

1559 up to six (6) months in accordance with the provisions of Article 17.7 below, for a birth or adoption of the
1560 employee's child. If an eligible employee elects to take Parental Leave, up to four hundred and eighty
1561 (480) hours of such leave may be counted against that employee's FMLA entitlement.

1562 C. Accounting for the Use of FMLA Leave in a Twelve-Month Period.

1563 (1). The fiscal year (July 1 - June 30) shall be the designated twelve (12) month period in which
1564 to count the use of up to four hundred and eighty (480) hours of FMLA leave.

1565 (2). An eligible employee's entitlement to leave for a birth or placement for adoption or foster
1566 care expires at the end of a twelve (12) month period beginning on the date of the birth or
1567 placement of the child.
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1570 D. Use and Approval of FMLA Leave.

1571 (1). The ~~University Central Human Resources (CHR)~~ shall approve FMLA leave for an eligible
1572 employee as long as the reasons for absence qualify under the FMLA and the employee has
1573 not exhausted the employee's four hundred and eighty (480) hours within the appropriate 12-
1574 month period for such leave. The employee may request FMLA leave as accrued leave, leave
1575 without pay, or a combination of both.

1576 (2). The University may require that the employee use accrued leave with pay prior to
1577 requesting leave without pay for four hundred and eighty (480) hours (12 workweeks) of FMLA
1578 leave. Requiring the use of paid leave shall be applied consistently and may not be used
1579 merely to exhaust the employee's leave balance in order to prohibit the use of paid leave while
1580 on leave without pay as provided for in Article 17.11(E) below.

1581 (3). After the ~~President or representative~~CHR has acquired knowledge that the leave is being
1582 taken for an FMLA qualifying event, the ~~President or representative~~CHR shall within two
1583 business days, absent extenuating circumstances, notify the employee of the period of FMLA
1584 leave to be granted, including the date of return to employment. If the notice is oral, it shall be
1585 confirmed in writing no later than the following payday (unless the payday is less than one
1586 week after the oral notice, in which case the notice must be no later than the subsequent payday).

1587 E. Medical Certification.

1588 (1) The University may require an employee to provide medical certification from a health
1589 care provider for FMLA leave with or without pay when taken for the serious health condition
1590 of the employee or the employee's family member.

1591 (2) Medical certification may be required to affirm the employee's ability to return to work
1592 and perform one or more of the essential functions of the job within the meaning of the
1593 Americans with Disabilities Act (ADA), after being absent on FMLA leave.

1594 F. Return to Position. Upon return from FMLA leave, the employee shall be returned to the
1595 same or equivalent position in the same class and work location, including the same shift or equivalent
1596 schedule, unless the University and the employee agree in writing to other conditions and terms under
1597 which such leave is to be granted.

1598 G. Continuation of Benefits. The use of FMLA leave by eligible employees shall neither
1599 enhance nor decrease any rights or benefits normally accrued to ~~salaried~~ employees during a leave with
1600 pay or any rights or benefits normally accrued during a leave without pay.

1601 H. If any provision of Article 17.6 (FMLA) is inconsistent with or in contravention of the
1602 Family Medical Leave Act of 1993, Public Law 103-3, or the Family and Medical Leave Act Regulations,
1603 29 CFR Part 825, or any subsequently enacted legislation, then such provision shall be superseded by
1604 the laws or regulations referenced above, except to the extent that the collective bargaining agreement
1605 or any employee benefit program or plan provides greater family or medical leave rights to an eligible
1606 employee.

1607 17.7 Parental Leave Paid Program.

1608 (1) No more than twice in the course of an employee's tenure at the University, the employee may

request and be granted a paid parental leave for the birth or adoption of a child not to exceed one semester (for instructional faculty) or three months for non-instructional employees. No two members of the same family may request parental leave at the same time or for the same event (birth or adoption of a child).

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

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

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

17.8 Leaves Due to Illness/Injury.

Illness/Injury is defined as any physical or mental impairment of health, including such an impairment proximately resulting from pregnancy, which does not allow an employee to fully and properly perform the duties of the employee's position. When an employee's illness/injury may be covered by the Americans with Disabilities Act, the provisions of Public Law 101-336 shall apply.

A. Sick Leave.

(1). Accrual of Sick Leave.

- a. A full-time employee shall accrue four (4) hours of sick leave for each biweekly pay period, or the number of hours that are directly proportionate to the number of days worked during less than a full-pay period, without limitation as to the total number of hours that may be accrued.
- b. A part-time employee shall accrue sick leave at a rate directly proportionate to the percent of time employed.
- c. An employee appointed under Other Personal Services (OPS) shall not accrue sick leave.

(2). Uses of Sick Leave.

- a. Sick leave shall be accrued before being taken, provided that an employee who participates in a sick leave pool shall not be prohibited from using sick leave otherwise available to the employee through the sick leave pool.
- b. Sick leave shall be authorized for the following:
 1. The employee's personal illness or exposure to a contagious disease, which would endanger others.
 2. The employee's personal appointments with a health care provider.
 3. The illness or injury of a member of the employee's immediate family, at the discretion of the supervisor. Approval of requests for use of reasonable amounts of sick leave for caring for a member of the employee's immediate family shall not be unreasonably withheld. "Immediate family" means the spouse and the grandparents, parents, brothers, sisters, children, and grandchildren of both the employee and the

1712 be made in lump sum and shall not be used in determining the average final compensation
1713 of an employee in any state administered retirement system. An employee shall not be carried
1714 on the payroll beyond the last official day of employment, except that an employee who is unable
1715 to perform duties because of a disability may be continued on the payroll until all accrued sick leave
1716 is exhausted.

1717 e. In the event of the death of an employee appointed before January 1, 2014, and
1718 with ten (10) or more years of University service, payment of sick leave accrued at the time of
1719 death shall be made to the employee's beneficiary, estate, or as provided by law.

1720 (6). Sick Leave Buy-Back.

1721 The University will develop a voluntary program for employees with vested sick leave benefits to
1722 receive a one-time cash payment in exchange for non-payment of accrued sick leave upon leaving
1723 University employment. Employees who enter the program will continue to accrue sick leave for use
1724 as paid time off, but will not receive a cash payment for any accrued sick leave upon leaving
1725 University employment. Program details, operation, duration and eligibility criteria shall be
1726 determined by the University. The Union may request consultation on program details.

1727 ~~(7). Donated Sick Leave Program.~~

1728 ~~Effective August 7, 2014, the donated sick leave program is discontinued.~~

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B. Job-Related Illness/injury.

1733 (1). An employee who sustains a job-related illness/injury that is compensable under the
1734 Workers' Compensation Law shall be carried in full-pay status for a period of medically certified
1735 illness/injury not to exceed seven (7) days immediately following the illness/injury, or for a
1736 maximum of forty (40) work hours if taken intermittently without being required to use accrued sick
1737 or annual leave

1738 (2). If, as a result of the job-related illness/injury, the employee is unable to resume work at the end
1739 of the period provided in Article 17.8(B)(1), above:

1740 a. The employee may elect to use accrued leave in an amount necessary to receive salary
1741 payment that will increase the Workers' Compensation payments to the total salary being
1742 received prior to the occurrence of the illness/injury. In no case shall the employee's salary and
1743 Workers' Compensation benefits exceed the amount of the employee's regular salary payments;
1744 or

1745 b. The employee shall be placed on leave without pay and shall receive normal Workers'
1746 Compensation benefits if the employee has exhausted all accrued leave in accordance with Article
1747 17.8 (B)(2)(a), above, or the employee elects not to use accrued leave.

1748 (3). This period of leave with or without pay shall be in accordance with Chapter 440 (Worker's
1749 Compensation), Florida Statutes.

1750 (4). If, at the end of the leave period, the employee is unable to return to work and perform
1751 assigned duties, the President or representative should advise the employee, as appropriate, of the
1752 Florida Retirement System's disability provisions and application process, and may, based upon a
1753 current medical certification by a health care provider prescribed in accordance with Chapter 440
1754 (Worker's Compensation), Florida Statutes, and taking the University's needs into account:

1755 a. offer the employee part-time employment;

1756 b. place the employee in leave without pay status or extend such status;

1757 c. request the employee's resignation; or

1758 d. release the employee from employment, notwithstanding any other provisions of this
1759 Agreement.

1760 C. Compulsory Leave.

1761 (1). Placing Employee on Compulsory Leave.