

**Florida A & M University
Office of Human Resources**

INTERNAL OPERATING PROCEDURE

Procedure No. HR-3000

Subject: Benefits and Hours of Work	
Authority: Chapter 110, Florida Statutes; Chapter 60L-34, Florida Administrative Code; Chapter 440, Florida Statutes, Workers' Compensation; Fair Labor Standards Act (FLSA) of 1938, as amended; Family and Medical Leave Act (FMLA) of 1993; Americans with Disabilities Act (ADA) of 1990;	Adopted Effective Date: 07/01/1999
Revision(s)	06/27/1996; 2/09/2017; 11/29/2017; 1/28/2020; 9/22/2021
Related References	
Purpose	Establish guidelines for employees regarding benefits and hours of work.
Signature of Approving Authority	

1.0 General Information

The purpose of this operating procedure 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 and staff and are intended to complement applicable collective bargaining agreements. However, to the extent any benefits contradict existing collective bargaining agreements, the collective bargaining agreements will be the controlling authority for those covered employees.

2.0 Responsibilities

Employees are responsible for reporting to work in accordance with the established departmental work hours in addition to following the attendance and leave policies.

Supervisors, Deans, and Directors are responsible for establishing and changing work schedules as needed for their department or academic unit in addition to ensuring employees are adhering to attendance and leave policies.

3.0 Definitions

- A. Non-exempt** – positions covered by or subject to the minimum wage, overtime and recordkeeping provisions of the FLSA.
- B. Exempt** – positions excluded from the FLSA minimum wage, overtime and recordkeeping provisions.
- C. Faculty** – positions assigned the principal responsibility of teaching, research, or public service activities or administrative responsibility for functions directly related to the academic mission.

- D. Administrative & Professional (A&P)** – positions performing administrative and management responsibilities or professional duties at the department/unit level or above.
- E. University Support Personnel Systems (USPS)** – positions performing professional, paraprofessional, administrative, clerical, secretarial, technical, skilled crafts, and service or maintenance duties.
- F. Executive Service** – positions assigned to the Administrative and Professional Classification Plan and normally report directly to the President. These positions are responsible for and/or involved in policy making at the University.
- G. Other Personal Service (OPS)** – positions that are at-will and temporary employment positions.

4.0 Work Hours

Regular Hours of Operation

The official hours of operation are from 8:00 a.m. to 5:00 p.m., Monday through Friday. All departments must be adequately staffed to provide full services during the hours of operation. Due to certain services being available to customers outside the regular hours of operation, this schedule may vary depending on the nature of the job and when the services must be provided. Some employees may have assigned shifts or rotating shifts where the normal work schedule is other than 8:00 a.m. to 5:00 p.m.

Workweek

Each employee is expected to work the number of hours in the employee's established workweek unless on approved leave. The minimum workweek is forty (40) hours for full-time employees. The University's normal workweek is Friday through Thursday which corresponds to our biweekly pay period. A&P, Executive Service, and Faculty employees are expected to work the hours necessary to carry out assignments, and their work hours may exceed 40 in a workweek. Under certain conditions, a supervisor may approve a non-standard workweek.

Timesheets

The University requires all non-exempt employees to fill out a timesheet each day they work. The FLSA requires that every covered employer keep records of hours worked for every non-exempt employee. Departments are responsible for maintaining, auditing and record retention of all timesheets. Total daily hours should be entered to the nearest quarter hour.

Flexible Work Schedule

A flexible work schedule is not a right of employment and can be requested by the employee. The supervisor may approve a daily work schedule that differs from the university standard hours of operation. A flexible work schedule can be on a short-term or permanent basis and may be rescinded if the variation in work schedule is detrimental to the operation of the department or hinders the providing of services. The approval should be in writing and reflect the revised hours of work. A flexible work schedule allows an employee to report as early as 7:30 a.m. and depart at 6:00 p.m. each workday.

On-Call

On-call pay is generally not considered hours worked. If an employee is instructed to remain at the work site because he/she is on-call, those on-call hours are considered hours of work. Please refer to the applicable collective bargaining agreement.

Required Training

The hours spent for training, workshops, seminars, classes or courses that the employer requires are considered work hours.

5.0 Breaks and Meal Period

Breaks

It is important for employees to know that breaks are not mandatory. The immediate supervisor may permit one 15 minute mid-morning break and one 15 minute mid-afternoon break. This is a privilege granted at the discretion of the supervisor. When an employee goes on rest break, the employee should not clock in or clock out since it is considered time worked. Breaks cannot be accumulated, used to cover late arrival to work, extended lunch hours, or be used for early departure from work.

Meal Periods

The University allows a one hour meal period each work day and should be taken between the hours of noon to 2:00 p.m. The immediate supervisor is responsible for scheduling the meal period and may permit exceptions based on business needs. The meal period is unpaid, does not count as hours worked and should not be used to shorten the work day.

6.0 Holiday Schedule

FAMU provides to full-time employees a maximum of eight hours of holiday leave with pay for the below observed holidays. Part-time employees are granted a prorated number of hours for a holiday based on their FTE (full-time equivalency). Additional holidays may be designated by the University President. Please refer to the applicable collective bargaining agreement regarding holiday pay for Law Enforcement Officers.

The employee must be in pay status (*working the day before or using leave*) for at least a portion of the workday prior to the holiday to be paid for holiday pay. Employees on approved leave with pay when a holiday is observed will not be required to use his/her personal leave to cover the absence.

If an employee is in leave without pay status the entire day before the holiday, they will not receive holiday pay. If any of these holidays fall on Saturday, the preceding Friday shall be observed as a holiday; furthermore, if the holiday falls on a Sunday, the following Monday shall be observed as a holiday. Holiday pay is paid at the employee's regular rate of pay.

Temporary employees are paid only for the hours of actual work and are not eligible for holiday pay. Professional, salaried Temporary, salaried Graduate Assistants/Associates covered by the collective bargaining agreement, and adjunct faculty who are working their regularly required work schedule are paid for holidays.

New Year's Day – January 1

Martin Luther King, Jr. Day – 3rd Monday in January

Memorial Day – last Monday in May

Juneteenth – June 19

Independence Day – July 4

Labor Day – 1st Monday in September

Veteran's Day – November 11

Day before Thanksgiving and Friday after Thanksgiving

Thanksgiving Day – 4th Thursday in November

Friday after Thanksgiving

Christmas Day – December 25

7.0 Personal Holiday (USPS Employees only)

USPS full-time and part-time employees are entitled to one personal holiday each fiscal year. For the purpose of determining eligibility for a personal holiday, an employee must have completed a probationary period without a break in service. The personal holiday is credited on July 1 of each year and must be used by June 30 of the following year. The personal holiday is requested in the same manner as other types of leave. The personal holiday must be used in full and cannot be split for use on multiple days.

8.0 Winter Break

The President, in consultation with the Vice President for Finance and Administration, may provide salaried employees with up to five (5) paid personal holidays during the weekdays between the Christmas and New Year’s holidays. Employees whose presence is deemed necessary to maintain basic operations during these days may earn compensatory leave on an hour for hour basis. Unlike other compensatory leave, there will be no cash out. Employees will be required to use the time before June 30 of the following year. If an employee is required to work during the winter break, please code hours worked as Winter Break Earned (WNTBE).

9.0 Annual Leave

Accrual

All full-time salaried employees except for 9-month and 10-month Faculty are eligible to accrue annual leave. Annual leave is earned each pay period and credited on the last day of that pay period. Leave accrued at the end of the pay period cannot be used prior to the first day of the following pay period. Please see below chart:

	Biweekly Hours	Year End Maximums
12-Month Faculty	6.769	352
A&P	6.769	352
Executive Service	9.195	480

USPS (Length of Service)		
	Biweekly Hours	Year End Maximums
Up to 5 years of FAMU service	4	240
5 to 10 years of FAMU service	5	240
Over 10 years of FAMU service	6	240

Prorating the Accrual of Annual Leave

When an employee is appointed for less than 1.00 FTE, annual leave accrual is prorated. Use the following calculation to determine the prorated accrual amount for less than full-time employment:

$$\frac{\text{HOURS WORKED}}{80} \times \text{ACCRUAL RATE} = \text{LEAVE ACCRUED}$$

Annual Leave Usage

Annual leave is typically used for vacations; however, it may be used for any other reason to cover an absence from work. All requests for annual leave should be submitted by the employee to their

immediate supervisor as far in advance as possible, with leave being taken only after the approval has been received. Regardless of the amount of annual leave originally approved by your supervisor, it should not cause a full-time employee to exceed forty (40) hours during the workweek and will not cause part-time employees to exceed their appointed hours for the workweek.

If an employee uses leave in an amount which is less than a full hour, the leave will be charged to the closet quarter of an hour. Consistent with management rights, upon reasonable notice, an employee can be required to use any part of his or her accrued annual leave at any time deemed advisable by the immediate supervisor or department head. The supervisor has the authority to deny as well as approve the use of annual leave. The use of paid leave shall not be authorized and taken before the time it is earned.

At the close of business on December 31 of each calendar year, an employee's annual leave balance in excess of the year end maximums will be transferred to sick leave on an hour-for-hour basis. An employee who uses leave for less than a full hour is charged leave to the closest quarter hour.

Payment for Unused Annual Leave

At the time of separation, annual leave payments are issued to USPS employees who have successfully completed a probationary period. All other employees must have at least six (6) months of continuous and creditable service. All payouts will be made at the employee's base rate of pay at the time of separation.

Annual leave will be paid out at the time the appointment of a faculty employee is changed from a twelve-month appointment to a nine-month appointment. All annual leave payouts will be paid approximately four (4) weeks after the employee's separation date.

Upon separation, USPS, 12-month Faculty, A&P and Executive Service employees are eligible to receive a lump-sum payment of unused annual leave not to exceed these amounts:

- USPS Employees: 240 hours (all hours in excess of 240 are forfeited); or
- A&P and 12 month Faculty: 352 hours (all hours in excess of 352 are forfeited); or
- Executive Service: 480 hours (all hours in excess of 480 are forfeited)

Each departments should conduct a leave audit prior to the employee's separation date. Any changes must be submitted to Time and Attendance in the Office of Human Resources. Time and Attendance is responsible for handling the exit interview process for separating employees, performing leave audits and collecting clearance forms. Please have the employee contact the Office of Human Resources to schedule an appointment to speak with a representative in Time and Attendance and Benefits.

Deferred Retirement Optional Program (DROP)

When an active employee enrolls in DROP, the employee may elect to be paid up to the year-end maximum for unused annual leave at the time he/she enters the program or he/she may defer payout until separation. All payouts will be made at the employee's base rate of pay at the time of separation. The payment of unused annual leave under this provision will not constitute a break in service. To initiate payment of annual leave when an employee enters DROP and elects to cash out annual leave hours, please contact a representative in Benefits within the Office of Human Resources.

- When the employee elects to receive the maximum year-end payment, any hours in excess of that year-end maximum are not forfeited and remain available for his/her use. The employee is not eligible for any further cash out of unused annual leave hours.
- When the employee elects to receive payment for unused annual leave hours and the total number of hours does not equal the year-end maximum for the employee's pay plan, any unused hours remaining are available for his/her use. The employee is eligible for additional cash out of unused annual leave upon separation from employment provided the two cash outs do not exceed the total hours authorized for the employee's pay plan.

Separation from the University

Upon separation, an employee must request in writing to retain accumulated annual leave for up to a maximum of one year, pending reemployment. If the employee is not reemployed within one year, unused annual leave held in abeyance shall be paid for in accordance to this operating procedure.

If the employee is reemployed within one year, annual leave credits shall be restored if the employee so request in writing and repays the full amount of any lump-sum payment received for accumulated annual leave credits.

Transfer of Annual Leave

If an employee separates from the University into a position outside of the State University System, annual leave is transferable as follows:

- Provided no more than thirty-one (31) days has elapsed between employments.
- The combined total of transferred annual leave may not exceed the year-end maximum.

10.0 UFF-GAU Leave Policy

In accordance with Article 10 of the FAMU/UFF-GAU agreement, each employee will be credited with five (5) days of paid leave per semester appointment. Such paid leave shall be used in increments of not less than one (1) day. For example, an employee scheduled to work six (6) hours on Monday and three (3) hours on Tuesday, who is unable to perform assigned duties on these days, would be charged with two (2) days of leave, regardless of FTE appointment, or number of work hours scheduled. The leave provided shall not be cumulative.

A graduate employee may use leave when:

- Disabled or otherwise unable to perform because of injury, illness, jury duty, required U.S. military service, or when unable to perform because the employee's presence is required elsewhere because of injury, illness, or death in the immediate family. Immediate family shall consist of mother, father, spouse, sister, brother, child, a person in a legal dependent relationship with the employee, or other relative living in the employee's household. The employee shall notify the supervisor of the inability to serve as soon as possible.
- Taking examinations for professional licensing related to the degree or qualifying examinations are required by the university.
- Traveling to conferences are other events for professional development.

11.0 Sick Leave

Accrual

Sick leave is accrued by all employees, except Temporary, and permits time off from work with pay primarily for personal and family medical reasons. Sick leave is earned each pay period and credited on the last day of that pay period. Sick leave may not be used prior to it being accrued and credited to the employee. There is no maximum number of hours of sick leave that may be accrued. Please see below chart:

	Monthly Accrual	Biweekly Accrual
Faculty	8.667	4
A&P	8.667	4
Executive Services	10.833	5
USPS	8.667	4

Prorating the Accrual of Sick Leave

The accrual of sick leave is prorated when the employee is appointed for less than 1.00 FTE. Use the following calculation to determine the prorated amount of accrual for less than full-time employment:

$$\text{HOURS WORKED} \times \text{ACCRUAL RATE} = \text{LEAVE ACCRUED}$$

80

Sick Leave Usage

Sick leave allows an employee to recover from personal illness, injury, or disability that prevents performance of usual duties. Sick leave is authorized for the following purposes:

- The employee's personal illness, injury, or exposure to a contagious disease that would endanger others.
- The employee's personal appointments with a doctor, dentist or other recognized practitioner.
- The illness, injury, or well-care checkups of the employee's spouse, children or parents of the employee or spouse, or a person for whom the employee or the spouse has caretaker responsibility.

The employee is responsible for making an effort to notify his/her supervisor, as soon as possible, before the start of the workday when he/she is unable to report to work due to his/her personal illness, injury, or the illness/injury of an immediate family member. The supervisor has the authority to approve or disapprove the use of sick leave. Sick leave may not be used prior to it being accrued and credited to the employee.

In emergencies, where leave cannot be requested and approved in advance, absences should be reported as soon as possible to the employee's supervisor or designee. Depending on the extent of the emergency, it is acceptable for a representative to notify the supervisor on behalf of the employee, with the employee contacting the supervisor as soon thereafter as possible.

If an employee becomes ill while on approved leave, supervisor has the discretion to allow an employee to use accrued sick leave to cover the period of illness. A supervisor may require an employee who earned any type of compensatory leave to first use such leave before using accrued sick leave.

A supervisor may require after three (3) full or partial days of absence for medical reasons (consecutive or non-consecutive days) in any 30 calendar day period, to provide a medical certification from a health care provider before any additional absence for medical reasons will be approved. Medical certification is required after ten (10) or more consecutive days of absence before any additional use of sick leave or leave without pay will be authorized. An employee that is on sick leave and knows their use of sick leave has exceeded these limits should obtain medical certification prior to returning to work.

Sick leave accrued prior to October 1, 1973 shall be used prior to any sick leave accrued after that date. Any sick leave used in an amount that is less than a full hour shall be charged with such leave to the closest quarter hour. When using sick leave, it will not cause a full-time employee to exceed forty (40) hours during the workweek and will not cause part-time employees to exceed their appointed hours for the workweek. If the reason for sick leave qualifies as a serious health condition under the Family and Medical Leave Act (FMLA), please contact the Office of Human Resources and request to speak with the FMLA Coordinator. Sick leave resulting in recurring absences that are not covered under the FMLA may be considered excessive in accordance with University guidelines.

Separating from the University

Upon separation from the University, an employee with ten (10) or more years of creditable State of Florida and/or University service may be paid for one-eighth of all unused sick leave accrued prior to October 1, 1973. In addition, one-fourth of all sick leaves shall be paid up to a lifetime maximum of 480 hours accrued after October 1, 1973, in accordance with Florida Statutes. Payment is made at the employee's base rate at the time of separation. Any sick leave not eligible for payout will be forfeited.

Upon re-employment by the University in a leave accruing position within 100 days, all unpaid sick leave shall be restored and any sick leave paid at the time of separation shall be restored upon repayment by the employee provided a written request has been received by Human Resources within 31 days of the effective date of re-employment.

If an employee with ten (10) or more years of creditable service is laid off, they shall be paid for all unused sick leave. Should the employee wish to retain all unused sick leave credits pending reemployment, they must provide written notification to the Office of Human Resources. For employees who have been 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.

Transfer of Sick Leave Hours

All unused sick leave accrued from a Florida governmental entity or University for which payment has not been received will be transferable provided no more than thirty-one (31) days has elapsed between employments or if reemployed by the University within 100 days.

An employee that resigns from a Florida governmental entity and employed in a University Support Personnel Systems (USPS) position within thirty-one calendar days may transfer up to 480 hours of unused sick leave. Accrued sick leave for Faculty and A&P is not permitted, unless a reciprocal agreement is in effect at the time of employment. If an individual separates from the University, they may transfer sick leave to another Florida governmental entity as follows:

12.0 University Sick Leave Pool

The University has established procedures to allow eligible employees to join and request to use sick leave available through the Sick Leave Pool.

Membership

Employees must meet the below requirements to be eligible for membership in the Sick Leave Pool:

- The employee must be employed in a full-time or part-time salaried (non-OPS) position with FAMU.
- The employee must be continuously employed for one year without a break in service with the state university system or agency of the State of Florida in a position that earns sick leave credits; and
- The employee must have an accumulated sick leave balance of sixty-four (64) hours, (proportionate for part-time employees) at the time of application and approval for membership in the pool or at the close of the open enrollment period.

Application for Membership

To apply for membership in the Sick Leave Pool, an employee must complete the FAMU Sick Leave Pool Application during the annual open enrollment or during the appropriate periods indicated below:

- The employee must apply within thirty (30) calendar days of completing one (1) year of continuous service with the University. If the employee fails to submit an application within this time period, they must wait until the next Sick Leave Pool open enrollment period to request membership.
- If an employee is transferring from another State of Florida agency or University, they may transfer from the exiting agency sick leave pool to the University Sick Leave Pool within thirty (30) calendar days of employment with the University. The employee must complete the FAMU Sick Leave Pool Application.
- If an employee is transferring from an agency in which the University has a reciprocal agreement for the transfer of sick leave pool hours, they will not be required to contribute eight (8) hours upon transferring membership into the University's pool.

Membership Terms and Conditions

Membership in the Sick Leave Pool is voluntary at all times by the employee. The employee has the option to withdraw from the pool at any time by written notice to the Sick Leave Pool Committee.

Maintenance of the Pool

Each full-time participating employee will donate eight (8) hours (proportionate for part-time employees) of sick leave to the Sick Leave Pool. Upon donation of 480, the pool will be activated for use by eligible participating employees. There will be no more than sixteen (16) hours of sick leave (proportionate amount for part-time employees) contribution during a twelve (12) month period by each full-time employee.

If a member's sick leave balance is insufficient to deduct eight (8) hours (proportionate for part-time employees) at the time the pool is depleted, the member will be required to contribute the total sick leave hours accumulated. In addition, the member must contribute the remainder as soon as additional sick leave credits have accrued. The member will not be allowed to use sick leave credits until the required number of hours have been contributed to the Sick Leave Pool.

All hours contributed to the Sick Leave Pool will be placed in a single account. Contributions for the benefit of a specific individual, position or illness will not be accepted.

When the total hours in the pool is 120 hours or less, the pool is deemed depleted. Upon depletion, the Sick Leave Pool Administrator must notify each pool member that additional hours of sick leave will be deducted from their sick leave accounts and deposited into the Sick Leave Pool.

13.0 Administrative Leave

For specific events, employees may be granted administrative leave to cover absences from work. With absences for these specific purposes, an employee is not required to use any type of accrued or earned leave to cover his/her absence, unless he/she is already on an approved leave of absence with or without pay when the event occurs. Temporary employees are not entitled to administrative leave. In no case the approval of administrative leave should cause an employee to be compensated for more than 40 hours during the workweek.

An employee must submit written request, with applicable supporting documentation, in order to be granted Administrative Leave. All supporting documentation must be kept in the department along with the leave request and maintained in the employee's leave file. Please see below events for which administrative leave must be granted:

Death of Family Members

The employee is required to submit appropriate documentation (obituary, funeral notice, etc.) as certification. Coverage cannot exceed two days and must be taken consecutively. Employee may use a reasonable amount of sick/annual leave at the discretion of the supervisor to cover any additional absence from work. Family member is defined as the spouse, grandparents, parents, stepparents, brothers, sisters, children and grandchildren of both the employee and the employee's spouse.

Jury Duty

A copy of the summons is required. Coverage is for all hours required, not to exceed the number of hours in the employee's regular workday. If jury duty does not require absence for the entire work day, the employee shall return to work immediately upon release by the court or make other arrangements with supervisor to use leave for remainder of the day.

Witness (excludes personal litigation or paid expert witness)

A copy of the subpoena is required. Coverage is for all hours required, not to exceed number of hours in the employee's regular workday.

Active or Inactive Duty for Military Training

A copy of the official orders is required. Coverage cannot exceed 240 work hours (30) days in any one Federal fiscal year (10/1 – 9/30); coverage may be continuous or intermittent.

Examinations for Military Service

Copy of the official notification is required. Coverage is for all hours required, not to exceed number of hours in the employee's regular workday.

National Guard State Service

A copy of the official orders are required. Any employee of the state, who is a member of the Florida National Guard is entitled to leave of absence from his/her respective duties, without loss of pay, time, or

efficiency rating, on all days during which the employee is engaged in active or inactive duty for a named event, declared disaster, or operation pursuant to s. 250.28 or s. 252.36. However, a leave of absence without loss of pay granted under this section may not exceed 30 days for each emergency or disaster, as established by the executive order. Whether continuous or intermittent, such leave with pay shall not exceed 240 hours in any one fiscal year.

Any absence in excess of 240 hours per fiscal year, upon request by the employee and approval by the appropriate supervisor, be covered by accrued compensatory, personal holiday or annual leave. If not requested by the employee or approved by the appropriate supervisor as compensatory, personal holiday or annual leave, such absence in excess of 240 hours shall be approved as leave without pay; however, such leave shall be without loss of time or efficiency rating. Report the appropriate military time reporting code(s) and/or accrued annual, personal holiday and compensatory leave, if applicable.

Natural Disaster/Emergency Closing

Administrative leave is authorized for the entire period the university is closed for employees not required to work. Those employees providing essential services will be granted special compensatory leave for hours worked during the closing. An employee who is on prior approved leave of absence will not have the leave of absence changed to administrative leave.

Official Delegation of U.S. Athletic Competition

Official delegate involves preparing for and engaging in competition as a group leader, coach, official, or athlete. Coverage cannot exceed 30 days in one calendar year.

Elections

Administrative leave may be granted up to one hour of leave with pay for the purpose of voting during normal working hours. An employee will not be granted administrative leave to work at the polls during elections.

Formal Investigation

- Employee under Investigation – an employee under investigation may be placed on administrative leave up to the length of the investigation.
- Between Notice of Adverse Action (Reduction in Pay, Suspension, and Dismissal) and Date of Action – An employee may be placed on administrative leave between the notice of a reduction in pay, suspension, or dismissal and the effective date of the action.
- Extraordinary Situations – An employee may be placed on administrative leave when the employee's presence in the workplace may result in damage to property, or injury to the employee or others.

Disaster Service Volunteers

If an employee is certified as disaster service volunteers for the American Red Cross, they may be granted a leave of absence. This absence will be leave with pay and must not exceed more than fifteen (15) working days in any twelve (12) month period. If granted leave under this provision, they will not be deemed an employee of the state for purposes of workers' compensation. Leave under this provision will be granted only for services related to a disaster occurring within the boundaries of the State of Florida.

14.0 Job Related Disability Leave

All full-time employees, excluding Temporary employees, who are unable to work due to a job-related injury/illness will be carried in full pay status for forty (40) hours without being required to use accrued leave if medical documentation is provided to support the absence. Job-related disability leave applies toward the employee's Family and Medical Leave Act (FMLA) entitlement.

If the employee is unable to resume work at the end of the forty-hour period, the employee may continue in full-pay status by using accrued annual, sick or compensatory leave in an amount necessary to achieve full- pay status. In no case must the employee's salary and Workers' Compensation benefits exceed the amount of the employee's regular salary payments. Once the employee has exhausted all earned leave, the employee will be placed on leave without pay status.

When an employee is off work due to a job-related injury or illness, the employee will continue to accrue annual and sick leave hours. Please contact the Office of Human Resources and request to speak with the Workers' Compensation Administrator for additional information.

Compulsory Disability Leave

When the supervisor and/or designated delegate believes an employee is unable to perform assigned duties due to illness, disability, or injury, he/she may require the employee to submit to a medical examination by a health care provider and will submit a report of the findings to the university. When one or more of the following occurs, consideration of a compulsory disability leave may be appropriate:

- Employee demonstrates behavior and/or performance that leads the supervisor to believe that the employee is unable to perform his/her duties;
- Employee is reluctant or refuses to seek medical attention and insists on remaining at work; and/or
- Employee refuses to provide requested medical documentation.

When the medical examination confirms that the employee is unable to perform his/her assigned duties, the employee may be placed on compulsory disability leave. When the employee's condition meets the definition of a disability under the Americans with Disabilities Act (ADA), ADA provisions are applied in determining what, if any, reasonable accommodations will be made. Please contact the Office of Human Resources for additional information regarding the process.

When a compulsory disability leave is not appropriate, the supervisor notifies the employee of the results of the medical assessment and addresses any performance and/or behavioral problems, as appropriate.

When a compulsory disability leave is appropriate and approved, the supervisor, Vice President, or designee:

- Places employee on a compulsory disability leave for a period determined by the medical assessment.
- Advises the employee they can use accrued paid leave during compulsory leave to continue the contributions to State benefits and other expenses.
- Advises employee in writing that the leave is mandatory, outlining the conditions under which he/she will be allowed to return to work, the effective date of the leave, the date he/she is expected to return to work, and a medical release to return to work.

- If the employee remains unable to perform at the end of an approved leave, the university, based on the current medical certification, can request the employee's resignation for reasons of inability to perform assigned duties, or dismiss the employee for cause based on inability to perform assigned duties.
- If the employee refuses to submit to the doctor's examination, the agency must decide based on the available information whether to request the employee's resignation for reasons of inability to perform assigned duties, or dismiss the employee for cause based on inability to perform assigned duties.

Applicability of FMLA

Compulsory disability leave applies toward the employee's Family and Medical Leave Act (FMLA) entitlement.

Confidentiality of Medical Information

All medical records are confidential, even if the employee leaves the university, and, therefore, should be maintained separately from other employee records with limited access.

15.0 Domestic Violence Leave and Sexual Violence Leave

The university will provide up to three days of leave from work in any twelve-month period for employees if the employee or a family or household member of the employee is the victim of domestic violence as defined in Section 741.28, Florida Statutes or is the victim of sexual violence as defined in Section 784.046, Florida Statutes. To be eligible for this type of leave, an employee must have three or more months of employment with FAMU.

Employees may take a full work day or any portion of a work day off. Taking any portion of a day off will be counted as one of the 3 days to which an employee is entitled for domestic violence leave or sexual violence leave. Family or household member for purposes of this policy is defined as:

- Spouses
- Former Spouses
- Persons related by blood or marriage
- Persons who are presently residing together as if a family, or who have resided together in the past as if a family
- Persons who are parents of a child in common regardless of whether they have been married

With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Leave for domestic violence or sexual violence is unpaid leave. However, if an employee has balance of annual, sick, personal holiday or compensatory leave, they may substitute accrued leave for leave without pay in order to maintain pay status.

Notification and Documentation – Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work should provide appropriate notice of the leave to their supervisor or appropriate authority along with sufficient documentation of the act of domestic or sexual violence in advance of the leave. When made aware of the need for this type of leave the supervisor or other appropriate administrator should contact HR Employee Relation for approval of this type of leave.

Acceptable documentation may take the form of copies of a restraining order(s) or other injunction documents, medical or mental health information demonstrating the provision of services (including victim services organizations), utilization of housing or legal assistance, and the like. Documentation will be reviewed and assessed on a case-by-case basis to ensure compliance with the leave's intent and administration.

Confidentiality, Coercion, and Retaliation – All documents related to the employee's leave are to be kept confidential to the extent permissible by law. Any documentation used in the request or substantiation of the leave must be forwarded to Employee Relations. No copies should be retained in the department.

Further, the university may not interfere with, restrain, or deny an attempt by an employee to exercise any rights provided under this leave entitlement. Similarly, the university may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his or her rights under this section.

Additional University Resources

- Resources for Living (RFL) is a service program designed to assist employees with personal, family, or workplace concerns including crisis intervention, psychological counseling, and information/referral services. Call (800) 272-7252 to make an appointment.

16.0 Active Military Duty Leave

All full-time employees who are ordered to active military service (not active duty training) are granted a leave of absence beginning with the date of induction. Upon learning that an employee is being recalled to active duty, it is critical that HR is notified immediately. A military leave impacts terms and conditions of employment and HR is available to assist departments and family members.

To be granted a military leave of absence, the employee must provide a copy of the military orders to their immediate supervisor and copy to HR. Temporary employees may be placed on a leave of absence only through the end date of their active appointment.

The first thirty (30) calendar days of a military leave for active duty are with full pay and do not affect the employee's annual and/or sick leave balance(s). The remainder of the leave of absence is without pay, unless the employee elects to use accrued annual, personal holiday, and/or compensatory leave (subject to the conditions as other employees on leave without pay and consistent with The Uniformed Services Employment and Reemployment Rights Act (USERRA) to cover financial obligations. Temporary employees are not eligible for paid leave.

For information regarding how the leave of absence may affect tenure status, the Provost Office should be contacted. Employees should contact the Benefits department in HR for information regarding the continuation or cancellation of benefits plans. Payroll Operations should be contacted for information regarding continuation of pay.

Approval of Leave

USERRA provides protection and rights of reinstatement to employees who participate in the National Guard and Reserve. All fulltime employees must be approved a military leave of absence for up to five (5) years of cumulative service for active military service. Temporary employees may be placed on a leave of absence through the end date of the active appointment.

Power of Attorney

When an employee is ordered to active military duty, he/she should notify his/her supervisor of the name, address, and phone number of his/her power of attorney. A power of attorney has the authority to assist with employment matters and benefit options.

Notification to Sponsored Research

When the employee who is ordered to active military duty is paid from Contracts and Grants (C&G) in direct support of a grant, the employee's department should advise Sponsored Research by providing that office with a copy of the military orders, the formal written leave request to his/her supervisor, how many hours of accrued and earned leave the employee will use after the first 30 calendar days of military leave. This is necessary to determine the financial impact on the grant. Insofar as possible, employees paid from C&G will receive the same military leave benefit as those employees paid from other sources.

Continuation or Cancellation of Benefit Plans

The employee or power of attorney must elect the benefit plans that should continue during the leave. The Benefits department should be consulted at the beginning of the military leave to discuss the continuation or cancellation of benefit plans. The employee's designee should maintain contact with the Benefit's department during the military leave in the event circumstances change and updates to coverage must be made.

Payroll Operations may be consulted for assistance with certifying pay each pay period if the employee elects to use accrued annual, personal holiday and/or compensatory leave, to ensure premiums are deducted from pay and/or for paying monthly premiums via the USF payroll website.

During the first 30 calendar days of the military leave, the employee remains in full pay status and premiums and other deductions continue to be deducted from the employee's paychecks, allowing insurances and other benefits to continue to be in force.

Following the first 30 calendar days, the employee may remain in a pay status by using accrued annual, personal holiday and/or compensatory leave intermittently each pay period to cover financial obligations, or be placed on a leave without pay. The employee or the employee's designee should consider the employee's leave balances prior to requesting the number of leave hours to be paid each pay period and the benefit plans being continued during the military leave. If the employee or designee elects to continue one or several benefits plans, the premiums may either be deducted from the employee's biweekly pay through the use of accrued annual leave or compensatory leave, or may be paid by submitting payment online by contacting their Benefits Representative for instructions.

Leave Provisions

An employee, who is called to active duty, voluntarily or involuntarily, must immediately notify their immediate supervisor. If the employee was orally called to active duty prior to receiving official written orders, he/she should arrange with family, friend, or power of attorney, to send a copy of the orders to the supervisor upon receipt. A copy of the order should be maintained in the employee's leave file.

The first 30 calendar days of the military leave of absence are with full pay with no reduction to accrued leave or compensatory leave. After the 30 calendar day period the employee may use accrued annual, personal holiday and or compensatory leave to remain in a pay status and will continue to accrue annual and/or sick leave proportionate to the number of hours in pay status.

All unused leave is retained for the employee upon return to employment. For staff employees called to active duty who has an annual leave balance in excess of 240 hours on December 31 of each year, the excess hours are converted to the employee's sick leave accounts. For Faculty and Administration employees called to active duty who have an annual leave balance in excess of 352 hours on December 31 of each year, the excess hours are converted to the employees' sick leave account.

Members of the Sick Leave Pool may not request to use hours from the pool while on military leave. While on military leave, though, an employee may make a contribution to the Sick Leave Pool to replenish hours when notified this is a condition of continued membership in the pool.

Return to Reemployment

Upon the employee's return from the military leave, the employing department must notify HR of the return date. The employee should contact the Benefits department to discuss reenrollment opportunities into benefit plans and to ensure the period of leave is properly credited to the employee's retirement account.

17.0 Parental Leave

Florida A&M University offers up to a maximum of six months of leave for the father or mother who become biological or adoptive parents. Upon written request, an employee may be granted a parental leave of absence to begin no earlier than two weeks prior to the birth or placement of the child. Approval of the leave of absence is delegated to the department level, provided notification is forwarded to HR.

When an employee meets Family and Medical Leave Act (FMLA) eligibility criteria, the first 12 weeks of the employee's FAMU Parental Leave will be designated as FMLA leave, tracked concurrently and counted toward the employee's FMLA leave entitlement.

If the employee does not meet the FMLA criteria there is no requirement on the amount of time of employment or number of hours worked. All Faculty, Administration, Staff and Temporary employees are eligible.

During an approved Parental Leave employees may use accrued leave (sick, annual, compensatory leaves or the personal holiday) when available in order to maintain continuity of pay and benefits. If an employee exhaust the accrued leave, if eligible, additional leave may be available through the Sick Leave Pool (SLP) if proper medical documentation is submitted verifying eligibility. The employee may use SLP hours for the birth of their child after delivery for 6-8 weeks (depending upon medical certification).

Faculty Paid Parental Leave

Faculty employees may be granted parental leave not to exceed six months for the father or mother who become biological or adoptive parents. Foster care is not covered under parental leave but is provided through the Family Medical and Leave Act. If a faculty member plans to use a combination of accrued leave and leave without pay, such request should include the specific periods for each type of leave requested. Use of accrued leave during an approved period of leave without pay shall be in accordance with UFF Collective Bargaining Agreement Section 17.11.

The period of parental leave will begin no more than two weeks before the expected birth or placement of the child. When an employee meets Family and Medical Leave Act (FMLA) eligibility criteria, the first 12 weeks of the employee's FAMU Parental Leave will be designated as FMLA leave, tracked concurrently and counted toward the employee's FMLA leave entitlement.

At the end of the approved parental leave and at the faculty member's request, the President or designee may 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 best interests of the university.

Any illness caused or contributed as a result of the pregnancy will be treated as a temporary disability and the faculty member will be allowed to use accrued sick leave when such temporary disability is certified by a health care provider.

Upon agreement between the faculty member and the university, intermittent FMLA leave or a reduced work schedule may be approved for the birth or placement of child in accordance with UFF Collective Bargaining Agreement Section 17.6.

Health Benefits

While on a parental leave of absence, the university will continue to pay the university's contributions for the health and life insurance premiums elected at the time of the leave. Once accrued leave balances are exhausted, in order to continue coverage, the employee will be responsible for payment of the employee portion of the insurance premiums. For further benefits information contact HR Benefits department.

18.0 Professional Development Leave

Sabbaticals

Sabbaticals are awarded to full-time tenured faculty employees. Eligible faculty employees must have at least six years of full-time service at FAMU. Employees receiving compensation through a contract or grant may be placed on a professional development leave. However, the contract or grant must allow for such leaves and employees must meet all eligibility requirements. The requirements for Sabbaticals are outlined in the Collective Bargaining Agreement.

Faculty Professional Development

Professional Development Leave is granted to full-time faculty members with 3 or more years of full-time service at FAMU. Employees receiving compensation through a contract or grant may be placed on a professional development leave. However, the contract or grant must allow for such leaves and employees must meet all eligibility requirements. The requirements for Sabbaticals are outlined in the Collective Bargaining Agreement.

Administrative Professional Development Leave

Professional Development Leave is granted to A&P employees with six or more years of full-time service at FAMU. The purpose of this leave is to increase the employee's value to the university through enhanced opportunities for professional renewal, educational travel, study, formal education, research, writing, exchange programs, or other experience of professional value to the university and the employee. An employee that requests a leave of absence for the purpose of furthering his/her education is not considered to be on educational leave with pay, but on a personal leave of absence.

Leave Provisions

During the period of professional leave with pay, the university will continue to contribute to the employee's retirement and insurance programs. All other benefits will continue during the period of approved professional leave, including the accrual of annual and sick leave proportionate to the employee's appointment prior to the approval of the leave.

19.0 Violations

Violations of these procedures will subject employees to discipline, up to, and including discharge from employment with Florida Agricultural and Mechanical University.