

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

REGULATION NUMBER AND TITLE: FPU-6.007 Other Types of Leave.

SUMMARY OF THE REGULATION: This regulation summarizes the various types of leave that are provided to eligible employees in certain circumstances: administrative leave, bereavement leave, compulsory leave, Family and Medical Leave under the Family Medical Leave Act (FMLA), military leave, Workers' Compensation leave, domestic violence leave, and personal holiday leave.

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 Regulation 1.001; Florida Statutes Chapter 440, and Sections 110.117, 110.118, 110.120, 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)583-9061, Fax: (863)583-9070.

DATE OF PUBLICATION: December 23, 2013

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FPU-6.007 Other Types of Leave.

(1) Employees are provided with types of leave (other than Sick Leave, Annual Leave, and Compensatory Leave, etc. which are addressed under separate regulations) as provided below.

(2) **Administrative Leave.** Employees are provided paid Administrative Leave in accordance with this regulation. The granting of Administrative Leave shall not cause any full-time employee to exceed 40 hours during a workweek. Paid Administrative Leave shall not count as hours worked for purposes of calculating overtime. Administrative Leave is not accrued. Below are the circumstances when Administrative Leave will/may be provided to an Employee:

(a) **Jury Duty.** If an employee is summoned as a member of a jury panel, he/she will be granted Administrative Leave as follows.

(i) Administrative Leave will be provided to the employee for each day of jury duty; however, the amount of Administrative Leave acquired 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.

(ii) If the jury duty does not coincide with the employee's regular work schedule (i.e. the employee works the night shift and the jury duty takes place during the day), the employee shall be granted Administrative Leave based on the total hours served on jury duty and such leave shall be granted on the employee's next scheduled work shift.

(iii) The University will not reimburse the employee for any meals, lodging or travel expenses while serving as a juror; however, the employee shall retain any jury pay received.

(iv) 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.

(b) **Non-Expert Witnesses in a Hearing or Trial.** Administrative Leave shall be provided to an employee summoned as a witness in a matter not involving the employee's personal interests or matters in which the employee is a party. The employee shall retain any 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. Administrative Leave shall not be provided to an employee hired as an expert witness.

If an employee is subpoenaed to represent the University or a state agency as a witness, such duty is considered a part of the employee's job assignment and the employee will be paid per diem and reimbursed for any travel expenses. In such instances, the employee is required to give the University any fees received.

(c) **Athletic Competition.** Administrative Leave for employees who are members of the official delegation of the United States to world, Pan American, or Olympic events shall be provided in accordance with Florida Statutes §110.118.

(d) **Official Closing of the University.** Administrative Leave shall be provided to Budgeted Employees in the event of an 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. Only Budgeted Employees scheduled to work during the time of an emergency closing shall be provided the Administrative Leave.

(e) **Florida Disaster Volunteers.** The University President may provide Administrative Leave for employees who are Florida Disaster Volunteers in accordance with Florida Statutes §110.120.

(f) **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.

(g) **Voting in Public Elections.** Up to two hours of Administrative Leave may be provided to an employee for voting in public elections when it is not possible for the employee to vote outside of his/her normal work schedule. If early voting procedures are in effect, employees are not eligible for this benefit. The employee must request this leave in advance.

(h) **University Investigations.** The University President or designee may place an employee who is under investigation on Administrative Leave for a time period up to the length of the investigation when there is reason to believe that the employee's presence on the job will adversely affect the operation of the university.

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

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

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

(3) **Bereavement Leave.** Budgeted Employees may use up to two (2) days of paid Bereavement Leave upon the death of the employee's immediate family member/relative. For purposes of this regulation, immediate family member/relative is defined as the employee's spouse, parents, children, grandparents, grandchildren, siblings, or individual for whom the employee is the current legal guardian; or the employee's spouse's parents, children, grandparents, grandchildren, or siblings.

The 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. Bereavement Leave does not accrue. The employee may use reasonable amounts of accrued leave to extend the leave, with the employee's immediate supervisor's approval. Within thirty (30) days of this regulation becoming effective, each eligible employee who lost a family member/relative between the date they began employment with the University and the date this regulation is first effective shall be given a credit of a maximum of two (2) days of Annual Leave to compensate the employee for the Annual Leave the employee used in bereavement.

(4) **Compulsory Leave.** The University may place an employee on unpaid Compulsory Leave if the employee is unable to perform the duties of the position, or the employee is experiencing excessive absences due to medical reasons. Compulsory Leave provisions shall be consistent with the following:

(a) The employee may be required to provide medical certification of the medical condition and work restrictions, if any, by an approved health care provider.

(b) 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 such examination.

(c) The University shall provide notice to the employee identifying duration of the leave, any conditions for returning to the position, and whether such leave shall count toward FMLA entitlements.

(d) The employee may use accrued leave during Compulsory Leave to continue contributions to the employee's State benefits and other expenses.

(e) 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.

(f) If the employee:

(i) fails to meet any conditions of the Compulsory Leave, or

(ii) fails to obtain medical certification and is unable to perform duties of the position, the University may offer the employee part-time employment, place the employee on unpaid leave, have the compulsory leave extended, request the employee to resign and/or dismiss the employee for inability to perform the duties of the position.

(5) **Family and Medical Leave.** Eligible University employees are provided with twelve (12) workweeks (no more than 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 Other Personal Services (OPS) employees, who have worked at least 12 months at the University (these need not have been consecutive) and who have worked at the University at least 1250 hours in the 12-months prior to the leave. Budgeted Employees who are covered by FMLA may choose to use accrued leave in order to remain in pay status during the FMLA event and such shall be counted toward the entitlement.

(6) **Military Leave.** Military leave and reemployment rights shall be provided to employees consistent with Federal and State laws.

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

(a) An employee shall remain in full pay status for seven (7) calendar days (a maximum of 40 hours) 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.

(b) An employee may elect to use accrued leave (Sick Leave, Annual Leave, or Compensatory Leave) in an amount not to exceed the employee's regularly scheduled work day to supplement Workers' Compensation payments.

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

(d) An employee who was injured in the workplace, may be returned to alternate duty consistent with established University policies or procedures.

(e) 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.

(f) FMLA shall run concurrently with Workers' Compensation.

(8) **Domestic Violence Leave.** In accordance with Florida law, the University will provide University 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. Domestic Violence Leave is unpaid; however, the employee may use any form of accrued leave during this period.

(9) **Personal Holiday.** Budgeted Support employees are authorized one additional personal day per fiscal year to be used at any time after the first thirty (30) days of employment on any day the employee selects, provided such date is approved by the employee's immediate supervisor. This personal day is a non-cumulative holiday. Within 30 days of this regulation becoming effective, a personal day will be credited

to those current eligible employees who have not used a personal day for fiscal year 2013-14, and thereafter eligible employees will be credited with a personal day on July 1 of each fiscal year. The employee forfeits the personal day if the employee fails to use it prior to June 30 of the following year. The personal day must be used as a full day, and cannot be taken on an hour for hour basis. The personal day cannot be accrued and unused personal days will not be paid out upon termination of employment. A part-time Budgeted Support employee is entitled to personal day time in proportion to the number of hours in his/her workweek.

Authority: BOG Reg. 1.001; Florida Statutes Chapter 440, and Sections 110.117, 110.118, 110.120, 741.313.

History: New ____.

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