

# Statewide Guardian ad Litem Office Employee Handbook & Key Employment Policies



**I** am for the child™



May 1, 2016



**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of the Statewide Guardian ad Litem (GAL) Office Employee Handbook. I accept my responsibility to read and understand this Handbook, including the Office's policy on Positive Discipline, Employee Performance Review and standards of conduct. I understand that the topics discussed in this Handbook represent the general policies of the Statewide Guardian ad Litem Office and that my employing Office may impose additional requirements, depending upon the nature of my position and the authority granted by the Program.

Further, I understand that if I have questions or need additional clarification on any of the material contained in this handbook, I can contact the State Human Resources (HR) Office at 850-922-7213, or the HR Managers listed in this handbook.

A copy of this signed acknowledgement will be placed in my official personnel file maintained at the State HR Office.

Employee Name: \_\_\_\_\_  
*(Please print)*

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date



**ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge receipt of the following GAL policies, forms, and training materials.

- Positive Discipline, 21-02-008
- Employee Performance Review 21-02-009
- EEO/Affirmative Action 21-02-010
- Discrimination/Sexual Harassment Complaint Form
- Nondiscrimination Policy and Procedures for Requesting Reasonable Accommodations pursuant to the Americans with Disabilities Act 21-02-014
- Request for Auxiliary Aids and Services
- Training Powerpoint – ADA and GAL Nondiscrimination Policy

Further, I understand that if I have questions or need additional clarification on any of the material contained in this handbook, I can contact the State Human Resources (HR) Office at 850-922-7213, or the HR Managers listed in this handbook.

A copy of this signed acknowledgement will be placed in my official personnel file maintained at the State HR Office.

Employee Name: \_\_\_\_\_  
*(Please print)*

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date



# TABLE OF CONTENTS

Letter from the Executive Director

<b>Purpose</b> .....	<b>1</b>
<b>I. MAJOR EMPLOYMENT LAWS</b> .....	<b>3</b>
A. Equal Employment Opportunity (EEO).....	3
B. Americans with Disabilities (ADA) .....	3
C. Florida Civil Rights Act .....	3
D. Fair Labor Standards Act (FLSA) .....	4
E. Family Medical Leave Act (FMLA).....	4
F. Genetic Information Nondiscrimination Act (GINA).....	4
<b>II. PERSONNEL AND MEDICAL RECORDS</b> .....	<b>5</b>
<b>III. STATE EMPLOYMENT POLICIES</b> .....	<b>6</b>
A. Oath of Loyalty.....	6
B. Probationary Period .....	6
C. Code of Ethics for Public Officers and Employees .....	6
D. Employee Relationships with Regulated Entities.....	7
E. Financial Disclosure .....	7
F. Nepotism/Employment of Relatives.....	7
G. Political Activities .....	7
H. Performance Management .....	7
I. Separations.....	8
J. Exit Interview .....	8
K. Layoffs .....	8
<b>IV. COMPENSATION</b> .....	<b>9</b>
A. Compensation for Hours Worked and Overtime .....	9
B. Rate of Pay .....	10
C. Dual Employment and Dual Compensation within State Government .....	10
D. Additional Employment Outside State Government.....	10
<b>V. STATE GROUP INSURANCE PROGRAM BENEFITS</b> .....	<b>11</b>
A. Health Insurance.....	11
B. Life Insurance .....	12
C. Supplemental Insurance .....	12
D. Flexible Spending Accounts.....	12
E. Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).....	13
F. Continuation of Health and Life Coverage for Retirees.....	13
G. Continuation of Health Coverage for Surviving Spouses .....	13

<b>VI. OTHER STATE SPONSORED BENEFITS AND PROGRAMS .....</b>	<b>14</b>
A. Deferred Compensation .....	14
B. Direct Deposit .....	14
C. Florida State Employees' Charitable Campaign (FSECC).....	14
D. Telecommuting Program.....	14
E. Reemployment Assistance Benefits .....	15
F. Workers' Compensation.....	15
G. Voluntary Insurance Plans through Payroll Deduction.....	15
<b>VII. RETIREMENT .....</b>	<b>16</b>
<b>VIII. ATTENDANCE AND LEAVE.....</b>	<b>17</b>
A. Attendance.....	17
B. Work Schedules.....	17
C. Employee Attendance and Leave Reporting .....	17
D. Holidays .....	17
E. General Leave Overview.....	18
F. Annual Leave .....	19
G. Sick Leave .....	19
H. Sick Leave Transfer Plan .....	20
I. Leave Payment upon Separation from Service .....	20
J. Administrative Leave.....	21
K. Disability Leave.....	22
L. Family and Medical Leave Act .....	22
M. Military Leave.....	23
N. Other Leave without Pay.....	24
O. Unauthorized Leave .....	25
<b>IX. TRAINING .....</b>	<b>26</b>
A. Pre-Service and In-Service Training.....	26
B. Tuition Waiver Program .....	26
C. ADA Training .....	26
<b>X. GENERAL INFORMATION .....</b>	<b>27</b>
A. Personal Appearance/Dress Code .....	27
B. Parking .....	27
C. Smoking Policy .....	27
D. Internet/E-Mail/Social Media .....	27
E. Information Security/Passwords.....	27
F. Travel.....	28
G. Use of Seatbelts.....	29
H. Sage Use of Cellular Phones .....	29

<b>XI. EMPLOYEE RELATIONS .....</b>	<b>30</b>
A. Employee Assistance Program (EAP).....	30
B. Drug Free Workplace .....	30
C. Violence in the Workplace.....	30
D. Domestic or Sexual Violence .....	30
E. Sexual Harassment.....	31
F. Whistle-Blower’s Act .....	31
G. Program Grievance Process .....	31
<b>XII. CONDUCT AND PERFORMANCE MANAGEMENT.....</b>	<b>32</b>
A. Overview of Conduct and Performance Expectations.....	32
B. Corrective Actions and Performance Reviews .....	34
C. Employee Investigations .....	37
D. Distribution.....	37
E. Grievance and Appeal Rights for GAL Program Employees.....	38





## Florida Statewide Guardian ad Litem Office



*Alan F. Abramowitz,  
Executive Director*

Dear GAL Employee,

Welcome to the Guardian ad Litem team! Whether you have been with us for years, or just weeks, I am delighted that you are part of our team. Your role is critical in fulfilling the mission of the Guardian ad Litem Program.

This Employee Handbook is designed to serve as a resource on the Program's personnel rules and policies that relate to your employment with the GAL Program and, if you are new, to provide information that will help you make a smooth transition into your new role.

The Guardian ad Litem team is here to support you in your job, so please know that you can call on anyone in the Human Resources Office to assist you at any time.

Sincerely,

Alan Abramowitz  
Executive Director



## **PURPOSE**

This Handbook explains the personnel rules and policies that relate to your employment with the Statewide Guardian ad Litem Office (“GAL” or “Program”). It is your responsibility to become familiar with the contents of this Handbook and other employment information provided to you.

However, this Handbook is not a contract, nor is it intended to address all situations and circumstances that could occur during your employment. Also, the Program reserves the right to make changes in the content, as needed. If you have specific questions regarding any employment rule or policy (whether covered in this Handbook or not), please contact your supervisor, the Circuit Human Resources Liaison, or the GAL Human Resources Office at the number and email addresses below:

Amy Erven, HR Manager for Circuits 1-6, 18-20 and State Office  
850-922-7213  
[Amy.Erven@gal.fl.gov](mailto:Amy.Erven@gal.fl.gov)

Felicia Threatts, HR Manager for Circuits 7-17  
850-922-7213  
[Felicia.Threatts@gal.fl.gov](mailto:Felicia.Threatts@gal.fl.gov)

## **NOTE TO OPS AND COUNTY EMPLOYEES**

The Program also hires Other Personal Services (OPS) employees to help accomplish short-term tasks. OPS employment may be temporary and the requirements and benefits differ in some ways from those applicable to employees filling established positions. Throughout this Handbook, you will find notes if the section does not apply to OPS employees. If you have questions about your OPS employment, contact your Circuit HR Liaison or the State Human Resources (HR) Office.

While there are exceptions, county-funded employees assigned to perform duties for the Program are subject to the supervision and oversight of the Program, but generally are covered by the county’s personnel rules and regulations. If you have questions about your county employment, contact the State HR Office.

## **STATEWIDE GUARDIAN AD LITEM OFFICE**

The Statewide Guardian ad Litem Office is administratively located within the Justice Administrative Commission (JAC). The JAC provides administrative support to the GAL Program, but does not exercise control over the Program.

The head of the Statewide Guardian ad Litem Office is the Executive Director who is appointed by the Governor. The Statewide Guardian ad Litem Office has oversight responsibility for and provides technical assistance to the Guardian ad Litem programs located within the 20 judicial circuits in Florida. Guardian ad Litem offices are located in each of the judicial circuits.

The Counties that make up the 20 judicial circuits are:

1. Escambia, Okaloosa, Santa Rosa, Walton
2. Franklin, Gadsden, Jefferson, Leon, Liberty, Wakulla
3. Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor
4. Clay, Duval, Nassau
5. Citrus, Hernando, Lake, Marion, Sumter
6. Pasco, Pinellas
7. Flagler, Putnam, St. Johns, Volusia
8. Alachua, Baker, Bradford, Gilchrist, Levy, Union
9. Orange, Osceola
10. Hardee, Highlands, Polk
11. Miami-Dade
12. Desoto, Manatee, Sarasota
13. Hillsborough
14. Bay, Calhoun, Gulf, Holmes, Jackson, Washington
15. Palm Beach
16. Monroe
17. Broward
18. Brevard, Seminole
19. Indian River, Martin, Okeechobee, St. Lucie
20. Charlotte, Collier, Glades, Hendry, Lee

## **I. MAJOR EMPLOYMENT LAWS**

### **A. Equal Employment Opportunity (EEO)**

EEO refers to several federal laws, regulations, and policies prohibiting discrimination in employment practices. The Program complies with these laws by assuring equal opportunities for each applicant, employee and volunteer without regard to that person's race, color, gender, religion, age, creed, national origin, marital status, or political opinions/affiliations. Except as provided by law, the agency also assures equal opportunity in recruitment, appointment, training, promotion, demotion, compensation, retention, discipline, separation, or other employment practices to any person who is an applicant or employee, including disabled persons.

Employees who feel they have been discriminated against should contact the agency EEO Ombudsman:

Debra Ervin  
Administrative Services Director  
Post Office Box 10628  
Tallahassee, FL 32302  
850-922-7213

or the Florida Commission on Human Relations (FCHR) for more detailed information at (850) 488-7082, or visit their Web site at <http://fchr.state.fl.us/>.

### **B. Americans with Disabilities Act (ADA)**

ADA is the federal law which prohibits discrimination against qualified applicants, employees and volunteers with a disability. It requires that such persons be provided "reasonable accommodation" to participate in the application and selection process or, if employed, to perform the "essential functions" of their job if the need exists and can be met by the employer without "undue hardship." If you have questions or concerns about who is covered and whether you qualify for a special accommodation, contact the Human Resources Office or the agency EEO Ombudsman.

### **C. Florida Civil Rights Act**

The mission of FCHR is to prevent unlawful discrimination by ensuring people in Florida are treated fairly and are given access to opportunities in employment, housing, and certain public accommodations; and to promote mutual respect among groups through education and partnerships. Section 760.05, Florida Statutes, states that the Commission shall promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, handicap, or marital status and mutual understanding and respect among all members of all economic, social, racial, religious, and ethnic groups; and shall endeavor to eliminate discrimination against, and antagonism between, religious, racial, and ethnic groups and their members.

For more detailed information, please contact the State HR Office.

#### **D. Fair Labor Standards Act (FLSA)**

FLSA is the federal law requiring that covered (“included”) employees be paid at least the federal minimum wage and overtime pay (at time and one-half of the employee’s regular rate of pay) for all hours worked over 40 hours in a work week. The Program refers to employees covered by FLSA as “included” and to those not covered by the FLSA minimum wage and overtime provisions as “excluded”.

The 40-hour workweek is the work period (also called FLSA period) for most included employees. For the GAL Program, this workweek begins on a Saturday and extends through the following Friday.

The FLSA permits state agencies to offer included employees the opportunity to waive cash payment for overtime and instead accrue FLSA special compensatory leave credits at the rate of one and one-half hours for each overtime hour worked.

Excluded employees are not eligible for overtime pay under the FLSA. However, under certain circumstances specified excluded employees may receive “other” compensatory leave credits.

The work period for excluded employees is always the same as their pay period. That is, for excluded employees the work period covers the entire calendar month and for included employees it covers a 40-hour period that falls between specific weekly start dates and end dates.

If you are not sure whether you are an included or excluded employee under FLSA, ask your supervisor.

#### **E. Family Medical Leave Act (FMLA)**

FMLA is a federal law that allows an employee to take up to 12 work weeks of paid or unpaid, job-protected leave within a 12-month period for a qualifying, serious health condition of the employee or family member. To be eligible for FMLA, an employee must have worked for the state for at least 12 months and 1,250 hours. In addition, an employee who is the spouse, parent, child or next of kin of a current member of the armed forces who was injured while on active duty may be eligible for up to 26 weeks of FMLA in a 12-month period.

#### **F. Genetic Information Non-Discrimination Act (GINA)**

On November 21, 2009, the Genetic Information Nondiscrimination Act (GINA) took effect protecting insurance policy holders and employees from discrimination on the basis of genetic information.

Specifically, Title II of GINA strictly prohibits employers from collecting genetic information from employees, and using this information to make decisions regarding hiring, firing, or any other term of employment. GINA also states that employers, including labor unions and employment agencies, must adhere to strict guidelines regarding genetic information, and that it is prohibited to retaliate against an individual for opposing acts made unlawful by GINA. New GINA requirements apply to all private, state, and local government employers, with 15 or more employees.

## II. PERSONNEL AND MEDICAL RECORDS

The personnel records of employees are public records and are open to inspection and copying by anyone who desires access to these files, as provided in Chapter 119, Florida Statutes (Public Records Law). Exceptions to this law are the home addresses, telephone numbers, and photographs of *current or former* employees in certain positions that are sworn, certified or otherwise designated by the law, including Program staff and volunteers if the employee or volunteer has provided a written statement that the guardian ad litem has made reasonable efforts to protect such information from being accessible through other means available to the public. Additionally, any document that reveals the identity, home or employment telephone numbers, addresses or personal assets of crime victims is also exempt from the public record.

Other exemptions include both the home and employment telephone number and address of employees who are the *spouse or child* of a current or former employee in a position that is sworn, certified or otherwise designated by the law including Program staff, as well as the name and location of the day care facility used by the children of such employees. For detailed information about who qualifies for an exemption to public record disclosures, please see Section 119.07, Florida Statutes, and other relevant statutes. If you believe you qualify for an exemption from the Public Records Law, please contact your Circuit Human Resources Liaison to have your records properly flagged.

Social security numbers and employee medical information are kept confidential and are never subject to disclosure, unless specifically required by law.



### **III. STATE EMPLOYMENT POLICIES**

The Program may only hire U.S. citizens and lawfully authorized alien workers. As required by federal law, new hires must present documentation of employment authorization within three days of employment and employees with work visas that have an expiration date must provide continued proof of a valid visa or work authorization or face termination.

In addition, the Program may only hire and promote persons who, if required, have registered with the federal Selective Service System or have obtained the necessary exemption. Registration in the Selective Service System, under the Military Selective Service Act, applies to males born on or after January 1, 1960. [Section 110.1128, Florida Statutes]

#### **A. Oath of Loyalty**

Florida law requires all employees to sign an Oath of Loyalty as a condition of employment. This oath becomes a part of the employee's official personnel file. [Sections 110.201, 876.05, Florida Statutes]

#### **B. Probationary Period**

GAL employees do not serve probationary periods because they serve at the pleasure of the Executive Director. This is referred to as "at will" employment. Nothing in this Employee Handbook serves to create a contract between the Statewide Office and its employees, nor does anything in the Employee Handbook change or alter this "at will" status.

#### **C. Code of Ethics for Public Officers and Employees**

All GAL employees must comply with the guidelines within this Handbook, the Florida Guardian ad Litem Program Standards and individual policies as established by the Statewide Office. In addition, GAL staff that are employees of county governments or are compensated through the use of grant or Foundation funds may be required to comply with specific requirements established by the applicable county government, grant agreement, or Foundation. Most GAL staff are employed by the State of Florida. Contact your circuit HR Liaison for information related to the requirements for your specific position.

It is the policy of the State that no officer or employee will have any interest, financial or otherwise, direct or indirect; or engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is an enacted code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code serves not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate its provisions.

It is the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the Florida State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of

ethics consistent with this code and the advisory opinions rendered by the Florida Commission on Ethics with respect regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern. [Part III, Chapter 112, Florida Statutes]

#### **D. Employee Relationships with Regulated Entities**

Florida Statutes require that state employees disclose potential or actual relationships with entities (i.e., individuals, partnerships, corporations, and other entities) subject to regulation by or doing business with the employee's agency.

#### **E. Financial Disclosure**

Annually, all managers, full-time attorneys and other specified employees are required to file a Statement of Financial Disclosure as mandated by Chapter 112, Florida Statutes. Failure to do so in a timely manner may result in disciplinary action by the Statewide Office, and/or a monetary fine by the Florida Commission on Ethics.

#### **F. Nepotism/Employment of Relatives**

A public official may not employ, promote, advance or advocate the employment, promotion, or advancement of an individual who is a relative, to a position in the agency over which he or she exercises jurisdiction or control.

"Public official" is defined as an employee of the agency who has the legal authority to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in each agency.

Relatives include: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. [Section 112.3135, Florida Statutes]

#### **G. Political Activities**

Before running for public office or taking active part in a political campaign, GAL employees should first contact the HR office for guidance regarding activities that may or may not be permitted, as determined by the Executive Director.

Employees whose positions are subject to the Federal Hatch Act may not become candidates in any partisan election. The Executive Director will determine which employees are subject to the Hatch Act. [Section 110.233, Florida Statutes]

#### **H. Performance Management**

At a minimum, supervisors are required to provide employees feedback on their performance on an annual basis. In accordance with the Program's Employee Performance Review Policy, this feedback will be based upon performance expectations, which are identified, defined and communicated to employees through their official Position Description as being the requirement(s) of their position. This allows the supervisor and the employee to establish goals for improving performance and identify additional training, which may lead to career

advancement opportunities. For more information regarding the Statewide Office Performance Review Policy please contact your supervisor, your circuit HR Liaison, or the Statewide HR Office.

## **I. Separations**

If you decide to resign or retire from your job, please notify your supervisor in writing of your intentions at least two weeks, or as soon as practicable, before your last day on the job. It is recommended that a letter of resignation be submitted to your supervisor and that you specify if you are moving to another agency or retiring. It is your responsibility to return all state property, (i.e., cell phone, computer, printers, credit cards, keys, ID badges, etc.) which the Program issued to you. Failure to comply could result in legal action.

If you are moving to another agency, leave credits may or may not transfer with you. Please consult with the Human Resource Office for a determination of whether your leave credits will transfer. It is important to identify the name of your new agency and to include the date of your new employment in the letter of resignation, in order to ensure the proper transfer of your leave credits. In cases where changing agencies does not result in being off the payroll for a full calendar month, your state group insurance enrollments will also transfer with you, assuming your new agency also participates in state group insurance. However, your enrollments in other voluntary insurance plans through payroll deduction are not necessarily transferable or automatic. Therefore, it is your responsibility to contact the vendors or carriers to verify whether you may continue participation at your new agency and whether the amounts to be deducted from your pay will change.

If you participate in the Deferred Compensation Program, you will need to contact your investment provider(s) to ensure that, if you are moving to another agency, the proper adjustment (if any) is made to your payroll deduction. If you are separating from state government (or retiring), contact your investment provider(s) to ensure timely processing of distributions or payout options, as well as to arrange for tax deferral of any pending annual and/or sick leave terminal payments, if desired. In the case of separation from state government or retirement, it is also important to contact your credit union or other banking institution about the settlement of any savings and/or loan accounts you currently maintain through payroll deduction.

## **J. Exit Interview**

Exit interviews are used to collect feedback from employees who separate in order to promote continuous quality improvement. Ask your supervisor or Circuit HR Liaison about any exit interview process in which you may be asked to participate.

## **K. Layoffs**

Layoffs occur when the Program deletes positions, either filled or vacant, due to budget cuts, program reductions resulting from outsourcing or privatization efforts, or program phase-outs. Accordingly, the Statewide Office develops workforce transition plans to outline how the layoff will be implemented and to ensure that all reasonable efforts are made to assist adversely affected employees through the process.



## IV. COMPENSATION

The following information about compensation (pay) is summary in nature and not intended to address all situations or circumstances. For complete information, please refer to appropriate Florida Statutes, Florida Administrative Code (rules), federal codes and the GAL Classification and Pay Plan. If any information in this Handbook conflicts with the Florida Statutes, rules, federal codes, or official pay plan documents, those statutes, rules, codes, or pay plan documents are the final authority.

### A. Compensation for Hours Worked and Overtime

Included employees (such as administrative professionals, child advocate managers, recruiters, trainers, and administrative assistants) are paid at their straight time regular rate of pay for the first 40 hours of work in the workweek, including holidays and leave with pay. The Program requires included employees to “flex out” hours in excess of the 40-hour workweek, whenever possible, in order to avoid the accrual of compensatory leave.

Additional hours worked by included employees shall be compensated in accordance with the following provisions:

1. An employee who is filling an included position shall be granted Compensatory Leave credits on a time and one-half basis for hours required to be worked in excess of the normal work period, or be awarded Special Compensatory Leave credits at straight time during weeks with holidays or Administrative Leave where the employee does not physically work over 40 hours.
2. Cash payment shall be made for unused Compensatory Leave credits upon separation, or at the discretion of the Executive Director.

OPS employees are not eligible to accrue compensatory leave credits.

Excluded employees (such as attorneys, Circuit Directors and Regional Directors) are not eligible for overtime pay.

Additional hours worked by excluded employees shall be compensated in accordance with the following provisions:

1. Earning Leave:
  - a) Excluded employees shall be granted regular Compensatory Leave credits on an hour-for-hour basis for hours required to be worked in excess of the regular work period provided.
  - b) Extra hours worked in a workday can be offset within the same work period.
2. Use of Leave:
  - a) Every reasonable effort should be made to allow employees to use earned Compensatory Leave credits.
  - b) Regular Compensatory Leave credits may be used in any increments if mutually agreed to by the employee and the appropriate supervisor. If such mutual agreement is not reached, the supervisor may, with a minimum of five workdays notice, require the employee to use such credits at any time.

Payment for Compensatory Leave – Excluded employees will not be paid for Compensatory Leave credits not used.

## **B. Rate of Pay**

The base rate of pay is the rate of pay (monthly) that employees earn and which does not include any additives or incentive payments. Employees may receive a salary increase to their base rate of pay at any time based upon justification in accordance with Program policy and provided funds are available and the increase is not prohibited by law.

Program employees may receive a “salary additive” to their base rate of pay under certain circumstances, as described below:

1. *Lead worker Additive* – The Program may approve this additive for individuals with sufficient knowledge and experience to lead others when assigned such responsibilities on a continuing basis. The leadership does not include evaluating other’s performance or administering disciplinary actions, and it does not justify reclassification. Duties must be reflected on the position description and paid in accordance with the GAL Classification and Pay Plan.
2. *Temporary Special Duty Additive* – The Program may approve this additive when an employee has been assigned temporary duties and responsibilities not customarily assigned to the position.
3. *Competitive Area Differential Additive* – This additive is justified for specific positions within an agency when it can be demonstrated that the additive is based on geographical, localized recruitment, turnover, or competitive pay problems. If requested by the Program, this additive may apply to positions with similar duties and responsibilities in the approved broadband level within the geographical area for which the additive is approved.

Salary additives will be discontinued once the qualifying condition no longer exists. Contact the HR Office for more information on salary additives.

## **C. Dual Employment and Dual Compensation within State Government**

To be employed or compensated by more than one state agency or hold more than one state job, an employee must:

- Complete a Dual Employment and Compensation Request form, and
- Obtain Program approval prior to engaging in any secondary employment with another state agency.

Contact your Circuit HR Liaison or the State HR Office for more information.

## **D. Additional Employment Outside State Government**

To ensure that additional employment outside state government does not conflict with the Code of Ethics identified in Chapter 112, Florida Statutes, the Statewide Office requires employees to obtain approval prior to holding additional outside employment. To request approval an employee should refer to the Statewide Office Policy Additional Employment Outside of State Government.

## V. STATE GROUP INSURANCE PROGRAM BENEFITS

The following benefit information is summary in nature and not intended to address all situations or circumstances. For complete information, please contact the State HR Office or refer to appropriate Florida Statutes, Florida Administrative Code (rules), federal codes and applicable plan documents. If any information in this Handbook conflicts with the Florida Statutes, rules, federal codes, or official plan documents, those statutes, rules, codes, or official plan documents are the final authority.

Active employees and OPS employees who work 30 hours or more on average per week may participate in the State Group Insurance Program health and life insurance plans, as well as a variety of supplemental insurance plans, including vision, dental, cancer, intensive care, accident, and accident and disability. Employee premium contributions for many of these plans are deducted on a pre-tax basis. Additional tax-saving benefits available to active employees include the Medical and Dependent Care Reimbursement Accounts and Health Savings Account (if enrolled in the Health Investor Health Plan).

Newly hired employees wishing to participate in any of the benefit plans/programs offered must enroll within 60 days of their date of hire or they will not be able to enroll until the next scheduled annual open enrollment period, unless they experience a Qualifying Status Change (QSC) event. The most common QSC's are marriage, divorce, death, adoption, birth, moving out of a Health Maintenance Organization (HMO) service area and dependent/spouse's loss of coverage. New benefit elections must be made within 31 days of the QSC. Supporting documentation is required and must be submitted within 60 days. Current employees may only change benefits elections during the annual open enrollment period, or if they experience a QSC event.

For additional information concerning program options or enrollment and eligibility, visit [www.MyFlorida.com/MyBenefits](http://www.MyFlorida.com/MyBenefits) or call the People First Service Center at (866) 663-4735. For information about plan coverage, contact the insurance company directly or refer to plan documents. Contact information and certificates of coverage are located at [www.MyFlorida.com/MyBenefits](http://www.MyFlorida.com/MyBenefits).

### A. Health Insurance

The State of Florida offers all eligible employees and OPS employees who work 30 hours or more on average per week the option to participate in the State Group Health Insurance Program, which offers four health insurance plan options on a pre-tax basis. These options are a Preferred Provider Organization (PPO) Standard Plan, a PPO Health Investor Plan (High Deductible) with a Health Savings Account option, or, where available, a HMO Standard Plan or an HMO Health Investor Plan, with a Health Savings Account option. These plans provide enrollees access to a variety of services such as physician care, inpatient hospitalization, outpatient services, and prescription drugs. The PPO plan options are available nationwide while HMO options are available only to employees that live or work in a participating HMO service area.

Full-time employee premium contributions vary by enrollment tier (Individual vs. Family), and plan option (PPO and HMO Standard Plan vs. PPO and HMO Health Investor Plan). The State of Florida contributes the major portion of a full-time Program employee's premium for these health plans. Employee premium contributions required for part-time employees are higher and depend on the percentage of their full-time equivalent employment status. Health insurance

premiums are payroll deducted on a monthly basis. One monthly deduction is required to collect a full month's premium. Payroll deducted health insurance premiums pay for the following month's coverage. Unless specifically waived, premiums are deducted on a pre-tax basis. Management employees receive health insurance coverage at a reduced premium cost.

## **B. Life Insurance**

The Program offers all eligible employees term life insurance, including an accidental death and dismemberment benefit. A free Basic Life benefit of \$25,000 is available to all full-time employees (part-time employees pay prorated premiums based on their percentage of an FTE). Enrollment for full-time new hires is automatic. The basic and optional life insurance coverage includes an additional benefit for accidental death and dismemberment coverage.

Any Program employee participating in the State Group Life Insurance Program may elect to participate in the Optional Group Life Insurance Plan. The Optional Group Life Insurance Plan is a salary-multiple life insurance plan; employees can purchase additional term life insurance – from 1 to 7 times base earnings, up to a maximum optional coverage benefit of \$1,000,000. Medical underwriting may be required. There is no minimal life insurance amount. Premiums are fully paid by the employee on a post-tax basis. At the time the employee is first eligible, they may purchase coverage from one to five times their base annual earnings on a guaranteed-issue basis (without medical underwriting).

The Accelerated Death Benefit, or “living benefit option,” may provide covered members an advance benefit in the event of a terminal illness diagnosis that will result in death within a one-year period. Upon death, the balance of the life insurance benefit, if any, will be paid to the named beneficiaries.

If life insurance coverage is discontinued due to termination of employment with the state, retirement or an employee becoming ineligible for coverage, the employee has the option of converting some or all of the life insurance to an individual contract.

## **C. Supplemental Insurance**

The Program offers all eligible employees the opportunity to participate in a number of optional “employee-pay-all” supplemental insurance plans, and to have the premium payments for these plans deducted on a pre-tax basis. The following products are offered by various supplemental insurance companies: vision care insurance, dental insurance, supplemental hospitalization insurance, cancer and cancer/intensive care insurance, and accident and accident/disability insurance. Some insurance plans require medical underwriting, and enrollment is subject to approval by the supplemental insurance carrier. There may be a number of options within a type of supplemental insurance, allowing employees to choose between several different types of coverage for different premium payments.

## **D. Flexible Spending Accounts**

The Program offers all eligible employees the opportunity to participate in the Flexible Spending Accounts (FSA) Program where a portion of income may be set aside to pay for non-reimbursed and eligible health and dependent care expenses through “medical reimbursement accounts” and “dependent care reimbursement accounts.” Money is deducted pre-tax from each participant's paycheck throughout the plan year and credited to the account(s) sheltering those

funds from federal income and Social Security taxation. Funds cannot be transferred between accounts.

Sections 125 and 129 Internal Revenue Code and Chapter 60P, Florida Administrative Code govern administration of this program. Unless the participant experiences a QSC event, federal and state laws do not allow any change in the amount deducted from the paycheck during the year, and any unused balance in the account after April 15<sup>th</sup> of the following year will be forfeited.

#### **E. Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)**

Employees and their dependents that would otherwise lose insurance coverage in any State Group Insurance Program health, and/or dental, and/or vision plan because of a “qualifying status event” are eligible for continuation coverage under the state’s group policy pursuant to the federal COBRA law. COBRA provides continuation coverage equal to the coverage applicable to active employees for a limited time period. Employees must pay the full premium amount and administrative costs.

#### **F. Continuation of Health and Life Coverage for Retirees**

Retired state employees and officers, as defined in Section 110.123(2) (g), Florida Statutes, may elect to continue state group health and life insurance at their time of retirement. Such coverage may be maintained for life, but retirees must pay the full premium amount and once they (and/or their spouses) become Medicare eligible, Medicare becomes the primary plan for health insurance purposes. Retirees may also continue other health plans (for example dental coverage) under the provisions of COBRA. Retirees may also continue the full amount of their active employee basic life coverage and/or optional life coverage by requesting conversion of the policy to an individual policy within 31 days after active employment terminates.

If an employee terminates or retires due to total disability and remains totally disabled for a period of at least nine months, the employee can apply for a “Waiver of Premium for Total Disability”.

#### **G. Continuation of Health Coverage for Surviving Spouses**

The surviving spouse may participate in the health program with family coverage if there are eligible children to be covered; otherwise, the surviving spouse may only participate under individual coverage. A surviving spouse who remarries is not eligible to continue in the health program as a surviving spouse.



## **VI. OTHER STATE SPONSORED BENEFITS AND PROGRAMS**

### **A. Deferred Compensation**

The State of Florida has established a Deferred Compensation Plan to allow employees to set aside a portion of their salary (either a set amount or a percentage) and receive its value when they separate from state employment. Program employees may participate in the State's Deferred Compensation Plan. The amount of current earnings deferred is not considered income for federal tax purposes until its value is paid out to the employee. This supplemental income will complement the employee's social security benefits and Florida Retirement System benefits. A list of the Deferred Compensation providers can be obtained from the Florida Department of Financial Services, Bureau of Deferred Compensation, at [www.myfloridadeferredcomp.com](http://www.myfloridadeferredcomp.com).

### **B. Direct Deposit**

Effective January 1, 2002, Florida law requires that all state employees, with the exception of OPS employees, have their paychecks directly deposited to their financial institution by means of Electronic Funds Transfer as a condition of employment. Exemptions are granted by the Department of Financial Services and may be requested when the employee can demonstrate a hardship. New employees are required to submit a completed Authorization for Direct Deposit within the first 30 days of employment through the personnel office. OPS employees may opt into the Direct Deposit program. Contact your HR Office for details. [Section 110.113, Florida Statutes]

### **C. Florida State Employees' Charitable Campaign (FSECC)**

The FSECC is an annual organized event during which employees can donate to eligible charities of their choice, either through payroll deduction or a one-time gift. Employees are encouraged to use payroll deduction, which allows them a full calendar year to finance their gift with small payments. The FSECC is the only authorized solicitation of state employees allowed at the workplace during work hours. Employee contributions to the FSECC and participation in any FSECC fund raising event are entirely voluntary.

### **D. Telecommuting Program**

Telecommuting is a work arrangement whereby employees may be allowed to perform the normal duties and responsibilities of their positions through the use of telecommunications, at home or another place apart from the employee's usual place of work. Telecommuting offers several potential benefits which include the reduced need for office space, employee savings on commuting expenses, and improved employee satisfaction due to increased flexibility.

Employees interested in telecommuting should follow the GAL's established procedures for initiating a request to telecommute. Employees who telecommute, in coordination with their supervisors, must develop a telecommuting agreement signed by the employee and an agency representative, outlining the work policies, schedules and expectations of the telecommuting arrangement. Approval to telecommute is based on employee duties and the needs of the State and may be rescinded at any time. [Section 110.171, Florida Statutes]

## **E. Reemployment Assistance Benefits**

An employee who is laid off or terminated through no fault of his/her own may be entitled to reemployment assistance benefits. If an employee is laid off or terminated under these conditions, he/she may contact the nearest Reemployment Assistance Office in the Department of Economic Opportunity. For additional information, please visit the Web site at: <http://www.floridajobs.org/job-seekers-community-services>.

## **F. Workers' Compensation**

The State of Florida is self-insured for workers' compensation insurance coverage. The Division of Risk Management (DRM), Department of Financial Services, administers this self-insured program under the provisions of Chapter 284, Florida Statutes.

All employees of the State of Florida are covered under the DRM workers' compensation program from their first day on the job. That includes full-time, part-time, and OPS employees.

If you are injured on the job, you should notify your immediate supervisor or designee as soon as possible to ensure you receive proper medical attention. The State of Florida currently contracts for medical case management with AmeriSys. Claims should be reported promptly or at least within 30 days of the injury or accident. Failure to do so may result in your claim being denied.

### **Steps for Claims Reporting:**

- Report all claims to AmeriSys at **1-800-455-2079**.
- In a medical emergency, transport the injured employee to the nearest medical facility or call 911 for emergency assistance.
- Following the arrangement of emergency medical treatment for the injured employee, contact AmeriSys at **1-800-455-2079**.
- If the injury does not require emergency treatment, contact AmeriSys at 1-800-455-2079 immediately and prior to obtaining medical treatment.
- AmeriSys will refer the injured employee to an appropriate medical provider from the AmeriSys clinician panel. AmeriSys provides this service 24-hours a day, seven days a week, 365 days a year.

## **G. Voluntary Insurance Plans through Payroll Deduction**

The Program authorizes a variety of miscellaneous payroll deductions. Contact the Human Resources Office for information on authorized deductions.

## VII. RETIREMENT

All new Statewide Office employees are automatically enrolled in the state-sponsored Florida Retirement System (FRS) and covered by federal Social Security. The FRS is a single retirement system consisting of two primary retirement plans and other nonintegrated programs administered under Chapter 121, Florida Statutes. It is designed to provide retirement, total and permanent disability, and survivor benefits to participating state and local government employees. The primary plans are a defined benefit plan known as the FRS Pension Plan and a defined contribution plan known as the FRS Investment Plan. Program employees participate in the Regular membership class. The FRS is a contributory retirement system, which means that the employee is required to pay 3% (subject to change based on legislative action) of their base rate of pay on a pretax basis. A new employee has a choice to participate in the FRS Pension Plan or the FRS Investment Plan. Information on both plans is available on the DMS website at [www.myFRS.com](http://www.myFRS.com). OPS employees are not covered by the retirement system, nor do they pay into the social security system.



## **VIII. ATTENDANCE AND LEAVE**

### **A. Attendance**

Employees are required to be present on their assigned jobs for the total hours in the established workday or work period unless the supervisor authorizes absence from duty. Employees who expect to be absent from work for any reason should request approval from the supervisor as much in advance as possible. When an employee will be late to or absent from work, the supervisor is to be notified in accordance with the established procedure of the employee's circuit office. Absences without authorization will result in leave without pay and may be cause for disciplinary action, up to and including dismissal.

### **B. Work Schedules**

Standard business/office hours are from 8 a.m. to 5 p.m., Monday through Friday, unless otherwise approved. Each circuit office may set regular and/or flexible work schedules (including break times) specific to the local needs or requirements. The supervisor establishes employee daily work schedules, and all deviations in the schedule require the supervisor's prior approval. When workload permits, two rest breaks of 15 minutes may be taken during an eight-hour day. Breaks are to be observed according to the procedure of the work unit to which the employee is assigned, and breaks may not be combined or accumulated to cover a late arrival, early departure or extended lunch.

The Program recognizes that there may be circumstances where modified work schedules would be beneficial to employees. The supervisor may consider an employee's request to vary the eight-hour workday schedule (arrival/departure). Such flexible work schedules may consist of more or less than an eight-hour workday and may be approved if consistent with the Program's policy. An employee should consult with the supervisor or the HR Office for more information regarding flexible schedules.

### **C. Employee Attendance and Leave Reporting**

An accurate daily record of all hours worked and leave taken must be kept. When completing a timesheet, an employee should round all hours worked and leave taken to the nearest one-quarter of an hour. Falsification of an attendance and leave report is grounds for disciplinary action, up to and including dismissal.

At the end of the pay period, each employee should total his or her work and leave hours, certify the accuracy of the timesheet, and submit it to his or her immediate supervisor.

Employees must report all hours worked. Employees may not volunteer to do their job duties after hours or on weekends. Failure to adhere to these requirements may be cause for disciplinary action, up to and including dismissal.

### **D. Holidays**

The following are State paid holidays, as provided by Section 110.117, Florida Statutes:

- New Year's Day – January 1
- Birthday of Martin Luther King Jr. – Third Monday in January

- Memorial Day – Last Monday in May
- Independence Day – July 4
- Labor Day – First Monday in September
- Veterans Day – November 11
- Thanksgiving Day – Fourth Thursday in November
- Friday after Thanksgiving Day
- Christmas Day – December 25

Holidays that fall on Saturday will be observed on the Friday before, and those that fall on Sunday will be observed on the Monday after. If the holiday is observed on the employee's established workday, the employee will be credited with a holiday equal to the hours in the employee's established workday, unless the holiday falls on an established workday of less than eight hours, in which case the employee will be credited with an eight-hour holiday. However, if the holiday is observed on the employee's established day off, the employee will be credited with an eight-hour holiday.

When Statewide Office employees must work on a holiday or extra hours during a holiday workweek or work period, they will be credited with Compensatory Leave credits consistent with the policies within this Handbook and the GAL Pay Plan. These credits will be granted if the employee did not use leave during the work period. Compensatory Leave credits may not exceed the number of hours in the employee's established workweek.

Employees filling an authorized position receive a personal holiday when they are hired and every July 1 thereafter. Part-time employees receive a prorated personal holiday (see formula). The personal holiday must be taken at one time prior to June 30 of each year; otherwise the employee will lose the personal holiday. Employees should request approval from their supervisors prior to using the personal holiday. The personal holiday has no cash value, and compensatory leave credits may not be earned during the same work period in which the personal holiday is observed. OPS employees do not receive a personal holiday.

Personal holidays are pro-rated for part-time employees using the following formula:

$$\% \text{ FTE worked} \times 8 \text{ hours} = \text{number of hours for Personal Holiday}$$

The Program observes three additional discretionary holidays each year. Staff should check with their supervisor or the circuit HR Liaison for a list of discretionary holidays in his/her circuit.

## **E. General Leave Overview**

The use of annual, compensatory, administrative, some forms of sick leave and the personal holiday require prior approval. Failure to obtain prior approval for use of leave may subject the employee to disciplinary action up to and including dismissal. Upon reasonable notice the Program may compel the use of all or part of an employee's accumulated annual, sick or

compensatory leave credits based on Program needs. The Program also requires an employee to use accumulated compensatory leave credits prior to using other types of leave, with the exception of sick leave. Furthermore, the Program may send an employee home and compel the employee to use his/her accumulated sick leave under certain circumstances where management, in good faith, has reason to believe the sick employee's health condition is an immediate threat to the health of other employees, clients, or the good working order of the office.

Leave must be earned before it is taken. Leave must be taken in increments of 15 minutes or more (rounded to the nearest quarter hour). Only the amount of leave necessary to bring the employee to full pay status may be taken. Leave may not be used to exceed the number of hours in an employee's scheduled work period.

**F. Annual Leave**

Annual leave is used to provide periods of rest, relaxation, vacation, and to conduct personal business. Before taking annual leave, the employee must submit a request for supervisor approval. Annual leave may be denied if the employee's absence would adversely affect the work unit.

Full time included and excluded non-managerial employees earn annual leave as follows.

<u>Creditable Service</u>	<u>Hours Earned Monthly</u>	<u>Hours Earned Monthly</u>
Up to five years (through 60 months)	8 hours, 40 minutes	8.667
Five to 10 years (61 through 120 months)	10 hours, 50 minutes	10.833
Over 10 years (Over 120 months)	13 hours, 00 minutes	13

Part-time employees earn credits proportionate to time worked during the pay period. Excluded managerial employees earn annual leave at the rate of 20 hours each month. All previous state government creditable service may be counted immediately upon employment with the Program for the purpose of determining eligibility to earn higher annual leave credits. Annual leave is credited to an employee's balance at the close of business on the last day of the pay period or, in the case of separation, the last day on the payroll. Annual leave is not available for use prior to being credited. These credits are earned on a pro-rated basis for employees who work less than a full pay period due to initial employment, separation or leave of absence without pay. Employees may carry annual leave balances over 360 hours *during* the calendar year. However, at the close of business on December 31 of each calendar year, annual leave hours in excess of 360 hours will be converted to sick leave on an hour-for-hour basis.

**G. Sick Leave**

Employees must receive prior approval to use sick leave if a medical appointment is necessary during work hours. Sick leave may be used for the following reasons:

1. Personal illness (including maternity-related disability), injury or exposure to a contagious disease which would endanger others; or

2. Personal appointments with a doctor, dentist or other recognized medical practitioner; or
3. Illness, injury or well care checkups of the following family members when the employee's presence is necessary: employee's spouse, children or parents of the employee or spouse, stepchildren, stepparents, or a person for whom the employee or spouse has a "caretaker" responsibility. "Caretaker" is defined as someone for whom you or your spouse are the primary providers of direct care when that person is ill, injured, or requires well-care checkups (grandparents, sisters, brothers, and grandchildren of you and your spouse) and those for whom you or your spouse have legal responsibility or guardianship.

Use of sick leave for any other purpose may subject the employee to disciplinary action up to and including dismissal. After three workdays or partial workdays of absence in any 30-calendar day period, the supervisor may require medical certification before approving additional sick leave.

All full-time employees earn sick leave at a rate of eight (8) hours and 40 minutes each monthly period. Part-time employees earn credits proportionate to time worked. Sick leave is credited to an employee's balance at the close of business on the last day of the pay period or, in the case of separation, the last day on the payroll, and is not available for use prior to being credited. There is no limit to the number of hours of sick leave that may be accrued. Sick leave credits are earned on a pro-rated basis for employees who work less than a full pay period due to initial employment, separation or leave of absence without pay.

#### **H. Sick Leave Transfer Plan**

The Program has procedures for applying for and approving GAL employees to donate and receive Sick Leave credits. The State Human Resources Office administers the Sick Leave Transfer Plan and ensures compliance with the policy. For more information regarding the requirements for participation in the Sick Leave Transfer Plan, please contact your circuit HR Liaison or the Human Resources Office.

Employees wishing to donate sick leave credits must have been employed by the GAL Program for at least 12 months, and must retain a balance of at least 80 hours after the transfer is made. Employees may donate a maximum of 24 hours of sick leave per incident. An employee requesting sick leave donations may receive no more than 12 weeks of donated sick leave (480 hours). Participation in the Sick Leave Transfer Plan shall at all times be voluntary. Employees who attempt to coerce or pressure another employee to donate Sick Leave, or employees otherwise found to have abused the Sick Leave Transfer Plan, shall be subject to disciplinary action.

#### **I. Leave Payment upon Separation from Service**

1. Criteria for payment of terminal annual leave credits:

An employee can be paid for unused annual leave upon terminal separation after a 31-day break in service for the Program. Employees electing to participate in DROP may request payment for up to 240 hours of accrued annual leave at the time of entry into DROP. Payment cannot exceed a lifetime cap of 240 hours and will be paid at the employee's current rate of pay. In the event of death, there is no cap and all unused annual leave will be paid to the employee's beneficiary, estate or as provided by law. Grandfathered employees who transferred from the

court system on January 1, 2004, and have worked continuously since that time may be paid for up to 360 hours of annual leave.

2. An employee can be paid for a portion of their unused sick leave credits upon terminal separation as provided for in the GAL Pay Plan under the following conditions:
  - Must have completed 10 or more years of creditable state service.
  - Has not been found guilty or has not admitted to being guilty of any disqualifying act as defined in the GAL Pay Plan
  - Separates from state government because of retirement for “other than” disability reasons, termination, or death. In the case of a death payment, accrued unused Sick Leave credits shall be made to the employee’s beneficiary, estate, or as otherwise provided by law.
  - Payment is made at the employee’s current hourly regular rate of pay for one-fourth (1/4) of all unused sick leave accrued on or after October 1, 1973, not to exceed 480 hours, plus one-eighth (1/8) of any unused sick leave credits accrued before October 1, 1973.

3. Criteria for payment of unused compensatory leave credits:

For included employees, cash payment will be made for unused Compensatory Leave credits upon separation. For more information regarding payment of unused leave credits contact the HR Office.

## **J. Administrative Leave**

Administrative leave is leave with pay that is not taken from an employee’s personal leave balance and is available to all Program employees. Approval of administrative leave is limited to an amount necessary to bring the employee to full pay status for the work period. In no case can approval of administrative leave cause the employee to exceed the number of hours in the employee’s scheduled work period.

Prior approval by the supervisor is required. Examples of the types of Administrative Leave and how it may be used are listed below:

- Jury Duty (documentation required)
- Subpoena for a court appearance to provide non-expert testimony in non-personal litigation (documentation required)
- Voting (up to two hours if the employee lives sufficient distance to require it)
- Meetings and conferences that will contribute to the effectiveness of the individual’s employment
- Disaster Service Volunteers (when the Governor declares an emergency by Executive Order; the leave must be approved by the Executive Director)
- Formal agency investigation for violation of a rule or statute, for which dismissal may be a penalty

- Athletic Competition for World, Pan Am or Olympic level sports (documentation required)
- Visitation to Child's School or Day care/Parent Teacher Conferences (one hour a month)
- Death in Immediate Family (three days for death of any member of the employee's immediate family)
- Governor's Mentoring Initiative (one hour of administrative leave per week, not to exceed five hours per calendar month, to participate in school or community volunteer activities)
- Office Closures (as authorized by the Governor or Executive Director)
- Interviews and Examinations for State Personnel System Vacancies (up to two hours)
- Examinations for Military Service (documentation required)

#### **K. Disability Leave**

The supervisor or employee should immediately notify the Human Resources Office of all periods of disability due to an on-the-job injury. For employees who suffer a documented on-the-job injury/illness compensable under the Workers' Compensation Law, leave with pay is provided as follows:

- To cover the initial period, not to exceed seven (7) calendar days or a maximum of 40 hours of absence needed to obtain medical treatment/therapy or to recuperate from the injury/illness.
- To cover up to an additional 48 hours of absence needed to attend medical/therapy appointments that occur after the employee has returned to work, provided that the employee has presented written confirmation from the authorized worker's compensation medical provider and the initial 40 hours have been exhausted.

#### **L. Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) allows employees to take up to 12 work weeks of paid or unpaid job-protected leave within a 12-month period for one of the following reasons (FMLA-qualifying events):

1. the birth of the employee's child and to care for the newborn child;
2. the placement of a child with the employee for adoption or foster care;
3. the employee is needed to care for a family member (child, spouse or parent) with a serious health condition;
4. the employee's own serious health condition makes the employee unable to perform the functions of his/her job; or

5. a qualifying exigency (as defined by the U.S. Department of Labor) arising from a spouse, child, or parent's call to active military duty in support of a contingency operation.

In addition, an employee who is the spouse, parent, child, or next of kin of a current member of the armed forces (including the regular armed forces) who was injured while on active duty, may be eligible for up to 26 weeks of FMLA leave in a 12-month period. The 26 weeks of leave allowed includes the types of leave above.

To be eligible for FMLA, employees must have been employed by the state for at least 12 months. They must also have worked for at least 1,250 hours during the 12-month period immediately before the start of their leave.

An employee must provide at least 30 days advance notice, or as much notice as practicable, before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member. An employee will provide at least verbal notice sufficient to make the employer aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. FMLA leave for the birth or placement of a child for adoption or foster care expires 12 months from the date of the birth or placement. When the approximate timing of the need for leave is not foreseeable, an employee should give notice of the need for FMLA leave as soon as practicable under the facts and circumstances of the particular case. The employee must comply with all other requirements contained in the FMLA implementing regulations.

In certain circumstances, the agency may determine that a medical absence is qualified for FMLA. In such cases, the agency will notify the employee that FMLA is being applied.

During any period that an employee is on FMLA leave, the employee's State of Florida group health insurance benefits and state-approved life insurance or supplemental insurance plans will continue under the same terms and conditions as if the employee had been continuously working during the FMLA leave period.

If the employee elects not to use accrued leave to cover any part of a family medical leave of absence, the employee will be placed on authorized leave without pay status. An employee on authorized leave without pay status is responsible for coordinating payment of payroll deductions with the HR Office to ensure continuation of state-administered health care coverage, where necessary.

Consult with the HR Office for assistance in processing a family medical leave of absence request, leave use options and benefit continuation. Additional information on eligibility requirements for FMLA is available on the federal Department of Labor's website.

## **M. Military Leave**

The National Defense Authorization Act of 2008 amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. This Act's amendments also include the allowance of eligible employees to take up to 26 weeks of job-protected leave in a single "12-month period" to care for a covered service member with a serious injury or illness. In addition, leaves of absence for military

service will be granted pursuant to the provisions of Sections 115.09, 115.14 and 250.48, Florida Statutes. All such leaves of absence will be verified by official orders or appropriate military certification submitted to the supervisor and/or agency personnel office. Please see the FMLA section of this Handbook for more detailed information.

An employee called to active duty will automatically continue coverage in any benefit plans the employee was enrolled in at the time of reporting for active duty, unless coverage is cancelled. For health and basic life, the employer will continue to pay the state share of the premiums for that coverage.

The employee will continue to be responsible for any amount that the employee had been paying, whether through continued payroll deductions or by personal check or money order. If payments are to be made, employees should make the personal check or money order payable to the Division of State Group Insurance and coordinate the payment through the Human Resources Office.

If the employee participates in a plan outside of the State Group Insurance Program (i.e., agency contracted plans), the Human Resources Office will work with the employee to determine payment options and how to remit payment.

Reservists called to active military service must notify the Program within 90 days from the date of discharge from active service. The employee or his/her power of attorney is responsible for notifying the Program of the last day of active duty.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of State employees (including part-time and probationary employees) who voluntarily or involuntarily leave employment positions to undertake military service.

Further information regarding employment and reemployment rights under USERRA can be found on the Department of Labor's Web site at <http://www.dol.gov/compliance/laws/comp-userra.htm>.

Additional detailed information can be found in the Active Duty Military Leave of Absence Guidelines on the Division of Human Resource Management's Web site, at [http://dms.myflorida.com/human\\_resource\\_support/human\\_resource\\_management/for\\_state\\_hr\\_practitioners/hrm\\_correspondence/program\\_guidelines](http://dms.myflorida.com/human_resource_support/human_resource_management/for_state_hr_practitioners/hrm_correspondence/program_guidelines).

In addition, employees who are in the military reserves or the National Guard shall be entitled to leaves of absence for training purposes, in accordance with Section 115.07, Florida Statutes.

Employees who have questions about military service and leave should contact the State HR Office.

## **N. Other Leave Without Pay**

An employee may be granted a leave without pay for up to 12 calendar months provided the absence is deemed justified and not detrimental to the operations of the employee's work unit. Under these circumstances, the GAL Program may approve the use of intermittent leave credits to maintain state benefits.

## **O. Unauthorized Leave**

An employee who is absent without authorization will be placed on leave without pay and may be subject to appropriate disciplinary action, up to and including termination. The unauthorized absence by an employee from the employee's position for three consecutive work days shall be considered a voluntary resignation.



## **IX. TRAINING**

### **A. Pre-service and In-service Training**

Training is the process of providing or making available to employees coordinated programs and courses, which directly relate to the performance of official duties. Training enables employees to improve their knowledge, skills and abilities, improving the products and services provided to our customers. All professional employees of the GAL Program are required to successfully complete the pre-service certification course prescribed by the Guardian ad Litem Office. Requests for in-service training can be initiated by the supervisor or by the employee.

### **B. Tuition Waiver Program**

Section 1009.265, Florida Statutes, authorizes full-time state employees to enroll at a state university or community college for up to six credit hours of tuition-free courses per term on a space available basis. There is no requirement that courses be job-related, but each school has its own rules regarding which courses are available under this program.

Employees usually attend classes after hours, but if the class is during normal working hours, (as approved by the immediate supervisor), the employee will be required to either make up work time or use annual or compensatory leave. In no case are the hours spent in class counted as "time worked."

Pursuant to 26 U.S. Code 127, the first \$5,250 in educational assistance provided per plan year under the program qualifies for tax-free treatment. Any educational assistance provided to an employee under the program, which is valued in excess of \$5,250, will be reported to the Internal Revenue Service.

Part-time employees are not eligible to participate in this program. Additional information on the Tuition Waiver Program information may be obtained by contacting the GAL HR Office.

### **C. ADA Training**

All GAL employees must review and be familiar with the Program's policies on Equal Employment Opportunity and the Americans with Disabilities Act, as well as a training PowerPoint presentation within the first seven days of being hired. The purpose of this review is to ensure that all employees understand the GAL Program's position on non-discrimination and are aware of how to contact the EEO Ombudsman to request special supports, services and accommodations, or file a complaint of discrimination.



## **X. GENERAL INFORMATION**

### **A. Personal Appearance/Dress Code**

Employees are expected to be neat and clean in appearance and dress appropriately for office, court or public contact. Additional requirements may be established by each Circuit Director and Supervising Attorney.

### **B. Parking**

The rules for employee parking depend upon the location of employment. Some office locations have specific parking and traffic regulations. Disabled parking areas should not be utilized unless authorized. In some cases, employees may have to pay for parking or search for other on-site or off-site parking alternatives. For additional information on parking, contact your supervisor or the Circuit HR Liaison.

### **C. Smoking Policy**

Smoking is not allowed in any state owned or leased building. There are designated smoking areas outside most state buildings. Any employee who violates this policy is guilty of a non-criminal violation, punishable by disciplinary action, up to and including dismissal, and/or a fine. Employees housed in county buildings must follow the county policies on this matter.

### **D. Internet/E-mail/Social Media**

Most employees of the Program are provided with computers that enable them to send and receive electronic-mail (e-mail) and access the Internet to assist in the performance of their job duties. It is expected that all employees will use these systems for appropriate purposes. The Internet may not be accessed at any time to gamble or engage in other illegal activities or to view, display, store, download, transmit, or receive any material that is fraudulent, harassing, sexually explicit, profane, obscene, defamatory, or otherwise unlawful, including offensive material concerning gender, race, color, national origin, religion, age, disability or other characteristic protected by law, regardless of intent. Employees may not post confidential information concerning program clients, employees or volunteers on social media nor may they post material that is detrimental to the Program. Violation of this policy may result in disciplinary action, up to and including dismissal. Additionally, the Program may restrict the use of state equipment in its policies.

### **E. Information Security/Passwords**

It is the employee's responsibility to make every effort to protect the information resources available to them. Each employee is responsible for their computer and/or passwords assigned to him/her for their use and security.

No employee is authorized to arbitrarily grant access to use any information resource or computer without a specific need and permission to do so. Authorized access may be requested through an employee's supervisor or owner of the system.

The requirements for protection of information processed and stored by the state are outlined in section 839.26, Florida Statutes. Any employee engaging in unauthorized use, disclosure,

alteration, or destruction of data in violation of these statutes will be subject to appropriate disciplinary action, up to and including dismissal.

The following are recommendations to assist employees in maintaining the security of information resources:

- In order to provide accountability, passwords should be individually owned rather than owned by a group.
- Your password is personal, keep it private! Never write passwords down or share with another individual.
- **PASSWORDS SHOULD NEVER BE SAVED IN MEMORY!** Do not store your password on your computer.
- Passwords should be changed every 90 days.
- If permitted by the system, passwords should be at least eight characters in length. Passwords for critical systems should be longer, if permitted by the system.
- If permitted by the system, passwords should be composed of a combination of upper and lower case alpha characters (a or A to z or Z) and numbers (0 to 9) as well as special characters (!@#\$%^&\*()\_+|~-=\`{}[]:~;"'<>?,./)
- A best practice for password creation is to not use names or birth dates of family members or any words found in the dictionary.
- When you leave your desk, log out or use a password-locked screensaver to obscure the normal display of your monitor. This prevents a logged-in system from being accessed by unauthorized individuals, protects you from an e-mail being sent "from you" without your knowledge, protects the information stored on your computer, and also hides the work currently being done from passers-by.
- When not in use, keep removable storage media and paper documents containing information that should be protected from disclosure in a secure place.

Report suspected computer security incidents such as viruses, unauthorized disclosure or inappropriate use to the information technology office.

## **F. Travel**

1. There are three classes of travel that are utilized by employees when traveling on state business: Class A, Class B, and Class C.
  - Class A Travel is continuous travel of 24 hours or more away from the official headquarters.
  - Class B Travel is continuous travel of less than 24 hours requiring overnight absence from the official headquarters.

- Class C Travel is for short or day trips that do not involve overnight absences from official headquarters. A state traveler shall neither be reimbursed for Class C Travel on a per diem basis nor shall a traveler receive a meal allowance.
2. All Class A and Class B travelers are allowed subsistence when traveling to a convention, conference or on bona fide state business within or outside the state. The following options are available for each day of such travel:
    - a. Eighty dollars (\$80.00) per diem; or
    - b. If actual expenses exceed \$80.00, the following amounts for meals, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills:
      - i. Breakfast - \$6.00
      - ii. Lunch - \$11.00
      - iii. Dinner - \$19.00

Note: When lodging or meals are provided at a state institution, employees will be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum amounts stated above. No one, whether traveling out-of-state or in-state, will be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

3. Employees may be reimbursed for incidental traveling expenses, including: (1) taxi and ferry fare; (2) bridge, road and tunnel tolls; (3) storage or parking fees; (4) communication expenses (i.e., telephone; copying, fax; etc.) for official state business; (5) convention or conference registration fees; and (6) reasonable tips and gratuities as defined in the Department of Financial Services *Reference Guide for State Expenditures*.
4. When use of a privately owned vehicle is approved for official travel, the traveler will be reimbursed on a mileage allowance which is currently at a fixed rate of \$0.445 per mile. No reimbursement will be allowed for expenditures related to the operation, maintenance and ownership of a private vehicle. All mileage will be calculated from the point of origin to the point of destination on the basis of the current map or chart published by the Florida Department of Transportation. [Section 112.061, Florida Statutes]

### **G. Use of Seat Belts**

All occupants of state-owned, leased or rented vehicles as well as personal vehicles operated on state business are required to wear seat belts. Failure to wear seat belts will be considered improper use of a vehicle and will subject employees to disciplinary action. If an accident resulting in injury to an employee occurs and the employee is not wearing seat belts and the failure to use the seat belts contribute to injuries received, the employee's worker's compensation benefits may be reduced under the provisions of Section 440.09(4), Florida Statutes.

### **H. Safe Use of Cellular Phones**

The state promotes safe use of cellular phones by encouraging drivers to follow common sense tips to ensure their wireless phone is not a distraction. It is even more important to pay attention to the road and make driving safety your first priority; do not use a cellular phone when driving.



## **XI. EMPLOYEE RELATIONS**

### **A. Employee Assistance Program (EAP)**

The EAP assists all employees, as well as anyone who resides in the employee's household, or anyone who is financially dependent on the employee. When you need professional, confidential advice to manage life's troubles, the state's Employee Assistance Program (EAP) can help. The EAP, provided by Aetna, offers employees 24-hour telephone access to confidential help from trained counselors. The counselors talk with you about your concerns, give guidance and the right resources. The EAP provides assistance on a variety of issues, including:

- Stress or personal problems
- The loss of a loved one
- Family matters – including relationship issues
- A job loss
- Financial and legal issues
- An alcohol or drug abuse problem

You and your household members can use the EAP for free as soon as you become an employee of the state. If you need more specialized services or treatment, such as legal or financial services or treatment for substance abuse, the EAP will make referrals for additional treatment that may have an additional cost.

Participating in the EAP will in no way jeopardize an employee's job security. Information concerning an employee's participation in the program is strictly confidential and independent of personnel or other public records.

Please contact the HR Office or EAP directly at (800) 860-2058 for further information regarding EAP services. [Section 110.1091, Florida Statutes]

### **B. Drug-Free Workplace**

All Program employees are prohibited from possession and/or use of alcohol and/or drugs while on duty or while in or on state/Program property or otherwise engaged in Program business.

### **C. Violence in the Workplace**

The Program recognizes the seriousness of violence in the workplace, especially domestic and sexual violence. Personal issues can be extended to the workplace and are of concern. Issues of violence in the workplace should immediately be reported to the Human Resources Office. Employees facing such issues may seek support from the HR Office and may also seek assistance through Employee Assistance Program. The Program does not tolerate violence in the workplace.

### **D. Domestic or Sexual Violence**

Section 741.313, Florida Statutes, provides that employees who have worked for the State for three months may take up to three (3) days of leave within a 12-month period for certain activities resulting from an act of domestic or sexual violence. The employee may use personal

leave or take leave without pay. This law also requires that employers keep an employee's leave information confidential and prohibits employers from taking certain actions against employees for exercising rights specified in the statute.

Employees (or family household members of the employee) who are either the victim of domestic or sexual violence or have reasonable cause to believe they are in imminent danger of becoming the victim of any act of domestic or sexual violence may file a sworn petition for an injunction for protection against domestic violence. Employees who have such protective orders may be eligible to protect their personal information in the state's HR database, People First. Contact your HR Office for further information. Florida law currently prohibits dismissing from employment any person who testifies in a judicial proceeding in response to a subpoena. Please consult the Human Resources Office for additional information.

### **E. Sexual Harassment**

Every employee will be afforded the opportunity to work in an environment free from unwelcome sexual advances, demands for sexual favors, and other verbal or physical conduct of a sexual nature. The public policy of the State of Florida is zero tolerance of any form of sexual harassment.

The GAL Program does not condone nor does it tolerate sexually offensive or harassing behavior of its employees. Any employee who has been a victim of such harassment should immediately contact their supervisor, supervisor's supervisor, or the Program's EEO Ombudsman.

Employees who are found to have sexually harassed or knowingly filed a false complaint of sexual harassment against another employee will be subject to disciplinary action, up to and including dismissal.

### **F. Whistle-Blower's Act of 1986**

This Act prevents agencies or independent contractors from taking retaliatory action against an employee who reports agency violations of law on the part of a public employer or independent contractor [as defined in Section 112.3187(3)(d), Florida Statutes], that create a substantial and specific danger to the public's health, safety or welfare. It also prevents agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or neglect of duty on the part of an agency, public officer, or employee.

Violations of this act should be reported in accordance with Section 112.3187, Florida Statutes. Any employee who has a complaint should immediately contact the supervisor, supervisor's supervisor, Executive Director, General Counsel, and/or the EEO Ombudsman. [Section 112.3187, Florida Statutes]. Please consult the GAL Program's Whistleblower/Anti-Fraud policy for more information.

### **G. Program Grievance Process**

Program employees have no right to appeal the Program's disciplinary actions.

## **XII. CONDUCT AND PERFORMANCE MANAGEMENT**

Employees of the GAL Program are expected to perform their duties and conduct themselves in a manner that fosters the achievement of the Program's purpose and goals. As such, employees are expected to exhibit behavior in conformance with applicable state and local regulations as well as GAL policies, including but not limited to those established in the Florida Guardian ad Litem Program Standards and this Handbook. The conduct of each employee is expected to reflect a commitment to:

- Putting forth the employee's best effort;
- Managing the employee's work time for maximum effectiveness and efficiency;
- Performing to the best of the employee's ability the duties and responsibilities of the position; and
- Behavior that demonstrates a professional demeanor including respect for the Program, coworkers, peers and the community at large.

The GAL Program's Positive Discipline and Performance Review Policies employ non-punitive measures that progressively increase in severity in order to correct inappropriate behavior and improve poor performance. The Program's Positive Discipline policy has been established to communicate the Program's view regarding inappropriate behavior and to assure that fair and equitable disciplinary action is administered when an employee violates the GAL Program's rules, policies and procedures. The GAL Program's directors, managers, and supervisors use this approach as a means to assist and encourage employees to correct inappropriate behavior and achieve satisfactory work performance.

The GAL Employee Performance Review policy was established to communicate the Program's expectations and responsibilities related to employees' technical performance of assigned duties. The GAL Program's directors, managers, and supervisors use this policy to help employees improve their performance when employees are not performing their duties in a competent or adequate manner.

While these policies provide an outline for the management of misconduct and performance, nothing in either of these policies precludes the GAL Program from terminating employees at will.

### **A. Overview of Conduct and Performance Expectations**

Program employees may be coached, reminded, given a decision memorandum, placed on administrative leave or dismissed for inappropriate behavior or poor performance, which may include, but not be limited to, the following:

1. **Performance** - Employees shall strive to perform at the highest level of efficiency and effectiveness; they shall do more than "just get by."
  - a. Employees shall, at a minimum, be able to perform duties in a competent and adequate manner.
  - b. Employees are expected to be effective, for example: to organize their work; to stay focused on job-related activities during work hours; to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgment; to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and

decisions; to adapt to changes in work assignments, procedures and technology; and to be committed to improving individual performance.

2. **Attendance** - are expected to be reliable and dependable. For example, employees must show up and be ready for work on a reliable basis; to observe established work hours and scheduled appointments; to complete work on time; and to obtain permission before being off work, and to schedule leave in a manner that minimizes work disruption.
3. **Negligence** - Employees shall exercise due care and reasonable diligence in the performance of job duties.
4. **Insubordination** - Employees shall follow lawful orders and carry out directives of persons with duly delegated authority. Employees shall resolve any differences with management in a constructive manner.
5. **Violation of Law or Agency Rules** - Employees shall abide by the law and applicable State of Florida rules and policies and procedures, including those of the GAL Program. All employees are subject to Part III of Chapter 112, Florida Statutes, and the policies and procedures identified in this Handbook governing standards of conduct. The GAL Program may determine that an employee has violated the law even if the violation has not resulted in arrest or conviction. Employees shall abide by both criminal law, for example, drug laws, and the civil law, for example, laws prohibiting sexual harassment and employment discrimination.
6. **Conduct Unbecoming a Public Employee** - Employees shall conduct themselves, on and off the job, in a manner that will not bring discredit or embarrassment to the GAL Program or the state.
  - a. Employees shall be courteous, considerate, respectful and prompt in advising and serving the public, volunteers and co-workers.
  - b. Employees shall maintain high standards of honesty, integrity and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use, or attempt to use, their official position for personal gain or confidential information for personal advantage. Employees shall not accept or solicit fees or gifts for personal gain.
  - c. Employees shall protect state or county property from loss or abuse, and they shall use state or county property, equipment and personnel only in a manner beneficial to the agency.
7. **Misconduct** - Employees shall refrain from conduct which, though not illegal or inappropriate for a state employee generally, is inappropriate for a person in the employee's particular position. For example, people are generally free to relate to others, but it may be entirely unacceptable for certain employees to enter into certain relationships with others, such as GAL employees with parents of children the Program represents.
8. **Habitual Drug Use** – The GAL Program does not tolerate violations of Florida's Drug-Free Workplace Act, Section 112.0455, Florida Statutes, or other misuse of mood- or mind-altering substances, including alcohol and prescription medications.
9. **Conviction of Any Crime** - Including a plea of nolo contendere and a plea of guilty with adjudication withheld.

## B. Corrective Actions and Performance Reviews

The following is an overview of the progressive measures used by the GAL Program's managers and supervisors when addressing conduct and performance issues with GAL employees. While these measures are established in two distinct policies which address employee behavior, the Positive Discipline Policy and the Performance Review Policy, situations may arise that require the use of both policies. For example, an employee's performance could be negatively impacted by the employee's behavioral issues. In addition, one or more these steps may be skipped depending upon the severity of the conduct or performance problem. Nothing in either of these policies precludes the GAL Program from terminating employees at will.

1. The GAL Program's Positive Discipline Policy's progressive approach provides employees with coaching and adequate warning of the need for corrective action before more severe action is taken. Positive discipline is the means by which the Program gives notice to the employee that her/his behavior requires corrective action. The process is designed to: (1) inform the employee of what he/she did wrong; (2) Inform the employee of the manager's expectations; (3) inform the employee of the corrective action needed; and (4) confirm the employee's commitment to correcting the behavior.

Steps in the Positive Discipline Process:

- a. Verbal Coaching - This is the least severe form of corrective action. Its purpose is to bring a specific problem to the attention of the employee thereby directing them to take corrective action. The manager or supervisor will meet with the employee privately to discuss the nature of the improper behavior or act, identify the specific conduct or standard violated, and the corrective action necessary. The employee will be asked for an explanation and commitment to correct the situation.
- b. Coaching Memo - The coaching memo may or may not be preceded by verbal coaching for unacceptable conduct. Its purpose is also to help an employee who violates a work standard or behaves improperly to recognize the deficiency and take corrective action.

The coaching memo is in writing, and will be in a letter format as seen in *Expert Supervisor*, the Program's online management resource. The supervisor or manager will meet privately or with a witness with the employee and explain the standard or expectation that needs to be addressed; explain the reason for the standard or expectation; inform the employee that current behavior or performance is not meeting expectation; and ask the employee for an explanation and a commitment to correct the situation. The supervisor may also offer assistance, including training or referral to the state's Employee Assistance Program (EAP), if appropriate.

The meeting will be followed up with the coaching memo confirming the content and expectations that were discussed. The original coaching memo will be hand delivered to the employee and the employee will acknowledge receipt of the memo and his/her commitment to correct the situation by signing and dating the memo. Refusal of the employee to sign the memo shall be noted on the document. However, such refusal shall not invalidate the corrective action and may be an indication the employee is not committed to correcting the situation which may result in the employees termination.

A copy of the coaching memo will be placed in the supervisor's work file (not the official personnel record maintained at the State Office).

- c. Reminder Memo - This is the next step in correcting conduct or behaviorally related performance problems when recurring or when an additional conduct or behaviorally related performance problem is occurring. The reminder memo will be issued within a reasonable period after the Coaching Memo was issued. The manager or supervisor will discuss this proposed action with the HR Office prior to giving an employee a Reminder Memo.

The manager or supervisor will meet privately or with a witness with the employee and remind the employee of the earlier discussion; inform the employee that the current behavior or performance is not meeting expectations; review the standard or expectation with the employee; ask if there is any reason why the employee can't comply; explain the consequences of failure to correct the situation; and express confidence in the employee.

The original Reminder Memo will be hand delivered to the employee and the employee will acknowledge receipt of the memo and his/her commitment to correct the situation by signing and dating the memo. Refusal of the employee to sign the memo shall be noted on the document. However, such refusal shall not invalidate the corrective action and may be an indication the employee is not committed to correcting the situation which may result in the employees termination.

A copy of the Reminder Memo will be delivered to the Director of Operations and/or Chief Legal Counsel and placed in the employee's official personnel file maintained in the State HR Office.

- d. Decision Memo- This is either the last step in correcting conduct or behaviorally related performance problems when coaching or reminder steps have not been successful, or, the first step when a severe conduct or behaviorally related performance problem has occurred. The manager or supervisor will discuss this proposed action with the HR Office prior to giving an employee a Decision Memo.

The manager, director or supervisor will meet with the employee privately or with a witness to review the history of the situation and advise the employee that the situation must be corrected immediately; explain that the employee must correct the situation or be terminated; and discuss whether the job is a good fit for the employee.

The manager, director or supervisor will hand deliver the Decision Memo to the employee and ask the employee to make a decision whether to stay in the job and agree to maintain good behavior and performance or to resign; and instruct the employee to give the matter consideration and return the next business day to render a decision.

If the employee decides to stay, the Decision Memo is signed by the employee and the manager, director or supervisor. A copy is placed in the employee's official personnel file in the State Office with copies to the Administrative Services

Director, the Director of Operations and/or Chief Legal Counsel. If the decision is not to stay, the employee will either resign or will be terminated. Letters of resignation will be placed in the official personnel file.

2. The GAL Program's Performance Review Policy (Topic 21-02-009) is the process used to inform Guardian ad Litem employees of performance expectations and responsibilities, manage employee performance and assess employee performance in relation to the Core, Technical and Leadership Competencies. GAL employees will receive an annual performance review. In addition, when corrective action is necessary due to a performance related issue, the GAL Program's Performance Review Policy uses a non-punitive progressive approach to provide employees with coaching and adequate warning of the need for corrective action before more severe action is administered. The Program's Performance Review Policy provides for the following:

- a. Annual Employee Performance Review - The Annual Performance Review is used to define and communicate performance expectations, as specified by Core, Technical, and Leadership Competencies, to evaluate employee performance, and to provide feedback to the employee concerning performance. The standard review period runs for 12 months from May 1 through April 30 of each year. A review period must span at least 90 days in duration. Every employee should be evaluated in April of each year, if they have been on the job at least 90 days. In addition, at any point where an employee's performance drops below "meets expectations," the rater may conduct a special performance appraisal on the employee to identify shortcomings and expectations for improvement.

**EVALUATION RATING SCALE:**

Numeric Range	Overall Rating
3.50 - 4.0	Exceeds Expectations
3.00 - 3.49	Meets Expectations
2.50 - 2.99	Needs Improvement
2.49 and below	Unsatisfactory

**EXCEEDS EXPECTATIONS:** An overall rating of 3.5 or better on an employee performance appraisal. Employee meets and often exceeds expectations in most domains.

**MEETS EXPECTATIONS:** An overall rating on an employee performance appraisal of 3.0 – 3.49. Employee meets or exceeds expectations overall, although some domains may need improvement.

**NEEDS IMPROVEMENT:** An overall rating on an employee performance appraisal between 2.50 - 2.99. An employee needs improvement in some, but not all, performance domains. A performance improvement plan may be required.

**UNSATISFACTORY:** An overall rating of 2.49 or below. An employee has fallen below performance expectations in most domains. A performance improvement plan is required.

- b. Each supervisor should be cognizant of the need for continuous observation of employee performance and feedback to and from their employees. Feedback should involve listening to the needs and concerns of your employees, conveying an understanding, and re-directing when needed. Depending upon the severity of an employee's performance related issue, GAL Program managers and supervisors may utilize verbal coaching, coaching memos or reminder memos as described in section 1. a., b., and c., above to address performance related issues. In addition, at any point where an employee's performance drops below "meets expectations," the rater may conduct a special performance appraisal on the employee to identify shortcomings and expectations for improvement.
    - c. PERFORMANCE IMPROVEMENT PLAN: When an employee's performance is determined to be "UNSATISFACTORY" as specified in section 2.a., above, a director or supervisor will establish a Performance Improvement Plan for the employee. When an employee's overall performance is deemed "NEEDS IMPROVEMENT," as specified in section 2.a., above, a director or supervisor may establish a Performance Improvement Plan for the employee. A Performance Improvement Plan is a document that identifies the performance shortcomings to be addressed by the employee in order to achieve a rating of meets expectations. The plan must also include the actions to be taken by the employee, the measures to be used in assessing success, the timeframe for the actions, and the supervisory supports and coaching that will take place to assist the employee in achieving an acceptable level of performance.
3. Punitive Actions – The GAL's positive discipline and corrective action approach does not prevent the GAL from taking corrective action of a punitive nature when the positive discipline or corrective action approach fails to remedy the performance or behavioral issues or if such measures are determined to be in the best interests of the Program. Punitive measures such as reduction in pay, demotion, suspension or dismissal may also be utilized. However, personnel actions such as transfer, layoff or reassignment are not forms of punitive or corrective action.

Corrective actions shall be taken in the timeliest, most judicious and consistent manner possible, providing fair treatment for employees while protecting the efficient operations of the Program.

### **C. Employee Investigations**

Any Program employee who is under formal investigation for a violation of a rule or statute for which dismissal is a penalty may be temporarily assigned other duties if deemed advisable by the agency or may be placed on administrative leave if the employee's absence from the work location is essential to the investigation.

### **D. Distribution**

GAL Program employees will have reasonable access to the standards of conduct and this Handbook. Each current employee of the Program will be provided a written or an electronic copy of the Guardian ad Litem Standards of Conduct as well as this Handbook. Each employee will be required to acknowledge receipt of the standards of conduct and this Handbook in writing and the dated receipt will be placed in the employee's official personnel file. Each employee is responsible for reading and understanding the Employee Handbook and the Standards of Conduct.

### **E. Grievance and Appeal Rights for GAL Program Employees**

Employees in the GAL Program have no grievance or appeal rights regarding disciplinary actions.



Approved:



---

Alan F. Abramowitz, Executive Director

Effective: April 1, 2016  
Office: Administrative Services  
Topic No.: 21-02-008

**POSITIVE DISCIPLINE:  
EMPLOYEE MISCONDUCT AND  
BEHAVIOR RELATED PERFORMANCE PROBLEMS**

**PURPOSE:**

- (A) This policy has been prepared to assist Statewide Guardian ad Litem Office directors, managers and supervisors in managing employee misconduct and to deal with performance problems caused by inappropriate behavior. Directors, managers and supervisors are leaders and motivators, and as such, have the duty and responsibility to ensure that employees properly perform assigned jobs in the most effective and efficient manner; follow rules, policies and procedures; and treat supervisors, subordinates, co-workers, volunteers and others in a professional manner. Throughout this policy the Statewide Guardian ad Litem Office may also be referred to as the State Office or the Program. **While this policy outlines the management of employee misconduct, nothing in it precludes the Program from terminating employees at will.**
- (B) Ignoring misconduct may lead to repeated violations and threatens the working environment for all employees, eventually leading to reduced work productivity.
- (C) Employees involved in misconduct should take accountability for their actions, and when possible, directors, managers and supervisors will coach the employee so that together, solutions can be developed and implemented that will correct the problem. However, employees whose misconduct is moderate, severe or extreme, or who refuse to take accountability for and correct their actions will be subject to discipline up to and including termination.
- (D) Actions above the level of a coaching memo require the approval of the Administrative Services Director, who consults with the Director of Operations and/or Chief Legal Counsel and the General Counsel as needed. Nothing in this policy is intended to remove the Regional Director or Regional Counsel from the decision making process or appropriate discussion through the normal chain of command. Circuit Directors and Supervising Attorneys should always consult their Regional Director and/or Regional Counsel in matters pertaining to employee discipline.
- (E) Although Circuit and Regional Directors may consult a Supervising Attorney or Regional Counsel - when they are in the chain of command - about employee discipline, the role of legal advisor on matters pertaining to employee discipline lie solely with the Counsel for Administrative Services and the General Counsel.

**AUTHORITY:**

Section 39.8296, F.S., Statewide Guardian ad Litem Office

**SCOPE:**

This procedure covers all Program employees except contract providers. County Career Service Employees may be governed by a collective bargaining agreement; therefore, any action with respect to a County employee must be vetted through the County Human Resources office.

**GENERAL:**

It is the policy of the Program that employees are treated fairly and honestly in all aspects of their employment. Directors, managers and supervisors shall treat each employee with respect and shall not demonstrate personal prejudice or grant unfair advantage to one employee over another. Directors, managers and supervisors shall use a positive discipline approach as a means to assist and encourage employees to correct inappropriate conduct.

The recommended actions and other information contained in this policy are intended to ensure that all rules and expectations governing personal conduct will be administered in a fair and consistent manner.

The Program is committed to providing a positive, supportive and harmonious work environment where employees can perform to their best ability. In support of this commitment, a process of non-punitive corrective action is provided for most problems dealing with an employee's conduct and behavior.

Two important factors in the non-punitive corrective process are: (1) the attitude of the supervisor, and (2) the supervisor's ability to place the decision for improving the employee's conduct and behavior in the employee's hands. If a capable employee knows what is expected, it is his or her responsibility to perform accordingly and to correct unacceptable behavior or conduct. Adequate guidelines and timely, direct, and appropriate feedback will help the employee fulfill the job responsibilities. Maintaining written records of any corrective actions taken will support rational decisions if termination becomes necessary.

It is important that behavior and discipline problems be settled by the employee's immediate supervisor when possible. Timely and appropriate coaching by the employee's immediate supervisor will usually improve or correct the situation. The action steps that may be taken based on the seriousness of the conduct are documented through a coaching memo, reminder memo, decision memo or termination. Performance problems related to knowledge, skills or abilities rather than behavior will be handled pursuant to the Employee Performance Review policy. Behavioral problems should, when possible, be addressed through positive discipline so that they do not become a performance problem.

Directors, Assistant Directors, Regional Counsel and Supervising Attorneys are furnished with a web-based decision-making tool, **Expert Supervisor** ([www.Expertsupervisor.com](http://www.Expertsupervisor.com)), to help them reach a consistent and fair decision on the action to take for a large majority of employee behavior, misconduct or performance situations.

This policy replaces the previous policy 21-02-008 of the same name, dated August 9, 2013.

*Expert Supervisor* should be consulted on all employee problem situations that arise. However, *Expert Supervisor* is intended as a guide to appropriate action and should never be used as a substitute for the manager's discretion and judgment. All supervisors are expected to apply their professional judgment concerning any action based on recommendations provided by *Expert Supervisor* and to consult with their assigned Human Resources Manager, as appropriate.

## 1. SUPERVISORY CONSIDERATIONS PRIOR TO COACHING

When deciding if coaching is appropriate or if another action should be taken, directors, managers and supervisors should consider the following questions:

- Has the employee's conduct or behavior problem been previously documented or has the employee been coached verbally and told that their conduct needs to be corrected? Written corrective action should never come as a surprise to the employee.
- Is the reason for corrective action fair and legitimately related to the Program's reputation or credibility? Is the policy or procedure that was violated reasonably related to the orderly, efficient, professional and safe operation of the Program's activities?
- Does sufficient evidence exist that the employee has/is engaged in the conduct in question? Has the supervisor asked the employee what his/her version of events is? When there is misconduct, a director or supervisor should have sufficient proof to support the belief that the employee is or has engaged in that conduct. This proof should be documented.
- Was an investigation conducted in a fair and objective manner?
- Is the employee being treated the same as other employees in similar situations? There should not be any evidence to suggest that anger, malice or discriminatory motives played a role in the recommendation to discipline the employee.
- Is the action being taken reasonable in light of the seriousness of the employee's proven offense, and, reasonable in consideration of the employee's employment history with the Program?
- Has there been a prior offense and if so how long ago did it occur? What steps were taken at that time?

## 2. STEPS IN THE POSITIVE DISCIPLINE PROCESS

Normally, the steps are taken in sequence. One or more of these steps may be skipped in cases where the employee's conduct or the consequences are particularly severe.

- 2.1 **Verbal Coaching** - This is the least severe form of corrective action. Its purpose is to bring a specific problem to the attention of the employee thereby directing them to take

This policy replaces the previous policy 21-02-008 of the same name, dated August 9, 2013.

corrective action. The manager or supervisor will meet with the employee privately or with a witness to discuss the nature of the improper behavior or act, identify the specific conduct or standard violated, and the corrective action necessary. The employee will be asked for an explanation and commitment to correct the situation.

**2.2 Coaching Memo-** This is the next step in correcting conduct or behavior problems. The manager, director or supervisor will:

- Consult with *Expert Supervisor* to determine whether a Coaching Memo is the appropriate step at this time. If a Coaching Memo is appropriate, the director or supervisor develops a Coaching Memo based on the guidance in *Expert Supervisor*. Consultation with Human Resources is not required before issuing a Coaching Memo. However, if the director or supervisor wishes to have a consultation, they should contact their assigned Human Resources Manager.
- Meet privately with the employee or with a witness and explain the standard or expectations; explain the reason for the standard or expectation; inform the employee that current behavior or performance is not meeting expectation; asks the employee for an explanation and a commitment to correct the situation; offer assistance, including training or Employee Assistance Program (EAP), if appropriate; and express confidence in the employee;
- If after meeting with the employee and hearing their explanation, you still believe a Coaching Memo is in order, follow up the meeting with a Coaching Memo confirming the content and expectations that were discussed. The memo should be guided by *Expert Supervisor*.
- Hand deliver the original Coaching Memo to the employee and place a copy in the supervisor's work file (**not** the official personnel record maintained at the State Office).
- If the manager or supervisor has questions about the Coaching Memo recommended by *Expert Supervisor*, or feels that the behavior is severe and the Coaching Memo is not sufficient, there should be a discussion with their assigned Human Resources Manager prior to taking action.

**2.3 Reminder Memo -** This is the next step in correcting conduct or behaviorally related performance problems when recurring or when an additional conduct or behaviorally related performance problem is occurring, within a reasonable period after the Coaching Memo was issued. The manager, director or supervisor will:

- Consult *Expert Supervisor* and then discuss the matter with their assigned Human Resources Manager.
- If necessary, the Human Resources Manager will arrange a staffing with the Administrative Services Director, the General Counsel and the Director of Operations and/or Chief Legal Counsel.
- Upon concurrence, the manager, director or the supervisor will then meet privately with the employee or with a witness and remind the employee of the earlier discussion; inform the

This policy replaces the previous policy 21-02-008 of the same name, dated August 9, 2013.

employee that the current behavior or performance is not meeting expectations; review the standard or expectation with the employee; ask if there is any reason why the employee can't comply; explain the consequences of failure to correct the situation; and express confidence in the employee.

- Follow-up with a Reminder Memo hand delivered to the employee with a copy to the Director of Operations and/or Chief Legal Counsel and to the employee's official personnel file (maintained in the State Office).
- 2.4 **Decision Memo** - This is either the last step in correcting conduct or behavior problems when coaching or reminder steps have not been successful, or, the first step when a severe conduct or behaviorally related performance problem has occurred. The manager, director or supervisor will:
- Consult *Expert Supervisor* and discuss the matter with their assigned Human Resources Manager.
  - The assigned Human Resources Manager will arrange a staffing with the supervisor, the Administrative Services Director, the General Counsel and the Director of Operations and/or Chief Legal Counsel. If they agree with the supervisor that a Decision Memo is warranted, the manager, director or supervisor will prepare the memo with the assistance of *Expert Supervisor* and the Human Resources Manager. Final approval on the Decision Memo will come from the Administrative Services Director.
  - The manager, director or supervisor will then meet with the employee to review the history of the situation and advise the employee that the situation must be corrected immediately; discuss whether the job is a good fit for the employee, and explain that the employee must correct the situation or be terminated.
  - The manager, director or supervisor will hand deliver the Decision Memo to the employee and ask the employee to make a decision whether to stay in the job and agree to maintain good behavior and performance or to resign; and instruct the employee to give the matter consideration and return the next business day to render a decision.
  - If the employee decides to commit to good behavior, the Decision Memo is signed by the employee and the manager, director or supervisor. A copy is placed in the employee's official personnel file in the State Office with copies to the Administrative Services Director and the Director of Operations. If the decision is not to stay, the employee either resigns or is terminated. Letters of resignation will be placed in the official personnel file.
- 2.5 **Termination** - This is the final step, in the event prior steps have been unsuccessful or an extreme violation of the Program's conduct or performance standards has occurred. This decision must be staffed with the Administrative Services Director, the General Counsel and the Director of Operations and/or Chief Legal Counsel. The Circuit Director and/or Supervising Attorney, in concert with the Administrative Services Director and other appropriate staff, prepares a notice of final action in writing, meets with the employee to discuss the reason for the action, and hand delivers the termination notice to the employee,

This policy replaces the previous policy 21-02-008 of the same name, dated August 9, 2013.

with copies to the Administrative Services Director, the Director of Operations and/or Chief Legal Counsel. A copy of the notice will be placed in the official personnel file in the State Office.

### **3. RECORD KEEPING**

- 3.1 Coaching Memos will be kept in the manager's, director's or supervisor's working file and will **not** be placed into the employee's official personnel file at the State Office. Directors, managers and supervisors may issue a Coaching Memo without approval from the Administrative Services Director.
- 3.2 Reminder Memos, Decision Memos and Termination Notices will be placed into the employee's official personnel file in the State Office. These actions require the approval of the Administrative Services Director who consults with the General Counsel and the Director of Operations and/or Chief Legal Counsel as needed.

### **4. TRAINING**

Directors, managers and supervisors will be trained in the application of this policy. In addition, they will be provided access to *Expert Supervisor*, and will be expected to become familiar with the use of this program. An Orientation Workbook will be provided. Support will be provided by the Administrative Services Director and the assigned Human Resources Manager.

### **5. FORMS**

See *Expert Supervisor* website ([www.ExpertSupervisor.com](http://www.ExpertSupervisor.com)) for sample Coaching, Reminder and Decision Memos, and Termination Notices.

Approved:



Alan F. Abramowitz, Executive Director

Effective: April 1, 2016  
Office: Administrative Services  
Topic No.: 21-02-009

## EMPLOYEE PERFORMANCE REVIEW

### PURPOSE:

This policy describes the process for informing Guardian ad Litem (“GAL”) employees of performance expectations and responsibilities, and assessing performance in relation to the Core, Technical and Leadership Competencies. When employee performance needs improvement, GAL Program (“Program”) Directors, managers and supervisors will use a positive approach as a means to assist and encourage employees to improve the performance of their technical duties. While this policy outlines the management of employee performance, nothing in it precludes the Program from terminating employees at will.

### AUTHORITY:

Section 39.8296, F.S., Statewide Guardian ad Litem Office

### SCOPE:

This policy covers all GAL employees except contracted providers.

### DEFINITIONS:

#### 1. COMPETENCIES

- a. **CORE COMPETENCIES:** Observable, measurable behavior that, when combined with job knowledge and ability (see Technical Competencies), indicates the employee's level of performance. Core Competencies for GAL positions are standardized and must be included on all performance appraisals.
- b. **TECHNICAL COMPETENCIES:** Measurable elements of job knowledge, skills and abilities critical to the position of an employee that must be realized to contribute to the success of the Program. Technical competencies are standardized for each class of GAL positions.
- c. **LEADERSHIP COMPETENCIES:** Leadership competencies are observable, measurable behavior that, when combined with job knowledge, indicate a level of performance as an effective leader, in support of Program values. Standardized leadership competencies are established for designated managerial classes.

2. **EMPLOYEE PERFORMANCE REVIEW:** Form used to define and communicate performance expectations, as specified by Core, Technical, and Leadership Competencies, to evaluate employee performance, and to provide feedback to the employee concerning performance.

3. **EVALUATION RATING SCALE:**

Numeric Range	Overall Rating
3.50 -4.0	Exceeds Expectations
3.00 -3.49	Meets Expectations
2.50 -2.99	Needs Improvement
2.49 and below	Unsatisfactory

- a. **EXCEEDS EXPECTATIONS:** An overall rating of 3.5 or better on an employee performance appraisal. Employee meets and often exceeds expectations in most domains.
- b. **MEETS EXPECTATIONS:** An overall rating on an employee performance appraisal of 3.0 – 3.49. Employee meets or exceeds expectations overall, although some domains may need improvement.
- c. **NEEDS IMPROVEMENT:** An overall rating on an employee performance appraisal between 2.50 and 2.99. An employee needs improvement in some, but not all, performance domains. A performance improvement plan may be required.
- d. **UNSATISFACTORY: An overall rating of 2.49 or below. An employee has fallen below performance expectations in most domains. A performance improvement plan is required.**

4. **MEMOS** (see also “Verbal Coaching,” item 10)

- a. **COACHING MEMO** - The coaching memo may or may not be preceded by verbal coaching in order to improve employee performance. Its purpose is to help an employee whose performance of technical duties has fallen below acceptable standards by recognizing the performance deficiency and identifying the corrective action that must be taken. Consultation with Human Resources is not required before issuing a Coaching Memo. However, if the manager or supervisor wishes to have a consultation, they should contact their assigned Human Resources Manager.

The coaching memo is in writing, and will be consistent with the format used in Positive Discipline Policy (Topic No.: 21-02-008). The supervisor or manager will meet with the employee and explain the performance standard or expectation that needs to be addressed; explain the reason for the performance standard or expectation; inform the employee that current performance is not meeting expectations; and ask the employee for an explanation including the identification of any assistance the employee may need to improve performance. The employee will be asked for a commitment to improving his/her performance. The manager or supervisor will offer to provide any assistance that may be

reasonably provided to assist the employee with performance improvement.

The meeting will be followed up with the coaching memo confirming the content and expectations that were discussed. The original coaching memo will be hand delivered to the employee and the employee will acknowledge receipt of the memo and his/her commitment to improving performance by signing and dating the memo. Refusal of the employee to sign the memo shall be noted on the document. However, such refusal shall not invalidate the corrective action required to improve the employees performance and may be an indication the employee is not committed to improving his/her performance which may result in the employee's termination. A copy of the coaching memo will be placed in the supervisor's work file (not the official personnel record maintained at the State Office).

- b. **REMINDER MEMO** – This is a step that may be used by managers and supervisors to improve employee performance after a coaching memo has been administered and the performance problem is recurring or when an additional performance problem is occurring. The reminder memo will be issued within a reasonable period after the Coaching Memo was issued. The manager or supervisor will discuss the matter with their assigned Human Resources Manager. If necessary, the Human Resources Manager will arrange a staffing with the manager/supervisor, the Administrative Services Director, the General Counsel and the Director of Operations and/or Chief Legal Counsel.

Upon concurrence, the manager or supervisor will meet with the employee and remind the employee of the earlier discussion; inform the employee that the current performance is not meeting expectations; review the standard or expectation with the employee; ask if there is any reason why the employee can't improve performance; explain the consequences of failure to correct the situation; and the employee will be asked for a commitment to improving his/her performance. The manager or supervisor will offer to provide any assistance that may be reasonably provided to assist the employee with performance improvement and express confidence in the employee.

After meeting with the employee, the original reminder memo will be hand delivered to the employee and the employee will acknowledge receipt of the memo and his/her commitment to correct the situation by signing and dating the memo. Refusal of the employee to sign the memo shall be noted on the document. However, such refusal shall not invalidate the corrective action needed to improve his/her performance and may be an indication the employee is not committed to improving his/her performance which may result in the employee's termination.

A copy of the reminder memo will be delivered to the employee, the Director of Operations and/or Chief Legal Counsel and a copy placed in the employee's official personnel file maintained in the State Office.

- 5. **PERFORMANCE IMPROVEMENT PLAN:** A plan identifying performance shortcomings to be addressed by the employee in order to achieve a rating of meets expectations. The plan must include the actions to be taken by the employee, the measures to be used in assessing success, the timeframe for the actions, and the supervisory supports and coaching that will take place to assist the employee in achieving an acceptable level of performance.

6. **POSITION DESCRIPTION:** Form containing basic information about the position, that serves as the official record of duties and responsibilities assigned the position and is used to officially classify the position.
7. **RATER:** Employee's immediate supervisor, or any person in a leadership role designated by the Circuit Director, who rates performance of employees as defined by Core, Technical, and Leadership Competencies.
8. **REVIEW PERIOD:** Time covered by an Employee Performance Review. The standard review period runs for 12 months from May 1 through April 30 of each year. A review period must span at least 90 days in duration. Every employee should be evaluated in April of each year, if they have been on the job at least 90 days.
9. **REVIEWER:** Rater's immediate supervisor, who reviews and signs performance review forms completed by a rater before the review is discussed with the employee. The rater cannot also be the reviewer on the same evaluation.
10. **VERBAL COACHING:** This is the least formal of the corrective action measures that managers and supervisors may use to improve employee performance. Its purpose is to bring a specific performance problem to the attention of the employee thereby informing them that their performance needs to improve. The manager or supervisor will meet with the employee privately to discuss the nature of the performance problem, identify the specific standard or performance measure that needs improvement, and the corrective action required to improve performance. The employee will be asked for an explanation and commitment to improve performance.

## **POLICY:**

### **1. BEGINNING OF THE REVIEW PERIOD**

Prior to the beginning of the annual review period or a new hire, promotion, demotion, or reassignment, the supervisor meets with the employee to address employee responsibilities by:

- reviewing the employee's position description,
- updating the position description, if necessary, and
- reviewing the Competencies established for the position.

Standardized competencies and the anticipated review period are to be documented on the Employee Performance Review form. The next steps are as follows:

- a. Supervisor meets with the employee to explain and discuss the job description and competencies.
- b. At the end of the meeting, the employee and supervisor sign and date the Employee Performance Review form, indicating that competencies have been discussed and are mutually understood. The employee must receive a copy of this form and the official

position description.

- c. Copies of signed Employee Performance Review forms should be saved in the Supervisor's local file, and attached to the completed performance appraisal at the end of the review period.

## **2. CONTINUOUS FEEDBACK**

Each supervisor should be cognizant of the need for continuous feedback to and from their employees. Feedback should involve listening to the needs and concerns of your employees, conveying understanding, and re-directing when needed.

## **3. SPECIAL PERFORMANCE REVIEW**

At any point where an employee's performance drops below "meets expectations," the supervisor may conduct a special performance review on the employee to identify shortcomings and expectations for improvement.

## **4. PERFORMANCE IMPROVEMENT PLAN**

Following the delivery of a performance review with an overall score below 2.50, the employee and the supervisor will collaborate to develop a Performance Improvement Plan using the format found in Appendix B.

The rater will establish a time frame by which the employee should demonstrate improved performance, which shall typically be at least a 90-day period. At the end of the period, the employee performance will be re-appraised on the goals of the Performance Improvement Plan. For an employee who continues below expectations after the Performance Improvement Plan period, the Circuit Director and/or Supervising Attorney will consult with the Director of Operations/Regional Director and/or Chief Legal Counsel/Regional Counsel and the Administrative Services Director to discuss the appropriate course of action.

## **5. END OF THE REVIEW PERIOD**

At the end of the Annual Review Period, the rater must assess the actual results accomplished by the employee relative to their competencies.

- a. The rater should briefly describe how the employee performed in each competency, including any recommendations for improvement. Such description should be more than one or two words so that meaningful feedback is provided and clearly communicated to the employee. A written comment must be provided for any competency scored as above or below a 3.
- b. The rater shall then submit the completed Employee Performance Review to the reviewer for signature. Reviewers are encouraged to make comments about the employee's job performance at this time. If the reviewer has concerns about the proposed rating, these

concerns should be discussed with the rater and resolved before an evaluation is presented to the employee.

- c. After the reviewer signs and returns the Employee Performance Review, the rater must meet with the employee to discuss the employee's job performance for the review period.
- d. After having the opportunity to review and discuss the Employee Performance Review, the employee shall be asked to sign and date the form. Once the employee signs the form, the process is complete. If an employee refuses to sign the form, a notation shall be made to that effect by the rater. This is also the best time to discuss the expectations for the next review period and for the rater and employee to sign the new Employee Performance Review form.
- e. Completed Employee Performance Review forms will be sent to the State Office for filing in the official personnel file, and a copy is to be provided to the employee. Annual Employee Performance Review forms must be completed by April 30, and forwarded to the headquarters Human Resources Office by the date required.

## **6. REVIEW PERIOD**

The review period shall be reflected on the Employee Performance Review form.

- a. Annual Review: The annual review period for all employees is May 1 through April 30. All employees who have been on the job at least 90 days as of April 30 will be evaluated between April 1 and April 30 of each calendar year using the Employee Performance Review form. Such evaluations will remain in effect until the following April 30 unless a special review is conducted as a result of declining performance. During the annual review, employee responsibilities will be developed for the new review period.
- b. Other times an Employee Performance Review should be completed (closed out):
  - i. When the employee leaves the position prior to the end of the established review period.
  - ii. When the current rater leaves the GAL Program prior to the end of the review period and will no longer serve in that capacity. (If the rater continues employment in the Program both raters may collaborate in lieu of closing out the review).
  - iii. When the duties of the employee change significantly, the current evaluation should be completed and a new review opened.

## **7. PERFORMANCE DEFICIENCIES**

Employees may fail to meet specified competencies for a variety of reasons. The supervisor or rater must address this circumstance in an appropriate manner. This involves determining why the employee is not performing assignments as expected.

- a. If it is determined that the problem is behavioral in nature, the employee should be coached in accordance with Expert Supervisor System and the Positive Discipline Policy (Topic No.: 21-02-008). A behavioral issue occurs when an employee has demonstrated satisfactory performance in the past or has the ability to perform satisfactorily, but behavioral issues have impacted his or her ability to perform the job. Examples of behavioral issues include: tardiness, excessive absenteeism, insubordination, criminal behavior, carelessness, dishonesty, missed deadlines, poor judgment, etc. In such cases, the supervisor or rater should consult the Expert Supervisor System and Positive Discipline Policy (Topic No.: 21-02-008). Emotional issues may be addressed through the Employee Assistance Program (EAP). Supervisors should select the appropriate course of action to correct the employee's work deficiencies based on the reason for the deficiencies. Behavioral issues should be addressed through coaching as soon as the issue is identified so that performance is not affected.
- b. If the problem is due a lack of technical competence, every attempt should be made to improve the level of performance. This includes discussing specific performance deficiencies, identifying any barriers, communicating expectations to the employee, and identifying what methods the supervisor will use to coach and measure the employee. Depending upon the severity of the performance issue and consistent with the directives of this policy, the manager or supervisor may coach the employee verbally, with a coaching or reminder memo or through the use of a written Performance Improvement Plan (Appendix B). Examples of technical competence include knowledge, skills and abilities that are necessary for performing the job. A lack of technical competency might be exhibited by the following examples: poor communication skills (written or verbal), inadequate knowledge of laws, rules, or regulations governing the job, inability to organize work; etc.
- c. A Special Review may be conducted at any time and corrective action may be taken including the development of a Performance Improvement Plan. Should it become clear to the rater that an acceptable level of performance will not be achieved, documentation is to be assembled and the Circuit Director/Regional Director and/or Supervising Attorney/Regional Attorney should discuss the situation with the Administrative Services Director prior to taking any action beyond a coaching memo. The Administrative Services Director will always consult with the Director of Operations and /or Chief Legal Counsel and the General Counsel before further action is taken.

## **8. TRAINING**

All raters and reviewers should be trained on how to administer Employee Performance Reviews.

This policy replaces and supersedes GAL policy Topic 21-02-009, "Employee Performance Review," dated October 29, 2013.

**9. APPENDIX A**

Core and Leadership Competencies

**10. APPENDIX B**

Performance Improvement Plan format

**CORE COMPETENCIES**

1. **Customer Service** - Works with staff, volunteers and the children that we serve to assess their needs, provide information or assistance, resolve their problems, or satisfy their expectations; knows about available products and services; is committed to providing quality products and services.
2. **Decision Making** - Makes sound, well informed, and objective decisions; perceives the impact and implications of decisions; commits to action, even in uncertain situations, to accomplish organizational goals; causes change.
3. **Flexibility** - Is open to change and new information; adapts behavior or work methods in response to new information, changing conditions, or unexpected obstacles; effectively deals with pressure and ambiguity.
4. **Interpersonal and Communication Skills** - Shows understanding, respect, friendliness, courtesy, tact, empathy, concern, and politeness in interacting with others; may include effectively dealing with individuals who are difficult, hostile, or distressed; relates well to people from varied backgrounds and different situations; is sensitive to cultural diversity, race, gender, disabilities, and other individual differences; adjusts approach to suit different people and situations.
5. **Self-Management** - Sets well-defined and realistic work goals; displays a high level of initiative, effort and commitment toward completing assignments in a timely manner; works with minimal supervision; maintains confidentiality; is motivated to achieve; demonstrates responsible behavior.
6. **Team Building** - Manages group processes; encourages and facilitates cooperation, pride, trust, and group identity; fosters commitment and team spirit; works with others to achieve goals.
7. **Creative Thinking** - Develops new insights into situations and applies innovative solutions to make organizational improvements; designs and implements new or cutting-edge programs/ processes; spots opportunities to move the organization toward the program vision.
8. **Leadership** - Inspires, motivates, and guides others toward goals; coaches; mentors, challenges staff; adapts leadership styles to various situations; models high standards of honesty, integrity, trust, openness, and respect for individuals by applying these values daily.
9. **Planning and Evaluating** - Determines objectives and strategies; coordinates with other parts of the organization to accomplish goals; monitors and evaluates the progress and outcome of operational plans; anticipates potential threats or opportunities.
10. **Problem Solving** - Identifies and analyzes problems; uses sound reasoning to arrive at conclusions; finds alternative solutions to complex problems; distinguishes between relevant and irrelevant information to make logical judgments.

## Performance Improvement Plan (PIP)

**TO:** (insert employee's name)  
**FROM:** (insert manager's name)  
**DATE:** (insert date)  
**RE:** Performance Improvement Plan (PIP)

The purpose of this Performance Improvement Plan (PIP) is to define areas of concern, gaps in your work performance, and allow you the opportunity to demonstrate improvement and commitment.

**Step 1: Improvement Goals:** These are the goals related to areas of concern to be improved and addressed:

1.	
2.	
3.	

**Step 2: Activity Goals:** Listed below are activities that will help you reach each goal:

Goal #	Activity	How to Accomplish	Start Date	Projected Completion Date

**Step 3: Resources:** Listed below are resources available to you to complete your Improvement activities (may include other people's time or expertise, funds for training materials and activities, or time away from usual responsibilities. May also include ways in which your supervisor will coach and support your improvement efforts.)

1.	
2.	
3.	

**APPENDIX B (continued)**

**Step 4: Expectations:** The following performance standards must be accomplished to demonstrate progress towards achievement of each Improvement goal:

1.	
2.	
3.	
4.	
5.	

**Signatures:**

Print Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Supervisor Name: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Approved: October 1, 2013

As amended effective: October 1, 2013  
Office: Administrative Services  
Topic No.: 21-02-010



Alan F. Abramowitz, Executive Director

## **EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY**

### **PURPOSE:**

The purpose of this policy is to establish the Guardian ad Litem Program's equal employment opportunity/affirmative action policy and procedure for filing complaints of discrimination in GAL employment practices.

### **AUTHORITY:**

Section 39.8296, F.S., Statewide Guardian ad Litem Office  
Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et. seq.  
Title VII of the Civil Rights Acts of 1964

### **SCOPE:**

This policy is applicable to all Guardian ad Litem (GAL) Program applicants for employment and employees with disabilities who request accommodation to complete the application process and/or fulfill their essential job functions.

### **POLICY/PROCEDURE:**

The Florida Guardian ad Litem Program (GAL) shall assure to each applicant or employee equal opportunity in all employment practices, including recruitment, examination, appointment, training, promotion, demotion, merit, retention, discipline, and terminations, without regard to the individual's race, color, sex, religion, national origin, age, disability or marital status, except as provided by law. The GAL Program shall implement and strive to achieve the goals established by the Affirmative Action Program/Plan by good faith efforts to reach its objective of equal employment opportunity.

The GAL Program shall assure equal employment opportunity to disabled applicants or employees who with reasonable accommodation can perform satisfactorily the essential functions of the job in question. Individuals with a qualified disability seeking to become an employee with the GAL Program and current employees who wish to request reasonable accommodations shall refer to the Guardian ad Litem Program Nondiscrimination Policy and Procedures for Requesting Reasonable Accommodations Pursuant to the Americans with Disabilities Act, Topic No.: 21-02-14, As Amended Effective: September XX, 2013.

Under federal regulations, sexual harassment is a prohibited practice that violates the sex discrimination provisions of Title VII of the Civil Rights Acts of 1964. The GAL Program charges each and every manager and supervisor with the responsibility of taking preventative steps to

ensure that the workplace is free of sexually threatening, inappropriate or inhibiting conduct that would infringe upon an employee's individual rights.

Any applicant or employee who believes that he or she has been harassed or discriminated against in any other manner as described above may file the a complaint as soon as possible after the occurrence, and within 180 days from the occurrence with their local circuit director or:

Debra Ervin, Ombudsman  
Statewide Guardian Ad Litem Office  
Post Office Box 10628  
Tallahassee, FL 32302  
(850) 922-7213 (850) 487-9995 (FAX)

Employees should use the DISCRIMINATION/SEXUAL HARASSMENT COMPLAINT FORM provided below when filing a complaint of discrimination

### **RECORDKEEPING**

Records of discrimination/sexual harassment complaints shall be maintained by the Ombudsman and kept confidential in a secure location separate from the employees GAL Program, such as GAL case files.

### **FORM**

Discrimination/Sexual Harassment Complaint Form





Approved: October 1, 2013

As Amended effective: October 1, 2013  
Office: Administrative Services

Topic No.: 21-02-14



Alan F. Abramowitz, Executive Director

**GUARDIAN AD LITEM PROGRAM  
NONDISCRIMINATION POLICY AND PROCEDURES  
FOR REQUESTING REASONABLE ACCOMMODATIONS  
PURSUANT TO THE AMERICANS WITH DISABILITIES ACT**

**PURPOSE:**

The purpose of this policy is to establish a nondiscrimination policy and procedures for requesting accommodations pursuant to the Americans with Disabilities Act for employee and volunteer applicants or employees and volunteers with disabilities.

**AUTHORITY:**

Section 39.8296, F.S., Statewide Guardian ad Litem Office  
Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et. seq.

**SCOPE:**

This policy is applicable to all Florida Guardian ad Litem (GAL) Program volunteer and employee applicants and employees and volunteers with disabilities who request accommodation to serve as volunteer guardians ad litem or fulfill the essential functions of employment with the Gal Program.

**POLICY/PROCEDURE:**

1. Introduction

The Florida GAL Program, in accordance with Title I and Title II of the Americans with Disabilities Act of 1990 (ADA), will not discriminate against qualified individuals with disabilities on the basis of disabilities in its services, programs or activities, or otherwise discriminate against any qualified individual.

2. Prohibition Against Discriminatory Eligibility Criteria

The GAL Program shall eliminate any eligibility criteria for participation in programs, activities, and services that screen out or tend to screen out persons with disabilities, unless it can establish that the requirements are necessary for the provision of the service, program, or activity.

3. Reasonable Modifications

The GAL Program will provide reasonable modifications to its policies, practices, or procedures to avoid discrimination against qualified individuals with a disability;

provided, however, if the modification would fundamentally alter the nature of its services, program, or activity, the GAL Program is not required to make the modification.

#### 4. Communications

The GAL Program will ensure that its communications with individuals with disabilities are as effective as communications with others, provided, however, that the GAL Program is not required to take any action that would result in a fundamental alteration in the nature of its services, programs, or activities, or in undue financial and administrative burdens. In order to provide equal access, the GAL Program will make available appropriate auxiliary aids and services unless requested accommodations or auxiliary aids and services would result in a fundamental alteration or undue financial and administrative burden to the GAL Program.

#### 5. Request for Accommodations

Individuals with a qualified disability seeking to become a volunteer or employee with the GAL Program and current volunteers or employees who request accommodations shall meet with an ADA Coordinator designated by the Circuit Director. The ADA Coordinator will:

- Explain work functions;
- Inform the individual requesting the accommodation or auxiliary aid or service of all rights and obligations of the GAL Program;
- Collect the information needed to process the GAL Program Request for Auxiliary Aids and Services form; and
- Ask the individual with the disability what accommodations (auxiliary aids and services or reasonable modifications) the individual will need and prefer to perform those functions.

A report of the meeting, including the requested accommodations or auxiliary aids or services, shall be documented in the GAL Request for Auxiliary Aids and Services form and sent to the Statewide ADA Coordinator. The Statewide ADA Coordinator shall make the determination of an appropriate accommodation and inform the circuit ADA coordinator of the determination. Documentation of disability will be required if needed to ensure safe participation and operation of the GAL Program activities. If additional information is needed to make a determination, the Statewide ADA Coordinator may contact the circuit ADA coordinator or the individual requesting the accommodation.

In determining the appropriate accommodation to be provided, the Statewide ADA Coordinator shall give primary consideration to the preference of the individual with the disability. The Statewide ADA Coordinator shall also consider whether the requested accommodations or auxiliary aids and services would result in a fundamental alteration or undue financial and administrative burden to the GAL Program.

#### 6. Denial of the Provision of an Auxiliary Aid or Service

The GAL Program is not required to provide a requested auxiliary aid or service if the GAL Program can demonstrate that providing it would result in a fundamental alteration

to the nature of GAL Program's services, and activities or impose undue financial and administrative burdens. However, in circumstances where the GAL Program has determined that providing the requested auxiliary aid or service would result in a fundamental alteration or undue financial and administrative burden, GAL Program will take any other actions that would not result in a fundamental alteration or undue financial and administrative burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities have an equal opportunity to participate in and benefit from GAL programs, services, and activities.

All decisions denying the provision of a requested auxiliary aid or service on the grounds that doing so would result in a fundamental alteration or impose undue financial and administrative burdens will be made by the Executive Director of the Statewide Guardian ad Litem Office or his/her designee after considering all resources available to GAL Program for use in the funding and operation of our services, programs and activities and will be accompanied by a completed GAL Request for Auxiliary Aids and Services form.

7. Internal Grievance Procedure for Volunteer Complaints of Discrimination on the Basis of Disability

This Grievance Procedure may be used by GAL Program volunteers or volunteer applicants who wish to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the GAL Program. The GAL Program's EEO Personnel Policy (Topic No: 21-02-010) governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

**Debra Ervin  
ADA Coordinator  
Guardian ad Litem Program  
Post Office Box 10628  
Tallahassee, FL 32302**

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will contact the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response will explain the position of the Statewide Guardian ad Litem Office and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after the response to the Executive Director of the Statewide Guardian ad Litem Office. Within 15 calendar days after the meeting, the Executive Director or his/her designee will contact the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Executive Director of the Statewide Guardian ad Litem Office will respond in writing and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the Executive Director or his/her designee, and responses from these two offices will be retained by the Statewide Guardian ad Litem Office for at least three years.

## **RECORDKEEPING**

Records of GAL Request for Auxiliary Aids and Services, except for those single requests that can be immediately granted, (e.g., guiding a blind person to the correct room, responding to a relay call placed by a deaf individual, or providing an assistive listening device to a person who is hard of hearing) shall be maintained and kept confidential in a secure location separate from other records relating to the individual with a disability, such as GAL case files. The originals of GAL Request for Auxiliary Aids and Services will be forwarded to the statewide ADA Coordinator for retention.

## **FORM**

GAL Request for Auxiliary Aids and Services



# Request for Auxiliary Aids and Services

Name of Person Making Request

\_\_\_\_\_  
*Last First M.I. Request Date*

Name of Person for Whom Request is Sought:

\_\_\_\_\_  
*Last First M.I.*

Please provide a description of auxiliary aids and services REQUESTED.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Response to Request Provided \_\_\_\_\_

Were the **REQUESTED** auxiliary aids and services provided? YES  NO

If **NO**, please provide reason for not providing **REQUESTED** auxiliary aids and services.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were **ANY** auxiliary aids and services provided? YES  NO

If **YES**, please describe auxiliary aids and services **PROVIDED** and the date provided.

\_\_\_\_\_  
*Date Provided*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Request for Auxiliary Aids and Services (Page 2)

If NO auxiliary aids and services provided, please list the reasons below and the determination date.

\_\_\_\_\_  
*Determination Date*

---

---

---

---

---

Signature: \_\_\_\_\_

Debra Ervin  
Statewide ADA Coordinator/ Administrative Services Director  
Guardian ad Litem Program  
[Debra.Ervin@gal.fl.gov](mailto:Debra.Ervin@gal.fl.gov)  
(850)922-6554

\_\_\_\_\_  
*Date*

## Objectives

- What ADA Means to You
- Understanding GAL Nondiscrimination Policy & Procedures
- Effects of ADA

# Americans with Disabilities Act (ADA) & Guardian ad Litem Nondiscrimination Policy



*August 2013*

## Americans with Disabilities Act (ADA)

- **Title I** of the Americans with Disabilities Act (ADA) prevents employers from discriminating against qualified individuals with disabilities in all aspects of employment.
- **Title II** of the ADA states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity.





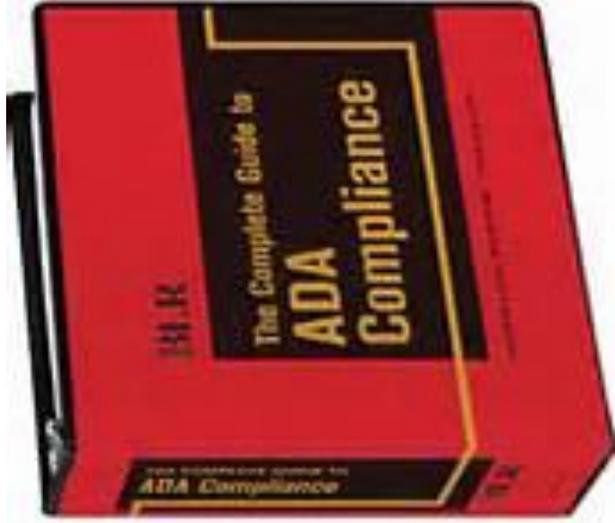
# Americans with Disabilities Act (ADA)

## GAL Nondiscrimination Policy

“The Florida Guardian ad Litem Program, in accordance with Title I and Title II of the Americans with Disabilities Act of 1990 (ADA), will not discriminate against individuals with disabilities on the basis of disabilities in its employment practices, or in provision of services, programs or activities.” (Topic No.: 21-02-14)

*This policy applies to all members of the public who seek to participate in GAL’s programs, services, and activities, including individuals who wish to volunteer with the GAL Program, parties to legal proceedings and their companions, witnesses, jurors, and spectators.*

## ADA Compliance



**The GAL Program has taken following steps to promote compliance with the ADA:**

- Established an ADA Coordinator
- Provided Public Notice of ADA
- Established Nondiscrimination Policies and Procedures Regarding People with Disabilities including grievance procedures.



## *Americans with Disabilities Act (ADA)*

### ADA Coordinator

**The GAL Program has a designated a Statewide ADA Coordinator:**

Debra Ervin  
Statewide Guardian ad Litem Office  
The Holland Building  
600 S. Calhoun St.  
Suite 260  
Tallahassee, FL 32399-0979  
[Debra.Ervin@gal.fl.gov](mailto:Debra.Ervin@gal.fl.gov)

**Each Circuit also has an ADA Coordinator**



# Americans with Disabilities Act (ADA)

## GAL Must Provide Public Notice of ADA

- **Notice** – tells individuals about GAL Nondiscrimination Policy and provision of reasonable modifications and auxiliary aids
- **Where to Find It** – You can find the Notice on the P Drive
- **Placement**
  - Notice should be placed at the front desk of each of your offices
  - On our Website
  - On our Volunteer & Employment Applications
- **Training** – New Employees Should Review Policy and Training within one week of Hire



# Americans with Disabilities Act (ADA)

## What Notice Looks Like

### STATEWIDE GUARDIAN AD LITEM OFFICE ADA PUBLIC NOTICE

The Florida Guardian ad Litem Program is committed to providing equal access to persons with disabilities. We welcome individuals with disabilities and provide reasonable modification and auxiliary aids and services, including sign language interpreters.

Please direct any concerns to:

Debra Ervin  
ADA Coordinator  
The Holland Building  
600 South Calhoun St.  
Suite 260  
Tallahassee, FL 32399-0979

Information on the Americans with Disabilities Act (ADA) is available at [www.ADA.gov](http://www.ADA.gov), 1-800-514-0301 (voice), and 1-800-514-0383 (TTY). ADA complaints may be filed with the U.S. Department of Justice by email at [ada.complaint@usdoj.gov](mailto:ada.complaint@usdoj.gov) or by mail at: Disability Rights Section (NYA), 950 Pennsylvania Avenue, NW, Washington, D.C. 20530.





### What Does The GAL Nondiscrimination Policy Mean to Me?

If a person with a “qualified disability” would like to be a GAL volunteer or work for the GAL Program and requests accommodations, the GAL

Program will follow the specific procedure outlined in the GAL nondiscrimination policy (explained in this training). The GAL will also follow the procedures for record keeping, posting notice of the policy, grievances and confidentiality.

# Americans with Disabilities Act (ADA)

## Who is Covered?

“No **qualified person** with a **disability** may be excluded from either employment or participating in, or denied the benefits of, the programs, services, and activities provided by state and local governments because of a disability”





# Americans with Disabilities Act (ADA)

## What is a Disability?

**The Person Must Have a Disability:** The ADA defines disability as a mental or physical **impairment** that **substantially** **limits** one or more major **life activities**.

## What is a Disability?

- 1. Does the individual have an impairment? Mental or physical**
  - **Examples would be:** vision, speech and hearing impairments; cerebral palsy; etc.
- 2. Does the impairment limit any major life activities?** An impairment cannot be a disability unless it limits something, and that something is one or more major life activities.
  - **Examples would be:** walking, seeing, hearing, breathing, caring for oneself, sitting, standing, lifting, learning, thinking, working, and performing manual tasks that are central to daily life.
- 3. Is the limitation on any major life activity substantial?** The ADA protects people with serious, long-term conditions. It does not protect people with minor, short-term conditions.

## Example

**Example:** Broken Arm – Under ordinary circumstances, a person with a broken arm is not covered by the ADA. Although a broken arm is an impairment, it is usually temporary and of short duration. Consequently, a broken arm is not considered to be substantially limiting in most circumstances.

## Qualified Individual

### Must be a Qualified Person with a Disability (Disability + Qualified)

A “qualified individual with a disability” is someone who meets the essential eligibility requirements for a program, service or activity **with or without** (1) reasonable modifications to rules, policies, or procedures; (2) removal of physical and communication barriers; and (3) providing auxiliary aids or services for effective communications.

## Americans with Disabilities Act (ADA)

### Reasonable Accommodations – Definition

The GAL Program must make reasonable accommodations to enable a qualified applicant to work or volunteer with the GAL Program unless it imposes an “undue hardship” on the operation of the agency or results in a fundamental alteration to the nature of its services, programs or activities.

- Reasonable accommodation is any modification or adjustment to a job or work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.
- Undue hardship is an action requiring significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources and the nature and structure of its operations.

# DEFINITION

# Americans with Disabilities Act (ADA)

## Reasonable Accommodations

Reasonable accommodations include:

- making reasonable modifications to the rule, policy, or procedure that is preventing the individual from meeting the requirements unless such modification results in a fundamental alteration to the nature of GAL services, programs or activities.
- Providing effective communication by providing auxiliary aids or services
- Removing any architectural barriers





# Americans with Disabilities Act (ADA)

## Reasonable Accommodations

### Auxiliary Aids and Services

*GAL will give "primary consideration" to the request of the individual with a disability*

#### Examples:

**For individuals who are deaf or hard of hearing:** qualified sign-language and oral interpreters, note takers, computer-aided transcription services, written materials, telephone headset amplifiers, assistive listening systems, telephones compatible with hearing aids, open and closed captioning, videotext displays, and TTYs (teletypewriters).

**For individuals who are blind or have low vision:** qualified readers, taped texts, Braille materials, large print materials, materials in electronic format on compact discs or in emails, and audio recordings.

**For individuals with speech impairments:** TTYs, computer stations, speech synthesizers, and communications boards.



# Americans with Disabilities Act (ADA)

## Reasonable Accommodations - GAL Policy

### Auxiliary Aids and Services

*GAL will give "primary consideration" to the request of the individual with a disability*

GAL will not ask or require friends or family members to interpret for individuals who are deaf, are hard of hearing, or have speech impairments but will consider if requested.

GAL will not charge an individual with a disability for the cost of providing an auxiliary aid or service needed for effective communication.



## Americans with Disabilities Act (ADA)

### When Volunteer or Employee Needs Accommodation

#### Request for Accommodation:

A request for an accommodation can be made by an employee or volunteer at any time and may be made in writing or orally. Contact the designated ADA Coordinator within your circuit to make the request for accommodation. **Only one request is required.** A request is not required for each meeting or proceeding.

The Circuit ADA Coordinator will meet with the applicant to explain the functions of a guardian ad litem and collect information from the applicant as to what accommodations (auxiliary aids and services, reasonable modifications) will be needed to perform the functions of a guardian ad litem.



## *Americans with Disabilities Act (ADA)*

### **When Volunteer or Employee Needs Accommodation**

#### **GAL Request For Auxiliary Aids And Services Report**

- The circuit's ADA Coordinator will generate the Report and forward it to the Statewide ADA Coordinator in Tallahassee for Review
- In consultation with the circuit, the Statewide ADA Coordinator will determine the appropriate accommodation

#### **If Request Denied**

- Decision must be recorded on the Report
- Originals of the documentation of requests for accommodation will be kept in the state office (HR)
- Local circuits keep a duplicate

#### **Grievance Process – explained below**

# Americans with Disabilities Act (ADA)

## When Volunteer or Employee Needs Accommodation



## Americans with Disabilities Act (ADA)

The key to making correct decisions is an **individualized** assessment. Avoid blanket exclusions, and evaluate each person based on his or her own abilities.



## Grievance Procedures

A Grievance Procedure is an internal system for resolving complaints of disability discrimination in a prompt and fair manner.

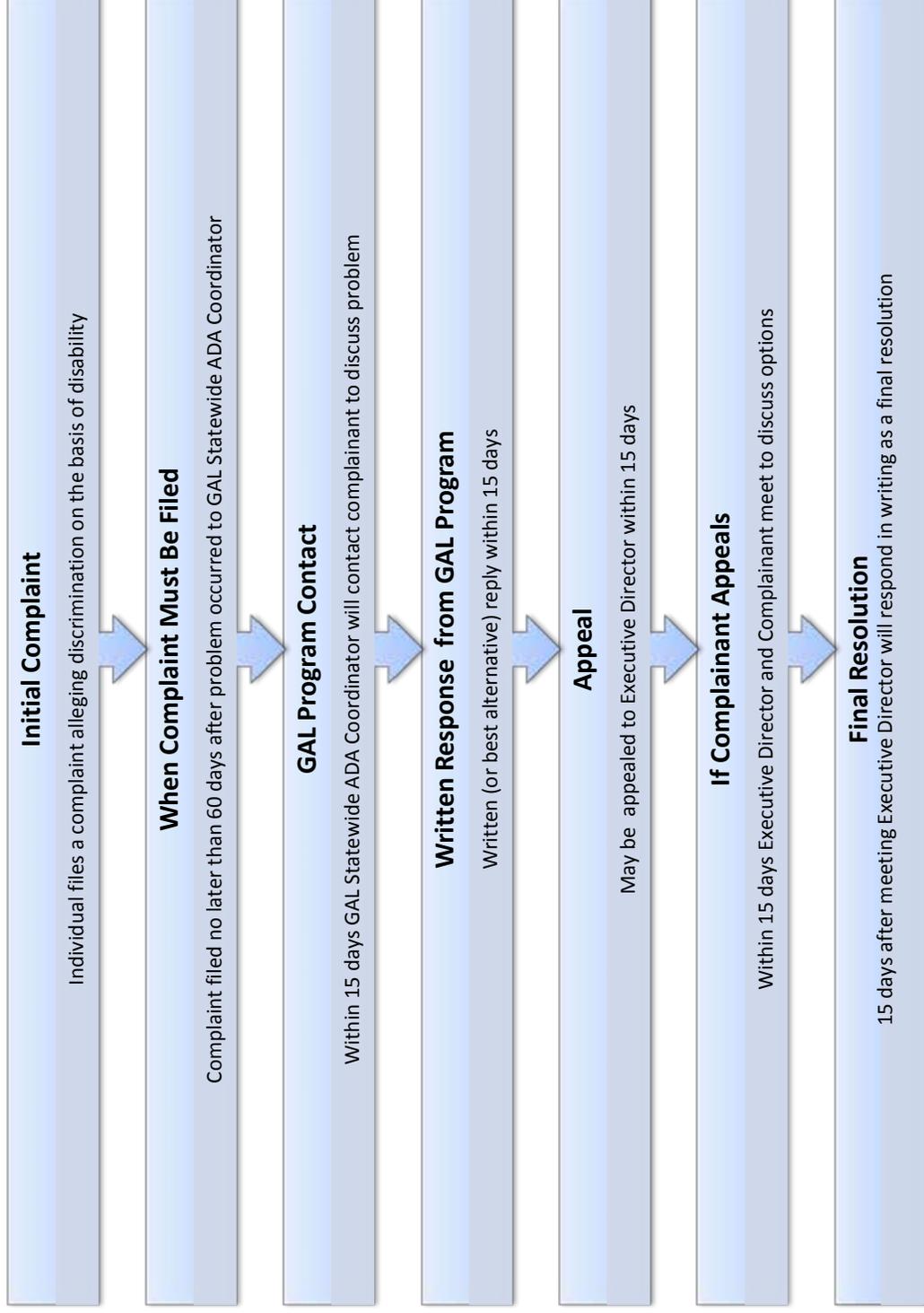
- Complaints of discrimination by employees should be filed as provided for in GAL EEO policy (Topic No.: 21-02-010).
- Volunteers should follow GAL Non Discrimination Policy and Procedures when filing complaints of disability discrimination. (Topic No.: 21-02-14).





# Americans with Disabilities Act (ADA)

## Volunteer Grievance Procedure



### Records

The GAL will maintain records of requests for auxiliary aids and services.

This does NOT include simple requests that can be immediately granted (e.g., guiding a blind person to the correct room, responding to a relay call placed by a deaf individual, or providing an assistive listening device to a person who is hard of hearing for a single call).



# Americans with Disabilities Act (ADA)

## Confidentiality

GAL personnel must ensure the confidentiality of information and keep information in a secure location separate from other records relating to the individual with a disability. **Do not place this information with GAL case files**

GAL must not disclose information about an individual's disability or requests for auxiliary aids and services except to GAL personnel who have a **need to know** this information (e.g., to make a decision on a request and/or to provide the auxiliary aids and services). This includes GAL personnel and participants in GAL proceedings.





# Americans with Disabilities Act (ADA)

## Questions

Any additional question can be directed to the ADA coordinator for your circuit or to:

Debra Ervin  
GAL Statewide ADA Coordinator  
Statewide Guardian ad Litem Office  
Post Office Box 10628  
Tallahassee, FL 32302  
[Debra.Ervin@gal.fl.gov](mailto:Debra.Ervin@gal.fl.gov)





# **I** am for the child™

**A publication of the**

Florida Statewide Guardian ad Litem Office

The Holland Building

Post Office Box 10628

Tallahassee, Florida 32399

(850) 922.7213

[www.GuardianadLitem.org](http://www.GuardianadLitem.org)