

ARTICLE 12

LEAVES

Section 12.1 – Authorization for Leave

A. Employee absences must be duly authorized by the appropriate supervising administrator and subsequently reported and recorded. An employee whose absence does not meet this criteria or an employee who fails to return to the assigned work place in a timely fashion will forfeit compensation for the time away from duty and may be subject to disciplinary action pursuant to Article 17.

B. Types of Leave

- Administrative Leave: for faculty, with no change in contract status, temporarily serving in an administrative role or for full-time staff also placed on temporary assignment;
- Childbirth/Adoption of Infant Leave: employee may make use of accumulated sick leave, vacation leave and personal leave without pay;
- Court Duty/Jury Duty: jury duty or subpoenaed as a witness;
- Domestic Violence Leave: for employee or immediate family member when a victim of domestic violence;
- Emergency Leave: for civil or natural disasters or for national or state mourning;
- Family Medical Leave Act (FMLA): grants an eligible employee up to a total of 12 work weeks of unpaid leave during a 12-month period;
- Line-of-Duty Leave: off-site duty assignment;
- Military Leave: for mandatory military, National Guard or reserve duty;
- Personal Leave: four days a year with pay and up to 90 days a year without pay;
- Professional Leave: with or without pay, for personal educational goals;
- Extended Professional Leave: with pay, with educational benefits accruing to the College;
- Sick Leave: covers employee (and family) sickness and emergencies;
- Vacation Leave: for 12-month employees;
- Workers' Compensation Sick Leave: sick leave for job-related illness or injury.

C. Absence Without Leave / Job Abandonment. An employee who is willfully absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position. An employee of the College who is willfully absent from duty without leave for any length of time shall forfeit compensation for the time of such absence and shall be subject to disciplinary action pursuant to Article 17.

D. Return to Work After Leave

In the event that the College reassigns the duties of a faculty member on leave, the faculty member must provide written notice of intent to return to work at least fifteen (15) days prior to the date of leave termination.

Section 12.2 – Administrative Leave

A full-time faculty member may be granted up to four (4) years of administrative leave in order to accept an administrative assignment at the College pursuant to Article 8.14.

Section 12.3 – Childbirth/Adoption of Infant Leave

A. A full-time faculty member may be granted up to six (6) months leave for the birth or adoption of an infant as provided for employees of the College. Also refer to Section 12.7 – Family Medical Leave

B. The employee is authorized to use accumulated vacation leave, sick leave, and/or personal leave without pay to cover any or all of the leave time. Once the paid leave has been exhausted, the employee will be placed on personal leave without pay.

C. Sick leave pool days may not be used to cover any of the leave time for childbirth or the adoption of an infant, unless there is a related health condition. See Section 12.13 – Sick Leave.

D. Request for childbirth/adoption leave should be submitted thirty (30) calendar days before the expected start of the leave. But in any event shall be submitted as early as practicable. The Office of Human Resources will subsequently enter the actual initial date of the leave in the appropriate records.

Section 12.4 – Court Duty/Jury Duty

A. A full-time employee who is called to serve on a jury panel, or who is subpoenaed as a witness in a criminal or civil case, or is required to appear in court, on a BCC-related matter, shall be granted leave of absence with pay for the duration of the required service in court.

B. Personal leave or vacation leave may be granted to an employee for voluntary and/or non-BCC-related appearances, unless the employee wishes to use personal leave or vacation leave

C. When requesting court duty/jury duty leave, a full-time employee must submit a written leave request form and attach a summons copy prior to the leave and a jury attendance certification form(s) once the court duty has been completed.

D. Any fees paid by the court to the faculty member for travel or expenses shall be retained by the faculty member.

Section 12.5 – Domestic Violence Leave

A. Employees may be granted up to three (3) days of unpaid leave in any twelve (12) month period if the employee or family or household member of an employee is the victim of domestic violence, sexual assault, or stalking. Before receiving this leave, all annual vacation leave, personal leave and sick leave must be exhausted.

Domestic violence leave may be used to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in case 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. Make employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
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.

B. "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. With the exception of persons who have a child in common, the family or household members must be currently residing in or have in the past resided in the same single dwelling unit.

C. Except in cases of imminent danger to the health or safety of the employee or family or household member, the employee should give as much advance notice as is possible, no later than the end of the first day that the employee takes such leave.

D. All requests and documentation relating to domestic violence leave will be kept confidential and will not be included in the employee's personnel file. The employee should contact the Human Resources Office for guidance and provide verification documentation which may include copies of restraining orders, police reports, orders to appear in court, etc.

Section 12.6 – Emergency Leave

A. An emergency leave of absence requested by an employee may be charged to personal leave, vacation leave, or sick leave, depending upon the circumstance for the emergency; the length of the paid emergency leave will depend upon the employee's specific leave accrual amounts.

B. The President may release students and employees for national or state mourning or for civil or natural disasters and emergencies, such as severe weather, which could threaten public safety.

The Campus Provost may also release campus students and employees in the event of a localized emergency, such as power failure.

This released time is not charged against an employee's leave time. The President, or his designee, may establish policies and procedures to implement release of employees for a College or Campus emergency.

Section 12.7 – Family Medical Leave Act (FMLA)

A. The faculty member's and the College's and Board's rights and obligations under the Family Medical Leave Act will be determined by statute, applicable regulations, and court interpretations under the Act except that the College may establish, through administrative procedure, benefits greater than those available under such statute, regulation, or court interpretation. In the event the Act requires a benefit greater than the benefits provided under this contract, the Act will apply. The administrative procedure applicable to faculty members will be the same as the procedure applicable to all other employees.

Section 12.8 – Line-of-Duty Leave

A. The President or appropriate administrator may authorize an employee to be temporarily absent from regular duties and/or home campus for the purpose of representing the College or performing services for the College.

The employee must submit a written request form with reason for leave and attach detailed information, such as hotel occupancy, travel method, meals, etc.

Section 12.9 – Military Leave

A. The President, or his designee, may establish policies and procedures to provide military leave for faculty members conforming to the Uniformed Services Employment and Reemployment Rights Act (USERRA). However, the College may provide benefits greater than those required under the act.

B. Reserve Duty. Leave with pay for an employee on military leave is limited to a period not to exceed 17 working days in any one calendar year.

C. Active Duty. The active military service period begins with the date of entrance and terminates with death or a date that is 30 days immediately succeeding the date of release or discharge from active military service, whichever shall occur first.

Employees who are ordered to active duty will be granted a Leave of Absence from their respective office and duties and will receive the following benefits per active duty assignment:

1. Full pay for the first 17 days;

2. Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 24 months; however, they may be required to pay up to 102 percent of the full premium. For military service of less than 31 days, health care coverage is provided as if the service member had remained employed.

3. Entitlement to the same rights and privileges as an employee granted other types of leaves of absences;

4. All unused leave benefits will be retained by employees and balances will be credited to their records upon return to their positions;

D. Leave Accrual. Vacation and sick days do not accrue, but the time served on active duty does count toward determining an employee's earning rate upon return from active duty. Military leave does count toward time accrual for service awards.

Full-time faculty members who enter active military service with approval to be reinstated at the College will be considered to be on Military Leave and the salary of an employee returning from Military Leave will not reflect an absence from the College.

If, due to medical or disability status, military-related use of FMLA is required, refer to the appropriate procedures.

Section 12.10 – Personal Leave With Pay

A. Eligibility. A full-time employee is entitled to four (4) days of "personal leave" during each fiscal year for personal or emergency reasons. The Personal Leave balance that is reset for each full-time employee at the beginning of each fiscal year will be charged to the employee's unused sick leave and will not accumulate from year to year.

B. Submission. Requests for personal leave by full-time faculty must be submitted for supervisor approval on the appropriate leave request form prior to the date of the requested leave. Except in cases of unusual circumstances, the immediate supervisor will approve the request.

Section 12.11 – Personal Leave Without Pay

A. Eligibility. Full-time faculty members (who have been employed in a regular position consecutively for at least one year) may request approval from the appropriate administrator for a maximum of 90 days of personal leave without pay for the purposes of:

- personal development
- improving work skills
- emergency situations
- personal leave without pay for longer durations may be granted by the President for illness or for special circumstances

B. Limitations. A faculty member granted personal leave without pay for a period up to one (1) semester shall retain their same position on the same campus. When an employee is granted personal leave without pay, for more than one (1) semester there is no guarantee that, upon termination of the leave, the employee will return to the same College location or position. Requests for personal leave without pay over 30 days must be approved either by the appropriate Vice President or by the President.

C. Leave Accrual. Extended personal leave without pay does not count toward accumulation of service time for FRS, service awards, or sick and vacation leave accruals. It does count, however, toward time accrual for service awards.

Section 12.12 – Professional Leave With Pay

A. General Guidelines. Professional leave requests will be considered for a maximum of one year at a time when the requesting employee has been satisfactorily employed consecutively for at least one year. Professional leave (with or without pay) is defined as leave granted to a faculty member, administrator, or staff employee in order to engage in educational activities which will result in a benefit to the employee, and incidentally, to the institution.

Justification for the leave should be included on the supporting leave request form.

Appropriate activities for professional leave might include:

- Graduate study in field of specialty;
- Attendance at workshops, seminars in specialty field;
- Study to expand scope of professional areas;
- Other professionally enriching experiences.

When an employee is granted professional leave for up to one (1) year, the employee shall be returned to the retain their same position on the same campus.

The President, or designee, may establish procedures for professional leave.

B. Short-Term Professional Leave with Pay. Short-term summer professional leave with pay may be granted to College personnel when such leave will enhance their educational effectiveness, improve College programs, or generally support the best interest of the College. Types of learning experiences which may be considered for approval under this program include attending colleges, universities, private and industry-related technological schools; participating in "on-the-job" training opportunities in government agencies or industry; or other academic research, course development, and publications. Funding will be for salary only.

C. Eligibility. Employees with three years continuous full-time satisfactory service at Brevard Community College may request a short-term summer professional leave with pay for up to eight weeks.

D. Extended Professional Leave with Pay. Extended professional leave with pay may be granted to an employee when such leave will enhance the employee's educational effectiveness, improve College programs, or generally support the best interest of the College or its educational programs.

E. Eligibility. Employees with three continuous years of satisfactory, full-time service at BCC are eligible for extended professional leave for a fall and/or spring term, for one year, or for up to two summer terms.

Institutional Commitment. Employees who are granted professional leave with pay will be required to sign the Extended Professional Leave with Pay Agreement Form committing service to the College in a faculty or administrative position immediately following the end of the leave and for a length of term equal to the leave granted, and stipulating that failure to honor the service commitment will result in employee liability to the College for the total (or a proportional) amount (salary and benefits cost) of the grant

Reimbursement Computation. Leave with pay may be granted for up to one year at not more than 66.6% of full pay, or for one semester or up to two summer terms at full pay. The Office of Human Resources will compute the amount of salary to be paid to any grantee.

Section 12.13 – Sick Leave

A. Accrual of Hours. All full-time faculty members will accumulate sick leave at the rate of eight (8) hours per month (or major fraction of a month) of employment. There is no maximum number of unused sick days that an employee may accumulate.

Accrual for sick leave does not change; it is always 8 hours per month regardless of the number of years worked at BCC or other related institutions.

Employees on sick leave are required to stay in contact with their supervisor for weekly or daily status reporting, whichever is requested by the supervisor. A full-time employee will be granted available sick leave from the College if unable to perform assigned duties due to:

1. Personal sickness or disability;
2. Illness or death of any member of the employee's or spouse's immediate family, household, or other close relative (to include spouse, daughter, son, parents, sister, brother, grandparents, aunts, uncles). Supervisors may require a note from the funeral director to validate attendance at a funeral.

B. Transfer Sick Leave to BCC. When a full-time employee has accumulated sick leave at any of the following institutions, it may be transferred to BCC pursuant to College policy:

C. Reinstatement of Sick Leave. Previous sick leave balances may be re-instated for employees who return to employment with BCC.

D. Unused Sick Leave. Unused sick leave may not be transferred from one employee to another. Unless covered by another contract, full-time employees may be eligible for payment of some or all unused sick leave based on the following set of rules.

The President, or designee, may establish procedures for sick leave use which shall be the same for faculty as for other employees.

The President, or designee, shall establish policies and/or procedures for an employee sick leave pool which shall be the same for faculty as for other employees.

Section 12.14 – Vacation Leave

Full-time faculty members normally do not earn vacation leave. However, a faculty member assigned to a Twelve-Month contract, or on administrative leave to accept an administrative contract shall earn vacation leave.

The President, or his designee, shall establish policies and/or procedures for vacation leave which shall be the same for faculty as for other employees.

Section 12.15 – Workers' Compensation Leave

A. Eligibility. All College employees are entitled to compensation for occupationally-incurred illnesses and injuries. Each employee is entitled to a maximum of 12 days of workers' compensation leave at full pay per calendar year when an injury or illness is due to a job-related activity. These leave days are non-cumulative and will be granted at full pay, provided that: The Office of Human Resources is notified of the situation within two business days after the injury or illness is sustained;

A "First Report of Injury" form (including a physician's statement describing the impact of the injury on the employee's ability to work) is submitted to the Office of Human Resources within two business days after the beginning of the impairment.

B. The President, or his designee, shall establish policies and/or procedures for worker's compensation which shall be the same for faculty as for other employees.

Section 12.16 – Terminal Pay

A. Terminal payment of unused sick leave will be paid to unit members or their beneficiaries who meet any of the following criteria:

1. Become deceased while a full-time employee of Brevard Community College.
2. Be on continuing contract and are released per Article 16.
3. Be employed full-time at Brevard Community College for at least 6 years, and officially complete the Florida Retirement System (FRS) requirements for retirement

including cashing the first FRS check or accepting the first electronic FRS retirement transfer.

B. Terminal pay will be calculated by multiplying the daily rate of the then-current base contract times the number of days of accumulated unused sick leave times the percentages as determined below:

Number of completed years of service	percentage
0 - 3	35%
4 - 6	40%
7 - 9	45%
10	50%
11 - 30	50% plus 2.5% for each full year of service over 10
31 and above	As if 30 years of service

C. If a unit member receives terminal pay benefits based on unused sick leave as specified in this article, all remaining accumulated sick leave shall become invalid.

Tentative Agreement Date: June 15, 2009

For BCC-BOT:

For UFF-BCC:

Date

Date