



DEPARTMENT OF MANAGEMENT SERVICES  
DIVISION OF STATE HUMAN RESOURCE MANAGEMENT  
POLICY GUIDELINE

**STATE PERSONNEL SYSTEM**

**SUBJECT:**

*Administrative Leave Under the Florida Disaster Volunteer Leave Act*

**POLICY GUIDELINE:** HRM #2020-001

**EFFECTIVE DATE:** July 1, 2020

**SUPERSEDES:** N/A

**STATUTES/RULES/REGULATIONS/LAWS:**

*Section 110.120, Florida Statutes, (F.S.), Administrative leave for disaster service volunteers*

**FORMS:** N/A

**ADDITIONAL REFERENCE MATERIALS:** N/A

**BACKGROUND:**

Nonprofit organizations play a critical role in disaster response and recovery efforts. Prior to July 1, 2020, paid leaves of absence utilizing administrative leave for disasters could only be approved under section 110.120, F.S., for salaried employees who were certified to complete specialized disaster relief services for the American Red Cross. These absences were limited to disasters in the State of Florida, unless approved by the Governor and Cabinet for other areas within the boundaries of the United States.

Effective July 1, 2020, the Florida Disaster Volunteer Leave Act modified section 110.120, F.S., by expanding the use of administrative leave for salaried employees to include additional disaster volunteer services and nonprofit organizations. Additionally, agency heads were given the authority to approve the use of this leave for volunteer services in other states and territories of the United States in accordance with the provisions of the statute.

**POLICY:**

Eligible employees may be approved for up to 120 volunteer hours of paid administrative leave during any 12-month period in accordance with section 110.120, F.S., as follows:

- There must be a "disaster", defined as an event that results in a state of emergency being declared by the Governor of the State of Florida or any other state or territory of the United States (U.S.) through an executive order or proclamation;
- The employee must have entered into a verified agreement with a tax-exempt nonprofit organization [501(c)(3) or 501(c)(4) of the Internal Revenue Code] to provide nonpaid services to a disaster area for disaster response or recovery;

- There must be a “disaster area”, defined as a location covered under a state of emergency, as declared by the executive order or proclamation issued by the Governor of this state or any other state or territory of the U.S.;
- The employee’s volunteer status must be verified;
- The use of the administrative leave must be approved by the volunteering employee’s employing agency;
- The agency head must have authorized the use of leave if the volunteer services are in response to a disaster within U.S. states or territories other than Florida; and
- Volunteering employees must attest to their employing agency that they completed their volunteer service and specify the disaster and the period of time they volunteered for that disaster, as well as provide a description of the disaster response or recovery services that they provided.

As with other types of leave, agencies have the discretion to require appropriate documentation from employees to support the use of this leave in addition to what is required below.

### **QUESTION AND ANSWER:**

#### **Question 1:**

What are the requirements for verifying an employee’s volunteer status and what is considered an agreement with a tax-exempt nonprofit organization [501(c)(3) or 501(c)(4)] “to provide nonpaid services to a disaster area for disaster response or recovery”?

#### **Answer:**

The employee must provide a copy of the written agreement, which at a minimum confirms his/her volunteer status with the tax-exempt nonprofit organization prior to the agency granting a leave of absence for services related to a disaster.

Agreements will vary from one organization to another and must be reviewed on a case-by-case basis to ensure they provide the written information necessary to establish that the employee qualifies for the use of the leave.

#### **Question 2:**

What types of activities qualify as “nonpaid services to a disaster area for disaster response or recovery”?

#### **Answer:**

Volunteer services that may qualify as disaster response or recovery include, but are not limited to, direct support activities such as, meal preparation and delivery, debris removal, repairing damage created by the disaster, volunteering at an evacuation shelter, water distribution,

volunteering at a food bank, and assisting the public with disaster-related needs by phone on behalf of a tax-exempt nonprofit organization.

Examples of volunteer services that may not qualify as services to a disaster area for disaster response or recovery include indirect support activities that benefit the internal operations of the organization and do not provide direct disaster response or recovery assistance to the public. Examples may include office/administrative work and fundraising.

**Question 3:**

Are employees eligible for administrative leave under section 110.120, F.S., when their volunteer work would otherwise be approved, but the work is not occurring within the disaster area?

**Answer:**

If the employee is providing non-paid services to the disaster area by phone, although the employee's services are occurring outside of the disaster area, they are directly related to the disaster response or recovery, the employee may be eligible for administrative leave. Agencies should review these situations on a case-by-case basis.

**Question 4:**

Before approving an employee's request for a leave of absence in accordance with section 110.120, F.S., is there anything else an agency should consider?

**Answer:**

Agencies should consider whether the employee is essential to its daily operations, whether the employee's absence will negatively impact the work unit, and whether the proposed volunteer activities create a conflict of interest based on the employee's job duties and the nonpaid volunteer services to be performed.

**Question 5:**

What other requirements related to use of this administrative leave must be met after employees complete their volunteer service?

**Answer:**

As required by section 110.120, F.S., employees must attest in writing to their agency that they completed the volunteer service for a disaster and specify the disaster and the period of time they volunteered for that event. Additionally, employees must describe the disaster response or recovery services that they provided.

**Question 6:**

What Hours Type do eligible employees use for their volunteer hours and will the People First system limit employees to 120 hours of this leave in any 12-month period in accordance with

section 110.120, F.S.?

**Answer:**

Eligible employees may use up to 120 hours of administrative leave in Hours Type 0038 (Admin-Disaster Vol Leave) during any 12-month period on their People First timesheet for approved volunteer hours. The People First system will enforce the 120-hour limit in any 12-month period. The number of administrative leave hours an employee may use per workday may not exceed the number of hours in an employee's regular work schedule and may not result in an employee exceeding their contract hours for their work period with the state.

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**APPLICABLE STATUTORY AND RULE CITATIONS:**

**Section 110.120, F.S. – Administrative leave for disaster service volunteers**

(1) SHORT TITLE. — This section may be cited as the “Florida Disaster Volunteer Leave Act.”

(2) DEFINITIONS. — As used in this section, the term:

(a) “Disaster” means an event that results in a state of emergency, as declared by executive order or proclamation issued by the Governor of this state or any other state or territory of the United States.

(b) “Disaster area” means a location covered under a state of emergency, as declared by executive order or proclamation issued by the Governor of this state or any other state or territory of the United States.

(c) “State agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government.

(d) “Volunteer” means an individual who has entered into an agreement with a tax-exempt nonprofit organization under s. 501(c)(3) or s. 501(c)(4) of the Internal Revenue Code to provide nonpaid services to a disaster area for disaster response or recovery.

(3) LEAVE OF ABSENCE. — An employee of a state agency may be granted a leave of absence with pay for no more than 120 working hours in any 12-month period to serve as a volunteer. Such leave of absence may be granted upon the request of the employee and upon approval of the employee's employing agency after verifying the employee's volunteer status. An employee granted leave under this section is not deemed to be an employee of the state for purposes of workers' compensation. Leave under this section may be granted only for providing volunteer services related to a disaster occurring within the boundaries of this state, except that leave may be granted to an employee to provide volunteer services in response to a disaster occurring within the states or territories of the United States upon approval of the head of the employee's employing agency. An employee who is granted leave under this section must attest to his or her employing agency that he or she has completed his or her volunteer service for a disaster, and must also specify the period of time for which he or she served as a volunteer for

that event and a description of the disaster response or recovery services that the employee provided.

<b>PREPARER'S INITIALS:</b> JDA/MDG
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