

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 12, 2008

REGULATION TITLE:

Benefits, Retirement Programs, Employment Services, and
Holidays

REGULATION NO.:

6C1-1.200

SUMMARY: This regulation has been revised to conform to the requirements of Section 127 of the Internal Revenue Code which generally permits employees to exclude from income up to \$5,250 per year of employer-provided educational assistance. The revision makes changes to the TEAMS Employee Development Program and eliminates the requirement that eligible courses must be “work related,” thus allowing employees broader tax-free course offerings. The revision outlines the educational programs which do not qualify for this benefit, the fees that employees must pay and the fees which will be waived by the University. In addition, the revision outlines the application and supervisory approval procedures to obtain this educational assistance benefit.

AUTHORITY: BOG Resolution dated January 7, 2003

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION

IS: Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Kyle Cavanaugh, Sr. Vice President for Administration

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-1.200 Benefits, Retirement Programs, Employment Services, and
Holidays.

(1) Benefits-Benefits made available to faculty, Technical, Executive, Administrative, and Managerial Support (TEAMS) and University Support Personnel System (USPS) employees include paid and unpaid leave as described in Regulation 6C1-1.201, holidays, state- and university-sponsored insurance programs, and retirement. Under the Family Medical Leave Act (FMLA), Other Personnel Services (OPS) employees are eligible for unpaid leave under the terms of the act. Benefits and hours of work requirements shall be administered in accordance with this regulation.

(2) Related Definitions and Terms-For the purpose of administering this regulation, the following words and terms shall have the meaning indicated.

(a) TEAMS - Technical, Executive, Administrative, and Managerial Support pay plan

(b) Break-in-Service-Break-in-Service occurs upon separation from the University of Florida. Such break-in-service occurs for DROP participants when they end DROP.

(c) Calendar Days - All days in a month not counting University of Florida paid holidays.

(d) Continuous Service - Continuous service is employment in a salaried (non-OPS) position with the University without a break in service. Continuous service as defined in this regulation shall have no effect on the provisions of the Florida Retirement System.

(e) Exempt Classification - A classification designated by the University of Florida as exempt from the maximum hours and overtime pay requirements of the Fair Labor Standards Act, or FLSA.

(f) Non-Exempt Classification - A classification designed by the University of Florida as not exempt from the maximum hours and overtime pay requirements of the Fair Labor Standards Act, or FLSA.

(g) OPS - Other Personnel Services pay plan.

(h) USPS - University Support Personnel System pay plan.

(i) Creditable Service – Creditable service is employment in a salaried (non-OPS) position with the University with or without a break in service. Creditable service as defined in this [regulation](#)~~rule~~ follows the provisions of the Florida Retirement System.

(j) Workweek - For purposes of compensation, the University of Florida's workweek ends at 12 midnight on Thursday.

(3) Retirement Programs - With the exception of Postdoctoral Associates, who do not receive retirement benefits at the University, and with the exception of faculty in the Health Science Center Colleges who must participate in the Optional Retirement Program, or ORP, all full-time faculty and eligible TEAMS employees

whose positions are assigned administrative and management responsibilities or professional duties at the department/unit level or above, are enrolled in the Florida Retirement System Pension Plan unless employees elect to participate in the Optional Retirement Program (ORP). With the exception of Postdoctoral Associates, who do not receive retirement benefits at the University, all other employees participate in the Florida Retirement System, except those who remain in the State and County Officers and Employees Retirement System or the Teachers Retirement System. Lump sum payments made pursuant to this section in conjunction with sick leave benefits shall not be considered salary payments and shall not be used in determining the average final compensation of an employee in any state-administered retirement system.

(4) Employment Services - The responsibility of an employee is the full and competent performance of all duties pertinent to the full-time equivalent (FTE) of his or her employment. Activities which may interfere or may create a conflict of interest in keeping with University of Florida procedures located in Regulation 6C1-1.011 are to be disclosed and may be prohibited or allowed under certain conditions.

(a) Certification of Employability - The law requires that a person be appointed and certified as completing an assignment in order to be paid. If a person is not appointed, is not assigned duties and responsibilities, or is not certified as fulfilling those duties, then he or she is not eligible for salary payment.

(b) Workweek - Each employee is expected to work the number of hours in the employee's established workweek, or FTE, unless on approved leave.

1. The minimum workweek for full-time employees is 40 hours.
 - a. Each department or division is required to keep an accurate record of all hours worked by each USPS employee and non-exempt TEAMS employee as well as a complete and accurate record of all authorized leave which is approved in accordance with these regulations by all eligible University of Florida employees.
 - b. All hours worked by USPS employees must be totaled at the end of the workday and the total shall be rounded to the nearest quarter of an hour.
 - c. For USPS employees, approved paid leave, except for some types of administrative leave, may be used only in the amount necessary to fulfill the employee's FTE.
 - d. An employee who uses any type of leave in an amount which is less than a full hour will be charged with such leave to the closest quarter of an hour.
 2. Upon reasonable notice, the appropriate University of Florida administrator shall require an employee to use any part of his or her accrued vacation, overtime, special, or regular compensatory leave, as described in subparagraph 6C1-1.200(4)(b)5., at any time deemed advisable for the efficient management of the operation of the unit, conservation of funds, or savings to the University.
 3. The appropriate administrator has the authority to require an employee who has accrued overtime, special, or regular compensatory leave, as described in subparagraph 6C1-1.200(4)(b)5., to first use such leave before using accrued vacation leave when necessary for the conservation of funds or savings to

the University. The employee will be allowed to use such accrued compensatory leave, upon request and with supervisory approval, before using accrued sick leave.

(c) Developmental Research School – P.K. Yonge.

1. The faculty of the Developmental Research School serve on a 190-196 day work schedule. The academic calendar for the Developmental Research School, including the working days and holidays, shall be determined by its Director after consultation with its faculty and the Dean of the College of Education.

(5) University of Florida Holidays –

(a) The following days shall be considered University of Florida holidays and shall be observed as paid days off and are provided to employees in proportion to their FTEs, with the exception of individuals receiving workers' compensation salary indemnification benefits. Employees required to perform duties on such official holidays shall have their schedules adjusted to provide equivalent paid leave time. No classes shall be scheduled on such official holidays.

1. New Year's Day.
2. Birthday of Martin Luther King, Jr., third Monday in January.
3. Memorial Day.
4. Independence Day.
5. Labor Day.
6. University of Florida Homecoming.
7. Veteran's Day.
8. Thanksgiving Day.

9. Friday after Thanksgiving.
10. Christmas Day.
11. If any of these holidays fall on a weekend, a day during the workweek will be observed.

(b) An observed holiday benefit (maximum of eight hours) does not count for purposes of overtime.

(c) OPS employees are not eligible for holiday benefits unless they are OPS faculty members who are compensated on a biweekly basis.

(d) To receive holiday pay, TEAMS and USPS employees must be in pay status for a reasonable portion of the employee's regularly scheduled shift of the employee's last workday before the holiday.

(e) USPS employees who have completed their probationary period earn one personal holiday in proportion to their FTEs per fiscal year.

1. Such personal holiday shall be credited to eligible employees on the last day of the pay period in which July 1 falls. It must be taken by the employee or be forfeited at the close of business on the last day of the pay period in which the following June 30 falls.

~~23.~~ Cash payment is not provided for unused personal holidays.

~~34.~~ Personal holidays must be taken in full-day increments (that is, as an 8-hour day for full-time employees, as a 4-hour day for .50 employees).

(f) Supervisors are encouraged not to require employees to perform duties on holidays.

1. Those employees required to perform duties on holidays may have their schedules adjusted during the workweek to provide equivalent time off.

a. In the event a USPS or a non-exempt TEAMS employee's work schedule is not adjusted within the workweek in which the holiday occurs, as described above, he or she shall earn special compensatory leave for hours attributed to the holiday benefit in excess of the hours in the employee's established workweek (or FTE).

b. When the holiday is observed on the USPS or a non-exempt TEAMS employee's regular day off, he or she shall earn special compensatory leave for hours attributed to the holiday benefit in excess of the hours in the employee's established workweek (or FTE) unless the employee's work schedule is adjusted within the workweek in which the holiday occurs.

2. When an exempt TEAMS employee or faculty member is assigned to perform duties on a holiday, he or she may take off another day as a way to enjoy the holiday benefit-typically during the workweek in which the holiday occurred. If the exempt TEAMS employee or faculty member who has been assigned to perform duties on a holiday terminates employment prior to being given time off, the employee shall be paid, upon termination, for the holiday hours worked without compensation within the previous 12-month period.

(g) No classes shall be scheduled on holidays unless approved by the President or designee. Classes not held because of a holiday shall not be rescheduled.

(h) Employees also shall be entitled to observe a state day of mourning in observance of the death of a person in recognition of service rendered to the state or nation, as appropriately designated. An employee who is on approved leave with pay when a state day of mourning is declared shall not have such day charged against his or her accrued leave.

(6) Benefits for TEAMS Personnel - The following benefits are provided for TEAMS personnel.

(a) TEAMS Employee Development Program – Full-time TEAMS employees are provided with the opportunity to take up to six (6) credit hours of ~~work-related~~ courses per semester at a public community college closest to their assigned work location in Florida, at a Florida state university closest to their assigned work location, or at a vocational technology center closest to their assigned work location ~~found on a list maintained at the Office of Human Resource Services~~ under the following conditions:

1. The TEAMS employee must have had continuous University employment in TEAMS or USPS for the past six (6) months and must be on a TEAMS regular annual or multi-year appointment.

2. The TEAMS employee must have the approval of a supervisor and meet admission and enrollment requirements [as a degree seeking or non-degree seeking student](#) at the respective institution. [Courses taken in a non-degree seeking status may not apply to a degree program.](#)

a. Each participating employee [must meet the academic requirements](#)

and be in an established position on the date that fees are due. The University will establish the periods of enrollment each semester for employees registering for courses to be paid for by this program.~~shall work with an academic advisor to obtain review of the courses requested as well as his or her complete program of study. A list of academic advisors will be provided to each participating employee by the Office of Human Resource Services.~~

3. The costs associated with non-credit courses and program offerings otherwise required as an extension of regular employee training are not covered under this program. The University's fee petition and fee refund policies and procedures are not applicable to courses taken through this program. Therefore, there is no petition process for a refund of any fees paid.~~University payments will be limited to the matriculation fee for the approved credits for which the employee registers except where the University does not have the authority to waive local fees.~~

4. This program does not permit enrollment in thesis, dissertation, internships, directed individual study, individual performance courses, non-credit courses, and sponsored credit programs, off-book programs, and some distance education course offerings.~~The employee must sign an agreement releasing the grades achieved in courses to the Office of Human Resource Services.~~

5. Continued participation in the program is contingent upon achieving a passing grade in and completion of all courses taken in the EEP program.~~satisfactory academic progress as appraised by the academic advisor,~~

~~satisfactory work performance as appraised by the employee's supervisor, the supervisor's approval of continued participation in the program, and verification of these elements by the Office of Human Resource Services.~~

6. To the extent possible, class attendance should be scheduled during non-working hours. If a University employee enrolls for a course during working hours, all time taken during that period, including time taken in traveling to and from classes, shall be charged to annual or compensatory leave or leave without pay, unless the work schedule has been adjusted to accommodate the class, subject to approval by the appropriate supervisor or administrator.

7. The employee must complete the online application form, available from the Office of Human Resource Services at 903 W. University Avenue and from the HRS website at www.hr.ufl.edu/education, and must secure written approval from his or her supervisor and department chair or equivalent unit administrator. The employee's department chair or equivalent unit administrator must certify that the employee meets the employment requirements for participation and that the time used is covered by appropriate leave or schedule adjustment. The completed form must be submitted to the University Registrar, 222 Criser Hall by the published EEP application deadline each semester. In the case of an employee with a principal place of employment outside of Alachua County who wishes to attend another state university, the completed form must be submitted to the Education Coordinator for Human Resource Services, 903 W. University Avenue, by the published application deadline.

a. Unless otherwise required by applicable law or regulation, the value of courses in which the employee has enrolled under the provisions of this program shall not be used to compute the employee's base rate of pay or regulate rate of pay; however, certain courses may be subject to taxes as defined by the United States Internal Revenue Service. Employees are responsible for any individual tax liability exceeding \$5250 per year, that may result from participation in this tuition program and should refer any tax questions to their tax advisor. The employee shall pay any additional fees including, but not limited to:

1. Application fees.
2. Out-of-State Tuition and Fees (in-state tuition rates apply for exempt TEAMS employees regardless of residency requirements).
3. Photo I.D. Fees.
4. Late Registration Fees.
5. Late Payment Fees.
6. Material and Supply Fees.
7. Off-Campus Course Fees, which include but are not limited to distance education or online course fees.
8. Any other fees not covered by this program.

b. The University shall be responsible for the payment of (The University shall be responsible only for the in-state portion of these fees):

1. Matriculation Fees.
2. Building Fees.

3. Capital Improvement Fees.

4. Student Financial Aid Fees.

c. The University shall waive the following local fees and the employee will not be eligible for services provided by these fees. (For students attending another state of Florida public university these fees will be paid by the University).

The services provided through these fees are, therefore, not available to the employee, and the employee does not have the option to pay any of these fees to take advantage of these services.

1. Activity and Service Fees.

2. Athletic Fees.

3. Student Health Fees.

4. Transportation Fees.

d. Continuation of this program of instruction is contingent upon the University's continuing ability to meet workload requirements and meeting the financial obligations of the program. At any time and with 10 days notice, the University may terminate this program. Participation in a course by an employee is contingent upon the department's continuing ability to meet workload requirements. At any time, with 5 days notice, the University may terminate an individual's participation in this program.

e. The Office of Human Resource Services shall be the administrator of this program and shall make available application forms on their website at www.hr.ufl.edu/education.

(b) Higher Education Opportunity for Children of full-time TEAMS Employees - This program is designed to provide children of TEAMS employees with enhanced opportunities for post-secondary education.

1. Children of TEAMS employees who wish to apply for entrance under this program to undergraduate study at the University of Florida or at a public community college in Florida must complete an application for admission to the University of Florida before ~~the published deadline for the~~~~January 15 preceding the~~~~desired~~ academic year of entry. Before ~~this deadline~~~~January 15~~, the parent TEAMS employee must notify the Office of Human Resource Services of the child's name, via the Higher Education Opportunity of Children of Full-Time TEAMS Employees Application, Form ~~DHR-TEAMS HEO-02, Rev. 07/03~~, which is incorporated herein by reference and can be obtained at <http://www.hr.ufl.edu/education/heo/transition/HEO.pdf>, that the child has filed an application for entrance under this program, and must certify that the child meets the following criteria:

a. He or she must be the natural, adopted, step, foster, or any other child for which legal guardianship can be documented of a full-time TEAMS employee.

b. He or she must be unmarried and will continue to be eligible for the program through the end of the calendar year in which the child turns 25 years of age. The Office of Human Resource Services will send to the Admissions Office the names of children whose parents have provided the indicated information before the program's deadline [so the admissions office may verify application to UF](#).

2. Fifty children will be chosen at random from the pool of names by the Office of Human Resource Services. Those children among the fifty who meet admissions requirements to the University will be offered admission to the University, conditional upon receipt of their high school diploma before the date of entry into the University offered by the Director of Admissions. Those children among the fifty who do not meet admissions requirements to the University, who receive a high school diploma before the beginning of the academic year and who wish to continue in this program may enroll at a public community college in Florida.

3. The University will pay the in-state matriculation fees less any Bright Futures Scholarship award for each of the fifty children for up to twelve credits per semester during the academic year and for up to 6 credits per twelve (12) week summer semester at the University of Florida or a public community college. The children are responsible for payment of all other fees charged by the institution and for any costs associated with attending the institution.

4. Continued Eligibility - To continue to receive this benefit, the following conditions must be met on August 30 commencing the second year of the child's enrollment in the program and in each succeeding year:

a.~~(i)~~ The child's legal guardian must be a full-time TEAMS employee on the first day of classes for each new semester.

b.~~(ii)~~ The child's cumulative GPA must be 2.75 or higher.

c.~~(iii)~~ If the child is attending a public community college, he or she must

provide to the Office of Human Resource Services a current official copy of the transcript of grades from the community college showing all courses attempted and grades received.

5. The University's total obligation for each child is limited to paying the matriculation fees less any Bright Futures scholarship award for a maximum of 132 credit hours over a period of six calendar years or less, beginning with the date of entry into the University or August 30 of the academic year in which application is made. All completed courses, passed or failed, and withdrawals are totaled in the count of credit hours.

~~6. This program will become effective for the Fall semester 2003.~~

~~(c)~~ Vacation Leave Pay - Upon request during the month of December, up to 16 hours of accrued vacation leave at a TEAMS employee's regular rate of pay shall be cashed out provided the employee's remaining accrued vacation leave totals at least forty (40) hours.

Specific Authority: BOG Resolution dated January 7, 2003.

Law Implemented: BOG Resolution dated January 7, 2003.

History--New 7-15-97, Amended 6-28-98, 3-2-03, 12-31-03, 5-30-04, 7-19-05, 3-30-07 (technical changes only),_____.