

ARTICLE 10

LEAVES

- 10.1 Policy. Leave is provided in a variety of forms to meet the needs of both the University and its employees. All leaves are administered in accordance with this Agreement and applicable laws. All leaves are granted at the discretion of the appropriate administrator unless the applicable law or this Agreement provides otherwise. Permission for annual leave and sick leave shall not be arbitrarily withheld. Nothing contained in this Agreement shall modify or replace any leave governed by Florida Statutes, federal law, and/or applicable rules or regulations.
- 10.2 Annual Leave. Regulation FPU-6.004 Annual Leave adopted by the Board of Trustees, and amended on September 14, 2016, governs the provision of, administration of, and use of Annual Leave for and by eligible employees.
- 10.3 Sick Leave. Regulation FPU-6.005 Sick Leave adopted by the Board of Trustees, and amended on March 1, 2018, governs Sick Leave for eligible employees.
- 10.4 Sick Leave Pool. Regulation FPU-6.006 Sick Leave Pool adopted by the Board of Trustees on February 5, 2014 governs the Sick Leave Pool for eligible employees.
- 10.5 Family and Medical Leave Act (FMLA). Policy FPU-6.0071P Family and Medical Leave of Absence adopted by the University on February 3, 2017 governs FMLA leave by eligible employees.
- 10.6 Paid Parental Leave. The University will provide paid parental leave to eligible employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption. Eligible employees are eligible for paid parental leave as follows:
- (a) An employee shall be granted, upon request, a paid parental leave:
 1. For twelve-month employees the leave is up to a period of ten (10) contiguous weeks, normally commencing no sooner than one (1) week prior to, and no later than three (3) months after, the date of the birth or adoption;
 2. For employees with full time academic year appointments, up to twelve (12) contiguous weeks during the Academic Year, normally commencing no sooner than one (1) week prior to, and no later than three (3) months after, the date of the birth or adoption period.
 - (b) During a parental leave, there is no accrual of sick or annual leave time.
 - (c) Parental leave may be used no more than twice during the employee's employment at the University. If both parents are employees of the University, only one parent may request paid parental leave under this program for each qualifying event (birth or adoption).
 - (d) In order to participate in this program, an employee must be employed full-time for a minimum of one academic year prior to the date of the birth or adoption. This program does not apply to individuals on a temporary, a term limited, or a visiting appointment.
 - (e) Under normal circumstances, the employee will request the use of paid parental leave in writing no later than three (3) months prior to the beginning of the leave.

- (f) Parental leave is separate from, but may run concurrent with, medical or FMLA leave.
- (g) The employee will sign a written agreement detailing the terms of the paid parental leave. Participation in paid parental leave is contingent upon execution of the signed agreement.
- (h) The employee must agree in writing to return to University employment as a full-time employee for one academic year following participation in the program. The employee shall repay the salary, retirement, benefits, and expenses received during paid parental leave to the University in those instances where payments are made to the employee in the absence of a signed agreement by the employee, or when the employee fails to comply with the terms of such agreement.
- (i) An employee who makes use of parental leave and who remains in University employment full-time for at least one academic year (calendar year for non-instructional employees) following participation in the parental leave program shall have the total number of unfunded hours used during the parental leave deducted from the employee's sick leave and/or annual leave balance (with sick leave being deducted first) that the employee has remaining at the time of separation from the University, or upon transferring between an annual and non-annual leave accruing contract.
- (j) Employees on paid parental leave cannot engage in outside employment unless approved by the Provost in writing in advance.

10.7 Other Types of Leave. Regulation FPU-6.007 Other Types of Leave adopted by the Board of Trustees on February 5, 2014 governs Administrative Leave (including Jury Duty, Non-Expert Witnesses in a Hearing or Trial, Athletic Competition, Official Closing of the University, Florida Disaster Volunteers, Volunteer Emergency Response Team Members, Voting in Public Elections, University Investigations, Disciplinary Notice, Best Interest of the University, and Presidential Discretion); Bereavement Leave; Compulsory Leave; Family and Medical Leave; Military Leave; Workers' Compensation; and Domestic Violence Leave for eligible Faculty Members.

10.8 Certification of Work and Absences. Employees will comply with University Policy FPU-6.0031P Work and Absence Certification adopted April 12, 2017.

10.9 Unpaid Leave.

- (a) Granting/Denial. Upon request of an employee, the University may grant a leave without pay for a period not to exceed one (1) year, provided such leave would not be inconsistent with the best interests of the University. Such leave may be extended upon mutual agreement. The University shall approve or deny such request in writing no later than thirty (30) days after receipt of the request, and if not approved within thirty (30) days, the request shall be deemed denied.
- (b) Retirement Credit. Retirement credit for such periods of unpaid leave shall be governed by the rules and regulations of the Division of Retirement and the provisions of Chapter 121, Florida Statutes.
- (c) Retention of Leave and Holiday Pay. While on unpaid leave pursuant to this section, the employee shall retain accumulated sick leave and annual leave, but shall not accrue or be entitled to use, sick leave or annual leave, nor are they entitled to holiday pay, during the unpaid leave period.

- (d) Benefit Premiums. Employees on unpaid leave will be responsible for the entire cost of benefit premiums. Employer contributions shall be governed by applicable rules, regulations or Florida law.
- (e) Other Benefits. Employees on unpaid leave are not entitled to any benefits during the unpaid leave period.

10.10 Return from Leave.

- (a) An employee who returns from an approved paid leave shall be returned to the same or equivalent position in the same work location.
- (b) An employee who returns from unpaid leave shall be returned to the same or equivalent position in the same work location, unless such a position is unavailable. In the event an equivalent position in the same work location is unavailable, the University will identify and offer the employee an equivalent position at a different location.
- (c) Regardless of whether the employee returns from paid or unpaid leave, the base salary of the returning employee shall be adjusted to reflect all base salary increases distributed to in-unit employees during the period of leave, if the returning employee is eligible for said increases.