

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED REGULATION**

REGULATION TITLE: Hours of Work, Benefits and Leave Requirements.
REGULATION NO.: FPU-6.003

SUMMARY OF THE REGULATION: The regulation provides the hours of work, benefits and types of leave and leave requirements for University employees.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <<http://floridapolytechnic.org/board-of-trustees/university-policies-and-regulations/>>. If you would like a copy of the Proposed Regulation, please contact Bacogie Luke, Administrative Assistant to the VP and General Counsel at (863)583-9061.

AUTHORITY: Board of Governors Regulations 1.001, Florida Statutes §§110.118, 110.120, 110.122, 741.313.

NAME OF PERSON INITIATING PROPOSED REGULATION: Gina DeIulio, VP and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Bacogie Luke, Administrative Assistant to the VP and General Counsel at 439 South Florida Avenue, Suite 300, Lakeland, Florida 33810, Email: bluke@floridapolytechnic.org, Phone: (863)583-9050, Fax: (863)583-9070.

DATE OF PUBLICATION: May 14, 2013

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FPU-6.003 Hours of Work, Benefits and Leave Requirements

(1) Purpose. The purpose of this regulation is to establish a standard for the hours of work and for the provision of benefits to University employees. The benefits in this section are intended to apply to all budgeted University Faculty, Executive Service and Administrative and Support employees (collectively referred to as “Budgeted Employees”). To the extent any benefits contradict with existing collective bargaining agreements, the collective bargaining agreements will be the controlling authority for those covered employees.

(2) Statement of Regulation. Benefits made available to Budgeted Employees include paid and unpaid leave, paid holidays, State and University-sponsored insurance programs, and retirement. Benefits shall be provided proportionate to the employee’s full-time equivalency on the payroll. Benefits and hours of work requirements shall be administered consistent with the following provisions.

(3) Hours of Work.

(a) Workweek

The standard workweek is 40 hours for full-time employees. Holiday pay (maximum of eight hours in a single day) and paid leave are not considered overtime and are paid at the employee’s regular pay rate. Each employee is expected to work the number of hours in the employee’s established workweek unless on approved leave.

(b) Overtime (applicable to hourly employees only)

- i. The employee must get the appropriate supervisor’s approval of overtime prior to the hours being worked. Failure to comply with this provision may lead to disciplinary action.
- ii. The employee will be paid for overtime worked in accordance with the provisions of the Fair Labor Standards Act (FLSA).
- iii. The payment for overtime worked will be made no later than the end of the following pay period, unless accrued as overtime compensatory leave.

(c) Compensatory Leave (applicable to hourly employees only). Compensatory leave shall consist of the following types and unused compensatory leave shall be transferred or paid as follows.

- i. Overtime compensatory leave is provided in lieu of payment for overtime for nonexempt Support employees at the rate of one and one half times the total hours worked beyond 40 in a workweek.
- ii. Unused overtime compensatory leave shall be paid out when:
 - a. the employee changes departments through promotion or reassignment.
 - b. the employee has accrued more than 80 hours of compensatory overtime as of each June 1, the amount in excess of 80 hours. Payment shall be made in the last pay period of June.
 - c. the employee separates from the University.
 - d. the employee requests payout during the year.
- iii. Regular compensatory leave shall be provided to a Support exempt employee for work beyond 40 hours on an hour-for-hour basis. The University may elect to pay an employee for a part or all of accrued special compensatory leave at any time.
- iv. Employees must use accrued compensatory leave prior to using other types of leave.

(d) Paid and Unpaid Leave Status. Employees who are aware that they may need to be on an unpaid leave for one pay period or more must meet with Human Resources prior to going into an unpaid status. If it is not possible for the employee to meet with Human Resources, the employee may designate, in writing, a representative to meet with Human Resources on the employee’s behalf in order to ensure arrangements are made to provide for continued insurance coverage.

- i. 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.
- ii. During approved unpaid leave for parental, foster care, medical, or military reasons, an employee may direct that the employee's accrued leave be used to continue the contributions to State benefits and/or other expenses.
- iii. Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period.
- iv. While on paid leave, an employee may not be employed elsewhere unless the requirements for outside employment or outside activity have been met.

(4) Benefits.

(a) **Health Insurance, Life Insurance and Related Benefits.** The University offers a variety of benefits to its Budgeted Employees including health, vision, dental, and other benefits to assist employees with everyday needs. Many of the standard benefits are provided to Budgeted Employees through the State of Florida; however, the University may provide benefits to its employees through private entities. Benefits are offered both on a pre-tax and after tax basis, depending upon the nature of the benefit. For further information regarding the benefits, employees should contact Human Resources.

(b) **Sick Leave.** Sick Leave accrual for full-time Budgeted Employees shall be as follows with proportionate accrual for Budgeted Employees who are less than full-time.

Hours Accrued During Pay Period

	<u>Monthly</u>	<u>Biweekly</u>
Faculty	8.667	4
Administrative	8.667	4
Executive Service	10.883	5
Support	8.667	4

i. Sick Leave shall be accrued before used unless available through the University's Sick Leave Pool pursuant to the Sick Leave Policy. There is no maximum on the amount of Sick Leave that can be accrued.

ii. Sick Leave is authorized for the following purposes:

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

b. The employee's family member's illness, injury, appointments with health care providers, or death.

An employee may be required to provide medical documentation to support the use of Sick Leave for three (3) or more consecutive days of absence.

iii. An employee shall give notice of the employee's absence due to illness, injury, disability, or exposure to a contagious disease on or before the first day of absence.

iv. The University shall accept the transfer of a maximum of eighty (80) hours of Sick Leave accrued by the Budgeted Employee in another State university within Florida or New College for which payment has not been received by the employee provided no more than 31 days have elapsed between the last day of employment with the other State university and the first day of the Budgeted Employee's employment with Florida Polytechnic University; or if an employee is reemployed by Florida Polytechnic University as a Budgeted Employee within 60 days of separating employment with Florida Polytechnic University, unpaid Sick Leave will be restored. In the case of a layoff, the unpaid Sick Leave of the laid off employee will be restored if such employee

is recalled by the University within one year of the date of layoff.

v. Upon separation, an employee with 10 or more years of State 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, in accordance with Section 110.122, F.S.

(c). Annual Leave

i. Annual Leave for full-time Budgeted Employees shall be as follows with proportionate accrual for less than full-time. An academic year (39 weeks) employee, and an employee appointed for less than 9 months shall not accrue Annual Leave. Hours of accrual for Support is 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 either on the salaried (non-OPS) payroll of the University or on authorized unpaid leave.

HOURS ACCRUED DURING PAY PERIOD

	MONTHLY	BIWEEKLY	YEAR-END MAXIMUM	MAXIMUM PAYOUT
FACULTY	14.667	6.769	352	352
ADMINISTRATIVE	14.667	6.769	352	352
EXECUTIVE SVC.	20.00	9.195	480	480
SUPPORT (Months of service)				
0-6	8.667	4	240	240
7-60	8.667	4	240	240
61-120	10.833	5	240	240
Over 120	13.00	6	240	240

ii. Annual Leave shall be accrued prior to use.

iii. Employees may accrue Annual Leave in excess of the year end maximum during a calendar year. However, employees with accrued Annual 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 on January 1 of each year. The employee may retain hours in excess of the year end maximum with the approval of Human Resources.

iv. No Annual Leave, accrued in another State university within Florida or state plan shall transfer to the University.

v. An employee who separates from employment shall be paid for all unused Annual Leave hours up to the year-end maximum allowed (“maximum payout”) for the employee’s pay plan. Upon an employee’s reemployment by the University in a budgeted position within 60 days of the employee’s date of separation or upon recall of a laid off employee by the University within one year of the date of the layoff, all of the employee’s unpaid Annual Leave shall be restored to the Budgeted Employee and any Annual Leave paid at time of separation shall be restored upon repayment to the University by the Budgeted Employee.

vi. Upon entering into the Deferred Retirement Optional Program (DROP), an employee may elect to be paid for up to the year-end maximum of the employee’s unused Annual Leave.

vii. Upon transfer from an Annual Leave-accruing position to a non- Annual Leave-accruing position, the employee shall be paid for unused Annual Leave.

viii. Upon the death of an employee, payment for all unused Annual Leave shall be paid to the estate of the employee, the employee’s beneficiary or as provided by law. Where an employee is participating in DROP at the time of his/her death, certain restrictions may apply.

(5) Other Types of Leave.

(a) **Administrative Leave.** University employees are provided paid Administrative Leave as follows and the granting of Administrative Leave shall not cause the full-time employee to exceed 40 hours during the workweek. Administrative Leave is not accrued.

i. **Jury Duty.** Administrative Leave granted for each day of jury duty shall not exceed the number of hours in the employee's normal workday. If the jury duty does not require the employee's 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. An employee shall retain any jury pay received. The employee must provide documentation for all hours of jury duty to Human Resources in a timely manner. The employee's failure to provide appropriate documentation will result in the employee using Annual Leave in lieu of Administrative Leave. Appropriate documentation may include a copy of the jury summons, a copy of the subpoena or a notification from the Bailiff of the Court.

ii. **Non-Expert Witnesses in a Hearing or Trial.** Administrative Leave shall be provided to an employee summoned as a witness in a matter relating to the University which does not involve the employee's personal interests. Administrative Leave shall not be provided to an employee hired as an expert witness. The employee shall retain the witness pay. The employee must provide documentation for all hours of "Summons as Witness" to Human Resources in a timely manner. The employee's failure to provide appropriate documentation will result in the employee using Annual Leave in lieu of Administrative Leave. Documentation may include a copy of the summons, subpoena or a notification from the Bailiff of the Court.

iii. **Athletic Competition.** Administrative Leave for members of the official delegation of the United States to world, Pan American, or Olympic events shall be provided in accordance with Florida Statutes Section 110.118.

iv. **Official Closing of the University.** Administrative Leave shall be provided to employees for the official closing of University facilities (excluding closings for Holidays). Support employees required to perform essential services during an emergency closing shall have the time worked during the official closing calculated as overtime.

v. **Florida Disaster Volunteers.** The University President may provide Administrative Leave for Florida Disaster Volunteers in accordance with Florida Statutes Section 110.120.

vi. **Volunteer Emergency Response Team Members.** The University President may grant Administrative Leave to an employee who is a member of a volunteer emergency response team for responding to civil disorder or a disaster.

vii. **Voting in Public Elections.** Up to two hours of Administrative Leave may be provided to employees for voting in public elections.

viii. **University Investigations.** The University may place an employee under investigation on Administrative Leave for a time period up to the length of the investigation.

ix. **Disciplinary Notice.** The University may place an employee on Administrative Leave for all or some of the time period between the employee's receipt of the notice of reduction in pay, notice of suspension, or notice of dismissal and the effective date of such action.

x. **Best Interest of the University.** The University 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, or when it has been determined that it is in the best interest of the University to do so.

xi. **Presidential Discretion.** The University President, may, at his/her discretion, designate additional leave days with pay for administrative purposes.

(b) **Bereavement Leave.** Employees may use up to three (3) days of Bereavement Leave upon the death of a family member/relative. For purposes of this regulation, family member/relative is defined as the:

Employee's spouse

Employee's parents

Employee's children and children's spouses

Employee's grandparents

Employee's grandchildren

Employee's siblings and the sibling's spouses

Employee's aunt, uncle, niece, nephew and first cousin

Employee's spouse's parents

Employee's spouse's children

Employee's spouse's siblings

Employee's spouse's grandparents

Employee's domestic partner

“Relative” or “related” person also includes a person who is engaged to be married to the employee. Employee must provide appropriate documentation to Human Resources; such documentation may be a copy of the obituary, a copy of the funeral program, or a death certificate. The employee's name and relationship to the deceased must be provided when requesting Bereavement Leave. Failure to provide documentation in a timely manner will result in the employee using Annual Leave in lieu of the Bereavement Leave.

(c) **Compulsory Leave.** Compulsory Leave provisions shall be consistent with the following.

i. The University may place an employee on Compulsory Leave if the employee is unable to perform the duties of the position or is experiencing excessive absences due to medical reasons.

ii. Medical certification of the medical condition and work restrictions, if any, by an approved health care provider shall be required.

iii. The University may require the employee to be examined by a University-appointed physician to determine fitness for duty. The University shall pay the cost of the examination.

iv. the University shall provide notice to the employee identifying duration of the leave, the conditions for return to the position, and whether such leave shall count toward FMLA entitlements.

v. The employee may use paid leave during Compulsory Leave to continue the contributions to employee's State benefits and other expenses.

vi. Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the Compulsory Leave period and upon the University's receipt of medical certification.

vii. If the employee:

a. fails to meet the conditions of the Compulsory Leave, or

b. fails to obtain medical certification and is unable to perform duties of the position,

the University may dismiss the employee for inability to perform the duties of the position.

(d) **Family Medical Leave Act (FMLA).** Employees are provided with twelve workweeks (480 hours) 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 12-month period is calculated on a rolling year basis for each individual employee. 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. Budgeted Employees may use paid leave for an FMLA event and such shall be counted toward the entitlement.

(e) **Military Leave.** Military leave and reemployment rights shall be provided to Budgeted Employees consistent with Federal and State laws, specifically:

- i. An employee, except an employee in a temporary position, who is drafted, who volunteers for active military service, or who is ordered to active duty shall be eligible for military leave.
- ii. An employee shall receive their full pay in addition to their military pay for the first thirty (30) days of the employee's active duty.
- iii. After the employee's first 30 days of active duty, the law allows those on active duty to receive the necessary pay to fill any gap between their military pay and civilian pay and to continue their existing benefits. Military Leave payment shall be made only upon military authority that the first thirty (30) days of active military service have been completed.
- iv. Upon separation from the military service, the employee shall be eligible to return to the former position held or to a different position in the same class, provided the employee is honorably discharged.

(f) **Parental Leave.** Employees shall be provided with up to six (6) months unpaid Parental Leave during which time the employee may use accrued leave (Annual Leave or Sick Leave) when the employee becomes a biological or adoptive parent. Parental Leave may begin two weeks prior to the expected date of the child's arrival unless otherwise approved by Human Resources.

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

- i. An employee shall remain in full pay status for seven (7) days without being required to use accrued leave credits. If, during that period, the employee receives Workers' Compensation benefits, the employee shall reimburse the University for the amount of the benefits. Such reimbursement shall not include reimbursements for University payments of expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.
- ii. An employee may elect to use accrued leave (Sick Leave or Annual Leave) to supplement Workers' Compensation payments, not to exceed the employee's regularly scheduled work day.
- iii. The period of paid or unpaid job-related disability leave shall be in accordance with Chapter 440, F.S.
- iv. An employee who was injured in the workplace, may be returned to alternate duty consistent with established University policies or procedures.
- v. If at the end of the leave period, an employee is unable to return to work full-time and perform the duties of the position, the University may consider various employment options.
- vi. FMLA shall run concurrently with Workers' Compensation.

(h) **Domestic Violence Leave.** In accordance with Florida law, the University will provide employees up to three (3) days of leave in a 12-month period if the employee or a family or household member is a victim of domestic violence. Employees with questions regarding eligibility for domestic violence leave should contact the Human Resources department.

(6) Retirement Program. All eligible Faculty, Executive Service, and Administrative employees are enrolled in the Optional Retirement Program (ORP) unless such employees elect to participate in the Florida Retirement System. All other Budgeted Employees participate in the Florida Retirement System (FRS Pension or FRS Investment Plans), except those who remain in the State and County Officers and Employees Retirement System or the Teachers Retirement System.

Authority: FBOG Reg. 1.001, Florida Statutes §§110.118, 110.120, 110.122, 741.313

History: NEW ____

5.14.13