

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: October 28, 2011

REGULATION TITLE:

Leaves

REGULATION NO.:

1.201

SUMMARY: Sick leave accrual is not changing. However, employees shall not be paid for any unused sick leave upon separation from employment except in the following circumstances: upon separation from University employment as a result of retirement on or before June 30, 2016, an employee with ten (10) years of creditable service who was hired prior to April 1, 2010, shall be paid for one-fourth of unused sick leave up to a total of 480 hours. The year-end maximum vacation leave accrual for faculty members (Academic Personnel) is changed from 480 hours to 352 hours; the maximum vacation payout for faculty members (Academic Personnel) is changed from 352 hours to 200 hours.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Rebecca J. Holt, Senior Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Paula Fussell, Vice President for Human Resource Services

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

1.201 Leaves.

(1) The following describes the leaves provided to University of Florida employees. Also refer to the University of Florida Regulation 5.0761 for leave provisions for interns, residents, and fellows in the College of Medicine and University of Florida Regulation 6.011 for leave provisions for county extension employees.

(a) For the purposes of this regulation, Executive Service shall comprise the President and the members of Technical, Executive, Administrative, and Managerial Support (TEAMS) who hold the title of Vice President or who are otherwise designated by the University president to receive Executive Service benefits.

(2) Each employee is expected to work the number of hours in the employee's established workweek unless on approved leave.

(3) The minimum workweek is forty (40) hours for full-time employees. Holiday pay (maximum of eight (8) hours) and paid leave are not considered overtime and are paid at the employee's regular pay rate. Approved leave shall be adjusted to ensure an employee's workweek will not exceed the employee's full-time-equivalent (FTE) appointment.

(4) Compensatory leave shall consist of the following types and such unused leave shall be paid as follows:

(a) Overtime compensatory leave is provided in lieu of payment for overtime for non-exempt University Support Personnel System (USPS) and non-exempt TEAMS employees at the rate of one and one half times the total hours worked beyond forty (40) or by crediting the

employee with up to one hundred twenty (120) hours of overtime compensatory leave, which is earned at one and one-half hours for each hour of overtime worked. Overtime compensatory leave is only available to non-exempt USPS and non-exempt TEAMS employees and is not available to any other employees.

1. Overtime shall be paid no later than the end of the following pay period, unless accrued as overtime compensatory leave.

2. If the employee separates from the University, or accepts another position at the University with an exempt designation, such leave shall be paid at the employee's regular rate of pay. An employee who reassigns, promotes, or accepts a demotion to another position in a work area paid by a different account number will be paid for unused overtime compensatory leave at the employee's regular rate of pay. If an employee reassigns, promotes, or accepts a demotion to another position within the same department, cash out is at the department's discretion.

3. Upon reaching one hundred twenty (120) hours of overtime compensatory leave, the employee must either receive cash payment for additional hours of overtime worked or use accrued overtime compensatory leave credits before receiving further overtime compensation in the form of compensatory leave.

4. The President or President's designee may elect to pay or require an employee to use any or all of the employee's accrued overtime compensatory leave at any time. Typically, with approval from the President or designee, overtime compensatory leave shall be used or cashed out prior to the end of each fiscal year and/or before any scheduled salary increase.

- (b) Regular compensatory leave shall be provided to a USPS exempt employee for work beyond forty (40) hours on an hour-for-hour basis. The University will pay for unused regular compensatory leave with the approval of the President or designee. The President or

designee has the authority to grant approval to an employee to retain regular compensatory leave in excess of one hundred twenty (120) hours for a period not to exceed six (6) months in circumstances involving natural disasters and other extraordinary situations that last for an extended period of time which would prevent employees from using their accrued compensatory leave.

1. When a USPS employee moves within the University of Florida from a position in a class that accrues regular compensatory leave credits to another position which also accrues regular compensatory leave, any unused regular compensatory leave will be transferred.

2. When a USPS employee moves from an exempt class that accrues regular compensatory leave to a USPS class that does not accrue regular compensatory leave or accepts a position in TEAMS, any unused regular compensatory leave will be transferred. In such cases, the employee must use regular compensatory leave before using vacation leave.

3. Regular compensatory leave shall not be transferred to a faculty position. As a result, each supervisor should make a reasonable effort, whenever practical, to allow an employee to use regular compensatory leave credits as requested before the employee transfers to a faculty position.

(c) Special compensatory leave is provided on an hour-for-hour basis to USPS and non-exempt TEAMS personnel as follows:

1. Special compensatory leave is provided to compensate an employee for hours over his or her FTE that are attributed to a holiday in the workweek when the employee observed the holiday and worked additional hours in the workweek or when the holiday falls on the employee's regularly scheduled day off or the employee is required to work the holiday and the employee's work schedule is not adjusted accordingly within the workweek.

2. Special compensatory leave is provided to compensate an employee when administrative leave for jury duty or court appearance provided in subsections (16)(a) and (b) below and the employee's time worked hours exceed his or her FTE in the workweek.

3. Special compensatory leave is provided to an employee required to perform essential duties during an emergency closing for the hours worked during the closing if the employee's work schedule is not adjusted accordingly within the workweek.

4. The President or designee has the authority to pay or require an employee to use any or all of the employee's accrued special compensatory leave at any time in order to provide for the efficient management of the unit, to conserve funds, or to provide savings to the University. If the employee separates, the employee shall be paid for all unused special compensatory leave at the employee's regular rate of pay. An employee who reassigns, promotes, or accepts a demotion to another position in a work area paid by a different account number will be paid for all unused special compensatory leave at the employee's regular rate of pay. If an employee reassigns, promotes, or accepts a demotion to another position within the same department, cash out is at the department's discretion based on budget considerations. With approval from the President or designee, special compensatory leave shall be used or cashed out prior to the end of each fiscal year and/or before any scheduled salary increase.

5. An employee who is unable to work due to a compensable workers' compensation injury and is receiving salary indemnification benefits shall not be eligible for special compensatory leave or any paid holiday benefit.

(5) An employee shall be paid proportionate to the FTE in pay status for all holidays designated for University employees.

(6) Leave shall be accrued while in pay status and shall be credited on the last day of that pay period or, in the case of separation, on the last day the employee is on the payroll.

(7) During an approved leave of absence for parental, foster care, medical, or military reasons, an employee may use accrued leave to continue the contributions to State benefits and other expenses.

(8) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period. While on paid leave, an employee may not be employed elsewhere unless the requirements for outside activity and extra compensation have been met.

(9) Sick leave accrual for full-time employees shall be as follows with proportionate accrual for less than full-time.

	Hours Accrued During	
	Pay Period	
	Monthly	Biweekly
Faculty (except for Postdoctoral Associates)	8.667	4
TEAMS (except for Executive Service)	8.667	4
Executive Service	10.833	5
USPS	8.667	4

(a) Sick leave shall be accrued before use unless available through a sick leave pool. There is no maximum on the amount of sick leave that can be accrued.

(b) Sick leave is authorized for the following purposes:

1. The employee's personal illness, injury, exposure to a contagious disease, a disability where the employee is unable to perform assigned duties, or appointments with health care providers.

2. The illness, injury, appointments with health care providers, or death of a member of the employee's immediate family.

3. An "immediate family member" shall be defined as an employee's spouse, domestic partner, great-grandparents, grandparent, parent, brother, sister, child, grandchild, or the grandparent, parent, brother, sister, child, grandchild, or great-grandchild of the employee's spouse or domestic partner, or the spouse or domestic partner of any of them. This also includes individuals for whom the employee is the current legal guardian.

(c) Notice of absence due to illness, injury, disability, or exposure to a contagious disease, shall be given on the first day of absence.

(d) ~~Upon separation, an employee with ten (10) or more years of creditable service who was hired prior to April 1, 2010, shall be paid for one-fourth of unused sick leave up to a total of 480 hours.~~ An employee ~~who is hired on or after April 1, 2010,~~ shall not be paid for any unused sick leave upon separation, and such leave shall be forfeited unless the employee is recalled by the University within 365 days after a formal University layoff. Notwithstanding the foregoing, upon separation from University employment as a result of retirement on or before June 30, 2016, an employee with ten (10) or more years of creditable service who was hired prior to April 1, 2010, shall be paid for one-fourth of unused sick leave up to a total of 480 hours.

(e) An employee at another university in the Florida State University System or State of Florida agency who accepts employment at the University within thirty-one (31) days may transfer up to eighty (80) hours of accrued sick leave.

~~1.~~ Upon termination, any leave accepted in transfer shall be forfeited or cashed out in keeping with the provisions of this regulation.

~~(f)2.~~ Upon reemployment with the University within 180 days, any sick leave paid at separation shall be restored provided the employee repays the full amount of any lump-sum payment received for accumulated sick leave credits within sixty (60) days of reemployment. An employee who was not paid for any unused sick leave shall have such forfeited sick leave restored.

~~(f)g~~ Postdoctoral Associates do not accrue sick leave.

(10) Vacation leave for full-time employees shall be as follows with proportionate accrual for less than full-time. Any exceptions other than those listed below will require approval of the Vice President over the area and the Vice President for Human Resource Services. An academic year (thirty-nine (39) weeks) employee, a Developmental Research School employee, an employee appointed for less than nine (9) months, and Postdoctoral Associates shall not accrue vacation leave. Hospitalist faculty members do not accrue vacation leave because of the unique nature of their duties and work schedules. Hours of accrual for USPS employees are based on years of creditable service, and such service shall be awarded as one (1) month of service credit for each calendar month that the employee is on the salaried (non-OPS) payroll of the University, on the salaried (non-OPS) payroll of a State agency prior to January 6, 2003, on the salaried (non-OPS) payroll of a state university in the State of Florida prior to January 6, 2003, or on the salaried (non-OPS) payroll of these institutions while on authorized unpaid leave during the indicated time periods.

Hours Accrued During	Yearend	Maximum
Biweekly Pay Period	Maximum	Payment

Faculty	6.769	352 480	200 352
(except for			
Postdoctoral Associates			
and Hospitalists)			
TEAMS (except for	6.769	352	200
Executive Service)			
Executive Service	9.195	352	200
USPS (Months of Service)			
0--60	4	240	200
61 to 120	5	240	200
Over 120 months	6	240	200

(a) Vacation leave shall be accrued prior to use unless vacation leave is advanced by the President or designee.

(b) Employees may accrue vacation leave in excess of the year end maximum during a calendar year. Employees with accrued vacation leave in excess of the year end maximum, shall have any excess converted to sick leave on an hour-for-hour basis at a time or times in the following calendar year to be designated by the University. The President or designee is authorized to grant approval to an employee to retain vacation leave in excess of the year end maximum in circumstances involving natural disasters and other extraordinary situations lasting for an extended period of time that prevent the employee from using vacation leave.

(c) An employee who separates from employment shall be paid for all unused vacation leave hours up to the maximum payment allowed for the employee's pay plan. Upon recall by the University within 365 days after a formal University layoff, the employee shall have

all unpaid vacation leave restored, and any vacation leave paid at time of separation also shall be restored upon repayment.

1. Upon entering into the Deferred Retirement Optional Program (DROP), an employee may elect to be paid up to the maximum payment allowed of his or her unused vacation leave. Such payment, along with any additional payment to be received upon separating from the University (end of DROP), shall not exceed the maximum payment associated with the employee's established pay plan upon entering DROP.

(d) An employee at another university in the Florida State University System or State of Florida agency who accepts employment at the University of Florida may within thirty-one (31) days transfer up to eighty (80) hours of accrued vacation leave.

(e) Upon moving from a vacation leave-accruing position to a position that does not accrue vacation leave, the employee shall be paid for unused vacation leave up to the maximum payment allowed for the employee's pay plan, unless the employee elects to retain all unused vacation leave, for up to two (2) years.

(f) Upon reasonable notice, an employee shall be required to use any part of his or her accrued vacation leave at any time deemed advisable by the President or designee based on the effective functioning of the unit, the efficient use of available personnel, and budget.

(11) Compulsory medical leave provisions shall be consistent with the following:

(a) Medical certification by a health care provider designated or approved by the President or designee shall be required.

(b) Notice shall be provided to the employee identifying duration of the leave, the conditions for return to the position, and whether such leave shall count toward FMLA entitlements.

(c) The employee is allowed to use paid leave during compulsory leave to continue the contributions to benefits and other expenses.

(d) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period and upon receipt of a current medical certification that the employee is able to perform assigned duties.

(e) Employees who fail to meet the conditions of the compulsory leave or who fail to obtain medical certification and are unable to perform duties shall be offered part-time employment, placed on unpaid leave or have such leave extended, requested to resign, or be dismissed for inability to perform the duties of the position.

(12) Employees are provided with twelve (12) workweeks of Family and Medical Leave within a twelve (12) month period in compliance with the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) and the Final Regulations of the Family and Medical Leave Act of 1993 (29 CFR Part 825). All employees are eligible including OPS employees who have worked at least twelve (12) months, which need not have been consecutive, and who have worked at least 1250 hours in the twelve (12) months prior to the leave. The fiscal year of July 1 to June 30 is considered the twelve (12) month period. Faculty, TEAMS, Executive Service, and USPS employees may use paid leave for an FMLA event, and such shall be counted toward the entitlement. If at the end of the leave period, an employee is unable to return from leave to work full-time and perform the duties of the position, the President or designee shall offer the employee part-time employment, place the employee on unpaid leave, extend the leave of absence, or dismiss the employee for inability to perform the duties of the position.

(13) Parental Leave

(a) Eligible employees shall be provided with up to six (6) months unpaid parental leave during which time the employee may use paid leave when the employee becomes a biological or adoptive parent. OPS employees, including Postdoctoral Associates, are not eligible for parental leave beyond their FMLA entitlement and are not eligible for paid parental leave. Parental leave is also provided to an employee who is a domestic partner to an expected biological or adoptive parent. Parental leave may begin two (2) weeks prior to the expected date of the child's arrival unless otherwise mutually agreed to by the President or designee and the employee.

(b) A Faculty, TEAMS, or USPS employee may be advanced up to six (6) weeks of sick or vacation leave to be used in connection with the birth or adoption of a child or the initial placement of a child in the foster care of the employee. The following guidelines would apply:

1. The paid parental leave may be used in conjunction with other accrued leave up to the six (6) months currently provided in University regulation and policy. The paid parental leave may not be used to extend the six (6) months of leave (paid and unpaid) currently allowed.

2. The employee may work part-time during the paid parental leave with agreement by the supervisor.

3. The leave may not be used during periods when the employee would not otherwise be assigned duties or be in pay status.

4. The employee will be required to repay the leave hours advanced within a three (3) year period from the first date the leave is used. Upon the employee's separation from the University, the number of hours of parental leave taken will be deducted from any sick and/or vacation leave balance or other payment, if owed by the University [under other provisions of this regulation](#), prior to the payment being made. If the paid parental leave taken exceeds the

available balance of unused leave that is payable, if any, at the time of separation, the employee will be required to repay the cost of the difference of the hours that have not been repaid.

(14) Up to six (6) months of leave may be granted to an eligible employee for his or her serious personal health condition or when he or she needs to care for a member of his or her “immediate family” as defined under subparagraph (9)(b)3 above with a serious health condition, which may be extended up to one (1) year for extenuating circumstances.

(15) Up to twelve (12) months of leave without pay may be granted for personal reasons to an eligible employee, which must be taken as a complete leave without pay.

(16) Employees provided paid administrative leave shall not exceed forty (40) hours during the workweek. Administrative leave is not accrued.

(a) Administrative leave for jury duty shall not exceed the number of hours in the employee's normal workday. If jury duty does not require absence for the entire workday, the employee shall return to work immediately upon release by the court. If the jury duty does not coincide with the regular work schedule, the employee shall be granted administrative leave based on the total hours served on jury duty and such leave shall be granted on the next scheduled work shift. Any jury pay shall be retained by the employee.

(b) Administrative leave shall be provided to an employee summoned as a fact witness in a matter not involving personal interests. Witness pay shall be retained by the employee. Administrative leave shall not be provided to an employee serving as an expert witness.

(c) Administrative leave for athletic competition in Olympic events shall be provided under the same conditions accorded to state employees in Section 110.118, Fla. Stat.

(d) Administrative leave up to two (2) days shall be provided to a USPS or TEAMS employee upon the death of an immediate family member.

(e) Administrative leave shall be provided for official emergency closing of University facilities. Special compensatory leave shall be provided to eligible USPS and TEAMS employees required to perform essential services during the emergency closing. Only employees scheduled to work during the time of the emergency closing shall be provided leave.

(f) The President or designee shall provide administrative leave for Florida Disaster Volunteers under the same conditions accorded to state agency employees in Section 110.120, Fla. Stat.

(g) The President or designee may grant up to two (2) days of administrative leave for civil disorder or disaster for an employee who is a member of a volunteer emergency response team based on the nature of the duties performed by the employee and the location and nature of the civil disorder or disaster.

(h) The President or designee may provide administrative leave up to two (2) hours for voting in public elections upon the request of the employee and based upon the nature of the employee's duties and the location of the polling place.

(i) The Vice President for Human Resource Services or designee in conjunction with the appropriate vice president or designee may place an employee under investigation on administrative leave or may reassign the employee pending the conclusion of the investigation pursuant to University of Florida Regulations 3.045, 3.046 and 7.048.

(j) The Vice President for Human Resource Services or designee in conjunction with the appropriate vice president or designee may place an employee on administrative leave or may reassign the employee between the notice of reduction in pay, suspension, layoff or dismissal and

the effective date of such action pursuant to University of Florida Regulations 3.045, 3.046, and 7.048.

(k) The Vice President for Human Resource Services or designee in conjunction with the appropriate vice president or designee may place an employee on administrative leave when the employee's presence in the workplace may result in damage to property, or injury to the employee or others.

(17) Military Leave – Federal and state laws shall govern the granting of military leave and the employee's reemployment rights as follows:

(a) Disabled Veterans Reexamination or Treatment—An employee who has been rated by the Veterans Administration to have incurred a service-connected disability and has been scheduled by the Veterans Administration to be reexamined or treated for such disability shall, upon presentation of written confirmation of having been so scheduled, be granted administrative leave or leave not affecting accrued leave balances for such reexamination or treatment without loss of pay, benefits, or efficiency rating, not to exceed six (6) days in any calendar year.

(b) Examinations for Military Service—Upon presentation of a copy of the employee's official orders or appropriate military certification, an employee who is ordered to appear for an examination for entrance into the military service shall be granted administrative leave or leave not affecting accrued leave balances for this purpose.

(c) National Guard State Service - Upon presentation of a copy of the employee's official orders or appropriate military certification, an employee who is a member of the Florida National Guard shall be granted leave with pay on all days when ordered to active service by the state. Such leave with pay shall not exceed thirty (30) calendar days at any one time. Such leave

will be counted as administrative leave or leave not affecting accrued leave balances and shall be without loss of time or performance rating.

1. A copy of the official orders shall be filed in the employee's personnel file.
2. Any absence in excess of thirty (30) calendar days may, upon request by the employee and approval by the supervisor, be covered by accrued vacation, sick or compensatory leave.
3. If not requested by the employee or approved by the appropriate supervisor as vacation or compensatory leave, such absences in excess of thirty (30) calendar days shall be approved as leave without pay.

(d) Other Military Leave - Upon presentation of a copy of the employee's official orders or appropriate military certification, an employee, except an employee who is employed in a temporary position or employed on a temporary basis, who is drafted, who volunteers for active military service, or who is ordered to active duty (not active duty training) shall be granted leave in accordance with Chapter 43 of Title 38, United States Code. Active military service includes active duty with any branch of the United States Army, Air Force, Navy, Marine Corps, Coast Guard, National Guard of the State of Florida, or other service as provided in Sections 115.08 and 115.09, Fla. Stat. Such leave shall be without loss of performance rating.

1. Verification of Military Certification - Such leave of absence shall be verified by official orders or appropriate military certification. The first thirty (30) calendar days of leave shall be with full pay and shall not affect an employee's vacation or sick leave balance. The remainder of military leave shall be without pay unless the employee elects to use accrued paid leave as described below. Leave payment for the first thirty (30) calendar days shall be made

only upon receipt of evidence from an appropriate military authority that thirty (30) calendar days of military service have been completed.

2. Applicability of Laws - Federal and state laws shall govern the granting of military leave and the employee's reemployment rights.

3. Use of Vacation Leave - Beyond the first thirty (30) calendar days of leave, which shall be with full pay and shall not affect an employee's vacation or sick leave balance, use of accrued paid leave is authorized during military leave in keeping with the University's extended leave of absence policy.

4. Reinstatement—The position of an employee granted military leave may be filled on a temporary basis. Upon separation from the military service, the employee is eligible to return to his or her former position or a different position in the same class in the same geographic location if reinstatement is requested within one (1) year after separation. The University may require the employee to submit to a medical examination to determine the employee's fitness to perform the essential functions of the position to which the employee may be returning. Based on the medical findings, the University may place the employee in another class with duties that employee is able to perform and which is the nearest approximation to the position held prior to the military service.

(e) Short-Term Military Training - Upon presentation of a copy of the employee's official orders or appropriate military certification, an employee who is a member of the United States Armed Forces Reserve, including the National Guard, shall be granted leave with pay during periods in which the employee is engaged in annual field training or other active or inactive duty training exercises. Whether continuous or intermittent, such leave with pay shall not exceed two-hundred forty (240) hours in any federal fiscal year (October 1 - September 30).

Such leave will be designated as administrative leave or leave not affecting accrued leave balances and shall be without loss of time or efficiency rating.

1. A copy of the official orders shall be filed in the employee's personnel file.
2. Any absence in excess of two-hundred forty (240) hours may, upon request by the employee and approval by the appropriate supervisor, be covered by accrued vacation or compensatory leave.
3. If not requested by the employee or approved by the appropriate supervisor as vacation or compensatory leave, such absences in excess of two-hundred forty (240) hours shall be approved as leave without pay.

(18) Workers' Compensation - Employees who sustain a work-related injury compensable under the Florida Workers' Compensation Law shall be treated in accordance with Chapter 440, Fla. Stat. and provided with University benefits as follows:

(a) Time away from work for the initial medical assessment and/or treatment of a work-related injury shall be counted as work time, but shall not cause employees to exceed their scheduled work hours for that day.

(b) Workplace Injury Leave is an annual benefit available to leave accruing employees only and shall be used to compensate these employees for a portion of their wages lost due to work-related injuries compensable under Chapter 440, Fla. Stat.

1. Workplace Injury Leave shall be pro-rated based on an employee's current FTE, but shall not exceed forty (40) hours per fiscal year for full-time employees. Such leave time shall be counted against an employee's FMLA entitlement. Unused Workplace Injury Leave hours shall not carry forward from one (1) fiscal year to next.

2. Workplace Injury Leave shall be used only when a workers' compensation authorized medical provider documents that an employee is unable to work due to their compensable injury and/or when a work unit cannot provide an employee with modified duty work within the employee's medical restrictions.

3. All authorized work-related injury absences or time away from work that do not meet the criteria for Workplace Injury Leave shall be covered by an employee's FMLA leave, FMLA leave of absence or other leave if all FMLA leave has been exhausted.

(c) Employees receiving workers' compensation salary indemnification benefits may elect to use FMLA personal leave to supplement that benefit; however, such leave usage shall not cause an employee to receive more than the employee's regular University daily earnings.

(d) Employees who are unable to work due to compensable workers' compensation injuries and are receiving salary indemnification benefits shall not be eligible for holiday pay or accrual of special compensatory leave.

(e) Modified/alternate duties, consistent with the University's Modified Duty Program Policy, 2006, shall be provided to employees with work-related injuries. A copy of the policy is available from the Workers' Compensation Office, PO Box 115008, Gainesville, Florida 32611-5008.

(f) If at the end of the modified duty period, an employee is unable to perform the essential functions of the employee's position, the Vice President or designee responsible for the employee's unit may place the employee on unpaid leave or extend the leave status, offer the employee alternate employment, or terminate the employee from employment.

(19) Domestic Violence Leave – Employees may take up to three (3) days of leave in a twelve (12)-month period if the employee or a family or household member is a victim of

domestic violence. The fiscal year of July 1 to June 30 will be considered the twelve (12)-month period.

(a) An employer must provide leave for the following specific activities:

1. Seeking an injunction for protection against domestic violence or repeat violence, dating violence, or sexual violence;
2. Obtaining medical care or mental health counseling or both for the employee or a family or household member to address injuries resulting from domestic violence;
3. Obtaining services from victims services organizations such as a domestic violence shelter or rape crisis center;
4. Making the employee's home secure from the perpetrator of domestic violence or finding a new home to escape the perpetrator; or
5. Seeking legal assistance to address issues arising from domestic violence or attending or preparing for court related proceedings arising from the act of domestic violence.

(b) An employee seeking leave from work under this section must provide his or her employer advanced notice of the leave except in cases of imminent danger to the health or safety of an employee, or to the health or safety of a family or household member.

(c) The employee is required to use accrued leave. In the event that the employee does not have sufficient leave hours to cover the event, the leave that is not covered will be unpaid.

(20) Leaves of Absence for Faculty.

(a) Requests for Leave or Extension of Leave

1. A faculty member shall make a written request at the beginning of the proposed leave. If possible, the request should be made at least one (1) full semester or, in the case of twelve (12)-month faculty, six (6) months prior to the date the leave is requested.

2. For an extension of the leave, the faculty member shall make a written request not less than sixty (60) days before the end of the leave, if possible. If possible, the request should be made at least one (1) full semester or, in the case of twelve (12)-month faculty, six (6) months prior to the date the leave is requested.

3. The University shall approve or deny such request in writing not later than thirty (30) days after receipt of the request.

4. An absence without approved leave or extension of leave shall subject the faculty member to the provisions of the University's regulations dealing with misconduct.

(b) Unpaid or Uncompensated Leaves are provided for eligible faculty members as follows:

1. Upon request of a faculty member, the President or designee shall grant a leave without pay for a period not to exceed one (1) year unless the President or designee determines that granting such leave would be inconsistent with the academic or employment needs of the University. Such leave shall be extended upon mutual agreement. (If possible, the request should be made at least one (1) semester or its equivalent prior to the beginning of the academic term or date the leave is requested.)

2. Upon return, the salary of the faculty member shall be adjusted to reflect all non-discretionary increases distributed during the period of leave.

3. Retirement credit for such periods of leave without pay shall be governed by the rules and regulations of the Division of Retirement and the provisions of Chapter 121, Fla. Stat.

4. While on leave without pay, the faculty member shall retain accumulated sick leave and vacation leave, but shall not earn sick leave or vacation leave nor be entitled to holiday pay.

5. While on approved leave without pay, a faculty member may use accrued leave with pay for parental, foster-care, medical, or military reasons. The use of this leave may be in the amount necessary to cover the faculty member's contribution to the state insurance programs and for other expenses.

(c) Paid or Compensated Leaves are provided for eligible faculty members as follows:

1. Faculty members shall accrue normal leave credits while on compensated leave or while participating in the professional development leaves program. If a faculty member is on compensated leave in less than full pay status for other than professional development programs, the faculty member shall accrue leave in proportion to the pay status. During the professional development leave, a person is considered to be in regular employment status in accordance with the established and assigned FTE even though on reduced pay.

2. No faculty member on compensated leave may be employed simultaneously by another employer unless the faculty member complies with state and University requirements for extra compensation, outside employment/activities, and conflict of interest.

(d) A Developmental Research School faculty member may be granted five (5) days (non-cumulative) of leave per year for emergencies or for other personal reasons. One (1) day shall be administrative leave and four (4) days shall be taken from sick leave. Except in cases of emergency, the faculty member shall provide at least two (2) days notice of the intended leave. Such leave shall not be used on the day immediately preceding or following a holiday. These

faculty members shall not be required to give reasons for personal leave, except that the leave is for personal reasons.

(e) Professional development leave provides eligible faculty with the opportunity to take a leave for professional renewal, planned travel, study, formal education, research, writing, employee development, certification, or other experience of professional value, but not as a reward for service.

1. These leaves are available for faculty after six (6) years of continuous full-time University service.

2. In the case of faculty on a contract or grant, the terms of the leave must be consistent with the terms of the contract or grant.

3. Specific leave programs for eligible employees include:

(i) One semester leaves or six (6)-month leaves for twelve (12)-month employees are available at one-half pay or full-pay.

(ii) Two (2) semester leaves or twelve (12)-month leaves for twelve (12)-month employees are available at one-half pay.

(iii) One (1) semester leaves for academic year employees are available at one-half pay or full-pay.

(iv) Two (2) semester leaves for academic year employees, are available at half-pay.

4. In the case of IFAS and the Health Science Center, contact the appropriate Dean, Director, or Sr. Vice President's Office for information. For other units, contact the appropriate Office of the Dean. Each application shall include a statement describing the program to be followed while on leave, the expected increase in value of the employee to the University,

specific results anticipated from the leave, any expected supplementary income, and a statement from the applicant agreeing to comply with the terms of the leave program.

5. The President or designee shall select applicants when the University believes that completion of the proposed project or work would substantially improve the productivity of the department or function of which the employee is a part.

6. Terms of Program

(i) If an employee receives fellowships, grants-in-aid, or financial assistance from sources other than the University to assist in accomplishing the program, the University salary shall be reduced so that the total income is equal to the faculty member's regular salary. Non-salary funds for travel and living expenses from sources other than the University will not result in a reduction in University salary during the leave.

(ii) Employment unrelated to the purpose of the professional development leave is governed by applicable outside activity and conflict of interest provisions of University regulations and state law.

(iii) Contributions made by the University to the retirement and Social Security programs shall be continued on a basis proportional to the University salary received during the professional development leave. University contributions made to the employee insurance programs and other employee benefits shall be continued during the leave.

(iv) Twelve (12)-month employees shall continue to accrue vacation and sick leave on a full-time basis during the professional development leave.

(v) Nine (9)-month employees shall continue to accrue sick leave on a full-time basis during the professional development leave.

(vi) If accepting the leave, the employee must agree to return to the University for at least one (1) academic or calendar year (depending on the employee's appointment) following participation in the program. If the employee does not fulfill that agreement, or does not participate in the program as stated in the proposal, the employee shall reimburse the University the amount of salary received from the University during the professional development leave.

(vii) Upon returning to the University, the employee shall submit to the chair or supervisor, with a copy to the dean or director, a written report of the employee's accomplishments during the leave. This report shall include information regarding the activities undertaken during the leave, the results accomplished during the leave as they affect the employee and the University and the research or other scholarly works produced or expected to be produced as a result of the leave.

(viii) Employees shall not be eligible again for a full-pay sabbatical in this program until six (6) years of full-time service have been completed following prior participation.

(21) The President or designee has authority to provide an employee leave with or without pay or to reassign an employee when such leave or reassignment is in furtherance of the mission of the University.

(22) December Personal Leave Days for TEAMS Employees, Faculty, and Postdoctoral Associates.

(a) TEAMS employees, faculty (except Hospitalists), and postdoctoral associates earn four (4) personal leave days in proportion to their FTEs per fiscal year in addition to the University holidays.

(b) Such personal leave days shall be credited to eligible employees on December 1 of each year.

(c) Personal leave days must be taken in full-day increments (that is, as an 8-hour day for full-time employees, as a 4-hour day for .50 FTE employees) on workdays between the dates December 26 and December 31, inclusive.

(d) Eligible essential personnel who are required to work between December 26 and December 31 shall have their schedules adjusted to provide equivalent paid leave time within December 2 and June 30 of the current fiscal year based on departmental need.

(e) Cash payment is not provided for unused personal leave days. Any unused personal leave days expire at the end of each fiscal year.

(23) Personal Leave for Postdoctoral Associates

(a) Full-time Postdoctoral Associates will accrue five (5) hours of personal leave each biweekly period, with proportionate accrual for less than full-time, up to a maximum of 352 hours. Such leave may be used in lieu of sick leave and vacation leave under the policies and procedures regulating such leaves.

(b) Postdoctoral Associates shall not be paid for unused personal leave upon separation from employment.

Authority: BOG Regulation 1.001.

History--New 6-28-98, Amended 1-12-00, 5-20-02, 3-12-03, 6-28-04, 3-30-07, 9-5-08 (technical changes only), Formerly 6C1-1.201, Amended 3-16-10, 12-10-10, 2-3-11 (technical changes only), 3-17-11 (technical changes only), 9-6-2011.