

August 10, 2018

Notice of Proposed Rule

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-208.101 Employee Grooming, Uniform and Clothing Requirements

PURPOSE AND EFFECT: To update the Departmental standards of dress, accessories and personal grooming for all FDC staff in accordance with their professional duties and working environment.

SUMMARY: The rule updates and clarifies the Department's standards related to professional dress, maintenance of hair, facial hair, earrings and excessive or hazardous jewelry.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. Upon review of the proposed changes to the rule, the Department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), FS. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, FS.

LAW IMPLEMENTED: 944.09, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A PUBLIC HEARING WILL BE SCHEDULED AND THE DATE, TIME AND LOCATION WILL BE ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gregory Hill, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) The following grooming standards shall apply to all Department of Corrections employees, including all non-uniformed employees and contracted employees, while performing official duties:

(a) All employees shall maintain a professional appearance at all times while performing official duties.

(b) All employees shall maintain personal hygiene and shall keep themselves personally neat and clean while on duty.

(c) Clothing will be clean and pressed as is appropriate for the particular garment.

(d) Clothing shall be appropriate for the particular assignment.

(e) Shoes will be clean, presentable, and appropriate for the particular assignment.

~~(f) Policies regarding the wearing of neck ties for office staff will be determined by the Secretary, Deputy Secretary and Office Directors.~~

~~(f)(g)~~ Hair will be neat, clean, trimmed and present a groomed appearance. For male employees, hair will not completely cover any part of the ear or go below the ear or extend ½ inch of the top of the collar. If the hair is dyed, only natural shades will be permitted.

(g) Facial hair for all male staff is authorized as follows:

1. Staff must notify the correctional office chief or, in the case of non-uniformed staff, their immediate supervisor, in writing, of their intention to grow authorized facial hair. Conversely, staff must also notify the correctional officer chief or, in the case of non-uniformed staff, their immediate supervisor, in writing, of their intent to shave previously authorized facial hair;

2. Any authorized facial hair as described below in subparagraph (1)(g)5 shall not exceed ¼ inch in length;

3. The wearing of authorized facial hair must not interfere with the performance of assigned duties;

4. Staff must obtain a new staff photo ID within one week of the completion of growing or shaving of authorized facial hair;

5. Authorized facial hair is defined as:

a. A moustache that does not protrude below the top of the upper lip or past the corner of the mouth on the side; or

b. A full-face beard; or

c. A goatee with or without a moustache.

6. The growing of variations of the above, i.e., chin curtain, soul patch, handlebar moustache, mutton chops or any other similar styles is not authorized.

(h) ~~Earrings are prohibited for male staff. Earrings for female staff~~ will constitute the only body piercing ornaments allowed. No employee will display while on duty any other jewelry of which any part has been pierced into or through the skin or flesh of any part of the body.

(i) Undergarments shall not be visible.

(j) All employees shall dress in a professional manner appropriate to their positions ~~and duties and shall avoid eccentricities in their personal appearance.~~

(k) All employees shall dress in appropriate business attire ~~a manner required by the court~~ for all court appearances.

(l) Identification cards.

1. Except as provided below, all employees shall wear the department issued ID card in a visible manner that will identify the individual at all times while on duty.

2. For security purposes when interacting with offenders, probation and parole field staff, including administrative and clerical support, are not required to wear the department issued ID card in a visible manner; however, they must be in possession of the department issued ID card for identification purposes while on duty.

(2) In addition to the standards set forth in subsection (1), all institutional and community corrections ~~male~~ employees shall comply with the following grooming standards:

(a) Earrings are prohibited for male staff. ~~Hair will not completely cover any part of the ear or go below the ear or extend below 1/2 inch of the top of the collar.~~

(b) If hair is dyed or highlighted, only naturally occurring hair colors will be permitted. For the purpose of this rule, "naturally occurring hair colors" will include: black, brown, blond, auburn, red, grey, and white. Unnatural colors, such as purple, pink, blue, yellow, or green are prohibited. ~~Facial hair for staff is authorized as follows:~~

~~1. Staff must notify the correctional office, chief or, in the case of non-uniformed staff, their immediate supervisor, in writing, of their intention to grow authorized facial hair. Conversely, staff must also notify the correctional officer chief or, in the case of non-uniformed staff, their immediate supervisor, in writing, of their~~

~~intent to shave previously authorized facial hair;~~

~~2. Any authorized facial hair as described below in subparagraph (2)(b)5. shall not exceed 1/4 inch in length;~~

~~3. The wearing of authorized facial hair must not interfere with the performance of assigned duties;~~

~~4. Staff must obtain a new staff photo ID within one week of the completion of growing or shaving of authorized facial hair;~~

~~5. Authorized facial hair is defined as:~~

~~a. A moustache that does not protrude below the top of the upper lip or past the corner of the mouth on the side;~~

~~or~~

~~b. A full face beard; or~~

~~c. A goatee with or without a moustache.~~

~~6. The growing of variations of the above, i.e. chin curtain, soul patch, handlebar moustache, mutton chops and other similar styles is not authorized.~~

(3) through (5) No changes.

(6) The following provisions shall apply to health services employees:

(a) through (d) No changes.

(e) The following shall apply to health services staff whose duties require providing direct care to inmates in an institution, including physicians, pharmacists, dentists, clinical associates, registered nurses, LPNs, correctional medical technicians certified, medical technologists, health support workers, UTRs and “ward clerks”.

1. ~~Excessive~~ Jewelry that is excessive or could pose a safety or security issue shall not be worn with the uniform. Jewelry that could be used to disable an employee will not be worn. No bulky or ornate jewelry will be worn. Bracelets or earrings are prohibited for male staff. Female staff shall be allowed to wear earrings; however, only one pair of post or clip-on earrings will be worn at a time and will be worn on earlobes only. Earrings for female staff will constitute the only body piercing ornaments allowed. For safety purposes, earrings shall not be hooped or dangling.

2. Fingernails will be neatly trimmed and clean. Fingernails shall not extend more than 1/4 inch past the end of the finger. Artificial fingernails or extenders will not be worn when having direct contact with high risk inmates, i.e., in a licensed hospital facility, intensive care units, operating rooms, or dialysis units. Hair shall be

maintained in a manner consistent with infection control practices and safety considerations.

(7) through (8) No changes.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03, 10-27-03, 12-28-03, 12-12-04, 9-11-06, 2-6-07, 10-8-07, 6-28-12, 5-18-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janie Westberry, Director, Office of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2018