

CF OPERATING PROCEDURE
NO. 60-40, Chapter 6

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, September 23, 2019

Human Resources

EDUCATIONAL LEAVE WITH PAY

6-1. Purpose. This operating procedure describes a uniform and fair policy for managing the Educational Leave with Pay Program within the Department of Children and Families.

6-2. Scope. This operating procedure applies to Career Service, Selected Exempt Service (SES) and Senior Management Service (SMS) employees.

6-3. References.

- a. Section 110.1099, Florida Statutes (F.S.).
- b. Section 60L-34.0072, Florida Administrative Code (F.A.C.).

6-4. General.

a. Educational Leave with Pay (ELWP) is authorized leave with pay that may be granted to a full-time employee of the Department to attend a college, university or training academy. The employee must meet the eligibility requirements and plan to attend for one or more full academic periods, e.g., academic year, semester, and summer session.

b. ELWP may be granted for the full academic period or may be granted for a lesser period or less than a full academic load or an internship, subject to the provisions in paragraph 6-6o below. If granted for a lesser period, e.g., to participate in a required 20 hours per week internship, the employee must return to work for the remaining work hours in the workweek. In this example, the employee would be granted 20 hours per week of ELWP and would return to work the other 20 hours of the work week.

c. Enrollment in short-courses, seminars, conferences or a training academy which is required as part of an employee's job are not considered ELWP but are considered a part of the employee's work assignment.

d. The Deputy Secretary, Chief of Staff, Assistant Secretaries, Regional Managing Directors, and Mental Health Treatment Facility Administrators have initial review responsibility over the educational leave with pay program for their areas of responsibility.

e. Each Deputy Secretary, Chief of Staff, Assistant Secretary, Regional Managing Director, and Mental Health Treatment Facility Administrator will establish an ELWP committee of no less than three employees to represent their area of responsibility and ensure that at least one Human Resources representative is on the committee. After local review and concurrence by the committee, the approval recommendation and any background documentation should be routed to Headquarters Human Resources, Training and Talent Development prior to notifying the requesting employee. Headquarters staff will review and route the request to the DCF Chief of Staff or their designee for final approval. If

This operating procedure supersedes CFOP 60-40, Chapter 6, dated June 1, 2010.

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the requesting employee is a Chief of Staff direct report, the final approval authority will reside with the DCF Secretary

6-5. Policy. The Department's Educational Leave with Pay Program is implemented as a benefit to the Department and must be of clearly foreseeable benefit to the Department. Its primary objectives are:

- a. To develop participating employees' knowledge, skills, and ability to meet known agency needs.
- b. To improve the performance level of participating employees.
- c. To provide to career State employees training that is of clearly foreseeable benefit to the agency.
- d. To enable the agency to provide improved service to the public.

6-6. Procedure.

a. ELWP may be granted to full-time, permanent Career Service, SES and SMS employees who exhibit superior aptitude and performance, provided the desired education or training is job-related or related to a job category the Department or service area has been targeted as critical. This education or training must be of clearly foreseeable benefit to the Department.

b. The employee is responsible for all expenses connected with the academic program, i.e., tuition, board, room and supplies, which are required for the completion of the educational process. Tuition assistance of any type may be used in conjunction with ELWP.

c. Employees who have been employed by the Department for a minimum period of 12 consecutive months, have earned a score of 4.0 or above on their latest performance evaluation, have no documented performance deficiencies during the past 12 months, and who meet the entrance requirements for a planned academic or training program are eligible to request ELWP.

d. Consideration of ELWP is contingent upon availability of funds within a budget entity's approved budget.

e. Consideration of ELWP is contingent upon acceptance of the employee into the academic program specified in the request.

f. ELWP shall be granted regardless of race or color, sex, religion or creed, national origin, age, marital status, disability or political affiliation.

g. Employees seeking education or training to qualify for critical job classes with high vacancy rates may receive priority consideration for the program.

h. An individual who is currently enrolled in a college or university in a field that is clearly of benefit to the Department, is making satisfactory progress, and may reasonably expect to receive a degree or certification within the required time frames may also receive priority consideration.

i. The maximum number of employees who may receive ELWP at any one time shall not exceed two percent of the total number of the Department's authorized positions assigned during a state fiscal year. The delegated authority for each Deputy Secretary, Chief of Staff, Assistant Secretary, Regional Managing Director, and Mental Health Treatment Facility Administrator may request approval for educational leave with pay for up to two percent of their respective authorized FTEs.

j. An agreement for paid educational leave can only be approved for up to 12 consecutive months of study. If the course work requires an extension beyond this period, the employee must request and receive approval for additional ELWP.

k. In consideration of the granting of ELWP, the employee agrees to continue employment with the Department after completion of the training for a period equal to the amount of leave taken. The employee further agrees that voluntary termination of employment prior to the expiration of said period shall be a material breach of contract. This will allow the state to liquidate damages in an amount equal to that sum which is the product of multiplying the total of all salary and benefit expenditures for the employee during the period of ELWP taken by a fraction, the numerator of which is the number of days remaining to be worked at termination to complete the period of employment equal to the period of ELWP, and the denominator of which is the number of days of ELWP taken.

l. Funds used for employees on ELWP shall not exceed the salary and fringe benefits the Department would have expended for the employee if he or she had remained on the job.

m. Continued approval of ELWP requires the employee to maintain satisfactory progress in the educational program for which the leave is granted. Satisfactory progress means that the employee is achieving a passing academic grade in each course offering that is part of the educational program. Satisfactory progress shall be determined between the Department and the employee by the final grade received in each course in which academic performance is assigned a grade, or by certification from the instructor in each course in which academic performance is not assigned a grade, that the employee has satisfactorily completed the course. In cases where a course is of such length that a final grade or determination of satisfactory completion cannot be made within six months after beginning the course, the instructor shall certify at the end of the first six months whether the employee is performing at least at the minimum level required to satisfactorily complete the course according to the academic measures of the institution.

n. If the employee is not making satisfactory progress at any time during the approved period, the ELWP committee must review the situation and make a recommendation as to whether continuance of ELWP is appropriate or should be revoked for a particular academic period. The final determination of whether unsatisfactory progress is to result in continuation of the educational leave or to result in revocation of the educational leave is made by the Chief of Staff or their designee. If ELWP is revoked, the employee shall be responsible for repaying all moneys received for the affected academic period.

o. During those intervals of time when the university, college or training academy is closed between terms, or during summer and spring breaks, as well as the Christmas/New Year's vacation, the employee on ELWP must either return to work for duty or obtain leave approval. The employee must use annual or compensatory leave when absent from both school and work, unless the employee takes leave without pay during the period(s). The employee is not required to utilize leave credits for state holidays. The employee must use the ELWP code in People First while participating in the ELWP program.

p. Employees granted ELWP are still employees of the Department and of the state and, as such, keep all benefits, rights and responsibilities of an employee while on such leave.

q. Employees on approved ELWP shall be granted pay adjustments in the same amount and at the same time as all other employees in the class. If a competitive area differential (CAD) is approved for a class, an employee on ELWP shall be granted a pay adjustment only if the CAD applies to the position that the employee was filling when placed on ELWP.

r. The responsibility and accountability for performance and conduct are the same for employees on ELWP as for other employees. Therefore, such employees are still subject to the

provisions of CFOP 60-55, Chapter 1, Standards of Conduct and Standards for Disciplinary Action for Department Employees during the period of ELWP.

s. ELWP terminates upon completion of the educational program as specified in the ELWP agreement or upon the completion of 12 consecutive months of study with opportunity for extension, whichever is sooner. At that time, the employee shall return to work in the absence of some other approved leave.

t. An employee who is granted ELWP shall be returned to the same position unless the written agreement between the Department and the employee specifically includes a provision that the employee may be returned to a different position.

6-7. Application Process.

a. The applicant must submit the following documents to the local committee for review:

(1) Form CF 660 (available in DCF Forms), Application for Educational Leave with Pay, signed by the employee, immediate supervisor, and reviewing supervisor, including written recommendations for approval by the supervisors. This recommendation must include documentation of the expected benefit to the Department and a plan explaining how the employee's job responsibilities will be met during the employee's absence;

(2) Form CF 662 (available in DCF Forms), Educational Leave with Pay Agreement;

(3) Form CF 665 (available in DCF Forms), Promissory Note;

(4) Total number of credit hours or courses required for degree including internships, etc.;

(5) Number of credit hours already earned towards degree, including transcripts and current grade point average (if applicable); and,

(6) Letter of acceptance or provisional acceptance from the education or training institution.

b. The local committee, including the Human Resources representative, will review the application for ELWP to ensure that the employee meets the length of service and performance requirements and will send the locally approved package to Headquarters Human Resources, Training and Talent Development for further review and to verify that the requirements are met. If the employee does not meet the length of service or performance requirements, the package will be returned to the supervisor.

c. ELWP Committee members review each application for ELWP and conduct a personal interview with the employee. The committee sends a written recommendation for approval or disapproval based on their findings to Headquarters Human Resources, Training and Talent Development.

d. The Chief of Staff or their designee makes the final determination to approve or disapprove the application and returns the package to the committee who notifies the applicant in writing of the final decision. The Chief of Staff or their designee may require a personal interview with the requesting employee before a decision is made.

e. If approved, the committee sends the ELWP package to the Human Resources Service Center for processing.

f. If disapproved, the committee returns the request to the employee with a copy maintained in the employee's Human Resources file.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

SHELBY JEFFERSON
Interim Human Resources Director

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This revision aligns the process to reflect changes in the Department's Education Leave with Pay (ELWP) policy regarding establishing the DCF Chief of Staff as the final approval authority. It changes the role of various leaders, review, and routing for ELWP requests.