

NOTICE OF REGULATORY ACTION

May 16, 2008

REGULATION TITLE:

Sick Leave Pool

REGULATION NO.:

FGCU-PR5.018

SUMMARY:

The regulation, Sick Leave Pool, is being updated to reflect changes in nomenclature (rule to regulation).

FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

LAW IMPLEMENTED:

Section 110.121, Florida Statutes

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Director, Human Resources

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Vice President of Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

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ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE JUNE 2, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: MAY 16, 2008

~~6C10~~FGCU-PR-5.018 Sick Leave Pool

(1) General. This ~~rule~~regulation establishes a Sick Leave Pool (Pool) to allow Faculty, Administrative and Professional (A&P) and University Support Personnel System (USPS) employees to voluntarily pool a portion of their unused sick leave and, upon depletion of their own sick, annual and compensatory leave, to draw leave credits from the Pool as prescribed in subsections (2) and (3) below. Part-time Faculty, A&P and USPS employees may participate in the Pool on a pro rata basis.

(2) Membership.

(a) An employee shall be eligible to participate in the Pool after completion of one year of employment with the state, provided that a minimum of 64 hours of sick leave has been accumulated by such employee.

(b) Applications for membership shall be in writing addressed to the Sick Leave Pool Administrator.

(c) Following the initial open enrollment period, additional applications shall be accepted only during open enrollment periods conducted at such other times as may be prescribed by the Sick Leave Pool Committee.

(d) Each full-time participating employee shall contribute 8 hours of sick leave in the first month of eligibility, and thereafter, each full-time participant shall contribute 8 hours each time the Pool is declared to be depleted. A part-time employee shall contribute sick leave on a pro-rata basis. All sick leave contributed shall be removed from the employee's sick leave account and be placed into the sick leave pool account.

(e) When a participating employee repeatedly fails to have a sufficient balance in his/her individual sick leave account when requested to contribute the appropriate hours to the Pool, the reasons for the use of sick leave credits by the employee shall be investigated for a determination as to whether the employee's membership in the Pool should be canceled. The decision for such cancellation shall be by majority vote of the Committee.

(f) A participating employee shall be allowed to donate to the Pool up to 16 hours of unused or unpaid sick leave from the employee's individual sick leave balance at the time of retirement or termination from state government.

(g) Employees who complete their first year of service other than during an open enrollment period will have thirty (30) calendar days to apply for membership in the Sick Leave Pool.

Employees may transfer their Sick Leave Pool membership from another state agency during their first thirty (30) calendar days of employment at the University. It shall be the responsibility of the employee to determine the time that he/she may become eligible and apply for membership in the Sick Leave Pool.

(h) No employee shall be unreasonably denied enrollment in the Sick Leave Pool.

(3) Administration.

(a) The President shall appoint two faculty, two A&P and two USPS employees who have elected to participate in the Pool to serve as the Sick Leave Pool Committee (Committee). Each will be appointed to serve alternating two year terms.

(b) The Director of Human Resources shall serve as the Sick Leave Pool Administrator (Administrator).

(c) Approval to use leave credits from the pool by an eligible employee shall be by majority vote of those Committee members present and shall require assent by at least three members. The Administrator will have the authority to implement the Committee's approval and to cast the deciding vote in case of a tie vote within the Committee.

(d) The Pool shall be administered in accordance with the following general guidelines:

1. Participation in the Sick Leave Pool does not guarantee hours may be withdrawn from the Pool.

2. Participating employees who require hospitalization or extended medical care as the result of any injury or illness or as a result of serious or major medical or health problems, may request permission to utilize leave credits from the Pool.

3. Sick leave hours from the Pool may be granted only for the employee's personal illness, injury, accident, or exposure to a contagious disease which would endanger others. Personal illness includes disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and the recovery therefrom.

4. All requests for Pool credit utilization shall be made in writing to the Administrator by, or for, the employee and shall be accompanied by medical verification of the injury or illness.

5. In the event the Committee finds a participant has abused the Sick Leave Pool process by inappropriate use or misrepresentation, the participant will be required to deposit sick leave hours equal to the number of credit hours utilized, and shall be discontinued from membership in the Pool.

6. The maximum number of Pool credits which may be granted to an employee on any one request is one hundred sixty (160) hours or twenty (20) days. Subsequent requests may be submitted as provided in Section (3) (d) 4., above.

7. The maximum number of Pool credits which may be granted to an employee shall be sixty (60) days, four hundred eighty (480) hours. Upon use of the maximum number of Pool credits an employee shall be discontinued from membership in the Pool. Such employee may reapply for membership in the Pool as described in Section (2), above.

8. Sick Leave Pool payments shall be coordinated with any and all disability insurance benefits the employee may accrue. No more than the current bi-weekly salary may be received by the employee after all payments from all applicable disability insurance benefits are applied.

(4) Maintenance of Sick Leave Pool. The Pool shall be maintained in accordance with the following standards:

(a) The Sick Leave Pool shall not be activated unless a minimum of 25 employees agree initially to participate in the Pool and each deposit eight (8) hours of their accrued sick leave therein.

(b) When the total credits available in the Pool amount to eighty (80) hours or less, the Pool shall be considered to be depleted. Upon depletion, the Pool members will be notified that eight (8) hours of sick leave credit will be deducted from their accumulated sick leave balances unless they inform the Administrator, in writing within two (2) weeks of the date of the notice, of their intention to discontinue membership.

(c) If two-thirds of the membership vote in favor of terminating the Sick Leave Pool, all further actions of the Pool shall cease. The balance of sick leave hours remaining in the Sick Leave Pool shall be divided equally among the members on record at the time of termination and transferred to the employees' individual sick leave accounts maintained by the Payroll office.

~~Specific Authority 110.121, 240.227 (5) FS. Law Implemented
110.121, FS. History -- New 4-17-97.~~

Action by Florida Gulf Coast University Board of Trustees:

Approved: 06/17/08

Law Implemented:

110.121 F.S.

History of Rule:

New 04/17/97

History of Regulation:

New 01/15/08

Effective Date of Regulation:

06/17/08