when prior arrangements have been made with the immediate supervisor.

- f. Members are expected to report for duty on their assigned shift except when prevented by injury, illness, or emergency situations. Any leave of absence with or without pay shall be approved prior to the leave commencing, except when emergency situations prevent such action.
- g. Any member who, without the approval of a supervisor, fails to appear when scheduled to work shall be considered absent without authorized leave and will be disciplined according to the Department's disciplinary standards. In addition, their absence will be shown on the People First timesheet as unauthorized leave without pay.
- h. Any time a member has insufficient leave to cover an absence, the time will be entered as leave without pay on the People First timesheet. All leave without pay must also be reported to the Personnel Attendance and Leave Office at the time it occurs.
- i. Unless specifically exempted by the Director, all members with assigned Division vehicles shall utilize the FHP radio, or SmartCop if assigned to an office site or headquarters, when checking into and out of service.
- j. Members will be considered to begin and end their work shift when they check on-duty and off-duty.
- k. Troop commanders are responsible for ensuring adequate staffing at office locations during normal business hours.

## B. WORKING A FULL SHIFT

1. Members are required to remain on duty for their entire assigned shift unless excused by a supervisor. During the shift, members will carry out their assigned duties to the best of their ability. If any member must leave duty before the end of their shift due to illness or other circumstances, the member must inform a supervisor before leaving.
2. Duty hours and zone assignments will be scheduled by the district lieutenant in accordance with the needs of the district within the following parameters:

- a. Scheduling may vary by troop and by county within each troop based upon needs of individual geographic areas to include but not limited to:
  - 1) Availability of troopers.
  - 2) Traffic crash experience/traffic density by:
    - a) Day of week.
    - b) Time of day.
    - c) Location.
  - 3) Other calls for service.
3. Scheduling will, at a minimum, comply with the current law enforcement bargaining unit agreement.
4. Generally, recruit troopers are not to be placed on the midnight shift until they have completed six months of service on the road. Recruit troopers who have actual law enforcement experience will be eligible to work a midnight shift upon release to solo patrol duties. Troop Commanders should consider the following in making their decisions:
  - a. The amount of prior actual law enforcement experience the new trooper has.
  - b. The new trooper's familiarity with the area in which they will patrol.
  - c. The level of supervision available on the midnight shift.
5. Zones may be assigned permanently or rotated based on the needs of the district. Monthly schedules showing zone assignments will be made in conjunction with the monthly work schedule. Local supervisors may make daily adjustments to the zone schedule.

6. Troop Commanders may authorize non-standard work schedules and may utilize permanent or rotating shifts and days off. The workweek will consist of five eight-hour days with two days off, four 10-hour days with three days off, or a 12-hour shift with a specified set of days off within a two-week, 80-hour work cycle. Members who prefer a shift with a meal break will be permitted to add an additional hour to their shift to accommodate a one hour meal break, when approved by their supervisor.

C. WORK BREAK / MEAL PERIOD

1. Members may take one 15-minute work break for every 4 hours worked. No single work break shall exceed 15 minutes. A member may not accumulate unused work breaks or combine them to create one longer break. Work break times should not be authorized for covering a member's late arrival, early departure, or extended lunches.
2. Members on a work break or meal period are subject to call.

D. CALL BACK AND ON-CALL ASSIGNMENT

1. In emergency situations, employees may be called back to active duty at a time not contiguous with the member's scheduled hours to work. In these situations, those employees will be required to report back to duty and to carry out duties assigned by supervisors. The employee will be credited for whichever is greater, the actual time worked or:
  - a. A minimum of four hours for included class sworn members
  - b. A minimum of two hours for non-sworn personnel and excluded class sworn members.
    - 1) Members who are covered by the law enforcement bargaining unit are entitled to compensation for on-call assignment and will be compensated pursuant to procedures of the Department.
    - 2) Non-sworn career service employees are entitled to compensation for on-call assignment and will be compensated pursuant to F.A.C. 60L-32.0012 and the procedures of the Department.

- 3) When the Department determines a position will be authorized to be placed in an on-call status, a Personnel Action Report documenting the action shall be created and forwarded to the Bureau of Personnel Services for processing. This information will also need to be added to the position description on file and if it is a new requirement, the information will need to be shared with the employee.

#### E. OVERTIME AND EXTRA HOURS

Overtime and extra hours will be governed by FHP Policy 5.15.

#### F. REQUIRED COURT APPEARANCE

1. Members who are required to appear in court in connection with their official duties will appear and testify as directed, even though the time of appearance may fall outside their regularly assigned work shift.
2. A member subpoenaed to appear as a witness in a job-related court case, not during the member's assigned shift or immediately following the assigned shift, shall be granted the actual hours worked or the minimum period established by the current Law Enforcement Collective Bargaining Agreement for the appearance, whichever is greater. Upon availability of funds, overtime pay may be authorized for duty-related court appearances in accordance with FHP Policy 5.15.
3. Witness in duty-related cases - A member subpoenaed in the line of duty to represent a state agency as a witness or defendant shall NOT be granted administrative leave. Such appearance is considered part of the member's job assignment and the member will be entitled to per diem and travel expenses.
4. Members who appear as official witnesses to testify as stated above shall be entitled to retain the daily witness fees for any appearances, occurring entirely or in part, outside of their regularly scheduled duty shift, exclusive of the mileage allowance, if they do not receive overtime pay pursuant to FHP Policy 5.15. If the appearances occur completely within regularly scheduled shifts, the member shall submit to the Department any witness fees received.
5. Virtual Court Proceedings

- a. Members are permitted to attend court virtually when judicial circuits elect this method to conduct court proceedings. The determination of whether a court proceeding will be virtual or in person strictly lies with the court. Members shall not demand any court to provide the members with a virtual court proceeding.
- b. Officer safety is paramount during the attendance of virtual court proceedings. Members should select secure and quiet locations that facilitate web-based connectivity. This location should have a background that is professional and free of distractions.
- c. Members shall attend all virtual court proceedings in a Class A or B uniform.
- d. Members will change their CAD status when attending virtual court proceedings.
- e. Members attending virtual court proceedings during their regularly assigned shift or scheduled overtime, with the exception of COPP, shall not attend virtual court proceedings from home.
- f. Members working COPP, on leave, or otherwise not on duty may attend virtual court proceedings at home. Members will ensure not to inadvertently provide visual information that could divulge the location of the member's home or the identity of their family members.
- g. Members participating in virtual court proceedings from within their patrol vehicle will ensure their shotgun and rifle are not in view of the camera.
- h. Members will reduce radio and other background noises which may distract from the professionalism of court proceedings.
- i. Members in trainee status in the Field Training Officer Program shall not attend virtual court proceedings with their field training officer while off-duty unless specifically subpoenaed.



- j. Members are to maintain the same level of etiquette for virtual court proceedings as are required for in person court proceedings.
- k. Members shall not record court proceedings.
- l. Members shall comply with all written directives regarding virtual court proceedings.

G. SICK LEAVE

- 1. Full-time Career Service members earn 8.667 hours (8 hours 40 minutes) of sick leave for each monthly pay period worked. Career Service members on biweekly schedules earn sick leave at a rate of 4 hours each biweekly pay period. There is no limit on the number of hours of unused sick leave a member may accrue.
- 2. Use of sick leave shall not be authorized prior to the time it is earned and credited to the member and should only be used with the approval of the proper authority. Sick leave shall be authorized only for the following purposes:
  - a. The member's personal illness, injury, or exposure to a contagious disease which would endanger others. Personal illness includes but is not limited to a disability caused by or contributed to pregnancy, miscarriage, abortion, childbirth, and recovery therefrom.
  - b. The member's personal appointments with a doctor, dentist, or other recognized practitioner when it is not possible to arrange such appointments for off-duty hours.
  - c. Illness, injury, medical surgery or well-care check-ups of the member's spouse, the children or parents of the member or the spouse, or a person for whom the member or spouse has a caretaker responsibility, or when the member's presence is necessary.

3. After three workdays or partial workdays of absence in any 30-calendar day period, the supervisor may require medical certification of the member's illness or injury before authorizing additional sick leave. After ten consecutive days of absence, the member is required to submit a medical certification before any additional use of accrued leave credits or leave without pay can be authorized.
4. Abuse of sick leave by reporting ill or injured when actually fit for duty shall be grounds for disciplinary action. A member while on sick leave for any reason is expected to be at their residence or to have notified the immediate supervisor of any other location necessary.
5. Supervisors are required to be familiar with the provisions of the Federal Family and Medical Leave (FMLA) so they can ensure that members who fall under the Act's provisions are properly noticed of their entitlement to FMLA. FMLA notice to members and information about the requirements is provided through the Office of Employee Relations (OER).
6. The Department maintains a sick leave pool, which allows eligible employees to voluntarily pool sick leave. Sick leave pool benefits are provided to members of the pool who are seriously ill or severely injured and have exhausted all their accrued sick, compensatory, and annual leave. The intent is that the employee will return to duty as early as possible. Rules of the sick leave pool may be obtained from the Troop Commander or from DHSMV Policy 5.15.
7. The Department has a sick leave transfer plan that allows eligible employees to donate sick leave credits to a department member or an employee of another state agency who has suffered a documented illness or injury and has exhausted all their accrued sick, compensatory, and annual leave. More information can be found in DHSMV Policy 5.16.

#### H. ANNUAL LEAVE

1. Full-time Career Service members earn the following number of hours for each full calendar month of employment and based upon the number of years of service:
  - a. Up to five years 8 hours and 40 minutes (8.667 hours)

- b. Five to 10 years 10 hours and 50 minutes (10.833 hours)
  - c. Over 10 years 13 hours
- 2. Full-time career service members earn the following number of hours for each biweekly pay period and based upon the number of years of service:
  - a. Up to five years 4 hours
  - b. Five to 10 years 5 hours
  - c. Over 10 years 6 hours
- 3. All Career Service members who have accrued annual leave in excess of 360 hours at the close of business on December 31 of each year will have the excess annual leave transferred to their sick leave balance on an hour-for-hour basis.
- 4. For Senior Management Service and Selected Exempt Service members, at the close of business on the day before the member's anniversary date, all annual leave credits in excess of 480 hours will be converted to sick leave on an hour-for-hour basis.
- 5. A Career Service member who separates from state government with twelve continuous months of service will be paid for unused annual leave up to a lifetime maximum of 240 hours.
- 6. A Senior Management Service or Selected Exempt Service member who separates from state government will be paid for unused annual leave up to a maximum of 480 hours, with the current year's accrual prorated.

I. HOLIDAYS

- 1. The following holidays, as provided by Section 110.117, Florida Statutes, shall be observed as paid holidays:

New Year's Day, January 1st

Martin Luther King, Jr.'s Birthday, third Monday in January

Memorial Day, last Monday in May

Independence Day, July 4th

Labor Day, first Monday in September

Veterans' Day, November 11th

Thanksgiving Day, fourth Thursday in November

Friday after Thanksgiving

Christmas Day, December 25th

If any holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. If any holiday falls on a Sunday, the following Monday shall be observed as a holiday.

2. Use of annual leave and the personal holiday must be requested by the member and approved by the appropriate supervisor in advance of its use. Use of annual leave shall not be authorized prior to the time it is earned and credited to the member.
3. Special Compensatory Leave – Leave that is earned as a result of extra hours worked during an established work period which contains a holiday, or extra hours worked when a facility is closed under an Executive Order during emergency conditions.
4. When an included member is required to work on a holiday observed pursuant to the State's Personnel Rules, the member is credited with special compensatory leave equal to the time worked on the holiday.
5. When the holiday falls on the member's regular day off, the member is credited with eight hours of special compensatory leave.
6. Special compensatory leave shall be taken with the mutual agreement of the member and the supervisor within 60 calendar days of the holiday worked, as outlined in the current law enforcement bargaining agreement. If within the 60-day period a mutual agreement is not met, the supervisor shall schedule the time to be taken in accordance with the current Law Enforcement Collective Bargaining Agreement. The current Law Enforcement Collective Bargaining Agreement can be viewed here: <http://hsmvsafetynet/fhp/SpecialOps/Exam/LE%20Opns/PBA%20-%20FHP%20Unit%20Agreement.pdf>

J. REQUESTING ANNUAL LEAVE

1. Members desiring to use annual leave shall obtain approval from a supervisor prior to the commencement of such leave and must be in compliance with the current Law Enforcement Collective Bargaining Agreement. Every effort should be made to obtain the approval from the member's immediate supervisor.
2. Requests for leave of eight hours or more should be made using the member's state email account.
3. Requests for leave of 40 continuous hours or more should be made at least 60 days in advance. When two or more members request leave for the same time period, wholly or partially, and all such requests cannot be approved, decisions will be made with due regard for seniority and agency need. However, the Division may make reasonable accommodations for ensuring the fair distribution of leave during favored holidays.
4. Nothing in this policy shall prevent a supervisor from revoking the approval of any leave request when special or emergency situations arise. Every effort will be made to not unnecessarily impose undue hardship upon the member due to such revocation of approval.

K. LEAVE OF ABSENCE

Leave of absence may be with or without pay, as outlined in DHSMV Policy 5.01, Attendance and Leave.

1. Leave of Absence with Pay – Administrative Leave
  - a. Jury Duty – According to Florida Statutes, Section 40.013(2)(b), any full-time federal, state, or local law enforcement officer or such entities' investigative personnel shall be excused from jury service. However, non-sworn personnel summoned for jury duty will be granted administrative leave based on the total hours served on jury duty, not to exceed the number of hours in the employee's regular workday.

- b. Witness in non-duty related cases – A member subpoenaed as a witness in a court or administrative hearing, which is not duty-related and does not involve personal litigation or service as a paid expert testimony, shall be granted administrative leave. The member may retain the witness fee; however, the Division shall not reimburse the member for meals, lodging, or travel expenses incurred as a result of the service. Administrative leave will not be granted to a member for personal litigation or service as a paid expert witness. Annual leave may be granted at the discretion of the Division, if enough credit has been accumulated.
- c. Death in the Family – A member shall, upon request, receive up to 16 hours of administrative leave for the death of their spouse and the parents, grandparents, brothers, sisters, children and grandchildren of both the member and the spouse. (This also applies to current step, half, and adoptive family.) The member must provide their supervisor the name and relationship of the family member. This information must be included in the comment section of the member's People First timesheet.
- d. Other Leave – Administrative leave may also be used for other circumstances as outlined in the Attendance and Leave Procedures Guide for DHSMV Members, located in DHSMV Policy 5.01, including but not limited to military training/leave, examinations and interviews before a state agency, and formal investigations.

2. Leave of Absence without Pay

Leave of absence without pay may be used for military service, parental leave, Family Medical Leave, and for other reasons as specified in the Attendance and Leave Procedures Guide for DHSMV Members, located in DHSMV Policy 5.01. Members that fail to provide the correct/requested leave documentation to the agency may be subject to having previously authorized leave changed to leave without pay, in instances where they have exhausted all other annual and compensatory leave.

3. Using Leave Of Absence

The granting of any leave of absence with or without pay shall be in writing and shall be approved by the proper authority within the Department. A member of the Division who is granted a leave of absence, with or without pay, shall be a member of the State while on such leave and shall be returned to the same position or a different position within the same class and same work location upon termination of the approved leave of absence, unless the Director and the member agree in writing to other conditions and terms, under which such leave is to be granted.

L. DISABILITY LEAVE

A member of the Florida Highway Patrol is eligible for disability leave according to Chapter 60L-34, F.A.C.

Disability – In Line of Duty

Members shall immediately report all on-the-job injuries to their immediate supervisor or in any event within 24 hours from the time of injury. Such injuries will be processed in accordance with Chapter 60L-34, F.A.C., DHSMV Policy 5.20, and FHP Policy 17.09.

M. ASSIGNMENT TO ALTERNATE DUTY

1. Members may be assigned to alternate duty on a temporary basis for reasons including but not limited to the following:
  - a. When a member is under formal investigation for a disciplinary offense and it is not essential to the investigation that they be removed from the workplace,
  - b. In cases where the member need not be placed on administrative leave for investigation while undergoing a fitness for duty, a member may be placed on alternate duty after a member has received notification that a fitness for duty examination is scheduled and during the time when the Department is making a determination of the action to be taken as a result of the examination; or
  - c. When a member is temporarily unable to perform essential duties of their current classification for medical or other documented reasons.

2. Any member who discharges their firearm in an officer involved shooting incident or whose actions or use of force results in serious physical injury or death of another in a duty-related incident shall immediately be placed on administrative leave or alternate duty for a minimum period of three days in order to remove the member from the associated trauma. Prior to returning to regular duty, the member will be evaluated by an agency-authorized physician. Under no circumstances will this be construed as disciplinary action.
3. Alternate duty includes duties which are not normally performed as a part of the member's current position (e.g., clerical work in the station). Alternate duty assignments are shown as hours worked on the member's People First timesheet.
4. Members may not use the patrol vehicle, act as a law enforcement officer, or wear the Florida Highway Patrol uniform during this period.
5. Any alternate duty assignment for medical reasons, including Workers' Compensation, will be coordinated with OER and supported by a current medical certification completed by the treating health care provider. Medical certification must be submitted to cover all periods of any alternate duty assignment.
6. A guide to the roles and responsibilities for administrative leave for investigations and alternate duty assignments are located within DHSMV Policy 3.03.