

1506 which accrue to the University by virtue of placing the employee on such leave, and other appropriate
1507 factors.

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1509 17.5 Holidays.

1510 A. An employee shall be entitled to observe all official holidays designated as holidays by
1511 the University, which shall at a minimum include those holidays designated in Fla. Stat. Section 110.117.

1512 No classes shall be scheduled on designated holidays. Classes not held because of a holiday shall not
1513 be rescheduled.

1514 B. Supervisors are encouraged not to require an employee to perform duties on holidays;
1515 however, an employee required to perform duties on holidays shall have the employee's schedule
1516 adjusted to provide equivalent time off.

1517 C. If an employee who has performed duties on a holiday terminates employment prior to
1518 being given time off, the employee shall be paid, upon termination, for the holiday hours worked within
1519 the previous twelve (12) month period.

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1521 17.6 Family and Medical Leave Act (FMLA) Entitlements.

1522 A. The Family and Medical Leave Act of 1993 ("FMLA") is the common name for the
1523 Federal law providing eligible employees an entitlement of up to four hundred and eighty (480) hours of
1524 leave without pay for qualified family or medical reasons during a one-year period. This Act entitles the
1525 employee to take leave without pay; where University policies permit, employees may use accrued leave
1526 with pay during any qualifying family or medical leave. The failure to list, define, or specify any particular
1527 provision or portion of the FMLA in this Agreement shall in no way constitute a waiver of any of the rights
1528 or benefits conferred to the employer or the employee through the FMLA.

1529 B. Implementation of FMLA Leave Entitlements.

1530 (1). An employee, whether salaried or paid from Other Personal Services (OPS), is entitled to
1531 four hundred and eighty (480) hours of FMLA leave within a twelve (12) month period for any
1532 qualifying family or medical leave.

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1534 (2). Pursuant to Fla. Admin. Code 6C4- 10.104(12), a salaried employee is entitled to a parental leave for
1535 up to six (6) months in accordance with the provisions of Article 17.7 below, for a birth or adoption of the
1536 employee's child. If an eligible employee elects to take Parental Leave, up to four hundred and eighty
1537 (480) hours of such leave may be counted against that employee's FMLA entitlement.

1538 C. Accounting for the Use of FMLA Leave in a Twelve-Month Period.

1539 (1). The fiscal year (July 1 - June 30) shall be the designated twelve (12) month period in which
1540 to count the use of up to four hundred and eighty (480) hours of FMLA leave.

1541 (2). An eligible employee's entitlement to leave for a birth or placement for adoption or foster
1542 care expires at the end of a twelve (12) month period beginning on the date of the birth or
1543 placement of the child.

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1546 D. Use and Approval of FMLA Leave.

1547 (1). The ~~University Central Human Resources (CHR)~~ shall approve FMLA leave for an eligible
1548 employee as long as the reasons for absence qualify under the FMLA and the employee has
1549 not exhausted the employee's four hundred and eighty (480) hours within the appropriate 12-
1550 month period for such leave. The employee may request FMLA leave as accrued leave, leave
1551 without pay, or a combination of both.

1552 (2). The University may require that the employee use accrued leave with pay prior to
1553 requesting leave without pay for four hundred and eighty (480) hours (12 workweeks) of FMLA
1554 leave. Requiring the use of paid leave shall be applied consistently and may not be used
1555 merely to exhaust the employee's leave balance in order to prohibit the use of paid leave while
1556 on leave without pay as provided for in Article 17.11(E) below.

1557 (3). After the ~~President or representative~~CHR has acquired knowledge that the leave is being
1558 taken for an FMLA qualifying event, the ~~President or representative~~CHR shall within two
1559 business days, absent extenuating circumstances, notify the employee of the period of FMLA
1560 leave to be granted, including the date of return to employment. If the notice is oral, it shall be
1561 confirmed in writing no later than the following payday (unless the payday is less than one
1562 week after the oral notice, in which case the notice must be no later than the subsequent payday).

1563 E. Medical Certification.

1564 (1) The University may require an employee to provide medical certification from a health
1565 care provider for FMLA leave with or without pay when taken for the serious health condition
1566 of the employee or the employee's family member.

1567 (2) Medical certification may be required to affirm the employee's ability to return to work
1568 and perform one or more of the essential functions of the job within the meaning of the
1569 Americans with Disabilities Act (ADA), after being absent on FMLA leave.

1570 F. Return to Position. Upon return from FMLA leave, the employee shall be returned to the
1571 same or equivalent position in the same class and work location, including the same shift or equivalent
1572 schedule, unless the University and the employee agree in writing to other conditions and terms under
1573 which such leave is to be granted.

1574 G. Continuation of Benefits. The use of FMLA leave by eligible employees shall neither
1575 enhance nor decrease any rights or benefits normally accrued to ~~salaried~~ employees during a leave with
1576 pay or any rights or benefits normally accrued during a leave without pay.

1577 H. If any provision of Article 17.6 (FMLA) is inconsistent with or in contravention of the
1578 Family Medical Leave Act of 1993, Public Law 103-3, or the Family and Medical Leave Act Regulations,
1579 29 CFR Part 825, or any subsequently enacted legislation, then such provision shall be superseded by
1580 the laws or regulations referenced above, except to the extent that the collective bargaining agreement
1581 or any employee benefit program or plan provides greater family or medical leave rights to an eligible
1582 employee.

1583 17.7 Parental Leave Paid Program.

1584 (1) No more than twice in the course of an employee's tenure at the University, the employee may
1585 request and be granted a paid parental leave for the birth or adoption of a child not to exceed one
1586 semester (for instructional faculty) or three months for non-instructional employees.
1587 No two members of the same family may request parental leave at the same time or for the same
1588 event (birth or adoption of a child).

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1590 (2) Commitment to return. An employee must agree in writing to return to University employment
1591 for at least one academic year (calendar year for non-instructional faculty) following participation
1592 in parental leave. If this condition is not met, the University may require the return of salary received
1593 during the program. ~~or reimburse the University for salary received during the leave period.~~

1594
1595 ~~(3) Commitment to Reimburse. An employee who makes use of parental leave and who remains~~
1596 ~~in University employment for at least one academic year (calendar year for non-instructional~~
1597 ~~faculty) immediately following participation in the parental leave program shall have the total~~
1598 ~~number of hours used deducted from the employee's sick leave and/or annual leave upon~~
1599 ~~separation from the University, or upon transferring between annual leave and non-annual leave~~
1600 ~~accruing contract. An employee who makes use of parental leave, but does not remain in University~~
1601 ~~employment for at least one academic year (calendar year for non-instructional faculty)~~
1602 ~~immediately following participation in the parental leave program may be required to reimburse the~~
1603 ~~University for the liquidated equivalent of all salary paid while on parental leave.~~

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1605 ~~(4) The "Parental Leave Paid Program" will be implemented on January 1, 2009 with a~~
1606 ~~commitment of .10% of the in-unit employees' salary base. Program guidelines will be posted on~~
1607 ~~the University's website.~~

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1609 17.8 Leaves Due to Illness/Injury.