

ARTICLE 17
LEAVES

17.1 ~~Requests for a~~Types of Leave. Employees have the right to any type of leave listed in this article. or Extension of Leave of One Semester or More.

~~(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 any 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. Semester(s) during which an employee is on ~~compensated or uncompensated~~ leave shall be creditable for the purpose of determining eligibility for tenure except by mutual agreement of the employee and the University. Time spent on a 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 designee in writing at the time such leave begins. Upon return from military leave, an employee may request that the time spent on military leave be tenure-earning, ~~which and this~~ request must be granted by the president or president's representative designee. 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 employee and the president or president's representative designee in writing at the time such leave begins.

17.5 — Holidays.

~~(a) An employee shall be entitled to observe all official holidays designated in accordance with Florida Statute, Section 110.117, Florida Statutes. No classes or examinations shall be scheduled on holidays. Classes not held because of a holiday shall not be rescheduled. In addition to these designated holidays, employees shall be entitled to one floating holiday at the~~

46 ~~discretion of the employee. The employee shall notify the immediate supervisor with as much~~
 47 ~~time as possible.~~

48 (b) ~~Supervisors shall are encouraged not to require non-essential an employees to~~
 49 ~~perform duties on holidays; however, aAny essential employee required to perform duties on~~
 50 ~~holidays shall have their employee's schedule adjusted to provide equivalent time off, up to a~~
 51 ~~maximum of eight hourstwo days off for each holiday worked.~~

52 (c) ~~If an employee who has performed duties on a holiday terminates employment prior~~
 53 ~~to before being given time off, the employee shall be paid, upon termination, for the holiday~~
 54 ~~hours worked within the previous twelve month period.UFF will move this section to Article 9 -~~
 55 ~~Assignment of Responsibilities.~~

57 **17.6-5 Family and Medical Leave Act (FMLA) Entitlements.**

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

69 **17.76 Parental- Paid Family Leave Options.** ~~The University of Central Florida~~
 70 ~~provides a supportive environment that enables employees to address the complexity of~~
 71 ~~balancing their work and family commitments. Paid family leave provides a supportive~~
 72 ~~environment for all faculty to balance work and family commitments.~~ The University provides
 73 the following leave options when an employee ~~is the primary caretaker of a seriously ill~~
 74 ~~immediate family member or~~ becomes a biological parent, a child is placed for adoption in the
 75 employee's home, or the employee becomes ~~the~~ legal guardian of a child. ~~Per Florida Statute~~
 76 ~~110.221.1, a serious family illness includes an accident, disease, or condition that poses~~
 77 ~~imminent danger of death, requires hospitalization involving an organ transplant, limb~~
 78 ~~amputation, or other procedure of similar severity, or any mental or physical condition requiring~~
 79 ~~constant in-home care. In cases where family leave is taken for the purposes of birth or~~
 80 ~~adoption, the leave must occur no later than a semester immediately following the birth or~~
 81 ~~adoption event. For other types of family leave, notice must be given as soon as practicable.~~

83 (a) Modified Work Duties. If the employee normally has an instructional assignment,
 84 then, after consultation with the employee, the supervisor shall determine that:

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

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

88 (3) once the modified plan is agreed to by the employee and his or her supervisor,
 89 it shall be reviewed by the dean or vice president. The dean or vice president shall either approve

90 the modified work plan, or work in collaboration with the supervisor and employee to reach an
91 acceptable solution.

92 (b) Paid Parental-Family Leave.

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

94 (21) Eligibility. ~~In order to participate in this program, an e~~Employees must be employed
95 for a minimum of one academic year on at least a 0.75 FTE line. Contract and grant funded
96 employees shall be eligible for family leave to the extent that such program benefits are
97 permitted by the terms of the contract or grant and the rules of the funding agency, and adequate
98 funds are available for this purpose in the contract or grant. This program does not apply to
99 individuals on a temporary, a term limited, or a visiting appointment. ~~Furthermore, employees on~~
100 ~~soft money shall be eligible to the extent that such benefits are permitted by the terms of the~~
101 ~~contract or grant, the rules of the funding agency, and/or adequate funds are available.~~

102 (42) Length of Family Leave. An employee shall be granted, upon request, a
103 paid parental-family leave for a period of 19.5 contiguous weeks ~~(for twelve-month~~ instructional
104 and non-instructional employees ~~only)~~ or one regular (Fall or Spring) semester, ~~(or up to 3~~
105 ~~months for non-instructional employees)~~ for the birth, adoption, or assumption of legal
106 guardianship of a child or care of a seriously ill family member.

107 (23) Limits to Use. Parental-Family leave may be used no more than twice
108 during the employee's employment at the University. If both parents are employees of the
109 University, only one parent may request paid parental-family leave under this program for each
110 qualifying event ~~(birth or adoption).~~

111 (34) Notice and Use of Family Leave. ~~If requesting parental leave, t~~The
112 employee ~~shall will~~ request the use of paid parental leave in writing no later than three months
113 ~~prior to before~~ the anticipated beginning of the leave ~~and this leave must occur no later than a~~
114 ~~semester immediately following the birth or adoption event.~~ A shorter notice period may be
115 permitted on a case-by-case basis, for good cause and/or special circumstances at the discretion
116 of the provost ~~or designee.~~ For other types of family leave, notice must be given as soon as
117 practicable. Parental-Family leave is separate from, but may run concurrent with, medical or
118 FMLA leave.

119 (45) Signed Agreement and Application Process. The employee will sign a
120 written agreement detailing the terms of the paid parental-family leave. Participation in
121 paid parental-family leave is contingent upon execution of the signed agreement.

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

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

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

145 (89) Employees on paid parental ~~family~~ leave cannot engage in outside
 146 employment unless approved in advance.

147 (c) —Unpaid Parental Leave.

148 (1) If an employee is ineligible or chooses not to use a modified work assignment
 149 as described in 17.76(a) or paid parental leave as described in 17.76(b), the employee may
 150 request and shall be granted an unpaid parental leave not to exceed six months when the
 151 employee becomes a biological parent, ~~or~~ a child is placed for adoption in the employee's home,
 152 or the employee becomes legal guardian of a child.

153 (2) Employees on parental leave may use up to ~~six-eight~~ weeks of paid sick leave
 154 for the period of leave immediately following the birth of a child, ~~(or eight weeks following a C-~~
 155 ~~Section).~~ Parental leave beyond the ~~six-eight~~-week period may be covered by other accrued paid
 156 leave or remain a period of unpaid leave. Use of accrued leave during an approved period of
 157 leave without pay shall be in accordance with Section 17.410.

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

160 a. The president or designee shall acknowledge to the employee in
 161 writing the period of leave to be granted, and the date of return to employment.

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

167
 168 **17.87 Leaves Due to Illness/Injury.** When an employee is absent with a serious health
 169 condition and wishes to request FMLA protection or is absent more than 10 days due to illness or
 170 injury, a Medical or Parental Leave Request Form and a UCF Medical Certification Form must
 171 be submitted to the employee's supervisor or to Human Resources as soon as practicable.
 172 Illness/Injury is defined as any physical or mental impairment of health, including such an
 173 impairment proximately resulting from pregnancy, ~~which that~~ does not allow an employee to
 174 fully and properly perform their duties ~~of the employee's position.~~ When an employee's
 175 illness/injury may be covered by the Americans with Disabilities Act, the provisions of Public
 176 Law 101-336 shall apply.

177 (a) Sick Leave.

178 (1) Accrual of Sick Leave.

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

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

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

187 (2) Uses of Sick Leave.

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

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

192 1. The employee's personal illness, injury, exposure to a
 193 contagious disease ~~which would endanger others, or~~ a disability where the employee is unable to
 194 perform ~~their his/her~~ assigned duties, ~~or the employee's appointments with health care providers.~~
 195 Personal illness includes disability caused or contributed to by pregnancy, miscarriage, abortion,
 196 childbirth, or recovery therefrom.

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

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

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

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

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

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

221 (3) Certification. If an employee's request for absence or absence exceeds four ~~(4)~~
 222 consecutive days, or if a pattern of absence is documented, the University may require an
 223 employee to furnish certification signed by an attending health care provider affirming the

224 medical reasons necessitating the absence and/or the employee's ability to return to work. If the
225 medical certification furnished by the employee is not acceptable, the employee may be required
226 to submit to a medical examination by a health care provider who is not a University staff
227 member, and which shall be paid for by the University. If the medical certification indicates ~~that~~
228 the employee is unable to perform assigned duties, the president or designee representative may
229 place the employee on compulsory leave under the conditions set forth in Section 17.87(c).

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

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

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

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

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

256 d.c. Upon layoff, an employee with ten ~~(10)~~ or more years of
257 University service shall be paid for unused sick leave in accord with the criteria described in
258 paragraphs 17.87(a)(5)b ~~and e~~, above, unless the employee requests in writing that unused sick
259 leave be retained pending re-employment. For an employee who is re-employed by the
260 University within twelve ~~(12)~~ calendar months following layoff, all unused sick leave shall be
261 restored to the employee, provided the employee requests such action in writing and repays the
262 full amount of any lump sum leave payments received at the time of layoff. An employee who is
263 not re-employed within twelve ~~(12)~~ calendar months following layoff shall be paid for sick
264 leave.

265 e. All payments for unused sick leave shall be made in lump sum and
266 shall not be used in determining the average final compensation of an employee in any State
267 administered retirement system. An employee shall not be carried on the payroll beyond the last

268 official day of employment, except that an employee who is unable to perform duties because of
269 a disability ~~may~~shall be continued on the payroll until all sick leave is exhausted.

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

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

277 (b) Sick Leave Pool

278 (1) The sick leave pool program supports up to three months of
279 additional paid leave. A one-time donation of sixteen hours is all that is necessary to join and
280 become eligible for the sick leave pool program.

281 (2) Eligibility. All employees ~~and A&P personnel~~ are eligible to join the Sick
282 Leave Pool. Applicants must have continuous employment with the University, in a benefits-
283 earning position, for more than one year, and a balance of at least 64 hours of unused sick leave
284 from which sixteen must be donated upon acceptance into the Sick Leave Pool. Part-time
285 benefits-earning ~~faculty employees~~ and ~~A&P employees~~ must have a sick leave balance and
286 donate sick leave hours to the pool in an amount that is proportionate to the full-time equivalency
287 of their position.

288 ~~(3) No employee shall be unreasonably denied enrollment in the sick leave pool.~~

289 (3) Administration

290 a. The Executive Director of Human Resources, or designee, shall serve as
291 the leave pool administrator.

292 b. The ~~Faculty and A&P~~ employee sick leave pool shall be administered as
293 follows:

294 1. Participating employees who require hospitalization or extended
295 medical care as the result of catastrophic injury or illness that exhausts all of their accrued sick,
296 annual, personal, and compensatory leave credits and which results in serious or major medical
297 or health problems, may ~~request permission to~~ utilize leave credits from the pool.

298 2. All requests for sick leave pool credit utilization shall be made
299 in writing by, or on behalf of, the employee and shall be accompanied by a completed UCF
300 Medical Certification form.

301 3. Employees who are not members of the sick leave pool at the
302 time of a qualifying illness or injury shall not be eligible to utilize sick leave pool credits.

303 4. After each thirty day utilization the employee must request
304 additional sick leave pool credits by submitting new medical forms.

305 5. The maximum number of sick leave pool credits ~~which that~~ may
306 be granted to an ~~full-time~~ employee shall be ninety days in increments of thirty days. If an ~~part-~~
307 time employee participates in the pool, then the maximum number of sick leave pool credits
308 ~~which may be granted available to such an employee with a qualifying medical need will be~~
309 prorated to the FTE of that employee.

310 (5) Sick leave pool Maintenance:

311 a. The ~~Faculty and A&P~~ sick leave pool shall become inactive if the
312 membership in the pool drops below ~~50~~ fifty employees. Should the pool become inactive, the

313 remaining leave credits shall be prorated equally among the membership at time of inactivation.
 314 The sick leave pool can thereafter only be reactivated if a minimum of fifty employees agree to
 315 participate in the pool by each depositing sixteen hours of accrued sick leave into the newly
 316 formed pool. When the total credit available in the pool amounts to 240 hours or less, the pool
 317 shall be considered ~~to be~~ depleted. Upon depletion, the pool members will be notified in writing
 318 that an addition sixteen hours of sick leave credit will be deducted from their account unless they
 319 inform the pool administrator (in writing within two weeks of the date of notice), of their
 320 intention to discontinue membership.

321 (c) Job-Related Illness/injury.

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

327 (2) If, as a result of the job-related illness/injury, the employee is unable to
 328 resume work at the end of the period provided in paragraph 17.87(b)(1), above:

329 a. -The employee may elect to use accrued leave in an amount necessary to
 330 receive salary payment that will increase the Workers' Compensation payments to the total salary
 331 being received ~~prior to~~before the occurrence of the illness/injury. In no case shall the employee's
 332 salary and Workers' Compensation benefits exceed the amount of the employee's regular salary
 333 payments; or

334 b. The employee shall be placed on leave without pay and shall receive
 335 normal Workers' Compensation benefits if the employee has exhausted all accrued leave in
 336 accordance with paragraph 17.87(b)(2)(a), above, or the employee elects not to use accrued
 337 leave.

338 (3) This period of leave with or without pay shall be in accordance with Chapter
 339 440 (Worker's Compensation), Florida Statutes.

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

346 a. offer the employee part-time employment;

347 b. place the employee ~~in~~ on leave without pay status or extend such
 348 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 (c) Compulsory Leave.

353 (1) Placing Employee on Compulsory Leave.

354 a. If an employee is unable to perform assigned duties due to
 355 illness/injury the president or ~~representative~~ designee may require the employee to submit to a
 356 medical examination, the results of which shall be released to the University, by a health care
 357 provider chosen and paid by the University, or by a health care provider chosen and paid by the

358 employee, who is acceptable to the president or ~~representative~~ designee. Such health care
359 provider shall submit the appropriate medical certification(s) to the University.

360 b. If the University agrees to accept the employee's choice of a health care
361 provider the University may not then require another University-paid examination.

362 c. If the medical examination confirms that the employee is unable to
363 perform assigned duties, the president or ~~representative~~ designee shall place the employee on
364 compulsory leave.

365 (2) Conditions of Compulsory Leave.

366 a. -Written notification to the employee placing the employee on
367 compulsory leave shall include the duration of the compulsory leave period and the conditions
368 under which the employee may return to work. These conditions may include the requirement of
369 the successful completion of, or participation in, a program of rehabilitation or treatment, and
370 follow-up medical certification(s) by the health care provider, as appropriate.

371 b. -The compulsory leave period may be leave with pay or leave without
372 pay. If the compulsory leave combines the use of accrued leave with leave without pay, the use
373 of such leave shall be in accordance with Section 17.11.

374 c. If the employee fulfills the terms and conditions of the compulsory
375 leave and receives a current medical certification that the employee is able to perform assigned
376 duties, the president or ~~representative~~ designee shall return the employee to the employee's
377 previous duties, if possible, or to equivalent duties.

378 (3) Duration. Compulsory leave, with or without pay, shall be for a period not to
379 exceed the duration of the illness/injury or one year, whichever is less.

380 (4) Failure to Complete Conditions of Compulsory Leave or Inability to Return
381 to Work. If the employee fails to fulfill the terms and conditions of a compulsory leave and/or is
382 unable to return to work and perform assigned duties at the end of a leave period, the president or
383 ~~designee~~ ~~representative~~ ~~should~~ shall advise the employee, as appropriate, of the Florida
384 Retirement System's disability provisions and application process, and may, based upon the
385 University's needs:

386 a. -offer the employee part-time employment;

387 b. -place the employee in leave without pay status in accordance with
388 Section 17.11 or extend such status;

389 c. -request the employee's resignation; or

390 d. -release the employee from employment, notwithstanding any other
391 provisions of this Agreement.

392

393 **17.98 Annual Leave.**

394 (a) Accrual of Annual Leave.

395 (1) Full-time employees appointed for more than nine ~~(9)~~ months, except
 396 employees on academic year appointments, shall accrue annual leave at the rate of 6.769 hours
 397 biweekly or 14.667 hours per month (or a number of hours that is directly proportionate to the
 398 number of days worked during less than a full- pay period for full-time employees), ~~and the~~
 399 ~~hours- Accrued~~ hours shall be credited at the conclusion of each pay period or, upon termination,
 400 at the effective date of termination. Employees may accrue annual leave in excess of the year end
 401 maximum during a calendar year. Employees with accrued annual leave in excess of the year end
 402 maximum as of December 31, shall have any excess converted to post October 1, 1973 sick leave
 403 on an hour-for-hour basis on January 1 of each year.

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

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

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

411 (b) Use and Transfer of Annual Leave.

412 (1) Annual leave shall be accrued before being taken, except in those instances
 413 where the president or ~~representative- designee~~ may authorize the advancing of annual leave.
 414 When leave has been advanced and employment is terminated ~~prior to before~~ the employee
 415 ~~accruing- accrues~~ sufficient annual leave to credit against the leave that was advanced, the
 416 University shall deduct from the employee's warrant the cost of any annual leave advanced under
 417 this provision. All requests for annual leave shall be submitted by the employee to the supervisor
 418 as far in advance as possible and appropriate. ~~Approval of the dates on which an employee~~
 419 ~~wishes to take annual leave shall be at the discretion of the supervisor and- An employee who~~
 420 ~~wishes to utilize annual leave shall notify their supervisor as soon as practicable. shall be subject~~
 421 ~~to the consideration of departmental/unit and organizational scheduling.~~

422 (2) Upon re-employment with the University within 100 days, except for re-
 423 employment after layoff (see 17.98(c)(3), below), the employee may choose to reinstate their
 424 annual leave balance by repaying the full lump-sum annual leave payment received.

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

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

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

437

438 (c) Payment for Unused Annual Leave.

439 (1) Upon termination from an annual leave accruing contract, or transfer from an
440 annual leave accruing contract to an academic year contract, and unless the employee requests
441 the option in (2) below, the University shall pay the employee for up to forty-four days (352
442 hours) of unused annual leave at the calendar year rate the employee was accruing as of the
443 employee's last day of work, provided that a determination has been made by the president or
444 ~~representative~~ designee that the employee was unable to reduce the unused annual leave balance
445 ~~prior to~~ before termination or reassignment to an academic year contract. All unused annual leave
446 in excess of forty-four days (352 hours) shall be transferred to the employee's sick leave.

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

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

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

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

471

472 ~~17.10~~ 9 Administrative Leaves.

473 (a) Jury Duty and Court Appearances.

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

478 (2) An appearance as an expert witness for which an employee receives
479 professional compensation falls under Article 19 and the University's policies and regulations
480 relative to outside employment/conflict of interest. -Such an appearance may require ~~necessitate~~

481 the employee ~~to requesting~~ annual leave, or, if a non-annual leave accruing, ~~the~~ employee, may
482 ~~request a modified necessitate the employee seeking an adjustment of the~~ work schedule.

483 (3) If an employee is required, as a direct result of the ~~employee's~~ employment,
484 to appear as an official witness to testify in the course of any action as defined in Section
485 92.142(2), Florida Statutes, such duty shall be considered a part of the employee's job
486 assignment, and the employee shall be paid per diem and travel expenses. ~~Such employee and~~
487 shall turn over to the University any witness fees and other expense reimbursement received by
488 the employee for such appearance.

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

492 (b) Military Leave.

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

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

505 (3) Other Military Leave.

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

512 b. Such leave of absence shall be verified by official orders or appropriate
513 military certification. The first thirty ~~(30)~~ days of such leave shall be with full-pay and shall not
514 affect an employee's annual or sick leave balance. The remainder of military leave shall be
515 without pay unless the employee elects to use accumulated annual leave or appropriate leave as
516 provided in 17.409(d)(4) below, or the employer exercises its option to supplement the
517 employee's military pay. Leave payment for the first thirty ~~(30)~~ days shall be made only upon
518 receipt of documentation from appropriate military authority.

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

521 d. Use of accrued leave is authorized during a military leave without pay
522 in accordance with Section 17.410.

523
524 (c) Leave Pending Investigation. When the president or representative designee has
525 reason to believe that the employee's presence on the job will adversely affect ~~the~~ operation of

526 the University, the president or ~~representative designee shall may~~ immediately place the
527 employee on leave pending investigation of the event(s) leading to that belief. ~~The leave~~
528 pending investigation shall commence immediately upon the president or ~~representative~~
529 ~~designee~~ providing the employee with a written notice of the reasons therefor. The leave shall be
530 with pay, with no reduction of accrued leave.

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

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

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

545 (3) Athletic competition leave is provided for an employee who is a group leader,
546 coach, official, or athlete who is a member of the official delegation of the United States team for
547 athletic competition, including in Olympic events as defined in Section 110.118, Florida Statutes.
548 Such paid leave not affecting leave balances shall be granted for the purpose of preparing for and
549 engaging in the competition for the period of the official training camp and competition, not to
550 exceed 30 days in a calendar year.

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

557 (e) Official Emergency Closings. The president or ~~president's representative designee~~
558 may close the University, or portions of the University in accordance with University policies
559 ~~and regulations~~ relating to natural disasters or other emergencies. Such closings will be only for
560 the period it takes to restore normal working conditions. Leave resulting from such an
561 emergency closing shall not reduce employees' leave balances. In the event of emergency closure
562 under this university regulation, pre-approved parental, sick and annual leave will be converted
563 into administrative leave (not be counted against the employee).

564 (f) Victims of Domestic and Sexual Violence. The president or designee shall provide up
565 to seven days of paid leave to an employee who is a victim of domestic or sexual violence or has
566 a family or household member who is a victim of domestic or sexual violence. The employee
567 may use accumulated annual, sick, or family leave for additional paid leave time. If practicable,
568 the employee must provide the University with at least 48 hours advance notice of the
569 employee's intention to take the leave. When an absence occurs, the University shall not take
570 any action against the employee if the employee provides documentation or certification of the

571 event within fifteen days of the event, or when requested by the University. The leave from work
 572 is to address domestic or sexual violence, which includes but is not limited to:

573 (1) Seeking an injunction for protection against domestic violence or an
 574 injunction for protection in cases of repeat violence, dating violence, or sexual violence.

575 (2) Seeking medical attention for, or recovering from, physical or psychological
 576 injuries caused by domestic or sexual violence to the employee or the employee's family or
 577 household member.

578 (3) Obtaining services from a victim services organization, including, but limited
 579 to a domestic violence shelter or program or a rape crisis center.

580 (4) Making the employee's home secure from the perpetrator of domestic
 581 violence or finding a new home to escape the perpetrator.

582 (5) Seeking legal assistance to address issues arising from domestic violence or
 583 attending or preparing for court related proceedings arising from the act of domestic violence.
 584

585 **17.110 Leave Without Pay.**

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

590 (b) Salary Adjustment. The salary of an employee returning from uncompensated leave
 591 shall be adjusted to reflect all non-discretionary increases distributed during the period of leave.
 592 While on such leave, an employee shall be eligible to participate in any special salary incentive
 593 programs such as the Teaching Incentive Program.

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

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

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

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

604 a. -Notwithstanding the provisions of Section 17.87(a)(2) regarding the use
 605 of sick leave, an employee may use any type of accrued leave in an amount necessary to cover
 606 the employee's contribution to the State insurance program and other expenses incurred by the
 607 employee during an approved period of leave without pay for parental, foster care, medical, or
 608 military reasons. Under such circumstances, the employee must use a minimum of ten accrued
 609 leave hours per week.

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

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

616 (2) An employee's request for the use of accrued leave during a period of leave
617 without pay shall be made at the time of the employee's request for the leave without pay. Such
618 request shall include the amount of accrued leave the employee wishes to use during the
619 approved period of leave without pay. If circumstances arise during the approved leave ~~which~~
620 that cause the employee to reconsider the combination of leave with and without pay, the
621 employee may request approval of revisions to the original approval.

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