



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

STATE PERSONNEL SYSTEM

SUBJECT:

Death in the Family Administrative Leave

POLICY GUIDELINE: HRM #2022-005

EFFECTIVE DATE: July 5, 2022

SUPERSEDES: Rule Interpretation 60L-34-2007-#005: Administrative Leave – Death in the Family and Rule Interpretation 60L-34-2006-#001: Total Number of Administrative Leave Hours for Death in the Family

STATUTES/RULES/REGULATIONS/LAWS:

Section 110.219, Florida Statutes (F.S.), Attendance and leave; general policies
Rule 60L-34.0071, Florida Administrative Code (F.A.C.), Administrative Leave

FORMS: N/A

ADDITIONAL REFERENCE MATERIALS: N/A

QUESTION AND ANSWER:

Question 1:

Who is considered a “family” member, for the purposes of granting “death in family” administrative leave?

Answer:

Administrative Leave is granted for the death of the employee’s or spouse’s family member, as follows:

- Current Spouse;
- Parents, which may include natural, adoptive, and current step or foster parents;
- Grandparents, which may include natural, adoptive, and current step-grandparents, and great grandparents;
- Brothers and Sisters, which may include natural, adoptive, current step-brothers or sisters, and half brothers or sisters;
- Children, which may include natural, adopted, and current step or foster children;
- Grandchildren, which may include natural, adopted, current step-grandchildren, and great grandchildren, as well as the foster children of the employees’ own children.

Question 2:

If the employee is widowed or divorced, are the family members of the employee's former spouse considered immediate family, for the purpose of granting "death in family" administrative leave?

Answer:

If the employee is widowed, the family members (listed above) of the deceased spouse are considered family members of the employee and, if requested, the employee shall be granted "death in family" administrative leave upon the death of any of these individuals. If the employee is divorced, these individuals are no longer considered family members for purposes of granting "death in family" administrative leave.

Note: It is recognized that employees may have close relationships with other individuals who are not family members as described above (for example, former in-laws or, in the case of employees who were foster children, adults and peers who were members of the same household). However, since it is not practical to include all individuals who the employee may consider family, supervisors should be reminded that approval of other appropriate leave types is an option in those circumstances.

Question 3:

When an employee has experienced a death in the family, how should the two days of administrative leave be administered? Is there a time limit on when the leave may be taken?

Answer:

Based on the premise that the Legislature intended leave benefits to be fairly administered for all eligible employees and that the provision of two days contemplated that employees would be on standard eight-hour days, the employee may use up to a maximum of 16 hours, as needed, provided that it is taken for an activity related to the death of a family member (listed above) and the leave is documented in accordance with Rule 60L-34.0071(3)(d)2., F.A.C. The 16 hours apply to all full-time employees, regardless of their 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. All or a portion of the leave balance may be taken immediately or at a later date for a purpose(s) related to the death of the family member (e.g., settling the estate, attending an autopsy report, spreading ashes, funeral services, etc.). Agencies should approve reasonable requests for this leave, even when they do not occur immediately following the death of a family member. Factors to consider when reviewing a leave request that does not immediately follow the death of a family member include: when the employee became aware of the family member's death, when the funeral/memorial service is scheduled to occur, and any responsibilities of the employee.

Since this leave category may be used for more than one death in the family, there is no functionality in the People First system to limit the number of hours that employees use.

Supervisors and/or the human resources 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.

APPLICABLE STATUTORY AND RULE CITATIONS:

Section 110.219, 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.

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

(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.

(3)(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.

2. Each employee requesting administrative leave due to death in the family shall submit a statement to the appropriate authority stating the name of, and relationship to, the deceased.

PREPARER'S INITIALS: JDA/SMB
FILE PATH: S:\Workforce\HRM\HRM Policy Communication\Policy Guideline\FINAL