



Policy

University Policy HR-18.02-04/16

Policy Title: Hours of Work and Benefits
Originator: Dr. Judith A. Bense, President
Responsible Office: Human Resources

Reason for Policy/Purpose:

The University of West Florida provides information on benefits available to all employees and shall implement and communicate the general hours of work and procedures for the utilization, accrual, and access of leave for all employees. The University complies with the Fair Labor Standards Act (FLSA) for hours of work and benefits purposes.

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(1) Hours of Work.

- (a) Ordinarily, eight hours shall constitute a workday. The University's official hours of operation are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Flexible hours and flexible place schedules have been authorized by the President/designee.
- (b) Required attendance at approved training courses shall be considered as hours worked.
- (c) When an employee is called back to work beyond the employee's scheduled hours of work for that day, the employee shall be credited with actual time worked, including time to and from the

employee's home to the assigned work location, or a minimum of two hours of work, whichever is greater.

(d) Official travel, authorized by the University, whether on regular workdays or regular days off, shall be counted as hours worked.

(2) Flexible Hours and Flexible Place Schedules.

(a) The University supports and encourages the use of flexible hour work schedules to meet personal needs, provided such work arrangements do not decrease the level or quality of work for the department/work unit and are in the best interest of the University. Requests for flexible work schedules must be approved by the appropriate supervisory and departmental authorities.

(b) Alternate work locations or flexible-place assignments must be approved by the appropriate supervisory and departmental authorities. Employees are required to complete an appropriate participatory agreement in accordance with University procedures.

(3) Exempt and Non-exempt for Overtime Eligibility.

(a) In compliance with the FLSA, positions are assigned a status of "exempt" or "non-exempt" for purposes of accruing overtime and compensatory time.

1. The non-exempt status is not exempt from the maximum hours and overtime pay requirements of the FLSA.

2. The exempt status is exempt from the maximum hours and overtime pay requirements of the FLSA.

(4) Record Keeping.

(a) Hours worked and leave taken are reported bi-weekly.

(b) An employee who earns or uses any type of leave shall be credited or charged with such leave to the nearest quarter of an hour.

(c) Requests for medical leave, medical certifications, and return to work certifications are maintained in a separate confidential personnel file in accordance with the requirements of the Family and Medical Leave Act and Public Records Law.

(d) Provisions related to non-exempt employees

1. Employees may be allowed one 15-minute work break during the first half of their work shift and one 15-minute work break during the second half of their work shift, provided that:

a. An employee shall not accumulate unused work breaks.

b. Work break time shall not be authorized for covering an employee's late arrival on duty or early departure from duty.

2. Overtime.

a. Work schedules for employees eligible for overtime shall be arranged so overtime is not required, except in situations where the divisional Vice President determines that statutory responsibilities prescribed for the University cannot be accomplished properly unless overtime is authorized.

b. The divisional Vice President may pay a non-exempt employee for any or all of the employee's accrued compensatory leave at any time.

c. Upon reasonable notice, the Vice President may require a non-exempt employee to use any part of the employee's accrued compensatory leave in increments of eight hours, or in increments equivalent to the number of hours of work in an employee's regularly scheduled workday, at any time.

d. An employee may be required to use earned compensatory leave before using accrued annual leave.

(5) Leaves.

(a) All requests for leave with or without pay shall be in writing to the appropriate supervisory authority in advance of the effective date of the leave.

(b) Medical Certification for Leave.

1. The University requires an employee to provide medical certification from a health care provider for FMLA, sick, parental, compulsory and any other medically based leave.

2. Additional certifications may be required as appropriate.

3. The University may require the employee to submit to a medical examination at the University's expense.

4. The University may require a medical certification where a supervisor has documented concerns regarding an employee's use of leave.

5. The University may require an employee to provide medical certification from an attending health care provider regarding ability to return to work.

(c) Annual Leave.

1. Accrual - Annual leave for full-time employees shall be as set forth below, with proportionate accrual for less than full-time employees. An academic year (39 weeks) employee and an employee appointed for less than nine months shall not accrue annual leave. OPS employees are not eligible to accrue annual leave.

	Hours Accrued (Per) Pay Period	Year End Maximums	Maximum Payment
Executive Service	9.2	480	480
12 Month Faculty	7	352	352
University Work Force	7	352	352

a. Annual leave shall be accrued prior to use unless annual leave is advanced by the President/designee. When leave has been advanced and employment is terminated prior to repayment, the dollar equivalent of the advanced leave will be deducted from the employee's final pay.

b. Employees may accrue annual leave in excess of the year end maximum during a calendar year. Employees with accrued annual leave in excess of the year end maximum as of December 31, shall have any excess converted to post October 1, 1973 sick leave on an hour-for- hour basis on January 1 of each year. The employee may retain hours in excess of the year end maximum with the approval of the President/designee.

2. Request - All requests for annual leave shall be submitted by the employee to the supervisor as far in advance as possible. Approval of the dates on which an employee wishes to take annual leave shall be at the discretion of the supervisor and shall be subject to the consideration of departmental/unit and organizational scheduling.

3. Conversion from an annual leave accruing position to a non-annual leave accruing position. Employees who convert from an annual leave accruing position to a non-annual leave accruing position may retain up to 352 hours of unused annual leave at the time of conversion. Upon separation from the University, the employee will be paid up for their unused annual leave, for up to 352 hours of unused annual leave, at the hourly rate the employee was paid in the annual leave accruing position at the time of conversion. Employees may take such an annual leave payout only one time during their employment with the University.

Employees who convert from an annual leave accruing position to an OPS position (including adjunct positions) will be paid at the time of conversion for their unused annual leave, for up to 352 hours of unused annual leave, at the hourly rate the employee was paid in the annual leave accruing position at the time of conversion to the OPS position. Employees may take such an annual leave payout only one time during their employment with the University.

4. Separation - An employee who separates from employment shall be paid for all unused annual leave hours up to the year-end maximum allowed for the pay plan. Upon entering into the Deferred

Retirement Optional Program (DROP), employees may elect to be paid up to the year-end maximum of their unused annual leave.

5. Transfer - Transfer of unpaid and unused annual leave from other governmental entities is permitted provided an appropriate reciprocal agreement is in effect.

(d) Sick Leave.

1. Accrual - Bi-weekly sick leave accrual for full-time employees shall be as noted below, with proportionate accrual for less than full-time. Years of service for purposes of sick leave accrual are limited to service at the University of West Florida.

	0-5 Yrs	>5-10 Yrs	>10-20 Yrs	>20 Yrs
Executive Service	5	6	7	7
Faculty	4	5	6	7
University Work Force	4	5	6	7

a. Sick leave shall be accrued before use unless available through a sick leave pool. There is no maximum on the amount of sick leave accrued. Sick leave accrued prior to October 1, 1973, shall be used prior to any sick leave accrued after that date. b. OPS employees are not eligible to accrue sick leave.

2. Use of Sick leave is authorized for the following purposes:

a. The employee's personal illness, injury, exposure to a contagious disease, a disability where the employee is unable to perform assigned duties or appointments with health care providers.

b. The illness, injury, appointments with health care providers, or death of a member of the employee's immediate family. Immediate family members are defined as the spouse, grandparents, parents, brothers, sisters, children (including State authorized foster-care children), and grandchildren of both the employee and the employee's spouse.

3. Certification.

a. After three workdays of absence in any 30 day period or if a pattern of abuse is documented, the University may require a medical certification from a health care provider before authorizing additional use of sick leave by the employee.

b. After ten consecutive days of absence, the employee will be required to submit a medical certification from a health care provider before additional use of sick leave is authorized for the employee.

4. Separation - an employee with ten or more years of service at UWF, or at UWF and another State of Florida public University combined, shall be paid for one-eighth of all unused sick leave accrued prior to October 1, 1973, and for one-fourth of unused sick leave up to a total of 480 hours accrued after October 1, 1973.

a. Upon reemployment at the University of West Florida within 100 days of separation, unpaid sick leave may be restored.

b. An employee with less than ten years of service at UWF, or less than ten years at UWF and another State of Florida Public University combined, shall not be paid for any unused sick leave and such leave shall be forfeited unless the individual is reemployed by the University of West Florida within 100 days.

5. Transfer-Transfer of unpaid and unused sick leave from other governmental entities is permitted provided an appropriate reciprocal agreement is in effect.

6. Sick Leave Pool-Employees, with at least one year of employment with the University of West Florida and 64 hours of accrued sick leave are eligible to join the Sick Leave Pool. Membership in the Pool requires an initial contribution of 16 hours (prorated for part time employees) of accrued sick leave. Members of the Sick Leave Pool may donate hours to a specific member of the Pool. These donated hours are subject to the provisions of the Sick Leave Pool Procedures, as governed by the Sick Leave Pool Committee Charter. All unused donated hours will remain in the general Pool. Procedures for other donations to the Pool are set forth in the Sick Leave Pool Procedures. All Sick Leave Pool donations are non-refundable.

(e) Family and Medical Leave (FMLA).

1. The FMLA is for the birth or placement for adoption/foster care of a child, to care for a spouse, parent, or child with a serious health condition, or for the serious health condition of the employee.

2. All University employees, (including OPS employees) who have worked at the University for at least 12 months and for at least 1250 hours in the 12-months prior to the requested leave are eligible for FMLA leave. The 12 months need not have been consecutive.

3. Eligible employees are provided with up to 12 workweeks of Family and Medical Leave within a 12 month period in compliance with the Family and Medical Leave Act (FMLA) of 1993. The 12 month period is defined as the calendar year (January 1 – December 31).

4. Employees may use paid leave, unpaid leave, or a combination of both for an FMLA event and such shall be counted toward the entitlement.

5. On return from FMLA leave, an employee is entitled to be returned to the same position or to an equivalent position with equivalent benefits, pay, and working conditions.

(f) Disability Related to Job Injury (Workers' Compensation).

1. Provisions shall be consistent with the following:
 - a. An employee shall remain in full pay status for a period up to a maximum of 40 hours without being required to use accrued leave. If, during that period, the employee receives Workers' Compensation benefits then the employee shall reimburse the University the amount of the benefits. Such reimbursement shall not include payments for expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.
 - b. Medical certification by an approved health care provider may be required.
 - c. The employee may be allowed to use paid leave during "disability related to job injury leave" to continue the contributions to State benefits and other expenses.
 - d. Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period and upon receipt of appropriate medical certification.
 - e. Employees who fail to meet the conditions of the "disability related to job injury leave" or who fail to obtain medical certification and are unable to perform duties may be offered part-time employment, placed or continued on unpaid leave, requested to resign, or dismissed for inability to perform the duties of the position.
- (g) Compulsory Leave.
 1. Placing Employee on Compulsory Leave.
 - a. If an employee is unable to perform assigned duties due to illness or injury the University may require the employee to submit to a medical examination by a health care provider chosen and paid by the University. The results of the medical examination will be released to the University. The employee has the option to choose and pay for the health care provider as long as the provider is acceptable to the University and provides the results of the examination and appropriate medical information to the University.
 - b. If the results of the examination and medical information confirm that the employee is unable to perform assigned duties, the University may place the employee on compulsory leave.
 2. Conditions of Compulsory Leave.
 - a. The University shall provide the employee with written notification that he/she has been placed on compulsory leave. The notice shall include the duration of the compulsory leave period, to the extent known, and the conditions under which the employee may return to work. These conditions may require the successful completion of, or participation in, a program of rehabilitation or treatment, and follow-up medical certification(s) by the health care provider, as appropriate, or other requirements.
 - b. The compulsory leave period may be taken with pay to the extent that the employee has an accrued annual or sick leave balance.

c. If the employee fulfills the terms and conditions of the compulsory leave and provides to the University appropriate medical certification stating that the employee is able to perform assigned duties, the University shall return the employee to the employee's previous duties, if possible, or to equivalent duties.

3. Failure to Complete Conditions of Compulsory Leave or Inability to Return to Work- If the employee fails to fulfill the terms and conditions of the compulsory leave and/or is unable to return to work and perform assigned duties at the end of the compulsory leave period, the University shall advise the employee, as appropriate, of the Florida Retirement System's disability provisions and application process, and may, based upon the University's needs:

- a. Place the employee in leave without pay status;
- b. Request the employee's resignation; or
- c. Dismiss the employee from employment.

(h) Parental Leave.

1. Employees shall be provided with up to six months of unpaid parental leave when the employee becomes a biological or adoptive parent or a child is placed in the employee's home pending adoption. An employee may use sick and/or annual leave during the parental leave period.

2. Parental leave may begin up to two weeks prior to the expected date of the child's arrival unless otherwise approved by the President/designee.

3. The President/designee 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, and the date of return to employment.

(i) Administrative Leave.

1. Administrative leave counts as hours of pay, but does not count as hours of work for overtime purposes. In no case may the approval of administrative leave cause an employee to exceed 40 hours, or exceed the employee's established work hours.

2. Administrative leave includes the following:

a. Court Appearances or Jury Duty – Administrative leave with pay will be granted for jury duty when appropriate documentation from the Clerk of the Court is provided or, for witnesses subpoenaed or required to appear in court or in administrative matters related to their duties as University employees. In such instances, witness fees shall be retained by the employee. Administrative leave will not be granted for appearances as an expert witness unless the payment for the expert witness testimony is remitted to the University.

b. Bereavement Leave – Employees are entitled to three workdays of administrative leave for the death of members of their immediate family, as defined in subsection (5)(d)2.b. Leave requests shall include the name and relationship of the deceased immediate family member and may be taken up to six months after the date of death.

c. Military Training/Active Duty - Employees who are members of the U.S. Armed Forces Reserve, shall, upon presentation of a copy of the employee's official orders issued pursuant to the authority of Title 10 or Title 32, U.S. Code, be granted Administrative Leave during the period in which the employee is ordered to active or inactive duty for training.

(I) Such leave, whether continuous or intermittent, shall not exceed 17 working days in any one Federal fiscal year (October 1 - September 30).

(II) A copy of the official orders shall be maintained in the employee's personnel file.

d. National Guard Service - Employees who are members of the National Guard

Service shall upon presentation of the employee's official orders issued pursuant to the Chapter 250, Florida Statutes, be granted Administrative Leave during periods in which the employee is ordered to active State service.

(I) Such leave with pay shall not exceed 30 days at any one time.

(II) A copy of the official orders shall be filed in the employee's personnel file.

e. Official Emergency Closing - Administrative leave shall be provided for official emergency closing of University facilities. Special Compensatory leave shall be provided to eligible employees required to perform essential services during the emergency closing. Only employees scheduled to work during the time of the emergency closing shall be provided administrative leave.

f. Emergency Response - The President/designee may grant up to two days of administrative leave for civil disorder or disaster for an employee who is a member of a volunteer emergency response team.

g. Voting - The President/designee may provide administrative leave up to one hour for voting in public elections; the employee must provide appropriate documentation.

h. Volunteer Service – With appropriate supervisory approval, employees may be provided up to two hours of administrative leave per calendar month for service within their communities. Such service may be provided through school assistance or as a volunteer member of a community service organization.

i. Leave Pending Investigation - When the President/designee has reason to believe that an employee's presence on the job may adversely affect the operation of the University or cause injury to the employee or others, the employee may immediately be placed on leave pending investigation.

j. Leave Pending Discipline - The President/designee may place an employee on administrative leave during the time between a Notice of Proposed Reduction of Pay, Suspension, Termination or Dismissal and the effective date of such action. Refer also to the Human Resources Policy on Standards of Conduct.

(j) Other Leaves of Absence.

1. An employee may, upon request, be granted leave without pay for a period not to exceed 12 calendar months unless the granting of such leave is inconsistent with the best interests of the University.

2. Use of sick or annual leave pay (intermittent leave) is authorized during a leave of absence without pay for parental, state-authorized foster care, medical, or military reasons.

3. An employee who has been placed on a leave of absence without pay, and is therefore in non-pay status for the entire day before a holiday, shall not be eligible to receive payment for such holiday or any other holiday observed while the employee is on such leave.

4. For employees on military, medical or parental leave, the employer shall continue, for the corresponding pay periods, to contribute to state insurance for a period not to exceed six months.

5. All approved leaves of absence without pay shall be counted as continuous service.

6. All leave without pay requests shall be submitted to the Director of Human Resources, after being approved by the employee's appropriate supervisory authority.

(6) Health, Life, and Supplemental Insurance.

(a) Salaried employees are provided options for State sponsored health, life, and supplemental insurance through the Division of State Group Insurance (DSGI) and the University pursuant to plan rules, policies, terms, and regulations. Insurance coverage for the domestic partners of employees is not provided by the State or University.

1. Premiums are a combination of pre-tax employee deductions, unless the employee requests an official exception, and employer contributions.

2. Employee - paid supplemental insurance plans are available.

3. Approved insurance plans and coverage may only be added or changed at the time of new hire, annual open enrollment or when a qualifying status change event occurs. A qualifying status change, as defined by the Division of State Group Insurance (DSGI), includes: marriage, adoption, birth of a child, divorce, death, change in employment status, or significant change in health coverage attributable to the spouse's employment. This list may not be inclusive of all qualifying status changes; check with Human Resources for additional information.

(7) Retirement.

(a) The University provides retirement plans for employees; retirement contributions are paid by the employer for all employees other than OPS employees.

(b) Retirement Program Options.

1. The Florida Retirement System (FRS) is a defined benefit pension plan sponsored by the State of Florida. Upon completion of six years of creditable service, members are vested in the plan and are eligible to receive a lifetime income benefit upon retirement. The amount received is based on the member's age, years of creditable service, the value of each year of service, and the average final compensation which is the average of the highest five years of salary.

2. The Optional Retirement Plan (ORP) is a defined contribution pension plan sponsored by the State of Florida. Each pay period, the University contributes a percentage of earnings into an annuity for the participant. Regardless of the length of service, participants receive a lifetime monthly annuity income at retirement that is based on the amount of funds contributed, the investment earnings of those funds, and the type of annuity selected. Participants may choose to contribute to their selected annuity in accordance with Internal Revenue Code regulations.

3. The Public Employees Optional Retirement Program (PEORP) is a defined contribution plan. The University contributes a percentage of the participating employee's salary into an annuity plan. Regardless of the length of service, participants receive a lifetime monthly annuity at retirement.

4. The Teacher's Retirement System (TRS) is available for retirement purposes to existing members only. A detailed description of the retirement option(s) offered by TRS may be obtained from the Division of Retirement or Human Resources.

5. The University also offers the Deferred Retirement Option Program (DROP), an early retirement incentive option.

a. DROP provides eligible FRS members an alternative method for payout of retirement benefits for up to 60 months after a member reaches age 62 or has completed 30 years of employment. If 30 years of service is obtained prior to age 57, DROP participation may be deferred until age 57. Special Risk employees must be either age 55 and vested in FRS OR complete 25 years of service.

b. DROP allows members to have their retirement benefits deposited monthly into an annuity account, which earns interest, while the employee simultaneously continues to work.

c. An employee who fails to terminate employment on time will lose the accumulated DROP account and his or her retirement will be revoked. In such cases, the employee's membership in FRS will be retroactively established to reflect the start date of DROP and the University will assume payment of the differential in contributions to the employee's FRS account.

d. Eligible rollover plans include an individual retirement account, an individual retirement annuity, a qualified trust, and an annuity.

e. Leave options: DROP participants may elect to be paid for unused annual leave and any overtime or special compensatory leave (if earned within the last eleven months).

(I) Annual leave and compensation payments are included in the calculation of the highest five years of salary. A participant may receive payment for the applicable maximum allowable amount of leave accrual. Any annual leave hours in excess of the applicable maximum remain as annual leave to be used during the five year DROP period.

(II) Leave payments may be tax sheltered.

(8) Tax Deferred Annuities (TDA).

(a) Employees may establish additional savings for retirement through participation in tax deferred programs. There are no taxes assessed on annuity contributions or earnings until funds are withdrawn.

(b) Included in the University's tax deferred programs are 403(b) Tax Deferred Annuities (TDA) and 457 Deferred Compensation plans. Specifics on each of the available plans may be obtained from Human Resources.

(9) Payroll Deductions - Employees may elect payroll deductions for employee insurance programs, pre-paid college, Nautilus Card, union dues, annuities, parking decals, United Way, University Foundation, and credit unions.

(10) Benefits for Retirees.

(a) In addition to retention of insurance plans, the following benefits are provided to University of West Florida retirees except where to do so would interfere with University operations:

1. Use of a retired employee identification card
2. Use of University Library
3. Listing in the University directory
4. Placement on designated University mailing lists
5. Use of a free University parking decal
6. Use of University recreational facilities, applicable fees apply
7. Use of a mailbox in the department from which retired, subject to availability
8. Use of a University email account

(11) Soliciting/Marketing Guidelines for Employee Benefits and Retirement Programs.

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(a) Solicitation of insurance and annuity products on the University of West Florida campus are limited to those agents who have been pre-approved by the State of Florida/ University of West Florida. Approval is limited to the State Deferred Compensation Program, the Public Employees Optional Retirement Program, and the Optional Retirement Program. State benefits are those approved by the Division of Management Services as pretax programs and the State of Florida Optional Life Insurance plan.

(b) Additional insurance and annuity products must be approved by the University of West Florida. UWF approval requires response to a Request for Proposal, selection of a product/company, and approval by the President/designee. Once a product/company is selected as the agent of record, each of its agents must submit a current valid Florida license.

(c) At no time may any agent solicit products other than those authorized by the University and/or the State of Florida. Violation of this policy may result in removal of the agent permanently from the University campus.

Change Justification:

This policy is being revised as the result of a review of University Human Resources policies.

Authority and Related Documents:

Fair Labor Standards Act; Chapter 121-122 Florida Statutes; UWF/REG-2.028 University Holidays; Family and Medical Leave Act; 110.123 FS.; Chapters 403(b) and 457 of the Internal Revenue Code; applicable rules; and relevant Collective Bargaining Agreements.

APPROVED: Dr. Judith A. Bense, President

Date: 4/12/16

History:

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