

	FGCU POLICY 3.028	Responsible: Human Resources
	Special Leaves	

A. POLICY STATEMENT

The University recognizes that there will be occasions when our 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, administrative and professional (A&P), support personnel (SP), and executive service employees according to the special circumstances outlined herein.

B. REASON FOR POLICY

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

C. APPLICABILITY AND/OR ACCOUNTABILITY

This Policy applies to out-of-unit faculty and A&P, SP, and executive service employees.

D. DEFINITION OF TERMS

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.

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

1. Employees

Employee may request Leave pursuant to this Policy, when applicable, by submitting the

necessary supportive documentation to immediate supervisor. Faculty, executive service, and A&P employees complete the “Faculty and A&P Application for Leave” form. SP employees complete the “Support Personnel Timesheet”.

2. Employee’s Supervisor

Supervisor shall acknowledge, and approve if applicable, Leave request and forward to Payroll.

3. Payroll

Payroll shall confirm that requested Leave is for one (1) of the authorized reasons listed in this Policy and upon confirmation will process the Leave.

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 07/25/19

APPROVED

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

July 25, 2019
Date