

FSU-4.0015 Attendance and Leave, Hours of Work Requirements.

- (1) The President or designee shall have the authority to determine the use of administrative or other leave for official closings or needs of the University as deemed appropriate.
- (2) Faculty, A&P, ~~AEX~~, and USPS employees are eligible for paid and unpaid leave and holidays. If determined to be eligible under the FMLA, OPS employees are eligible for unpaid leave.
- (3) Each employee is expected to work the number of hours in the employee's established workweek unless on approved leave.
- (4) The minimum workweek is 40 hours for full-time employees. Holiday pay and paid leave are not considered overtime and are paid at the employee's regular pay rate. Approved leave will be adjusted to ensure an employee's workweek does not exceed 40 hours.
- (5) Compensatory leave shall consist of the following types and ~~such unused leave shall be~~ will be earned, transferred or paid ~~as follows~~ in accordance with the Florida State University Attendance and Leave Policy. See (-4-OP-C-7-E Attendance and Leave Policy):

(a) Overtime compensatory leave is provided ~~in lieu~~ instead of payment for overtime for non-exempt USPS-employees at the rate of one-~~and~~-one-half times the total hours worked beyond 40 in a workweek.

~~1. Unless accrued as overtime compensatory leave, overtime shall be paid no later than the end of the following pay period.~~

~~2. Employees will be paid for a part or all accrued overtime compensatory leave at any time, with approval of the Chief Human Resources Officer or designee. If the employee separates from the University, the employee shall be paid for all unused overtime compensatory leave at the employee's regular rate of pay.~~

~~3. If an employee changes positions at the University, unused overtime compensatory leave may be transferred unless the USPS employee's non-exempt designation changes to exempt and such leave shall be paid at the employee's regular rate of pay.~~

(b) Straight-time compensatory leave is provided to USPS employees as follows:

1. Straight-time compensatory leave is provided to a USPS exempt employee for work beyond 40 hours in a workweek on an hour-for-hour basis. Extra hours worked beyond 40 hours shall be paid on an hour-for-hour basis no later than the end of the following pay period unless accrued as straight-time compensatory

leave.

~~4.2. Straight-time cCompensatory leave is provided on an hour-for-hour basis to compensate nonexempt employees for working more than their scheduled hours during holiday weeks or when certain administrative leaves are taken.~~

~~2. Compensatory leave is provided on an hour for hour basis to compensate an employee for a University holiday when the employee worked more hours than required during the workweek in which the holiday occurred, not to exceed a combined total of 40 hours worked.~~

~~3. Compensatory leave is provided on an hour for hour basis to compensate an employee for administrative leave for jury duty when the employee worked more hours than required during the workweek in which the jury duty occurred.~~

~~4. Compensatory leave is provided on an hour for hour basis to compensate an employee for a University Wide Emergency Closure when the employee worked more hours than required during the workweek in which the University Closure occurred.~~

~~5. Employees will be paid for a part or all accrued compensatory leave at any time, with approval of the Chief Human Resources Officer or designee. If the employee separates from the University, the employee shall be paid for all unused compensatory leave at the employee's regular rate of pay.~~

~~6.3. Straight-time ceompensatory leave is provided to exempt A&P and /AEX exempt employees when the employee physically worked on a holiday and worked more hours than required in the workweek with a maximum of eight 8 hours.~~

(6) An employee shall be paid proportionately for all holidays designated for University employees up to a maximum of ~~eight~~ (8) hours per holiday day.

(7) 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.

(8) During approved unpaid leave, an employee may use accrued leave to continue the contributions to benefits and other expenses.

~~(9)~~—Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of an approved leave period. While on paid leave, an employee may not be employed elsewhere unless the requirements for outside activity have been met.

(9)

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

Hours Accrued Each Pay Period	
	Biweekly
A&P	4
<u>AEX</u>	<u>5</u>
Faculty	4
USPS	4

(a) Sick leave shall be accrued before use. 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.

(b) Sick leave is authorized for the following purposes:

1. The employee's personal illness, injury, exposure to contagious disease, a condition~~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 immediate family (spouse, grandparents, parents, brothers, sisters, children and grandchildren of both the employee and the employee's spouse).

(c) Notice of absence due to illness, injury, condition~~disability~~, or exposure to a contagious disease, shall be given on the first day of absence, except in the case of an extreme emergency.

(d) An individual who resigns from a State of Florida governmental entity and is thereafter employed by the University may transfer up to 240 hours of accrued unused and unpaid sick leave with department approval.

(e) Upon separation from a leave accruing appointment with the University, salaried employees with 10 or more years of combined State of Florida service may be paid 1) for one-eighth of all unused sick leave accrued prior to October 1, 1973, and 2) for one-fourth of unused sick leave up to a life-time maximum of 480 hours accrued after October 1, 1973. Upon reemployment by the University within 100 days of separation or upon recall by the University within one year after layoff, all unpaid sick leave shall be restored and any sick

leave paid at time of separation shall be restored upon repayment. Faculty hired after May 6, 2011 shall not be paid for any unused sick leave. A&P, ~~AEX~~, and USPS employees hired after October 1, 2015 with less than 10 years of Florida State University Service shall not be paid for any unused sick leave. If an employee separates from University employment due to disability retirement, the employee shall not receive a payout of sick leave.

~~(11)~~ Annual leave for full-time employees shall be as follows with proportionate accrual for less than full-time. Academic year faculty employees (9-month) and Developmental Research School faculty_

~~(12)~~(11) _____ employees (10-month) shall not accrue annual leave.

	Biweekly	Year End Maximums	Lifetime Payout
Faculty	6.769	352	352
A&P	6.769	352	352
AEX Executive Service	9.195	480	480
USPS (Months of FSU Service)			
0 – 6	4	240	0
7 – 60	4	240	240
61 to 120	5	240	240
Over 120	6	240	240

(a) Annual leave shall be accrued prior to use unless annual leave is advanced by the Chief Human Resources Officer or designee.

(b) Employees may accrue annual leave in excess of the year-end maximum during a calendar year. Employees with accrued annual leave in excess of the year-end maximum as of the last pay period of the calendar year, shall have any excess converted to post October 1, 1973 sick leave on an hour-for-hour basis.

(c) An individual who resigns from a State of Florida governmental entity and is thereafter employed by the University may transfer up to 80 hours of accrued, unused, and unpaid annual leave with department approval.

(d) An employee who separates from employment with the University shall be paid for all unused annual leave hours up to the lifetime maximum payout allowed for the pay plan. Upon reemployment by the University within 100 days or upon recall by the University

within one year after layoff, all unpaid annual leave may be restored and any annual leave paid at time of separation shall be restored upon repayment. Upon entering into the Deferred Retirement Optional Program (DROP), employees may elect to be paid up to the lifetime maximum payout of their unused annual leave.

(e) Upon transfer from an annual leave-accruing position to a non-leave accruing position, the employee shall be paid up to the lifetime maximum for unused annual leave, unless the employee elects to retain all unused annual leave, for up to two years from separation date. Leave may not be used while an employee is appointed in a non-leave accruing position.

~~(13)~~(12) _____ Compulsory leave provisions shall be consistent with the following:

(a) Medical certification by an approved health care provider will 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 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.

~~(14)~~(13) _____ Employees may be provided with up to ~~twelve~~ 12 workweeks of Family and Medical Leave within a 12 month rolling calendar year measured backward 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). As amended by Section 585 of the National Defense Authorization Act (Public Law 110-181), employees may be provided with up to ~~twenty-six~~ (26) workweeks of FMLA. 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. Faculty, A&P, ~~AEX~~, and USPS employees may use paid leave for an FMLA event coinciding with their FMLA entitlement.

~~(15)~~(14) _____ 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 no sooner than two weeks ~~prior to~~before the expected date of the child's arrival or upon the child's arrival unless otherwise approved by the Chief Human Resources Officer or designee.

~~(16)~~(15) Employees are provided paid administrative leave as follows, which shall not cause the full-time employee to exceed 40 hours during the workweek. Administrative leave is not accrued.

(a) Administrative leave shall be provided to an employee summoned or voluntarily produced by the University as a witness in a matter ~~not~~ involving or related to the University ~~personal interests~~. Administrative leave shall not be provided to an employee serving as an expert witness. Witness pay shall be retained by the employee.

(b) Administrative leave for athletic competition in Olympic events shall be provided in accordance with Section 110.118, F.S.

(c) Administrative leave up to two days shall be provided to an employee upon the death of an immediate family member (spouse, grandparents, parents, brothers, sisters, children and grandchildren of both the employee and the employee's spouse).

(d) With the approval of the University President or designee, administrative leave shall be provided for Florida Disaster Volunteers called to duty in accordance with Section 110.120, F.S.

(e) With the approval of the University President or designee, up to two days of administrative leave will be granted for civil disorder or disaster for an employee who is a member of a volunteer emergency response team called to duty.

(f) With the approval of the Chief Human Resources Officer or designee and the employee's supervisor, up to two hours of administrative leave will be granted for voting in public elections.

(g) With the approval of the Chief Human Resources Officer or designee, an employee under investigation will be placed on administrative leave up to the length of the investigation when in the best interest of the University.

(h) The Chief Human Resources Officer or designee may place an employee on administrative leave between the notice of reduction in pay, suspension, or dismissal and the effective date of such action.

(i) The Chief Human Resources Officer or designee will place an employee on

administrative leave when the employee's presence in the workplace may reasonably be suspected of resulting in damage to property or injury to the employee or others.

(j) An employee who has been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a service-connected disability and has been scheduled by the United States Department of Veteran Affairs to be reexamined- or treated for the disability shall be granted administrative leave in accordance with Section 110.119, F.S.

~~(17)~~(16) _____ In the specific circumstances below, 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 for official emergency closing of University facilities. Only employees who are regularly scheduled to work on the day(s) of the emergency closing shall be provided administrative leave.

~~(18)~~(17) _____ Military leave and reemployment rights shall be provided to Faculty, A&P, ~~AEX~~, and USPS employees consistent with Federal and State of Florida laws.

~~(19)~~(18) _____ Workers' ~~Compensation~~ 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 and procedures.

(e) At the end of the leave period if an employee is unable to return from leave to work full-time and perform the duties of the position, the Chief Human Resources Officer or designee may place the employee on unpaid leave or extend the leave status, request the employee's resignation, or terminate the employee from employment, ~~consistent with the provisions of subsection FSU 4.0015(11)~~

~~(20)~~(19) Each full-time USPS employee is entitled to one ~~eight (8)~~8 hour personal holiday each year with proportionate accrual for less than full-time. Such personal holiday shall be credited to eligible employees on July 1 of each year to be taken by June 30 of the following year. An employee hired after July 1 will receive the personal holiday upon hire. If the personal holiday is not used by June 30, it will be forfeited. A&P and AEX employees ~~are exempt under s.110.205(2)(d) and~~ are not eligible for this benefit. Personal holidays may not be transferred to or from the University. Unused personal holidays may not be paid out upon separation from the University.

~~(21)~~(20) Leave without pay (LWOP) may be used as necessary on a limited basis. Extended use of LWOP for four to eight consecutive weeks may be subject to evaluation and approval by the Chief Human Resources Officer. Leave without pay lasting for eight weeks or more will require approval of the Chief Human Resources Officer.

Specific Authority BOG Regulation 1.001(3)(j), ~~1.001(5)(a)~~——History-New 4-16-03,
Amended 11-20-09, 6-26-2015