

ARTICLE 21

OTHER LEAVES

21.1 Policy.

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

(1) The duration of a leave may vary from a few hours to a year, or more (if extended by the University).

(2) Leaves may be with pay or without pay or a combination of the two through the use of intermittent leave.

(3) Sick leave, approved worker's compensation leave, and service-related disability leave may be taken as needed but must be reported to the appropriate supervisor.

(4) All other leaves may be taken only after having been approved by the appropriate supervisor.

(b) Retirement and Contributions and Credits During Paid Leaves.

(1) Contributions to the faculty member's retirement programs shall be continued on a basis proportional to the University salary received during paid leaves.

(2) During an approved leave of absence for parental, medical (including family medical), or military reasons, an employee may use accrued paid leave in order to continue the contributions to State benefits and other expenses.

(3) Faculty members who participate in the Florida Retirement System shall have full-month service credit during the months they are in pay status.

(c) Employer Contributions to Benefit Plans. Contributions made by the University to the employee insurance programs and other employee benefits shall be continued during paid leaves.

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

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

21.2 Holidays.

(a) A faculty member shall be entitled to observe all official holidays designated in accordance with University regulations.

(b) Faculty members shall also be entitled to use accrued leave to observe the religious holidays of their respective faiths.

(c) A faculty member required to perform duties on holidays shall have the faculty member's schedule adjusted to provide equivalent time off, up to a maximum of eight (8) hours for each holiday worked.

(d) If a faculty member who has performed duties on a holiday terminates

employment prior to being given time off, the faculty member shall be paid, upon termination, for the holiday hours worked within the previous twelve (12) month period at the faculty member's last regular pay rate.

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

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

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

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

21.4 Accrual during Leave with Pay.

(a) Faculty members on sabbatical or professional development leaves shall accrue normal leave credits.

(b) In all other instances, faculty members on paid leave shall accrue leave in proportion to the pay status.

(c) Accrued leave shall be credited on the last day of each pay period.

21.5 Return from Leave.

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

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

21.6 Family and Medical Leave Entitlements.

(a) The Family and Medical Leave Act of 1993 provides for unpaid leaves for qualified medical and family reasons as enumerated in this Article. The failure to list, define, or specify any particular provision or portion of the FMLA in this Agreement shall not constitute a waiver of any of the rights or benefits conferred to the employer or the faculty member through the FMLA.

(b) Implementation of Family and Medical Leave Entitlements. A faculty member shall be entitled to four hundred and eighty (480) hours of family medical leave within a twelve (12) month period either for the faculty member's medical condition or in order to care for an "immediate family member" who is seriously ill for an extended period and for whom the faculty member has significant care responsibilities.

(1) Definitions. An "immediate family member" shall be defined as a faculty member's spouse, domestic partner, great-grandparent, grandparent, parent, brother, sister,

child, grandchild, great-grandchild, or the great-grandparent, grandparent, parent, brother, sister, child, grandchild, or great-grandchild, of the faculty member's spouse or domestic partner, or the spouse or domestic partner of any of them. An "immediate family member" shall also include an individual for whom the faculty member, domestic partner, or spouse is the current legal guardian or holds medical power-of-attorney, or other dependent or relative who lives in the faculty member's household. A "parent" shall be defined as the biological, adoptive, step or foster parent of a faculty member or an individual who stood in *loco parentis* to a faculty member when the faculty member was a child. A "child" shall be defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*. The term "seriously ill" or "serious health condition" shall be defined as an injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

(2) All employees are eligible who have worked at least twelve (12) months, which need not have been consecutive, and who have worked at least 1250 hours in the twelve (12) months prior to the leave.

(3) The faculty member may take the leave either continuously or intermittently.

(c) Accounting for the Use of Family and Medical Leave in a Twelve-Month Period.

(1) The fiscal year (July 1 – June 30) shall be the designated twelve (12)-month period in which to count the use of up to four hundred and eighty (480) hours of family and medical leave.

(2) An eligible faculty member entitlement to leave for a birth or placement for adoption or foster care expires at the end of a twelve (12)-month period beginning on the date of the birth or placement of the child.

(d) Use and Approval of Family and Medical Leave.

(1) The University shall approve Family and Medical leave for an eligible faculty member as long as the reasons for absence qualify and the faculty member has not exhausted the faculty member's eligibility for that fiscal year. The faculty member may request Family and Medical leave as accrued paid leave, unpaid leave, or a combination of both.

(2) The University may require that the faculty member use accrued paid leave prior to requesting unpaid leave. Requiring the use of paid leave shall be applied consistently and shall not be used merely to exhaust the faculty member leave balance in order to prohibit the use of accrued paid leave while on unpaid leave as provided for in Section 21.12(e).

(3) The University will comply with FMLA notice requirements regarding designation of leave.

(e) Medical Certification.

(1) The University may require a faculty member to provide medical certification from a health care provider for unpaid leave when taken for the serious health condition of the faculty member or a family member.

(2) Medical certification may be required to affirm the faculty member'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).

(f) Return to Position. The faculty member shall be returned to the same or

equivalent position in the same class and work location unless the University and the faculty member agree in writing to other terms and conditions.

(g) Continuation of Benefits. The use of Family and Medical leave by eligible faculty members shall neither enhance nor decrease any rights or benefits normally accrued to salaried faculty members during a paid leave or any rights or benefits normally accrued during an unpaid leave.

(h) If any provision of Section 21.6 is inconsistent with or in contravention of the Family Medical Leave Act of 1993 then such provision shall be superseded by the laws or regulations referenced above, except to the extent that the collective bargaining agreement or any employee benefit program or plan provides greater family, parental, or medical leave rights to an eligible faculty member.

21.7 Parental Leave.

(a) A faculty member shall be granted a parental leave not to exceed six (6) months when the faculty member becomes a biological parent or a child is placed in the faculty member's home pending adoption, or the faculty member otherwise has significant care responsibilities for a newborn, a newly adopted child, or a child received into a licensed family foster home or any other situation in which a faculty member, domestic partner, or spouse becomes a legal guardian.

(b) Paid Parental Leave Program. A faculty member shall be provided with up to six (6) weeks of advanced sick or vacation leave for the birth or adoption of a child or the initial placement of a child in the foster care of the employee. Employees may also use their personal accrued leave, unpaid leave, or a combination of paid and unpaid leave so long as the total parental leave period, including the paid parental leave does not exceed a total of six (6) calendar months. Faculty members may take up to six (6) years to repay the leave hours advanced to them as part of this program. If a faculty member resigns before paying back the time, unused leave balances will be applied to the leave repayment.

(c) The period of parental leave shall be determined by the faculty member in consultation with the University. Upon approval by the University, the dates and other conditions of the leave shall be provided to the faculty member in writing.

(d) At the end of the approved parental leave, a faculty member may request a part-time leave for one (1) year. The University shall grant such request, unless it determines that granting such leave would be inconsistent with the best interests of the University. If a faculty member plans to use a combination of accrued paid leave and unpaid leave, such request shall include the specific periods for each type of leave requested.

(e) Any illness caused or contributed to by pregnancy shall be treated as a temporary disability, and the faculty member shall be allowed to use accrued sick leave credits when such temporary disability is certified by a health care provider.

21.8 Leaves Due to Illness or Injury. Illness or injury is defined as any physical or mental impairment of health, including such an impairment proximately resulting from pregnancy, which does not allow a faculty member to fully and properly perform the duties of the faculty member

position. When a faculty member's illness or injury may be covered by the Americans with Disabilities Act, the provisions of Public Law 101-336 shall apply.

(a) Sick Leave.

(1) Accrual of Sick Leave. A full-time faculty member shall accrue four (4) hours of sick leave for each biweekly pay period, or the number of hours directly proportionate to the number of days worked during less than a full-pay period. There is no limitation to the number of hours that may be accrued. A part-time faculty member shall accrue sick leave at a rate directly proportionate to the percent of time employed.

(2) Uses of Sick Leave.

a. Sick leave shall be accrued before being taken except leave taken through a sick leave pool.

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

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

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

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

d. A faculty member who requires the use of sick leave should notify the supervisor as soon as practicable.

e. A faculty member who becomes eligible for the use of sick leave while on approved vacation leave shall, upon notifying the supervisor, substitute the use of accrued paid sick leave to cover such circumstances.

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

(4) Transfer of Credits.

a. The University maintains reciprocal arrangements with certain universities, local governments, and state agencies that permit new faculty members to transfer up to 80 hours of accrued sick leave. Such election shall be made within one hundred (100) days of employment.

b. An employee who was not paid for any unused sick leave shall have such forfeited sick leave restored.

(5) Payment for Unused Sick Leave.

a. Upon separation, a faculty member with ten (10) or more years of creditable service who was hired prior to April 1, 2010, shall be paid for one-fourth of unused sick leave up to a total of four hundred eighty (480) hours. A faculty member hired on or after

April 1, 2010, shall not be paid for any unused sick leave upon separation and such leave shall be forfeited unless the faculty member is recalled by the University within three hundred sixty-five (365) days after a formal University layoff.

b. Upon layoff, a faculty member with ten (10) or more years of State service who was hired prior to April 1, 2010, shall be paid for unused sick leave as described above. For a faculty member who is re-employed by the university within three hundred sixty-five (365) days following layoff, all unused sick leave shall be restored to the faculty member, provided the faculty member requests such action in writing and repays the full amount of any lump sum leave payments received at the time of layoff.

c. All payments for unused sick leave shall be made in lump sum and shall not be used in determining the average final compensation of a faculty member in any State administered retirement system. A faculty member shall not be carried on the payroll beyond the last official day of employment, except that a faculty member who is unable to perform duties because of a disability may be continued on the payroll until all sick leave is exhausted.

d. In the event of the death of a faculty member, payment for unused sick leave at the time of death shall be made to the faculty member's beneficiary, estate, or as provided by law.

(b) Additional Medical Leave. Up to six (6) months of leave may be granted to an eligible faculty member for the faculty member's serious personal health condition or when the faculty member needs to care for an immediate family member with a serious health condition. The faculty member shall use accrued paid leave during any additional medical leave. Thereafter, the medical leave shall be unpaid leave. This leave may be extended up to one (1) year for extenuating circumstances.

(c) Workplace Injury Leave under the Workers' Compensation Law. Workplace injury leave is an annual benefit available to leave-accruing employees only and shall be used to compensate these employees for a portion of their wages lost due to work-related illnesses or injuries compensable under Florida's Workers Compensation Law. Faculty members will be provided with the same benefits as other employees. Employees who are unable to work due to compensable workers' compensation injuries and are receiving salary indemnification benefits shall not be eligible for holiday pay or accrual of special compensatory leave.

(d) Compulsory Medical Leave.

(1) Placing Faculty Member on Compulsory Medical Leave.

a. If a faculty member is unable to perform assigned duties due to illness or injury, after he or she has exhausted sick and other medical leave, the University may require the faculty member to submit to a medical examination, the results of which shall be released to the University. The health care provider may be chosen and paid by the University or chosen and paid by the faculty member as long as such provider is acceptable to the University. If the University agrees to accept the faculty member's choice of a health care provider, it may not then require another University-paid examination.

b. The health care provider shall submit to the University the appropriate medical certification(s).

c. If the medical examination confirms that the faculty member is unable to perform assigned duties, the University shall place the faculty member on compulsory medical leave.

(2) Conditions of Compulsory Medical Leave.

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

b. The compulsory medical leave period may be paid leave or unpaid leave.

c. Unless agreed otherwise, the University shall return the faculty member to same or equivalent position in the same classification and work location, including to the faculty member's previous duties, if possible, or to equivalent duties, upon completion of the approved leave period and upon receipt of a current medical certification that the faculty member is able to perform assigned duties.

(3) Duration. Compulsory leave shall be for a period not to exceed the duration of the illness or injury or one (1) year, whichever is less.

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

- a. offer the faculty member part-time employment or modified duties;
- b. place the faculty member in unpaid leave status in accordance with Section 21.12 or extend such status;
- c. request the faculty member's resignation; or
- d. release the faculty member from employment, notwithstanding any other provisions of this Agreement.

21.9 Vacation Leave

(a) Accrual of Vacation Leave.

(1) An academic year (thirty-nine [39] weeks) employee, a P.K. Yonge Developmental Research School faculty member, and a faculty member appointed for less than nine (9) months shall not accrue vacation leave. Vacation leave for ten (10) and twelve (12) month faculty members shall be as follows with proportionate accrual for less than full-time.

(2) A faculty member shall accrue 6.769 hours per biweekly pay period. The hours accumulated shall be credited at the conclusion of each pay period.

(3) Year-end maximum is four hundred eighty (480) hours and an overall maximum payment of three hundred fifty-two (352) hours.

(4) Faculty members may accrue vacation leave in excess of the year-end maximum during a calendar year. Faculty members with accrued vacation leave in excess of the year-end maximum as of December 31 shall have any excess converted to sick leave on an hour-for-hour basis.

(5) The University is authorized to permit a faculty member to retain vacation leave in excess of the year end maximum in circumstances involving natural disasters and other extraordinary situations lasting for an extended period of time that prevent the faculty member

from using vacation leave.

(b) Use and Transfer of Vacation Leave.

(1) Vacation leave shall be accrued before being taken.

(2) The faculty member shall submit requests for vacation leave to the supervisor as far in advance as practicable and appropriate.

(3) Approval of the dates on which a faculty member wishes to take vacation leave shall be at the discretion of the supervisor and shall be subject to the consideration of departmental/unit and organizational scheduling. However, faculty members must be provided reasonable opportunity to utilize their vacation during the course of the year.

(4) Upon reasonable notice, a faculty member shall be required to use any reasonable part of his/her accrued paid vacation leave at a time approved by the University based on the effective functioning of the unit, the efficient use of available personnel, and budget. The University shall consult the faculty member and make a reasonable effort to choose a mutually satisfactory time for the faculty member to use the accrued vacation leave.

(c) Payment for Unused Vacation Leave.

(1) Upon termination from a position that accrues vacation leave, the University shall pay the faculty member for up to three hundred fifty-two (352) hours of unused vacation leave at the calendar-year rate the faculty member was accruing as of the faculty member last day of work, provided that a determination has been made by the University that the faculty member was unable to reduce the unused vacation leave balance prior to termination. The faculty member shall forfeit all unused vacation leave in excess of three hundred fifty-two (352) hours.

(2) Upon transfer from position that accrues vacation leave to an academic-year or Developmental-Research-School position within the University, the faculty member may elect to retain all unused vacation leave until such time, not to exceed two (2) years, as the faculty member transfers back to position that accrues vacation leave or terminates employment with the University. Upon such termination or at the end of two (2) years, whichever comes first, the unused leave balance shall be paid in lump sum for up to three hundred fifty-two (352) hours at the vacation rate the faculty member was accruing as of the faculty member last day of work in the position that accrued paid vacation leave.

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

(4) Upon layoff, a faculty member shall be paid for up to three hundred fifty-two (352) hours of unused vacation leave. For faculty members who are re-employed by the University within three hundred sixty-five (365) days after a formal layoff, all unused vacation leave shall be restored to the faculty member, provided the faculty member requests such action in writing and repays the full amount of any leave payment received at the time of layoff.

(5) In the event of the death of a faculty member, payment for all unused vacation leave at the time of death, up to three hundred fifty-two (352) hours, shall be made to the faculty member beneficiary, estate, or as provided by law.

21.10 Administrative Leaves. Faculty members provided paid administrative leave shall not

exceed forty (40) hours during the workweek. Administrative leave shall not be accrued and shall also not affect accrued leave balances.

(a) Jury Duty and Court Appearances.

(1) A faculty member who is summoned as a member of a jury panel or subpoenaed as a witness in a matter not involving the faculty member's personal interests, shall be granted leave with pay and any jury or witness fees shall be retained by the faculty member; leave granted hereunder shall not affect a faculty member vacation or sick leave balance.

(2) An appearance as an expert witness for which a faculty member receives professional compensation falls under Article 26, Outside Activity and Conflict of Interest, relative to outside employment and conflict of interest. Such an appearance may necessitate the faculty member requesting vacation leave or, if a non-vacation leave accruing faculty member, may necessitate the faculty member seeking an adjustment of the work schedule.

(3) If a faculty member is required, as a direct result of the faculty member's employment, to appear as an official witness to testify in the course of any action as defined in Section 92.142(2), Florida Statutes, such duty shall be considered a part of the faculty member's job assignment, and the faculty member shall be paid per diem and travel expenses.

(4) A faculty member involved in personal litigation during work hours must request vacation leave or, if a non-vacation leave accruing faculty member, must seek an adjustment to the work schedule.

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

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

21.11 Personal Leave.

(a) P.K. Yonge Faculty Members. A faculty member employed at the P.K. Yonge Developmental Research School may be granted five (5) days (non-cumulative) of leave per year for emergencies or for other personal reasons.

(1) Such leave shall not be used on the day immediately preceding or following a holiday.

(2) Except in the case of emergency, the faculty member shall provide at least two (2) days' notice of the intended leave.

(3) Faculty members shall not be required to give reasons for personal leave except that the leave is for personal reasons.

(4) One (1) day shall be administrative leave and four (4) days shall be taken from sick leave.

(b) Twelve-month Faculty Members. Faculty members who are normally employed under fully scheduled workdays shall earn four (4) personal leave days in proportion to their FTEs

per fiscal year in addition to the University holidays.

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

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

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

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

21.12 Unpaid Leave.

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

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

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

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

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

(1) Notwithstanding the provisions of Section 21.8(a)(2) regarding the use of sick leave, a faculty member may use any type of accrued paid leave in an amount necessary to cover the faculty member's contribution to the State insurance program, other UF-sponsored insurance programs, and for other expenses.

(2) Normally the use of accrued paid leave during a period of unpaid leave for medical reasons shall be approved for up to six (6) months, but may be approved for up to one (1) year for the serious health condition of the faculty member or a member of the faculty member's immediate family.

(3) The employer contribution to the State insurance program shall continue for the corresponding payroll periods.

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

(f) Salary Adjustment. While on such leave, a faculty member shall also be eligible to participate in any special salary incentive programs. The salary of a faculty member returning from unpaid leave shall be adjusted to reflect all non-discretionary increases distributed during the period of leave as well as any increases earned from salary incentive programs.

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