

RULES OF
DEPARTMENT OF EDUCATION
DIVISION OF UNIVERSITIES
UNIVERSITY OF FLORIDA

(Substantial rewording of Rule 6C1-1.201 follows. See Florida Administrative Code for present text.)

6C1-1.201 University of Florida; Leaves.

(1) The following describes the leaves provided to University of Florida employees. Also refer to the University of Florida rules 6C1-5.0761 for leave provisions for interns, residents, and fellows in the College of Medicine and 6C1-6.011 for leave provisions for county extension employees.

(a) For the purposes of this rule, Executive Service shall denote the members of Technical, Executive, Administrative, and Managerial Support (TEAMS) who do not hold tenure or permanent status and who hold the title of Vice President.

(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 40 hours for full-time employees. Holiday pay (maximum of eight 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 40 or by crediting the employee with up to 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 not available to Other Personnel Services (OPS), Academic Personnel (AP) and exempt TEAMS 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 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 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 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 annual 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 a University of Florida holiday when the employee observed the holiday and worked 40 hours the week during which the holiday occurred; the holiday falls on the employee's regularly scheduled day off; or the employee is required to work the holiday.

2. Special compensatory leave is provided to compensate an employee for

administrative leave for jury duty or court appearance provided in paragraphs (14)(a) and (b) below when the employee worked 40 hours the week during which the jury duty or court appearance occurred.

3. Special compensatory leave is provided to employees required to perform essential duties during an emergency closing for the hours worked during the closing.

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.

(5) An employee shall be paid proportionate to the full-time equivalent (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 approved unpaid leave 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.

	<u>Hours Accrued During</u>	
	<u>Pay Period</u>	
	<u>Monthly</u>	<u>Biweekly</u>
<u>Faculty</u>	<u>8.667</u>	<u>4</u>
<u>TEAMS (except for</u>	<u>8.667</u>	<u>4</u>
<u>Executive Service)</u>		
<u>Executive Service</u>	<u>10.833</u>	<u>5</u>
<u>USPS</u>	<u>8.667</u>	<u>4</u>

(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. Sick leave accrued prior to October 1, 1973, shall be used prior to any sick leave accrued after that date.

(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 family.

(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 10 or more years of service shall be paid for one-eighth of all unused sick leave accrued prior to October 1, 1973, and for one-fourth of unused sick leave up to a total of 480 hours accrued after October 1, 1973. Upon reemployment by the University within 100 days or upon recall by the University within 365 days, all unpaid sick leave shall be restored and any sick leave paid at time of separation shall be restored upon repayment. An employee with less than 10 years of service shall not be paid for any unused sick leave and such leave shall be forfeited unless reemployed by the University within 100 days or recalled by the University within 365 days.

(10) Annual leave for full-time employees shall be as follows with proportionate accrual for less than full-time. An academic year (39 weeks) employee, a Developmental Research School employee, and an employee appointed for less than 9 months shall not accrue annual leave. Postdoctoral Associates shall not accrue annual leave. Hours of accrual for USPS are based on years of creditable service, and such service shall be awarded as one month of service credit for each calendar month that the employee is on the salaried (non-OPS) payroll of the University of Florida, 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 (except for Postdoctoral Associates)	6.769	352	352
TEAMS (except for Executive Service)	6.769	352	352
Executive Service	9.195	480	480
USPS (Months of Service)			
0--60	4	240	240
61 to 120	5	240	240
Over 120 months	6	240	240

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

(b) Employees may accrue annual leave in excess of the year end maximum during a calendar year. Employees with accrued annual leave in excess of the year end maximum as of December 31, shall have any excess converted to post October 1, 1973 sick leave on an hour-for-hour basis on January 1 of each year. The President or designee is authorized to grant approval to an employee to retain annual 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 prevented the employee from using annual leave.

(c) An employee who separates from employment shall be paid for all unused annual leave hours up to the year end maximum allowed for the pay plan. Upon reemployment by the University within 100 days or upon recall by the University within 365 days, all unpaid annual

leave shall be restored and any annual leave paid at time of separation shall be restored upon repayment. Upon entering into the Deferred Retirement Optional Program (DROP), employees may elect to be paid up to the year end maximum of their unused annual leave.

(d) Upon transfer from an annual leave-accruing position to a non leave-accruing position, the employee shall be paid for unused annual leave, unless the employee elects to retain all unused annual leave, for up to two years.

(e) Upon reasonable notice, an employee shall be required to use any part of his or her accrued annual 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 workweeks of Family and Medical Leave within a 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). The twelve (12) workweeks in a twelve (12) month period begin on the first day of the FMLA leave and end one year from the first day of FMLA leave. All employees are eligible including OPS employees who have worked at least 12 months (These need not have been consecutive.) and who have worked at least 1250 hours in the 12-months prior to the leave. Faculty, TEAMS, and USPS employees may use paid leave for an FMLA event, and such shall be counted toward the entitlement.

(13) Employees shall be provided with up to six months unpaid parental leave during which time the employee may use paid leave when the employee becomes a biological or adoptive parent. Parental leave shall begin two weeks prior to the expected date of the child's arrival unless otherwise mutually agreed to by the President or designee and the employee.

(14) Employees provided paid administrative leave shall not exceed 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, F.S.

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

(e) Administrative leave shall be provided for official emergency closing of University facilities. Special compensatory leave shall be provided to 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, F.S.

(g) The President or designee may grant up to two 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 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 President or designee may place an employee under investigation on leave up to the length of the investigation pursuant to Rules 6C1-3.045, 6C1-3.046 and 6C1-7.048, F.A.C.

(j) The President or designee may place an employee on administrative leave between the notice of reduction in pay, suspension, or dismissal and the effective date of such action pursuant to Rules 6C1-3.045, 6C1-3.046, and 6C1-7.048, F.A.C.

(k) The 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.

(15) Military leave and reemployment rights shall be provided to Faculty, TEAMS, and USPS employees consistent with Federal and State laws.

(16) Workers' Compensation benefits for an injury compensable under the Florida Workers' Compensation Law shall be provided consistent with the following:

(a) An employee shall remain in full pay status for a period up to a maximum of forty (40) hours without being required to use accrued leave credits. If, during that period, the employee receives Workers' Compensation benefits then the employee shall reimburse the University the amount of the benefits. Such reimbursement shall not include payments for expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.

(b) An employee may elect to use paid leave to supplement Workers' Compensation payments up to the employee's regular salary.

(c) The period of paid or unpaid job-related disability leave shall be in accordance with Chapter 440, F.S.

(d) An employee who was injured in the workplace may be returned to alternate duty consistent with the University's Modified Duty Program Policy, 2002, which can be obtained from the Workers' Compensation Office, 433A Stadium West, Gainesville, Florida 32611.

(e) 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 a part-time appointment, place the employee on unpaid leave or extend the leave status, request the employee's resignation, or terminate the employee from employment.

(17) 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 full semester or, in the case of 12-month faculty, six 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 full semester or, in the case of 12-month faculty, six 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 rules 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 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 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 Florida Statutes, Chapter 121.

4. While on leave without pay, the faculty member shall retain accumulated sick leave and annual leave, but shall not earn sick leave or annual 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 shall be granted three days (non-cumulative) of leave per year for emergencies or for other personal reasons. One day shall be leave with pay and two days shall be taken from sick leave. Except in case of emergency, the faculty member shall provide at least two 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 period of time 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 years of continuous full-time University of Florida service.

2. In the case of faculty on a contract or grant, the terms of the employment 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 month leaves for twelve-month employees are available at one-half pay or full-pay.

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

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

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

4. In the case of IFAS and the Health Science Center, contact the respective Dean, Director, or 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 of Florida, 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 of Florida to assist in accomplishing the program, the University of Florida 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 of Florida will not result in a reduction in University of Florida 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 rules and

state law.

(iii) Contributions made by the University of Florida to the retirement and Social Security programs shall be continued on a basis proportional to the University of Florida 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-month employees shall continue to accrue annual and sick leave on a full-time basis during the professional development leave.

(v) Nine-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 of Florida for at least one 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 of Florida the amount of salary received from the University of Florida during the professional development leave.

(vii) Upon returning to the University of Florida, 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 of Florida 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 years of full-time service have been completed following prior participation.

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

(19) Personal Leave Days for TEAMS Employees and Faculty.

(a) TEAMS employees and faculty earn four personal leave days in proportion to their FTEs per fiscal year in addition to the University of Florida 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) 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 the current fiscal year.

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

~~The following describes the leaves provided to University of Florida employees. Also refer to the University of Florida rules 6C1-5.0761 for leave provisions for interns, residents, and fellows in the College of Medicine and 6C1-6.011 for leave provisions for county extension faculty members. Paid leave counts as hours of pay but does not count as hours of work for~~

~~overtime purposes.~~

~~—— (1) — Administrative Leaves or Leaves Not Affecting Accrued Leave Balances — An employee may be granted leaves not affecting accrued leave balances for the following. Paid leave, except administrative leave for jury duty, court appearance, and official emergency closings, may be used only in the amount necessary to bring a USPS employee to his or her regular FTE, not to exceed the number of hours in the employee's normal workweek.~~

~~—— (a) — Athletic Competition — Any employee of the state who qualifies as a member of the United States team for athletic competition on the world, Pan American, or Olympic level in a sport contested in either Pan American or Olympic competition shall be granted athletic competition leave for the purpose of preparing for and engaging in the competition.~~

~~—— 1. — In no case shall the athletic competition leave exceed the period of the official training camp and competition combined or 30 calendar days in a calendar year, whichever is less.~~

~~—— 2. — The term "United States team" includes any group leader, coach, official, or athlete who is a member of the United States official delegation for athletic competition to world, Pan American, or Olympic competition.~~

~~—— (b) — Civil Disorder or Disaster — An employee who is a member of a volunteer emergency response team may be granted up to two days of civil disorder or disaster leave on any one occasion by the President, in proportion to the employee's FTE, for civil disorder or disaster.~~

~~—— 1. — A volunteer emergency response team is defined as members of the Salvation Army, Southern Baptist Relief Organization, Catholic Charities, or American Radio Relay League (HAM operator).~~

~~2. An employee who is a member of a volunteer fire department, police auxiliary or reserve, or civil defense unit may be granted civil disorder or disaster leave as described above when such an employee is called to perform duties in times of civil disturbances, riots, and natural disasters.~~

~~3. Employees who are members of the Civil Air Patrol or Coast Guard Auxiliary may be granted civil disorder or disaster leave as described above when assisting in emergency search and rescue missions.~~

~~(c) Death in Immediate Family~~

~~1. USPS employees may be granted up to two days of administrative leave, or a maximum of 16 hours for full-time employees, upon the death of an immediate family member. For part-time USPS employees, this benefit shall be prorated based on their FTEs.~~

~~2. Faculty, A&P, and USPS employees may use their sick leave in reasonable amounts upon the death of an immediate family member.~~

~~3. "Immediate family" is defined as the spouse, great-grandparents, grandparents, parents, brothers, sisters, children, grandchildren, and great-grandchildren of the employee and his or her spouse. This definition also includes individuals for whom an employee is the current legal guardian.~~

~~(d) Disabled Veterans Reexamination or Treatment See "Military Leave," 6C1-1.201(7).~~

~~(e) Employee Relations An employee may be placed on leave as follows:~~

~~1. After Notice of Reduction in Pay, Suspension, or Dismissal The President or designee may place an employee on leave between the notice of reduction in pay, suspension, or dismissal and the effective date of such action.~~

~~2. Investigation—The President or designee may place an employee on leave pending investigation up to the length of the investigation.~~

~~3. Potential Damage—The President or designee may place an employee on leave when the employee's presence in the workplace may result in damage to property or injury to the employee or others.~~

~~(f) Examinations and Interviews—An employee may be granted examination and interview leave for the purpose of taking examinations, provided such examinations are pertinent to state employment, or for the purpose of interviewing for positions within state government. Time spent on job interviews for University of Florida positions is considered time worked as long as the interview is during the employee's normal work schedule.~~

~~(g) Examinations for Military Service—See "Military Leave," 6C1-1.201(7).~~

~~(h) Florida Disaster Volunteer Leave—An employee who is a certified disaster service volunteer of the American Red Cross may be granted Florida disaster volunteer leave up to 15 working days each fiscal year to participate in specialized disaster relief services for the American Red Cross. Such Florida disaster volunteer leave may be granted upon the request of the American Red Cross and with the approval of the employee's supervisor.~~

~~1. An employee granted Florida disaster volunteer leave under this section shall not be deemed to be an employee of the state for purposes of workers' compensation.~~

~~2. Florida disaster volunteer leave under this act shall be granted only for services related to a disaster occurring within the boundaries of the state of Florida.~~

~~(i) Jury Duty and Court Appearances—~~

~~1. Jury Duty—An employee who is summoned to jury duty will be granted jury duty leave for all hours required for such duty, not to exceed the number of hours in the employee's~~

normal workday.

~~—— a. —— Such jury duty leave shall not be reduced. As a result, those hours to be compensated over the USPS employee's FTE shall be compensated via special compensatory leave. A&P employees and faculty members may adjust their work schedules, as appropriate.~~

~~—— b. —— If the jury duty does not require absence for the entire workday, the employee should return to work immediately upon release by the court. The University of Florida will not reimburse the employee for meals, lodging, and travel expenses while serving as a juror.~~

~~However, any jury fees paid may be kept by the employee.~~

~~—— c. —— If a USPS employee's jury duty does not coincide with the USPS employee's regular work schedule, the USPS employee typically still shall be granted jury duty leave based on the total hours served on jury duty, not to exceed the number of hours in the employee's regular workday. The employee's work schedule may be adjusted to avoid accrual of special compensatory leave.~~

~~—— 2. —— Court Appearance —— An employee subpoenaed as a witness in a court or administrative hearing, not involving personal litigation or service as a paid expert witness, will be granted court appearance leave, not to exceed the number of hours in the employee's regular workday, and any witness fees may be kept by the employee.~~

~~—— a. —— In the case of such court appearances, the leave shall not be reduced. As a result, those hours to be compensated over the USPS employee's FTE shall be compensated via special compensatory leave. A&P employees and faculty members may adjust their work schedules, as appropriate.~~

~~—— b. —— If the court appearance does not require absence for the entire workday, the employee should return to work immediately upon release by the court. The University of~~

~~Florida will not reimburse the employee for meals, lodging, and travel expenses. However, any witness fees paid may be kept by the employee.~~

~~c. If a USPS employee's court appearance does not coincide with the USPS employee's regular work schedule, the USPS employee typically still shall be granted administrative leave based on the total hours served as a court witness, not to exceed the number of hours in the employee's regular workday. The employee's work schedule may be adjusted to avoid accrual of special compensatory leave.~~

~~3. University Employee Appearance—An employee subpoenaed in the line of duty to represent the University of Florida, the SUS, or a state of Florida agency as a witness or defendant will have his or her appearance considered part of the employee's job assignment and, thus, time worked. The employee shall be paid per diem and travel expenses but shall not keep any fees received from the court. Such fees must be returned to the University of Florida.~~

~~4. Personal Litigation/Paid Expert Witness—An employee who is engaged in personal litigation or service as a paid expert witness shall not be granted administrative leave or leave not affecting accrued leave balances for court attendance. However, that employee may request to use annual leave or unpaid leave. If in a non-annual leave accruing position, the employee also may request to arrange the appearance during non-scheduled working hours and/or seek an adjustment of his or her duties and responsibilities with the chair/supervisor. Employees who serve as paid expert witnesses must comply with the state and University of Florida's policy and rules on extra-state compensation, outside employment/activities, and conflict of interest.~~

~~(j) Meetings and Conferences—An employee who is required as a result of University of Florida employment to attend a meeting or conference will not be granted~~

~~administrative leave or leave not affecting accrued leave balances. Instead, such attendance, including travel time to out-of-town meetings and conferences, whether or not such travel occurs during the employee's normal work schedule, will be considered time worked.~~

~~—— (k) Military Leave/Training — See "Military Leave," 6C1-1.201(7).~~

~~—— (l) National Guard State Service — See "Military Leave," 6C1-1.201(7).~~

~~—— (m) Official Emergency Closing — An employee shall be provided leave for official emergency closing of University of Florida facilities or when a Governor's executive order so dictates.~~

~~—— 1. — Except for those employees determined by the University of Florida to be necessary for providing essential service, employees assigned to those facilities which have been closed shall be released from duty and granted paid leave for the period the facility is closed or based on any Governor's executive order.~~

~~—— 2. — Such official emergency closing leave shall not be reduced. As a result, any hours to be compensated over the USPS employee's FTE shall be compensated via special compensatory leave.~~

~~—— 3. — Special compensatory leave also shall be provided to USPS employees required to perform essential services during the emergency closing.~~

~~—— 4. — An employee who was on a prior approved leave of absence or scheduled holiday during the emergency shall not have the leave of absence changed to official emergency closing leave.~~

~~—— (n) Short Term Military Training — See "Military Leave," 6C1-1.201(7).~~

~~—— (o) Presidential Leave — The President may grant leave with or without pay to an employee upon request and as warranted by the specific facts and circumstances of the request if~~

also deemed by the President to be in the best interests of the University of Florida.

~~(p) Voting Normally, employees should vote during non-work hours. In emergency situations, however, one or two hours of leave may be granted for voting provided the employee has obtained approval from his or her immediate supervisor.~~

~~(2) Annual Leave Annual leave shall be accrued by employees on 12-month appointments and shall be administered consistent with provisions of 6C-5.920(10), Florida Administrative Code, and the following:~~

~~(a)~~

Pay Plan	Hours Accrued During Biweekly Pay Period	Yearend Maximum	Maximum Transferable	Maximum Payment
Out of Unit Faculty and A&P	6.769	352	352	352
In Unit Faculty and A&P	6.769	352	352	352
Executive Service	9.195	480	480	480
USPS (Months of Service)				
0-6 Months	4	240	240	0

7-60 Months	4	240	240	240 (after six months of continuous state of Florida employment)
61-120 Months	5	240	240	240 (after six months of continuous state of Florida employment)
Over 120 Months	6	240	240	240 (after six months of continuous state of Florida employment)

~~(b) Full and part-time twelve-month employees accrue annual leave in proportion to the amount of time they are in pay status, not to exceed the full-time accrual rate (based on an 80-hour pay period) described above.~~

~~1. Academic year (39-week) employees, Development Research School employees, and OPS employees shall not accrue annual leave.~~

~~2. Faculty with the "visiting" modifier shall not be eligible to use accrued annual leave until after completing twelve months of employment with the University of Florida.~~

~~———— (c) ——— Accrued annual leave shall be credited at the conclusion of each pay period or upon termination. As a result, it cannot be taken during the same period in which it is earned.~~

~~———— 1. ——— Hours of annual leave accrual for USPS are based on years of creditable service, and such service shall be awarded as one month of service credit for each calendar month the employee is on the salaried (non-OPS) payroll of a university or other state agency or during authorized unpaid leave.~~

~~———— 2. ——— Creditable service refers to time spent working at a state of Florida agency or SUS institution, including the University of Florida. OPS employment does not count nor does employment at state of Florida community colleges.~~

~~———— 3. ——— New USPS employees have 60 days to make their state of Florida prior creditable service count from the date of hire for purposes of annual leave accrual. After 60 days, the employees' prior creditable service will affect annual leave accrual from the point of notification with Processing and Records of University Personnel Services.~~

~~———— (d) ——— USPS employees, out of unit A&P employees, and out of unit faculty members may accrue annual leave in excess of the yearend maximum during a calendar year. Such employees with accrued annual leave in excess of the yearend maximum as of December 31 shall have any excess converted to post October 1, 1973, sick leave on an hour for hour basis on January 1 of each year.~~

~~———— 1. ——— The chief administrative officer, or designee, may grant approval to an employee or a group of employees to retain annual leave in excess of the yearend maximum for a period not to exceed six months.~~

~~———— 2. ——— The circumstances under which such approval may be granted are those involving natural disasters and other extraordinary situations that last for an extended period of time which~~

would prevent employees from using their accrued annual leave.

~~—— (e) —— In unit A&P and faculty members may accrue up to 352 hours of annual leave, after which point they may not accrue additional annual leave until they have used such leave so as to bring their annual leave balances below 352.~~

~~—— (f) —— Annual leave must be accrued before being taken except in those instances where the President or designee authorizes the advancing of annual leave. When leave has been advanced and employment terminates prior to the employee's accruing sufficient annual leave to credit against the leave that was advanced, the University of Florida shall deduct from the employee's salary the cost of any annual leave advanced.~~

~~—— (g) —— Use of Annual Leave ——~~

~~—— 1. —— Annual leave may be used by an employee for vacation, proper rest, relaxation, religious observances or other types of personal business.~~

~~—— 2. —— All requests for annual leave shall be submitted by the employee to the appropriate supervisor as far in advance as possible. Approval of the dates on which an employee wishes to take annual leave shall be at the discretion of the supervisor.~~

~~—— 3. —— Each supervisor shall make every effort to ensure that a substantial portion of accrued leave is used annually by employees. Upon notice, faculty members may be required by their supervisors to take up to twenty days of annual leave during the twelve months following such notice. Upon reasonable notice, the appropriate University of Florida administrator may require a USPS or A&P employee to use any part of his or her accrued annual leave at any time deemed advisable. USPS employees may be required to use accrued compensatory leave before using accrued annual leave.~~

~~—— 4. —— Annual leave may be used only in the amount needed to bring an employee to his~~

~~or her FTE, not to exceed the 40-hour workweek. An employee who uses paid leave in an amount which is less than a full hour will be charged with such leave to the closest quarter of an hour.~~

~~_____ (h) _____ Transfer and payment of annual leave shall be administered consistent with the following:~~

~~_____ 1. _____ Layoff _____ Unused annual leave for an employee who is laid off shall:~~

~~_____ a. _____ Be paid in lump sum at the time of layoff, unless the employee requests in writing that such annual leave be held in abeyance pending reemployment with the University of Florida within one year after layoff or by an SUS agency within 100 days after layoff. In no case shall an employee receive payment for accrued annual leave in excess of the yearend maximum established for his or her pay plan.~~

~~_____ b. _____ Be restored to an employee who is reemployed as described above, provided the employee requests such action in writing within 60 days of reemployment and repays the full amount of any lump sum payment received for accrued annual leave.~~

~~_____ 2. _____ Reemployment within 100 days _____ Upon reemployment by the SUS within 100 days, an employee's continuous service is preserved. As a result: Any annual leave paid at time of separation, as well as any forfeited amount of annual leave, shall be restored provided the employee repays the full amount of any lump sum payment received for accumulated annual leave credits within 60 days of reemployment. An employee who was not paid for any unused annual leave shall have such forfeited annual leave restored.~~

~~_____ 3. _____ Separation from UF _____ Upon separation from the University of Florida, provided the employee is not transferring to another leave-accruing position within the SUS or state government, an employee shall be paid for up to the yearend maximum of unused annual leave.~~

~~Transfers to other SUS institutions shall be governed by 6C 5.920, Florida Administrative Code.~~

~~Transfer to positions in state government outside of the SUS shall have all unused leave processed in accordance with the rules of the plan to which the employee is transferring.~~

~~———— a. ——— USPS employees must have six or more months of continuous state of Florida service to be eligible for annual leave payment.~~

~~———— b. ——— Should all accrued annual leave not be transferable, the remaining balance shall be paid in lump sum, up to the maximum payment allowed by the employee's pay plan, effective the employee's last day of employment at the University of Florida.~~

~~———— c. ——— In no case shall an employee receive payment for accrued annual leave in excess of the yearend maximum established for his or her pay plan, except in case of the death of a USPS employee. In the case of death of a USPS employee, payment for all accrued annual leave at the time of death shall be made to the USPS employee's beneficiary, estate, or as otherwise provided by law. Such payment shall be made at the employee's base rate of pay at the time of death, which is the pay provided to an employee excluding any additives.~~

~~———— 4. ——— SUS and State of Florida Transfer to UF — An employee at another SUS institution or state of Florida agency who accepts employment at UF within 31 days shall be considered a state of Florida transfer. Such employee may transfer annual leave up to the maximum transferable amount as provided by the pay plan into which the employee is transferring. Employees who transfer from other SUS institutions also have their continuous service preserved for purposes of any achieved permanent status in the USPS.~~

~~———— 5. ——— Temporary Appointment — An employee who is appointed on a temporary basis to a position in a different pay plan shall be governed by the leave provisions for the plan to which assigned. When an employee is assigned temporarily from a leave accruing position to a non-~~

~~leave accruing position, unused annual leave shall be retained during the temporary period for use upon return to a leave accruing position. Upon completion of the temporary assignment, leave earned while in the temporary assignment will be governed by the leave provisions of the position and pay plan to which the employee returns.~~

~~6. Transfer from Accruing to Non Leave Accruing Position — When an employee transfers from an annual leave accruing position to a non leave accruing position, the employee shall be paid for unused annual leave up to the maximum allowed by his or her pay plan, unless the employee elects in writing to retain all unused annual leave for up to two years. When an employee is assigned temporarily from a leave accruing position to a non leave accruing position, unused annual leave shall be retained during the temporary period for use upon return to a leave accruing position.~~

~~7. Transfer to UF from Community College — Governmental entity, for purposes of annual leave transfer into USPS and A&P positions, shall be defined as community colleges in the State of Florida. Cashing out of annual leave shall not preclude an employee's transferring sick leave as long as this is not in conflict with the previous employer's policies regarding the transfer or payment of paid leave.~~

~~a. An individual who resigns from a community college within Florida and is employed in the USPS within 31 calendar days may transfer up to 240 hours of accrued unused annual leave. Such leaves shall be transferred as follows: 40 hours upon date of hire and 40 hours upon the completion of each succeeding year.~~

~~b. Accrued annual leave from a state of Florida community college shall transfer for A&P employees as provided by reciprocal agreement with the community college.~~

~~(3) Compulsory Medical Leave — Compulsory medical leave for USPS and A&P~~

~~employees shall be administered consistent with the provisions of 6C-5.920(11), Florida Administrative Code. Compulsory medical leave for faculty shall be consistent with the following:~~

~~—— (a) —— If a faculty member is unable to perform assigned duties due to illness, medical condition, or injury, the President or designee may require the faculty member to submit to a medical examination by a health care provider chosen and paid by the employer or by a health care provider chosen and paid by the faculty member, who is acceptable to the President or designee and to execute an authorization for release of the medical certification(s) during the leave period, if appropriate:~~

~~—— (b) —— Medical certification should include the following:~~

~~—— 1. —— The date on which the serious health condition began;~~

~~—— 2. —— The probable duration of the condition;~~

~~—— 3. —— The appropriate medical facts;~~

~~—— 4. —— A brief statement of the regimen or treatment, including estimated number of visits, nature, and frequency;~~

~~—— 5. —— Duration of treatment including treatment by another provider on referral by or order of the health care provider;~~

~~—— 6. —— Whether in-patient hospitalization is required; and~~

~~—— 7. —— Whether such leave shall count toward the employee's FMLA entitlement.~~

~~—— (c) —— If the medical examination confirms that the faculty member is unable to perform assigned duties, the President or designee shall place the faculty member on compulsory medical leave.~~

~~—— (d) —— During the course of the leave, the faculty member shall authorize the physician~~

~~to report to the University of Florida to ensure that the conditions of the leave are being met and to review the conditions and terms of the leave before the employee returns to full-time employment.~~

~~—— (e) —— The notification to the faculty member regarding the leave period shall be in writing and shall include the duration of the compulsory leave period and the conditions under which the employee may return to work. These conditions may include the successful completion of, or participation in, a program of rehabilitation or treatment and follow-up medical certification(s) by the health care provider, as appropriate.~~

~~—— (f) —— The compulsory leave period may be leave with pay, leave without pay, or a combination using the faculty member's accrued leave with leave without pay.~~

~~—— (g) —— If the faculty member fulfills the terms and conditions of the compulsory leave and receives a current medical certification that he or she is able to perform assigned duties, the President or designee shall return the faculty member to previous classification or duties, if possible, or to similar status or equivalent duties.~~

~~—— (h) —— Compulsory leave with or without pay for a faculty member shall be for a period not to exceed the duration of the disability or one year, whichever is less.~~

~~—— (i) —— If the faculty member fails to fulfill the terms and conditions of the compulsory leave and/or is unable to return to work and perform assigned duties at the end of a compulsory leave period, the President or designee may, based upon the University of Florida's needs:~~

~~—— 1. —— Offer the faculty member part-time employment,~~

~~—— 2. —— Place the faculty member in leave without pay status or extend such status,~~

~~—— 3. —— Request the faculty member's resignation, or~~

~~—— 4. —— Release the faculty member from employment.~~

~~———— (4) ——— Extended Leaves of Absence for A&P, USPS, and OPS Employees ——— Extended leaves of absence are provided for medical (self and family), parental, foster care, military, and personal reasons for USPS and A&P employees. Each incorporate at a minimum that which is required by the Family and Medical Leave Act, or FMLA. Twelve workweeks of unpaid leave for medical (serious health condition of employee, parent, spouse, and child), parental, and foster care, in keeping with the FMLA, are provided to certain OPS employees.~~

~~———— (a) ——— An extended leave of absence is defined as an absence with or without pay for longer than 15 workdays.~~

~~———— 1. ——— When a USPS or A&P employee uses annual leave and compensatory leave to cover an absence for personal reasons of more than 15 days, this use is not under the extended leave of absence policy; instead, it is in keeping with acceptable practice for annual and compensatory leave use. An extended leave of absence for personal reasons is available, pending supervisory approval; however, it must be taken as a complete leave without pay.~~

~~———— 2. ——— A probationary USPS employee who is in non-pay status for more than 15 consecutive workdays (other than in instances of military or FMLA-qualifying leave, including the extended benefit associated with parental leave) is considered to have a break in service and must be dismissed.~~

~~———— (b) ——— During an extended leave of absence, an employee will continue to earn annual and sick leave based on the amount of time he or she is in pay status, except in the case where an employee is granted educational leave with pay.~~

~~———— (c) ——— While on leave without pay, the employee shall retain accumulated sick leave and annual leave, but shall not earn sick leave or annual leave nor be entitled to holiday pay.~~

~~———— (d) ——— Time spent on extended leaves of absence by USPS employees, regardless of pay~~

~~status, will count toward higher annual leave accrual.~~

~~—— (e) —— A total entitlement (not per event) of 12 workweeks in a 12-month period is provided to eligible employees by the FMLA for medical (serious health condition of employee, parent, spouse, and child), parental, and foster care purposes. The fiscal year of July 1 to June 30 is considered the 12-month period.~~

~~—— (f) —— FMLA leave will not affect the benefits normally accrued by employees during a leave with or without pay, as appropriate.~~

~~—— (g) —— A&P Employees and USPS Employees With Permanent Status in the SUS —— USPS employees with permanent status in the SUS and A&P employees are eligible for the following types of extended leaves of absence, except that employees in law enforcement classes who serve 12-month probationary periods are eligible for such leave benefits after completing six months of satisfactory on-the-job service.~~

~~—— 1. —— Foster Care —— Up to 12 workweeks of leave for foster care purposes shall be granted in keeping with the FMLA.~~

~~—— 2. —— Medical, Family —— Up to six months of leave may be granted to an eligible employee when he or she needs to care for his or her parent, spouse, or child with a serious health condition, which may be extended up to one year for extenuating circumstances. Twelve workweeks of such leave shall be granted in keeping with the FMLA. Up to six months of leave may be granted for an "immediate family member" who does not meet the FMLA definition of family but who has a serious health condition. Such leave shall not count toward the employee's FMLA entitlement. "Immediate family" is defined as the spouse, great grandparents, grandparents, parents, brothers, sisters, children, grandchildren, and great grandchildren of the employee and his or her spouse, except that leave use associated with the employee's spouse,~~

~~parents, or child with a serious health condition shall be FMLA qualifying. "Immediate family" also includes individuals for whom an employee is the current legal guardian. Family medical leave also may be extended beyond one year on approval by the appropriate University of Florida vice president.~~

~~3. Medical, Self Up to six months of medical leave may be granted to an eligible employee for his or her serious personal health condition, which may be extended up to one year for extenuating circumstances. Twelve workweeks of such leave shall be granted in keeping with the FMLA. In the event an employee's medical condition does not meet the FMLA's definition of "serious," he or she still may be granted an extended leave of absence for medical reasons; however, this leave shall not count toward his or her FMLA entitlement. Medical leave may be extended beyond one year on approval by the appropriate University of Florida vice president.~~

~~4. Military Military leave shall be granted upon request so long as the employee is not on a temporary appointment. See "Military Leave," 6C1-1.201(7).~~

~~5. Parental Up to six months of leave shall be granted upon request for the birth of a biological child or placement of the child pending adoption, which may begin two weeks prior to the child's expected arrival and must occur within 12 months following the child's arrival or delivery. Twelve workweeks of such leave shall be granted in keeping with the FMLA.~~

~~6. Personal Up to 12 months of leave without pay may be granted for personal reasons. Such leave may be extended beyond one year on approval by the appropriate University of Florida vice president.~~

~~(h) Extended Leaves of Absence, Probationary USPS Employees (new hires) Probationary USPS employees are eligible for the following types of extended leaves of absence.~~

~~1. Foster Care — Up to 12 workweeks of leave for foster care purposes shall be granted in keeping with the FMLA.~~

~~2. Medical, Family — Up to 12 workweeks of leave shall be granted for a medical leave of absence when an employee's spouse, child, or parent has a serious health condition in keeping with the FMLA. Up to 12 workweeks of leave may be granted for a medical leave of absence for "immediate family members" who have a serious health condition; however, such leave shall not count toward an employee's FMLA entitlement. "Immediate family" is defined as the spouse, great grandparents, grandparents, parents, brothers, sisters, children, grandchildren, and great grandchildren of the employee and his or her spouse, except that leave use associated with the employee's spouse, parents, or child with a serious health condition shall be FMLA-qualifying. "Immediate family" also includes individuals for whom an employee is the current legal guardian.~~

~~3. Medical, Self — Up to 12 workweeks of leave shall be granted for a medical leave of absence for a serious personal health condition in keeping with the FMLA.~~

~~4. Military — Military leave shall be granted so long as the employee is not on a temporary appointment. See "Military Leave," 6C1-1.201(7).~~

~~5. Parental — Up to six months of leave shall be granted for the birth of a biological child or placement of a child pending adoption, which may begin two weeks prior to the child's expected arrival and must occur within 12 months following the child's arrival or delivery.~~

~~Twelve workweeks of such leave shall be granted in keeping with the FMLA.~~

~~(i) Extended Leaves of Absence, OPS Employees — OPS employees who have been employed by the University of Florida at least 12 months (these need not have been consecutive) and have worked a minimum of 1250 hours during the 12 months immediately preceding the~~

requested leave are eligible for a total entitlement (not per event) of up to 12 workweeks of leave without pay in a fiscal year for the following FMLA qualifying leaves.

~~1. Foster care purposes.~~

~~2. Medical, Family—Medical leave when the OPS employee's spouse, child, or parent has a serious health condition.~~

~~3. Medical, Self—Medical leave for the employee's serious health condition.~~

~~4. Parental—Leave due to the birth of a biological child or placement of the child pending adoption, which may begin two weeks prior to the child's expected arrival and must occur within 12 months following the child's arrival or delivery.~~

~~(j) Pay Status During Extended Leave—~~

~~1. While on an extended leave of absence, an employee may use his or her individually accrued paid leave to cover the entire absence, use paid leave intermittently so that he or she is brought in and out of pay status to assist in fulfilling the employee's financial obligations, be in complete leave without pay status, maintain a reduced work schedule, or be absent from work intermittently, except that an extended leave of absence for personal reasons must be taken as a complete leave of absence without pay.~~

~~2. Both paid and unpaid leave will count toward the employee's FMLA entitlement if the leave is taken for a FMLA qualifying event, except for overtime compensatory leave which, when used, cannot be counted toward the entitlement.~~

~~3. If the employee works a reduced work schedule or if the employee is absent from work intermittently to fulfill an extended leave request, the employee may use accrued paid leave to compensate for the reduced work schedule or to cover the intermittent absence (not to exceed the employee's regular FTE). An employee's FTE should not be changed officially when he or~~

~~she is working a reduced work schedule or maintaining an intermittent absence under the University of Florida's extended leave of absence policy.~~

~~———— a. ——— Under the FMLA, a reduced work schedule or intermittent absence from work shall be approved when it is medically necessary for the eligible employee to care for his or her parent, spouse, or child with a serious health condition or for the employee's serious health condition as provided by the FMLA. A reduced work schedule or intermittent absence from work may be approved when the eligible employee is requesting leave to care for a family member who does not fit the FMLA definition but who falls within the broader definition of "immediate family." "Immediate family" is defined as the spouse, great grandparents, grandparents, parents, brothers, sisters, children, grandchildren, and great grandchildren of the employee and his or her spouse, except that leave use associated with the employee's spouse, parents, or child with a serious health condition shall be FMLA qualifying. "Immediate family" also includes individuals for whom an employee is the current legal guardian. A reduced work schedule or intermittent absence from work also may be approved for parental or foster care purposes.~~

~~———— b. ——— Under the FMLA, in the instance of a reduced work schedule or intermittent absence from work, a department may assign the employee to an alternate position that better accommodates the employee's schedule. Such a change will be without a loss of benefits or pay.~~

~~———— 4. ——— When an employee (not OPS) is in pay status at least one day per month while on extended leave, including FMLA-related leave, the employer contribution for the state insurance program will continue for corresponding pay periods. In the event an employee goes on extended leave without pay for parental or medical purposes, the employer contribution will be provided up to six months.~~

~~5. Employees who participate in the Florida Retirement System will have full month service credit and prorated contributions made on their behalf during the months they are in pay status. Retirement credit shall be governed by the rules and regulations of the Division of Retirement and the provisions of Florida Statutes, Chapter 121.~~

~~(k) Request for Use of Accrued Leave~~

~~1. An employee's request for the use of accrued paid leave during an extended leave normally shall be made at the time of the employee's request for the leave.~~

~~2. Such request shall include the amount of accrued leave the employee wishes to use during the approved extended leave.~~

~~(l) Request for Use of Unpaid Leave~~

~~1. An employee may, upon request, be granted unpaid leave, or leave without pay, to fulfill the need for an extended leave of absence.~~

~~2. An employee shall not be granted salary increases of any type while on a complete unpaid leave.~~

~~3. An employee who is using unpaid leave for the entire day before a holiday is not eligible to receive payment for such holiday.~~

~~4. A supervisor may require that his or her employee use accrued paid leave prior to authorizing the use of unpaid leave, except that a request for unpaid leave in keeping with the University of Florida's extended leave of absence policy shall be granted.~~

~~(m) Time spent on extended leave by a USPS employee will not count toward the completion of the employee's probationary period, and the completion date of the probationary period will be advanced based on the amount of time the employee is absent. The USPS employee must complete his or her probationary period upon return from the extended leave in~~

~~order to attain permanent status in the appropriate classification.~~

~~———— (n) ——— No employee on an extended leave of absence may be employed simultaneously by another employer unless the employee complies with the requirements for extra state compensation, outside employment/activities, and conflict of interest to include the provisions of 6C-5.915(9), 6C-5.945, and 6C1-1.011, F.A.C.~~

~~———— (o) ——— Return from Extended Leave ———~~

~~———— 1. ——— Upon return from an extended leave, including FMLA leave, an employee will be returned to the same position or a position in the same classification at the same rate of pay unless the employee and the University of Florida have agreed in writing otherwise.~~

~~———— 2. ——— The salary of the employee also shall be adjusted to reflect all non-discretionary increases distributed during the period of leave not already received by the employee.~~

~~———— 3. ——— Upon the conclusion of an approved extended leave of absence, including FMLA leave, an employee who cannot perform the essential functions, with or without reasonable accommodation, shall have no right to continued employment in that position, which may result in termination from University of Florida employment.~~

~~———— (5) ——— Family and Medical Leave Act, or FMLA ——— General Provisions of the FMLA are as follows:~~

~~———— (a) ——— A total entitlement (not per event) of 12 workweeks in a 12-month period is provided to eligible employees by the FMLA for medical (serious health condition of employee, parent, spouse, and child), parental, and foster care purposes. The fiscal year of July 1 to June 30 is considered the 12-month period.~~

~~———— 1. ——— Under the FMLA, a reduced work schedule or intermittent absence from work shall be approved when it is medically necessary for the eligible employee to care for his or her~~

~~parent, spouse, or child with a serious health condition or for the employee's own serious health condition as provided by the FMLA.~~

~~2. A reduced work schedule or intermittent absence from work also may be approved for parental or foster care purposes.~~

~~3. An employee's FTE should not be changed officially when he or she is working a reduced work schedule or maintaining an intermittent absence under the University of Florida's extended leave of absence policy.~~

~~(b) Both accrued paid and unpaid leave will count toward the employee's FMLA entitlement if the leave is taken for a FMLA qualifying event, except for overtime compensatory leave which, when used by a USPS employee, cannot be counted toward the entitlement.~~

~~(c) In the instance of a reduced work schedule or intermittent absence from work, a department may assign the employee to an alternate position that better accommodates the employee's schedule. Such a change will be without a loss of benefits or pay.~~

~~(d) Under the FMLA, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves one or more of the following:~~

~~1. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with or consequent to such inpatient care.~~

~~2. Continuing treatment by a health care provider, which includes any one or more of the following:~~

~~a. A period of incapacity of more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves one or more of the following: (1) Treatment two or more times by a health care provider, by a nurse or~~

~~physician's assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider. (2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.~~

~~—— b. —— Any period of incapacity due to pregnancy or for prenatal care.~~

~~—— c. —— Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.~~

~~—— d. —— A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.~~

~~—— e. —— Any period of absence to receive multiple treatments either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.~~

~~—— (e) —— Under the provisions of the FMLA, an employee shall be allowed to care for his or her parent, spouse, or child with a serious health condition if one or both of the following apply:~~

~~—— 1. —— The family member needs assistance for basic medical, hygiene, nutritional needs, safety, or transportation as a result of a serious health condition.~~

~~—— 2. —— If the employee's presence would be beneficial or desirable for the care of the family member with a serious health condition, which may include psychological comfort.~~

~~—— (f) —— Upon return from an extended leave, including FMLA leave, an employee will be returned to the same position or a position in the same classification at the same rate of pay unless the employee and the University of Florida have agreed in writing otherwise. The salary~~

~~of the employee also shall be adjusted to reflect all non-discretionary increases distributed during the period of leave. FMLA leave will not affect the benefits normally accrued by employees during a leave with or without pay, as appropriate.~~

~~—— (g) —— Medical Certification. The University may require an employee to provide medical certification from a health care provider for FMLA leave without pay when taken for the serious health condition of the employee or the employee’s family member.~~

~~—— 1. —— Medical certification may include the following, as appropriate to the serious medical condition for which FMLA leave is requested:~~

~~—— a. —— certification as to which part of the definition of “serious health condition,” if any, applies to the patient’s condition, and the medical facts which support the certification, including a brief statement as to how the medical facts meet the criteria of “serious health condition,”~~

~~—— b. —— the approximate date on which the serious health condition began and its probable duration, including the probable duration of the patient’s present incapacity if different.~~

~~—— c. —— whether it will be necessary for the employee to take leave intermittently or to work on a reduced leave schedule as a result of the serious health condition, and if so, the probable duration of such schedule,~~

~~—— d. —— if the condition is pregnancy or a chronic condition as defined in the FMLA, whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity,~~

~~—— e. —— if additional treatments will be required for the condition, an estimate of the probable number of such treatments,~~

~~—— f. —— if the patient’s incapacity will be intermittent, or will require a reduced leave schedule, an estimate of the probable number and interval between treatments,~~

~~g. if such treatments will be provided by another provider of health services, the nature of these treatments, and~~

~~h. if a regimen of continuing treatment by the patient is required under the supervision of the health care provider, a general description of the regimen.~~

~~2. Medical certification may be required to affirm the employee's ability to return to work and perform one or more of the essential functions of the job within the meaning of the Americans with Disabilities Act (ADA), after being absent on FMLA leave.~~

~~(6) Leaves of Absence With or Without Pay for Faculty~~

~~(a) General Provisions The University provides both paid and unpaid leave for eligible faculty members as follows:~~

~~1. Unpaid or Uncompensated Leaves~~

~~a. Upon request of a faculty member, the President or designee shall grant a leave without pay for a period not to exceed one 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 may be extended upon mutual agreement. (If possible, the request should be made at least one semester or its equivalent prior to the beginning of the academic term or date the leave is requested.)~~

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

~~c. 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 Florida Statutes, Chapter 121.~~

~~d. While on leave without pay, the faculty member shall retain accumulated sick~~

~~leave and annual leave, but shall not earn sick leave or annual leave nor be entitled to holiday pay.~~

~~e. 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.~~

~~f. Semester(s) (all or portion) or the equivalent for 12-month faculty during which a faculty member is on unpaid or uncompensated leave shall not be used for the purpose of determining eligibility for tenure or permanent status, unless the faculty member requests that the leave be counted at the time the leave is granted.~~

~~g. Faculty who desire to observe religious holidays of his or her faith must consult with the chair or supervisor regarding adjusting the work schedule or taking leave so the holiday may be observed.~~

~~2. Paid or Compensated Leaves~~

~~a. Eligible faculty members may request leave with pay as described below.~~

~~b. 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.~~

~~c. Employment During Paid Leave 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 state compensation, outside employment/activities, and conflict of interest.~~

~~d. Faculty who desire to observe religious holidays of his or her faith must consult with the chair or supervisor regarding adjusting the work schedule or taking leave so the holiday may be observed.~~

~~(b) Requests for Leaves or Extensions of Leaves—The following apply to requests for a leave or an 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 full semester or, in the case of 12-month faculty, six 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 60 days before the end of the leave, if possible. If possible, the request should be made at least one full semester or, in the case of 12-month faculty, six months prior to the date the leave is requested.~~

~~3. The University shall approve or deny such request in writing not later than 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 Collective Bargaining Agreements or the University's rules dealing with misconduct.~~

~~(c) Applicability of Leave to Tenure/Permanent Status—Semester(s) or the equivalent thereof spent on paid or unpaid leave shall not be credited as time earned toward tenure or permanent status, unless the faculty member requests that the leave is to be credited at the time leave is granted.~~

~~———— (d) ——— Regarding Return from Leave ——— A faculty member who returns from an approved leave of absence with or without pay shall be returned to the same classification, position and status with the same or similar duties unless the University and the faculty member agree in writing to other terms and conditions.~~

~~———— (e) ——— Extended Leave ——— “Extended Leave” is a term used at the University of Florida that encompasses most forms of leave with or without pay that last longer than 15 days. As a result, extended leave may be provided for medical (self and family), parental, foster care, military, and personal reasons.~~

~~———— (f) ——— FMLA Leave Entitlements ———~~

~~———— 1. ——— Leave with or without pay meeting the requirements of FMLA leave shall be counted toward the 12 workweeks of FMLA entitlements for salaried employees.~~

~~———— 2. ——— Leave without pay meeting the requirements of FMLA leave shall be counted toward the 12 workweeks of FMLA entitlements for OPS employees.~~

~~———— (g) ——— Use of Accrued Sick or Annual Leave During Leave Without Pay ———~~

~~———— 1. ——— The use of accrued leave (sick or annual) is authorized to enable faculty members on leave without pay for parental, foster care, military reasons, or medical reasons, other than compulsory leave, to continue the faculty member’s contribution to the state insurance program, as well as to meet other financial obligations. The use or intermittent use of accrued leave while on leave without pay for medical reasons is provided under the following conditions:~~

~~———— a. ——— Notwithstanding the provisions of the University's rules and the Collective Bargaining Agreements regarding the use of sick leave, a faculty member may use any type of accrued leave in an amount necessary to cover the faculty member’s contribution to the state insurance program and other expenses incurred by the faculty member during an approved~~

~~period of leave without pay for medical reasons, except compulsory leave.~~

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

~~—— c. —— The employer contribution to the state insurance program will continue for the corresponding payroll periods.~~

~~—— 2. —— Request for Use of Accrued Leave —— A faculty member's request for the use of accrued leave during a period of leave without pay shall be made at the time of the faculty member's request for the leave without pay. Such request shall include the amount of accrued leave the faculty member wishes to use during the approved period of leave without pay.~~

~~—— (7) —— 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 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 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 efficiency rating.~~

~~—— 1. —— A copy of the official orders shall be filed in the employee's personnel file.~~

~~—— 2. —— Any absence in excess of 30 days may, upon request by the employee and approval by the supervisor, be covered by accrued annual, sick or compensatory leave.~~

~~—— 3. —— If not requested by the employee or approved by the appropriate supervisor as annual or compensatory leave, such absences in excess of 30 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, Florida Statutes. Such leave shall be without loss of efficiency rating.~~

~~—— 1. —— Verification of Military Certification —— Such leave of absence shall be verified by official orders or appropriate military certification. The first 30 calendar days of leave shall be~~

~~with full pay and shall not affect an employee's annual 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 30 days shall be made only upon receipt of evidence from an appropriate military authority that 30 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 Accrued Leave Beyond the first 30 days of leave, which shall be with full pay and shall not affect an employee's annual or sick leave balance, use of accrued paid leave is authorized during military leave in keeping with the University of Florida'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 year after separation. The University of Florida 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 of Florida 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 17 workdays 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 17 working days may, upon request by the employee and approval by the appropriate supervisor, be covered by accrued annual or compensatory leave.~~

~~3. If not requested by the employee or approved by the appropriate supervisor as annual or compensatory leave, such absences in excess of 17 working days shall be approved as leave without pay.~~

~~(8) Parental Leave Parental leaves of absence for A&P, USPS, and OPS shall be governed by 6C1-1.201(4). Faculty members are provided the following:~~

~~(a) General Provisions~~

~~1. An employee shall be granted a parental leave or foster care which is provided through FMLA provisions not to exceed six months when the employee becomes a biological parent or when a child is placed in the employee's home pending adoption; foster care is not covered under parental leave, but is provided through the FMLA provisions. The period of parental leave shall begin no more than two weeks before the expected date of the child's arrival. The President or designee shall acknowledge in writing the period of leave to be granted, including the date of return to employment.~~

~~2. If an employee plans to use a combination of accrued leave and leave without~~

pay, such request shall include the specific periods for each type of leave requested.

~~3. The period of parental leave shall begin no more than two (2) weeks before the expected date of the child's arrival.~~

~~4. At the end of the approved parental leave of absence without pay, and at the employee's request, the President or designee shall grant part-time leave without pay for a period not to exceed one year, unless the President or designee determines that granting such leave would be inconsistent with the academic or employment needs of the University.~~

~~5. Any illness caused or contributed to by pregnancy shall be treated as a temporary disability and the employee shall be allowed to use accrued sick leave credits when such temporary disability is certified by a physician.~~

~~6. Upon agreement between the employee and the University of Florida, intermittent FMLA leave or a reduced work schedule may be approved for the birth of the employee's child or placement of a child with the employee for adoption.~~

~~(b) Applicability of Leave to Tenure Eligibility Semester(s) or its equivalent of time on leave with or without pay shall not be creditable toward tenure/permanent status eligibility unless the employee requests the time be counted.~~

~~(c) Use of Accrued Leave Use of accrued leave is authorized to enable employees on parental or medical leave to receive the employer contribution to the State insurance program, as well as to meet other financial obligations. The use of leave while on parental leave is provided under the following conditions:~~

~~1. After the period of disability as indicated directly above, an employee on parental leave may use any type of accrued leave, notwithstanding the provisions of the applicable Collective Bargaining Agreements and the University's rules regarding the use of sick leave, in~~

~~an amount necessary to cover his/her contribution to the State insurance program and other expenses incurred by the employee during a period of parental leave when the employee would otherwise be on leave without pay.~~

~~2. The employer contribution to the State insurance program will continue for the corresponding payroll periods.~~

~~(9) Personal Leave Days for Developmental Research School Faculty—A Developmental Research School faculty member may be granted three days (noncumulative) of leave per year for emergencies or for other personal reasons. One day shall be leave with pay and two days shall be taken from sick leave. Except in case of emergency, the faculty member shall provide at least two 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.~~

~~(10) Personal Litigation or Paid Expert Witness—An employee who is engaged in personal litigation or service as a paid expert witness will not be granted administrative leave, or leave not affecting accrued leave balances, for court attendance. However, that employee may request to use annual leave or unpaid leave. If in a non-annual leave accruing position, the employee also may request to arrange the appearance during non-scheduled working hours and/or seek an adjustment of his or her duties and responsibilities with the chair/supervisor. Employees who serve as paid expert witnesses must comply with the state and University of Florida's policy and rules on extra-state compensation, outside employment/activities, and conflict of interest.~~

~~(11) Professional Development Leave—Professional development leave provides eligible faculty with the opportunity to take a period of time for the purposes of professional~~

~~renewal, planned travel, study, formal education, research, writing or other experience of professional value, but not as a reward for service, as follows. Professional development leave for A&P employees is provided in keeping with Rule 6C-5.930, Florida Administrative Code.~~

~~—— (a) — Eligibility — These leaves are available for faculty after six years of continuous full-time University of Florida service.~~

~~—— 1. — In the case of faculty on a contract or grant, the terms of the employment must provide for the leave.~~

~~—— 2. — These leaves are available for non-tenure earning faculty in the bargaining unit after three years of continuous full-time University of Florida service.~~

~~—— (b) — Specific leave programs for eligible employees include:~~

~~—— 1. — One semester leaves or six month leaves for twelve-month employees, are available at one-half pay or full pay.~~

~~—— 2. — Two semester leaves or twelve month leaves for twelve-month employees, are available at one-half pay.~~

~~—— (c) — Duration of Leaves — Leaves may be for one or two semesters or for six or for twelve months, in the case of twelve-month employees.~~

~~—— (d) — Application — Applications for these leaves shall be submitted in accordance with University of Florida procedures. In the case of IFAS and Health Science Center, contact the respective Dean, Director, or 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 of Florida, 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.

~~———— (e) ——— Terms of Program ———~~

~~———— 1. ——— Employees on these leaves may receive full pay for one semester or one-half pay for one or two semesters for six or twelve months for twelve-month employees depending on the leave granted. If an employee receives fellowships, grants-in-aid, or financial assistance from sources other than the University of Florida to assist in accomplishing the program, the University of Florida salary normally 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 of Florida will not result in a reduction in University of Florida salary during the leave.~~

~~———— 2. ——— Employment unrelated to the purpose of the professional development leave is governed by applicable outside employment activity/conflict of interest provision.~~

~~———— 3. ——— Contributions normally made by the University of Florida to the retirement and Social Security programs shall be continued on a basis proportional to the salary received during the professional development leave. University contributions normally made to the employee insurance programs and other employee benefits shall be continued during the leave.~~

~~———— 4. ——— Twelve-month employees shall continue to accrue annual and sick leave on a full-time basis during the professional development leave because the employee is considered a full-time employee.~~

~~———— 5. ——— If accepting the leave the employee must agree to return to the University of Florida for at least one 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 of Florida the amount of salary received from the University of Florida during the professional development leave.~~

~~6. Upon returning to the University of Florida, 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. A copy of the report should also be sent to the Office of Academic Affairs. 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 of Florida and the research or other scholarly works produced or expected to be produced as a result of the leave.~~

~~7. Employees normally shall not be eligible again for participation in this program until six years of full-time service have been completed following prior participation.~~

~~(12) Sick Leave Sick leave shall be accrued by eligible employees and administered consistent with the provisions of 6C-5.920(9), Florida Administrative Code, and with the following.~~

~~(a)~~

Pay Plan	Bi-weekly Rates	Maximum Transferable	Maximum Payment

Faculty	4	All unused sick leave accrued in the SUS or other state of Florida plan for which payment has not been received provided no more than 31 days have elapsed between employment.	After 10 years or more of creditable service, 1/8 of all unused sick leave accrued prior to 10/1/73, and 1/4 of unused sick leave up to 480 for hours accrued after 10/1/73.
A&P	4	Same as above	Same as above
Executive Service	5	Same as above	Same as above
USPS	4	Same as above	Same as above

~~(b) Full and part time employees accrue sick leave in proportion to the amount of time they are in pay status, not to exceed the full-time accrual rate (based on an 80-hour pay period) described above. OPS employees shall not accrue sick leave.~~

~~(c) Accrued sick leave shall be credited at the conclusion of each pay period or upon termination. As a result, it cannot be taken during the same period in which it is earned.~~

~~(d) There is no limit on the amount of sick leave that may be accrued.~~

~~(e) Use of Sick Leave Sick leave may be used by an employee:~~

~~1. Due to the employee's illness, injury, or exposure to a contagious disease; a disability where the employee is unable to perform assigned duties; and for appointments with health care providers.~~

~~2. In reasonable amounts due to an immediate family member's illness, injury, or appointment with health care providers. "Immediate family" is defined as the spouse, great-grandparents, grandparents, parents, brothers, sisters, children, grandchildren, and great-grandchildren of the employee and his or her spouse. "Immediate family" also includes individuals for whom an employee is the current legal guardian.~~

~~3. In reasonable amounts due to the death of an immediate family member. "Immediate family" is defined as the spouse, great-grandparents, grandparents, parents, brothers, sisters, children, grandchildren, and great-grandchildren of the employee and his or her spouse. "Immediate family" also includes individuals for whom an employee is the current legal guardian.~~

~~4. Notice of the absence shall be given on the first day of absence or as soon thereafter as possible.~~

~~5. Sick leave shall be used only with the approval of the immediate supervisor or other appropriate authority within the University of Florida.~~

~~6. An employee who becomes ill while on approved annual leave shall be allowed, upon request, to use accrued sick leave to cover the period of illness.~~

~~7. An employee who has accrued compensatory leave may be allowed, upon request, to first use such leave before using accrued sick leave.~~

~~8. An employee who uses sick leave in an amount which is less than a full hour will be charged with such leave to the closest quarter of an hour.~~

~~(f) Medical Certification —~~

~~1. At the discretion of the immediate supervisor or other appropriate authority, medical certification of sick leave use may be required when an A&P or USPS employee's~~

~~absences are excessive, a pattern has emerged, or when the employee has been absent three times (consecutive or non-consecutive) in any 30-day period. Certifications applicable to the use of FMLA leave by USPS and A&P employees shall be in accordance with the University of Florida's extended leave of absence provisions.~~

~~2. If a faculty member's request for absence or absence exceeds four consecutive days, or if a pattern of absence is documented, the University of Florida may require a faculty member to furnish certification issued by an attending health care provider of the medical reasons necessitating the absence. If the medical certification indicates that the faculty member is unable to perform assigned duties, the President or designee may place the employee on compulsory leave.~~

~~3. If the medical certification furnished by an employee—faculty, A&P, or USPS—is not acceptable, the employee may be required to submit to a medical examination which will be paid for by the University of Florida.~~

~~(g) Transfer and payment of sick leave shall be administered consistent with the provisions of 6C-5.920(9), Florida Administrative Code, and with the following:~~

~~1. Layoff—Unused sick leave for an employee who is laid off shall:~~

~~a. Be paid in lump sum at the time of layoff if the employee has ten or more years of creditable state service and is otherwise eligible for receipt of sick leave payment, unless the employee requests in writing that such sick leave be held in abeyance pending reemployment with the University of Florida within one year after layoff or by an SUS agency within 100 days after layoff. In no case shall an employee receive payment for accrued sick leave in excess of the maximum payment established for his or her pay plan.~~

~~b. Be restored to an employee who is reemployed as described above, provided the~~

~~employee requests such action in writing within 60 days of reemployment and repays the full amount of any lump sum payment received for accrued sick leave.~~

~~2. Reemployment within 100 days — Upon reemployment by the SUS within 100 days, an employee's continuous service is preserved. As a result: Any sick leave paid at time of separation shall be restored, as well as any forfeited amount of sick leave, provided the employee repays the full amount of any lump sum payment received for accumulated sick leave credits within 60 days of reemployment. An employee with fewer than 10 years of service who was not paid for any unused sick leave shall have such forfeited sick leave restored.~~

~~3. Separation from UF — Upon separation from the University of Florida, provided the employee is not transferring to another leave-accruing position within the SUS or state government or retiring for disability reasons, an employee shall be paid for 1/8 of all unused sick leave accrued prior to 10/1/73, and 1/4 of unused sick leave up to 480 for hours accrued after 10/1/73, provided the employee has 10 or more years of creditable service. Transfers to other SUS institutions shall be governed by 6C 5.920, Florida Administrative Code. Transfer to positions in state government outside of the SUS shall have all unused leave processed in accordance with the rules of the plan to which the employee is transferring.~~

~~a. — In the case of death, such payment for accrued sick leave shall be made to an eligible employee's beneficiary, estate, or as otherwise provided by law. Such payment shall be made at the employee's base rate of pay at the time of death, which is the pay provided to an employee excluding any additives.~~

~~b. — An employee with fewer than 10 years of service shall not be paid for any unused sick leave.~~

~~c. — Payments made as described above shall not be considered salary payments and~~

~~shall not be used in determining the average final compensation for an employee in any state-administered retirement program.~~

~~4. SUS and State of Florida Transfer to UF—An employee at another SUS institution or state of Florida agency who accepts employment at UF within 31 days shall be considered a state of Florida transfer. All unused sick leave for which payment has not been received is eligible to be transferred into a USPS, A&P, or faculty position. Employees who transfer from other SUS institutions also have their continuous service preserved for purposes of any achieved permanent status in the USPS.~~

~~5. Temporary Appointment—An employee who is appointed on a temporary basis to a position in a different pay plan shall be governed by the leave provisions for the plan to which assigned. Upon completion of the temporary assignment, leave earned while in the temporary assignment will be governed by the leave provisions of the position and pay plan to which the employee returns.~~

~~6. Transfer to UF from Community College—Governmental entity, for purposes of sick leave transfer by USPS and A&P employees, shall be defined as community colleges in the state of Florida. Cashing out of accrued sick leave shall not preclude an employee's transferring of annual leave so long as this is not in conflict with the previous employer's policies regarding the transfer or payment of paid leave.~~

~~a. An individual who resigns from a community college within Florida and is employed in the USPS within 31 calendar days may transfer up to 480 hours of accrued unused sick leave. Such leaves shall be transferred as follows: 80 hours upon date of hire and 80 hours upon the completion of each succeeding year.~~

~~b. Accrued sick leave from a state of Florida community college shall transfer for~~

~~A&P employees as provided by reciprocal agreement with the community college.~~

~~———— (13) — Sick Leave Pool — Use of sick leave withdrawn from a pool by employees who participate in the sick leave pool shall be in accordance with the University of Florida's Sick Leave Pool Policy, Revised September 1994, and which is incorporated herein by reference and may be obtained from the Academic Personnel Office, 236 Tigert Hall and University Personnel Services, 329 Stadium West.~~

~~———— (14) — Unpaid Leave, or Leave Without Pay for A&P, USPS, and OPS Employees —~~

~~———— (a) — A&P and USPS Employees — An A&P or USPS employee may, upon request, be granted unpaid leave, or leave without pay, for a period typically not to exceed 12 calendar months. In exceptional cases, such leave may be extended on approval by the appropriate University of Florida vice president.~~

~~———— 1. — When an A&P or USPS employee requests an absence of more than 15 workdays, such request shall fall within the University of Florida's extended leave of absence policy as provided by 6C1-1.201(4).~~

~~———— 2. — An A&P or USPS employee shall not be granted salary increases of any type while on complete unpaid leave.~~

~~———— 3. — An A&P or USPS employee who is using unpaid leave for the entire day before a holiday is not eligible to receive payment for such holiday.~~

~~———— 4. — A supervisor may require that his or her A&P or USPS employee use accrued paid leave prior to authorizing the use of unpaid leave, except that a request for unpaid leave in keeping with the University of Florida's extended leave of absence policy shall be granted.~~

~~———— 5. — After an unauthorized leave of absence without pay of three or more consecutive workdays, an A&P or USPS employee may be considered to have abandoned his or her position~~

and to have resigned from the University of Florida.

~~6. Employees should consult with their supervisor regarding leave to observe religious holiday of their faith.~~

~~(b) Faculty Members Refer to 6C1-1.201(6).~~

~~(c) OPS Employees OPS employees who have been employed by the University of Florida at least 12 months (these need not have been consecutive) and have worked a minimum of 1250 hours during the 12 months immediately preceding the requested leave are eligible for a total entitlement (not per event) of up to 12 workweeks of leave without pay in a fiscal year for FMLA leave in keeping with 6C1-1.201(4)(1).~~

~~(15) Workplace Injury Leave Workplace injury leave for employees (formerly disability leave) shall be administered consistent with the provisions of 6C-5.920(16), Florida Administrative Code.~~

Specific Authority 1001.74(4)229.0081(2) FS.

Law Implemented 1001.74(19), 1001.75(3)229.0081(2)(m), 250.48, and 440.09 FS.

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