



POLICY: 6Hx28:3D-02

Responsible Executive: Vice President,
Organizational Development & Human
Resources

Policy Contacts: Director, HR Policy and
Compliance Programs

Specific Authority: 1001.64, F.S.

Law Implemented: 1001.64, F.S.

Effective Date: 12-12-2018

Date of Last Policy Review: 05-08-2020

Leaves of Absence

Policy Statement:

- I. Valencia College recognizes the need of employees who may need time off in addition to other types of authorized College leaves, as applicable, or as otherwise determined to be appropriate by the College in certain circumstances. This type of leave is not an entitlement, is evaluated on a case by case basis, and may be authorized on factors including without limitation the circumstances surrounding the need for leave, the position occupied, applicable supporting documentation, operational needs and best interest of the College. Such leaves of absence are typically granted for a specified period and may be authorized with or without pay. Circumstances surrounding the need for leave may include without limitation long term illness; other personal reasons; or college inquiries or investigations related to employment performance and/or conduct matters. 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.

Policy History:

Adopted 1-19-83; Amended 11-18-92; Amended 4-20-94; Amended 3-22-95; Amended 4-16-13;
Amended 12-12-18; Combines/repeals: 6Hx28: 3D-07.2; Formerly 6Hx28:07-17

Related Documents/Policies:

Policy 6Hx28: 6Hx28: 1-10 Policy Against Improper Activities; Whistleblower Protection;

Policy 6Hx28: 02-01 Discrimination, Harassment, and Related Misconduct;

Policy 6Hx28: 3C-01 Total Rewards: Compensation and Hours of Work for Employees of the College

Policy 6Hx28: 3C-08 Total Rewards: Employee Benefits

Policy 6Hx28: 3D-03 Total Rewards: Vacation, Sick and Personal Leave for Full Time Employees

Policy 6Hx28: 3D-06.2 Fitness for Duty;

Policy 6Hx28: 3E-08 Disciplinary Action

Policy 6Hx28: 3F-05.2 Abandonment of Position

Procedures:**I. Leave of Absence for Illness**

- A. An employee may request a leave of absence for their own illness, or for the illness of an immediate family member. This leave may be requested by an employee who is not eligible for Family/Medical Leave or the period of the requested leave exceeds the FMLA maximum. Departments must consult with a representative from Organizational Development and Human Resources (ODHR) on these requests to discuss the circumstances and any relevant documentation. Requests for a leave of absence for illness are evaluated on a case by case basis, operational needs and may be authorized for up to one (1) year with requests not normally authorized for more than one year.
- B. If approved for a leave of absence for illness, employees must initially use any and all accrued sick leave, sick leave pool (as applicable), and /or vacation leave as available. During a leave of absence for illness where the eligible employee is using accrued sick or vacation leave, the employee shall earn applicable sick and vacation leave accruals, and applicable continuing benefit coverage. For additional information, see College Policies 6Hx28: 3D-03 Total Rewards: Vacation, Sick and Personal Leave for Full Time Employees; 6Hx28: 3C-08 Total Rewards: Employee Benefits; College Policy 6Hx28:3D-05 Sick Leave Pool.
- C. While on leave of absence for illness, when an employee's paid leave balances have been exhausted, any remaining portion of leave of absence for illness shall be unpaid. During this period of unpaid leave of absence for illness, the eligible employee shall not accrue additional sick or vacation leave and is responsible for making full payment of applicable continuing benefits in accordance with College Policy 6Hx28: 3C-08 Total Rewards: Employee Benefits. An employee who is on

an unpaid leave of absence for an illness shall not be eligible to be compensated for holiday(s) or non-duty day(s) if on unpaid leave status the full workday before and the full workday after the holiday(s) or paid non duty day(s). See College Policy 6Hx28: 3C-01 Total Rewards: Compensation and Hours of Work for Employees of the College.

- D. As part of returning from a leave of absence for illness, the employee shall provide a return to work form to ODHR confirming the employee's ability to perform the essential job functions. Any temporary or permanent restrictions shall be evaluated on a case by cases basis by ODHR in collaboration with the supervisor/department for appropriate action.

II. Leave of Absence for Other Personal Reasons

- A. Requests for a leave of absence for other personal reasons (excluding by reason of illness) shall be evaluated on a case by case basis and in consideration of operational needs. These requests may include and are not limited to participating in activities which will be of professional benefit to an employee and to the institution (i.e. leave to pursue higher education degree, professional certification, etc.). Leave of absence shall not normally be granted for the purpose of entering self-employment or taking other employment. Leave of absence for other personal reasons may be authorized for up to one (1) year and these requests are not normally authorized for more than one (1) year.
- B. Departments must consult with a representative from ODHR on requests for leaves of absence for other personal reasons to discuss the circumstances and any relevant documentation. These requests may be approved by departments based upon operational needs and adequate provisions have been made to cover the regular duties of the impacted position.
- C. If approved for a leave of absence for other personal reasons, employees must initially use any and all accrued personal leave and /or vacation leave as available. During a leave of absence for other personal reasons where the eligible employee is using accrued personal leave and/or or vacation leave, the employee shall earn applicable leave accruals and applicable continuing benefit coverage. For additional information, see College Policies 6Hx28: 3D-03 Total Rewards: Vacation, Sick and Personal Leave for Full Time Employees; and 6Hx28: 3C-08 Total Rewards: Employee Benefits.
- D. While on leave of absence for other personal reasons, when an employee's paid leave balances have been exhausted, any remaining portion of leave of absence for other personal reasons shall be unpaid. During this period of unpaid leave of absence for other personal reasons, the eligible employee shall not accrue additional applicable leave and is responsible for making full payment of applicable continuing benefits in accordance with College Policy 6Hx28: 3C-08 Total Rewards: Employee Benefits. An employee who is on an unpaid leave of absence for other personal reasons shall not be eligible to be compensated for

holiday(s) or non-duty day(s) if on unpaid leave status the full workday before and the full workday after the holiday(s) or paid non duty day(s). See College Policy 6Hx28: 3C-01 Total Rewards: Compensation and Hours of Work for Employees of the College

III. Leave of Absence for College Inquiries or Investigations Related to Employment Performance and/or Conduct Matters (Administrative Leave of Absence)

A. An employee may be placed on an administrative leave of absence with or without pay pending a review, inquiry, investigation, or disciplinary action surrounding an employee's performance and/or behavior where the employee's continued presence at the worksite may interfere with the College's ability to effectively evaluate the circumstances or provide services. Placement on administrative leave of absence is not considered disciplinary in nature and is considered a temporary action taken by the College during the process being undertaken. In the event the College chooses to place the employee on administrative leave without pay, the employee may be eligible to appeal this action in accordance with grievance procedures in College Policy 6Hx28:3E-09 Employee Dispute Resolution.

1. Administrative Leave of Absence with Pay – If an employee is placed on an administrative leave of absence with pay, the eligible employee shall earn applicable sick and vacation leave accruals in accordance with College Policy 6Hx28: 3D-03 Total Rewards: Vacation, Sick and Personal Leave for Full Time Employees, as applicable. For applicable continuing benefit coverage for employees on approved leave of absence with pay, see College Policy 6Hx28: 3C-08 Total Rewards: Employee Benefits.

2. Administrative Leave of Absence without Pay – If an employee is placed on or is transitioned to an administrative leave of absence without pay, the eligible employee shall not earn applicable sick and vacation leave accruals and is responsible for making full payment of applicable continuing benefits in accordance with College Policy 6Hx28: 3C-08 Total Rewards: Employee Benefits.

B. Before the placement of an employee on administrative leave with or without pay, departments must consult with a representative from ODHR to discuss the circumstances and any relevant documentation to determine if an administrative leave of absence as an interim measure is appropriate. There may be circumstances where ODHR may place an employee on an administrative leave of absence as an interim measure on behalf of the department or without initial department consultation. For additional information as appropriate, see College Policy 6Hx28: 1-10 Policy Against Improper Activities; Whistleblower Protection; College Policy 6Hx28: 02-01 Discrimination, Harassment, and Related Misconduct; College Policy 6Hx28: 3D-06.2 Fitness for Duty; or College Policy 6Hx28: 3E-08 Disciplinary Action.

- C. An eligible employee must have worked or have been on approved leave with pay for the full workday before and the full workday after the holiday(s) or paid non-duty day(s) as approved by the District Board of Trustees, in order to be compensated for the holiday(s) or paid non-duty day(s). For additional information on holidays and paid non-duty days, see College Policy 6Hx28: 3C-01 Total Rewards: Compensation and Hours of Work for Employees of the College.

IV. Certificate of Absence Request Guidelines

- A. Leave of Absence for Illness or Other Personal Reasons – A request for a leave of absence for illness or other personal reasons shall be initiated by the employee on a Certificate of Absence (COA) through the Request and Manage My Leave System to the department supervisor. The COA must be accompanied by a statement and supporting documentation, as necessary, to clearly state the purpose or cause for which the leave will be used and the length of the requested length of the leave of absence.
1. A COA shall be submitted by the employee at least thirty (30) days in advance where the leave is foreseeable. Where the leave is not foreseeable, a COA must be submitted by the employee as soon as practical. The department, in collaboration with ODHR, shall review the request and make a determination as appropriate.
 2. If a condition under which the leave is granted should change, the authorization for the leave may no longer be authorized. In the event of a change of condition, the employee shall communicate immediately with the department supervisor. Additional documentation and a new COA may be required for evaluation. A determination shall be made by the department as deemed appropriate in consultation with ODHR. Leave of absence granted with or without pay and not used for purposes set forth in the request shall constitute a falsification of records and an employee may be subject to disciplinary action up to and including termination.
 3. If the employee desires to request additional leave beyond the approved leave of absence for illness or other personal reasons, the employee shall communicate with the department supervisor and submit a COA for the proposed additional leave along with a statement and, if applicable, appropriate documentation supporting the request for the additional leave. The COA shall be evaluated and a determination made by the department as deemed appropriate in consultation with ODHR.
 4. Any employee who does not receive an approval for an extension of the leave of absence for illness or other personal reasons leave and who does not report to work as scheduled may be deemed to have voluntarily resigned in accordance with College Policy 6Hx28: 3F-05.2 Abandonment of Position. If an emergency should occur and the

employee is unable to report to work, the employee is responsible for contacting the immediate supervisor for appropriate arrangements and/or potential re-evaluation of circumstances.

5. Medical documentation submitted and evaluated for requests for leaves of absence for illness shall be forwarded to ODHR to be maintained in a separate employee record.

- B. Administrative Leave of Absence for College Inquiries or Investigations Related to Employment Performance and/or Conduct Matters – A supervisor or designee shall complete a COA leave request for an employee placed on an administrative leave of absence. In collaboration with ODHR and department, a determination shall be made on whether the administrative leave of absence shall be with or without pay.

Procedure History:

Adopted 4-16-13; Amended 12-12-18; Amended 5-08-2020

Related Procedures:

Valencia College Procedures for Implementation of the Emergency Paid Sick Leave Act

As a response to the 2020 COVID-19 pandemic, the U.S. Congress passed, and the President signed into law, the Families First Coronavirus Response Act (“FFCRA”). The FFCRA contains the Emergency Paid Sick Leave Act (EPSLA), which applies to all covered public sector employees. The EPSLA is effective on April 1, 2020, and extends through December 31, 2020. Because of the immediate effectiveness and temporary application of the EPSLA, Valencia College is implementing this law through an operational procedure that supplements our existing Leaves of Absence policy. Should the EPSLA be extended or made permanent, Valencia will revisit whether and how the law should be codified in policy.

Under the EPSLA, an “eligible employee” is any full-time or part-time employee currently working or scheduled to work as of the effective date of the EPSLA, regardless of the length of employment. EPSLA applies if an eligible employee is unable to work or telework their hours for the workweek due to a need for leave because they:

1. Are subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. Have been advised by a health care provider to self-quarantine related to COVID-19;
3. Are experiencing COVID-19 symptoms and seeking a medical diagnosis;
4. Are caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. Are caring for a son or daughter* whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. Are experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services in consultation with the Secretaries of Labor and Treasury.

*Son or daughter is defined as your own child, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis – someone with day-to-day responsibilities to care for or financially support a child. Son or daughter is also an adult son or daughter (18 or older) who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

Pay Under EPSLA

An eligible employee may only take up to two weeks of EPSLA one time during the effective term of the law, whether it is for one or more than one qualifying reason. During this time, an eligible employee will receive 100% of their pay based on the following:

- Full-time employees – Up to 80 hours during a two week timeframe (Note: up to 80 work hours for full-time staff employees to include full-time counselors, full-time librarians and New Student Experience (NSE) faculty; up to 70 work hours for full-time professors)
- Part-time employees – The number of hours equal to the average number of hours that the employee works over a typical two-week period

Note:

[College Policy 6Hx28: 3D-06.1 Family/Medical Leave](#) – An employee may also be eligible for Family/Medical Leave (FMLA) in accordance with college policy due to a qualifying serious health condition which renders the employee unable to perform their job; or in order to care for the spouse, child or parent of the employee with a qualifying serious health condition.

Expanded Emergency Family Medical Leave Expansion Act (Emergency FMLA) – An employee may also be eligible for Emergency FMLA if they are unable to work/telework due to needing to care for a child under 18 years of age whose school or child care provider is closed or unavailable for reasons related to COVID-19.

See [College Policy 6Hx28:3D-06.1 Family/Medical Leave](#) for eligibility criteria and additional information.

Making a Request

An employee who has questions or may need EPSLA should contact a representative from Organizational Development and Human Resources at 407-299-5000 x 4748 (HR4U) or HR4U@valenciacollege.edu. ODHR will evaluate the employee's eligibility and available options. Employees should provide as much notice of leave as is practicable when the need for leave is foreseeable.

When the need for leave is immediate and upon receipt of sufficient information to support the employee's request, ODHR may make a preliminary designation as appropriate. A final determination will be made upon receipt of all supporting documentation, as applicable.

The requesting employee will need to submit appropriate supporting documentation as promptly as

possible, unless impracticable due to extenuating circumstances. Absent such extenuating circumstances, if the required documentation is not returned within 20 calendar days, the leave may not be EPSLA eligible. The requesting employee will be notified in writing if there are any problems with the paperwork that was received, or if additional information is required. Once a determination is made as to whether the leave is approved, the requesting employee will be advised in writing.

Depending upon the circumstances, intermittent leave schedules may be available for EPSLA only with supervisor approval

Returning to Work

An employee is eligible to return to work when they no longer have a qualifying need for EPSLA or when eligibility has expired. Depending on the reason for leave and approval of EPSLA, the returning employee may be required to provide a return to work note or other appropriate documentation clearing them to return to work.

An employee who was approved for EPSLA, subsequently exhausted EPSLA, and finds they need additional time off work beyond EPSLA should contact a representative from Organizational Development and Human Resources at 407-299-5000 x 4748 (HR4U) or HR4U@valenciacollege.edu for evaluation of their circumstances and other available options.

Date of Last Procedure Review:

05-08-2020