

Procedure Manual



Title: Employee Leave	Number: A6Hx2-3.11
Policy Number: 6Hx2-3.11	Page: 1 of 8

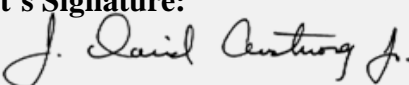
The following types of leave are covered by this procedure:

- Administrative Leave With Pay
- Administrative Leave Without Pay (LWOP)
- Annual (Vacation)
- Bereavement
- Court Related (in conjunction with BC employment)
- Domestic Violence Leave
- 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

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. 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 and approved by the employee's immediate supervisor or, in his/her absence, the supervisor's 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. 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.

Recommending Officer's Signature:	Date: 9/25/12	President's Signature: 	Date: 9/25/12
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Procedure Manual



Title: Employee Leave	Number: A6Hx2-3.11
Policy Number: 6Hx2-3.11	Page: 2 of 8

Personnel Recommendation Form: The Personnel Recommendation form is to be used to document the approval of any leave extending beyond 14 calendar days with the exception of vacation.

TYPES OF LEAVE

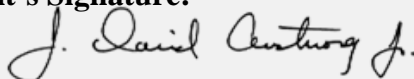
Administrative Leave With Pay: At the College’s discretion, an administrative or PTS employee may be placed on Administrative Leave with pay by the President or his/her designee, while employment actions are being considered, or in other instances, when said leave is determined by the President in his/her 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. Granting LWOP is a matter of supervisory discretion and may be limited by district Board policy.

Annual (Vacation): 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)

At the end of any calendar year, such annual leave may be accumulated up to a maximum of 500 hours; use of this 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 500 hours in any calendar year shall be used that calendar year or 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 Associate 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 500

Recommending Officer’s Signature:	Date: 9/25/12	President’s Signature: 	Date: 9/25/12
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Procedure Manual



Title: Employee Leave	Number: A6Hx2-3.11
Policy Number: 6Hx2-3.11	Page: 3 of 8

accumulated annual hours. 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 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.

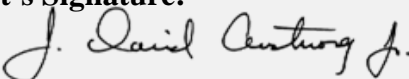
Court Related: The President and/or his/her designee may approve *annual* or *personal* leave with pay when an employee is engaged in personal litigation, if the employee has available accumulated hours. If the employee does not have any available accumulated hours, personal leave without pay may be 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 and Medical Leave: Employees who are eligible for FMLA must use all accrued sick and annual leave for any part of this 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, they are required to pay their portion of health insurance premiums in order to retain coverage for themselves and/or their dependents.

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.

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 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

Recommending Officer's Signature:	Date: 9/25/12	President's Signature: 	Date: 9/25/12
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Procedure Manual



Title: Employee Leave	Number: A6Hx2-3.11
Policy Number: 6Hx2-3.11	Page: 4 of 8

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 submit a *FMLA Medical Leave Request Form* to the Human Resources, Employee Benefits Office for approval 30 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. The employee and his/her supervisor are notified of the approval and instructed to submit a Personnel Recommendation Form. The *Request for Leave of Absence* form 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.

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 twelve (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;

Recommending Officer's Signature:	Date: 9/25/12	President's Signature: 	Date: 9/25/12
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Procedure Manual



Title: Employee Leave	Number: A6Hx2-3.11
Policy Number: 6Hx2-3.11	Page: 5 of 8

- 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.
- For the employee because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active military duty or has been notified of an impending call to active duty.

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.

Military Family Caregiver Leave under Family and Medical Leave Act of 1993 (FMLA):

Amendments to the FMLA made in 2008 provide for an additional leave benefit for an employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty or for any qualifying exigency. This leave provides for an entitlement of up to 26 weeks in a single 12-month period to care for the service member.

Domestic Violence Leave:

Employees who have been employed by the college for 3 or more months are entitled to 3 days leave in a 12-month period if the employee or a member of employee's family or household is a victim of domestic violence. Domestic Violence Leave is charged to accrued sick or vacation leave. If the employee has no accrued leave, Domestic Violence Leave will be coded as leave without pay. The employee must provide the supervisor with advance notice of the leave, except in cases of imminent danger. Pursuant to Florida law, this documentation is confidential and exempt from Florida statute 119. The employee may be required by the college to provide documentation of the act of domestic violence for which the leave is needed.

Recommending Officer's Signature:	Date: 9/25/12	President's Signature: 	Date: 9/25/12
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Procedure Manual



Title: Employee Leave	Number: A6Hx2-3.11
Policy Number: 6Hx2-3.11	Page: 6 of 8

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 in writing leaves up to 6 months with or without pay for all full-time employees for service deemed meritorious to the College, extraordinary hardship reasons or when such leave is deemed to be in the best interest of the College.

All leave extending beyond 6 months including cumulative or intermittent leave that exceeds six months based on a twelve (12) month rolling period 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 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. 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 any type of extended leave is responsible for notifying the College in writing of his/her intention to return to the College.

PTS and Administrative employees receiving any type of extended leave shall notify the College of their intention to return to duty, no less than 15 days prior to 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.

Jury Duty: 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.

Recommending Officer's Signature:	Date: 9/25/12	President's Signature: 	Date: 9/25/12
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Procedure Manual



Title: Employee Leave	Number: A6Hx2-3.11
Policy Number: 6Hx2-3.11	Page: 7 of 8

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 \$10,000 per month. The period of time that an employee needs to be continuously totally or partially disabled before LTD benefits are payable is 90 days.

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 Cabinet.

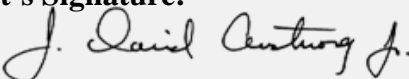
Professional Leave With Pay: Professional leave with pay is available to employees whose assigned duties take them away from the College on a temporary basis for the purpose of attending conferences, workshops, seminars, and out-of-county meetings sponsored by external organizations. Such leave is granted 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 With Pay: Full-time employees shall earn 1 day of paid sick leave for each 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). 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 College, the Florida Department of Education, the Florida University System, or a Florida district school board. Transferred sick leave is available for use in a one to one matching ratio as Broward College leave is accrued, e.g. one day of leave earned from the College gives an additional one day of transferred leave availability.

Recommending Officer's Signature:	Date: 9/25/12	President's Signature: 	Date: 9/25/12
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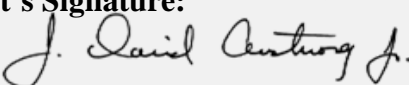
Procedure Manual



Title: Employee Leave	Number: A6Hx2-3.11
Policy Number: 6Hx2-3.11	Page: 8 of 8

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 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 College Policy 6Hx2-3.28, *Workers' Compensation*, and its accompanying procedure.

Recommending Officer's Signature:	Date: 9/25/12	President's Signature: 	Date: 9/25/12
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