SECTION 12 – HUMAN RESOURCES

Overview

The Human Resources function often includes a variety of activities, such as recruitment and training of employees, maintaining current job descriptions on all positions, pay and compensation, maintaining employee manuals, maintaining employee personnel files, and ensuring compliance with established policies and procedures as well as federal and state regulations. Each of these activities is discussed below.

Recruitment and Training of Employees

This includes advertising open positions, reviewing applications to assess whether candidates meet the minimum qualifications, verifying applicants' education, experience, and certifications, and training new employees on the organization's policies and procedures. Other responsibilities assigned to Human Resources may include routine training of employees and maintaining records for continuing education for employees with professional certifications.

Background Screening

When a position or program is mandated by law to undergo screening under Chapter 435, Florida Statutes, the employer must adhere to the relevant screening, disqualification, confidentiality, and recordkeeping requirements outlined in the law. Additionally, government entities may establish lawful screening protocols for other positions based on job responsibilities, associated risks, and applicable collective bargaining agreements or personnel policies.

Compensation

Compensation practices must comply with applicable state and federal regulations, including Section 448.110, Florida Statutes, which pertains to the state minimum wage, annual wage adjustments, and enforcement. Governments should regularly verify the current wage rates to ensure ongoing compliance with the prevailing laws and regulations.

Job Descriptions

To ensure that qualified employees are hired and that employees understand the responsibilities of their positions, job descriptions should be established for each position in the entity. Job descriptions should describe the responsibilities assigned to the position as well as the minimum qualifications, such as education, experience, or certification requirements. To assist with compliance with the Americans with Disabilities Act, job descriptions should also include information on the working conditions of the position (environmental and physical demands) such as physical and dexterity requirements, environmental hazards, and sensory requirements. Human Resources is also responsible for regularly reviewing pay and benefits to ensure that compensation remains aligned with the job responsibilities and current local market conditions.

Employee Manual

It is vital that the governing body establishes personnel policies and procedures. Such policies and procedures should be codified into an employee manual and describe the entity's policies regarding hours of work, leaves of absence, performance evaluations, promotion procedures, classification and pay schedules, discipline and discharge procedures, and a description of the employee complaint process. Each employee must be provided

with a copy, or access to a copy, of the entity's employee manual. The entity should maintain documentation showing that its policies were communicated to employees.

The manual should also reflect compliance with

- The Florida Whistle-blower's Act (Sections 112.3187–112.31895, Florida Statutes), protecting employees who disclose violations of law.
- The Florida Domestic Violence Leave Act (Section 741.313, Florida Statutes), which entitles employees to take leave for issues arising from domestic violence.

Personnel Files

Personnel files should document all activities related to employees, including, but not limited to, the following:

- Employee application
- Documentation of verification of education, experience, licenses, and certifications
- Results of any background checks
- Date of hire, including classification and starting pay
- Direct deposit authorization, if applicable
- Documentation of policy acknowledgement
- Property checklist (listing of assigned municipality assets)
- Optional benefits authorized by the employee
- Performance evaluations
- Salary changes, promotions, demotions, commendations, and reprimands, if any
- Training completed with associated licenses and certifications as applicable
- Medical and health-related employment records required by position or law (e.g., Family and Medical Leave Act (FMLA), workers' compensation, Occupational Safety and Health Administration (OSHA), or accommodation documentation) should be maintained separately from general personnel files and protected under applicable federal and Florida confidentiality and public-record requirements. The Health Insurance Portability and Accountability Act (HIPAA) generally does not govern an employer's employment records, even when they contain health information, unless the entity is acting in a separate capacity as a covered entity or business associate.
- Separation documentation including resignation letters and exit interview records

Note: Social Security numbers, medical information, and certain employee addresses are confidential or exempt under Florida law and must be protected accordingly.

Entity Policies and Procedures

Human Resources should ensure that established policies and procedures are followed for certain personnel actions, such as verification of qualifications of new hires and employees recommended for promotion or termination, frequency of performance evaluations, training, and exit interviews.

Policies must also ensure compliance with the Florida Civil Rights Act (Section 760.10, Florida Statutes) prohibiting employment discrimination, including protections against pregnancy discrimination, as well as state and federal requirements such as OSHA workplace safety rules and federal lactation accommodation requirements, Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act).

Federal and State Regulations

There are many federal and state regulations that apply to employees, including minimum wage requirements, overtime issues, anti-discrimination laws, workplace safety, family and medical leave, and accommodations for persons with disabilities. It is advisable to consult with the entity's legal counsel to ensure compliance with applicable regulations.

Florida law requires

- Verification of employment eligibility through the federal E-Verify system for all public employers, contractors, and subcontractors (Section 448.095, Florida Statutes).
- Compliance with the Florida Minimum Wage Act (Section 448.110, Florida Statutes).
- Adherence to conflict-of-interest provisions under Section 112.313, Florida Statutes, ensuring ethical conduct for public officers and employees.
- Application of federal Family and Medical Leave Act (FMLA) standards for eligible employees.

References

- Chapter 112, Florida Statutes - Public officers and employees. Official link
- Chapter 435, Florida Statutes - Employment screening. Official link
- Section 448.095, Florida Statutes - Employment eligibility verification. Official link
- Section 448.110, Florida Statutes - Florida Minimum Wage Act. Official link
- Section 741.313, Florida Statutes - Domestic violence leave. Official link
- Chapter 760, Florida Statutes - Florida Civil Rights Act. Official link
- Internal Revenue Service - Publication 15, Employer's Tax Guide. Official link
- U.S. Department of Labor - Compliance resources. Official link
- U.S. Equal Employment Opportunity Commission. Official link
- Florida Commission on Human Relations. Official link