USF Absence Guide

Employee & Line Manager Guide



UNIVERSITY of SOUTH FLORIDA
CENTRAL HUMAN RESOURCES
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Hours of Work

Fair Labor Standards Act (FLSA) provisions on Absence

The FLSA governs but is not limited to setting a minimum hourly wage, establishing a minimum age to work, identifying compensable hours, and defining overtime and overtime compensation. These apply to USF. There are a number of sites on the web that provide information about the FLSA. Some of those are listed at the end of this section. This section of the USF Central Human Resources (CHR) procedures covers hours of work and pertains to non-exempt Staff, non-exempt Administration, and hourly Temporary employees. For non-exempt Staff and employees, when the total hours worked exceed 40 in a workweek, those employees are eligible for compensation in the form of compensatory time or overtime pay. Hourly Temporary employees are not eligible for compensatory time but are eligible for overtime pay when their actual work hours exceed 40 in a workweek. At times, there are misunderstandings about what the FLSA does or does not require. As a summary, the FLSA does not require:

- vacation, holiday, severance, or sick pay;
- meal or rest periods, holidays off, or vacations;
- premium pay for weekend or holiday work;
- pay raises or fringe benefits; and
- a discharge notice, reason for discharge, or immediate payment of final wages to terminated employees.

When we think of work, we normally think of being engaged in some type of activity that as an end result accomplishes something, completes a task, etc. The activity or principal activity referred to by the FLSA may be physical, mental and/or both. We often times think only of the activities involved with the execution of the specific duties and responsibilities and work hours that have been outlined on our job descriptions as work time. However, there are some activities that may be counted as compensable hours worked for non-exempt employees outside of the normal duties and responsibilities. Some of those situations and examples are:

Breaks and Meal Period - The FLSA does not require an employer to provide time for breaks and meal periods.

- *Breaks* - It is important to remember that breaks are not mandatory. It is a privilege, not a right. At the university, non-exempt Staff, non-exempt Administration and Hourly Temporary employees may be permitted one 15 minute mid-morning break and one 15 minute mid-afternoon break. Breaks cannot be accumulated, cover for late arrival to work, extended lunch hours, or be used for early departure from work. The time spent on authorized breaks must be counted as hours worked. Any exceptions to the above must be approved through CHR.
- *Meal Periods* - Even though the FLSA does not require employers to provide meal periods, it does stipulate that if one does exist, at least 30 minutes or more constitute a bona fide meal period. Meal periods are not counted as work time. Normally, employees remove themselves from the work location and are therefore not performing any duties. However, when an employee remains at the work location and while eating performs any job-related duties, other than incidental ones (such as answering a question), the time must be counted as hours worked. At USF, a line manager may adjust an employee's work schedule to prevent an overtime situation when an employee works during a meal period.

Suffered or Permitted Work Hours - Although there are some standard times or peak periods when overtime might be required, normally the need to work overtime is for emergency situations only. Overtime must be requested and approved prior to working the additional hours.

Work not requested but suffered or permitted is still considered hours worked. This may occur when an employee begins to work prior to the beginning of the assigned shift, during the lunch hours, or continues to work at the end of the assigned shift without approval. When the line manager has knowledge of or has reason to believe that the employee is working additional hours that have not been requested and approved, the hours must be counted as

hours worked.

Travel - Official Travel during an employee's normal working hours, whether on regular workdays or regular days off, shall be counted as hours worked. Time spent traveling outside of the employee's normal working hours is not considered work time as defined by the FLSA. Please consult the USF Absence Administrator in CHR if there are any questions about which hours must be counted as work time during travel.

Waiting to Work - An employee who has been working required overtime (notification from the line manager had been on a day-to-day basis) is in a compensable waiting period if at the end of their regular scheduled shift, he/she has not been notified if overtime is required for that day and he/she must "wait" for that determination. Even though he/she is not performing any duties, he/she doesn't know if overtime will be required for that day and has not been released to go home. The waiting time is considered hours of work and those hours are compensable and reported as work hours on the time card for that day.

Medical Attention - Time spent by an employee waiting for and receiving medical attention for a work- related injury or illness during the employee's normal scheduled shift constitutes hours worked. Therefore, such time is compensable as hours worked for overtime purposes.

Work Hours

Regular Hours of Operation - the University's regular hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday. Generally, university offices and units are to be sufficiently staffed to provide full services during the hours of operation, except when the university is closed. Because certain university services are available to clients outside the regular hours of operation, this schedule may vary depending on the nature of the job and when services must be provided. For example, some offices are open earlier or later one or more days per week. Others 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 - For full-time Staff and Temporary employees, 40 hours constitutes a workweek. Friday through Thursday is the workweek and corresponds to our bi-weekly pay period schedule. Under certain conditions, a line manager may approve a non-standard workweek.

Administration and Faculty, employees are expected to work the number of hours necessary to accomplish their assigned responsibilities, and their work hours may exceed 40 in a workweek. Accrued leave should not be used for an absence of less than 4 hours. For absences of four hours or more, leave should be used in four (4) and eight (8) hour increments only. (For example: if the employee is to be absent for 6 hours, 4 hours of leave should be requested).

Exceptions will apply to intermittent FMLA and employees working on grants. Additionally, employees with an approved outside activity in eDisclose whose mitigation requires them to take annual leave would only need to take annual leave for the hours stipulated in the approval for the outside activity stated in eDisclose.

Non-Exempt Staff and Non-exempt Administration employees are required to use leave on an hourly basis.

Temporary Hours - Hourly Temporary employees receive payment for actual hours worked and are not eligible for any paid holidays. Salaried Temporary employees (adjunct, professional, post docs, phased retirees, and graduate assistants/associates) are paid a bi-weekly amount to complete a project or assignment and may be paid if so certified.

Time cards - The University requires all non-exempt employees (with the exception of salaried temporary employees) to fill out a time card each day they work. This includes employees who telecommute. The FLSA requires that every covered employer keep records of hours worked for every non-exempt worker.
Total daily hours should be entered to the nearest ¼ hour, round 7 minutes down, 8 minutes up.

Flextime - Flextime is a privilege. When requested by an employee, the line manager may approve a daily work schedule that differs from that generally used by the work unit. Approval may be on an incidental basis or a permanent basis and may be rescinded if the variation in work schedule is detrimental to the operation of the work unit or hinders the providing of services. The approval should be in writing and the position description updated in Oracle HR to reflect the revised hours of work. A line manager may elect to rotate flextime privileges among staff.

Other Situations that May Be Considered Work Hours:

On-Call - Situations are generally not considered hours of work. However, when 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.
Required Training - The hours spent in "class time" for training, workshops, seminars, classes, or courses that the employer requires are considered work hours.

Emergency Closing - When the university is closed, all or in part, due to a natural disaster or an unplanned sudden emergency occurrence, only those employees who perform essential services are permitted to be on campus. This may include University Police or other employees designated as essential personnel for the purpose of the emergency. Vice Presidents, Deans, and Directors or their designees of a college, division or department will identify those personnel that are deemed essential personnel. Employees who are able and permitted to work remotely will continue to do so during an emergency closing. The time spent performing job duties during an emergency closing are considered hours worked.

Special compensatory leave is provided to Staff and non-exempt Administration employees who are required to perform essential duties before, during, or after an emergency closing or a declared University emergency, as determined by the Chief Administrative Officer or designee, regardless of whether those hours are worked during or outside their normal work schedule.

Salaried Temporary employees will receive their regular pay. Hourly Temporary employees will not receive paid leave time during an emergency closing, but if the workload permits it, a line manager may adjust an employee's schedule during the affected pay period to allow the employee to work additional hours in the work week.

Employees who are on a previously-approved leave of absence that began prior to the administrative closure day, shall not have the leave of absence changed for such administrative closure time. However, if an employee has not started their leave prior to the announcement of the closure, the employee can cancel their leave request for the day(s) the university is closed. Administrative leave for closures shall not apply during a leave of absence (i.e.: Sick leave, Annual Leave, Medical Leave of Absence, FMLA, Parental Leave, Leave without Pay, etc.). University-wide exceptions to this may be approved by the SVP, Chief Administration Officer and Chief Human Resources Officer based upon business needs. Employees that are not required to work during an emergency closing are granted administrative leave in an amount equal to their appointed FTE or in an amount necessary to bring them up to their normal hours for the workweek.

Faculty, exempt-Administration and Executive Service employees, if required to work, do not receive special compensatory leave for any hours worked during the closing.

When an emergency closing occurs, updated information will be posted to the USF Home page to address specific information relating to the current closing.

Other Situations - There may be other activities under the aforementioned situations that may actually be considered as "work hours," and are therefore compensable. Some of the activities will have to be evaluated on

a case-by-case basis. Remember that in determining work hours, all aspects of the situation must be reviewed and approved by the line manager.

Non-Standard Workweek

When it is in the best interest of the University, employee(s), or both, a Dean or Director may approve a request for a permanent non-standard work week for one or more employees. This approval authority may not be delegated lower than the dean/director level. A request for a non-standard workweek may be made by an employee, a group of employees, or a line manager.

The approval of a non-standard workweek should not disrupt the university's or the organizational unit's regular hours of operations or hinder the university's ability to carry out its mission or services.
Requesting and Approving a Non-Standard Workweek for Employees - An employee, group of employees, or a line manager may request a non-standard workweek by submitting a written request through appropriate management channels to the Dean or Director. In the request, include the following information:

- Employee's name, position number, and class title (or position number and class title, if position is vacant);
- The schedule of the days and hours that constitute the workweek for the employee (this is necessary to determine overtime, holiday time and pay, when applicable);
- When required by the Dean/Director:
    - justification for the request;
    - an explanation of how adequate coverage during normal hours of operation will be maintained; and
    - a description of the contingency plan to be implemented in the event of unexpected absences.

Participation on Committees, Task Forces, and Elected Bodies

Encouragement to Serve - USF recognizes the need and desire of Staff and Administration employees with permanent status to participate as elected officers of the Staff Senate or Administrative Advisory Council, and to encourage participation in university-wide standing councils and committees, search committees, grievance committees, task forces, teams, workgroups, and the like.

The time involved in performing these activities will be considered as "time worked" as long as it does not interfere with the accomplishment of the work, objectives or mission of the work unit.

Considerations - In making a decision to serve in this capacity, the staff member will consider the following:

- Will the staff member be able to meet the time and work commitment for university governance? It involves a time commitment for attending and preparing for meetings and performing work for the committee outside of the committee meetings. Some committee service time may be required outside of the regular work hours depending on mission of the committee.

- Will the staff member's already full workload be negatively impacted by committee service? Staff employees will not be entitled to compensatory time or overtime payments resulting from committee service. However, all time of service during regularly assigned work hours shall be considered time worked. The only exceptions to the above are members of grievance and search committee; they shall be entitled to receive overtime pay, as applicable. Administration employees are expected to work the hours necessary to complete their job assignments and are not entitled to compensatory time or overtime because of their exempt status under the FLSA.

Prior Approval Required - Prior to agreeing to serve on a committee, the staff member will obtain approval from his/her line manager to serve.
The line manager will not unreasonably deny permission for such service. Service may be denied in some situations. The situations listed below are not intended to be all-inclusive but are examples.

- the staff member's performance has been documented as substandard or marginal (below satisfactory or achieves)
- the staff member has had disciplinary action within the last 12 calendar months
- the staff member has difficulty in setting and following priorities or managing time
- the staff member could not reasonably meet the expectations of the committee service considering workload or assigned projects

A line manager may limit the number of committees on which a staff member is permitted to serve at any one time.
Advise Line manager of Committee Meeting Schedules - It is the responsibility of the staff member, if elected or appointed, to inform the immediate line manager of the schedule of meetings in advance so that reasonable accommodations and shifts in work assignments can be made when practicable.

In the event emergencies or peak workload periods occur at a time(s) meetings are scheduled, it is reasonable to assume that the staff member will take this into consideration and place the responsibilities of the job and work unit ahead of those of the appointment or office held, i.e., not attend the meeting. The line manager has the continuing authority and responsibility to determine staffing requirements and may refuse to allow the staff member time to attend a scheduled meeting. All university procedures for service as elected or appointed officers and appointments to standing committees, task forces, senates, and councils shall apply.

Guidance for Line Managers

Absences With and Without Pay

Approved absences result in an employee either being unpaid or full-paid status on one or more pay periods. An employee is required to exhaust all accrued leave prior to being placed on leave of absence without pay except when otherwise required by a specific leave provision (i.e. Administrative Leave, Military Leave). Employees who have exhausted all their leave are to contact benefits at benefits@usf.edu for assistance. Time entries must be approved each pay period to ensure that employees are paid properly each pay period.

Remember:

- When an employee is in an unpaid status the workday prior to a paid holiday and the day following the paid holiday, he/she will not receive payment for the holiday. An employee will not accrue annual and/or sick leave while in unpaid status.
- An employee is not eligible to receive any type of salary increase while in unpaid status.

Leave Considerations

Initial Request for Leave of Absence for 12 Months or Less - When an employee requests an extended leave of absence not otherwise addressed in this procedure, it may be granted at the discretion of the line manager and/or higher-level line managers for a period not to exceed 12 consecutive months. After the employee's request is received by the line manager, he/she will consult with higher-level line managers, as appropriate, and approve or disapprove all or a portion of the leave requested after taking into consideration factors which may include the following:

- The reason for the request for leave and whether it is justified;
- The length of the leave requested;
- The impact of the leave on the employee's organizational unit and the university;

- Past practice of the employee's organizational unit in granting a leave of absence;
- The employee's length of service with the university and his/her performance record;
- Previous leaves of absence with and without pay requested.

Once the request has been completed, submit all documentation in Oracle HR via Document of Records.

Request for Leave of Absence/Extension in Excess of 12 Months - Under exceptional circumstances, an employee may request and be granted an initial leave of absence or extension of a leave of absence in excess of 12 consecutive months. Such leave must be approved at the dean/director level or above. Some situations that may warrant such an approval include:

- An illness or injury which is not terminal or permanent and from which the employee is expected to return to work within a specified period of time, as certified by his/her attending physician;
- Attainment of an undergraduate, graduate, or post-graduate degree within a specified period of time which will benefit the University;
- A personal or family hardship which is expected to be resolved within a specified period of time;
- Any activity which will directly benefit the University for a sustained period of time, and/or
- Any other personal or professional reason, as deemed appropriate.

USF Absence Guidelines

Overview

The University of South Florida recognizes its employees have a wide range of personal and family obligations. Some of these circumstances can be complex and, at times, difficult, potentially impacting the employee's ability to be present and productive when at work. However, it is vital that the University and its employees strive to meet their individual responsibilities regarding attendance and use of absence benefits.

Timely and regular attendance is a condition of employment at the University of South Florida. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards throughout the organization, employees will be held accountable for adhering to their established workplace schedule.

Associated Documents:

USF Regulation 10.203 Benefits and Hours of Work (Staff)
USF Regulation 10.104 Benefits and Hours of Work (Faculty)
Americans with Disabilities Act ("ADA")
Family Medical Leave Act ("FMLA")

Procedures

Employees are expected to:	Line Managers are expected to:

• Communicate honestly and openly.
• Share responsibility for outcomes.
• Make reasonable judgments in their efforts to be at work, maintain regular attendance, and be engaged while at work.
• Actively communicate in a timely manner with their line managers about their attendance and need to request absence.
• Be responsible in balancing work obligations and impact upon co-workers and internal/external customers with personal considerations in scheduling absence.
• Use absence benefits in the manner for which they are intended.
	• Communicate honestly and openly.
	• Share responsibility for outcomes.
	• Establish and communicate to all employees the procedures, timeframes for notification, and consequences when an employee will be late or unable to report to work.
	• Evaluate the relevant circumstances of each employee's situation.
	• Monitor their employees' attendance on a regular basis and address unsatisfactory attendance in a timely and consistent manner.
	• Management discretion should be exercised equitably and fairly, considering:
	  ○ Type, frequency, and pattern of absences from work
	  ○ Extenuating circumstances, i.e. hospitalization, catastrophic event, bereavement, etc.
	  ○ Precedent of how other similar situations were addressed
	  ○ Flagrant violation

Absence from Work

Pre-Planned Absence

Any time planned by the employee to be away from his/her regularly scheduled hours of work must be approved, at least 24 hours in advance, by the manager/line manager and must be done in compliance with any departmental policies regarding scheduled time off.

Notification- If for any reason the employee is unable to report to work or is going to be late for duty, it is the employee's responsibility to notify his/her line manager through the appropriate department notification procedure. This is necessary so that arrangements for coverage can be made. Notification should be at least two (2) hours in advance of scheduled start time; however, individual departments may set a different minimum standard for notification. The notification requirement applies to each day of absence unless the line manager approves an extended absence.

Employees are expected to inform the line manager if an absence is due to a medical condition covered by the Family and Medical Leave Act ("FMLA").

An employee who fails to report to work and does not call to report the absence is considered to have an unreported absence, more commonly known as a No Call/No Show; this is the most serious absence offense. The first day of a No Call/No Show will result in a Written Reprimand. Failure to notify the line manager for three (3) consecutive days will be considered job abandonment.

Department Requirements - Departments need to assess their business needs and to develop Absence Procedures and standards which can be fairly and consistently applied. For example, the Department may determine four (4) occurrences in a three (3) month period is excessive and will lead to disciplinary action.

Departments are required to review their proposed procedure with their respective Central Human Resources HR Business Partner. Once approved, Departments will communicate the procedure to all existing employees as well as to all new hires.

Excluded Absences - Absences that are generally not counted as occurrences include:

- Approved absences under the FMLA
- Pre-approved absences – including sick, vacation, jury duty, military leave, and administrative leave for bereavement
- Absences approved in conjunction with a reported work-related injury

Definitions

Americans with Disabilities Act ("ADA")	Federal law through which employees may have approved absences from work based upon reasonable accommodations granted pursuant to the Act. For additional information, contact HR-ADA-Request@usf.edu.
Available for Work	Employee reports to assigned work area ready for work on time as scheduled.
Chronic Absenteeism	Occurs when there is a repeated or regular pattern of absenteeism. For example, this may include such situations as calling in sick or being tardy primarily on Mondays or Fridays or before or after holidays, and major events.
Excessive Absenteeism	Occurs when the staff member has missed work or is late to work to the extent that it: (a) Exceeds the standards set by the department and/or (b) Results in or contributes to the employee's failure to perform his/her duties in a satisfactory manner Shows a pattern of repeated occurrence of absence from work in relation to a significant date. For example, the day after a pay day, holiday, Fridays, Mondays, absences when scheduled for weekend work, scheduled day off, etc.
Family and Medical Leave Act ("FMLA")	Federal law that provides job-protected leave to eligible employees. For additional information, contact FMLA@usf.edu.
Job Abandonment	An employee who fails to report to work for three (3) consecutive days without notification is considered to have abandoned his/her position. For additional information, contact employee-relations@usf.edu.
Leaving Early	Leaving work with less than scheduled hours worked When, because of illness or emergency, the employee decides to leave his/her work area after reporting for a shift, the employee must notify his/her line manager; this will be considered an attendance occurrence. If an employee is sent home due to illness (non-FMLA approved reason), the time away from work will also be considered an attendance occurrence. Under no circumstances can breaks be added to extend meal times or to leave a scheduled shift

Medical Note	After three (3) full or partial days of absence for medical reasons (consecutive or non-consecutive days) in any 30 calendar day period, a line manager may require the employee to provide a medical certification from a licensed health care provider before any additional absence for medical reasons will be approved. **NOTE**: Unless covered by an approved FMLA request, this statement from a health care provider does not excuse the absence.
Notification	Employees are expected to follow departmental notification procedures if they: • Will be late for work • Will not be at work or • Are requesting time away from work The employee must contact personally, unless a bona fide emergency and is unable to call. For example, the department may require: • The employee speak directly to a member of the management team OR • A voice mail message is acceptable OR • A text message is acceptable • Notice must be provided at least two (2) hours before the start of the scheduled shift At the time of notification/call, the employee must notify his/her line manager when an absence is due to a documented/approved leave of absence – such as Military Leave or FMLA – to ensure appropriate tracking of leave utilization and absenteeism.
Occurrence of Absence	An Occurrence is defined as: • One unscheduled and/or unapproved absence from work • Absences of two (2) or more consecutive days (i.e., illness) will be considered one (1) occurrence. • If an employee is absent one (1) day, returns for one (1) day or more, and is absent again, this would count as two (2) occurrences. • One (1) episode of tardiness 60 minutes or greater • One (1) episode of leaving early 60 minutes or greater • Two (2) episodes of tardiness and/or leaving early less than 60 minutes • Two (2) episodes of forgetting to clock in/out in one pay period. • Any absence related to the untimely renewal of licensure required by the employee's position. Any combination of the above occurrences may be counted together to determine the appropriate disciplinary action step.
Pattern	Shows a pattern of repeated occurrences of absence from work in relation to a significant date. For example, the day before or after a pay day, holiday, scheduled day off, Fridays, Mondays, absences when scheduled for weekend work, etc.
Scheduled Absence	An employee has arranged with his/her line manager at least 24 hours in advance and has received approval. Employees are **not** subject to disciplinary action for approved, scheduled absences,

	FMLA or ADA-approved absences.
Tardy	Arrival at the assigned work area after the scheduled start time or arrival at the work area at the scheduled time but not ready for duty, i.e., not in proper uniform, eating breakfast, etc. This includes late arrivals from breaks or meals.
Unscheduled Absence	Missing work for one (1) or more scheduled days without receiving prior approval Not being present to perform work, e.g., employee has reported to work but cannot be found and/or is not responding to calls/pages/texts Not being available and/or not responding while "on call"

Holiday Pay

Holiday Hours/Pay

All full-time employees in established positions are granted a maximum of twelve hours of holiday leave with pay for an observed holiday (based on the number of hours the employee is normally scheduled to work on that day).

Part-time employees are granted a prorated number of hours for a holiday based on their FTE (full-time equivalency).

Use the following calculation to determine the prorated number of holiday hours granted to a part-time employee:

% of FTE appointed x 8 hrs. = prorated number of holiday hours

When the holiday falls on the employee's regular work day and the number of authorized hours of holiday time is fewer than the number of hours in the employee's work day, the employee should use accrued or provided leave to make up the difference. For example, an employee appointed at .50 FTE who works four 5-hour days is entitled to a maximum of four hours of holiday pay. The remaining one hour should be covered by the employee's use of accrued or provided leave.

An employee who is on approved leave with pay when a holiday is observed will not be required to use his/her personal leave to cover the absence.

An employee who is granted a leave of absence without pay and is in non-pay status for the day before and the day after a holiday, is not eligible to receive payment for the holiday or any other holiday observed while the employee is on leave.

Temporary employees are paid only for the hours of actual work and are not eligible for paid holidays. 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.

The University Holiday Schedule may not apply to all employees based on their assigned duties (for example, individuals in USF Health with clinical assignments that may be performed on days USF administrative offices are closed); please refer to the established business practices of your department for additional details on your department's leave and holiday schedule.

Holiday/Separation- Staff and Administration Employees only

An employee's separation date shall not be on a university holiday.

To be paid for a holiday, an employee who has notified the University of an intent to separate from USF employment cannot extend the date of separation from employment by taking leave leading into or following a holiday (including any designated University winter break).

The employee must meet the following requirements:

1. Must be in paid status (by either working or using authorized leave) the day before a holiday and the day after a holiday; and

2. Must actively work on their last scheduled day of work, if that date immediately follows the holiday, (i.e., extenuating circumstances may be reviewed by CHR/HR Branches on a case-by-case basis.)

Observance of Religious Holy Days

The University reasonably accommodates the religious observances, practices, and beliefs of employees with regard to attendance and scheduling of work.

Employees wishing to observe a holy day of their religious faith on a date they are scheduled to work should request leave according to department policy and/or university procedure. Line managers shall not unreasonably deny employees leave to observe a religious holy day as long as the leave is requested and approved according to department policy and/or university procedure.

Employees may request the use of accrued annual, compensatory, or personal holiday leave, or leave without pay, as appropriate and applicable.

Faculty who wish to observe a religious holy day should arrange for other Faculty to conduct their class or may reschedule the class. Annual leave earning faculty (12-month) should also request a day of annual leave.

Line managers shall not arbitrarily penalize employees who are on approved absence from work because of religious observance. An employee who believes that university policy or practice does not accommodate his/her religious observance may file a grievance.

Personal Holiday (Staff Employees only)

Regular full-time and part-time Staff employees are entitled to one personal holiday each calendar year. For the purpose of determining eligibility for a personal holiday, a regular employee is one who has completed a probationary period without a break in service. A personal holiday is credited to eligible employees on January 1 each year, or on the date the employee completes his/her probationary period in any Staff class. A personal holiday is requested in the same manner as other types of leave and must be taken in the same day (cannot be taken in hourly increments) by the employee on or before the close of business on December 31 each year, or it is forfeited.

Leave of Absences

Annual Leave

Eligibility - Employees, except for 9-month Faculty, Hospital Physicians (Hospitalist) and Postdoctoral Scholars (Post docs) are eligible to earn annual leave hours on a biweekly basis.

Paid Time Off (PTO) Hours for Post docs and Hospitalist Employees - are eligible to earn PTO hours according to their pay plan:

- Post docs - receive sixteen (16) days of paid time off (PTO) per calendar year.
- Hospitalists - hired on or after August 1, 2016 with an FTE of 1.0 are eligible to receive a maximum of 120 hours paid time off (PTO) per calendar year. Hospitalists appointed at less than 1.0 FTE will receive a prorated allocation.

Although appointed as Temporary employees, Phased Retirees, Graduate Assistants/Associates and Post docs, earn annual, personal leave or PTO for the terms during which they are appointed. No other Temporary employees appointed to established positions are eligible for annual, personal leave or PTO.

Accrual/Earning on Regular Hours for 12-Month Faculty, Administration and Staff Employees - all eligible full-time employees appointed to established positions accrue or earn the following hours of annual leave according to their pay plan:

- Administration and 12 month Faculty: 6.769 hours biweekly
- Administration Executive Service: 9.195 hours biweekly
- Staff:
  Up to 5 years of USF service – 4 hours biweekly
  5 to 10 years of USF service – 5 hours biweekly
  Over 10 years of USF service – 6 hours biweekly

Leave accrued is credited at the end of the pay period or the last day an employee is on the payroll, due to separation prior to the end of the pay period. Leave accrued at the end of the pay period cannot be used prior to the first day of the following pay period.

Annual leave balances are rounded to two decimal places for Staff, 12-month Faculty, Administration, and Executive Services employees.

***Overtime and Shift Differential are not calculated for accruals.

Prorating the Accrual of Annual Leave - The accrual of annual leave is prorated when the employee is appointed for less than 1.00 FTE, or appointed 1.00 FTE, but is paid for less than 80 hours for a full pay period. To calculate leave proration, divide the number of hours in pay status for the pay period by the number of hours in a full pay period for full-time employment, then multiply this quotient by the normal leave accrual rate for full-time employment during a pay period.

Length of Service Annual Leave Accrual Rate Increase (Staff only):

Continuous and Creditable Service - Staff employees who have continuous service (in a regular, established position) with USF are eligible to accrue annual leave at a higher rate.
Oracle HR will automatically begin accruing at the higher rate at the end of the pay period when the employee meets the 5 or 10-year increment.

Staff employees, who have continuous service (in a regular, established position) with USF, are eligible to accrue annual leave at a higher rate. Staff employees who have worked at USF, left the University and returned are entitled to use their previous USF accrued time to determine eligibility at the higher rate. Previous service at another State university or State agency cannot be combined with USF service for a higher leave accrual rate effective October 5, 2003.

Payment for Unused Annual Leave - an employee will be paid for unused accrued annual leave up to the allowable maximum upon transfer from an annual leave-accruing position to a non-annual leave- accruing position.

A faculty member will be paid for unused annual leave up to the allowable maximum upon transfer from an annual leave-accruing position to a non-annual leave-accruing position, unless he or she elects to retain accrued leave balances upon such transfer for up to a maximum of two years, after which the eligible unused leave will be paid.

The rate of payment for this eligible unused leave will be at the rate of pay in effect at the time of leaving the leave-accruing position and will be paid by the department in which the faculty was employed before accepting the non-leave accruing position. The provision does not apply to a faculty member leaving an established position to accept a Temporary appointment.

Use of Annual Leave - Normally, the use of annual leave is to provide periodic vacation; however, it may be used for any other reason to cover an employee's absence from work. A Non-Exempt Staff and a Non-Exempt Administrative employee who uses leave for less than a full hour is charged leave to the closest quarter hour, except when the leave being used is to coordinate with Workers' Compensation benefit payments, as specified in the Workers' Compensation procedure.

The use of annual leave must be requested and approved in advance, except in an emergency. Consistent with management rights, upon reasonable notice, an employee shall be required to use any part of his or her accrued annual leave at any time deemed advisable by the immediate line manager or unit head based on the effective functioning of the unit, the efficient use of available personnel, and budget. The line manager has the authority to disapprove as well as approve the use of annual leave. Leave may not be used prior to being accrued and credited to the employee, except when approval is granted in accordance with the provisions in advancing annual leave.

Advancing Annual Leave - Authority to approve the advancement of annual leave is delegated to the University President or designee.

Under normal circumstances, the authorization to use annual leave prior to being accrued by and credited to an employee is prohibited. However, situations may arise which warrant that annual leave be authorized to meet the business needs of the USF. All accrued annual, compensatory leave and personal holiday must be exhausted.

A situation that may warrant approval of advanced annual leave may include a University mandatory closing. In the event of a mandatory closing, the Chief Human Resources Officer will provide instructions and guidelines. Advanced annual leave cannot be approved for an illness, injury or personal time off. If granted advanced annual leave, an employee may not be granted approval to use additional annual leave for any reason until a positive annual leave balance is attained. If the employee leaves the University before a positive balance is attained, the value of the remaining hours are deducted from the employee's last paycheck.

The use of the advanced annual leave is tracked and maintained in the employee’s leave file. The Absence Administrator will reduce the leave balance in Oracle HR.

Maximum Accruals - The maximum accrual rate for eligible employees are as follows:

- Staff: 240 hours
- Administration or 12-month Faculty: 352 hours
- Executive Service: 480 hours

Employees may accrue more than the maximum accrual rate for annual leave during a calendar year. However, at the close of business on December 31 of each year, the balance will be converted to sick leave on an hour-for-hour basis on January 1 of each year.

When an employee is off work due to a work-related injury or illness, (s)he will continue to accrue annual and sick leave hours at the rate accrued prior to the incident, whether or not the wage loss payments are supplemented by the use of accrued leave.

Post-Doctoral Fellows (Post Docs) - Postdoctoral fellows receive sixteen (16) days of paid time off (PTO) per calendar year. PTO may be used for vacation, sick or personal time off at the discretion of the employee with line manager approval. PTO may be used in four (4) and eight (8) hour increments only. PTO is not carried over from year to year and therefore; any unused PTO at the end of the calendar year will be forfeited. Unused PTO time will not be paid out at the time of separation from employment.

Hospitalists (Hospital Physicians, Nurse Practitioner, Physician Assistant) – Job Codes 9177, 9785 and 9786 - Salaried Hospitalists hired on or after August 1, 2016 with an FTE of 1.0 are eligible to receive a maximum of 120 hours paid time off (PTO) per calendar year. Hospitalists appointed at less than 1.0 FTE will receive a prorated allocation.

PTO may be used for vacation, sick or personal time off with line manager approval. Hospitalists are paid holidays. All PTO is requested, approved and tracked within Oracle HR. The normal workweek for each full-time employee shall be forty (40) hours. The University may establish an alternative work schedule that shall not exceed eighty (80) hours in a fourteen (14) day work cycle. PTO hours cannot be carried over from year to year, all unused PTO at the end of the calendar year is forfeited and PTO is not paid out upon separation.

A current employee appointed on a leave-accruing position moving to a Hospitalist appointment will be paid for unused annual/sick leave (if eligible) up to the allowable maximum upon transfer. No accrued leave will be converted to PTO hours at the time of transfer. The rate of payment for this eligible unused leave will be at the rate of pay in effect at the time of leaving the leave-accruing position and will be paid by the department in which the employee was employed before accepting the non-leave accruing position.

An employee that is currently appointed on a Hospitalist appointment and transfers to a leave accruing position will not be allowed to transfer unused PTO hours. Any unused PTO hours will be forfeited. The following chart specifies the number of PTO hours to be credited in your first year of appointment dependent upon the month in which your appointment begins. Every year after, your PTO bank will automatically be credited with, 120, 96 or 60 hours (whichever is applicable) in January to use throughout the calendar year.

Schedule of PTO Hours
(Hired on or after August 1, 2016)

Start In:	PTO Bank 1.0 FTE	PTO Bank .80 FTE	PTO Bank .50 FTE
January	120	96	60
February	110	88	55
March	100	80	50
April	90	72	45
May	80	64	40
June	70	56	35
July	60	48	30
August	50	40	25
September	40	32	20

October	30	24	15
November	20	16	10
December	10	8	5

Graduate Assistants/Associates:
General Leave Policy- in accordance with Article 10 of the USF/GAU-UFF agreement, each employee shall be credited with five (5) days of PTO paid leave per semester appointment. Such PTO 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 for any of the reasons described below, 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. Note: The maximum number of leave days credited to the employee for Summer Semester (A, B, and C terms combined) is five days.

An 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 so 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 line manager of the inability to serve as soon as possible.
- Taking examinations for professional licensing related to the degree or qualifying examinations as required by the University.
- Traveling to conferences or other events for professional development.

Phased Retirees - All Phased Retirees who were formerly appointed to a 12-month contract whose assignment during the period of reemployment is the same or similar to that during the 12-month appointment are to be credited with 40 hours of leave with pay at the beginning of each full-time semester appointment for personal reasons unrelated to disability. For less than full-time semester appointments, the retiree will be credited with a pro-rated amount. Such leave may be used in increments of not less than four hours. If the leave is not used during the reemployment period, it is forfeited and cannot be carried forward to the next reemployment period. Any annual leave balance remaining at the end of the five-year PRP contract is forfeited.

Sick Leave

Accrual - Sick leave is accrued by all employees, except Temporary, and permits time off from work with pay primarily, although not exclusively, for personal and family medical reasons. There is no maximum number of hours of sick leave that may be accrued. Sick leave balances are rounded to two decimal places for all employees.

Full-time Administration, Faculty, and Staff employees accrue sick leave at the rate of 4 hours biweekly. Full-time Executive Service employees accrue sick leave at the rate of 5 hours biweekly.

Prorating the Accrual of Sick Leave - the accrual of sick leave is prorated when the employee is appointed for less than 1.00 FTE, or appointed 1.00 FTE but is paid for less than 80 hours for a full pay period.
To calculate leave proration, divide the number of hours in pay status for the pay period by the number of hours in a full pay period for full-time employment, then multiply this quotient by the normal leave accrual rate for full-time employment during a pay period.

Except in situations where an employee has sustained an on-the-job injury and is being paid less than the number of hours in a full pay period, the leave accrual must be prorated based on the number of hours in pay status.

Examples of Prorating Accruals - The following is an example of prorating leave when an employee is paid less than 80 hours for a full pay period:

> *Example*- the employee is paid 64 hours for the pay period and normally accrues 4 hours of leave as an employee: 64/80 = 0.80 x 4.0 = 3.20 hours accrued

Phased Retirees - All Phased Retirees will be credited with 40 hours of sick leave at the beginning of each full-time semester appointment or a pro-rated number of hours based on the FTE if less than full-time. It is to be used on increments of not less than 4.0 hours when the participant is unable to perform assigned duties as a result of an illness or injury to the participant or the participant's immediate family. Any sick leave not used during the reemployment period carries forward to the following reemployment period. Any sick leave balance remaining at the end of the five-year PRP contract is forfeited.

Requesting and Approving Sick Leave - The use of sick leave must be requested and approved in advance, except in an emergency. The line manager has the authority to approve or disapprove sick leave requests. Leave may not be used prior to it being accrued and credited to the employee.

Therefore, sick leave may not be used during the pay period in which it is accrued.

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

An employee who becomes ill while on approved annual leave should be allowed to use accrued sick leave to cover the period of illness. Deans/Directors should make this determination. All employees are required to submit a medical certification for the illness. This will help ensure employees within the same college/division are treated in a fair and consistent manner. Employees who are provided with any type of compensatory leave are required to first use such leave before using accrued sick leave.

A line manager 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.

Leave that is used for less than a full hour is charged to the closest quarter hour, except when it is being used to coordinate use of sick leave pool hours and workers' compensation

Purposes for Sick Leave - Sick leave may be used by applicable employees for the following reasons:

- FMLA Entitlement - for a serious health condition that makes the employee unable to perform his/her job even with reasonable accommodations (including on-the-job injury); or to care for the employee's child following birth or placement for adoption or foster care; to care for the employee's spouse**, child, or parent when that family member experiences a serious health condition; to care for a family member or next of kin relative injured or ill as a result of serving as an active duty service member; to attend to qualifying exigencies related to an immediate family member being on active duty.
- Employee's illness/injury not covered under the FMLA entitlement.

- Illness/injury of a family member not covered under the FMLA entitlement. Family member is defined as the spouse**, domestic partner*, grandparents, parents, stepparents, brothers, sisters, children, and grandchildren of both the employee and the spouse**.
- Employee's medical appointments and medical appointments of family members not covered under the FMLA entitlement.
- Parental leave beyond the 12-week FMLA entitlement but not to exceed six months.
- Pregnant Worker Fairness Act (PWFA) for employee's known limitations related to pregnancy, childbirth, or related medical condition(s).
- Extended medical leave beyond the 12-week FMLA entitlement (includes compulsory disability leave).
- All employees are eligible to receive up to 4 days of Administrative Leave, if approved by the line manager, for the death of an immediate family member. Additional sick days must be requested and approved by the line manager.

**As defined in USF's Domestic Partner Health Insurance Stipend Program: an individual who shares a committed, mutually dependent relationship with a USF System employee.*
***A husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.*

Administrative Leave

Eligibility - For specific events, Administration, Executive Service, Faculty, and Staff 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 provided 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 will the approval of administrative leave cause an employee to be compensated for more than 40 hours during the workweek. Depending upon the event, administrative leave is required to be granted; may be approved by a VP, Dean, Director, or a Designee at his/her discretion; or must be requested from and approved by CHR. In the absence of BOT regulations and university practices and procedures governing discretionary approval, deans/directors should ensure that any established internal practice for their organizational unit is applied to all employees in a fair and consistent manner.

Events for Which Administrative Leave Must be Granted - An employee must submit a Journey in Oracle HR, with applicable supporting documentation, in order to be granted Administrative Leave:

- *Death of Family Members* - The employee is required to submit appropriate documentation (obituary, funeral notice, etc.) as certification. Coverage cannot exceed four days; employee may then use a reasonable amount of sick leave at the discretion of the line manager to cover any additional absence from work. Family member is defined as the legally married spouse**, domestic partner*, grandparents, parents, stepparents, brothers, sisters, children (miscarriage), and grandchildren of both the employee and the legally married spouse**.

***As defined in USF's Domestic Partner Health Insurance Stipend Program: an individual who shares a committed, mutually dependent relationship with a USF System employee.*
***A legally married spouse as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.*

- *Legal Matters*:
  - Summoned For Jury Duty **-** A copy of the summons is required to provide to your manager prior to jury duty. After jury service, the courthouse will provide an affidavit that will need to be uploaded in Oracle HR. Coverage is for all hours served, not to exceed the number of hours in the employee's regular workday once approved. If jury duty does not require absence for

the entire day, the employee shall return to work immediately upon release by the court or make other arrangements with line manager to use leave for the remainder of day.
    - Subpoenaed As 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.
- *Military Situations:*
    - Active Or Inactive Duty For Military Training **-** A copy of the official orders is required. Coverage cannot exceed 240 working hours (30 days) in any one Federal fiscal year (10/1 - 9/30); coverage may be continuous or intermittent.
    - Disabled Veterans Reexamination/Treatment - A copy of the written confirmation of the scheduled appointment(s) is required from the Department of Veterans Affairs. An employee who has been rated by the United States Department of Veterans Affairs to have incurred a military-service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability shall be granted administrative leave for such reexamination or treatment without loss of pay or benefits. Coverage is for all hours required, not to exceed number of hours in the employee's regular workday and not to exceed six days in one calendar year.
    - 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 state 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 executive order.

Events for Which Administrative Leave May be Granted (Line manager's Discretion) - The following are events for which administrative leave may be approved at a VP, Dean, Director, or Designee's discretion, upon written request of an employee, and the support documentation required, if applicable**.** All support documentation must be kept in the department along with the leave request and maintained in the employee's leave file:

- *Voting in a Public Election* - Voting in public elections (up to two hours when the employee lives at such a distance that he/she cannot vote during the hours the polls are open or when the employee's regularly scheduled hours are equal to or exceed the hours that the polls are open).
- *Civil Disorder/Disaster* **-** Assisting with civil disorder/disaster involves performing duties resulting from civil disturbances, riots, and natural disasters, if the employee is a member of a volunteer fire department, police auxiliary or reserve, civil defense unit, other law enforcement organization, civil air patrol, or coast guard auxiliary. Coverage cannot exceed two days on any one occasion.
- *Florida Disaster Volunteer Leave* **-** Duties as a volunteer involve functioning as a certified disaster service volunteer of the American Red Cross upon the request of the American Red Cross. Coverage cannot exceed 15 working days in any fiscal year.

Events for Which Administrative Leave Must be Requested from CHR - The following are events for which Administrative Leave must be requested from CHR. A request must be submitted by the VP, Dean, Director, or Designee to the Chief Human Resources Officer or Designee, along with appropriate documentation supporting the request. No action may be taken to place an employee on administrative leave for these events until approval has been received from the Chief Human Resources Officer or Designee:

- *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, 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. The period of administrative leave is at the discretion of the Chief Human Resources Officer or Designee.

Compulsory Disability Leave

President's Representative - For the purpose of this procedure, the President's representatives are as follows:

- For all Administration and Staff: Chief Human Resources Officer or designee
- For all Faculty, other than those in USF Health VP area: Provost or designee
- For Faculty in USF Health VP area: Vice President for USF Health or designee

Circumstances for Compulsory Disability Leave - When the President or his/her representative believes that 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 who is chosen and paid by the university, or is chosen and paid by the employee but is acceptable to the university, 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 line manager 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.

Results of the Medical Examination - 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. Contact hr-ada-accommodations@usf.edu.

When a compulsory disability leave is not appropriate, the line manager 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 line manager or VP or designee:

- Places employee on a compulsory disability leave for a period determined by the medical assessment, not to exceed six months.
- 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.
-

Failure to Maintain Required Licensure or Certification - If the employee becomes unqualified for the position (e.g., loses required licensure or certification), the university is not obligated to retain him/her. If the employee

fails to meet the terms and conditions of the compulsory disability leave (i.e., does not satisfactorily complete a program of rehabilitation or treatment), the university is not obligated to retain him/her.

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.

Determining Pay and Leave Status - While on a medical leave of absence without pay, the university continues to pay the employer's portion of the employee's elected health and life insurance premiums within a 12-month period. The employee, or his/her department on his/her behalf, is required to contact the Benefits Department in CHR for information about continuing benefits.

Taking Action at the End of Compulsory Disability Leave Period - If, prior to the end or at the end of the leave period, the physician releases the employee to return to work to perform the essential functions of his/her position, the President's representative will return the employee to the same or an equivalent position.
If, based on the physician's current medical assessment, the employee is unable to be released to perform the essential functions of his/her position, depending on the employee's prognosis and the applicability of ADA provisions, the line manager or President's representative will do one of the following:

- Request that the employee return to work by a specific date and, when applicable to comply with provisions of the ADA, to identify what, if any, reasonable accommodation he/she needs to perform the essential functions of the position; or
- Offer part-time employment; or
- Approve an extension of the period of compulsory disability leave, not to exceed an additional six months; or
- Place the employee on non-compulsory leave without pay or extend such status upon written request by the employee (the total leave of absence period may not exceed 12 months); or
- Request the employee's resignation, which may include regular or disability retirement, under the provisions of the Florida Retirement System, if applicable; or
- Dismiss the employee for cause, based on inability to perform assigned duties.

Domestic Violence Leave

Pursuant with Florida statutes, 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.

Domestic violence is defined as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. This leave entitlement took effect on July 1, 2007, and as of July 1, 2008, the law was amended to include sexual violence.

For an employee on a 1.0 FTE appointment, working 40 hours per week, the maximum leave entitlement under this procedure is 24 hours. For employees with less than 1.0 FTE appointment, the leave entitlement under this procedure will be prorated. To be eligible, an employee must have three months of USF employment.
Employees must use accrued leave (annual and/or sick leave), compensatory or personal holiday to remain in a paid status. If, however, an employee does not have sufficient accrued leave, the time allowed under this procedure will be approved without pay.

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 along with sufficient documentation of the act of domestic violence in advance of the leave.

If in a situation potentially meeting the requirements of Domestic Violence Leave, the employee should contact the line manager as soon as possible. When made aware of the need for this type of leave the line manager or other appropriate administrator should contact CHR Employee Relations (ER) 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 ER. 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:

- The Advocacy Program assists any member of the USF community who has experienced violence, abuse or trauma. Professionally certified victim services practitioners provide free and confidential services to the USF community as needed, even if the offense occurred off-campus. The Advocacy Program offers a Victim Helpline at (813) 974-5757.
- The Employee Assistance Program (EAP) 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) 327-8705 to make an appointment.

Job Related Disability Leave

All Staff, Faculty, Administration and Phased Retirees, excluding Temporary employees, who are unable to work due to a job-related injury/illness may be eligible to be approved for the use of up to 40 hours of paid disability leave if medical documentation is provided to support the absence. An employee may be approved to use job-related disability leave to cover absences during normal work hours to receive medical treatment from an authorized medical practitioner and during periods of disability as certified by an authorized physician. Job-related disability leave applies toward the employee's Family and Medical Leave Act (FMLA) entitlement.

When an employee is off work due to a work-related injury or illness, (s)he will continue to accrue annual and sick leave hours at the rate accrued prior to the incident, whether or not the wage loss payments are supplemented by the use of accrued leave.

Refer to Workers' Compensation for additional information.

Active Military Duty Leave

Questions about leave for military training, veterans' reexamination, examinations for military service and National Guard state service are answered in the section, Administrative Leave.

Overview - Faculty, Administration, and Staff 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 CHR is immediately notified. A military leave impacts terms and conditions of employment and staff and the CHR are available to assist departments and family members.

To be granted a military leave of absence, the employee must submit a journey through Oracle HR and include provided a copy of the military orders. A copy of these orders should be attached by the Line Manager or HRBP when submitting an Assignment Change to update the payroll status to LOA – Payroll Eligible. Temporary employees may be placed on a leave of absence only through the end date of their active appointment.

For Faculty, Administration, and Staff employees, the first 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 same 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 Dean's Office or the Provost's Office should be contacted.

Employees should contact the Benefits department in CHR for information regarding the continuation or cancellation of benefits plans.

Contact the Oracle Time and Labor (OTL) team for information regarding continuation of pay and premium deductions.

Approval of Absence- USERRA provides protection and rights of reinstatement to employees who participate in the National Guard and Reserve. Faculty, Administration, and Staff must be approved a military leave of absence for up to 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 line manager 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.

Assignment and Pay - Upon being notified that an employee is being or has been recalled to active military duty, the employing department should submit documentation reflecting the begin date for the military leave of absence. A copy of the military order should be attached. The first 30 calendar days of Active Military Duty Leave 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 same conditions as other employees on leave without pay and consistent with USERRA) to cover financial obligations. Temporary employees are not eligible for paid leave.

Employee Responsibilities Summary:

- Advise line manager immediately upon receiving notice of being ordered up to active military duty and provide him/her with a copy of the written orders.
- Advise line manager of the name, address and phone number of the power of attorney.
- Contact the Benefits department to determine the benefit plans that will be continued or cancelled.
- Advise HRBP/line manager if accrued annual, personal holiday and/or compensatory leave is to be certified for payment each pay period.
- Request that the family designee or power of attorney keep in contact with the employing department to keep it apprised of return to work plans.
- Upon return from military leave, provide a copy of the discharge papers to the line manager and the Benefits Office.
- Upon return, contact the Benefits department to discuss continuation of benefits.

Departmental Responsibilities Summary:

- Will notify CHR Absence Administration team upon notification of the military orders.
- Will notify OTL upon notification of the military orders for calculation of military pay supplements and leave accruals.
- Will notify Sponsored Research (if employee is paid from Contracts and Grants).
- Will confirm and verify leave balances in the Oracle HR
- Will determine the number of hours that will be paid to the employee each pay period.
- Will budget for the retirement contributions which may be due upon the employee's return to work.
- Each pay period, will certify pay and post use of leave hours in Oracle HR if accrued annual, personal holiday and/or compensatory leave are to be used.
- Will submit in Oracle HR any time a change occurs (i.e. initial leave, changes in pay, extension of the leave, leave due to injury/illness/disability, return to work, termination, and/or death).

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.

The OTL team 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 pay checks, 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.

Group Health and Life Insurance - If the employee remains in a paid status each pay period, the employee continues to be eligible for the employer contributions for the state group health and/or life insurance, and

continues to pay the reduced premium amount. If the employee is placed on a leave of absence without pay beginning the 31st calendar day, the employee may continue the state group health and/or life insurance coverage, however, the
total monthly premium (state portion as well as the employee portion) must be paid directly online by contacting their Benefits Representative for instructions. Upon being returned to a pay status or active reemployment, the reduced premium is reinstated.

Optional Life Insurance - The employee must elect to continue or cancel the coverage. The premiums due may be paid through payroll deduction if employee continues to receive pay or by submitting payment online by contacting their Benefits Representative for instructions.

State Life and Optional Life Insurance Benefits - The basic life insurance and optional life insurance both provide additional coverage for accidental death and dismemberment, at no cost. Regardless of the reason for the death, the basic and optional life insurance will pay the beneficiary. However, the additional coverage for accidental death and dismemberment is paid in the event of an accident and will not be paid if death occurs due to war or any act of war, declared or undeclared. Since it is provided at no cost, it is not possible to cancel the accidental death and dismemberment coverage and retain the basic life coverage.
An employee who cancels an insurance coverage due to being called to active duty may reenroll in that same coverage if the employee returns to work no later than ninety (90) calendar days after separation from military service, by submitting an application to the employee's agency personnel office within thirty- one (31) calendar days after returning to work. For such employees, any pre-existing condition provisions of any coverage will not apply to those persons who were insured under the employee's coverage in effect at the time the employee was called to active duty.

Flexible Spending Accounts (Reimbursement Accounts) - When the military leave of absence is longer than 30 calendar days and the employee has a medical or dependent day care flexible spending account (reimbursement account), the employee may continue participation through payroll deduction if in pay status, or paying the amounts due online by contacting their Benefits Representative for instructions. To cancel participation, the employee must contact the Benefits department. Upon reemployment, the employee may re-enroll within 31 days of the reemployment date.

Retirement - During the first 30 calendar days, retirement contributions are made to the employee's retirement account. The employer's retirement contribution continues to be paid based on the gross salary received by the employee each pay period and will cease when the employee goes into non-pay status. ORP participants should contact the Benefits department or their ORP representative if they wish to make a change to the employee's contribution rate.

No contributions are made to the employee's retirement account while the employee is in a non-pay status. Upon reemployment, the Benefits department will require a copy of the discharge papers and request that the Division of Retirement audit the employee's retirement account to for contributions and interest due. The maximum cumulative time the university is required to contribute during a military leave is five years provided the employee received an honorable discharge and was reemployed by the university.

Tax Sheltered Annuity [403(b) Plan] - If the employee remains in full or partial pay status, the employee/designee must decide whether to continue or cancel the reduction. The employee or designee should contact the TSA company representative to discuss fund allocations.

State Deferred Compensation Plan - If the employee remains in full or partial pay status, the employee/designee must decide whether to continue or cancel the reduction. To make a change to the contributions going to a state deferred compensation plan account, the employee or designee should contact the company representative or the State Deferred Compensation office at 1-877-299-8002.

Leave Provisions - An employee, who is called to active duty, voluntarily or involuntarily, must immediately notify the line manager, OTL and Absence Administration. If the employee was orally called to active duty prior to receiving official written orders, he/she should make arrangements with family, friend, or power of attorney, to send a copy of the orders to the line manager, OTL and Absence Administration upon receipt.

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 paid 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 and credited to his/her account 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 employees' 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 from Active Military Duty - Upon the employee's return from the military leave, the employing department completes and submits discharge papers to OTL and Absence Administration reflecting the return date and certifies the correct number of pay hours for the pay period during which the employee returns. A copy of the employee's discharge papers must be attached. The employee must immediately 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. A copy of the discharge papers may be required.

Death - If the employee dies during the military leave, the designee should immediately contact the Benefits department for assistance and to discuss benefit options that may be available to the surviving spouse, dependents, or beneficiary.

Special Provisions:
Appointment and Military Pay Supplement - Upon being notified that an employee is being or has been recalled to active military duty the employing department should submit to CHR OTL and Absence Administration reflecting the begin date for the military leave of absence. A copy of the military order should be attached.

The employee is eligible to receive military pay supplement. Military Pay Supplement is defined as the difference between the employee's university salary and their military base pay (exclusive of allowances for quarters, rations, variable housing allowances, or other special pay). When an employee's military base pay equals or exceeds the employee's university regular rate of pay, no military pay supplement will be awarded. To ensure the proper amount of military pay supplement is to be received from the State, verification of military base pay is required by providing a copy of their military Leave and Earning Statement (LES). OTL must be contacted for assistance to accurately calculate the employee's pay and provide assistance with the certification of the military pay supplement. The military pay supplement ceases upon being released from active military service. The employee or his/her power of attorney is responsible for notifying the agency of the last day of active duty.

If the employee is not eligible for military pay supplement because their military base pay is equal to or exceeds his/her regular rate of pay, or if the employee's military pay supplement is insufficient to continue all premiums for benefits, the employee may continue to use intermittent leave to cover his/her deductions for state insurance-related benefits.

The employee may also elect to pay the employee's portion of any deductions in advance through the OTL I website. Employees may contact the OTL for assistance. The employee or designee, who has power of attorney, should immediately contact the Benefits department for guidance and information regarding the continuation or cancellation of benefit plans. Benefits may also need a copy of the military orders if health, life and pretax reimbursement plans are canceled.

State Health and Life Insurance - For health and basic life, USF will continue to pay the state share of the premiums for that coverage. The employee will continue to be responsible for any amount that the employee had been paying.

Leave Accruals and Holiday Pay - During the period of time employees are serving on active military service they will continue to earn full annual, sick leave, and holiday pay in accordance with the regulations applicable to their position. If the employee is using intermittent leave, such leave may not be necessary or may be reduced during a holiday work period since the employee is receiving holiday pay.

Medically Related Leave

Leave Types:

***FMLA**:* Some medically-related leaves of absence apply towards an employee's Family and Medical Leave Act (FMLA) entitlement. If all FMLA criteria are met, the employee will be granted an FMLA medical leave of absence of up to 12 workweeks due to the illness, disability, or injury of the employee or the employee's applicable family member.

***ADA Medical Leave of Absence**:* If FMLA criteria is not met or the employee's FMLA entitlement has been exhausted, the employee may be eligible for an Americans with Disabilities Act (ADA) Accommodation leave of absence for their own medical condition.

Pregnant Worker Fairness Act (PWFA): For employee's known limitations related to pregnancy, childbirth, or related medical condition(s).

***USF Parental Leave**:* USF Parental Leave of up to a maximum of six months is provided to employees (male or female) who become biological or adoptive parents.
When an employee meets Family & Medical Leave Act (FMLA) eligibility criteria, the first 12 weeks of the employee's USF Parental Leave will be designated as FMLA leave, tracked concurrently and counted toward the employee's FMLA 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.

***Faculty Paid Parental Leave**:* No more than twice in the course of an employee's tenure at the University, the employee may request and be granted a paid parental leave for the birth or adoption of a child not to exceed one semester (for instructional faculty) or three months for non-instructional faculty or clinical faculty in USF Health. No two members of the same family may request parental leave under this provision at the same time or for the same event (birth or adoption of a child). See more in the Faculty Paid Parental leave section.

During an approved medical leave of absence employees must use all leave balances (sick, annual, special compensatory leave, delayed holiday or the personal holiday) when available in order to maintain continuity of pay and benefits. If an employee exhausts all leave, if eligible, additional leave may be available through the Sick Leave Pool (SLP) if proper medical documentation is submitted verifying eligibility.

While on medical 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 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 the CHR Benefits at benefits@usf.edu.

Return to Work- A review of the medically-related leave of absence will be conducted prior to the approved end date of the leave. This review will take place approximately three weeks prior to the end of the leave to ensure the line manager is prepared for the employee's return. This review may include:

- Clearance to Return to work
- Request for an accommodation (under the Americans with Disabilities Act (ADA)) to perform essential functions of his or her position;
- Request for an extension of the leave of absence and determine next review for return to work status Resignation, retirement, or disability retirement, if applicable; or
- Dismissal for an inability to perform the essential functions of his or her position with or without a reasonable accommodation.

Faculty Paid Parental Leave

In the spirit of providing continuity in the classroom for our students, faculty members are encouraged to work with their department Chairs and/or Deans to coordinate the specific arrangements of the leave. Faculty members may request and be granted the opportunity to apply additional accrued sick leave and/or time off without pay to the paid parental leave as provided for above.

Faculty in USF Health who receive clinical compensation will be paid in accordance with USF Health procedures for extended leave, and must have returned to their assigned clinical duties for a minimum of thirty (30) days upon their return from Paid Parental Leave to have the clinical compensation restarted. For more information on these procedures, please visit the Office of Faculty Affairs website at: http://health.usf.edu/facultyaffairs/ or contact the Office of Faculty Affairs directly at 974-5105.

Eligibility - To participate in this program, an employee must be either in the United Faculty of Florida (UFF) bargaining unit or in the Faculty Pay Plan on a benefit - eligible line, employed for a minimum of one (1) academic year for faculty members with instructional responsibilities, or primarily clinical responsibilities within USF Health, or a minimum of one (1) calendar year for faculty members without instructional responsibilities, and at least a 0.75 FTE appointment. This program does not apply to individuals on a temporary, a term limited, or a visiting faculty line.

Partial Paid Parental Leave - Recognizing that there may be times a faculty member may want to request partial paid parental leave, the University will consider such requests. Such requests must be in writing as part of the normal paid parental leave request process and the faculty member must provide an explanation/reason for the request and a proposed schedule for the partial paid parental leave.
These requests will be reviewed as part of the normal process for reviewing requests for paid parental leave. Partial paid parental leave can only occur within the semester or three-month period granted for the leave and cannot be used to extend the approved paid parental leave period beyond the period of a regular, continuous paid parental leave period. Approval of partial/intermittent leave as part of a paid parental leave benefit constitutes one leave event. Approvals, if granted, must be consistent with one or more of the following criteria:

- A legitimate educational or student purpose (e.g., the teaching assignment is so unique that no adjunct is available; a student's dissertation defense has already been scheduled);

- A legitimate research purpose (e.g., a grant submission deadline for federal funding is approaching and the development of the grant proposal requires research team interactions)
- A legitimate clinical purpose (for USF Health faculty only)
- Administrative or service activities will not generally support the granting of intermittent paid parental leave

Commitment to Reimburse - An employee who uses paid parental leave but does not remain in University employment for at least one academic year (calendar year for non-instructional faculty or clinical faculty in USF Health) immediately following the employee's return from paid parental leave is obligated to reimburse/repay the University for the salary the employee received while on paid parental leave. If the employee has accrued, unused annual leave hours available the University may apply such annual leave hours as part of the reimbursement calculation. An employee who was hired on or after January 1, 2014, or who has less than ten (10) years of continuous service in an established position at the time of separation will not be paid for any unused sick leave and such leave will be forfeited; therefore, sick leave hours will not be applied towards any monies owed towards the paid parental leave balance owed by the employee.

Commitment to Return - An employee must agree in writing to return to University employment for at least one academic year (calendar year for non-instructional faculty or clinical faculty in USF Health) following the employee's return from paid parental leave or the employee is obligated to reimburse the University for salary received during the paid parental leave period.

NOTE: In-unit faculty are controlled by the applicable collective bargaining agreement; therefore, for in-unit faculty refer to the CBA in effect at the time the employee ends University employment.

Notice and Use with Other Leave(s) - Paid parental leave shall not be granted such that it relieves the faculty member of both teaching and service assignments for more than one (1) semester. This program does not prohibit deans or chairs from modifying duty assignments before and after the paid leave. The faculty member must request use of the paid parental leave in advance of the initiation of the parental leave, no later than three (3) months prior to the beginning of the leave, and the leave must occur no later than the academic semester immediately following the birth or adoption event. A shorter notice period may be allowed, on a case-by-case basis, for good cause and/or special circumstances, by the faculty member's line manager. Unless approved in writing by the faculty member's line manager, paid parental leave may not be used immediately before or after Sabbaticals or Professional Development Leave. When faculty members notify their dean or chair of their intent to participate in the program, notice will be provided to CHR to assess the faculty member's eligibility under the Family and Medical Leave Act (FMLA). If FMLA eligibility requirements are satisfied, up to twelve (12) weeks of the paid parental leave will be designated as FMLA, and tracked concurrently. Faculty members must provide documentation for the birth or adoption to CHR for the event.

Signed Agreement - The faculty member is required to sign a written agreement detailing the terms of this benefit. Participation in this benefit is contingent upon execution of the signed documentation.

Repayment - Repayment of salary received during paid parental leave shall be required in those instances where salary is paid in the absence of a signed agreement by the faculty member, or when the faculty member fails to comply with the terms of a signed agreement.

Interaction with Tenure - The tenure clock will automatically stop at the onset of the approved paid parental leave (as defined under this program). Faculty may opt out by notifying the university, in writing, that they wish for the tenure clock to continue during the approved paid parental leave.

Faculty Paid Parental Leave Guidelines

Faculty Member Responsibilities - In order to apply and qualify for Paid Parental Leave as described in the Program, a faculty member must:

- Submit a completed Paid Parental Leave for Faculty Request Form to their immediate line manager.
- Give as much notice as possible when he or she anticipates the use of paid parental leave to enable the department to appropriately plan for course coverage and/or workload concerns.
- Submit a notice to the department no later than three (3) months prior to the intended leave period. A shorter notice period may be allowed, on a case-by-case basis, for good cause and/or special circumstances, as determined by the faculty member's line manager.
- Contact CHR regarding FMLA and the rights/obligations under FMLA and the Paid Parental Leave Program.
- Provide required supporting documentation in accordance with timelines provided by CHR .

Immediate Line manager Responsibilities - In order to process a completed Paid Parental Leave for Faculty Request Form, an immediate line manager will:

- Review the faculty member's submittal to ensure the intent of the leave request and to clarify the faculty member's responsibilities as specified in the document.
- Automatically suspend their tenure clock—offering the faculty member (as described on the request form) an option to continue the tenure clock during the leave, provided that this desire is indicated on the request form and that written notice is attached to the form.
- Notify CHR immediately should a faculty member on Paid Parental Leave (or a faculty member who has taken advantage of the benefit during their employment with the university) provide notice of resignation or fail to return as scheduled.
- Once the faculty member's request form is reviewed, the immediate line manager will complete the section requesting the identification of a departmental contact and phone number and forward a signed copy to the College's dean or Campus' Academic Affairs Office as appropriate. Accompanying the signed request form, the immediate line manager should include a simple explanation of contingency plans to address course offerings and interventions to alleviate workplace concerns, including rationale used in the request of replacement costs for adjunct personnel where indicated.

Dean's Office Responsibilities - Once the request form is completed, reviewed, and approved by the Dean's Office, a copy should be forwarded to the Campus Academic Office for further processing and record keeping.

Campus Academic Affairs Office Responsibilities - Upon review of the signed request form, a representative of the Campus Academic Affairs Office will correspond with the faculty member to ensure understanding of participating in the Paid Parental Leave Program, especially as it relates to:

- The deduction of accrued sick and annual leave (when applicable) at the end of the faculty member's employment at a hour-to-hour rate commensurate with the hours used under this Program;
- The expectation that participating faculty members will return to university employment as described on the Request Form;
- The faculty member will be expected to repay any salary paid while on Paid Parental Leave if the terms of this Program are not complied with; and
- The impact on tenure for faculty members on tenure-earning appointments with the default suspension of the tenure clock assumed, provided that written notification is not submitted with the leave request.

Once this consultation has occurred, a representative from the Campus Academic Affairs Office will submit the form to the designated authority for final signature. The Campus Academic Affairs Office representative will

generate a letter for the faculty member formally designating the leave period with copies provided to CHR and the department for record keeping.

Interaction with the Family and Medical Leave Act (FMLA):
In order to provide notice of leave utility for USF-Tampa, USF- St. Petersburg campus and USF Health campuses, faculty members are required to provide copies of all applicable documentation to CHR , Attn: FMLA, SVC 2172 or scan documents to FMLA@usf.edu.
For faculty members working on the USF- Sarasota/Manatee campus, please provide notice to the USF-Sarasota Human Resources Office (Attn: FMLA); B116.

If the faculty member is eligible for FMLA, distinct correspondence will be provided to the requesting faculty member with a copy to their line manager and CHR Absence Administration. Hours will be populated into the FMLA Leave through Oracle HR, which will trigger an automated notification e-mail to the employee and his/her line manager.

Professional Development Leave

All Professional Development leave must be entered in Oracle HR.

Sabbaticals and Faculty Professional Development Leaves - Sabbaticals are awarded annually by the Provost. Contact the Office of the Provost for more specific information on Sabbaticals and Professional Development leave. Full-time, tenured faculty employees are eligible to apply for Sabbaticals. However, eligible faculty employees must have at least six years of full-time service at USF. The approved leave may be full time for one semester or half- time for two semesters. Employees continue to accrue annual and sick leave on a full-time basis.

Administrative Professional Development Leave:
Philosophy - Administration and Staff employees are eligible to be considered for professional leaves with pay for educational and/or developmental leave including research, experiential, developmental, or exchange programs.

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.

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. Funding will be internal from the employee's college, campus, division or unit.

While on approved professional development leave, the employee may continue to receive previously approved funds for travel, living expenses, and other professional development leave-related expenses, including those from the university and/or other sources, such as fellowships, contracts and grants to assist in accomplishing the purposes of this leave. Receipt of funds for these purposes shall not result in reduction of the employee's university salary; however, if financial assistance is received in the form of salary, the university shall normally reduce proportionately the amount paid in salary.

Employment unrelated to the purpose of the professional leave is governed by the provisions of all applicable laws, regulations, policies, and procedures pertaining to outside activity and conflict of interest.

Professional/educational development leave may be full-time or part-time, depending on the purpose of the leave. Normally, such a leave will not exceed six (6) months.

Delegation of Authority - The Vice President may determine the number of professional leaves in his/her area to be approved each fiscal year. This may be delegated to each dean/director for his/her respective area of responsibility. Generally, no more than one employee in a college, campus, division or unit may be approved for leave at the same time. Each Vice Presidential area will be responsible for developing the application process.

Obligation Upon Return to Work - Unless a written agreement to the contrary is executed prior to participation, the following applies: Upon completion of the leave, the employee is required to return to work for twice the length of time for which the leave was approved. An employee who fails to complete the service requirement will normally return to the university the salary received during the leave. Exceptions may only be made by the Vice President. An employee who fails to spend the leave time as stated in the application shall reimburse the university salary and any other payments or benefits provided by the university during the leave. Upon completion of the leave, the employee shall provide to the Vice President or designee a brief report of the employee's accomplishments during the professional leave and how those accomplishments may be used to enhance the university, college, campus, division or unit.

Eligibility Criteria - At least three consecutive years of service with the university in the Administration and Staff pay plan, irrespective of funding source, provided the terms of a contract or grant through which an employee may be compensated allows for such leave. The university believes the completion of the project, work, or education will improve the productivity or management of the employee's unit or the University; or move the college, campus, division or unit and the university closer to achieving its specific mission or reaching its vision. The employee has not had a professional development leave for at least three years.

Compensatory Leave

Eligibility – Under certain circumstances**,** Staff, Administration, Executive Service and Faculty are eligible to receive compensatory leave.

Definitions:
Staff and Administration Non-exempt Class – a class eligible for overtime for all hours worked over 40 hours at time and a half.
Overtime **–** actual number of hours worked over 40 hours during the established workweek.

Types of Compensatory Leave:
Special Compensatory Leave **–** leave provided for the following reasons:

- In-unit faculty who perform duties on a holiday, excluding clinical faculty
- In-unit administration employees who perform duties on a holiday and/or the holiday falls on the employees day off
- Non-exempt staff and non-exempt administration employees:
    - who observed the holiday and also worked 40 hours the week during, which the holiday occurred, who performed duties on a holiday and/or the holiday falls on the employees day off
    - who has jury duty or court appearance when the employee has also worked 40 hours during the week which the jury duty and/or court appearance occurred.
    - who is required to perform essential duties during an emergency closing for the hours worked during the closing
    - who is required to perform essential duties for hours worked outside of their normal work schedule to prepare for or respond to a declared University emergency

Use of Compensatory Leave - Employees are required to use compensatory leave before using annual or sick leave.

Transfer of Compensatory Leave (Non-exempt staff Employees Only)
Special Compensatory Leave - When an employee is appointed to another position within the same organizational unit (college/division), unused special compensatory leave may be retained by the employee, except when he/she is appointed to a position in a Faculty or Administration class. In such case, the employee is paid for all unused leave of this type.

Delayed Holiday

Out-of-unit Administration employees and out-of-unit Faculty, excluding clinical faculty, shall be entitled to observe all official holidays designated as holidays by the University, which shall at a minimum include those holidays designated in Fla. Stat. Section 110.117.

Delayed holiday leave is provided to out-of-unit Administration employees if the employee is required to work on the holiday as directed by their line manager or when the holiday falls on the employee's regularly scheduled day off.

- Delayed holiday leave is to be used within six (6) months of being earned or it will be forfeited.
- Delayed holiday leave will need to be requested through the Absence management system.
- Delayed holiday leave will not be eligible for cash disbursement nor leave payout upon separation from employment.

Leave Payout

General Leave Payout Guidelines

Method of Certification - Leave payments for terminated employees are processed per the Leave Payout Procedures. Departments must complete an audit of the employee's leave balances within two weeks of separation and make any necessary adjustments by that time. No other action is required by departments unless they desire to use a different payment distribution from the normal distribution for that employee.

Method of Payment - Leave Payouts are distributed with the regular payroll unless special handling is required due to elected retirement deferrals. Leave cannot be processed with the employee's last regular hours. **Payroll will issue the leave payout about 28 days after the employee's final biweekly paycheck, regardless of whether it's full or partial.** Employees are paid for their eligible unused leave subject to its limits. Payment will be made based on the employee's regular rate of pay.

Deductions from Leave Payouts - Federal withholding, Social Security, and Medicare taxes will be withheld from leave payouts per current IRS rules. If the employee opted for an Employee optional retirement deduction from their regular bi-weekly salary payments, that deduction will be taken on the annual leave payout as well at the percentage specified.

Additionally, employees may elect to divert all or part of their leave payout to existing 403b annuity or state deferred compensation plans (some exclusions apply) by completing a Lump Sum Rollover Request form. The form may be obtained from a member of the Benefits department and must be submitted to Payroll within two weeks of the employee's separation date or with the DROP Annual Leave Cash-Out Form. Generally, the employee will need to meet with their Benefits Representative prior to separation from the university to discuss this option. Note that federal limits for retirement deferrals apply to this type of transaction and each individual employee's deferral limits must be calculated before the payout is made.

Payment For Unused Annual Leave

Annual leave payments are issued to employees at the time of termination and the employee has completed at least 6 months of continuous and creditable employment. Annual leave may also be paid out at the time the appointment of a faculty employee is changed from a twelve-month appointment to a nine-month appointment.

The UFF/BOT collective bargaining agreement states that, for “in-unit Faculty and Administration employees, cash out (payment) will be made for unused annual leave"...provided that a determination has been made by the President or representative that the employee was unable to reduce the unused annual leave balance prior to separation." Heads of units and line managers serve as representatives of the President in matters of attendance and leave. As such, they may provide an opportunity for an in-unit employee to use leave prior to the effective date of the employee's separation.

Similarly, an Academic Dean or Administrative Director or a line manager of an out-of-unit employee who is terminating may provide an opportunity for the employee to use leave prior to the effective date of separation.

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

- Staff Employees: 240 hours (all hours in excess of 240 are forfeited); or
- Administration and 12 month Faculty: 352 hours (all hours in excess of 352 are forfeited)
- Executive Service: 480 hours (all hours in excess of 480 are forfeited)

When an active employee enrolls in the Deferred Retirement Optional Program (DROP), the employee may elect to be paid for up to the year-end maximum of their unused annual leave at the time he/she enters the program or he/she may defer payout until termination. 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, follow the procedures outlined in the Leave Payout Procedures. This action will require a DROP Annual Leave Cash-Out Form.

- 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.

Payment For Unused Sick Leave

Eligibility for Payment - An employee with ten (10) or more years of continuous service in an established position who has not participated in the University’s Early Sick Leave Payout Program and who was employed prior to January 1, 2014, shall be paid for one-fourth of all unused accrued sick leave, up to a total of 480 hours. An employee who was hired on or after January 1, 2014 or who has less than ten (10) years of continuous service in an established position at the time of separation will not be paid for any unused sick leave and such leave shall be forfeited. Payment will be made based on the employee’s final hourly rate of pay.

An employee whose separation is the result of any of the following acts will not be paid for any unused sick leave even though the employee has completed 10 continuous years of service:

- Is found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement, theft, or bribery in connection with university employment;
- Has admitted to committing, aiding, or abetting any embezzlement, theft, or bribery in connection with State government; or
- Is found guilty by a court of competent jurisdiction of having violated any State law against or prohibiting strikes by public employees.

Temporary employees do not accrue sick leave.

Sick leave payouts are not eligible for State retirement credit.

Payment For Unused Special Compensatory Leave

Eligibility for Payment - All provided, but unused/unpaid, special compensatory leave balances for all employees will be paid out bi-annually, each October and April. Employees are also eligible to receive payment for unused special compensatory leave upon separation or at any time during the employee's active employment, as determined by the practice of the organizational unit. If, at the time of termination, an employee has a balance of unused Special Compensatory Leave, the employee is entitled to receive payment at the current rate of pay.

In-unit Faculty employees are eligible to receive payment for unused special compensatory leave upon separation or at any time during the employee's active employment, as determined by the practice of the organizational unit or University. Per the United Faculty of Florida (UFF) Collective Bargaining Agreement, any in-unit Faculty employee that has been required to perform duties on a holiday and terminates employment prior to being given time off, the employee shall be paid, upon termination, for the holiday hours worked within the previous (12) month period, if not already paid.

Cash Payment - Cash payment for unused special compensatory leave is made to an employee bi- annually, in April and October of each year. Additionally, payment should be made:

- Upon an employee's appointment to another organizational unit (college/division) within the university (paid by the current, not receiving unit);
- When the employee is appointed to a position in a Faculty or Administration class or is appointed to a Temporary position;
- Upon an employee's separation from the university; or
- At any other time sooner than the above situations when the University and/or Dean/Director deems it necessary and/or appropriate in accordance with the internal operating procedures of the University and/or department.

If the authority to determine when cash payment is to be made is delegated below the Vice President/Provost level, such delegation is to be documented in writing with a copy to CHR.

Method of Certification - Bi-annual payments in April and October and when the employee separates employment from the university.

Deductions from Special Compensatory Leave Payouts - Special compensatory leave payouts are eligible for State retirement credit (ORP, FRS, DROP, or FRSI).

Special Cases

- Employees requesting special deferrals to a retirement annuity from their annual, sick and/or compensatory leave payouts must contact the benefits department in advance of their last day of

employment and complete a form for such special handling. The Benefits department will forward the completed form to Payroll for processing.

- The payment of unused annual and sick leave is considered a fringe benefit that shall be treated in the same manner as the salaries of the employees receiving the benefit. If the salaries are treated as a direct cost of a sponsored project, the fringe benefits related to those salaries shall also be treated as direct costs. The payment should be distributed to the USF Fringe Benefit Pool and all institutional activities in proportion to the relative amount of time or effort devoted by the employee at the time of payout. The allocation of the leave should be made across the salary sources according to the pay distribution in effect at the time of payout.
- Layoffs- Upon recall from layoff by USF within one (1) year, all annual leave paid at the time of separation may be restored upon repayment by the employee.

Additional Information

Security of Employee Medical Information

The Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and Florida law require information about an employee's medical condition (physical or mental) be maintained securely by the employer. To remain compliant with this requirement, individuals who have access to this type of information should follow the procedures below to ensure its appropriate security.

Definition - Medical records, documents and information: documents or materials, hardcopy or electronic which refer to the employee's physical and/or mental conditions and/or his or her ability to work. For the purpose of this procedure, "medical" is being interpreted all-inclusively and as generically as possible.

Situations Where Medical Information is Necessary - Line managers and other members of management, Employee Relations or the USF Absence Administrator may require medical information to make a decision about work assignments, entitlements to FMLA, an ADA reasonable accommodation and the approval to use hours from the USF Sick Leave Pool.

The routine use of sick leave does not normally require medical documentation unless the line manager suspects improper use of sick leave. Under this circumstance, the medical information only needs to indicate that the employee is under the health care professional's care and not able to work (or may work with some restrictions) for the designated period. Departments are to destroy any medical documents that they are not required to maintain by shredding. When you are required to maintain medical information, dispose of it in accordance with established retention requirements. (For example, ADA and FMLA have different retention periods).

Situations for which medical information is required are the following:
ALCOHOL AND DRUG TESTING - The CHR, Employee Relations Section maintains the results of alcohol and drug testing, according to Federal requirements.
AMERICANS WITH DISABILITIES ACT (ADA) - The only individuals who should have access to information pertaining to an employee's request for a reasonable accommodation under the ADA are the immediate line manager, potentially the department head, specified representatives from the Employee Relations and ADA Administrator in CHR since these individuals are responsible for determining reasonable accommodations.
COMPULSORY DISABILITY LEAVE - The department head and others involved in the decision whether or not to place an employee on compulsory disability will need access to certain medical information.
FAMILY AND MEDICAL LEAVE ACT (FMLA) - Many instances of FMLA covered absences require medical documentation in the determination of leave eligibility and the statement of entitlement.
FITNESS FOR DUTY - The Division of Public Safety maintains the results of medical and psychological testing information of its employees functioning as law enforcement officers. The Public Safety office ensures that the submitted information is not accessible by unauthorized parties.

LEAVE DOCUMENTS - Maintain a hardcopy or electronic version of generated material pertaining to an employee's earning, accrual, use, transfer, or cash-out of leave which may or may not contain information about the employee's medical condition or ability to work.

RETURN TO WORK - When a medical release to return to work is required, for example, at the conclusion of a medical leave of absence or at the conclusion of an authorized FMLA leave, the employing department should maintain medical information consistent with the intent of this procedure.

SICK LEAVE POOL (SLP) HOURS - The CHR Absence Administrator uses medical information to determine the employee's eligibility to use hours from the Sick Leave Pool. The employing department should not retain any medical information pertaining to the use of sick leave hours from the pool but, rather, should submit all pertinent information to the CHR Absence Administrator.

WORKERS' COMPENSATION (WC) - The employing department should not maintain medical information pertaining to workers' compensation. All such information should be submitted to the Workers' Compensation Team in CHR. This office retains the medical information in addition to, ensuring that copies of medical information are forwarded to the Division of Risk Management in Tallahassee. The Workers' Compensation Team ensures that submitted medical documentation is not accessible to unauthorized parties. When departments retain copies of Notices of Injury, they should be maintained as consistent with other medical information.

Security: How to Maintain Employee Medical Information - Case law and best practices have identified that medical documentation be secured separately from other records and personnel information.

- Only individual(s) who have a need to know about the medical condition to make a decision about Workers' Compensation, reasonable accommodation under ADA, compulsory disability leave, FMLA entitlement, use of hours from the sick leave pool or maintains documents which contain medical information may have access to the documents or materials where they are secured.
- Individuals who are not involved in making these decisions are restricted from having access to the file. Create a separate, confidential file for any medical information that is indicated as needing to be maintained.
- Discourage employees from providing written details about their medical condition in Oracle HR beyond the requirements needed to make appropriate decisions.
- Do not include a description of the medical condition on time cards, leave records, or leave request forms or any other method used to request and/or evaluate leave requests. It is sufficient for an employee to simply indicate "ill", "sick", "doctor's appointment", or "medical reasons" on those documents.