

ARTICLE 17
LEAVES

17.1 Leaves. There are various types of leave that the university offers. Employees are responsible for completing all necessary paperwork, informing their supervisors of their leave request, and meeting deadlines before and after the leave. An absence without approved leave or extension of leave shall subject the employee to the provisions of the Discipline Article 16. 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. When an employee is absent with a serious health condition and wishes to request FMLA protection or is absent more than 10 days due to illness or injury, a Medical or Parental Leave Request Form and a UCF Medical Certification Form must be submitted to Human Resources as soon as practicable. When an employee's illness/injury may be covered by the Americans with Disabilities Act (ADA), the provisions of ~~ADA~~Public Law 101-336 shall apply.

(a) **Accrual During Leaves-with-Pay.** An employee shall accrue normal leave credits while on compensated leave in full-pay status, or while participating in 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. Employees who are on leave without pay will not accrue leave.

(b) **Holidays.**

(1) An employee shall be entitled to observe all UCF-designated holidays. No classes or examinations shall be scheduled on holidays. Classes not held because of a holiday shall not be rescheduled.

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

(c) **Tenure Credit During Periods of Leave.** Time spent on paid or unpaid leave for fewer than 160 hours in a semester shall be tenure-earning. A semester during which an employee spends more than 160 hours on approved 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. Approved leaves where more than 160 hours in a semester are taken are automatically non-tenure-earning (mandatory tenure clock extension) unless the leave is granted to perform research/creative activity. An employee may make a written request to the university's representative to modify their existing tenure credit using the tenure clock adjustment form provided by Faculty Excellence.

(d) **Requests for a Leave or Extension of Leave of One Semester or More.**

(1) 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.

(2) 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.

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

(e) **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.

17.2 Sick Leave.

(a) **Accrual of Sick Leave.**

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

52 (2) A part-time employee shall accrue sick leave at a rate directly proportionate to the percent of
53 time employed.

54 (b) **Uses of Sick Leave.** It is the responsibility of the employee to report sick leave when any
55 scheduled time (such as a meeting, office hours, teaching, committee work), or if, due to illness or
56 hospitalization, fewer than eighty hours are worked during the reporting time period. The employee has
57 an obligation to inform their chair/supervisor as far in advance as possible to mitigate disruption to the
58 department/college. When utilizing sick leave, it is not permissible to engage in outside employment or to
59 receive payment for services.

60 (1) Sick leave shall be accrued before being taken, provided that an employee who participates in
61 a sick leave pool shall not be prohibited from using sick leave otherwise available to the employee
62 through the sick leave pool.

63 (2) Sick leave shall be authorized for the following:

64 a. The employee's personal illness/injury, exposure to a contagious disease which would
65 endanger others, or disability where the employee is unable to perform ~~his/her~~their assigned duties.

66 b. The employee's personal appointments with a health care provider.

67 c. The illness/injury of a member of the employee's immediate family, at the discretion of
68 the supervisor. Approval of requests for use of reasonable amounts of sick leave for caring for a member
69 of the employee's immediate family shall not be unreasonably withheld.

70 d. The death of a member of the employee's immediate family, at the discretion of the
71 supervisor. Approval of requests for use of reasonable amounts of sick leave for the death of a member of
72 the employee's immediate family shall not be unreasonably withheld.

73 (3) A continuous period of sick leave commences with the first day of absence and includes all
74 subsequent days until the employee returns to work. For this purpose, Saturdays, Sundays, and official
75 holidays observed by the State shall not be counted unless the employee is scheduled to work on such
76 days. During any seven-day period, the maximum number of days of sick leave charged against any
77 employee shall be five days, or 40 hours.

78 (4) An employee who requires the use of sick leave must notify their immediate supervisor as
79 soon as practicable and shall report such leave in accordance with UCF's timekeeping procedures.

80 (5) An employee who becomes eligible for the use of sick leave while on approved annual leave
81 shall, upon notifying their immediate supervisor, substitute accrued sick leave to cover such
82 circumstances.

83 (c) **Certification.** If an employee's absence or request for absence ~~or absence~~ exceeds four
84 consecutive days, or if a pattern of absence is documented, the University may require an employee to
85 furnish certification signed by an attending health care provider affirming the medical reasons
86 necessitating the absence and/or the employee's ability to return to work. If the medical certification
87 furnished by the employee is not acceptable, the employee may be required to submit to a medical
88 examination by a health care provider who is not a University staff member, and which shall be paid for
89 by the University. If the medical certification indicates that the employee is unable to perform assigned
90 duties, the university's representative may place the employee on compulsory recovery leave under the
91 conditions set forth in that Section.

92 (d) **Payment for Unused Sick Leave.**

93 (1) An employee with less than ten years of University service who separates from the University
94 shall not be paid for any unused sick leave.

95 (2) An eligible employee who has completed ten or more years of University service, has not
96 been found guilty or has not admitted to being guilty of committing, aiding, or abetting any
97 embezzlement, theft, or bribery in connection with University service, or has not been found guilty by a
98 court of competent jurisdiction of having violated any State law against or prohibiting strikes by public
99 employees, and separates from the University because of retirement for other than disability reasons,
100 termination, or death, shall be compensated for the employee's unused sick leave at the employee's
101 current regular hourly rate of pay for one-fourth of all unused sick leave accrued provided that one-fourth
102 of the unused sick leave does not exceed 480 hours.

103 (3) An eligible employee with ten or more years of University service shall be paid for unused
104 sick leave as indicated above. For an employee who is re-employed by the University within twelve
105 calendar months following layoff, all unused sick leave shall be restored to the employee, provided the
106 employee requests such action in writing and repays the full amount of any lump sum leave payments
107 received at the time of layoff.

108 (4) All payments for unused sick leave shall be made in lump sum and shall not be used in
109 determining the average final compensation of an employee in any State administered retirement system.
110 An employee shall not be carried on the payroll beyond the last official day of employment, except that
111 an employee who is unable to perform duties because of a disability may be continued on the payroll until
112 all sick leave is exhausted.

113 (5) If an employee has received a lump sum payment for accrued sick leave, the employee may
114 elect in writing, upon re-employment within 100 days, to restore the employee's accrued sick leave.
115 Restoration will be effective upon the repayment of the full lump sum leave payment.

116 (6) In the event of the death of an employee, payment for unused sick leave at the time of death
117 shall be made to the employee's beneficiary, estate, or as provided by law.
118

119 **17.3 Job-Related Illness/injury.**

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

124 (b) If, as a result of the job-related illness/injury, the employee is unable to resume work at the end of
125 the period provided in the Article above:

126 (1) The employee may elect to use accrued leave in an amount necessary to receive salary
127 payment that will increase the Workers' Compensation payments to the total salary being received prior to
128 the occurrence of the illness/injury. In no case shall the employee's salary and Workers' Compensation
129 benefits exceed the amount of the employee's regular salary payments; or

130 (2) The employee shall be placed on leave without pay and shall receive normal Workers'
131 Compensation benefits if the employee has exhausted all accrued leave, or the employee elects not to use
132 accrued leave.

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

135 (d) If, at the end of the leave period, the employee is unable to return to work and perform assigned
136 duties, the University's representative shall advise the employee, as appropriate, of the Florida Retirement
137 System's disability provisions and application process, and may, based upon a current medical
138 certification by a health care provider prescribed in accordance with Chapter 440 (Worker's
139 Compensation), Florida Statutes, and taking the University's needs into account:

140 (1) offer the employee part-time employment;

141 (2) place the employee on leave without pay status or extend such status;

142 (3) request the employee's resignation; or

143 (4) release the employee from employment, notwithstanding any other provisions of this
144 Agreement.
145

146 **17.4 Annual Leave.**

147 (a) **Accrual of Annual Leave.** Academic year employees and employees appointed for less than nine
148 months shall not accrue annual leave.

149 (1) Full-time employees appointed for more than nine months shall accrue annual leave at the
150 rate of 6.77 hours biweekly and the hours accrued shall be credited at the conclusion of each pay period
151 or, upon termination, at the effective date of termination. Employees may accrue annual leave in excess of
152 the year end maximum during a calendar year. Employees with accrued annual leave in excess of the year

153 end maximum as of December 31, shall have any excess converted to sick leave on an hour-for-hour basis
154 in the pay period containing January 1 of each year.

155 (2) Part-time employees appointed for more than nine months shall accrue annual leave at a rate
156 directly proportionate to the percent of time employed.

157 (b) **Use and Transfer of Annual Leave.**

158 (1) Annual leave shall be accrued before being taken. All requests for annual leave shall be
159 submitted by the employee to the supervisor as far in advance as possible. Approval of the dates on which
160 an employee wishes to take annual leave shall be at the discretion of the supervisor and shall be subject to
161 the consideration of departmental/unit and organizational scheduling.

162 (c) **Payment for Unused Annual Leave.**

163 (1) Prior to termination from an annual leave accruing contract, or transfer from an annual leave
164 accruing contract to an academic year contract, the university's representative shall determine whether the
165 employee has the ability to reduce their accrued annual leave balance prior to termination or reassignment
166 to an academic year contract. If the employee does not have the opportunity to reduce the balance, the
167 University shall pay the employee for up to forty-four days (352 hours) of unused annual leave. Payment
168 of the accrued annual leave shall be at the employee's last rate of pay under which they were paid in the
169 annual leave accruing position. All unused annual leave in excess of forty-four days (352 hours) shall be
170 forfeit.

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

173

174 **17.5 Family and Medical Leave Act (FMLA) Entitlements.** The Family and Medical Leave Act
175 of 1993 ("FMLA") (<https://www.dol.gov/whd/fmla/>) is the common name for the federal law providing
176 eligible employees an entitlement of up to twelve workweeks (i.e., 480 hours) of continuous leave or up
177 to 480 hours of intermittent leave without pay for qualified family or medical reasons during a one-year
178 period. This Act entitles the employee to take leave without pay; where University policies permit,
179 employees may use accrued leave with pay at their discretion during any qualifying family or medical
180 leave. Employees are entitled to use FMLA in accordance with law and University policies. The failure
181 to list, define, or specify any particular provision or portion of the FMLA in this Agreement shall in no
182 way constitute a waiver of any of the rights or benefits conferred to the employer or the employee through
183 the FMLA.

184

185 **17.6 Modified Instructional Duties (MID) in case of birth or adoption.** Employees who elect the
186 MID are ineligible for Paid Parental Leave. ~~Once a modified plan is agreed to by the employee and his or~~
187 ~~her supervisor, it shall be reviewed by the dean or vice president. The dean or vice president shall either~~
188 ~~approve the modified work plan, or work in collaboration with the supervisor and employee to try to~~
189 ~~reach an acceptable solution.~~ If the employee normally has an instructional assignment, then, after
190 consultation with the employee, the supervisor shall determine that the:

191 (a) assignment be changed to a non-instructional assignment for the academic semester during which
192 the child is expected to arrive; or

193 (b) employee's work schedule may be altered.

194 Once a modified plan is agreed to by the employee and his or her supervisor, it shall be reviewed by the
195 dean or vice president. The dean or vice president shall either approve the modified work plan, or work in
196 collaboration with the supervisor and employee to try to reach an acceptable solution.

197

198 **17.7 Parental Leave Options.** The University provides the following leave options when an
199 employee becomes a biological parent, a child is placed for adoption in the employee's home, or the
200 employee becomes the legal guardian of a child. Modified Instructional Duties are not available for an
201 employee on paid or unpaid parental leave as defined in this section.

202 (a) **Paid Parental Leave.** Paid parental leave may be used no more than twice during the employee's
203 employment at the University. If both parents are employees of the University, only one parent may
204 request paid parental leave under this program for each qualifying event (birth or adoption).

205 (1) Eligibility. An employee must be employed on at least a 0.75 FTE line before s/he is eligible
206 to apply for this benefit. This program does not apply to individuals on a temporary, a term limited, or a
207 visiting appointment. Furthermore, employees on soft money shall be eligible to the extent that such
208 benefits are permitted by the terms of the contract or grant, the ability to meet a grantor's deliverables, the
209 rules of the funding agency, and adequate funds are available.

210 (2) Paid Parental Leave Request. Participation in paid parental leave is contingent upon execution
211 of a signed agreement. An employee shall request the use of paid parental leave in writing and sign a
212 written agreement detailing the terms of the paid parental leave. These forms must be completed no later
213 than three months prior to the anticipated beginning of the leave and the leave must occur no later than a
214 semester immediately following the birth or adoption event. A shorter notice period may be permitted on
215 a case-by-case basis, for good cause and/or special circumstances at the discretion of the university's
216 representative. Paid parental leave is separate from, but may run concurrent with, medical or FMLA
217 leave.

218 (3) Commitment to Return. The employee must agree in writing to return to University
219 employment for at least one academic year following participation in the program or reimburse UCF
220 within 60 days. This time does not include time awarded for a sabbatical or other type of leave. For
221 example, it would be possible for a nine-month employee to take a sabbatical and then opt for the paid
222 parental leave program. In that case, the employee would need to return to active university service for
223 one year for each of the programs; in this example, two academic years.

224 (4) Repayment and Reimbursement. Repayment of salary, retirement, benefits, and expenses
225 received during paid parental leave shall be required in those instances where payments are made in the
226 absence of a signed agreement by the employee, or when the employee fails to comply with the terms of
227 the program. An employee who makes use of paid parental leave and who remains in University
228 employment for at least one academic year (calendar year for non-instructional faculty) following
229 participation in the parental leave program shall have the total number of hours used deducted from the
230 employee's sick leave and/or annual leave balance (with sick leave being deducted first) that the
231 employee has remaining at the time of separation from the University, or upon transferring between an
232 annual leave and non-annual leave accruing contract.

233 (5) Employees on paid parental leave cannot engage in outside employment unless approved in
234 advance.

235 (6) Duration of paid parental leave.

236 Upon request, one of the following paid parental leave options shall be granted to employees as
237 follows:

238 a. Twelve-month non-instructional, research, and clinical employees shall receive up to 16
239 contiguous weeks of paid parental leave;

240 b. Twelve-month instructional employees have the option of taking leave for the duration of
241 the summer term (usually May 8 until August 7);

242 c. Nine- or twelve-month instructional employees shall receive one regular (Fall or Spring)
243 semester.

244 (b) **Unpaid Parental Leave.**

245 (1) An employee who is ineligible or chooses not to use modified instructional duties (MID)
246 or paid parental leave, the employee may request and shall be granted an unpaid parental leave not to
247 exceed six months.

248 (2) Employees on unpaid parental leave may use up to six weeks of accrued sick leave for
249 the period of leave immediately following the birth of a child (or eight weeks following a C-Section).
250 Parental leave beyond the six-week period may be covered by other accrued paid leave or remain a period
251 of unpaid leave.

252 (3) The period of parental leave shall begin no more than two weeks before the expected date
253 of the child's arrival. Employees must complete the appropriate forms 30 days before the anticipated date
254 of birth or adoption.

255 a. the university's representative shall acknowledge to the employee in writing the period of
256 leave to be granted, and the date of return to employment.

257 b. any illness/injury caused or contributed to by pregnancy, when certified by a health care
258 provider, shall be treated as temporary disability if requested, and the employee shall be allowed to use
259 accrued sick leave credits. In such a case, a Medical or Parental Leave Request Form and a UCF Medical
260 Certification Form is required.

261

262 **17.8 Leave Without Pay.**

263 (a) **Granting.** If a leave is in the best interests of the university, the university's representative has
264 the ability to grant an employee's request for a leave without pay for a period not to exceed one year.
265 Such leave may be extended upon mutual agreement. Employees on leave without pay must update their
266 conflict of interest/commitment forms if there is any change from their last report. Employees given
267 leaves of more than twelve weeks must return to the University for at least one academic year after their
268 return. If the employee fails to return to the University for at least two consecutive semesters following
269 participation in the program, all fringe benefits must be repaid to the University within 60 days for
270 resignation or job abandonment.

271 (b) **Salary Adjustment.** The salary of an employee returning from uncompensated leave shall be
272 adjusted to reflect all non-discretionary increases distributed during the period of leave. Such leave will
273 not affect eligibility to participate in any special salary incentive programs such as the Research Incentive
274 Award.

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

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

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

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

285 a. Notwithstanding the provisions of this Article regarding the use of sick leave, an
286 employee may use any type of accrued leave in an amount necessary to cover the employee's contribution
287 to the State insurance program and other expenses incurred by the employee during an approved period of
288 leave without pay. Under such circumstances, the employee must use a minimum of ten accrued leave
289 hours per week.

290 b. Normally use of accrued leave during a period of leave without pay for parental or
291 medical reasons shall be approved for up to six months, but may be approved for up to one year for the
292 serious health condition of the employee or a member of the employee's immediate family.

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

295 (2) An employee's request for the use of accrued leave during a period of leave without pay
296 shall be made at the time of the employee's request for the leave without pay. Such request shall include
297 the amount of accrued leave the employee wishes to use during the approved period of leave without pay.
298 If circumstances arise during the approved leave that cause the employee to reconsider the combination of
299 leave with and without pay, the employee may request approval of revisions to the original approval,
300 which will be reviewed by the University.

301

302 **17.9 Administrative Leaves.**

303 (a) **Jury Duty and Court Appearances.**

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

308 (2) An appearance as an expert witness for which an employee receives professional
309 compensation falls under the Conflict of Interest/Commitment Article 19 and the University's policies
310 and regulations relative to outside employment/conflict of interest. Such an appearance may require the
311 employee to request annual leave, or, in the case of a non-annual leave accruing employee, they may
312 request a modified work schedule.

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

318 (4) An employee involved in personal litigation during work hours must request annual leave
319 or, if a non-annual leave accruing employee, must request a modified work schedule or record leave
320 without pay.

321 (b) **Military Leave.**

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

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

333 (3) Other Military Leave.

334 a. An employee, except an employee who is employed in a temporary position or employed
335 on a temporary basis, who is drafted, who volunteers for active military service, or who is ordered to
336 active duty (not active duty training) shall be granted leave in accordance with Chapter 43 of Title 38,
337 United States Code.

338 b. Such leave of absence shall be verified by official orders or appropriate military
339 certification. The first thirty days of such leave shall be with full pay and shall not affect an employee's
340 annual or sick leave balance. The remainder of military leave shall be without pay unless the employee
341 elects to use accumulated annual leave or appropriate leave as provided in this Article, or the employer
342 exercises its option to supplement the employee's military pay. Leave payment for the first thirty days
343 shall be made only upon receipt of documentation from appropriate military authority.

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

346 d. Use of accrued leave is authorized during a military leave without pay in accordance with
347 this Article.

348 (c) **Leave Pending Investigation.** When the University's representative has reason to believe that
349 the employee's presence on the job will adversely affect the operation of the University, the University's
350 representative may immediately place the employee on leave pending investigation of the event(s) leading
351 to that belief. The leave pending investigation shall commence immediately upon the university's
352 representative providing the employee with a written notice. The leave shall be with pay, with no
353 reduction of accrued leave.

354 (d) **Other Leaves Provided Not Affecting Accrued Leave Balances.** An employee may be granted
 355 the following other leaves not affecting their accrued leave balances ~~which are provided as follows:~~

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

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

367 (3) Athletic competition leave is provided for an employee who is a group leader, coach, official,
 368 or athlete who is a member of the official delegation of the United States team for athletic competition.
 369 Such paid leave not affecting leave balances shall be granted for the purpose of preparing for and
 370 engaging in the competition for the period of the official training camp and competition, not to exceed 30
 371 days in a calendar year.

372 (4) Leave for re-examination or treatment with respect to service-connected disability is provided
 373 for an employee who has such rating by the United State Department of Veterans Affairs and has been
 374 scheduled to be reexamined or treated for the disability. Upon presentation of written confirmation of
 375 having been so scheduled, such leave not affecting the employee's leave balances shall be approved and
 376 shall not exceed six calendar days in any calendar year.

377 (e) **Official University Closings.** The University's representative may close the University, or
 378 portions of the University, in accordance with University policies and regulations relating to natural
 379 disasters or other emergencies. Such closings will be only for the period it takes to restore normal
 380 working conditions. Leave resulting from such an emergency closing shall not reduce employees' leave
 381 balances and should be recorded as administrative (ADM) leave. University closures that cause leave-
 382 earning employees to miss regularly scheduled assigned time (such as office hours, departmental meeting,
 383 etc.) shall be reported by the employee after such an event as ADM in accordance with UCF's
 384 timekeeping procedures.

386 **17.10 Compulsory Recovery Leave.**

387 The purpose of recovery leave is to provide employees with illness, injury, or other performance limiting
 388 conditions serious medical conditions and/or disabilities the opportunity to dedicate themselves to
 389 recovery and/or healing with the hope of returning the employees to a productive status. Eligible
 390 employees are those who, due to a serious medical condition or disability, are unable to perform the
 391 essential functions of their job with or without a reasonable accommodation. Recovery leave should
 392 not be used in lieu of a reasonable accommodation if one is available. This section of the Agreement
 393 outlines the process used to determine an employee's fitness for duty and/or their prognosis prognosis for
 394 returning fit for duty. Employees who experience performance limiting serious medical conditions and/or
 395 disabilities are encouraged to contact Human Resources with questions about benefits, including
 396 disability insurance, and other options, and to contact the Office of Institutional Equity with questions
 397 about potential accommodations, possibly including retirement.

398 (a) **Placing Employee on Compulsory Recovery Leave.**

399 (1) Employee-Initiated: If a health care provider certifies, that an employee will not be able to
 400 perform assigned duties the essential functions of his or her job with or without reasonable
 401 accommodations due to a injury/illness serious medical condition or disability for three months or longer,
 402 with or without reasonable accommodations, the president or representative employee may request to be
 403 placed the employee on recovery leave.

404 ~~(2) Employer-Initiated: If an employee is perceived's by their immediate supervisor and their his~~
 405 ~~or her dean/vice-president -reasonably believe that (i) the employee is to be unable to perform assigned~~
 406 ~~duties the essential functions of his or her job with or without reasonable accommodation -due to~~
 407 ~~illness/injury or physical/cognitive decline a serious medical condition or disability, -medical certification,~~
 408 ~~or (ii) the employee poses a direct threat to his or her own safety or the safety of others, -the president~~
 409 ~~or university representative may place the employee on paid administrative leave during which time the~~
 410 ~~employee is obligated to seek an appointment as described below. The employee would then be required~~
 411 ~~the employee to submit to a medical-fitness for duty examination, the results of which shall be released to~~
 412 ~~the University, by a health care provider chosen and paid by the University through its EAP provider who~~
 413 ~~is acceptable to the employee, or by a health care provider chosen and paid by the employee who is also~~
 414 ~~acceptable to the president or representative. Such health care provider shall submit the appropriate~~
 415 ~~medical certification(s) to the University.~~

416 ~~a. If the University agrees to accept the employee's choice of a health care provider the~~
 417 ~~University may not then require another University-paid examination-fitness for duty examination for at~~
 418 ~~least six months.~~

419 ~~b. -It is the responsibility of the employee to notify the University in a timely manner of~~
 420 ~~any delay in scheduling or completing the required medical-fitness for duty examination evaluation. If the~~
 421 ~~employee does not make arrangements for a medical-fitness for duty examination during their period of~~
 422 ~~paid administrative leave, the employee shall be terminated at the end of the paid administrative leave.~~

423 ~~c.- Prior to the medical-fitness for duty examination, the health care provider shall be~~
 424 ~~provided by the University a description of the employee's job duties essential functions of the~~
 425 ~~employee's job and information from the appropriate AESP about what would constitute satisfactory~~
 426 ~~performance by the employee.~~

427 ~~d. Before the employee is seen by the medical health professional, the University must~~
 428 ~~provide a written statement for the health care provider of its objective justifiable suspicion based on~~
 429 ~~specific facts or circumstances that an employee is reasonably perceived to be unable to perform assigned~~
 430 ~~duties owed to illness/injury or serious physical/cognitive decline.~~

431 ~~(2) If the University agrees to accept the employee's choice of a health care provider the~~
 432 ~~University may not then require another University-paid examination.~~

433 ~~d. (3) If the medical-fitness for duty examination confirms establishes that the employee is~~
 434 ~~unable to perform assigned duties the essential functions of his or her job, the university president or~~
 435 ~~representative shall place the employee on compulsory recovery leave. Otherwise, the employee's paid~~
 436 ~~administrative leave shall end, and the employee shall return to their assigned duties to the extent~~
 437 ~~practical.~~

438 **(b) Conditions of Compulsory Recovery Leave.**

439 (1) Written notification to the employee placing the employee on ~~compulsory recovery~~ leave shall
 440 include the duration of the ~~compulsory recovery~~ leave period and the conditions under which the
 441 employee may return to work. These conditions may include the requirement of the successful
 442 completion of, or participation in, a program of rehabilitation or treatment, and follow-up medical
 443 certification(s) by the health care provider, as appropriate.

444 (2) The ~~compulsory recovery~~ leave period may be leave with pay or leave without pay. If the
 445 ~~compulsory recovery~~ leave combines the use of accrued leave with leave without pay, the use of such
 446 leave shall be in accordance with this Article.

447 (3) If the employee fulfills the terms and conditions of the ~~compulsory recovery~~ leave and
 448 receives a current medical certification that the employee is able to perform ~~assigned duties the essential~~
 449 ~~functions of his or her job at least eight weeks before the recovery leave expires,~~ the ~~president~~
 450 ~~or university's~~ representative shall return the employee to the employee's previous duties, if possible, or to
 451 equivalent duties.

452 (c) **Duration.** ~~Compulsory Recovery~~ leave, with or without pay, shall be for a period not to exceed
 453 the duration of ~~healing from the illness/injury serious medical condition or disability,~~ or one year,
 454 whichever is less.

455 (d) **Failure to Complete Conditions of ~~Compulsory Recovery~~ Leave or Inability to Return to**
456 **Work.** If the employee fails to fulfill the terms and conditions of a ~~compulsory recovery~~ leave and/or is
457 unable to return to work and perform ~~assigned duties~~ the essential functions of his or her job at the end of
458 a leave period, the ~~president of university~~ representative ~~should~~ may advise the employee, as appropriate,
459 to contact HR Benefits about the Florida Retirement System's disability provisions and application
460 process ~~and and ; or~~
461 ~~(4)~~ release the employee from employment, notwithstanding any other provisions of this
462 Agreement. The employee may, also choose to resign at any point during the recovery leave process
463 ~~based upon the University's needs:~~
464 ~~(1) offer the employee part-time employment;~~
465 ~~(2) place the employee in leave without pay status in or extend such status;~~
466 ~~(3).~~