

USF System USF USFSP USFSM

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

Date of Origin: 10-5-03

Date Last Amended: 6-27-17 (technical)

Date Last Reviewed: 6-27-17

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

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

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

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

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

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

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

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

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

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

1. Overtime will normally be paid no later than the end of the following pay period, unless accrued as overtime compensatory leave.
2. If an employee changes departments or class title, unused overtime compensatory leave will be transferred or paid.

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

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

1. Special compensatory leave is provided to compensate an employee for an official holiday, as designated by the USF system when:
 - a. The employee observed the holiday and also worked forty (40) hours the week during, which the holiday occurred;
 - b. The holiday falls on the employee's regularly scheduled day off; or
 - c. The employee is required to work the holiday.
2. Special compensatory leave is provided to compensate an employee for administrative leave for jury duty or court appearance provided in Section (17)(a) and (b) below when the employee also worked forty (40) hours the week during which the jury duty or court appearance occurred.
3. Special compensatory leave is provided to employees required to perform essential duties during an emergency closing for the hours worked during the closing.

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

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

- (a) Sick leave must be accrued before use unless available through a USF system-approved sick leave pool program. There is no maximum on the amount of sick leave that can be accrued.
- (b) With the appropriate approvals, accrued sick leave is authorized for the following purposes:
 1. The employee’s personal illness, injury, exposure to a contagious disease, a disability where the employee is unable to perform assigned duties, or appointments with health care providers.
 2. The illness, injury, appointments with health care providers, or death of a member of the employee’s family; family, for the purpose of this Regulation, is defined as the spouse, domestic partner (as defined in USF’s Domestic Partner Health Insurance Stipend Program), the grandparents, parents, brothers, sisters, children and grandchildren of both the employee and the spouse.
- (c) Notice of absence due to illness, injury, disability, or exposure to a contagious disease must be given on the first day of absence, unless the nature of the illness or injury precludes such notice the first day.
- (d) Upon separation, an employee with ten (10) or more years of continuous service in an established position who has not participated in the University’s Early Sick Leave Payout Program and who was employed prior to January 1, 2014, will be paid for one-fourth of accrued unused sick leave up to a total of 480 hours. An employee who was hired on or after January 1, 2014 or who has less than ten (10) years of continuous service in an established position at the time of separation will not be paid for any unused sick leave and such leave shall be forfeited.
- (e) The CAO will approve continuation and/or modification of the current sick leave pool program when determined to be in the USF system’s best interests.

(13) Annual leave for full-time employees will be as follows with proportionate accrual for less than full-time employment. An employee appointed for fewer than ten (10) months does not accrue annual leave. Hours of accrual for Staff employees are based on years of creditable service and such

service will be awarded as one month of service credit for each calendar month that the employee is 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

- (a) Annual leave must be accrued prior to use. In extraordinary circumstances, annual leave may be advanced to meet employment needs of the USF system.
- (b) Employees may accrue annual leave in excess of the year-end maximum during a calendar year. Employees with accrued annual leave in excess of the year-end maximum as of December 31, will have any excess converted to sick leave on an hour-for-hour basis on January 1 of each year.
- (c) An employee who separates from employment with six (6) months or more of continuous service in an established position will be paid for all unused accrued annual leave hours up to the year-end maximum allowed for the pay plan. Upon reemployment by the USF system within thirty (30) days or upon recall from layoff by the USF system within one (1) year, all annual leave paid at the time of separation may be restored upon repayment by the employee. Upon entering into the Deferred Retirement Optional Program (DROP), employees may elect to be paid up to the year- end maximum of their unused accrued annual leave. If an employee does not select to receive payment for all unused accrued annual leave due at the time of entering DROP, any amount accrued remaining due will be paid upon final separation of employment.
- (d) An employee will be paid for unused accrued annual leave up to the allowable maximum upon transfer from an annual leave-accruing position to a non-annual leave-accruing position.

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

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

- (b) Notice will be provided to the employee identifying the duration of the leave, the conditions for return to the position, and include a designation stating whether such leave will be counted in accordance with any applicable federal or Florida law.
- (c) The employee may be allowed to intermittently use accrued paid leave during compulsory leave to continue the contributions to State benefits and other expenses.
- (d) Unless agreed otherwise, an employee will be employed in the same or similar status upon completion of the approved leave period and upon receipt of medical certification to return to work.
- (e) Employees who fail to meet the conditions of the compulsory leave, who fail to obtain medical certification to return to work at the same or similar status as before the leave began and/or are unable to perform duties will be:
 1. Offered part-time employment;
 2. Placed on unpaid leave or have such leave extended;
 3. Requested to resign; or
 4. Dismissed for inability to perform the duties of the position.

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

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

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

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

2. Between the notice of suspension or dismissal and the effective date of such action.
3. When the employee's presence in the workplace may result in damage to property or injury to employee or others.

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

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

- (a)** A Staff, Administration or Temporary employee will remain in full pay status for a period up to a maximum of forty (40) hours without being required to use accrued leave credits or take leave without pay. If, during that period, the employee receives Workers' Compensation benefits, the employee will reimburse the USF system the amount of the benefits. Such reimbursement will not include payments for expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.
- (b)** A Staff or Administration employee may elect to use accrued paid leave to supplement Workers' Compensation payments to bring the total amount of compensation up to the employee's regular salary.
- (c)** The period of paid or unpaid job-related disability leave will be in accordance with Chapter 440, FS, or any other applicable Florida law.
- (d)** When it is determined to be in the best interest of the USF system, an employee who was injured in the workplace will be returned to alternate duty when full recovery is anticipated in a reasonable period of time consistent with these Regulations.
- (e)** If at the end of the leave period an employee is unable to return from leave to work full-time and perform the duties of the position, the CAO will offer the employee a part-time appointment, place the employee on unpaid leave or extend the leave status, request the employee's resignation, or terminate the employee from employment.

(20) Learning opportunities for USF system employees include:

- (a)** Learning opportunities for Administration and Staff employees involving professional renewal, planned travel, study, formal education, research, writing, or other experience of professional value may include the following:
 1. Employee development or certification; or
 2. Leave to pursue educational goals.
- (b)** USF system-approved employee education programs;

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

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

- (a) A Staff, Administration or Temporary employee will remain in full pay status for a period up to a maximum of (40) hours without being required to use accrued leave credits or take leave without pay. If, during that period, the employee receives compensation under the Florida Workers' Compensation Law or LHWCA, the employee will reimburse the USF system the amount of the compensation. Such reimbursement will not include payments for expenses related to medical, surgical, hospital, or nursing treatment or payments of disability losses.
- (b) A Staff or Administration employee may elect to use accrued paid leave to supplement Workers' Compensation or LHWCA payments to bring the total amount of compensation up to the employee's regular salary.
- (c) The period of paid or unpaid job-related disability leave will be in accordance with Chapter 440, Florida Statutes, LHWCA, or any other applicable Florida or federal law.
- (d) When it is determined to be in the best interest of the USF system, an employee who was injured in the workplace will be returned to alternate duty when full recovery is anticipated in a reasonable period of time consistent with these Regulations.
- (e) If at the end of the leave period an employee is unable to return from leave to work full-time and perform the duties of the position, the CAO will offer the employee a part-time appointment, place the employee on unpaid leave or extend the leave status, request the employee's resignation, or terminate the employee from employment.

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

- (a) Failure to attend a pre-employment medical exam by a doctor of the USF system's choice and at the USF system's expense and/or truthfully answer and complete a pre-employment health questionnaire, if required by the USF system, may affect the Seaman's entitlement to compensation under this paragraph.
- (b) In the event any Seaman is injured or becomes ill, the Seaman may be entitled to maintenance and cure until the Seaman reaches maximum medical improvement ("MMI") as follows:

1. Daily maintenance shall be paid at the rate of fifteen (\$15.00) dollars per day; and
 2. Cure shall be provided through the State Employee Health Insurance Program. The USF system will reimburse the Seaman for any medical expenses required for the treatment of the injury or illness.
- (c) A Seaman who is injured or becomes ill is also entitled to unearned wages for the voyage which shall be paid from the date of the illness or injury until the specific voyage on which the vessel is engaged at the time of the illness or injury terminates.
- (d) A Seaman will remain in full pay status for a period up to a maximum of (40) hours after the termination of the voyage in which the injury or illness occurred, or the date of the injury or illness if not on a voyage, without being required to use accrued leave credits or take leave without pay. After the expiration of this period, and in addition to maintenance, the Seaman may elect to use up to eight hours of available accrued leave (sick or annual) per day to be equivalent to his/her salary prior to the illness or injury.
- (e) Whenever possible, a Seaman who is released to work by the medical provider with restrictions will be provided an alternate light duty assignment to accommodate these restrictions. The work assignment may or may not be in a related field of work. UNDER NO CIRCUMSTANCES will a Seaman be allowed to resume work on a vessel without a written release as fit for duty from the medical provider and from an authorized member of the USF system.
- (f) If at the end of the leave period a Seaman is unable to return from leave to work full-time and perform the duties of the position, the CAO will offer the Seaman a part-time appointment, place the Seaman on unpaid leave or extend the leave status, request the Seaman's resignation, or terminate the Seaman from employment.

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

History: New (BOT approval) 10-05-03, Amended 3-19-09, 6-20-13, 9-14-15 (technical), 12-1-16, 6-8-17, 6-27-17 (technical).

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