



**FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY**  
**Board of Trustees Policy**

**Board of Trustees Policy Number:**  
**2005-23**

**Date of Adoption: October 6, 2005; September 13, 2007; December 3, 2009**  
**Date of Revision: September 16, 2021**

<b>Subject</b>	Benefits and Leaves
<b>Authority</b>	Chapters 110, 117, 1012 and Sections 92.142, 110.121, 110.118, 110.122, 110.222, Florida Statutes; Fair Labor Standards Act (FLSA) of 1938, as amended, Family and Medical Leave Act (FMLA) of 1993; Americans with Disabilities Act (ADA) of 1990.
<b>Applicability</b>	This policy applies to all University employees.

## **1. BENEFITS AND HOURS OF WORK**

- (a) Benefits made available to Faculty, A&P, and USPS employees include paid and unpaid leave, holidays, State- and University-sponsored insurance programs and retirement. Benefits and hours of work requirements shall be administered consistent with the provisions set forth herein.
- (b) Each employee is expected to work the number of hours in the employee's established workweek unless on approved leave. Benefits shall be provided proportionate to the time on the payroll.
- (c) The regular 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 may be adjusted to ensure an employee's workweek will not exceed 40 hours. Overtime shall be paid no later than the end of the following pay period in which the overtime was worked.
- (d) All eligible Faculty and A&P, including the Executive Service employees are enrolled in the Optional Retirement Program (ORP) for the first ninety (90) days of employment. If the employee wishes to remain in the ORP, he/she must elect to do so prior to the end of the 90-day period. All eligible USPS employees are enrolled in the Florida Retirement System, except those who remain in the State and County Officers and Employees Retirement System or Faculty employees who remain in the Teachers Retirement System.
- (e) All eligible Faculty, A&P including the Executive Service and USPS employees may participate in the various employee group insurance plans as a result of their employment with the University.

## **2. COMPENSATORY LEAVE**

Compensatory leave shall consist of the following types:

- (a) Regular compensatory leave shall be provided to a USPS exempt employee for work beyond 40 hours on an hour-for-hour basis.
- (b) Special compensatory leave is provided to USPS as follows:
1. Special compensatory leave is provided to compensate an employee for a State 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 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. An employee who separates from employment shall not be paid for accrued special compensatory leave.
- (c) Overtime compensatory leave is provided to nonexempt USPS employees who work in excess of 40 hours during the workweek. 3.

### **3. PAID HOLIDAYS**

The following holidays shall be observed by the University as paid annual holidays:

New Year's Day

Martin Luther King, Jr., Birthday

Memorial Day

Juneteenth

Independence Day

Labor Day

Veteran's Day

Day before Thanksgiving and Friday after Thanksgiving

Thanksgiving Day

Christmas Day

**4. WINTER BREAK**

Winter break refers to that period of time between the end of the fall semester and the beginning of the spring semester. During the winter break, the President, in consultation with the Vice President for Administration and Financial Services, may provide all salaried employees up to five (5) paid personal holidays in addition to the officially designated holidays for December 25 and January 1. The President shall inform the Board of Trustees of the decision regarding the winter break as soon as practicable.

**5. REPORTING LEAVE**

All salaried employees are required to report all leave taken during the pay period in which the leave was used. Employees on official University business are required to properly report such leave. Failure to report leave taken may result in disciplinary action up to and including dismissal from employment.

**6. LEAVES OF ABSENCE**

- (a) An employee shall be paid proportionate to the time in pay status for all holidays designated for University employees.
- (b) 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.
- (c) 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.
- (d) 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 prior approval is obtained.

**7. SICK LEAVE**

- (a) Sick leave accrual for full-time employees shall be as follows with proportionate accrual for less than full-time.

**Hours Accrued During Pay Period**

	Monthly	Biweekly
Faculty	8.667	4
A&P	8.667	4
Ex. Service	10.833	5
USPS	8.667	4

- (b) 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.
- (c) 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.
- (d) Notice of absence due to illness, injury, disability, or exposure to a contagious disease shall be given on the first day of absence.
- (e) Transfer of Sick Leave
1. All unused sick leave accrued in another Florida governmental entity or University for which payment has not been received will be transferable provided no more than 31 days have elapsed between employments or if reemployed by the University within 100 days.
  2. An individual who resigns from a governmental entity within Florida and is employed in the USPS within 31 calendar days, may transfer up to 480 hours of accrued unused sick leave as follows:
    - i. 80 hours upon date of hire
    - ii. 80 hours upon completion of each succeeding year
  3. Accrued sick leave from a governmental entity for Faculty and A&P is not permitted, unless a reciprocal agreement is in effect at the time of employment.
- (f) Payment for unused Sick Leave
- 1) Upon separation, an employee with 10 or more years of creditable service shall be paid for one-eighth of all unused sick leave accrued prior to October 1, 1973, and one-fourth of unused sick leave up to a total of 480 hours accrued after October 1, 1973. Sick leave payment shall be made at the employee's current rate of pay in accordance with Section 110.122, Florida Statutes.
  - 2) An employee with less than 10 years of creditable service who separates from the University shall not be paid for any unused sick leave and such unused sick leave shall be forfeited unless the employee is reemployed by the University within 100 days or recalled from layoff by the University within one year.

3) Upon layoff, an employee with 10 or more years of creditable service shall be paid for unused sick leave, unless the employee requests in writing that sick leave credits be retained pending reemployment. For an employee who is reemployed by the University within one year following layoff, all unused sick leave shall be restored to the employee, provided the employee requests such action in writing and repays the full amount of any lump-sum leave payments received at the time of layoff.

4) In the event of the death of an employee, payment for sick leave unused at the time of death should be made to the employee's beneficiary, as provided by Section 110.122, Florida Statutes.

(g) An employee is required to first use accrued compensatory leave before using accrued sick leave.

**8. ANNUAL LEAVE**

(a) Annual leave for full-time employees shall be as indicated below with proportionate accrual for less than full-time employees. An academic year (39 weeks) employee and a Developmental Research School employee shall not accrue annual leave. Hours of accrual for USPS employees 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 or other State agency or during authorized unpaid leave. Hours Accrued During

	Pay Period		Year End	Maximum
	Monthly	Biweekly	Maximums	Payment
Faculty	14.667	6.769	352	352
A&P	14.667	6.769	352	352
Ex. Service	20	9.195	480	480
	Pay Period		Year End	Maximum
	Monthly	Biweekly	Maximums	Payment
Payment USPS (Months of Service)				
0-5	8.667	4	240	0
6-60	8.667	4	240	240
61 to 120	10.833	5	240	240
Over 120	13	6	240	240

- (b) Annual leave shall be accrued prior to use.
- (c) 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.
- (d) Annual leave accrued in any other State University System institution or governmental agency shall not be transferable to the University.
- (e) An employee who separates from employment shall be paid for all unused annual leave hours up to 240 hours for USPS; 352 hours for Faculty and A&P and 480 hours for Executive Service employees.
- (f) An employee is required to first use accrued compensatory leave before using accrued annual leave.

## **9. LEARNING OPPORTUNITIES**

Eligible full-time Faculty and A&P employees may participate in learning opportunities which include:

- (a) Sabbaticals - Sabbaticals for professional development will be made available to fulltime tenured faculty employees, with at least six years of full-time service with the University. The requirements for Sabbaticals are as outlined in the Collective Bargaining Agreement shall apply.
- (b) Faculty Development Leave Program - The Faculty Development Leave Program provides for faculty employees the opportunity to take a period of months, as determined by the University and the faculty employee, for purposes of professional renewal, planned study, formal education research, writing or other experience of professional value. Eligible faculty employees must have achieved the rank of assistant professor or higher and have six years of full-time service at the University. The requirements for participation in the Faculty Development Program as outlined in the Collective Bargaining Agreement shall apply to employees who are members of the collective bargaining unit.
- (c) Professional Development Leave Program - All Faculty and A&P employees who have six or more years of service, except those who are serving in tenure-earning or tenured positions, shall be eligible for professional development leave and may apply for the professional development program at full pay for up to one semester for purposes of taking academic course work, performing individual research, or other relevant activities which shall improve the employee's professional experience. Employees whose positions are funded through contracts or grants may be eligible for Professional Development leave provided the contract or grant allows for such leave. The terms of the Collective Bargaining Agreement shall apply to employees who are members of the collective bargaining unit.

**10. COMPULSORY DISABILITY LEAVE**

Compulsory leave provisions shall be consistent with the following:

- (a) Medical certification by an approved health care provider may 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 may be allowed to use paid leave during compulsory leave to continue the contributions to State 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 medical certification.
- (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 may 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.

**11. FAMILY AND MEDICAL LEAVE**

Employees are provided with twelve unpaid 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). Employees may use their accrued sick and annual leave for FMLA purposes. The 12-month period is defined as the fiscal year (July 1 - June 30). Faculty, A&P, and USPS employees may use paid leave for an FMLA event and such shall be counted toward the entitlement.

**12. PARENTAL LEAVE**

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 approved by the Chief Administrative Officer.

**13. ADMINISTRATIVE AND MILITARY LEAVE**

Administrative leave is not accrued, and shall not cause the full-time employee to exceed 40 hours during the workweek. Employees are provided paid administrative leave as follows:

- (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 witness in a matter not involving personal interests. Administrative leave shall not be provided to an employee serving as an expert witness. Witness pay shall be retained by the employee.
- (c) Administrative leave for athletic competition in Olympic events shall be provided in accordance with Section 110.118, F.S.
- (d) Administrative leave up to two days shall be provided to an employee upon the death of an immediate family member. Immediate family is defined as the mother, father, sister, brother, child, grandparents of both the employee and the employees' spouse.
- (e) Administrative leave shall be provided for official emergency closing of University facilities. Special Compensatory leave shall be provided to USPS 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 President's designee may provide administrative leave for Florida Disaster Volunteers in accordance with Section 110.120, F.S.
- (g) The President or President's designee may grant administrative leave for civil disorder or disaster for an employee who is a member of a volunteer emergency response team.
- (h) The President or President's designee may authorize employees who live at such distance from the work location as to preclude voting outside of regular work hours up to two hours of administrative leave. Any other employee may be granted up to one hour of administrative leave with pay for such purpose.
- (i) The President or President's designee may place an employee under investigation on leave up to the length of the investigation.
- (j) The President may place an employee on administrative leave with or without pay between the notice of reduction in pay, suspension, or dismissal and the effective date of such action.
- (k) The President or President's designee may place an employee on administrative leave with or without pay when the employee's presence in the workplace may result in damage to property, or injury to the employee or others.
- (l) The President or President's designee shall upon presentation of a copy of employees' official orders, grant seventeen (17) working days in any one federal fiscal year of administrative leave to employees who are members of the United States Armed Forces Reserve.

#### **14. JOB RELATED DISABILITY LEAVE**

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 established University policies or procedures.
- (e) If at the end of the leave period, an employee is unable to return from leave to work fulltime and perform the duties of the position, the President or President's designee may 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.

<b>Attachment(s)</b>	
<b>Hyperlink Address</b>	<a href="#">BOT Policy 2005-23 Benefits and Leaves</a>