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| [Department of Management Services Logo](http://www.dms.myflorida.com/) | ADMINISTRATIVE POLICY | |
| TITLE: **Family Supportive Work Program (FSWP)** | | POLICY NUMBER  **HR**  **08-137** |
| EFFECTIVE: December 16, 2008  REVISED: February 13, 2012 | |

**PURPOSE**

Provide policy and guidelines in support of the Family Supportive Work Program (FSWP) also known as the "Family Support Personnel Policies Act."

**SCOPE**

All Department of Management Services’ (DMS) employees excluding Other Personal Services (OPS) employees.

**AUTHORITY**

Section 110.123, Florida Statutes (F.S.) - State Group Insurance Program

Section 110.1521 - 110.1523, Florida Statutes (F.S.) - Family Support Personnel

Policies Act

Rule 60L-34.0051, Florida Administrative Code (F.A.C.) - Family Supportive Work

Program (FSWP)

Pregnancy Discrimination Act (PDA), a 1978 amendment to Title VII of the Civil Rights

Act of 1964

**DISTRIBUTION**

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| The Following Individuals Should be Notified of this Policy and its Procedures | Method of Notification |
| All DMS Employees | * New Employee Orientation * DMS communications via employee e-mail distribution list * DMS Web site |
| DMS Executive Leadership | * Executive Leadership meetings |

**POLICY**

DMS recognizes the importance of helping employees balance family and work responsibilities and creates an environment that encourages a work-life balance. All managers and supervisors will support the FSWP and work with Human Resources (HR) to assist FSWP.

While on FSWP leave, employees may use their available sick and/or annual leave before being placed on leave without pay for the time period necessary.  However, if the employee has insufficient balances to remain in full pay status for the duration of the FSWP and/or to retain some leave credits for use upon return to work, the employee is permitted to use a combination of paid leave and leave without pay for the time period necessary.  Leave taken on FSWP may be required to run concurrently with the Family and Medical Leave (FMLA). Always contact the Office of Human Resources regarding FSWP issues. Additional information on FMLA is available in DMS Administrative Policy “Family Medical Leave Act” (HR-08-117).

Employees are required to use the People First (PF) system to record leave taken. Employees who accrue regular or special compensatory leave credits may be allowed, at DMS’ discretion, to use such leave before using accrued sick leave credits. Employees taking leave to care for a family member or someone in their care (caretaker role), are required to enter the name of the individual they are caring for in the “Comments” section on the PF timesheet.

Supervisors are required to review and approve their employees’ PF timesheet submissions and verify the employee entered a name (as required in the above paragraph) in the “Comments” section on the PF timesheet. Supervisors are certifying employees accurately recorded leave taken when they approve their employee’s timesheet.

**A. Flexible Work Schedule**

DMS may approve flexible work schedules to assist employees in meeting family needs when an employee is able to accomplish job duties effectively and efficiently in compliance with the FSWP and other applicable laws and rules.

**B. Sharing of a Position**

DMS will approve two employees to share a position (or create two part-time positions), when requested by the employees and management determines two employees can perform the responsibilities of the position as adequately, or more adequately, than a single employee. When considering, approving and changing a position to and from shared status, DMS will follow the procedures provided in Rule 60L.33.0032, F.A.C., Shared Employment.

**PROCEDURES**

**C. Parental Leave**

Within one year following birth or adoption of a child, an employee, who is the mother or father of a natural born or adopted child, may request up to six months of leave.  The employee may use annual leave, compensatory leave or leave without pay to cover any part of the absence. Sick leave may also be used up to six weeks following the birth of a child. Use of more than six weeks of sick leave will require medical documentation.

Sick leave may be used when an illness or temporary disability is caused or contributed to by pregnancy and/or childbirth and recovery. Requirements to use sick leave in these instances are:

* medical documentation signed by a physician, or his/her designee, who has examined the employee. (Once the initial medical certification has been received, six weeks may be used without the need for medical recertification.)
* notification to the HR Director for recording FMLA usage and
* notification to the employee documenting FMLA usage by HR.

When parental leave is approved, the supervisor will provide a copy of the notice to the HR Director and the employee will be provided written notice stating:

* the beginning and ending dates of the approved leave from the supervisor and
* notice that the first 12 weeks of leave will be considered FMLA leave by HR.

**D. FSWP Family Medical Leave**

An employee may use leave when a child, parent or spouse of the employee has a serious health condition. This leave is granted for a period not to exceed six months and must be completed within one year from the date the leave commenced. The employee may use sick leave, annual leave, compensatory leave or leave without pay (LWOP) to cover any part of the absence with proper documentation.

When FSWP family medical leave is approved, the supervisor will provide a copy of the notice to the HR Director and the employee will be provided a written notice which includes: the beginning and ending dates of the approved leave time, and notice that the first 12 weeks of leave used will be considered FMLA leave.

**E. Non-Medical Family Responsibilities**

Provided an employee’s absence has minimal impact on the employee’s work unit, the employee may request up to 30 days of annual leave, compensatory leave or leave without pay, per calendar year, for family responsibilities including, but not limited, to:

* caring for aging parents,
* involvement in settling parents’ estate upon the parent’s death,
* relocating dependent children into schools, and
* visiting family members in places that require extensive travel time.

When leave is approved for non-medical family responsibilities, the employee’s supervisor will provide the employee a written notice stating the:

* the beginning and ending dates of approved leave, and
* purpose of the leave.

The supervisor will provide a copy of the notice to the HR Director to file in the employee’s official personnel file.

**F. Participation in Children’s Activities**

Employees may request up to one hour of Administrative Family Leave (code 0080) to participate in their child or step-child’s school or day care activities. All requests must be pre-approved by the supervisor and will be based on the needs of the work unit.

**G. Request for Leave**

In all cases, requests for leave must be made via the People First system (see G.1. below). All requests for medical leave must include a physician’s certification on the medical condition for which the leave is requested to include the name of the individual (if other than employee). The original document should be provided to the HR Office to be placed in the appropriate employee file and no other copy should be retained.

**G.1. Requesting and approved FMLA/FWSP leave:**

• **Employees:** To complete the FMLA/FSWP leave request, go to the Time and Payroll dropdown menu and select FMLA/FSWP Leave Request. Once in this screen, create and save the request.

• **Managers:** To approve the FMLA/FSWP leave request, go to the Approvals dropdown menu and select Leave, OT and Other Approvals.

Once the manager approves the leave request, the FMLA/FSWP check box will open up for use on the employee’s timesheet for the approved days.

**G.2. Completing a timesheet for submittal:**

• **Employees:** Check the FMLA/FSWP box for the days and hours type that are FMLA/FSWP related. Be sure this indicator is only checked for hours that are FMLA/FSWP related.

**G.3. Tracking FMLA/FSWP leave:**

After the employee checks the FMLA/FSWP box on the timesheet, the data is transferred to the “Time Sheet Active” view in the PF Data Warehouse. HR has the ability to run reports from the warehouse to track employees’ FMLA/FSWP leave usage.

**H. When Employee Returns to Work**

Upon return to work, the employee is returned to the same or an equivalent position with equivalent pay, seniority and benefits.

**I. State Contribution for Health and Life Insurance**

When an employee is approved for parental or medical leave without pay and the employee is enrolled in a state health or life insurance program(s), the state will pay the state’s portion of the insurance up to six months in a 12-month period (based on the employee’s full-time/part-time appointment status on the first day of the approved absence). To maintain such health and life insurance coverage, the employee is responsible for paying the employee’s portion of the premium payments.

**RESPONSIBILITIES**

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| Individual  or Group | Responsibilities | |
| Employee | * Adhere to procedures in this policy. * Accurately reflect leave usage (and comments as required in the policy) on the PF timesheet. | |
| HR Director | * Provide assistance to supervisors and employees. * Review sick leave use for consideration of FMLA and FSWP usage. * Track FMLA usage and notice employees when hours are applied to FMLA usage. |
| HR Office | * Review policy during New Employee Orientation (NEO). * Provide assistance to supervisors and employees. * Handle documents with care and confidence and place in the appropriate employee file. |
| Supervisor | * Provide employees consideration and support of the FSWP. * Provide employee approval in writing (e-mail if available to employee) when FSWP leave is granted. * Request assistance from HR director when needed. * Notify HR director when an employee uses leave for a serious health condition. | |

**DEFINITIONS**

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| Word/Term | Definition |
| Caretaker | An employee, who at any given moment, is responsible for the care of another person who is ill, injured, or in need of a well-care check-up. |
| Domestic Violence Leave | See DMS Administrative Policy HR-05-121 - “Violence-Free Workplace & Support for Domestic Violence”. |
| Family | *Excerpt from Human Resource Management Rule Interpretation, tracking number 60L-34-2008-#010, effective September 29, 2008:*  “Family member,” as defined under the under the Family Supportive Work Program, includes:  • “Current Spouse;”  • “Parents,” which may include natural and adoptive parents;  • “Children,” which may include natural children, current step-children, and adopted children.  This excludes grandparents, brothers and sisters, grandchildren, and great grandchildren.  Family members who qualify an employee for leave under the federal FMLA differ from those who qualify an employee for coverage under the Family Supportive Work Program because, in addition to individuals covered under the Family Supportive Work Program, the federal FMLA includes the following family members:  • Persons who stand or once stood *in loco parentis* for the employee (excludes parents-in-law);  • Foster children, legal wards, or the child of a person standing *in loco parentis* (*In loco parentis* means a person with day-to-day responsibilities to care for and financially support a child who is either under age 18, or age 18 or older and incapable of self-care because of a physical or mental disability. A biological or legal relationship is not required). |
| Family and Medical Leave Act (FMLA) | See DMS Administrative Policy HR-08-117 – “Family and Medical Leave Act (FMLA.)” |
| Serious Health Conditions | For a list of qualifying “serious health conditions”, please refer to 29 Code of Federal Regulations Section 825.114. |
| Sick Leave | See DMS Administrative Policy HR-08-118 – “Sick Leave Authorization and Usage.” |
| Sick Leave Transfer Plan | See DMS Administrative Policy HR-08-119 – “Sick Leave Transfer Plan.” |

**ASSOCIATED FORMS**

People First Timesheet (online)