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ARTICLE 17
LEAVES

17.1 Requests for a Leave or Extension of Leave of One Semester or More. There are various types of leave that the university offers. Employees are responsible for completing necessary paperwork before and after the leave and for informing their supervisors of their request.

(a) For a leave of one semester or more, an employee shall make a written request not less than 120 days prior to the beginning of the proposed leave, if practicable.

(b) For an extension of a leave of one semester or more, an employee shall make a written request not less than sixty days before the end of the leave, if practicable.

(c) The University shall approve or deny such request in writing not later than thirty days after receipt of the request.

(d) An absence without approved leave or extension of leave shall subject the employee to the provisions of Article 16 Disciplinary Action and Job Abandonment.

(e) An employee's request for use of leave for an event covered by the provisions of the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) shall be submitted and responded to in accordance with the provisions of the FMLA and its implementing regulations.

17.2 Return from Leave. An employee who returns from an approved leave of absence with or without pay shall be returned to the same classification, unless the University and the employee agree in writing to other terms and conditions. The return from FMLA leave shall be governed by the FMLA and its implementing regulations, as discussed in Section 17.6.

17.3 Accrual During Leave with Pay. An employee shall accrue normal leave credits while on compensated leave in full-pay status, or while participating in ~~the~~ sabbatical or professional development programs. If an employee is on compensated leave in less than full-pay status for other than sabbaticals or professional development programs, the employee shall accrue leave in proportion to their pay status.

17.4 Tenure Credit During Periods of Leave. A ~~Semester~~semester(s) during which an employee is on compensated or uncompensated leave shall be creditable for no more than 160 total hours shall be considered tenure-earning for the purpose of determining eligibility for tenure, except by mutual agreement of the employee and the University. A semester during which an employee spends more than 160 hours on family and medical, parental, administrative, or military leave, whether paid or unpaid, shall not be tenure-earning unless otherwise mutually agreed to by the employee and the University's representative in writing at the time such leave begins. ~~Time spent on family and medical, parental, administrative, or military leave, whether paid or unpaid, shall not be tenure-earning unless otherwise mutually agreed to by the employee and the president or president's representative in writing at the time such leave begins.~~ Upon return from military leave, an employee may request to the university's representative that the time spent on military leave be tenure-earning, which request must be granted by the university ~~president or president's~~ representative. Time spent on paid or unpaid leave for any purpose not otherwise listed herein shall be tenure-earning unless otherwise mutually agreed to by the

45 employee and the university's ~~president or president's~~ representative in writing at the time such
 46 leave begins.

47 48 **17.5 Holidays.**

49 (a) An employee shall be entitled to observe all official holidays designated in
 50 accordance with Section 110.117, Florida Statutes. No classes or examinations shall be
 51 scheduled on holidays. Classes not held because of a holiday shall not be rescheduled.

52 (b) Supervisors are encouraged not to require an employee to perform duties on holidays;
 53 however, an employee required to perform duties on holidays shall have the employee's schedule
 54 adjusted to provide equivalent time off, up to a maximum of eight hours for each holiday
 55 worked.

56 (c) If an employee who has performed duties on a holiday terminates employment prior
 57 to being given time off, the employee shall be paid, upon termination, for the holiday hours
 58 worked within the previous twelve month period.

59 60 **17.6 Family and Medical Leave Act (FMLA) Entitlements.**

61 (a) The Family and Medical Leave Act of 1993 ("FMLA")
 62 (<https://www.dol.gov/whd/fmla/>) is the common name for the ~~Federal~~ federal law providing
 63 eligible employees a leave ~~an entitlement~~ of up to twelve weeks (480 hours) of continuous or
 64 ~~intermittent~~ of leave without pay for qualified family or medical reasons during a one-year
 65 period. This Act ~~allows~~ ~~entitles~~ the employee to take leave without pay; where University
 66 policies permit, employees may use accrued leave with pay during any qualifying family or
 67 medical leave. Employees ~~shall are entitled to~~ use FMLA in accordance with ~~federal and state~~
 68 law and University policy. The failure to list, define, or specify any particular provision or
 69 portion of the FMLA in this Agreement shall in no way constitute a waiver of any of the rights or
 70 benefits conferred to the employer or the employee through the FMLA.

71
 72 ~~17.7 (a)~~ Modified Work Duties (MWD) in case of birth or adoption. Employees who elect the
 73 MWD are ineligible for Paid Family Leave. Once a modified plan is agreed to by the employee
 74 and his or her supervisor, it shall be reviewed by the dean or vice president. The dean or vice
 75 president shall either approve the modified work plan, or work in collaboration with the
 76 supervisor and employee to try to reach an acceptable solution. If the employee normally has an
 77 instructional assignment, then, after consultation with the employee, the supervisor shall
 78 determine that the: ~~If the employee normally has an instructional assignment, then, after~~
 79 ~~consultation with the employee, the supervisor shall determine that:~~

80 (1) the assignment be changed to a non-instructional assignment for the
 81 academic semester during which ~~family leave is taken~~ ~~the child is expected to arrive~~; or

82 (2) the employee's work schedule may be altered.

83 ~~(3) once the modified plan is agreed to by the employee and his or her supervisor,~~
 84 ~~it shall be reviewed by the dean or vice president. The dean or vice president shall either approve~~
 85 ~~the modified work plan, or work in collaboration with the supervisor and employee to reach an~~
 86 ~~acceptable solution.~~

89 **17.8 Parental Paid Family Leave Options.** The University of Central Florida provides a
90 supportive environment that enables employees to address the complexity of balancing their
91 work and family commitments. The University provides the following leave options when an
92 employee becomes a biological parent, a child is placed for adoption in the employee's home,
93 the employee becomes the legal guardian of a child, or is the primary caretaker of a seriously ill
94 immediate family member per Florida Statute 110.221.1. Modified Work Duties are not
95 available for an employee on paid or unpaid leave. In cases where family leave is parental leave,
96 taken for the purposes of birth or adoption, the leave must occur no later than a semester
97 immediately following the birth or adoption event. For other types of family leave, notice must
98 be given as soon as practicable.

99 (a) Paid ~~Parental~~ Family Leave. Paid family leave may be used no more than twice
100 during the employee's employment at the University. If both parents are employees of the
101 University, only one parent may request paid family leave under this program for each qualifying
102 event (birth, adoption, or severe illness). Employees are eligible for paid family leave as follows
103 for the birth, adoption, or assumption of legal guardianship of a child, or severe illness.

104 ~~Employees are eligible for paid parental leave as follows.~~

105 (2) Eligibility. In order to participate in this program, an employee must be
106 employed for a minimum of one academic year on at least a 0.75 FTE line. This program does
107 not apply to individuals on a temporary, a term limited, or a visiting appointment. Furthermore,
108 employees on soft money shall be eligible to the extent that such benefits are permitted by the
109 terms of the contract or grant, the rules of the funding agency, and/or adequate funds are
110 available.

111 (2) Length of Family Leave. An employee shall be granted, upon request, a
112 paid family leave for a period of 19.5 contiguous weeks for twelve-month employees or one
113 regular (Fall or Spring) semester, ~~(or up to 3 months for non-instructional employees)~~ for the
114 birth, adoption, assumption of legal guardianship of a child, or care of a seriously ill family
115 member.

116 (3) Notice and Use of Family Leave. The employee will request the use of
117 paid family leave in writing no later than three months prior to the anticipated beginning of the
118 leave and ~~theis~~ leave must occur no later than a semester immediately following the birth or
119 adoption event, or illness. A shorter notice period may be permitted on a case-by-case basis, for
120 good cause and/or special circumstances ~~at the discretion of the provost or designee by the~~
121 employee's immediate supervisor. ~~Parental~~ Paid family leave is separate from, but may run
122 concurrent with, medical or FMLA leave.

123 (4) Signed Agreement and Application Process. The employee will sign a
124 written agreement detailing the terms of the paid ~~parental~~ family leave. Participation in
125 paid ~~parental~~ family leave is contingent upon execution of the signed agreement.

126 (5) Commitment to Return. The employee must agree in writing to return to
127 University employment for at least one academic year following participation in the program, or
128 reimburse UCF within 60 days. ~~for salary, retirement, benefits, and expenses during period of~~
129 ~~family leave.~~ This time does not include time awarded for a sabbatical or other type of leave. For
130 example, it would be possible for a nine-month employee to take a sabbatical and then opt for the
131 paid ~~parental~~ family leave program. In that case, the employee would need to return to active
132 university service for one year for each of the programs; in this example, ease, two academic
133 years.

134 (6) Repayment. Repayment of salary, retirement, benefits, and expenses
135 received during paid ~~parental-family~~ leave shall be required in those instances where payments
136 are made in the absence of a signed agreement by the employee, or when the employee fails to
137 comply with the terms of the program.

138 (7) Reimbursement Upon Separation from the University. An employee who
139 makes use of paid family leave and who remains in University employment for at least one
140 academic year (calendar year for non-instructional faculty), following participation in the
141 ~~parental-family~~ leave program shall have the total number of hours used deducted from the
142 employee's sick leave and/or annual leave balance, applying sick leave first. ~~(with sick leave~~
143 ~~being deducted first)~~ that the employee has remaining at the time of separation from the
144 University, or upon transferring between an annual leave and non-annual leave accruing contract.
145 If an employee's sick and/or annual leave balance is insufficient to cover the amount of family
146 leave used, they shall not be responsible for repayment.

147 (8) Employees on paid ~~parental-family~~ leave cannot engage in outside
148 employment unless approved in advance by their immediate supervisor.

149 (e) Unpaid Family Leave.

150 (1) If an employee is ineligible or chooses not to use a modified work
151 ~~assignment duties (MWD) or as described in 17.7(a) or or paid parental-family~~ leave, as
152 described in 17.7(b), the employee may request and shall be granted an unpaid ~~parental-family~~
153 leave not to exceed six months as defined in Florida Statute 110.221(b). ~~-when the employee~~
154 ~~becomes a biological parent or a child is placed for adoption in the employee's home.~~

155 (2) Employees on parental leave may use up to six weeks of paid sick leave
156 for the period of leave immediately following the birth of a child, ~~(or eight weeks following a C-~~
157 ~~Section).~~ Parental leave beyond the six-week period may be covered by other accrued paid leave
158 or remain a period of unpaid leave. ~~Use of accrued leave during an approved period of leave~~
159 ~~without pay shall be in accordance with Section 17.11.~~

160 (3) The period of parental leave shall begin no more than two weeks before
161 the expected date of the child's arrival, or when deemed medically necessary.

162 a. The University's representative ~~president or designee~~ shall
163 acknowledge to the employee in writing the period of leave to be granted, and the date of return
164 to employment.

165 b. Any illness or injury caused or contributed to by pregnancy, when
166 certified by a health care provider shall be treated as temporary disability if requested, and the
167 employee shall be allowed to use accrued sick leave credits. In such a case, a Medical or ~~Parental~~
168 Family Leave Request Form and a UCF Medical Certification Form is required. ~~Pregnancy shall~~
169 ~~not be considered a disability.~~

170
171 **17.89 Leaves Due to Illness/Injury.** When an employee is absent with a serious health
172 condition and wishes to request FMLA protection or is absent more than 10 days due to illness or
173 injury, a Medical or Family Leave Request Form and a UCF Medical Certification Form must be
174 submitted to the employee's supervisor or to Human Resources as soon as practicable.
175 Illness/Injury is defined as any physical or mental impairment of health, including such an
176 impairment proximately resulting from pregnancy, which does not allow an employee to fully
177 and properly perform the duties of the employee's position. When an employee's illness/injury

178 may be covered by the Americans with Disabilities Act, the provisions of Public Law 101-336
179 shall apply.

180 (a) Sick Leave.

181 (1) Accrual of Sick Leave.

182 a. A full-time employee shall accrue four ~~(4)~~ hours of sick leave for
183 each biweekly pay period, or the number of hours that are directly proportionate to the number of
184 days worked during less than a full-pay period, without limitation as to the total number of hours
185 that may be accrued.

186 b. A part-time employee shall accrue sick leave at a rate directly
187 proportionate to the percent of time employed.

188 c. An employee appointed under Other Personal Services (OPS) shall
189 not accrue sick leave.

190 (2) Uses of Sick Leave.

191 a. Sick leave shall be accrued before being taken, provided that an
192 employee who participates in a sick leave pool shall not be prohibited from using sick leave
193 otherwise available to the employee through the sick leave pool

194 b. Sick leave shall be authorized for the following:

195 1. The employee's personal illness, injury, exposure to a
196 contagious disease which would endanger others, or a disability where the employee is unable to
197 perform their his/her assigned duties. -

198 2. The employee's personal appointments with a health care
199 provider.

200 3. An employee may use sick leave for an immediate family
201 member's illness, injury, or appointments with health care providers; or for the death of an
202 employee's immediate family member. The illness or injury of a member of the employee's
203 immediate family, at the discretion of the supervisor. - Approval of requests for use of reasonable
204 amounts of sick leave for caring for a member of the employee's immediate family shall not be
205 unreasonably withheld. "Immediate family" includes means the spouse, ~~and the~~ grandparents,
206 parents, siblings ~~brothers, sisters,~~ children, and grandchildren of both the employee and the
207 employee's spouse, and dependents living in the household.

208 4. ~~The death of a member of the employee's immediate family, at~~
209 ~~the discretion of the supervisor.~~ Approval of requests for use of reasonable amounts of sick leave
210 for the death of ~~a member~~ of the employee's immediate family member shall not be unreasonably
211 withheld.

212 c. A continuous period of sick leave commences with the first day of
213 absence and includes all subsequent days until the employee returns to work. For this purpose,
214 Saturdays, Sundays, and official holidays observed by the State shall not be counted unless the
215 employee is scheduled to ~~perform services work~~ on such days. During any seven ~~(7)~~ day period,
216 the maximum number of days of sick leave charged against any employee shall be five ~~(5)~~.

217 d. An employee who requires the use of sick leave should notify their
218 immediate supervisor as soon as practicable.

219 e. An employee who becomes eligible for the use of sick leave while
220 on approved annual leave shall, upon notifying the immediate supervisor, substitute ~~the use of~~
221 accrued sick leave to cover such circumstances.

222 (3) Certification. If an employee's request for absence or absence exceeds four
223 ~~(4)~~ consecutive days, or if a pattern of absence is documented, the University may require an
224 employee to furnish certification signed by an attending health care provider affirming the
225 medical reasons necessitating the absence and/or the employee's ability to return to work. If the
226 medical certification furnished by the employee is not acceptable, the employee may be required
227 to submit to a medical examination by a health care provider who is not a University staff
228 member, and which shall be paid for by the University. If the medical certification indicates that
229 the employee is unable to perform assigned duties, the ~~president or~~ University's representative
230 may place the employee on compulsory leave under the conditions set forth in that Section.
231 ~~17.8(e).~~

232 (4) Transfer of Credits. Currently, there are no statutory provisions for the
233 transfer of accrued sick and, if applicable, annual leave balances between the University and any
234 other state university or any state agency.

235 (5) Payment for Unused Sick Leave per Florida Statute 110.122.

236 a. An employee with less than ten ~~(10)~~ years of State service who
237 separates from State government shall not be paid for any unused sick leave.

238 b. Upon separation from the University, ~~A~~an employee who ~~was~~
239 ~~hired on or before January 6, 2003,~~ has completed ten ~~(10)~~ or more years of State and/or
240 University service, has not been found guilty or has not admitted to being guilty of committing,
241 aiding, or abetting any embezzlement, theft, or bribery in connection with State government, or
242 has not been found guilty by a court of competent jurisdiction of having violated any State law
243 against or prohibiting strikes by public employees, and separates from State government because
244 of retirement for other than disability reasons, termination, or death, shall be compensated for the
245 employee's unused sick leave at the employee's current regular hourly rate of pay for one-eighth
246 of all unused sick leave accrued prior to October 1, 1973, plus one-fourth of all unused sick leave
247 accrued on or after October 1, 1973; provided that one-fourth of the unused sick leave since 1973
248 does not exceed 480 hours.

249 ~~e. — An employee who was hired on or after January 7, 2003, has~~
250 ~~completed ten (10) or more years of University service, has not been found guilty of or has not~~
251 ~~admitted to being guilty of committing, aiding, or abetting any embezzlement, theft, or bribery in~~
252 ~~connection with state government, or has not been found guilty by a court of competent~~
253 ~~jurisdiction of having violated any state law against or prohibiting strikes by public employees,~~
254 ~~and separates from employment because of non-disability retirement, termination, or death shall~~
255 ~~be compensated for the employee's unused sick leave at the employee's most recent regular~~
256 ~~hourly rate of pay for one fourth of all unused sick leave, provided that one fourth of the unused~~
257 ~~accrued sick leave does not exceed 480 hours.~~

258 d. c. Upon layoff, an employee with ten ~~(10)~~ or more years of
259 University service shall be paid for unused sick leave in accord with the criteria described in this
260 Article paragraphs 17.8(a)(5)b and e, above, unless the employee requests in writing that unused
261 sick leave be retained pending re-employment. For an employee who is re-employed by the
262 University within twelve ~~(12)~~ calendar months following layoff, all unused sick leave shall be
263 restored to the employee, provided the employee requests such action in writing and repays the
264 full amount of any lump sum leave payments received at the time of layoff. An employee who is
265 not re-employed within twelve ~~(12)~~ calendar months following layoff shall be paid for sick
266 leave.

267 ed. All payments for unused sick leave shall be made in lump sum and
 268 shall not be used in determining the average final compensation of an employee in any State
 269 administered retirement system. An employee shall not be carried on the payroll beyond the last
 270 official day of employment, except that an employee who is unable to perform duties because of
 271 a disability may be continued on the payroll until all sick leave is exhausted.

272 fe. If an employee has received a lump sum payment for accrued sick
 273 leave, the employee may elect in writing, upon re-employment within 100 days, to restore the
 274 employee's accrued sick leave. Restoration will be effective upon the repayment of the full lump
 275 sum leave payment.

276 gf. In the event of the death of an employee, payment for all unused
 277 sick leave at the time of death shall be made to the employee's beneficiary, estate, or as provided
 278 by law.

279
 280 (b) Job-Related Illness/injury.

281 (1) An employee who sustains a job-related illness/injury that is compensable
 282 under the Workers' Compensation Law shall be carried in full-pay status for a period of
 283 medically certified illness/injury not to exceed seven ~~(7)~~ days immediately following the
 284 illness/injury, or for a maximum of forty ~~(40)~~ work hours if taken intermittently without being
 285 required to use accrued sick or annual leave.

286 (2) If, as a result of the job-related illness/injury, the employee is unable to
 287 resume work at the end of the period provided in the Article ~~paragraph 17.8(b)(1)~~, above:

288 a. The employee may elect to use accrued leave in an amount
 289 necessary to receive salary payment that will increase the Workers' Compensation payments to
 290 the total salary being received prior to the occurrence of the illness/injury. In no case shall the
 291 employee's salary and Workers' Compensation benefits exceed the amount of the employee's
 292 regular salary payments; or

293 b. The employee shall be placed on leave without pay and shall
 294 receive normal Workers' Compensation benefits if the employee has exhausted all accrued leave
 295 in accordance with ~~paragraph 17.8(b)(2)(a)~~ this Article, above, or the employee elects not to use
 296 accrued leave.

297 (3) This period of leave with or without pay shall be in accordance with
 298 Chapter 440 (Worker's Compensation), Florida Statutes.

299 (4) If, at the end of the leave period, the employee is unable to return to work
 300 and perform assigned duties, the University's ~~president or~~ representative shall ~~ould~~ advise the
 301 employee, as appropriate, of the Florida Retirement System's disability provisions and
 302 application process, and may, based upon a current medical certification by a health care
 303 provider prescribed in accordance with Chapter 440 (Worker's Compensation), Florida Statutes,
 304 and taking the University's needs into account:

305 a. offer the employee part-time employment;

306 b. place the employee in-on leave without pay status or extend such
 307 status;

308 c. request the employee's resignation; or

309 d. release the employee from employment, notwithstanding any other
 310 provisions of this Agreement.

311

- 312 (c) Compulsory Leave.
- 313 (1) Placing Employee on Compulsory Leave.
- 314 a. If an employee is unable to perform assigned duties due to
- 315 illness/injury the ~~president or university's~~ representative may require the employee to submit to a
- 316 medical examination, the results of which shall be released to the University, by a health care
- 317 provider chosen and paid by the University, or by a health care provider chosen and paid by the
- 318 employee, who is acceptable to the ~~president or university's~~ representative. Such health care
- 319 provider shall submit the appropriate medical certification(s) to the University.
- 320 b. If the University agrees to accept the employee's choice of a health
- 321 care provider the University may not then require another University-paid examination.
- 322 c. If the medical examination confirms that the employee is unable to
- 323 perform assigned duties, the ~~president or university's~~ representative shall place the employee on
- 324 compulsory leave.
- 325 (2) Conditions of Compulsory Leave.
- 326 a. Written notification to the employee placing the employee on
- 327 compulsory leave shall include the duration of the compulsory leave period and the conditions
- 328 under which the employee may return to work. These conditions may include the requirement of
- 329 the successful completion of, or participation in, a program of rehabilitation or treatment, and
- 330 follow-up medical certification(s) by the health care provider, as appropriate.
- 331 b. The compulsory leave period may be leave with pay or leave
- 332 without pay. If the compulsory leave combines the use of accrued leave with leave without pay,
- 333 the use of such leave shall be in accordance with Section 17.~~11~~12.
- 334 c. If the employee fulfills the terms and conditions of the compulsory
- 335 leave and receives a current medical certification that the employee is able to perform assigned
- 336 duties, the president or representative shall return the employee to the employee's previous
- 337 duties, if possible, or to equivalent duties.
- 338 (3) Duration. Compulsory leave, with or without pay, shall be for a period not
- 339 to exceed the duration of the illness/injury or one year, whichever is less.
- 340 (4) Failure to Complete Conditions of Compulsory Leave or Inability to
- 341 Return to Work. If the employee fails to fulfill the terms and conditions of a compulsory leave
- 342 and/or is unable to return to work and perform assigned duties at the end of a leave period, the
- 343 ~~University's president or designee~~ representative should advise the employee, as appropriate, of
- 344 the Florida Retirement System's disability provisions and application process, and may, based
- 345 upon the University's needs:
- 346 a. offer the employee part-time employment;
- 347 b. place the employee in leave without pay status in accordance with
- 348 Section 17.~~11~~12 or extend such status;
- 349 c. request the employee's resignation; or
- 350 d. release the employee from employment, notwithstanding any other
- 351 provisions of this Agreement.
- 352
- 353 **17.910 Annual Leave.**
- 354 (a) Accrual of Annual Leave.
- 355 (1) Full-time employees appointed for more than nine (9) months, except
- 356 employees on academic year appointments, shall accrue annual leave at the rate of 6.769 hours

357 biweekly or 14.667 hours per month (or a number of hours that is directly proportionate to the
358 number of days worked during less than a full- pay period for full-time employees), and the
359 hours accrued shall be credited at the conclusion of each pay period or, upon termination, at the
360 effective date of termination. Employees may accrue annual leave in excess of the year end
361 maximum during a calendar year. Employees with accrued annual leave in excess of the year end
362 maximum as of December 31, shall have any excess converted to post October 1, 1973 sick leave
363 on an hour-for-hour basis on January 1 of each year.

364 (2) Part-time employees appointed for more than nine ~~(9)~~ months, except
365 employees on academic year appointments, shall accrue annual leave at a rate directly
366 proportionate to the percent of time employed.

367 (3) Academic year employees, employees appointed for less than nine ~~(9)~~
368 months, and OPS employees shall not accrue annual leave.

369 (4) At the request of the employee, he or she shall be permitted to use accrued
370 annual leave for all or part of medical or ~~parental~~-family leave.

371

372 (b) Use and Transfer of Annual Leave.

373 (1) Annual leave shall be accrued before being taken, except in those
374 instances where the president or representative may authorize the advancing of annual leave.
375 When leave has been advanced and employment is terminated prior to the employee accruing
376 sufficient annual leave to credit against the leave that was advanced, the University shall deduct
377 from the employee's warrant the cost of any annual leave advanced under this provision. All
378 requests for annual leave shall be submitted by the employee to the supervisor as far in advance
379 as possible and appropriate. ~~Approval of the dates on which an employee wishes to take annual
380 leave shall be at the discretion of the supervisor and shall be subject to the consideration of
381 departmental/unit and organizational scheduling.~~

382 (2) Upon re-employment with the University within 100 days, except for re-
383 employment after layoff per this Article ~~(see 17.9(e)(3), below)~~, the employee may choose to
384 reinstate their annual leave balance by repaying the full lump-sum annual leave payment
385 received.

386 (3) An employee may transfer into an annual leave accruing position up to
387 forty-four ~~(44)~~ days of unused leave accrued in the University classification and pay plan in
388 which previously employed, provided the employee has not received payment for such leave and
389 no more than thirty-one ~~(31)~~ days have elapsed between jobs.

390 (4) When an annual leave accruing employee moves to a position in State
391 government, the transfer of leave shall be governed by the rules of the plan to which the
392 employee is transferring. Should all unused leave not be transferable, up to forty-four days (352
393 hours) of the remaining balance shall be paid in lump sum, effective the last day of University
394 employment, without affecting other leave benefits.

395 (5) The transfer of unused annual leave from a local government to an annual
396 leave accruing position is not permitted unless a reciprocal agreement in writing between the
397 University or its representative and the previous employing entity is in effect.

398

399 (c) Payment for Unused Annual Leave.

400 (1) Upon termination from an annual leave accruing contract, or transfer from
401 an annual leave accruing contract to an academic year contract, and unless the employee requests

402 the option in (2) below, the University shall pay the employee for up to forty-four days (352
403 hours) of unused annual leave at the calendar year rate the employee was accruing as of the
404 employee's last day of work, ~~provided that a determination has been made by the president or~~
405 ~~representative that the employee was unable to reduce the unused annual leave balance prior to~~
406 ~~termination or reassignment to an academic year contract.~~ All unused annual leave in excess of
407 forty-four days (352 hours) shall be transferred to the employee's sick leave.

408 (2) Upon transfer from an annual leave accruing contract to an academic year
409 contract at the University, the employee may elect to retain all unused annual leave until such
410 time, not to exceed two ~~(2)~~ years, as the employee transfers back to an annual leave accruing
411 contract or terminates employment with the University. Upon such termination or at the end of
412 two ~~(2)~~ years, whichever comes first, the unused leave balance shall be paid in lump sum for up
413 to forty-four days (352 hours) at the annual rate the employee was accruing as of the employee's
414 last day of work on an annual leave accruing contract.

415 (3) Upon layoff, an employee shall be paid for up to forty-four days (352
416 hours) of unused annual leave in lump sum, unless the employee requests in writing that annual
417 leave credits be retained pending re-employment. For employees who are re-employed by the
418 University within twelve ~~(12)~~ calendar months following layoff, all unused annual leave shall be
419 restored to the employee, provided the employee requests such action in writing and repays the
420 full amount of any lump sum leave payment received at the time of layoff. Employees who are
421 not re-employed within twelve ~~(12)~~ calendar months following layoff and who elected to retain
422 their annual leave pending re-employment shall be paid for up to forty-four days (352 hours) of
423 unused annual leave at the calendar rate the employee was accruing as of the employee's last day
424 of work.

425 (4) If an employee has received a lump sum payment for accrued annual
426 leave, the employee may elect in writing, upon re-employment within 100 days, to restore the
427 employee's accrued annual leave. Restoration will be effective upon the repayment of the full
428 lump sum leave payment.

429 (5) In the event of the death of an employee, payment for all unused annual
430 leave at the time of death, up to 352 hours, shall be made to the employee's beneficiary, estate, or
431 as provided by law.

432

433 ~~17.1011~~ **Administrative Leaves.**

434 (a) Jury Duty and Court Appearances.

435 (1) An employee who is summoned as a member of a jury panel or
436 subpoenaed as a witness in a matter not involving the employee's personal interests, shall be
437 granted leave with pay and any jury or witness fees shall be retained by the employee; leave
438 granted hereunder shall not affect an employee's annual or sick leave balance.

439 (2) An appearance as an expert witness for which an employee receives
440 professional compensation falls under Article 19 and the University's policies and regulations
441 relative to outside employment/conflict of interest. Such an appearance may require ~~necessitate~~
442 the employee to ~~requesting~~ annual leave, or, if a non-annual leave accruing, the employee, may
443 request a modified ~~necessitate the employee seeking an adjustment of the~~ work schedule.

444 (3) If an employee is required, as a direct result of the employee's
445 employment, to appear as an official witness to testify in the course of any action as defined in
446 Section 92.142(2), Florida Statutes, such duty shall be considered a part of the employee's job

447 assignment, and the employee shall be paid per diem and travel expenses. ~~Such employee and~~
448 shall turn over to the University any witness fees and other expense reimbursement received by
449 the employee for such appearance.

450 (4) An employee involved in personal litigation during work hours must
451 request annual leave or, if a non-annual leave accruing employee, must request a modified ~~seek~~
452 ~~an adjustment to the~~ work schedule.

453
454 (b) Military Leave.

455 (1) Short-term Military Training. An employee who is a member of the
456 United States Armed Forces Reserve, including the National Guard, upon presentation of a copy
457 of the employee's official orders, letter from the Commanding Officer or appropriate military
458 certification, shall be granted leave with pay during periods in which the employee is engaged in
459 annual field training or other active or inactive duty for training exercises. Such leave with pay
460 shall not exceed two hundred and forty ~~(240)~~ hours in any one ~~(1)~~ university fiscal year (July 1 –
461 June 30). Additional leave for training may be taken as ordered by the military, however annual
462 leave, compensatory leave or leave without pay may be utilized to cover the additional time
463 necessary for training.

464 (2) National Guard State Service. An employee who is a member of the
465 Florida National Guard shall be granted leave with pay on all days when ordered to active
466 service by the State. Such leave with pay shall not exceed thirty (30) days at any one time.

467 (3) Other Military Leave.

468 a. An employee, except an employee who is employed in a
469 temporary position or employed on a temporary basis, who is drafted, who volunteers for active
470 military service, or who is ordered to active duty (not active duty training) shall be granted leave
471 in accordance with Chapter 43 of Title 38, United States Code. Active military service includes
472 active duty with any branch of the United States Army, Air Force, Navy, Marine Corps, Coast
473 Guard, National Guard of the State of Florida, or other service.

474 b. Such leave of absence shall be verified by official orders or appropriate
475 military certification. The first thirty ~~(30)~~ days of such leave shall be with full-pay and shall not
476 affect an employee's annual or sick leave balance. The remainder of military leave shall be
477 without pay unless the employee elects to use accumulated annual leave or appropriate leave as
478 provided in this Article 17.10(d)(4) below, or the employer exercises its option to supplement the
479 employee's military pay. Leave payment for the first thirty ~~(30)~~ days shall be made only upon
480 receipt of documentation from appropriate military authority.

481 c. Applicable provisions of Federal and State law shall govern the granting
482 of military leave and the employee's re-employment rights.

483 d. Use of accrued leave is authorized during a military leave without pay
484 in accordance with Section 17.12.

485
486 (c) Leave Pending Investigation. When the ~~president or University's~~ representative
487 has reason to believe that the employee's presence on the job will adversely affect the operation
488 of the University, the ~~president or university's~~ representative may immediately place the
489 employee on leave pending investigation of the event(s) leading to that belief. The leave pending
490 investigation shall commence immediately upon the ~~president or university's~~ representative

491 providing the employee with a written notice of the reasons therefor. The leave shall be with pay,
492 with no reduction of accrued leave.

493

494 (d) Other Leaves Provided Not Affecting Accrued Leave Balances. An employee
495 may be granted other leaves not affecting accrued leave balances ~~which are provided~~ as follows:

496 (1) Florida Disaster Volunteer Leave is provided for an employee who is a
497 certified disaster service volunteer of the American Red Cross. Leave of absence with pay for not
498 more than fifteen ~~(15)~~ working days in the fiscal year may be provided upon request of the
499 American Red Cross, ~~and the employee's supervisor's approval~~. Leave granted under this act
500 shall be only for services related to a disaster occurring within the boundaries of the State of
501 Florida.

502 (2) Civil disorder or disaster leave is provided for an employee who is
503 member of a volunteer fire department, police auxiliary or reserve, civil defense unit, or other
504 law enforcement type organization to perform duties in time of civil disturbances, riots, and
505 natural disasters, including an employee who is a member of the Civil Air Patrol or Coast Guard
506 Auxiliary, and called upon to assist in emergency search and rescue missions. Such paid leave
507 not affecting leave balances may be granted upon approval by the University's representative
508 ~~president or designee~~ and shall not exceed two days on any one occasion.

509 (3) Athletic competition leave is provided for an employee who is a group
510 leader, coach, official, or athlete who is a member of the official delegation of the United States
511 team for athletic competition as defined in Section 110.118, Florida Statutes. Such paid leave not
512 affecting leave balances shall be granted for the purpose of preparing for and engaging in the
513 competition for the period of the official training camp and competition, not to exceed 30 days in
514 a calendar year.

515 (4) Leave for re-examination or treatment with respect to service-connected
516 disability is provided by Section 110.119, Florida Statutes, for an employee who has such rating
517 by the United State Department of Veterans Affairs and has been scheduled to be reexamined or
518 treated for the disability. Upon presentation of written confirmation of having been so scheduled,
519 such leave not affecting the employee's leave balances shall be approved and shall not exceed six
520 ~~(6)~~ calendar days in any calendar year.

521

522 e. Official Emergency Closings. The University's ~~president or president's~~
523 representative may close the University, or portions of the University in accordance with
524 University policy ~~ies and regulations~~ relating to natural disasters or other emergencies. Such
525 closings will be only for the period it takes to restore normal working conditions. Leave resulting
526 from such an emergency closing shall not reduce employees' leave balances.

527

528 ~~17.11~~12 Leave Without Pay.

529 (a) Granting. Upon request of an employee, the president or representative shall grant
530 a leave without pay for a period not to exceed one year unless the president or representative
531 determines that granting such leave would be inconsistent with the best interests of the
532 University. Such leave may be extended upon mutual agreement.

533

534 (b) Salary Adjustment. The salary of an employee returning from uncompensated
535 leave shall be adjusted to reflect all non-discretionary increases distributed during the period of

536 leave. While on such leave, an employee shall be eligible to participate in any special salary
537 incentive programs such as the Teaching Incentive Program.

538 (c) Retirement Credit. Retirement credit for such periods of leave without pay shall
539 be governed by the rules and regulations of the Division of Retirement and the provisions of
540 Chapter 121, Florida Statutes.

541 (d) Accrual of Leave/Holiday Pay. While on leave without pay, the employee shall
542 retain accumulated sick leave and annual leave, but shall not accrue sick leave or annual leave
543 nor be entitled to holiday pay.

544 (e) Use of Accrued Leave During an Approved Period of Leave Without Pay.

545 (1) Use of accrued leave with pay is authorized during a leave of absence
546 without pay for family, foster care, medical, or military reasons. Such use of leave with pay is
547 provided under the following conditions:

548 a. Notwithstanding the provisions of ~~this Article Section 17.8(a)(2)~~
549 regarding the use of sick leave, an employee may use any type of accrued leave in an amount
550 necessary to cover the employee's contribution to the State insurance program and other
551 expenses incurred by the employee during an approved period of leave without pay for
552 ~~parental~~family, foster care, medical, or military reasons. Under such circumstances, the
553 employee must use a minimum of ten accrued leave hours per week.

554 b. Normally the use of accrued leave during a period of leave without
555 pay for ~~parental~~family or medical reasons shall be approved for up to six ~~(6)~~ months, but may be
556 approved for up to one year for the serious health condition of the employee or a member of the
557 employee's immediate family.

558 c. The employer contribution to the State insurance program shall
559 continue for the corresponding payroll periods.

560 (2) An employee's request for the use of accrued leave during a period of
561 leave without pay shall be made at the time of the employee's request for the leave without pay.
562 Such request shall include the amount of accrued leave the employee wishes to use during the
563 approved period of leave without pay. If circumstances arise during the approved leave which
564 cause the employee to reconsider the combination of leave with and without pay, the employee
565 may request approval of revisions to the original approval.