

	FGCU POLICY 3.028	Responsible Unit: Human Resources
	Special Leaves and Furlough	

A. POLICY STATEMENT

The University recognizes that there will be occasions when Employees will need to be away from work because of circumstances not of their own making. To facilitate this time away from work without financial harm to the Employee, the University shall provide paid leave to out-of-unit faculty, executive service, administrative and professional (A&P), and support personnel (SP) Employees according to the special circumstances outlined herein.

Additionally, in times of extraordinary budget reduction, it may become necessary to implement an Employee Furlough in order to preserve the financial well-being of the University. It is the policy of Florida Gulf Coast University to implement an Employee Furlough only after reasonable alternatives have been exhausted. Furloughs will be implemented in a manner that is sensitive to the mission of the University and the needs of its faculty and staff.

B. REASON FOR POLICY

This Policy provides guidance to out-of-unit faculty, executive service, A&P, and SP Employees for conditions under which leave may be granted.

C. APPLICABILITY AND/OR ACCOUNTABILITY

Unless otherwise addressed in a collective bargaining agreement, this Policy applies to out-of-unit faculty, executive service, A&P and SP Employees.

D. DEFINITION OF TERMS

1. *Employee*: A full-time or part-time executive service, A&P, or SP staff or out-of-unit faculty.
2. *Full Furlough*: Employees are relieved of work duties and are not authorized to perform work during this period.
3. *Furlough*: The placement of an Employee in a mandatory unpaid partial or full leave of absence status for a specified number of hours or days within a specified time frame. A Furlough is not a layoff or reduction in workforce and may be used to avoid or delay such action. The Employee remains an Employee while taking an unpaid leave of absence. Preserving an Employee’s continuous service, length of service, hire anniversary date, and continued access to health benefits and employer contributions to Employee health

insurance coverage is the goal of a Furlough.

4. *Partial Furlough*: Employees work specific number of Furlough days or hours.
5. *Special Leaves (Leave)*: Leave with pay granted to an Employee to attend certain civic, administrative, or University-related functions, as well as for other specific situations. Special Leaves, as identified in this Policy, shall not be counted against an Employee's accumulated annual or sick leave, unless specified.
6. *Unit Head*: The person designated by the President or Vice President of an area to be immediately responsible for the administration of a Furlough.

E. SPECIAL LEAVES

Special Leave may be used only for the specific reasons as described below and does not accrue.

1. Jury Duty or Court Appearances

- a. An Employee who is summoned for jury duty shall be granted paid Leave for all hours required for such duty, not to exceed the number of hours in the Employee's normal workday. If the jury duty does not coincide with the regular work schedule, the Employee shall be granted Leave based on the total hours served on jury duty and such Leave shall be granted on the next scheduled workday. If the jury duty does not require absence for the entire workday, the Employee shall return to work immediately upon release by the court.
- b. When an Employee is subpoenaed as a witness in an administrative hearing not involving personal interests or service as a paid expert witness, the Employee shall be granted Leave and any witness fee/mileage shall be retained by the Employee.
- c. If an Employee is subpoenaed in a matter involving the University as a witness or defendant, such appearance shall be considered a part of the Employee's job assignment. Any witness fee/mileage allocated to the Employee may be retained by the Employee.
- d. In matters of personal litigation or service as a paid expert witness, the Employee is required to use accrued annual leave or leave without pay.

2. Elections

A maximum of two (2) hours of Leave may be provided for voting in public elections when the Employee lives such a distance from the assigned work location that it precludes the Employee from voting outside of working hours.

3. Examinations and Interviews

An Employee may be granted Leave for the purpose of taking examinations, provided such examinations are required by University employment or the Military Services, or for the purposes of interviewing for positions within the University.

4. Military Service

a. Training

An Employee who is a commissioned reserve officer or reserve enlisted personnel of the United States military or naval service or members of the National Guard, may receive Leave, without limitation, not to exceed 240 hours in any one calendar period when engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

b. Military Service

An Employee who is a service-member in the National Guard or a reserve component of the Armed Forces of the United States is granted Leave to perform active military service, for the first thirty (30) days of such Leave with full pay. An Employee who is a reservist called to active military service will be provided a supplement to the military pay in order to bring the Employee's total salary, inclusive of their military base pay, to the level earned at the time they were called to active duty, after the first thirty (30) days of such Leave. No supplement will be provided if the Employee's military base pay equals or exceeds the Employee's salary earned at the time they were called to active duty.

c. Uniformed Services Employment and Reemployment Rights Act (USERRA).

An Employee covered by USERRA will continue to receive all health insurance and other existing benefits, as applicable, pursuant to USERRA.

5. Bereavement

An Employee, upon request, shall be granted two (2) regular workdays of Leave upon the death of their spouse, brother, sister, or grandparent, as well as a parent, child, or grandchild of the Employee or the Employee's spouse. In accordance with FGCU Policy 3.034, Sick Leave, at the discretion of the supervisor, an Employee may use sick leave in reasonable amounts to supplement bereavement leave.

6. Disasters and Other Emergency Conditions

a. The University President may close the University in the event an Executive Order

has been issued by the Governor declaring an emergency. When natural disaster or other sudden and unplanned emergency conditions occur which are not addressed by an Executive Order, the University President shall determine the status of Employees in emergency situations and may close the University as conditions warrant.

- b. Except for those Employees designated as essential personnel by the University, any Employee assigned to those facilities which have been closed shall be granted Leave for the period the facility is closed.

7. Florida Disaster Volunteer Leave

An Employee who is a certified disaster service volunteer of the American Red Cross or Community Emergency Response Team (CERT) may be granted Leave for not more than fifteen (15) days in any one calendar year to participate in specialized disaster relief services. Leave under this provision may be granted only for services within the boundaries of the State of Florida. Where the Governor and Cabinet have approved state Employees to volunteer disaster relief services, the University President may authorize an Employee to participate in such services outside the State of Florida. Such Leave may be granted upon the request of the American Red Cross or CERT and upon the approval of the University. An Employee granted Leave under this provision shall not be deemed to be a University Employee for purposes of workers' compensation.

8. Athletic Competition

An Employee who is a group leader, coach, official, or athlete who is a member of the official delegation of the United States team for athletic competition on the world, Pan American, or Olympic level, shall be granted Leave for the purpose of preparing for and engaging in the competition for the period of the official training camp and competition or thirty (30) days a year, whichever is less.

9. Formal Investigation

- a. An Employee, who is under investigation by the University for an alleged violation of a statute or University regulation or policy, may be placed on Administrative Leave for the length of the investigation, when the Employee's absence from the work location is necessary to complete such investigation.
- b. In instances where an Employee has been notified of a proposed suspension or dismissal, the Employee may be placed on Administrative Leave between the first notice and the effective date of the action.

10. Extraordinary Circumstances

The President, or designee, may place an Employee on Leave when the Employee's presence in the workplace may result in one (1) or more of the following:

- a. Damage to University property;
- b. Interference with University operations; or
- c. The health, safety, or welfare of the Employee or other members of the University community.

11. Disabled Veterans Re-examination or Treatment

An Employee who has been rated by the Veterans Administration to have incurred a service connected disability and has been scheduled by the Veterans Administration to be re-examined or treated for such disability shall, upon presentation of written confirmation, be granted Leave for such re-examination or treatment not to exceed six (6) days in any calendar year.

12. Worker's Compensation

An Employee shall remain in full pay status for a period up to a maximum of forty (40) hours without being required to use accrued leave in the event of any work-related injury compensable under the Florida Worker's Compensation Law.

F. PROCEDURES FOR SPECIAL LEAVES

1. Employees

Employee may request Leave pursuant to this Policy, when applicable, by submitting the necessary supportive documentation to immediate supervisor. Faculty, executive service, A&P and SP Employees request time off through Workday.

2. Employee's Supervisor

Supervisor shall approve Leave requests through Workday.

G. PROCEDURES FOR FURLOUGH

1. Furlough Plan

The Unit Head must complete the Furlough Plan. He/she is responsible to define the potential Employee group for the purpose of assigning Furloughs based on organizational structure, work location, type of work performed, funding source, operational needs, work availability, experience, expertise, skills and competencies, state or federal requirements, ability to perform work remotely or other relevant factors related to the basis for the Furlough. The Unit Head must obtain the approval of the President or appropriate Vice President(s). Any Furlough plan requires the approval of the President.

The Vice President will forward the Furlough Plan to Human Resources for review, final approval, and implementation.

Prior to implementation, Human Resources will confirm the following:

- a. An Employee may only be Furloughed during those days in which the Employee is in pay status.
- b. Prior to assignment of Furloughs, colleges and departments may seek and accept volunteers for Furlough.
- c. In lieu of a Furlough assignment, and in consultation with Human Resources, Unit Heads have the discretion to temporarily reassign Employees to other available job duties. Such reassignments may not be permissible for Employees who work in positions funded by contracts or grants.

2. Employees on Furlough

- a. Employees may not volunteer to continue to work in their positions during the assigned Furlough period.
- b. Employees will not be Furloughed more than 640 hours during any six (6) month time period, prorated based on the length of the Employee's appointment period.
- c. Human Resources may approve two (2) extensions of up to one hundred and sixty (160) hours each of Furlough assignment for an Employee, prorated based on length of appointment period.
- d. Employees on various leaves, excluding sabbaticals, FMLA, and military, are not exempt from Furlough consideration.
- e. Leave eligible Employees will continue to accrue their normal leave accruals during the Furlough.
- f. Employees cannot use sick leave, annual leave, compensatory time or days designated as Employee holidays to offset a Furlough day.
- g. Full Furlough:

Employees on a Full Furlough are relieved of work duties and are not authorized to perform work during the period of Furlough. To ensure compliance with this provision, the University may suspend an Employee's physical or electronic access to University resources.

h. Partial Furlough:

Employees on a Partial Furlough may not work above the effort identified in the Furlough assignment. Employees on Partial Furlough cannot make up the Furlough time by working additional hours during the pay period. If an Employee is assigned a Partial Furlough that involves a specific number of Furlough days, a supervisor has the discretion to approve a plan in which Furlough days occur on specific dates that are spread out over a set period of time.

- i. The University may modify Furlough conditions, including the time period, the Employee's hours and days of work, and the assigned duties, at any time. Every effort will be made to give reasonable advance notice of such changes. There may be instances, however, when only minimal notice is possible.

3. Notifying Affected Employees of Furlough

- a. The University shall provide Employees with no less than ten (10) calendar days' notice regarding a Furlough assignment. However, in extraordinary circumstances, the University may provide less than ten (10) calendar days' notice. Human Resources will provide the impacted Employee(s) with a written explanation of the circumstances qualifying the shorter notice.

1) Full Furlough

A notice initiating a Full Furlough assignment will include the anticipated consecutive number of hours of the Furlough.

2) Partial Furlough

A notice initiating a Partial Furlough shall include the anticipated number of hours of the Furlough, the applicable assigned hours and days of work, the assigned duties and a statement that the Employee may not work more than the assigned hours and days.

- b. Furlough notices shall include information regarding how Employees may maintain their benefits during the Furlough.

4. Benefits

- a. Employee benefits will continue during a Furlough. Consistent with normal practice for an unpaid leave of absence, Employees shall pay the Employee portion of insurance premiums out of pocket if placed on a Full Furlough or if a Partial Furlough does not generate enough income to pay the Employee portion from payroll deduction.

- b. An Employee's social security and retirement contributions shall be affected, based on actual earnings, under a Furlough. Employees' continuous service, including for retirement purposes, length of service and hire anniversary date will not be impacted by a Furlough.

Related Information

38 USC 4301 et. seq.

Authority

Sections 110.118-120, Florida Statutes

BOG Regulation 1.001, University Board of Trustees Powers and Duties

History of Policy

New 08/23/10; Amended 12/01/15; Amended 11/01/17 (amended organizational change);

Amended 09/07/18; Amended 07/24/19; Amended 12/01/20

APPROVED

*s/Michael V. Martin
Michael V. Martin, President

December 1, 2020
Date