

ARTICLE 17

LEAVES

17.1 Requests for a Leave or Extension of Leave of One (1) Semester or More.

(a) For a leave of one (1) semester or more, an employee shall make a written request not less than 120 days prior to the beginning of the proposed leave, if practicable.

(b) For an extension of a leave of one (1) semester or more, an employee shall make a written request not less than sixty (60) days before the end of the leave, if practicable.

(c) The University shall approve or deny such request in writing not later than thirty (30) days after receipt of the request.

(d) An absence without approved leave or extension of leave shall subject the employee to the provisions of Article 16.

(e) An employee's request for use of leave for an event covered by the provisions of the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) shall be submitted and responded to in accordance with the provisions of the FMLA and its implementing regulations as discussed in Section 17.6.

17.2 Return from Leave. An employee who returns from an approved leave of absence with or without pay shall be returned to the same classification, unless the University and the employee agree in writing to other terms and conditions. The return from FMLA leave shall be governed by the FMLA and its implementing regulations, as discussed in Section 17.6.

17.3 Accrual During Leave with Pay. An employee shall accrue normal leave credits while on compensated leave in full-pay status, or while participating in the sabbatical or professional development programs. If an employee is on compensated leave in less than full-pay status for other than sabbaticals or professional development programs, the employee shall accrue leave in proportion to the pay status.

17.4 Tenure Credit During Periods of Leave. Semester(s) during which an employee is on compensated or uncompensated leave shall be creditable for the purpose of determining eligibility for tenure except by mutual agreement of the employee and the University. Time spent on family and medical, parental, administrative, or military leave, whether paid or unpaid, shall not be tenure-earning unless otherwise mutually agreed to by the employee and the president or president's representative in writing at the time such leave begins. Upon return from military leave, an employee may request that the time spent on military leave be tenure-earning, which request must be granted by the president or president's representative. Time spent on paid or unpaid leave for any purpose not otherwise listed herein shall be tenure-earning unless otherwise mutually agreed to by the employee and the president or president's representative in writing at the time such leave begins.

17.5 Holidays.

(a) An employee shall be entitled to observe all official holidays designated in accordance with Section 110.117, Florida Statutes. No classes shall be scheduled on holidays. Classes not held because of a holiday shall not be rescheduled.

(b) Supervisors are encouraged not to require an employee to perform duties on holidays; however, an employee required to perform duties on holidays shall have the employee's schedule adjusted to provide equivalent time off, up to a maximum of eight (8) hours for each holiday worked.

(c) If an employee who has performed duties on a holiday terminates employment prior to being given time off, the employee shall be paid, upon termination, for the holiday hours worked within the previous twelve (12) month period.

17.6 Family and Medical Leave Act (FMLA) Entitlements.

(a) The Family and Medical Leave Act of 1993 ("FMLA") is the common name for the Federal law providing eligible employees an entitlement of up to four hundred and eighty (480) hours of leave without pay for qualified family or medical reasons during a one-year period. This Act entitles the employee to take leave without pay; where University policies permit, employees may use accrued leave with pay during any qualifying family or medical leave. The failure to list, define, or specify any particular provision or portion of the FMLA in this Agreement shall in no way constitute a waiver of any of the rights or benefits conferred to the employer or the employee through the FMLA.

(b) Implementation of FMLA Leave Entitlements.

(1) An employee, whether salaried or paid from Other Personal Services (OPS), is entitled to four hundred and eighty (480) hours of FMLA leave within a twelve (12) month period for any qualifying family or medical leave.

(2) Pursuant to Fla. Admin. Code R 6C-5.920(13), a salaried employee is entitled to a parental leave for up to six (6) months in accordance with the provisions of Section 17.7, for a birth or adoption of the employee's child. If an eligible employee elects to take Parental Leave, up to four hundred and eighty (480) hours of such leave may be counted against that employee's FMLA entitlement.

(c) Accounting for the Use of FMLA Leave in a Twelve-Month Period.

(1) The fiscal year (July 1 - June 30) shall be the designated twelve (12)-month period in which to count the use of up to four hundred and eighty (480) hours of FMLA leave.

(2) An eligible employee's entitlement to leave for a birth or placement for adoption or foster care expires at the end of a twelve (12) month period beginning on the date of the birth or placement of the child.

(d) Use and Approval of FMLA Leave.

(1) The University shall approve FMLA leave for an eligible employee as long as the reasons for absence qualify under the FMLA and the employee has not exhausted the employee's four hundred and eighty (480) hours within the appropriate 12-month period for such leave. The employee may request FMLA leave as accrued leave, leave without pay, or a combination of both.

(2) The University may require that the employee use accrued leave with pay prior to requesting leave without pay for four hundred and eighty (480) hours (12 work weeks) of FMLA leave. Requiring the use of paid leave shall be applied consistently and may not be used merely to exhaust the employee's leave balance in order to prohibit the use of paid leave while on leave without pay as provided for in Section 17.11(e).

(3) To request FMLA leave, the employee must submit a Medical or Parental Leave Request Form and a UCF Medical Certification Form. After the president or representative

has acquired knowledge that the leave is being taken for an FMLA required reason, the president or representative shall within two business days, absent extenuating circumstances, notify the employee of the period of FMLA leave to be granted, including the date of return to employment. If the notice is oral, it shall be confirmed in writing no later than the following payday (unless the payday is less than one week after the oral notice, in which case the notice must be no later than the subsequent payday).

(e) **Medical Certification.**

(1) The University requires that an employee provide a UCF Medical Certification Form from a health care provider for FMLA leave when taken for the serious health condition of the employee or the employee's family member.

(2) The UCF Medical Certification Form is required to affirm the employee's ability to return to work and perform one or more of the essential functions of the job within the meaning of the Americans with Disabilities Act (ADA), after being absent on FMLA leave.

(f) **Return to Position.** Upon return from FMLA leave, the employee shall be returned to the same or equivalent position in the same class and work location, including the same shift or equivalent schedule, unless the University and the employee agree in writing to other conditions and terms under which such leave is to be granted.

(g) **Continuation of Benefits.** The use of FMLA leave by eligible employees shall neither enhance nor decrease any rights or benefits normally accrued to salaried employees during a leave with pay or any rights or benefits normally accrued during a leave without pay.

(h) If any provision of Section 17.6 (FMLA) is inconsistent with or in contravention of the Family Medical Leave Act of 1993, Public Law 103-3, or the Family and Medical Leave Act Regulations, 29 CFR Part 825, or any subsequently enacted legislation, then such provision shall be superseded by the laws or regulations referenced above, except to the extent that the collective bargaining agreement or any employee benefit program or plan provides greater family or medical leave rights to an eligible employee.

17.7 Parental Leave.

(a) An employee shall be granted a parental leave not to exceed six (6) months when the employee becomes a biological parent or a child is placed in the employee's home pending adoption; foster care is not covered under parental leave but is provided through the FMLA provisions in accordance with Section 17.6.

(b) The period of parental leave will normally begin no sooner than two (2) weeks prior to the date of the child's expected arrival.

(c) At the request of the employee, he or she shall be permitted to use accrued annual leave for all or part of the parental leave.

(d) When the employee is the child's biological parent:

(1) the employee shall be permitted to use accrued sick leave for two weeks prior to the anticipated delivery date and six weeks after the delivery date for vaginal delivery or eight weeks after the delivery date for delivery other than vaginal provided that a UCF Medical Certification Form has been provided that states that the employee cannot work or the employee is needed to assist

the biological mother with basic medical or personal needs, safety, transportation, or to provide psychological support;

(2) use of additional sick leave, beyond that provided for in the preceding paragraph, shall be permitted as necessary for the health of the employee or child if a UCF Medical Certification Form has been provided that states that the employee cannot work or the employee is needed to assist the biological mother with basic medical or personal needs, safety, transportation, or to provide psychological support; and

(e) When the employee is not the child's biological parent, parental leave shall normally be leave without pay; however, use of accrued sick leave shall be granted when a UCF Medical Certification Form has been provided that states that the child has a serious health condition or state that the employee is needed to provide basic medical or personal needs, safety, transportation, or to provide psychological support. For adoption, documentation is also required to show that the child has been placed in the employee's home.

(f) If the employee normally has an instructional assignment then, at the request of the employee and with the permission of the employee's supervisor:

(1) the assignment may be changed to a non-instructional assignment for the academic semester during which the child is expected to arrive; or

(2) the parental leave may be structured to begin at the start of academic semester during which the child is expected to arrive.

(3) When an employee has exhausted parental leave and has used their FMLA entitlement prior to the end of the semester in which the child was born, an unpaid personal leave of absence may be granted until the end of the semester. A Leave of Absence Request Form is required for a Personal Leave of Absence. While on an unpaid personal leave, the employee may be required to pay the full premium cost for health and life insurance.

(g) Following the submission of a Medical or Parental Leave Request Form and a UCF Medical Certification Form, the president or representative shall acknowledge to the employee in writing the period of leave to be granted, that such leave counts against the employee's unused FMLA entitlements in accordance with Section 17.6 of this Agreement, and the date of return to employment.

(h) At the end of the approved parental leave and at the employee's request, the president or representative shall grant part-time leave without pay for a period not to exceed one (1) year from the child's birth or placement of the child, unless the president or representative determines that granting such leave would be inconsistent with the best interests of the University.

(i) Any illness caused or contributed to by pregnancy, when certified by a health care provider, shall be treated as a temporary disability and the employee shall be allowed to use accrued sick leave credits when such temporary disability is certified by a health care provider. In such a case, a Medical or Parental Leave Request Form and a UCF Medical Certification Form is required. Pregnancy shall not be considered a disability.

(j) Upon agreement between the employee and the University, intermittent FMLA leave or a reduced work schedule may be approved for the birth of the employee's child or placement of a child with the employee for adoption in accordance with Section 17.6.

(k) The employee must provide a UCF Medical Certification Form or a UCF Intent to Return to Work Form and Medical Release Form when returning to work within eight (8) weeks after

delivering a child. The Certificate or Release must state that she is physically fit to return to work at the end of the leave.