

ARTICLE 10
LEAVES

10.1 Policy.

(a) Leave is provided in a variety of forms to meet the needs of both the University and its employees. All leave is administered in accordance with this Agreement and applicable laws. Nothing contained in this Agreement shall modify or replace any leave governed by state or federal statutes and/or regulations.

(b) Faculty members will have legitimate reasons to take leave and shall not be penalized or disadvantaged for having taken leave.

- i. The duration of a leave may vary from a few hours to a year, or more (if extended by the University).
- ii. Leaves may be with pay or without pay or a combination of the two through the use of intermittent leave.
- iii. Sick leave, approved worker's compensation leave, and service-related disability leave may be taken as needed but must be reported to the appropriate supervisor.
- iv. All other leaves may be taken only after having been approved by the appropriate supervisor.

(c) All leaves are granted at the discretion of the appropriate administrator. However, permission shall not be unreasonably withheld.

10.2 ~~Accrual of Annual Leave. The Wellness Coordinator, Assistant Librarian, and 12~~

(a) An academic year (thirty-nine [39] weeks) employee and a faculty member appointed for less than nine (9) months shall not accrue annual leave.

(b) Annual leave for ten and twelve-month Faculty earn Annual leave on the last day of faculty members shall be as follows.

- i. A faculty member shall accrue 7.3333 hours per semimonthly pay period. The hours accumulated shall be credited at the conclusion of each pay period in proportion to the amount of time in paid status. Annual leave is accrued at a rate of 7.3125 hours of annual leave semi-monthly, with a
- ii. year-end maximum of 352 is four hundred eighty (480) hours. The and an overall maximum payout for payment of three hundred fifty-two (352) hours.
- iii. Faculty members may accrue annual leave is 352 hours. However, any accrued hours in excess of 352 such employees will convert the year-end maximum during a calendar year. Faculty members with accrued vacation leave in excess of the year-end maximum as of December 31 shall have any excess converted to sick leave hours at the end of the pay period in which December 31 falls. on an hour-for-hour basis.

10.3 Use of Annual Leave.

- (a) There is no waiting period for using annual leave. Once annual leave is posted to the balance, employees may request to use it. ~~However, requests~~
- (b) Requests for annual leave should be submitted to the supervisor as far in advance as practicable and ~~taken only after appropriate.~~
- (c) Approval of the dates on which a faculty member wishes to take vacation leave shall be at the discretion of the supervisor and shall be subject to the consideration of departmental/unit and organizational scheduling. However, faculty members must be provided reasonable opportunity to utilize their annual leave during the course of the year.
- (d) Upon reasonable notice, a faculty member shall be required to use any reasonable part of his/her accrued paid annual leave at a time approved by the University based on the effective functioning of the unit, the efficient use of available personnel, and budget. The University shall consult the faculty member and make a reasonable effort to choose a mutually satisfactory time for the faculty member to use the accrued annual leave.

10.4 ~~supervisor's approval~~ Transfer and Payment for Unused Annual Leave

- (a) Upon termination from a position that accrues vacation leave, or upon appointment change from a position that accrues annual leave to a position that does not accrue annual leave, the University shall pay the faculty member for up to three hundred fifty-two (352) hours of unused annual leave at the calendar-year rate the faculty member was accruing as of the faculty member last day of work, provided that a determination has been made by the University that the faculty member was unable to reduce the unused vacation leave balance prior to termination. The faculty member shall forfeit all unused vacation leave in excess of three hundred fifty-two (352) hours.
- (a)(b) Upon layoff, a faculty member shall be paid for up to three hundred fifty-two (352) hours of unused annual leave. For faculty members who are re-employed by the University within three hundred sixty-five (365) days after a formal layoff, all unused vacation leave shall be restored to the faculty member, provided the faculty member requests such action in writing and repays the full amount of any leave payment received. Annual leave may be used only up to the regular FTE, not to exceed the 40-hour workweek. Annual leave transfers with the employee if he or she moves to other benefits-eligible positions within Florida Polytechnic. at the time of layoff.

See FPU-6.004 Annual LeaveIn the event of the death of a faculty member, payment for additional information.

~~10.3 — Sick Leave. Sick all unused vacation leave is earned on the last day of each pay period in proportion to the amount of at the time in paid status. There is no waiting period for using sick leave. Once sick leave is posted to the balance, employees may request to use it. Earned sick leave may be approved for time off from work because of exposure to a contagious disease that may endanger others, personal visits to doctors or dentists and for personal illness. Sick leave may be used only death, up to three hundred fifty-two (352) hours, shall be made to the regular FTE, not to exceed the 40-hour workweek. Sick leave transfers with the employee if he or she moves to other positions eligible for benefits within the University.~~

~~(a) See FPU 6.005 Sick Leave for additional information faculty member beneficiary, estate,
or =~~

~~10.4 — Sick Leave Pool. The University's Sick Leave Pool is a way for employees to contribute a portion of their individually accrued sick leave for collective use of the members. Leave-accruing employees who have at least 64 hours of sick leave on balance may apply to join the Sick Leave Pool during the Open Enrollment period in October/November. Membership is approved if the criteria are met. Once membership is approved, fulltime employees contribute 8 hours of sick leave automatically to the Sick Leave Pool.~~

~~(b)(c) _____ Members of the Sick Leave Pool who have exhausted all their accrued leave (sick, annual, etc.) may apply for hours from the pool in the event of a personal catastrophic illness or injury. Catastrophic injury or illness is defined as "a severe condition or combination of conditions affecting the mental or physical health of the employee that has resulted in a life-threatening condition and/or has had a major impact on life functions." provided by law.~~

~~See FPU 6.006 Sick Leave Pool for additional information.~~

10.5 Administrative Leave

~~(a) —Administrative leave is leave with pay that is not charged against individually accrued leave balances. It is designed to keep employees in full pay status under certain circumstances and typically can shall be granted only in the amount necessary to the regular FTE, not to exceed the 40-hour workweek.~~

~~—University employees may be granted administrative leave in specific enumerated circumstances such as jury duty or Florida disaster volunteer leave.~~

~~(b) Jury Duty and Court Appearances.~~

~~i. A faculty member who is summoned as a member of a jury panel or subpoenaed as a witness in a matter not involving the faculty member's personal interests, shall be granted leave with pay and any jury or witness~~

fees shall be retained by the faculty member; leave granted hereunder shall not affect a faculty member annual or sick leave balance.

- ii. If a faculty member is required, as a direct result of the faculty member's employment, to appear as an official witness to testify in the course of any action as defined in Section 92.142(2), Florida Statutes, such duty shall be considered a part of the faculty member's job assignment, and the faculty member shall be paid per diem and travel expenses.
- iii. A faculty member involved in personal litigation during work hours must request vacation leave or, if a non-annual leave accruing faculty member, must seek an adjustment to the work schedule.

(c) Leave Pending Investigation.

The Office of Human Resource Services in conjunction with the Office of the Provost may place a faculty member on leave pending investigation when there is reason to believe that a faculty member's actions or presence on the job would adversely affect the orderly conduct and processes of the University and/or jeopardize the safety or welfare of the faculty member, colleagues, other employees or students. The leave pending investigation shall commence when the faculty member is provided with a written notice. The leave shall be with pay, with no reduction of accrued leave.

- (d) Leaves for military service, Florida Disaster Volunteer, Civil disorder or disaster, disabled veterans, athletic competition and Official Emergency Closings shall be in accordance with federal and state law.

10.6 Sick Leave

- (a) Accrual of Sick Leave. A full-time faculty member shall accrue 4.34 hours of sick leave for each semi-monthly pay period, or the number of hours directly proportionate to the number of days worked during less than a full-pay period. There is no limitation to the number of hours that may be accrued. A part-time faculty member shall accrue sick leave at a rate directly proportionate to the percent of time employed.

(b) Use of Sick Leave.

- i. There is no waiting period for using sick leave. Once sick leave is posted to the balance, faculty members can request to use it.
- ii. Sick leave shall be authorized for the following purposes:
 - A. The faculty member's personal illness, injury, exposure to a contagious disease, disability where the faculty member is unable to perform assigned duties, or appointments with health care providers.
 - B. The illness, injury, appointments with health care providers, or death of a member of the faculty member's immediate family.

- iii. A continuous period of sick leave commences with the first day of absence and includes all subsequent days until the faculty member returns to work. Saturdays, Sundays, and official holidays observed by the State shall not be counted unless the faculty member is scheduled to perform services on such days. During any seven (7) day period, the maximum number of days of sick leave charged against any faculty member shall be five (5).
- iv. A faculty member who requires the use of sick leave should notify the supervisor as soon as practicable.
- v. A faculty member who becomes eligible for the use of sick leave while on approved annual leave shall, upon notifying the supervisor, substitute the use of accrued paid sick leave to cover such circumstances.

(c) Certification.

If a faculty member's request for absence or absence exceeds four (4) consecutive days, or if a pattern of absence is documented, the University may require a faculty member to furnish certification issued by an attending health care provider of the medical reasons necessitating the absence and/or the faculty member's ability to return to work. If the medical certification furnished by the faculty member is not acceptable, the faculty member may be required to submit to a medical examination at University expense by a health care provider who is not a University staff member. If the medical certification indicates that the faculty member is unable to perform assigned duties, the University may place the faculty member on compulsory leave.

(d) Additional Medical Leave.

Up to one (1) year of leave may be granted to an eligible faculty member for the faculty member's serious personal health condition or when the faculty member needs to care for an immediate family member with a serious health condition. The faculty member shall use accrued paid leave during any additional medical leave. Thereafter, the medical leave shall be unpaid leave.

(e) Workplace Injury Leave under the Workers' Compensation Law.

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 illnesses or injuries compensable under Florida's Workers Compensation Law. Faculty members will be provided with the same benefits as other employees. 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.

10.7 Benefit, Retirement Contributions and Credits During Paid Leaves.

- (a) Contributions to the faculty member's retirement programs shall be continued on a basis proportional to the University salary received during paid leaves.
- (b) During an approved leave of absence for parental, medical (including family medical), or military reasons, an employee may use accrued paid leave in order to continue the contributions to State benefits and other expenses.
- (c) Faculty members who participate in the Florida Retirement System shall have full-month service credit during the months they are in pay status.
- (d) Employer Contributions to Benefit Plans. Contributions made by the University to the employee insurance programs and other employee benefits shall be continued during paid leaves.

10.8 Outside Employment During Paid Leaves. No faculty member on paid leave may be employed simultaneously by another employer unless the faculty member complies with requirements in State law and this Agreement for extra compensation, outside employment/activities, and conflict of interest.

10.9 Accrual during Paid Leaves.

- (a) Faculty members on sabbatical or professional development leaves shall accrue normal leave credits if eligible.
- (b) In all other instances, faculty members on paid leave shall accrue leave, if eligible, in proportion to the pay status.
- (c) Accrued leave shall be credited on the last day of each pay period.

10.10 Annual Evaluation during Sabbatical and Professional Development Leave.

- (a) If an annual evaluation period overlaps with a sabbatical or professional development leave period more than eight (8) months, the annual evaluation rating 'satisfactory' shall be granted for the annual evaluation period.
- (b) If an annual evaluation period overlaps with a sabbatical or professional development leave period more than two (2) months but less than seven (7) months, appropriately adjusted and modified evaluation standard shall be applied for the annual evaluation period.

10.11 Requests for a Leave or Extension of Leave of One (1) Semester or More.

- (a) For a leave of one (1) semester or more, a faculty member shall make a written request. The request shall be made not less than one hundred twenty (120) days prior to the beginning of the proposed leave, or in the case of twelve-month faculty, six (6) months prior to the date the leave is requested.

(b) For an extension of a leave of one (1) semester or more, a faculty member shall make a written request not less than sixty (60) days before the end of the leave.

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

10.12 Return from Leave.

(a) A faculty member who returns from an approved leave of absence shall be returned to the same or equivalent position in the same class and work location, including the same shift or equivalent schedule, unless the University and the faculty member agree in writing to other terms and conditions.

(b) The salary of the faculty member shall be adjusted to reflect all non-discretionary increases distributed during the period of leave.

10.13 Unpaid Leave.

(a) Granting. Upon request of a faculty member, the University shall grant a leave without pay for a period not to exceed one (1) year unless the University determines that granting such leave would be inconsistent with the best interests of the University. Such leave may be extended upon mutual agreement.

(b) Retirement Credit. Retirement credit for such periods of unpaid leave shall be governed by the rules and regulations of the Division of Retirement and the provisions of Chapter 121, Florida Statutes.

(c) Accrual of Leave and Holiday Pay. While on unpaid leave, the faculty member shall retain accumulated sick leave and vacation leave, but shall not accrue sick leave or vacation leave nor be entitled to holiday pay.

(d) Benefit Premiums. Faculty members on unpaid leave will be responsible for the entire cost of benefit premiums unless they use accrued paid leave as provided in subsection below.

(e) A faculty member may combine unpaid and paid leave as follows:

- i. Notwithstanding the provisions of Section 10.6(b) regarding the use of sick leave, a faculty member may use any type of accrued paid leave in an amount necessary to cover the faculty member's contribution to the State insurance program, other FPU-sponsored insurance programs, and for other expenses.
- ii. Normally the use of accrued paid leave during a period of unpaid leave for medical reasons shall be approved for up to four (4) months.
- iii. The employer contribution to the State insurance program shall continue for the corresponding payroll periods.

iv. A faculty member's request for the use of accrued paid leave during a period of unpaid leave shall be made at the time of the faculty member request for the leave. Such request shall include the amount of accrued paid leave the faculty member wishes to use during the approved period of unpaid leave. If circumstances arise during the approved leave that causes the faculty member to reconsider the combination of leave with and without pay, the faculty member may request approval of revisions to the original approval.

10.14 Family and Medical Leave Act (FMLA).

- (a) The Family and Medical Leave Act of 1993 ("FMLA") is the common name for the federal law providing eligible employees an entitlement of up to twelve (12) work weeks (480 hours) of continuous or intermittent leave without pay for qualified family or medical reasons during a one-year period. ~~This Act entitles the~~ The faculty member ~~to takemay request Family and Medical leave without pay; where University policies permit, eligible employees may use~~ as accrued paid leave ~~with pay during any qualifying family or medical, unpaid leave, or a combination of both.~~ The failure to list, define, or specify any provision or portion of the FMLA in this Agreement shall in no way constitute a waiver of any of the rights or benefits conferred to the employer or the faculty member through the FMLA.

Pursuant to Fla. Admin. Code 6C4- 10.104(12), a salaried employee is entitled to a parental leave for up to six (6) months, for a birth or adoption of the employee's child. If an eligible employee elects to take Parental Leave, up to four hundred and eighty (480) hours of such leave may be counted against that employee's FMLA entitlement.

- (b) ~~(b)~~ — Accounting for the Use of FMLA Leave in a Twelve-Month Period.
- i. ~~(1)~~ The fiscal year (July 1 - June 30) shall be the designated twelve (12) month period in which to count the use of up to four hundred and eighty (480) hours of FMLA leave.
 - ii. ~~(2)~~ An eligible employee's entitlement to leave for a birth or placement for adoption or foster care expires at the end of a twelve (12) month period beginning on the date of the birth or placement of the child.
- (c) ~~(e)~~ — If any provision of Article 10-~~(FMLA)~~ is inconsistent with or in contravention of the Family Medical Leave Act of 1993, Public Law 103-3, or the Family and Medical Leave Act Regulations, 29 CFR Part 825, or any subsequently enacted legislation, then such provision shall be superseded by the laws or regulations referenced above, except to the extent that the collective bargaining agreement or any employee benefit program or plan provides greater family or medical leave rights to an eligible employee.

~~10.7 Other types of Leave. The University may approve additional leave in accordance with FPU 6.007.~~