

4 USF System USF USFSP USFSM

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6 **Number:** USF10.203
7 **Title:** Benefits and Hours of Work
8 **Responsible Office:** Administrative Services/Human Resources

9 **Date of Origin:** 10-5-03

Date Last Amended: 12-1-16

Date Last Reviewed: 12-1-16

11 (1) Administration and Staff employees receive paid and unpaid leave, and USF system-designated
12 holidays. They may also participate in insurance programs, retirement and other benefits as provided
13 for in Florida law and/or through USF system- approved programs. Benefits and hours of work
14 requirements will be administered consistent with this Regulation, and any applicable federal or
15 Florida law.

16 (2)(a) With the exception of Postdoctoral appointments and medical residents, Temporary
17 employees are not eligible for benefits unless specifically provided for in these Regulations or
18 required by an applicable federal or Florida law. Postdoctoral benefits and employment are subject
19 to the USF system “Guide for Postdoctoral Scholars.” Benefits available for medical residents are
20 contained in individual offer letters and/or other applicable documents required by the
21 Accreditation Council for Graduate Medical Education (ACGME). Medical residents are temporary
22 employees of the USF system; however, the remainder of this Regulation is applicable to them only
23 to the extent that it does not conflict with ACGME requirements, processes and procedures.

24 (b) Temporary employees are eligible for unpaid leave, in accordance with any applicable federal
25 or Florida law.

26 (c) Non-exempt Temporary employees are eligible for overtime compensation for work beyond
27 forty (40) hours in an approved workweek.

28 (d) Exempt Temporary employees are eligible to be paid for USF system-designated holidays
29 that fall within the period of their appointment proportionate to the time in pay status.

30 (e) Temporary employees are eligible to participate in tax sheltered annuities and deferred
31 compensation programs offered by the USF system.

32 (3) Each employee is expected to work the number of hours in the employee’s established
33 workweek unless on approved leave. Benefits will be provided proportionate to the time in pay
34 status in accordance with these Regulations.

35 **(4)** The minimum workweek is forty (40) hours for full-time employees. Holiday pay, up to a
36 maximum of twelve (12) hours per holiday (based on the number of hours the employee is normally
37 scheduled to work on that day) and paid leave are not considered overtime and are paid at the
38 employee's regular pay rate. Approved leave will be adjusted to ensure an employee's workweek will
39 not exceed forty (40) hours.

40 **(5)** Compensatory leave will consist of the following types and such unused leave will be transferred
41 or paid in accordance with these Regulations.

42 **(a)** Overtime compensatory leave is provided in lieu of payment for overtime for non-exempt
43 Staff and non-exempt Administration employees at the rate of one and one half times the
44 total hours worked beyond forty (40) in the workweek.

45 1. Overtime will normally be paid no later than the end of the following pay period, unless
46 accrued as overtime compensatory leave.

47 2. If an employee changes departments or class title, unused overtime compensatory leave
48 will be transferred or paid.

49 **(b)** Regular compensatory leave may be provided to a Staff exempt employee for work beyond
50 forty (40) hours in the workweek on an hour-for-hour basis in accordance with the approved
51 pay plan. The transfer or payment for unused regular compensatory leave will be in
52 accordance with the approved pay plan.

53 **(c)** Special compensatory leave is provided to Staff and non-exempt Administration employees
54 as follows:

55 1. Special compensatory leave is provided to compensate an employee for an official holiday,
56 as designated by the USF system when:

57 a. The employee observed the holiday and also worked forty (40) hours the week during,
58 which the holiday occurred;

59 b. The holiday falls on the employee's regularly scheduled day off; or

60 c. The employee is required to work the holiday.

61 2. Special compensatory leave is provided to compensate an employee for administrative
62 leave for jury duty or court appearance provided in Section (17)(a) and (b) below when
63 the employee also worked forty (40) hours the week during which the jury duty or court
64 appearance occurred.

65 3. Special compensatory leave is provided to employees required to perform essential duties
66 during an emergency closing for the hours worked during the closing.

- 67 4. Special compensatory leave is provided to employees required to perform essential duties
68 for hours worked outside of their normal work schedule to prepare for or respond to a
69 declared University emergency, as determined by the Chief Administrative Officer or
70 designee.
- 71 5. The Chief Administrative Officer (“CAO”) may elect to pay an employee for a part of or
72 all accrued special compensatory leave at any time. If the employee separates from the
73 USF system, the employee will be paid for all unused special compensatory leave at the
74 employee’s regular rate of pay.
- 75 (d) Special compensatory leave is provided to exempt Administration employees to compensate
76 for an official USF system-designated holiday when the holiday falls on the employee’s
77 regularly scheduled day off or the employee is required to work the holiday.
- 78 (6) An employee, other than a non-exempt Temporary employee, will be paid proportionate to the
79 time in pay status for all holidays designated by the USF system or Florida law.
- 80 (7) Annual and/or sick leave will be accrued while in pay status in accordance with these
81 Regulations. Leave will be credited at the end of the pay period in which it is earned, or in the case
82 of separation, on the last day the employee is on the payroll. Leave may not be used in the pay
83 period in which it is earned.
- 84 (8) During approved unpaid leave for parental, foster care, medical, or military reasons, an employee
85 may intermittently use accrued leave to continue the contributions to State benefits and other
86 expenses.
- 87 (9) Unless agreed otherwise, an employee will be employed in the same or similar status upon
88 completion of the approved leave period. While on paid leave, an employee may not be employed
89 elsewhere unless the requirements for outside activity and/or extra or dual compensation have been
90 met.
- 91 (10) The USF system may establish reciprocal agreements with other government entities for the
92 transfer of accrued sick leave and accrued annual leave. Such agreements must be in writing and
93 consistent with applicable Florida law.
- 94 (11) The USF system will withhold any payment due to an employee upon separation from
95 employment for accrued sick leave or accrued annual leave unless and until all property of the USF
96 system in the custody or control of the employee is returned or properly accounted for.
- 97 (12) Sick leave accrual for full-time employees will be as follows with proportionate accrual for less
98 than full-time.

Hours Accrued During Pay Period		
	Monthly	Biweekly
Administration	8.667	4
Ex. Service	10.833	5
Staff	8.667	4

100

101 (a) Sick leave must be accrued before use unless available through a USF system-approved sick
 102 leave pool program. There is no maximum on the amount of sick leave that can be accrued.

103 (b) With the appropriate approvals, accrued sick leave is authorized for the following purposes:

104 1. The employee's personal illness, injury, exposure to a contagious disease, a disability where
 105 the employee is unable to perform assigned duties, or appointments with health care
 106 providers.

107 2. The illness, injury, appointments with health care providers, or death of a member of the
 108 employee's family; family, for the purpose of this Regulation, is defined as the spouse,
 109 domestic partner (as defined in USF's Domestic Partner Health Insurance Stipend
 110 Program), the grandparents, parents, brothers, sisters, children and grandchildren of
 111 both the employee and the spouse.

112 (c) Notice of absence due to illness, injury, disability, or exposure to a contagious disease must
 113 be given on the first day of absence, unless the nature of the illness or injury precludes such
 114 notice the first day.

115 (d) Upon separation, an employee with ten (10) or more years of continuous service in an
 116 established position who has not participated in the University's Early Sick Leave Payout
 117 Program and who was employed prior to January 1, 2014, will be paid for one-fourth of
 118 accrued unused sick leave up to a total of 480 hours. An employee who was hired on or after
 119 January 1, 2014 or who has less than ten (10) years of continuous service in an established
 120 position at the time of separation will not be paid for any unused sick leave and such leave
 121 shall be forfeited.

122 (e) The CAO will approve continuation and/or modification of the current sick leave pool
 123 program when determined to be in the USF system's best interests.

124 (13) Annual leave for full-time employees will be as follows with proportionate accrual for less than
 125 full-time employment. An employee appointed for fewer than ten (10) months does not accrue
 126 annual leave. Hours of accrual for Staff employees are based on years of creditable service and such
 127 service will be awarded as one month of service credit for each calendar month that the employee is
 128 on the salaried (non-Temporary) payroll of the USF system or during authorized unpaid leave.

	Monthly	Biweekly	Payment Maximums
Administration	14.667	6.769	352 (after 6 mo. satisfactory service)
Ex. Service	20	9.195	480
Staff (yrs of service)			
0-6 mo.	8.667	4	0
Greater than 6 mo-5 yrs	8.667	4	240
Greater than 5 yrs-10 yrs	10.833	5	240
Greater than 10 yrs	13	6	240

129

130 (a) Annual leave must be accrued prior to use. In extraordinary circumstances, annual leave may
 131 be advanced to meet employment needs of the USF system.

132 (b) Employees may accrue annual leave in excess of the year-end maximum during a calendar
 133 year. Employees with accrued annual leave in excess of the year-end maximum as of
 134 December 31, will have any excess converted to sick leave on an hour-for-hour basis on
 135 January 1 of each year.

136 (c) An employee who separates from employment with six (6) months or more of continuous
 137 service in an established position will be paid for all unused accrued annual leave hours up to
 138 the year-end maximum allowed for the pay plan. Upon reemployment by the USF system
 139 within thirty (30) days or upon recall from layoff by the USF system within one (1) year, all
 140 annual leave paid at the time of separation may be restored upon repayment by the
 141 employee. Upon entering into the Deferred Retirement Optional Program (DROP),
 142 employees may elect to be paid up to the year- end maximum of their unused accrued annual
 143 leave. If an employee does not select to receive payment for all unused accrued annual leave
 144 due at the time of entering DROP, any amount accrued remaining due will be paid upon
 145 final separation of employment.

146 (d) An employee will be paid for unused accrued annual leave up to the allowable maximum
 147 upon transfer from an annual leave-accruing position to a non-annual leave-accruing
 148 position.

149 (14) Compulsory leave provisions will be consistent with the following:

150 (a) Medical certification by an approved health care provider will be required.

151 (b) Notice will be provided to the employee identifying the duration of the leave, the conditions
152 for return to the position, and include a designation stating whether such leave will be
153 counted in accordance with any applicable federal or Florida law.

154 (c) The employee may be allowed to intermittently use accrued paid leave during compulsory
155 leave to continue the contributions to State benefits and other expenses.

156 (d) Unless agreed otherwise, an employee will be employed in the same or similar status upon
157 completion of the approved leave period and upon receipt of medical certification to return
158 to work.

159 (e) Employees who fail to meet the conditions of the compulsory leave, who fail to obtain
160 medical certification to return to work at the same or similar status as before the leave began
161 and/or are unable to perform duties will be:

162 1. Offered part-time employment;

163 2. Placed on unpaid leave or have such leave extended;

164 3. Requested to resign; or

165 4. Dismissed for inability to perform the duties of the position.

166 (15) Employees are provided with twelve (12) work weeks of Family and Medical Leave within a
167 twelve (12)-month rolling period, measured backward from the start date of the employee's
168 requested leave period, in compliance with the Family and Medical Leave Act (FMLA) of 1993
169 (Public Law 103-3) and the Final Regulations of the Family and Medical Leave Act of 1993 (29 CFR
170 Part 825), and as may be amended. Eligible employees, including Temporary, are those who have
171 worked at least twelve (12) months (these need not have been consecutive) and who have worked at
172 least 1250 hours in the twelve (12) months prior to the leave. Faculty, Administration, and Staff
173 employees may use accrued paid leave for an FMLA event and the use of such leave will be counted
174 toward the FMLA entitlement. Leave for Temporary employees under the FMLA is unpaid leave
175 and such unpaid FMLA leave will only be granted through the end of the established appointment
176 period or twelve (12) weeks, whichever occurs first.

177 (16) Employees will be provided with up to six (6) months unpaid parental leave unless the
178 employee already has an established end date prior to that period of time. Non-Temporary
179 employees may use accrued paid leave when the employee becomes a biological or adoptive parent
180 in accordance with these Regulations.

181 (17) Employees are provided paid administrative leave as follows, provided that such paid leave will
182 not cause the full-time employee to exceed forty (40) hours during the workweek. Administrative
183 leave is not accrued.

- 184 (a) Administrative leave for jury duty will not cause an employee's total number of hours to
185 exceed the number of hours in the employee's normal workday or workweek. If jury duty
186 does not require absence for the entire workday, the employee will return to work
187 immediately upon release by the court. If jury duty does not coincide with the regular work
188 schedule, the employee will be granted administrative leave based on the total hours served
189 on jury duty and such leave will be granted on the next scheduled work shift. Any jury duty
190 pay can be retained by the employee.
- 191 (b) Administrative leave will be provided to an employee summoned as a witness in a matter not
192 involving personal interests. Administrative leave will not be provided to an employee
193 serving as an expert witness. Witness pay can be retained by the employee.
- 194 (c) Administrative leave for athletic competition in Olympic events will be provided when
195 determined to be in the best interests of the USF system.
- 196 (d) Up to four (4) days of administrative leave will be provided to an employee upon the death
197 of a family member as defined in Section (12)(b)2. of this Regulation.
- 198 (e) Administrative leave will be provided as follows for any official emergency closing of
199 facilities of the USF system. Only employees scheduled to work during the time of the
200 emergency closing will be provided administrative leave. Employees already on approved
201 leave at the time of the emergency closing may not have the approved leave changed to
202 administrative leave. Special compensatory leave will be provided to Staff employees
203 required to perform essential services during the emergency closing.
- 204 (f) When the operation of the USF system will not be adversely impacted, the CAO will approve
205 administrative leave for:
- 206 1. Florida Disaster Volunteers.
- 207 2. Up to two (2) days for civil disorder or disaster for an employee who is a member of a
208 volunteer emergency response team.
- 209 3. Up to two (2) hours for voting in public elections when the employee lives at such a
210 distance that he/she cannot vote during the hours the polls are open or when the
211 employee's regularly scheduled hours are equal to or exceed the hours that the polls are
212 open.
- 213 (g) When determined to be in the USF system's best interests, the CAO will grant an employee
214 administrative leave:
- 215 1. When the employee is under investigation; for a period up to the length of the
216 investigation.

217 2. Between the notice of suspension or dismissal and the effective date of such action.

218 3. When the employee's presence in the workplace may result in damage to property or
219 injury to employee or others.

220 **(18)** Military leave and reemployment rights will be provided to Administration and Staff employees
221 consistent with federal and Florida laws.

222 **(19)** Workers' Compensation benefits for an injury compensable under the Florida Workers'
223 Compensation Law will be provided consistent with the following:

224 **(a)** A Staff, Administration or Temporary employee will remain in full pay status for a period up
225 to a maximum of forty (40) hours without being required to use accrued leave credits or take
226 leave without pay. If, during that period, the employee receives Workers' Compensation
227 benefits, the employee will reimburse the USF system the amount of the benefits. Such
228 reimbursement will not include payments for expenses related to medical, surgical, hospital,
229 or nursing treatment or payments of disability losses.

230 **(b)** A Staff or Administration employee may elect to use accrued paid leave to supplement
231 Workers' Compensation payments to bring the total amount of compensation up to the
232 employee's regular salary.

233 **(c)** The period of paid or unpaid job-related disability leave will be in accordance with Chapter
234 440, FS, or any other applicable Florida law.

235 **(d)** When it is determined to be in the best interest of the USF system, an employee who was
236 injured in the workplace will be returned to alternate duty when full recovery is anticipated in
237 a reasonable period of time consistent with these Regulations.

238 **(e)** If at the end of the leave period an employee is unable to return from leave to work full-time
239 and perform the duties of the position, the CAO will offer the employee a part-time
240 appointment, place the employee on unpaid leave or extend the leave status, request the
241 employee's resignation, or terminate the employee from employment.

242 **(20)** Learning opportunities for USF system employees include:

243 **(a)** Learning opportunities for Administration and Staff employees involving professional
244 renewal, planned travel, study, formal education, research, writing, or other experience of
245 professional value may include the following:

246 1. Employee development or certification; or

247 2. Leave to pursue educational goals.

248 **(b)** USF system-approved employee education programs;

249 (c) Attendance at related professional conferences, workshops or seminars.

250 (21) Benefits for an injury compensable under the Florida Workers' Compensation Law and
251 Longshore and Harbor Workers' Compensation Act, 33 U.S.C. §§ 901-950 ("LHWCA") will be provided
252 consistent with the following:

253 (a) A Staff, Administration or Temporary employee will remain in full pay status for a period up
254 to a maximum of (40) hours without being required to use accrued leave credits or take leave
255 without pay. If, during that period, the employee receives compensation under the Florida
256 Workers' Compensation Law or LHWCA, the employee will reimburse the USF system the
257 amount of the compensation. Such reimbursement will not include payments for expenses
258 related to medical, surgical, hospital, or nursing treatment or payments of disability losses.

259 (b) A Staff or Administration employee may elect to use accrued paid leave to supplement
260 Workers' Compensation or LHWCA payments to bring the total amount of compensation
261 up to the employee's regular salary.

262 (c) The period of paid or unpaid job-related disability leave will be in accordance with Chapter
263 440, Florida Statutes, LHWCA, or any other applicable Florida or federal law.

264 (d) When it is determined to be in the best interest of the USF system, an employee who was
265 injured in the workplace will be returned to alternate duty when full recovery is anticipated in
266 a reasonable period of time consistent with these Regulations.

267 (e) If at the end of the leave period an employee is unable to return from leave to work full-time
268 and perform the duties of the position, the CAO will offer the employee a part-time
269 appointment, place the employee on unpaid leave or extend the leave status, request the
270 employee's resignation, or terminate the employee from employment.

271 (22) Benefits for an injury or illness that occurs while in the service of a vessel and is compensable
272 to employees who qualify as "Seamen" under the Merchant Marine Act of 1920, 46 U.S.C. § 30104,
273 also known as the "Jones Act," and general maritime law will be provided consistent with the
274 following:

275 (a) Failure to attend a pre-employment medical exam by a doctor of the USF system's choice
276 and at the USF system's expense and/or truthfully answer and complete a pre-employment
277 health questionnaire, if required by the USF system, may affect the Seaman's entitlement to
278 compensation under this paragraph.

279 (b) In the event any Seaman is injured or becomes ill, the Seaman may be entitled to
280 maintenance and cure until the Seaman reaches maximum medical improvement ("MMI") as
281 follows:

282 1. Daily maintenance shall be paid at the rate of fifteen (\$15.00) dollars per day; and

283 2. Cure shall be provided through the State Employee Health Insurance Program. The USF
284 system will reimburse the Seaman for any medical expenses required for the treatment of
285 the injury or illness.

286 (c) A Seaman who is injured or becomes ill is also entitled to unearned wages for the voyage
287 which shall be paid from the date of the illness or injury until the specific voyage on which
288 the vessel is engaged at the time of the illness or injury terminates.

289 (d) A Seaman will remain in full pay status for a period up to a maximum of (40) hours after the
290 termination of the voyage in which the injury or illness occurred, or the date of the injury or
291 illness if not on a voyage, without being required to use accrued leave credits or take leave
292 without pay. After the expiration of this period, and in addition to maintenance, the Seaman
293 may elect to use up to eight hours of available accrued leave (sick or annual) per day to be
294 equivalent to his/her salary prior to the illness or injury.

295 (e) Whenever possible, a Seaman who is released to work by the medical provider with
296 restrictions will be provided an alternate light duty assignment to accommodate these
297 restrictions. The work assignment may or may not be in a related field of work. UNDER
298 NO CIRCUMSTANCES will a Seaman be allowed to resume work on a vessel without a
299 written release as fit for duty from the medical provider and from an authorized member of
300 the USF system.

301 (f) If at the end of the leave period a Seaman is unable to return from leave to work full-time
302 and perform the duties of the position, the CAO will offer the Seaman a part-time
303 appointment, place the Seaman on unpaid leave or extend the leave status, request the
304 Seaman's resignation, or terminate the Seaman from employment.

306 *Authority: Art. IX, Sec 7, Fla. Constitution and Resolutions issued by the FL Board of Governors.*

308 *History: New (BOT approval) 10-05-03, Amended 3-19-09, 6-20-13, 9-14-15 (technical), 12-1-16.*

310 *Certification: The University of South Florida certifies that it has followed the Florida Board of Governors Regulation*
311 *Development Procedure and has a record of written notices, comments, summaries and responses as required.*

312