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**LAKE-SUMTER STATE COLLEGE  
ADMINISTRATIVE PROCEDURE**

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TITLE: LEAVES

NUMBER: PRO 5-11

REFERENCE: Board Rules 5.13 and 5.18

PAGE: 1 OF 10

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**I. PURPOSE**

Lake-Sumter State College appreciates the service that employees provide to the College and encourages employees to take time to maintain their health and address personal matters utilizing the types of leaves described in this procedure. This procedure describes the process for accumulation, equitable application, and administration of leaves. The College complies with applicable federal and state laws, rules, and regulations governing the administration of leaves of absence. The College President or designee(s) may establish procedures to implement this policy.

**II. RESPONSIBILITY**

Oversight for this procedure falls under the supervision of the Executive Vice President.

**III. LEAVE AUTHORIZATION**

Employee absences require prior, documented authorization by the appropriate supervisor and must be recorded on the employee's bi-monthly electronic time record. An employee whose absence does not meet these criteria, or an employee who fails to return to work at the end of the leave will forfeit compensation for the time away from duty and may be subject to disciplinary action, up to and including termination.

Types of Leave (paid and/or un-paid):

- Vacation Leave: Accrued Paid Leave for regular full and part-time staff;
- Holidays and other Paid Non-Duty Days: Paid Leave for regular full and part-time employees;
- Sick/Personal Leave/Bereavement Leave: Accrued Paid Leave for regular full-time employees used for employee and family sickness, emergencies, unplanned personal time, or due to the death of an employee's family member.;
- Workers Compensation Leave: Paid leave for job-related illness or injury (See Administrative Procedure 5-09);
- Sick Leave Pool: Extended leave for catastrophic illness or injury after the employee has exhausted their paid leave benefits – Enrollment Required (See Administrative Procedure 5-08);

- Family and Medical Leave (FMLA): Job protection leave which runs concurrent with paid leave for absences greater than 10 days – (See Administrative Procedure 5-31);
- Military Leave: Leave for mandatory military, National Guard, or reserve duty;
- Parental Leave: Paid maternity/paternity leave for the purpose of recovery from the birth of a child and/or for the activities related to the care and well-being of their newborn or adopted child under five years of age.
- Court Related leave: Leave for jury duty or when subpoenaed as a witness, or when the employee is a principal in personal litigation;
- Domestic Violence Leave: Unpaid Leave for employee or immediate family member when a victim of domestic violence;
- Professional Leave; Temporary off-campus work assignment (meetings, workshops, etc.);
- Sabbatical Leave: See Administrative Procedure 5-10;
- Administrative Leave: Leave which may be paid or unpaid pending investigation;
- Administrative Assignments Leave: Administrators on leave from faculty appointments.

a. Vacation Leave

The College recognizes the importance of having the opportunity to have leisure time and attend to non-work matters. Therefore, the College will attempt to grant time requested, however, the College must always maintain adequate staffing. Therefore, vacations must be scheduled in advance and with prior documented approval of the supervisor. Supervisors will assist the employee in annually planning and taking vacation leave outside of known peak workload times. Carryover vacation and or vacation payout will be considered by exception only. (See below I.)

Regular full-time employees who have completed three months of service are eligible to use accumulated Vacation Leave. In extenuating circumstances, the President/Senior Administrator (who reports directly to the President) may approve the use of accumulated Vacation Leave prior to the completion of three months of service.

Vacation time must be scheduled so that there will be a minimum disruption to the operation of each department and should be approved by the Supervisor at least five working days prior to the first vacation day.

b. Vacation Leave Accrual

Regular full-time employees employed on 12-month basis are entitled to accrue vacation leave as follows:

1. For the first five years of employment, 3.75 hours per pay period accrued (one day per month);
2. For six through ten years of service, 4.69 hours per pay period accrued (one and one-fourth days per month);
3. For more than ten years of service, 5.63 hours per pay period accrued (one and one-half days per month);

4. Years of verified full-time employment at another Florida College System institution will be used to compute vacation leave by adjusting the employee's creditable leave date.

Upon initial employment, Senior Management, as defined by FRS, will be assessed for relevant management experience at other institutions either in-state or out-of-state, and be credited with appropriate levels of service for the purpose of determining the starting point for accruing vacation leave.

Vacation will not accrue when an employee is in an unpaid leave status.

Senior Management (and referred to Executive employees in this administrative procedure), as designated by the FRS SMSC plan, will receive the following additional vacation days loaded upfront at the start of each calendar year:

1. For 0-9 years' service nine vacation days;
2. For 10+ years' service 14 vacation days.

c. Part-time Employees

A regular part-time employee in a 12-month position who works 20 or more hours per week shall earn two hours vacation leave per pay period. A part-time employee with a schedule of less than 20 hours per week is not eligible to earn vacation leave.

d. Carry-Over to Following Year

A regular employee may not carry over more than 60 days (or 450 hours) of vacation leave to the following calendar year. Vacation days above 60 not taken by December 31<sup>st</sup> shall be forfeited. As authorized by an employee's Vice President and approved by the President, an exception because of work demand of five days (or 37.5 hours) maximum above the 60 days may be paid out in January. The Employee is expected to manage their vacation usage and accrual accounts to ensure that no more than 60 days (or 450 hours) exist in their account.

An Executive employee may not carry over more than 60 vacation days (or 450 hours) to the following calendar year. A maximum payout of 20 days (or 150 hours) over the 60 days:

1. May be paid out in January;
2. Rolled over into the individual's qualified annuity plan;
3. Deposited into a 401(a) plan. Additionally, an Executive employee may be paid for five days of vacation leave once per year without accumulating 60 days of vacation leave, if approved by the President.

e. Change to 12-Month Status

Full-time employees previously ineligible for vacation leave that change to 12-month status will receive credit for all years of service in any Florida College System institution, the total of which shall be used to determine their vacation accrual rate.

f. Change from 12-Month Status

An employee who changes to a less than 12-month position, thus becoming ineligible for vacation leave, shall be paid for a maximum of 44 days of accumulated vacation leave.

g. Change in Position Classification

When a position classification change for an employee results in a reduced leave accrual calculation, the employee may elect to be paid the balance of their vacation hours up to 330 hours at the time of the position classification change. Hours in excess of 330 may be carried forward consistent with the carry-forward limits, but the value of any future payouts will be calculated using the employee's rate of pay at the time of the future payouts.

h. Death

In the case of death, all authorized accumulated leave shall be paid to the employee's beneficiary or estate. (See Administrative Procedure 5-32 Terminal Pay).

i. Hardship Vacation Payout

Regular full-time employees may request a hardship payout of accrued vacation due to a significant disruptive financial circumstance. The maximum request is one half (1/2) of the employee's accrued vacation leave balance, not to exceed 150 hours. A minimum of three years of full-time service is required. Employees seeking a hardship vacation payout must submit a brief statement to Human Resources describing the reason for the request and the number of hours or days for payout. Human Resources will review the request, verify the available leave balance, and submit request for approval to the President. Human Resources will notify the employee of the final decision. Hardship payouts are limited to every three years.

j. Termination / Retirement

Upon termination of employment from the College, the employee shall be paid for unused vacation leave in accordance with the college terminal pay policy (See Administrative Procedure 5-32 Terminal Pay).

k. Benefit Accruals During Unpaid Status

When an employee is in an unpaid status (not working and not being compensated because benefit time - sick, personal, and vacation - hours have been exhausted), the employee will not accrue leave benefit time.

I. Holidays and Other Paid Non-Duty Days

All regular full-time and regular part-time employees in 12-month positions that work 20 or more hours per week shall observe holidays and other paid non-duty days as approved by the District Board of Trustees.

To be eligible to be paid for Holiday and Paid Non-Duty days, an employee must work, or be on approved, paid leave, (other than Worker's Compensation Leave) the day before and the day after the Holiday or Paid Non-Duty Day. An employee in an unpaid leave status will not be paid for Holiday and Paid Non-Duty days.

A regular part-time employee scheduled to work more than 20 hours per week will be paid four hours per day for each holiday and other paid non-duty day approved by the District Board of Trustees.

A regular part-time employee with a schedule of less than 20 hours per week and a temporary part-time employee would not be eligible for holiday pay.

m. Holiday pay hours do not accrue

An employee on workers compensation leave and receiving workers compensation salary indemnification payments is not entitled to holiday pay or paid non-duty days.

n. Sick/Personal/Bereavement Leave

Sick leave may be used when an employee cannot perform his or her duties because of personal illness or injury, or the illness/injury/death of a close family member or a member of the employee's household.

An employee may take up to four days from their allocated sick leave days for personal reasons each fiscal year (July 1 – June 30). Personal leave cannot be accumulated, and unused days cannot be carried over to the next year as personal days. Used personal leave is charged to sick leave.

Bereavement leave may be taken within 30 days of the death or funeral of immediate or other family members. An employee may take a maximum of three days from their allocated sick leave days for bereavement leave. Used bereavement leave is charged to sick leave. Immediate or other family members include spouse, registered same-sex partner, child/stepchild, parent/stepparent, brother/stepbrother, sister/stepsister, grandparent, great-grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, daughter-in-law, or uncle/aunt.

o. Accrual

A regular full-time employee employed on a 12-month basis shall earn 3.75 hours in the first two pay periods each month (one day sick leave per calendar month). All accumulated sick leave will carry over from year to year.

A regular full-time Faculty shall earn 3.50 hours in the first two pay periods each month (one-day sick leave per calendar month while on contract). All accumulated sick leave will carry over from year to year.

A regular full-time Athletic Coach shall earn 3.75 hours in the first two pay periods each month (one day sick leave per calendar month while on contract). All accumulated sick leave will carry over from year to year.

Sick time will not accrue when the employee is on a sick leave because of personal illness or injury and is being compensated from the Sick Leave Pool.

Sick time will not accrue when an employee is in an unpaid leave status.

p. Transfer from another agency

New employees at Lake-Sumter State College who have transferred from another Florida College System institution, the Department of Education, the State University System, a Florida District school board, or a state agency may transfer unused sick leave provided the employee requests to do so in writing. The transferred accumulated sick leave will accrue at one day per calendar month of employment at LSSC.

q. Notification

An employee requesting to use sick leave must notify his or her immediate supervisor prior to the beginning of the day of absence and per departmental call-in standards. A Leave request form shall be completed and given to the supervisor immediately upon the employee's return to work. The employee's supervisor may request a written doctor's note if leave extends beyond three days.

An employee who takes sick leave for a medical procedure must provide certification to the Human Resources Department from his/her physician prior to resuming work.

r. Part-time

A part-time employee is not entitled to earn sick leave.

s. Termination / Retirement

Upon termination of employment from the College, the employee shall be paid for unused sick leave in accordance with the college terminal pay policy (see Administrative Procedure 5-32 Terminal Pay).

t. Parental Leave

Regular full-time employees (mothers and fathers) are eligible for up to ten days of paid maternity/paternity leave, once they have worked at least 12 months (need not be consecutive), and also have worked at least 1,250 hours during the 12 months prior to the start of the Family and Medical Leave Act (FMLA) leave. This leave will run concurrently with FMLA leave, and paid parenting leave will count toward the 12 weeks of FMLA leave. This leave is for the purpose of recovery from the birth of a child and/or for activities related to the care and well-being of their newborn or adopted child under five years of age.

u. Court-Related Leave

Court-related leave is leave with pay and used when an employee is on jury duty or subpoenaed as a witness in a court proceeding. When not involved in litigation on behalf of the College, an employee serving as a witness for a court proceeding may keep any fees earned.

If an employee is involved in a court proceeding on behalf of the College, the employee is on duty, and all fees shall be relinquished to the College. In order to receive Jury/Court Duty pay the employee must attach a copy of their jury summons/court summons with their time sheet and/or Monthly Leave Summary even if they are not selected to be on the jury or as a witness.

If an employee is a principal in personal litigation, the employee will not receive court-related leave, but may be granted vacation or personal leave with the approval of the supervisor.

v. Military Leave

1. Leave for Active Military Service - For an employee who is a member of the U.S. Armed Forces Reserves or the National Guard and who is ordered to active military service, the first 30 calendar days of such leave will be without loss of pay. The College will continue to pay its share of any health insurance coverage for up to 30 days of military leave. Leaves for active military service in excess of 30 days will be without pay, although an employee may elect, at their option, to use any accrued unused vacation or sick leave. The employee is required to provide as much advanced notice as possible of the need for military leave unless giving notice is impossible or precluded by military necessity. Reinstatement or re-employment by the College following a period of active military service will be granted as follows:

- i. If discharged from the military, the employee must have received an honorable discharge;

- ii. The employee's military leave from the College did not cumulatively exceed five years;
  - iii. The employee reported back to work or applied for reinstatement within 90 days after release from military service lasting more than 180 days; or within 14 days after release from military service lasting between 31 and 180 days; or on the next regularly scheduled workday following release from military service of less than 31 days.
- 2. Leave for Reserve or Guard Training - An employee who is a member of the Reserve or National Guard will be granted a military leave of absence for all time in which they are ordered to engage in reserve training. An employee must give their supervisor as much advance notice as possible of the need to take leave for reserve training. Up to 240 hours per year for Reserve or Guard training shall be paid leave. Any training hours required in excess of 240 hours per year shall be without pay.
  - 3. Leave for Named Event or Declared Emergency - A military leave of absence will also be granted to any employee who is a member of the Florida National Guard and is called to active state duty for a named event or an officially declared emergency or disaster pursuant to Florida Statutes, Section 250.48. Official orders for any such service shall be presented to an employee's immediate supervisor. Leave under this section shall be with pay for the first 30 days of the named event or emergency, and thereafter shall be without pay.

w. Domestic Violence Leave

An employee with three months or more of service may be granted up to three days of unpaid leave in any 12-month period, (per Florida State Statute 741.313) if the employee, or family or household member of an employee, is the victim of domestic violence. If appropriate, an employee may elect to use sick, personal or vacation leave.

Leave may be used to:

- 1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- 2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;
- 3. Obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence;
- 4. Secure their home from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator;
- 5. Seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court related proceedings arising from the act of domestic violence.

“Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. Except for persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Except in cases of imminent danger to the health or safety of the employee or family or household member, the employee must provide appropriate advance notice of at least three days of the need for leave along with sufficient documentation of the act of domestic violence. This documentation may include copies of restraining orders, police reports, orders to appear in court, etc.

All requests and documentation relating to domestic violence leave will be kept confidential and will not be included in the employee’s personnel file. An employee should contact Human Resources for guidance.

x. Professional Leave (Temporary Duty)

Professional leave, or temporary duty, is a temporary assignment used for providing educational services, attending meetings and workshops, etc., for the benefit of the College. The employee requesting temporary duty must obtain prior, supervisory approval and submit a Travel Authorization and Expense Reimbursement Form.

y. Sabbatical Leave – See Administrative Procedure 5-10.

z. Administrative Leave

The President is authorized to place an employee on Administrative Leave when such action is determined to be in the best interest of the College, considering factors such as security, safety, and well-being of the College’s employees, students, facilities, business interests or other resources. For example, an employee who is under formal investigation may be placed on Administrative Leave. Administrative leave may be paid or unpaid, depending on the outcome of the investigation.

aa. Administrative Assignment Leave

A continuing contract employee, who has accepted annual employment outside of his or her faculty contract status, may be granted an Administrative Leave of Absence that provides for the return of the employee to continuing contract status. The Administrative Leave of Absence from continuing contract faculty status may be granted on an annual basis.

1. By February 1<sup>st</sup> of each year, the employee on an Administrative Leave of Absence from his or her continuing contract faculty position must choose one of the following:
  - i. Request an additional year of leave of absence from a continuing contract faculty member to serve in an Administrator position; or,
  - ii. Request to return to a continuing contract faculty position.

Either request must be submitted in writing to the President. The President will acknowledge to the Administrator in writing receipt of the request and render a decision on its effective date. Once the request is approved it is irrevocable. The College will make every effort to move the Administrator back into a continuing contract faculty position as quickly as possible within a maximum of two years.

New: 10/29/1999

Revised: 01/29/2002, 02/7/2003, 09/2005, 08/13/2007, 03/17/2008, 12/01/2009, 10/05/2010  
07/18/2011, 04/20/2016; 05/26/2020; 12/02/2020.