

## College Operating Procedures (COP)



**Procedure Title:** Sick Leave  
**Procedure Number:** 05-0504  
**Originating Department:** Office of Human Resources

**Specific Authority:**

Board Policy 6Hx6:5.02  
Florida Statute 1012.865  
Florida Administrative Code n/a

**Procedure Actions:** Adopted: 11/21/96; 7/1/00; 2/10/03; 11/3/04; 03/11/08; 12/2/08; 02/16/10; 11/1/10; 10/01/14

**Purpose Statement:** To establish procedures for Florida SouthWestern State College (College) employees regarding absence from work due to illness or other related reasons.

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**Guidelines:**

In accordance with Florida Statute 1012.865, the College has established a sick leave program whereby any full-time employee (to include full-time regular and full-time temporary working one hundred twenty [120] continuous calendar days or more and full-time faculty members [during the contract period and summer overload] who is unable to perform his/her duties at the College as a result of personal sickness, accident disability, extended personal illness, or because of the illness or death of the employee's father, mother, brother, sister, husband, wife, child, other close relative or member of the employee's own household, or for adoption purposes, and who consequently has to be absent from work, shall be granted leave of absence for sickness by the appropriate College official.

**I. Extent of Leave with Compensation**

- A. Each such employee will earn one-day sick leave per calendar month or major fraction thereof (not to exceed twelve [12] days per fiscal year) to be credited upon the completion of the month of work, provided that such leave shall be taken only when necessary because of sickness as herein prescribed. Sick leave shall be accumulative from month to month and year to year.
- B. A full-time employee may be absent no more than four (4) days per fiscal year for personal reasons. However, such absences for personal reasons shall be charged only to accrued sick leave and leave for personal reasons shall be non-cumulative.
- C. Terminal pay for accumulated sick leave will be provided to all eligible full-time instructional staff and educational support employees upon retirement or to the employee's beneficiary if service is terminated by death. However, such terminal

pay may not exceed the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave. If an employee retires and receives terminal benefits based on unused sick leave credit, all unused sick leave shall become invalid. If the employee retires without receiving terminal pay under the provisions of this rule and interrupts retirement to return to employment with the College, the employee's previous accumulated unused sick leave credit at the College shall be reinstated. If the employee retires without receiving terminal pay and transfers unused sick leave to a different employer prior to returning to employment with the College, then the employee may transfer leave pursuant to the provisions of Section IV of this policy upon returning to College employment.

- D. Terminal pay for accumulated sick leave will be provided to all eligible Executive and Administrative employees upon retirement. Such terminal pay may not exceed the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave. However, for such employees hired on or after July 1 2001, terminal pay shall not exceed an amount determined as follows:
1. One fourth of unused sick leave accumulated on or after July 1 2001; however, terminal pay allowable for such accumulated sick leave shall not exceed a maximum of 60 days of actual payment.
  2. For unused sick leave accumulated prior to July 1 2001, terminal payment will be made pursuant to D above.

If termination of employment is by death of the employee, any terminal pay for which the employee may have been entitled may be made to the employee's beneficiary.

- E. If the money received for payment of sick leave exceeds \$5,000, it is mandatory that the College deposit said sum into the Bencor National Plan (401(a) qualified retirement plan) on behalf of all executives, administrators, faculty and institutional support staff.

## **II. Other**

- A. If an employee terminates his/her employment without receiving terminal pay benefits and is re-employed, his/her sick leave credit shall be reinstated.
- B. Adjunct faculty and other part time temporary personnel are not eligible for sick leave. An employee who transfers from full-time employment to part-time employment will no longer be eligible to use accrued sick leave.
- C. Excess vacation leave transferred to converted sick leave will automatically be the first used when sick leave is requested. Excess vacation leave that is transferred to converted sick leave is not subject to terminal payout.

**Procedures:**

**I. Use of Sick Leave**

Each supervisor shall establish implementation procedures specific to that office/area to ensure compliance with this policy.

- A. The supervisor must be verbally notified before the opening of the College duty day when such leave is to occur, or as soon as possible during the day when such leave occurs, then requested in writing by the employee using the online College Leave Request Form BO-004 which may be turned in or submitted online.
- B. Upon return to work, an hourly employee who becomes ill during the normal working day should deduct those hours of work missed from the time sheet or through online webtime entry and should complete the online College Leave Request Form BO-004 which may be turned in or submitted online indicating the sick leave to be deducted.
- C. Should it be impossible for the employee to personally provide notification, every effort must be made to have a family member, friend, or acquaintance provides such notification.
- D. Unless the employee can prove that proper notification was impossible, an absence of three consecutive duty days or work shifts without proper notification to the supervisor is considered job abandonment and will be treated as a voluntary resignation and termination of employment.
- E. The employee must complete the online College Leave Request Form BO-004 which may be turned in or submitted online for all types of sick leave as soon as possible during the first day he/she returns to work.
- F. Appropriate medical verification may be required by the supervisor.
- G. Unless an emergency situation arises, Personal Leave that is chargeable to Sick Leave should be approved at least one week prior to the first personal leave day to be taken. Further the employee must have the approval of his\her immediate supervisor for the specific days to be taken.

**II. Sick Leave Pay Upon Retirement or Death of Employee**

All eligible employees shall receive terminal pay for accumulated sick leave upon official retirement (or, if a DROP participant, at the end of the DROP period) in accordance with the following provisions:

- A. The employee must have attained eligibility to receive and must have requested retirement benefits under the Florida Retirement System, the local annuity program or other optional retirement plan.

- B. If the employee's service at the College is terminated by death, the employee's beneficiary (designated on the latest retirement beneficiary form filed) shall receive terminal pay for the employee's accumulated sick leave in an amount derived by the daily rate of pay of the employee at time of death multiplied by the number of days accumulated sick leave multiplied by the appropriate percentages below:
1. During years one through four of full-time service, thirty-five (35) percent.
  2. During years five through seven of full-time service, forty (40) percent.
  3. During years eight through ten of full-time service, forty-five (45) percent.
  4. During and after the eleventh year of full-time service, fifty (50) percent.
- C. If the employee's service at the College is terminated by death and no beneficiary has been named or the named beneficiary is deceased or cannot be located after reasonable inquiry, then the terminal pay shall be paid to the estate of the deceased employee. If the College is not notified of an estate proceeding for the deceased employee within one (1) calendar year after the employee's death, then the terminal pay benefits shall be void.

### **III. Emergency Advance Sick Leave**

For an extreme personal emergency and upon specific request through the President, (a) the Board may advance sick leave for full-time regular employees not under contract up to one day per month for the remaining months of the fiscal year, or (b) the Board may advance up to one day per month for the remaining months of the current contract for contracted employees. If the employee terminates employment, the amount of overpayment of unearned sick leave will be recovered by the College as a deduction from the final paycheck. Such leave is for unusual, emergency situations only. The employee must exhaust all accrued vacation and sick leave before such a request is considered. Payment for such leave will be made after Board approval.

### **IV. Sick Leave Inter-Agency Transfer**

Accumulated sick leave may be transferred from another Florida community college, the Florida Department of Education, the State University System, or a Florida district school board, or a state agency, provided that at least one-half of the sick leave accumulated at any time must have been earned at the College.

Accumulated sick leave cannot be transferred if the employee is on a leave of absence from another Florida community college, the Florida Department of Education, the State University System, a Florida district school board, or a state agency.

The employee's College sick leave account will be credited one day per month from his/her transfer sick leave accrual until the total balance has been credited.

Example: Employee A is a full time employee hired on August 1. Employee A's former employer is a state agency and upon separation she had accrued 32 hours of sick leave. On August 31, Employee A will accrue 8 hours of Sick Leave from the College and will also accrue an additional 8 hours of sick leave from her former employer. At the end of September, Employee A will receive her normal accrual of 8 hours of Sick Leave from the College along with an additional 8 hours of sick leave from her former employer. Transferred sick leave shall continue to be distributed in 8 hour per month increments until the total balance of transferred sick leave from her former employer has been credited.

The employee must instruct the former employer to send a letter to the Payroll Office stating the sick leave balance at the time of termination.

If a College employee terminates and is employed by an agency to which sick leave may be transferred, he/she must contact the College's Payroll Department to have a letter written to the new employer stating the unused sick leave balance.