

PENSACOLA STATE COLLEGE
MANUAL OF PROCEDURES

Policy Title:	Leaves of Absence	<u>Number</u> 413
Legal Authority:	s. 1001.64, Fla. Stat.	<u>Page</u>
Law Implemented:	s. 1012.855, Fla. Stat.	Page 1 of 18

I. Purpose:

To provide employees with information and guidelines related to leaves of absence.

II. Procedure:

A. Definition of Leave of Absence

Leave of absence is defined as permission granted by PSC under its adopted policies and procedures, for an employee to be absent from his/her duties for a specific period of time with the right of returning to employment without prejudice on the expiration of the leave. Leave shall be officially granted in advance and no action purporting to grant leave retroactively shall be recognized; leave, sickness, or other emergencies may be deemed to be granted in advance if a prompt report is made to the proper authority. Leave may be with or without pay as provided by law, policies, and procedures of the College.

B. General Topics

1. Employees are expected to be at their assigned duty stations performing their job duties during the assigned work shift unless leave has been approved in advance.
2. Leaves of absence must be used for the purpose for which they were granted. Any change of plan or circumstance requires that the College be notified. Such change may require a revised leave request to be approved or the immediate return of the employee to work. Employees in violation of this procedure are subject to disciplinary action, up to and including termination of employment.
3. Requesting/reporting Leave
 - a. Employees are required to request and receive approval for leave in advance from their immediate supervisors using the leave request system in Workday. Note: Additional approval may be needed based on the type of leave requested.
 - b. The director, human resources should be consulted in the event of a disagreement resulting from the denial of a leave request.
 - c. Leave for sickness and leaves made necessary by emergencies are considered as being granted in advance if the employee makes a prompt report concerning the absence to the immediate supervisor.
 - d. In case of illness or emergency:
 - 1.) Employees should make every effort to contact their immediate supervisor in advance of their scheduled start time.

- 2.) If the supervisor is unavailable, the employee should contact the supervisor's designee so that this information can be relayed to the supervisor at the earliest possible time. Note: All supervisors should identify a designee for this purpose and advise their employees of the departmental procedure for reporting an unexpected absence.
- 3.) Should it be impossible for the employee to personally provide notification, every effort must be made to have a family member, friend, or acquaintance provide such notification. Unless the employee can prove that proper notification was impossible, an absence of three consecutive days or work shifts without proper notification is considered job abandonment and may be treated as voluntary resignation and termination of employment (see absence without leave).
- 4.) A Leave Request must be submitted in Workday by the employee immediately upon returning to work.
- 5.) If needed for payroll purposes, the supervisor may initiate a Leave Request in Workday on behalf of the employee with the understanding that the employee will review and verify the information upon returning to work.

C. Absence without leave

1. Any employee who is absent from duty without leave will forfeit compensation for the time of such absence and may be subject to disciplinary action, up to and including termination of employment.
2. Employees who fail to return from an approved leave at the appointed time without explanation will be considered absent without leave and subject to disciplinary action, up to and including termination of employment.
3. The College recognizes the possibility that an unusual personal circumstance could prevent an employee from notifying the College of an absence as prescribed in this procedure. It is the responsibility of the immediate supervisor to attempt contact with the employee (or the employee's designated emergency contact) to ascertain the employee's status. If the supervisor is unable to ascertain the employee's status by the end of the second day of the unauthorized absence, the director, human resources should be notified immediately so that a course of action may be determined.
4. Returning to work following an extended leave of absence
 - a. Employees on extended approved leaves of absence should consult the director, human resources in advance of the expiration of their leave in order to provide for a properly documented return to employment with the College. No one returning from an extended leave shall be permitted to resume employment without first receiving the required approval to do so.
 - b. Employees will return at the same pay and rank as when he/she started the extended leave with any salary adjustments as assigned to all other employees in the same classification and will be assigned duties best meeting the needs of the College. While

the duties are likely to be very similar, assignment to the vacated position is not automatic.

5. Employee benefits and obligations while on unpaid leave
 - a. Except as provided under the Family Medical Leave Act (FMLA), full-time employees on unpaid leave for more than one-half of the work days in a payroll cycle will not accrue sick or annual leave benefits during the extended leave period.
 - b. Employees on unpaid leave are responsible for the payment of all group insurance premiums (for both the employee and the employee's dependents) in order to maintain continuous coverage. This means individuals who do not earn enough to cover the deductions during a month will have to pay the employee costs out of pocket. Individuals that are not in a paid status and do not earn any salary will have to pay the employer and employee costs for coverage, except as noted under the FMLA.
 - 1.) Remittance of payment must be made by the last working day of the month in which the unpaid leave occurs.
 - 2.) If remittance is not made within the prescribed period, all applicable insurance coverage will be canceled until such time as the employee is eligible for reinstatement in accordance with insurance carrier enrollment policies.

D. Sick Leave

1. Eligibility, accrual, and usage of sick leave
 - a. All full-time employees of the College are eligible for sick leave. Sick leave begins to accrue in the pay period following the date of hire where leave is granted to all employees.
 - b. One full day (7.5 hours) of sick leave will be accrued for each calendar month of service. This methodically is achieved for College staff by awarding 3.75 hours of sick leave per pay period except for the third pay period in a month (two times a year) that does not accrue leave. Faculty earn 3.5 hours per pay period that accrues leave.
 - c. Only active service will be considered when determining sick leave earnings. Employees must work or be on paid leave for at least one-half of all workdays in the pay period to accrue sick leave for that time frame.
 - d. Sick leave hours will accumulate from year to year for the employee's use as stipulated herein.
 - e. When an employee is unable to perform assigned duties because of illness, accident, or other physical disability, the employee must notify his/her supervisor immediately of the anticipated absence. If the supervisor is unavailable, the employee should attempt to contact another authorized representative of the College as soon as possible on the day of the absence.

Supervisors should designate an alternate contact for employees in their departments (see requesting/reporting leave under general topics).

2. The College may request a health care provider's statement attesting to the employee's illness if excessive usage is noted or when sick leave exceeds ten consecutive days. Supervisors should maintain contact with the director, human resources when chronic absence is apparent or when the excessive absences are greater than ten consecutive days.
 3. When sick leave exceeds 15 consecutive duty days, a healthcare provider's certificate attesting to the employee's ability to return to work and perform assigned duties is to be submitted to the immediate supervisor at the time the employee returns to duty. This certificate should be forwarded to Human Resources along with a copy of the leave form. In accordance with HIPAA guidelines, the certificate will be maintained in a separate medical file – not in the employee's personnel file.
 4. A new full-time employee who, because of illness, accident, or other physical disability, is unable to report for duty at the beginning date of employment is ineligible for sick leave. The effective hire date for this new employee will be modified to reflect the first actual day of employment.
 5. Sick leave may be approved only for the following reasons:
 - a. Because of the personal illness, accident, disability, or extended illness of the employee.
 - b. Because of the illness or death of a close relative or member of the employee's household Note: Illness, as used herein, includes related medical appointments and preventative medical screenings.
 6. Accumulated sick leave may be transferred from another Florida community college, the Florida Department of Education, the State University System, a Florida District School Board, or a Florida state agency. An official letter from the previous institution with the earned amounts must be submitted to Human Resources before credit can be given. Transferred hours shall be credited to the employee's accumulated sick leave balance at the same rate as hours earned at Pensacola State College.
- E. Sick Leave Pool (SLP)
1. A SLP has been established for the purpose of providing additional paid sick leave protection to eligible employees. Full-time employees of the College may participate in the pooling of accrued sick leave for use by participating employees who are in need of sick leave in excess of the amount they have personally accrued.
 2. Participation in the sick leave pool shall at all times be voluntary on the part of employees.

3. Full-time employees shall be eligible for participation in the sick leave pool after 1 consecutive year of employment with the college, provided such employees have accrued a minimum amount of 5 days of unused sick leave.
4. Participating employees shall make equal contributions to the sick leave pool.
 - a. The maximum amount of sick leave which may be contributed to the pool by participating employees is 1 day of unused sick leave. After the initial contribution that employees make upon electing to participate, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contribution shall be equally required of all employees participating in the pool.
 - b. Participating employees who use sick leave from the pool will not be required to recontribute such sick leave to the pool, except as otherwise provided herein.
 - c. Participating employees who choose to no longer participate in the sick leave pool will not be eligible to withdraw any sick leave already contributed to the pool.
5. Joining the SLP is prohibited at any time other than the enrollment and periodic replenishment periods.
6. Withdrawing leave from the SLP
 - a. Withdrawal of leave from the SLP will require, in all cases, a statement from a health care provider testifying to the disability, to the estimated period of disability, and a statement that the employee is unable to work. HIPAA guidelines will be followed related to any medical documentation submitted to the College.
 - b. An employee using leave from the SLP for more than one-half of all workdays in a pay period month will not earn sick leave for that timeframe.
 - c. Participating employees will not be eligible to use sick leave from the pool until all of their sick and annual leave have been depleted. The maximum number of days for which employees may draw sick leave from the sick leave pool is 45 days within any one contract/fiscal year and 90 days within any three consecutive years.
 - d. Alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employees shall repay all of the sick leave credits drawn from the sick leave pool and shall be subject to such other disciplinary action as is determined by the President to be appropriate.
7. Operation of the SLP will be monitored by a committee that will act in an advisory capacity to the Director of Human Resources.
 - a. The committee will be composed of the Director, Human Resources, the Chairperson of the Benefits Committee, a faculty member appointed by the

faculty members of the SLP, a career service representative appointed by the career service members of the SLP, and a professional/managerial representative appointed from the professional/managerial members of the SLP. Since the Committee may have to meet on short notice, each member must designate an alternate who shall have full authority to act in his or her place during any absence. SLP Committee members will not serve more than two (2) consecutive years.

- b. This committee shall be responsible for the administration of the sick leave pool in accordance with these rules and shall investigate any alleged abuse of the use of the sick leave pool by participating employees.

F. Vacation (Annual) Leave

1. Annual leave will be earned as defined in Policy 6Hx20-4.011.
2. Only active service shall be considered when determining vacation leave earnings. Employees must work or be on paid leave for at least one-half of all workdays in a pay period to accrue vacation leave for that timeframe.
3. Vacation time shall be scheduled and approved in advance so that there will be minimal disruption to the operation of the College.
4. Annual leave credits earned in excess of 44 days in any calendar year shall be used that calendar year or may be transferred to sick leave. The maximum amount of credit that can be transferred in any calendar year shall not exceed 12 days. Such vacation leave transferred to sick leave shall be without compensation and cannot be used in the calculation of terminal sick leave pay.
5. Upon the initiation of participation in the FRS's Deferred Retirement Option Program (DROP), the employee may elect to be paid for unused vacation leave at the employee's current rate of pay, to the extent that the payment does not exceed the maximum payout for the employee classification as described above. If this payment is less than the maximum, the balance of the employee's unused vacation leave at termination of employment will be paid to the extent of the maximum payout. The employee will continue to earn vacation leave while in DROP, however, the total payout (payment at DROP initiation plus payment at termination, if any) may not exceed the maximum.
 - a. Upon termination of employment with the DBOT, the employee shall be paid for unused vacation leave at the employee's current rate of pay, to the extent that the payment does not exceed the maximum payout, 330 hours, as described above. Accrued leave credits in excess of the amount allowed to be paid out in terminal vacation leave payout must be used prior to termination or forfeited. In the case of the death of the employee, payment shall be made to the employee's designated beneficiary, estate, or as provided by law.

- b. Terminal pay of vacation leave is subject to any approved special pay plan in effect at the time of resignation, retirement, or DROP election. The College has established a mandatory terminal leave special pay plan wherein terminal leave payouts of annual and sick leave of over \$5,000 are required to be sent to a 403b provider.

G. Administrative Leave

Administrative leave may be granted or assigned at the discretion of the president when it is deemed to be in the best interest of the College. The president may authorize administrative leave with or without pay and/or benefits.

H. Professional Leave

1. Professional leave is granted primarily for the professional benefit or advancement of an employee and consequentially for the benefit of the institution. The College offers the following types of professional leave:

- a. Sabbatical Leave - The general purpose of the Sabbatical Leave is to enhance the professional benefit or advancement of a faculty member and consequently to benefit Pensacola State College. Eligibility and the application process are specified in Article 14 of the Collective Bargaining Agreement.
- b. Consulting Leave - The President may grant full-time administrators twelve (12) days of professional leave per fiscal year for educational or education-related consulting. This leave is non-cumulative and is not to exceed three consecutive work days at a given time. An administrator shall not receive compensation for consulting at another Florida state-funded agency where dual compensation would result.
- c. Professional Development Leave - Professional Development Leave may be granted by the President to further formal education at the graduate or post-graduate level or for activities that contribute to professional development.
 - 1.) Eligibility will be established by having worked at the College in a professional capacity (Executive and Professional/Managerial Salary Schedules) for a minimum of five (5) consecutive years.
 - 2.) Professional Development Leave may be granted for six months or less at full pay or at half pay for more than six months to one year.
 - 3.) Eligibility to apply for subsequent terms of Professional Development Leave will begin after having served five (5) consecutive years beginning with the date of completion of the previous leave.
 - 4.) Process to request professional development leave
 - (a) A letter must be written to the appropriate Vice President through the supervisor(s) outlining the reasons for the leave including:

- (1) nature and purpose of the leave;
 - (2) length of leave;
 - (3) how the leave contributes to one's professional growth and future performance;
 - (4) the overall benefit to the College.
- (b) The request must be made by March 1 each year to be eligible for the next academic year. Exceptions to this schedule may be approved by the President.
 - (c) If the Vice President, in consultation with the appropriate supervisors, recommends approval of the request, it will be submitted to the President's Cabinet for final consideration.
 - (d) Once approved, days where professional leave is to be paid, the employee should submit for time off in Workday as professional leave. This will pay the employee while recording the use of professional leave.
 - (e) If approved, the appropriate leave papers must be submitted to the Human Resources Department and a contract agreeing to return to the employment of the College for two (2) years after completing the Professional Leave must be signed. When less than the full authorized leave is taken (i.e., less than a one-half year at full pay or less than a full year at one-half pay), the required two (2) years are reduced proportionately. An employee who fails to return to the College for the required employment period shall repay both the salary received and the cost of the benefits awarded by the College during the professional leave. This payback requirement will be reduced proportionately based on the employment period following the leave. Exceptions to this provision may be approved by the President.

Criteria for selection include, but are not limited to, the following: (not listed in order of priority)

- a. length of service
 - b. extent of the future benefit to the College
 - c. extent of the benefit to the individual
 - d. potential for future growth of the individual as evidenced through past performance
2. Release Time for Study for Career Service Employees
 - a. Full-time career service employees of the College may be granted professional leave during normal working hours for the purpose of taking courses on campus appropriate to enhancing job-related knowledge and skills. Release time is available for up to three (3) hours per week to enroll in a College course or workshop.
 - b. Release time study leave will be authorized only for College courses and workshops that allow an employee to improve his or her job responsibilities or to develop job-related knowledge and skills.

- c. The request form should be completed in consultation with the immediate supervisor and sent through the appropriate supervisory channel for approvals. The appropriate Vice President/President is the final approving authority.
- d. The supervisor must approve and monitor a planned program of job-related courses needed to achieve a specified occupational goal. The supervisor must approve that the time away from the job will not interfere with the normal operation of the employee's work area.
- e. If approved, the Release Time for Study Form must be submitted to the Human Resources Department for record retention purposes.

I. Personal Leave

- 1. Full-time employees may use a maximum of 4 days (30 hours) of accrued sick leave for personal reasons each fiscal year. Leave for personal reasons is noncumulative.
 - a. Personal leave should be submitted and approved in Workday by the supervisor in advance.
 - b. Personal leave is deducted from the sick leave balance of the employee.
 - c. If the employee has enough hours banked in sick leave, the employee will be paid for this personal leave time. If the employee does not have enough sick leave accrued to cover the personal leave time, the employee must request annual leave (if available) or personal leave without pay.
- 2. Employees may not take personal leave without pay in lieu of accrued annual leave.
- 3. Leave without pay for personal reasons (including mental or physical illness) that extends beyond the employee's available leave time may be granted to full-time employees.
 - a. Such extended personal leave may be granted to instructional personnel on continuing contract for periods not to exceed one year. All other personnel may be granted personal leave not to exceed their current DBOT appointment. Note: When applicable because of a qualifying illness, the first 12 weeks of an extended personal leave will be counted against any family medical leave benefits.
 - b. Requests for such leave must be submitted with complete justification to support the request for personal leave, including (when applicable) a statement of verification from a health care provider. Any such statement will be maintained in accordance with HIPPA guidelines.
 - c. While the College will make a reasonable effort to accommodate requests for extended personal leave, the College has a higher obligation to assure smooth, efficient operation. Such leave may be denied when it would create an undue hardship

J. Family Medical Leave Act (FMLA)

- 1. Overview - PSC complies with all aspects of the FMLA of 1993 and does not interfere with, restrain, or deny the exercise of any rights provided under the

FMLA. FMLA is available regardless of the employee's eligibility for College leave benefits.

2. Full-time and part-time employees of PSC who have worked for the College for 12 months and at least 1,250 hours within the year preceding the commencement of the leave are entitled to up to 12 weeks (450 hours) of FMLA leave within any 12-month period. Unpaid leaves are not included when calculating whether 1,250 hours have been worked. A 12-month period is defined as any rolling 12-month period measured backward from the date that leave is used.
3. FMLA leave may be taken for the following reasons:
 - a. The birth and care of a newborn child of the employee
 - b. Placement with the employee of a son or daughter for adoption or foster care
 - c. To care for an immediate family member (spouse, child, or parent) with a serious health condition
 - d. When the employee is unable to work because of a serious health condition
 - e. A qualifying military emergency involving the employee's spouse, son, daughter, or parent, or when the employee is the next of kin of a covered service member as defined below (see military family leave section below)

A serious health condition per the FMLA is defined as an illness, injury, impairment, or physical or mental condition that involves a period of incapacity or treatment following inpatient care in a hospital, hospice, or residential medical care facility; a period of incapacity requiring more than three days' absence from work and continuing treatment by a health care provider; continuing treatment by a health care provider for a chronic or long-term health condition that is so serious that, if not treated, would likely result in incapacity of more than three days; continuing treatment by or under the supervision of a health care provider of a chronic or long-term condition or disability that is incurable; or prenatal care.

Military Family Leave

Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying military emergency" as defined by the Secretary of Labor arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active duty status, in support of a contingency operation. An eligible 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 on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during "a

single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

4. FMLA Procedures
 - a. Employees should notify their immediate supervisor of an anticipated leave and then contact Human Resources for assistance with the required forms and documentation. Requests to Human Resources should be made at least 30 days in advance whenever possible. Unforeseeable leave should be requested as soon as practicable. Leave Request forms must be completed by the employee for all leave requested.
 - b. Employees are required to use any accrued leave benefits while on family medical leave. Both paid and unpaid leave are counted against the 12-week FMLA entitlement. Employees must exhaust paid benefits prior to going on unpaid leave. Employees who have exhausted all paid leave will not accrue additional sick or annual leave while on family medical leave.
 - c. Medical certification by the health care provider is required for all family medical leave requests. Healthcare provider forms can be obtained from the Office of Human Resources. Failure to provide medical certification within 15 days of the College’s request may result in denial or discontinuation of leave.
 - d. Leave for personal illness or to care for a sick family member may be taken on an intermittent basis as long as the necessity is reflected in the medical documentation. The College reserves the right to temporarily transfer an employee requesting intermittent leave or partial leave to an alternative position that better accommodates the recurring periods of leave.
 - e. Spouses employed by the College are entitled to a combined total of 12 work weeks of family leave for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.
 - f. Group health and life insurance benefits will be maintained during the leave period in accordance with College policies. Employees on unpaid leave must remit payment for all voluntary benefits, including but not limited to, dental and vision insurance premiums, dependent health coverage, and supplemental life insurance.
 - g. Upon return, employees will be restored to their original or equivalent position. Medical certification is required in order to return to employment if the FMLA reason was for a personal medical issue rather than that of a family member. Employees who fail to return to work shall be considered as having voluntarily terminated their employment. Any employee who is unable to perform the essential functions of the job will not be reinstated.

- h. If the employee fails to return to work following FMLA leave for a reason other than continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave, the employee will be required to reimburse the College for any health insurance premiums paid on the employee's behalf during the FMLA leave period.
- i. HIPAA guidelines will be followed related to any medical documentation submitted to the College.

K. Illness in the Line of Duty Leave

The following procedures are for reporting and documenting a personal injury or illness received in the discharge of duty and receiving illness-in-line-of-duty (workers' compensation) leave benefits related to the injury or illness.

1. Accident/Incident Report - An Accident/Incident Report must be completed for each injury or illness contracted by an employee in the line of duty regardless of whether the injury or illness results in lost time from College duties. Public safety should be contacted to complete an Accident/Incident Report form for delivery to Human Resources as soon as possible.
2. When medical attention is needed
 - a. In the case of a serious or life-threatening emergency, current PSC emergency protocol is to be followed – including calling 911, if warranted. Public Safety (or campus/center director) is to notify Human Resources as quickly as possible so that medical authorizations can be initiated.
 - b. If the injury or illness is not a serious or life-threatening emergency, but requires medical attention beyond first aid treatment, the employee should contact Human Resources to schedule a medical appointment and prepare the First Report of Injury form.
 - c. The First Report of Injury form must be completed in order to receive authorization for medical treatment. This form is required for payment of workers' compensation benefits (including medical expenses and lost wages) in accordance with Florida laws. Failure to report a work-related injury or illness in accordance with the timelines established by the state of Florida may result in the denial of workers' compensation benefits.
 - d. If the employee is unable to come to Human Resources, the supervisor is responsible for providing the pertinent information immediately upon learning of the injury or illness.
 - e. Until an incident is fully resolved, the employee, the employee's supervisor, and human resources staff must actively communicate to ensure that all parties are properly informed.

3. When time away from work is needed

- a. The employee must initiate a request for Illness in the Line of Duty (Worker's Compensation) Leave if time is lost from College duties as a result of a workplace injury/illness. If the employee is unable to do so, the supervisor should initiate this action for the employee.
- b. When Illness-In-Line-of-Duty (Workers' Compensation) Leave has been properly approved, the College will pay for the first 12 duty days lost by an employee as the result of a workplace injury (the date of injury or illness being the first such day).
- c. The employee may elect to use sick leave to supplement workers' compensation payments. After the sick leave is exhausted, annual leave may be used. In no case, however, shall the employee collect both sick leave/annual leave and workers' compensation at the same time in excess of the employee's regular pay.

L. Court-Related Leave

1. Any employee who is summoned as a member of a jury panel or is subpoenaed as a witness when not a principal in the litigation shall be granted leave with pay for court-related service, and jury fees shall be retained by the employee. The employee shall not be reimbursed for meals, lodging, or travel expenses by Pensacola State College and should provide a copy of the court attendance record to substantiate the leave.
2. Any employee who is involved in litigation on behalf of the College or due to action as an employee shall not be granted court-related service leave and his or her appearance in such cases shall be considered in the line of duty. The employee shall be paid per diem and travel expenses in accordance with Florida Statutes and Board Policies and shall be required to turn over to the College any fees received from the court.
3. In no case shall court-related service leave with pay be granted for court attendance when an employee is engaged in personal litigation in which the employee is principal; however, an employee may be granted annual or personal leave in such cases with proper approval.
4. A request for court-related leave will be initiated by the employee on a leave request in Workday. A copy of the subpoena or attendance record will be uploaded into Workday to support the court-related absence. This should be submitted as soon as possible to the employee's supervisor.
5. Prompt report will be made to the President of any action involving the employee as a result of performing College duties and/or being subpoenaed as a witness in action involving the College.

M. Military Leave

1. Military Reserve or Guard Training

- a. A full-time employee occupying a regularly established position who by reason of membership in the United States military reserve or National Guard is ordered by the appropriate authority to attend a training period shall, upon presentation of his or her official orders, be granted a leave of absence with pay. Such leave with pay shall not exceed seventeen (17) days in any calendar year.
- b. Extended military leave without pay may be granted to employees who are assigned to duty functions of a military character during training for additional or longer periods of time than seventeen (17) days in a calendar year. An employee granted military leave for extended training shall, upon completion of the training, be returned to employment without prejudice provided an application for reemployment is filed within six (6) months following the date that such employee completes his or her extended training. Following the receipt of the application for reemployment, the Board has a reasonable time, not to exceed six (6) months, to reassign the employee to duty at the College.
- c. Military leave without pay shall not be counted as years of work experience or as years of service toward a continuing contract.

2. Active Military Service (Involuntary)

- a. A full-time employee occupying a regularly established position who by reason of membership in the United States military reserve or National Guard is called to involuntary military service shall be granted a leave of absence for the period of time that such employee is required to remain on involuntary active military duty, the College shall supplement the military pay of such employee in an amount necessary to bring such employee's total salary, inclusive of base military pay, to the level such employee earned at the time he or she was called to involuntary active military duty. While the employee is on involuntary active military duty, the College shall continue to provide fringe benefits appropriate to the employment status of such employee at the time he or she was called to involuntary active military duty. Upon such employee's discharge or release from involuntary active military duty, he or she shall be returned to employment without prejudice provided an application for reemployment is filed within six (6) months following the date of discharge or release from involuntary active military duty. Following the receipt of the application for reemployment, the Board has a reasonable time, not to exceed six (6) months, to reassign the employee to duty at the College. The College shall review the continuation of this supplemental pay annually and may extend this supplemental pay for the subsequent fiscal year.

N. Temporary leave (TOD/temporary duty)

1. Leave for temporary assignments of duty outside the College's service district must be requested in advance using Workday.

- a. The time off request should reflect the actual departure and return times related to the assignment; however, the total leave hours on the form should reflect only the work hours missed. Example: When departing at 6:30 a.m. and returning at 6:30 p.m. on a typical 7.5 hour workday, the total leave hours should be reflected as 7.5.
 - b. Details related to the temporary duty assignment, including sponsor and title of the meeting, location, dates and times of travel, and reason for attendance, must be provided on (or as an attachment to) the Leave Request form.
 - c. Reimbursement for any travel expenses related to the temporary duty assignment will be in accordance with current College policies and procedures.
2. Non-exempt staff and other hourly-paid employees will be paid for their normal work hours or the actual hours related to the temporary duty assignment, whichever is greater (see example below).
 3. Time input for non-exempt and other hourly employees should reflect the normal work schedule or the actual hours related to the assignment, whichever is greater, for the temporary duty assignment. Example: The normal workday for a part-time hourly employee is six hours. The temporary duty assignment is scheduled for eight hours. The employee will be paid for eight hours.
 4. Employees will not be paid for travel time, nor will it count towards overtime unless the employee is a non-exempt or other hourly employee and driving to the temporary assignment. Any resulting overtime must be requested and approved in advance in accordance with current College policies and procedures. Travel time spent as a passenger beyond the normal work day is not considered work time.
 5. Temporary duty assignments may include (but are not limited to):
 - a. Attending a job-related conference, seminar, or workshop for professional development
 - b. Representing the College at an out-of-district meeting
 - c. Serving on a governmental committee or board which has been approved as an authorized work activity by the executive administrator under which the employee is assigned
 6. Time away from work to pursue an advanced degree or additional coursework is not eligible for temporary duty leave.
 - a. Employees whose educational pursuits conflict with their normal work schedules may take annual or personal leave to cover the time away from work or request an alternate work schedule. Requests for alternate work schedules must be approved in advance by the immediate supervisor as well as the supervising administrator.

- b. When extensive time away from work would be required to pursue an educational objective, eligible employees and their supervisor(s) may consider requesting professional leave as an alternative (see professional leave).

O. Terminal Pay

1. Full-time employees who have at least 5 years of service and who elect to terminate their employment with the College or whose employment is terminated by the College shall be entitled to terminal sick leave pay; however, such terminal pay shall not exceed an amount determined as follows:
 - a. After the 24th year of service, the hourly rate of pay multiplied by 57.5 percent times the number of hours of accumulated sick leave.
 - b. After the 19th year of service, the hourly rate of pay multiplied by 55 percent times the number of hours of accumulated sick leave.
 - c. After the 14th year of service, the hourly rate of pay multiplied by 52.5 percent times the number of hours of accumulated sick leave.
 - d. After the 9th year of service, the hourly rate of pay multiplied by 50 percent times the number of hours of accumulated sick leave.
 - e. After the 8th year of service, the hourly rate of pay multiplied by 40 percent times the number of hours of accumulated sick leave.
 - f. After the 5th year of service, the hourly rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.
2. No payment for unused sick leave will be made for employees who have less than five years of service for any reason.
3. Sick leave credits accumulated by transfer of annual leave shall be without compensation and shall not be used in the calculation of terminal sick leave pay.
4. Length of service shall be determined by the years of employment at the College and other agencies from which sick leave may be transferred according to s. 1012.865, Fla. Stat.
5. Years of employment at these other agencies will not be considered for length of service if the employee has previously received terminal pay benefits based on unused sick leave.
6. If employees receive terminal pay benefits based on unused sick leave credit, all unused sick leave credit shall become invalid; however, if employees terminate their employment without receiving terminal pay benefits and are reemployed, their sick

leave credit shall be reinstated if earned at the College. If leave credits were earned at another agency, the leave will be reinstated according to Florida Statutes.

7. Terminal pay benefits, based on unused sick leave credit, specified in this policy for employees terminating their employment with the College are less than the terminal pay benefits the College is allowed to grant under State law. From time to time, the College offers retirement/separation incentive programs to its full-time employees. Terminal pay benefits not to exceed an amount determined by multiplying an employee's hourly rate of pay by 50 percent plus, for the next 20 years, an additional 2.5 percent for each year of service beyond 10 years, times the number of days of accumulated sick leave, may be offered by the College to full-time employees with more than ten (10) years of service as part of any retirement/separation incentive programs adopted by the Board, provided such terminal pay benefits shall not exceed a total of the employee's hourly rate of pay multiplied by the number of hours of accumulated sick leave.
8. Employees who do not meet the definitions of educational support employees or instructional staff per Fla. Stat. 1012.865 will generally be limited to receiving terminal pay on one-fourth of the employee's unused sick leave or 60 days of the employee's sick leave, whichever is less. Employees that do not meet either definition are those that are retired or entered DROP in positions designated as senior management in the Florida Retirement System after the effective date of this procedure.
9. Terminal pay benefits for all College employees who meet eligibility criteria will be paid this amount via the College's terminal pay plan.
10. If a full-time employees' employment with the College is terminated by disability retirement under FRS provisions or by death, the College shall pay to the employees' or to the beneficiary designated by the employees, or to the employee's estate if they have not designated a beneficiary, terminal pay benefits based on unused sick leave credit in the maximum amount allowed by State law.
11. Upon separation from Pensacola State College, employees shall receive payment for earned but unused annual leave not to exceed an amount equal to 44 days of pay. Employees participating in the Deferred Retirement Option Program (DROP) may receive payment for unused annual leave upon beginning or ending DROP participation.
12. Additionally, upon separation from the College, all employees meeting eligibility criteria, will receive payment for earned but unused leave via the College's terminal pay plan. Employees who participate in the Special Pay Plan may be subject to a 10% IRS penalty on withdrawals taken prior to the attainment of age 59 ½ if they retire prior to the year in which they reach age 55 (or age 50 for police officers, firefighters and other special risk professions). Pensacola State College has chosen to "make whole" those employees who fall within this category if they request all of their funds

in cash from the Plan within 30 days of separation from employment. This generally results in a "make-up" payment of 2.35% (10% penalty minus 7.65% previous savings on Social Security and Medicare taxes). However, individuals who have met the Social Security wage base in effect during the year of retirement will receive an 8.55% (10% penalty minus 1.45% savings) reimbursement. To qualify for the reimbursement, employees must provide proof of cash distribution to the Payroll Department within 10 business days of such distribution. Pensacola State College will issue any "make-whole" payment to the participant as part of the payroll following the distribution approval. This provision in no way changes the participant's tax filing requirements.

Responsible Official: Vice President, Business Affairs

President's Signature:



Date: 11/30/2022