

**District Board of Trustee Policy
(BOT)**



Policy Title: Sick Leave

Policy Number: 6Hx6:5.04

Specific Authority:

Florida Statute 1012.865
Florida Administrative Code

Policy Approved: 04/18/17

Policy:

The Board through this rule is establishing a sick leave program whereby any Eligible Employee 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 President or his designee.

I. Definitions

- A. **"Eligible Employee"** means 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]).
- B. **"Educational Support Employee"** means any person employed by the College as an education or administrative paraprofessional; a member of the operations, maintenance, or comparable department; or a secretary, clerical, or comparable level support employee.
- C. **"Instructional Staff"** shall be used synonymously with the word "teacher" or "faculty" and includes faculty members, librarians, and other comparable members engaged in an instructional capacity at the College.
- D. **"Retirement Eligible Employee"** means a full time employee who, at the time of separation from employment with the College, has completed 10 years of full time service at the College and have satisfied at least one of the following criteria:
 - i. Attained the age of 62 years;
 - ii. Completed 30 years of service with participation in the Florida Retirement System, the local annuity program or other optional retirement plan; or
 - iii. Separation from employment is by reason of the death of the employee.

II. Extent of Leave with Compensation

- A.** Each Eligible 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 or a condition as herein prescribed. Sick leave shall be accumulative from month to month and year to year.
- B.** An Eligible 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.

III. Terminal Pay for Retirement Eligible Employees or Upon Death

A. Instructional Staff and Educational Support Employees

i. Sick Leave Accumulated Before July 1, 2017

For Instructional Staff and Educational Support Employees, terminal pay for sick leave which accrued prior to July 1, 2017 shall continue to be governed by College Operating Procedure Number 05-0504 as it existed on April 18, 2017.

ii. Sick Leave Accumulated On and After July 1, 2017

For Instructional Staff and Educational Support Employees, terminal pay for sick leave which accrued on and after July 1, 2017 shall be provided as follows: terminal pay for accumulated sick leave will be provided to all Eligible Employees who are Retirement Eligible Employees at the time of their separation from the College's employment and who, at the time of separation, are serving as either a member of the Instructional Staff or are an Educational Support Employee. Terminal pay shall equal the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

B. All Other Eligible Employees

i. Sick Leave Accumulated Before July 1, 2017

For all other employees, terminal pay for sick leave which accrued prior to July 1, 2017 shall continue to be governed by College Operating Procedure Number 05-0504 as it existed on April 18, 2017.

ii. Sick Leave Accumulated On and After July 1, 2017

For all other employees, terminal pay for sick leave which accrued on and after July 1, 2017 shall be provided as follows: terminal pay for accumulated sick leave shall be provided to all other Eligible Employees who are Retirement Eligible Employees upon separation from the College's employment. 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:

- A.** For sick leave accumulated on or after July 1, 2001 terminal pay shall equal the daily rate of pay multiplied by 25 percent times the number of days of

accumulated sick leave not to exceed a maximum of 60 days of actual payment.

- B. For sick leave accumulated before July 1, 2001, terminal pay shall equal the daily rate of pay multiplied by 50 percent times the number of days of sick leave accumulated prior to July 1, 2001.

IV. Sick Leave Inter-Agency Transfer

Except as provided below, accumulated sick leave may not be transferred to the College from another Florida College System institution, the Florida Department of Education, a State University, or a Florida district school board, or a state agency. However, sick leave may be transferred out of the College where permitted by law and by the rules, polies, or procedures of another Florida public employer.

Individuals employed prior to the effective date of this Rule may continue to transfer sick leave as provided in former College Operating Procedure 05-0504, as it existed on April 18, 2017, provided that the transfer process had been initiated prior to the effective date of this Rule.

V. Other

- A. Sick leave will be used on a "first in, first out" basis following exhaustion of any converted sick leave.
- B. If an employee receives terminal benefits based on unused sick leave credit, all unused sick leave shall become invalid.
- C. An employee who receives terminal benefits based on unused sick leave credit and is subsequently reemployed by the College, shall not again be eligible for terminal benefits based on unused sick leave credit.
- D. If an employee terminates his/her employment without receiving terminal pay benefits and is re-employed, his/her sick leave credit shall be reinstated.
- E. 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.
- F. 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.
- G. 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 Eligible Employees.

VI. Sick Leave Pool

The President is authorized to establish a sick leave pool program for full-time employees. The program is designed to aid participating members of the pool who have exhausted all sick leave in accordance with the following provisions:

- A. Participation in the sick leave pool shall at all times be voluntary on the part of employees.
- B. Any full-time employee shall be eligible for participation in the sick leave pool after 1 year of employment with the Florida College System institution, provided such employee has accrued a minimum amount of 10.0 days of unused sick leave.
- C. Any sick leave pooled pursuant to this section shall be removed from the personally accumulated sick leave balance of the employee donating such leave.
- D. Participating employees shall make equal contributions to the sick leave pool. There shall be established a maximum amount of sick leave which may be contributed to the pool by an employee. After the initial contribution which an employee makes 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.
- E. Any sick leave time drawn from the pool by a participating employee must be used for that employee's personal illness, accident, or injury.
- F. A participating employee will not be eligible to use sick leave from the pool until all of his or her sick and vacation leave has been depleted. There shall be established a maximum number of days for which an employee may draw sick leave from the sick leave pool.
- G. A participating employee who uses sick leave from the pool will not be required to recontribute such sick leave to the pool, except as otherwise provided by the sick leave procedures to be developed under the authority of this Policy.
- H. A participating employee who chooses to no longer participate in the sick leave pool will not be eligible to withdraw any sick leave already contributed to the pool.
- I. Alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employee 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 to be appropriate.

VII. Development of Procedures

The President is authorized and directed to establish procedures to implement this Policy.