

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 25, 2020

REGULATION TITLE:

REGULATION NO.:

Benefits, Retirement Programs, Employment
Services and Holidays

1.200

SUMMARY: The proposed regulation amendment reflects an increase in the number of Higher Education Opportunity Scholarships to be awarded each year from fifty (50) to one-hundred fifty (150) eligible children of TEAMS employees.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT 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 AMENDMENT IS: Stephanie M. Fisher, Legal Assistant II, 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 AMENDMENT: Jodi Gentry, Vice President, Human Resources

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

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

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 University of Florida Regulation 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 Deferred Retirement Option Program (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 (FLSA).

(f) Nonexempt 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 (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 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 (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, shall be enrolled in the ORP, and shall be notified by the employer of such action. Any employee who is eligible to participate in the ORP and who fails to execute a contract with one of the approved companies and to notify the Division of Retirement in writing within ninety (90) days after the date of eligibility, shall be deemed to have elected membership in the Florida Retirement System. 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 that may interfere or may create a conflict of interest in keeping with University of Florida procedures located in University of Florida Regulation 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 forty (40) hours.

a. Each department or division is required to keep an accurate record of all hours worked by each USPS employee and nonexempt TEAMS employee as well as a complete and accurate record of all authorized leave that 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 that 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, or special or regular compensatory leave, as described in subsection (4) of University of Florida Regulation 1.201, 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 subsection (4) of University of Florida Regulation 1.201, 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.

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 (8) 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 (1) 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.

2. Cash payment is not provided for unused personal holidays. 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 nonexempt 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 nonexempt 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 twelve (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 courses per semester at a public community or state 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 under the terms and conditions set forth in subsection (1) of University of Florida Regulation 1.012.

(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 or state college in Florida must complete an application for admission to the University of Florida before the published deadline for the academic year of entry. Before this deadline, 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, which is incorporated herein by reference and can be obtained at <http://www.hr.ufl.edu/education/heo/>, 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 will continue to be eligible for the program through the end of the calendar year in which the child turns twenty-six (26) years of age. The Office of Human Resource Services will send to the Office of Admissions the names of children whose parents have provided the indicated information before the program's deadline so the admissions office may verify application to the University of Florida.

2. One hundred and Fifty (150) children will be chosen at random from the pool of names by the Office of Human Resource Services. Those children among the one hundred and fifty (150) 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 Executive Director of the Office of Admissions. Those children among the one hundred and fifty (150) 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 or state college in

Florida.

3. The University will pay the in-state matriculation fees less any Bright Futures Scholarship award for each of the one hundred and fifty (150) children for up to twelve (12) credits per semester during the academic year and for up to six (6) credits per twelve (12) week summer semester at the University of Florida or a public community or state 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. The child's legal guardian must be a full-time TEAMS employee on the first day of classes for each new semester.

b. The child's cumulative GPA must be 2.75 or higher.

c. 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 one hundred thirty-two (132) credit hours. All completed courses, passed or failed, and withdrawals are totaled in the count of credit hours.

(c) Vacation Leave Pay. Upon request during the month of December, up to sixteen (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.

Authority: BOG Regulation 1.001.

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), 3-14-08 (BOT approval), 3-17-09 (technical changes only), 6-12-09 (BOT approval), Formerly 6C1-1.200, Amended 3-17-2011, (BOT approval).