



Broward
Community
College

Policy Manual

Final Revision: 10-3-07 by EC

Title: Employee Leaves of Absence (REVIEWED AND REVISED BY GRAYROBINSON AND REVIEWED WITH HR, 9/17/07)	Number: 6Hx2-3.11
Legal Authority: Fla. Statutes 1001.64 (4) (b); 1001.65 (3); 1012.865, Family and Medical Leave Act of 1993	Page: 1 of 3

In accordance with *Florida Statutes, Florida State Board of Education Administrative Rules, Family and Medical Leave Act of 1993* and procedures established by the President, full-time College employees may secure leaves of absence when it is necessary to be absent from duty. All absences of employees shall be covered by leave duly authorized, granted, reported, and recorded. including: ~~Unless otherwise stated, all of the following leaves are with pay:~~ Employees who are absent from work for three (3) consecutive days due to illness may be required by the college to submit a certificate from a licensed medical professional attesting to the illness, subject to the terms and conditions of the applicable bargaining agreement. Any employee who is absent without approved leave shall forfeit compensation for the time of such absence and shall be subject to disciplinary action up to and including dismissal.

- ~~Sick~~
- ~~Sick Without Pay~~
- ~~Vacation~~
- ~~Personal~~
- ~~Personal Without pay~~
- ~~Jury Duty~~
- ~~Military~~
- ~~Military Without Pay~~
- ~~Non-paid absence before or after a holiday~~
- ~~Extended disability~~
- ~~Professional~~
- ~~Professional Without pay~~
- ~~Workers Compensation~~
- ~~Family and Medical (not paid)~~
- ~~Sabbatical~~

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- ~~Any employee who is absent without approved leave shall forfeit compensation for the time of such absence and shall be subject to disciplinary action up to and including dismissal.~~

College personnel shall earn leave credit while on leave with pay, ~~except for professional~~



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~~leave beyond 30 days and vacation leave associated with termination of employment. All leaves from duty require prior approval w~~With the exception of unanticipated sick leave as well as personal leave, bereavement leave and workers' compensation leave~~leaves from duty require prior approval~~. Request for Leave of Absence forms must bear the signature of the employee's immediate supervisor or in his/her absence, the next level supervisor's superior. For all leaves of absence requiring prior approval, either the date of approval must be prior to the effective date for the leave or a notation must indicate the date actual verbal approval was given. Leave cannot be used after an employee has separated from the college. All terminal leave pay outs are addressed in BCC Policy 6Hx2-3.16, Terminal Pay.

Family and Medical Leave Act of 1993 (FMLA)

An absence under the FMLA is defined as an approved absence available to eligible employees for up to twelve (12) weeks of leave per year (based on a rolling 12 month period measured from the date an employee initially used any FMLA leave) for the following reasons:

- On the birth of an employee's child;
- On the placement of a child for adoption or foster care with an employee;
- When an employee is needed to care for a child, spouse, or parent who has a serious health condition; or
- For the employee's own serious health condition.

All regular employees are eligible for FMLA if they have been employed by the college for at least twelve (12) months and if they have worked at least 1250 hours during the twelve (12) month period immediately preceding the requested leave. An employee who is eligible for FMLA will be required to submit certification from a licensed medical professional of his or her personal serious health condition or the need to care for a relative with a serious health condition. Upon return to work from FMLA leave due to the employee's own serious health condition, the employee will need to provide a Fitness for Duty form from the treating licensed medical professional.

Upon return to work after the conclusion of approved FMLA leave for any reason, an employee will be returned to the same or equivalent position held prior to the commencement of the FMLA period, subject to the discretion and business interests of the College.

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Extended Leave for personal illness

College personnel requiring extended leave beyond the twelve weeks of FMLA for a personal illness may qualify for Long Term Disability (LTD). Individuals who are continuously totally or partially disabled for 90 days may qualify.

Extended Leave for reasons other than personal illness

The President is authorized to approve leaves of up to 6 months for all full-time employees for service deemed meritorious, extraordinary hardship reasons or when such leave is deemed to be in the best interest of the College. professional personnel of up to 90 days for staff.

All leave extending beyond 6 months must be approved by the Board of Trustees. Renewal or extension of leave shall not be automatic; a new application for leave, however, may be filed prior to at the expiration of the original leave. New leave that results in an employee being absent for more than six months may be granted only at the discretion of the Board of Trustees. The President may authorize leaves of absence for meritorious or hardship reasons. All such leave is defined as Administrative Leave without pay except as authorized in Florida Statutes and Florida State Board of Education Administrative Rules.

Notification of Intent to Return. By April 1 of the academic year during which the leave is taken, a faculty member receiving annual personal any type of extended leave is responsible for notifying the College in writing of his/her intention to return to the College.

Other PTS and Administrative employees receiving any type of extended leaves shall notify the College of their intention to return to duty, no less than 15 days prior to shall within 30 days prior to the end of the leave period. notify the College of their intention to return to duty their intended return date. If the leave is due to an employee's own health or illness, an essential job function (EJF) form must be completed by his/her attending licensed medical professional, indicating a full clearance to return to work.

If notification is received after the stated deadlines, and a full clearance has been obtained from the attending licensed medical professional, the College will make every effort to return the employee to the workforce. Consideration will be given based upon the current needs of the institution.

Link to Procedure A6Hx2-3.11

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The following types of leave are covered by this procedure:

- Administrative Leave With Pay
- Administrative Leave Without Pay (LWOP)
- Annual (Vacation)
- Bereavement
- Court Related (in conjunction with BCC employment)
- Absence covered under the Family and Medical Leave Act (FMLA)
- Jury Duty
- Long Term Disability
- Military Leave With Pay
- Military Leave Without Pay
- Personal Leave With Pay
- Personal Leave Without pay
- Professional Leave With Pay
- Professional Leave Without pay
- Sabbatical
- Sick With Pay
- Sick Without Pay
- Workers Compensation

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Supervisors are responsible for ensuring that their personnel abide by College policies relating to leaves of absence and for recording the official leave records of those personnel ~~on-line~~. All leaves shall be requested and reported to the nearest quarter hour for each day of absence.

All leaves authorized for full-time employees shall be earned on a calendar month basis and credit applied on the 16th day of the month. A person who is employed prior to the 15th day of the month and who maintains continuous employment for the remainder of the month shall earn leave for that calendar month. Leave used between the 1st and 15th days of the month shall not be charged against leave accrued between the 16th day and the end of that month.

Request for Leave of Absence Forms. Requests for all leaves of absence must be initiated by the individual employee on a *Request for Leave of Absence* form (ACC-23) and approved

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by the employee's immediate supervisor or, in his/her absence, the supervisor's superior manager or director. For all leaves requiring prior approval, the date of approval must be prior to the effective date or a notation must be added indicating the date actual verbal approval was given.

On-Line Personnel Recommendation Form. The ~~on-line~~ Personnel Recommendation form ~~on the Personnel/Payroll system~~ is to be used to request a document the approval of any leave extending beyond 14 calendar days with the exception of vacation. of absence for the following purposes: (1) sick leave without pay after 15 days, (2) personal leave without pay after 15 days, (3) professional leave without pay, and (4) disability leave.

Types of Leave

- **Administrative Leave With Pay.** At the College's discretion, an administrative or PTS employee may be placed on Administrative Leave with pay by the President or his/her designee, while employment actions are being considered, or in other instances, when said leave is determined by the President in his/her sole discretion, to be in the best interests of the College . Employees will be notified in writing of such leave.
- **Administrative Leave Without Pay.** Administrative leave without pay (LWOP) is a temporary non-pay status and absence from duty. that, in most cases, is granted at the employee's request. In most instances, gGranting LWOP is a matter of supervisory discretion and may be limited by district Board policy.
- **Annual (Vacation) Leave.** Full-time non-instructional employees are granted annual (vacation) leave at the following rates:
 - 1 day for each month of full-time service up to 5 years (or through 60 months) of service with the Florida Retirement System. (12 days maximum per year)
 - 1 1/4 days for each month of full-time service from 5 to 10 years (61 through 120 months) of service. (15 days maximum per year)
 - 1 1/2 days for each month of full-time service over 10 years (over 120 months). (18 days maximum per year)
 - 1 1/2 days for each month of full-time service for Senior Management Service Class employees (President, Vice Presidents, and Provosts) (~~Level H Administrators~~).

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At the end of any calendar year, such ~~vacation time~~ annual leave may be accumulated up to a maximum of ~~44 working days~~ 500 hours; use of this ~~vacation time~~ annual leave shall be scheduled at a time that will result in minimum disruption to the operation of the College. Annual leave credits earned in excess of ~~44 days~~ 500 hours in any calendar year shall be used that calendar year or ~~be forfeited~~ be transferred to sick leave on December 31. Such vacation leave transferred to sick leave cannot be used in the calculation of terminal sick leave pay as authorized in Section 110.122(2), Florida Statutes. Should an individual not be able to use their vacation due to circumstances beyond their control, an exception to the transfer to sick leave policy may be made which allows an employee to postpone the deadline for accrual to March 31. Such exceptions may be requested by providing documentation of need to the Vice President of Human Resources and Equity. Exceptions will be reviewed on a case by case basis and determinations made in the discretion of the College. At termination or resignation, employees may receive pay for up to ~~30~~ 500 accumulated ~~vacation days~~ annual hours. ~~Vacation leave~~ Annual leave shall not be accrued during periods of sabbatical, extended professional or administrative leave. In the case of the death of the employee, payment for unused ~~vacation~~ annual leave shall be made to the employee's beneficiary, estate or as provided by law.

- **Bereavement.** Sick leave may be used if the death is a family member defined by the sick with pay section of this procedure. Personal and/or annual leave may be used for other circumstances not allowed under sick leave. Each request for leave is reviewed on an individual basis by the immediate supervisor.
- **Court Related.** Court related leave for work related purposes is authorized for full-time employees without any loss in salary. Any compensation paid by the court may be retained by the employee. The President may approve ~~vacation~~ annual or personal leave with pay when an employee is engaged in personal litigation, if the employee has available accumulated hours. If the employee does not have any available accumulated hours, personal leave without pay may be considered. When involved on behalf of the College or because of action in line of duty as an employee, College personnel shall be considered on duty and shall turn over to the College any fees received from the court. An employee subpoenaed in the line of duty to represent the College shall be considered functioning within his/her job assignment and will be paid per diem and travel expenses accordingly. An employee who receives a subpoena to represent the College shall notify his/her supervisor of the subpoena immediately.
- **Family Medical Leave.** ~~Full-time employees with one year of full-time employment-~~

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~~with the College and part time employees with 1250 hours of service during the previous 12 month period may apply for unpaid family medical leave for any of the following reasons:~~

- ~~○ To care for a newborn child of the employee.~~
- ~~○ To care for a child placed with the employee for adoption or foster care.~~
- ~~○ To care for a spouse, child, or parent (but not a parent in law) with a serious health condition.~~
- ~~○ To attend to a serious health condition that makes the employee unable to perform the functions of his/her position.~~
- **Family and Medical Leave** Employees who are eligible for FMLA may elect to substitute must use all accrued annual sick and sick annual or personal leave for any part of this ~~unpaid~~ 12-week period prior to going on unpaid leave. If employees are utilizing paid leave accruals, deductions from the employee's pay for insurance premiums will continue; however, if employees are on leave without pay, during family medical leave, employees they are required to pay their portion of health dependent insurance premiums in order to retain coverage for themselves and/or their dependents for family members.

When the necessity for this leave is foreseeable, employees shall provide the College at least 30 days prior notice; if the leave must begin in less than 30 days, the employee shall provide such notice as is practical.

~~Husbands and wives~~ Spouses who are both employed at the College are subject to special rules. The aggregate number of workweeks of leave available to a husband and wife for the care of a newborn or a child placed with them for adoption or foster care is limited to 12 workweeks during any 12-month period. Leave taken under this spousal rule, however, does not diminish the total entitlement of each spouse to his/her 12 weeks of leave that can be taken for the employee's own serious health condition, the care of the other spouse, or the care of a child.

Applicants must provide the College with certification issued by the health care provider of the eligible employee or of the child, spouse, or parent of the employee in a timely manner. However, upon notification of FMLA qualifying leave, the college will designate such leave pending certification. For causes related to ill health, sufficient certification should state (1) the date on which the serious health condition

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commenced, (2) probable duration of the condition, and (3) appropriate medical facts within the knowledge of the health care provider. In addition, a statement that the eligible employee is needed to care for the child, spouse, or parent or that the employee is unable to perform the functions of his/her position should be included. In the case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which such treatment is expected to begin and the duration of such treatment should be provided along with a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule and the expected duration of the leave.

In any case in which the College has reason to doubt the validity or sufficiency of the certification, the College may require that the eligible employee obtain the opinion of a second health care provider designated or approved by the College.

The College shall maintain appropriate insurance coverage for eligible employees pursuant to this rule. The College may recover the premium that the College paid for maintaining coverage for the employee under the group health and dental plan during any period of unpaid family medical leave (1) if the employee fails to return from leave after the period of leave has expired and (2) if the employee fails to return to work for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to family medical leave or other circumstances beyond the control of the employee.

A claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition must be certified in the same manner as an initial request for family medical leave.

During unpaid family medical leave, employees are not eligible to draw unemployment compensation, nor will they accrue vacation and sick leave. Upon return from leave, employees will be reinstated to the same (or an equivalent) position with the same pay, benefits, and terms and conditions of employment.

To apply for Family and Medical Leave, the employee must notify his/her supervisor and submits a written request *FMLA Medical Leave Request Form* to the Human Resources, Employee Benefits Office. ~~his/her immediate Supervisor~~ for approval 30

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days in advance of the requested leave, or as soon as practical prior to commencement of leave if the requested leave is to begin in less than 30 days. ~~Upon approval, the Supervisor forwards the request to the Director of Employee Relations Vice President for Human Resources and Equity for final approval.~~ The employee and his/her ~~Supervisor~~ are notified of the approval and instructed to submit a Personnel Recommendation Form (via the on-line Personnel/Payroll System). The *Request for Leave of Absence* form (ACC-23) must be processed by the employee's department each pay period during the employee's family leave. Employees will be reinstated to the same or an equivalent position with the same pay, benefits, and terms and conditions of employment upon return from leave. ~~Employees are required to pay for dependent coverages that they would like to continue. Employees can use any accumulated personal leave and/or sick leave to continue salary and benefits during any FMLA approved leave, which is unpaid.~~

- **Jury Duty Leave.** An employee who is summoned as a member of a jury panel or subpoenaed as a witness when not involved in the litigation shall be granted leave with pay but no reimbursement will be made by the College for meals, lodging, or travel.
- **Long Term Disability.** The College provides Long Term Disability income protection to all full-time employees at no cost to the employee. The disability coverage will cover up to 60% of the employee's monthly salary. The maximum monthly benefit is \$7,000-\$10,000 per month. The period of time that you an employee needs to be continuously totally or partially disabled before LTD benefits are payable is 90 days.
- **Military Leave With Pay.** Any person employed by the College who ~~finds it necessary is required to serve in the United States Armed Forces, or the National Guard or any other branch of the military or Armed Forces or group that is protected under the Uniformed Services Employment and Remployment Act ("USSERRA")~~ in a military capacity through tours of active duty not exceeding 17 calendar days per federal fiscal year (October 1 through September 30) shall be permitted to do so without any diminution of salary from the Board.
- **Military Leave Without Pay.** Any ~~person~~ College employee who ~~is required to serves~~ in the United States Armed Forces, National Guard or any other division of the military or Armed Forces or group that is protected under USERRA in a military capacity through

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tours of active duty exceeding 17 calendar days shall ~~will~~ be granted *personal* leave without pay, as permitted under the law. ~~A College employee who voluntarily enters into active duty in any of the armed services for temporary duty, training duty, or extended periods of service may be granted military leave at the discretion of the Board., but such leave, except in unusual cases, shall not be granted at a time when the employee is expected to be engaged in the work of his/her profession at the College.~~ Upon the completion of his/her ~~tour of duty~~ military service, the employee granted such leave shall be reinstated to employment as soon as possible without prejudice, provided application for reemployment is filed, in accordance with the restrictions, including the time restrictions, provided under USERRA for an employee to report back to work after being released from military service. ~~within one year following the date of discharge or release from active military duty.~~ This military leave shall not be counted as years of service toward a continuing contract.

- **Personal Leave With Pay.** All full-time employees may be granted paid leave not to exceed 4 days per fiscal year for personal reasons. Such absences for personal reasons shall be charged only to accrued sick leave and leave for personal reasons shall be non-cumulative. Any non-represented employee or FPE employee who finds it necessary to be absent from duty because of personal reasons shall notify the appropriate supervisor as soon as possible, preferably before the start of the workday.
- **Personal Leave Without Pay.** Personal leave without pay may be granted at the discretion of the immediate Supervisor in consultation with the appropriate member of the President's ~~Staff~~ Cabinet.
- **Professional Leave With Pay.** Professional leave with pay is available to employees whose assigned duties take them away from the College on a temporary basis for the purpose of attending conferences, workshops, seminars, and out-of-county meetings sponsored by external organizations. Such leave is granted at the discretion of the immediate Supervisor.
- **Professional Leave Without Pay.** Professional leave without pay is granted to employees at the discretion of their immediate Supervisor for the purpose of pursuing job-related activities.
- **Sabbatical.** Please refer to Policy 6Hx2-3.15, *Sabbatical*.
- **Sick Leave With Pay.** Full-time employees shall earn 1 day of paid sick leave for each

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calendar month of service, not to exceed 12 days for each fiscal year. Sick leave may be taken when necessary because of illness or injury of an employee. In addition an employee may take sick leave for the illness and/or death of his/her mother, father, brother, sister, spouse, child, step-parent, grandparent, grandchild, uncle, aunt, cousin, niece or nephew, domestic partner (as defined by the College's Affidavit of Domestic Partnership), ~~or other close relative and any other persons residing in his/her household.~~ Bereavement leave is charged to sick leave. Sick leave shall be cumulative from year to year with no maximum for accrual purposes. Any employee who finds it necessary to be absent from duty because of illness shall notify the appropriate supervisor as early as possible on the day on which he/she must be absent (preferably before the start of the shift).

- New full-time permanent employees may request Accumulated sick leave may be transferred from any Florida State agency, another Florida Public Community College, the Florida Department of Education, the Florida University System, or a Florida district school board, provided that at least one-half of the sick leave accumulated at any time must have been established at Broward Community College. Transferred sick leave is available for use in a one to one matching ratio as Broward Community College leave is accrued, e.g. one day of leave earned from the College gives an additional one day of transferred leave availability.
- **Sick Leave Without Pay.** Sick leave without pay may be granted at the discretion of the immediate Supervisor in consultation with the appropriate member of the President's Staff Cabinet. Sick leave without pay can only be used after all accumulated sick and annual leave has been used.
- **Workers' Compensation Leave.** Workers' Compensation leave is addressed in Broward Community College Policy 6Hx2-3.28, *Workers' Compensation*, and its accompanying procedure.

~~**Holiday Leave Without Pay.** Employees may elect to take unpaid leave before or after a holiday. Such leave is granted at the discretion of the immediate Supervisor.~~

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