



POLICY: 6Hx28:3D-02

Responsible Executive: Vice President,
Organizational Development & Human
Resources

Policy Contacts: Assistant Vice
President, Human Resources

Specific Authority: 1001.64, F.S.

Law Implemented: 1001.64, F.S.

Effective Date: ~~12-12-2018~~09-05-2024

Date of Last Policy Review: ~~09-19-~~

202209-05-2024

Leaves of Absence

Policy Statement:

- I. Valencia College ("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 and/or professional development opportunities; or college inquiries or investigations related to employment performance and/or conduct matters.
- II. The college complies with applicable federal and state laws, rules and regulations governing the administration of leaves of absence.
- III. 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:

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

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

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

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

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

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

College Policy 6Hx28: 3E-08 Disciplinary Action

College Policy 6Hx28: 3F-05.2 Abandonment of Position

Procedures:

I. Leave of Absence for Illness

A. Requests: An employee may request an unpaid continuous 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 has exhausted all eligible accrued paid leave and/or is not eligible for or has exhausted Family and/ Medical Leave or the period of the requested leave exceeds the FMLA maximum. For more information or questions regarding eligibility, contact a representative from ODHR Leave and Access Services at leaveandaccess@valenciacollege.edu.

1. The employee must provide their supervisor and Organizational Development and Human Resources (ODHR) with appropriate advance notice requesting the need for an unpaid continuous leave of absence for illness. Requests shall be made by employees at least thirty (30) calendar days in advance when the leave is foreseeable. Where the leave is not foreseeable, the request should be made as soon as practical. The leave is not authorized until it is approved in accordance with this procedure.

a The employee must provide to Organizational Development and Human Resources (ODHR) all applicable supporting documentation no more than fifteen (15) calendar days following the time of the request.

2. ~~Departments~~ Upon receiving the employee's request for an unpaid continuous leave of absence for illness, the employee's supervisor must consult with a representative from ~~Organizational Development and Human Resources (ODHR)~~ Leave & Access Services team on these requests to discuss:

- a -the circumstances of the request; and
- b any relevant documentation verifying the basis for the request;
- c length of time the employee is requesting to be off work; and
- d operational needs and other relevant factors for the department to carry out its responsibilities.

3. After supervisor consultation with ODHR and other appropriate College partners, the employee will receive a final decision in writing from the supervisor within five (5) College business days after receiving the employee's written request, absent extenuating circumstances. This decision regarding the authorization of leave and length of leave is final and non-grievable in accordance with College Policy 6Hx28: 3E-09 Employee Dispute Resolution. 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. Approved Requests: 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

- 1. The employee's approval notification from ODHR, in consultation with the supervisor, will include:
 - a the approved length of time off work for the unpaid continuous leave of absence for illness;
 - b information regarding the employee's responsibility for making full payment of applicable continuing benefits in accordance with College Policy 6Hx28: 3C-08 Total Rewards: Employee Benefits, as applicable;
 - c College expectations while on an unpaid continuous leave of absence for illness and expectations for the return to work;
 - d available relevant College resources; and
 - e required return to work date.

2. During the period of an approved unpaid continuous leave of absence for illness, the eligible employee shall may not be eligible to accrue additional sick or vacation leave and is may be 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 approved unpaid continuous leave of absence for an illness shall not be eligible to be compensated for holidays(s) or non-duty days(s) if on an 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.

3. Potential early termination of approved leave: If a medical professional indicates that the purpose of the approved unpaid continuous leave of absence for illness changes and/or no longer exists, the leave may no longer be authorized and the employee must immediately communicate with the department supervisor and ODHR to discuss appropriate next steps, which may include terminating the leave and returning to work. Failure of the employee to communicate any change may result in appropriate action under applicable College policies.
4. Potential need for an extension: Should circumstances arise where an employee may have a documented need to extend the timeframe of their approved unpaid continuous leave of absence for illness, the employee must submit an additional request for review and potential approval (as outlined in Procedures Section I.A.) for a specific period of time. Should the extension request not be approved:
 - a the decision is final and non-grievable, in accordance with College Policy 6Hx28: 3E-09 Employee Dispute Resolution; and
 - b the employee is expected to return to work on the originally approved return date.
5. At the conclusion of an approved unpaid continuous leave of absence for their own illness, including any approved extensions, the eligible employee must be able to perform all of their essential job functions with or without a reasonable accommodation(s). Should an employee have a need for a reasonable accommodation(s), it is the employee's responsibility to make such request to a representative from ODHR Leave & Access Services as outlined in College Policy 6Hx28: 2-02 Workplace Accommodations for Applicants and Employees. 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.

C. Return to Work or Request Not Approved: At the conclusion of an approved unpaid continuous leave of absence for illness, at the conclusion of an approved

extension, or after being notified a leave of absence request or extension is denied, the employee is expected to report to work as notified and scheduled.

1. Any documentation submitted by the employee detailing new extenuating circumstances or medical emergency impacting the employee's ability to return to work as expected will be evaluated by the supervisor as a request for extension of leave and is not a guarantee of additional approved leave.
2. Failure of the employee to report to work as scheduled without an approved extension shall be considered an unauthorized absence and subject to appropriate action under applicable College policies, including but not limited to College Policy 6Hx28: 3F-05.2 Abandonment of Position.

II. Leave of Absence for ~~Other~~ Personal Reasons and/or Professional Development Opportunities

A. Requests: Beyond the College's established policies for employee development leave for eligible employees, which includes existing sabbatical and educational and professional development leave processes, an employee may submit a ~~R~~requests for an unpaid continuous leave of absence for ~~other~~ personal reasons and/or for professional development opportunities. ~~(excluding by reason of illness) shall be evaluated on a case by case basis and in consideration of operational needs. These ~~r~~ Requests for personal reasons and/or professional development opportunities shall be evaluated on a case by case basis, evaluated in consideration of operational needs and other relevant facts and circumstances, and such requests may only include participation in activities such as those which will be of professional benefit to an employee and to the institution (i.e., leave to pursue higher education degree, professional certification, etc.) or other situations of extenuating circumstances.~~

1. To be considered for an unpaid continuous leave of absence for personal reasons and/or a professional development opportunity as outlined in Procedures Section II.A. above, the employee must have initially used any and all of their eligible accrued leave. For more information or questions regarding eligibility, contact a representative from ODHR Leave and Access Services at leaveandaccess@valenciacollege.edu.
2. The employee must provide their supervisor with appropriate advance notice requesting the need for an unpaid continuous leave of absence for personal reasons and/or a professional development opportunity along with supporting documentation, as appropriate. Requests shall be made at least thirty (30) calendar days in advance when the leave is foreseeable. Where the leave is not foreseeable, the request should be made as soon as practical.

~~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.~~

~~3. Departments Upon receiving the employee's request for an unpaid continuous leave of absence for personal reasons and/or a professional development opportunity, the employee's supervisor must consult with their respective Vice President/Provost and with a representative from ODHR Leave and Access Services ~~on regarding the requests for leaves of absence for other personal reasons to discuss:~~~~

- ~~a -the circumstances of the request;and~~
- ~~b any relevant documentation verifying the basis for the request, as applicable;~~
- ~~c length of time the employee requests to be off work; and~~
- ~~d operational needs and other relevant factors for the department to fulfill its responsibilities.~~

~~Note: A continuous leave of absence for personal reasons and/or professional development opportunity shall not normally be granted for the purpose of entering self-employment or engaging in any other employment or entrepreneurial opportunity.~~

~~4. 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. After supervisor consultation with appropriate College partners, the employee will receive a final decision in writing from the supervisor within ten (10) College business days from the initial request, absent extenuating circumstances. This decision is final and non-grievable, in accordance with College Policy 6Hx28: 3E-09 Employee Dispute Resolution.~~

B. Approved Requests:

~~1. The employee's approval notification from ODHR, in consultation with the supervisor, will include:~~

- ~~a the approved length of time off work for the unpaid continuous leave of absence for personal reasons and/or development opportunity;~~
- ~~b information regarding the employee's responsibility for making full payment of applicable continuing benefits in accordance~~

with College Policy 6Hx28: 3C-08 Total Rewards: Employee Benefits, as applicable;

c College expectations while on the unpaid continuous leave of absence for personal reasons and/or development opportunity, and expectations for the return to work;

d available College resources; and

e required return to work date.

~~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.~~

2. 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 an unpaid leave of absence for other personal reasons and/or development opportunity, the eligible employee shall may not be eligible to accrue additional applicable leave and ismay be 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 and/or a professional development opportunity shall not be eligible to be compensated for holiday(s) or non-duty day(s) if on an unpaid leave status the full workday before and the full workday after the holiday(s) or paid non duty day(s). For more information, Ssee College Policy 6Hx28: 3C-01 Total Rewards: Compensation and Hours of Work for Employees of the College.

3. Potential early termination of approved leave: If the purpose under which the approved leave of absence for personal reasons and/or professional development opportunity changes and/or no longer exists, the leave may no longer be authorized and the employee must immediately communicate with the department supervisor and ODHR to discuss appropriate next steps, which may include terminating the leave and returning to work. Failure of the employee to communicate any change may result in appropriate action under applicable College policies.

4. Potential need for an extension: Should circumstances arise where an

employee may have a need to extend the timeframe of their approved leave of absence for personal reasons and/or professional development opportunity, the employee must submit an additional request for review and potential approval (as outlined in Procedures Section II.A) for a specific period of time. Should the extension request not be approved:

- a the decision is final and non-grievable, in accordance with College Policy 6Hx28: 3E-09 Employee Dispute Resolution; and
- b the employee is required to return to work on the originally approved return date.

C. Return to Work or Request Not Approved: At the conclusion of an approved continuous leave of absence for personal reasons and/or professional development opportunity, at the conclusion of an approved extension, or after being notified a leave of absence request or extension is denied, the employee is expected to report to work as notified and scheduled.

- 1. Any documentation submitted by the employee detailing new extenuating circumstances or emergency impacting the employee's ability to return to work as expected will be evaluated by the supervisor as a request for extension of leave and is not a guarantee of additional approved leave.
- 2. Failure of the employee to report to work as scheduled without an approved extension shall be considered an unauthorized absence and subject to appropriate action under applicable College policies, including but not limited to College Policy 6Hx28: 3F-05.2 Abandonment of Position.

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.~~

1. Administrative Leave of Absence with Pay:

a Before the placement of an employee on administrative leave with ~~or without~~ pay, ~~departmentsthe~~ the employee's supervisor must consult with a representative from ODHR Employee Relations 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.

b 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.

c An employee who is placed on an administrative leave of absence with pay 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

- a Absent a request by an employee for a leave of absence as described in this policy, procedure, or other appropriate circumstances, in the event the College places the employee on an administrative leave of absence without pay, the employee may be eligible to grieve this action in accordance with grievance procedures in College Policy 6Hx28:3E-09 Employee Dispute Resolution.
- b An employee who is placed on an administrative leave of absence without pay 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.

IV. Certificate of Absence Request Guidelines

- A. Leave of Absence for Illness, ~~or Other Personal Reasons,~~ and/or Professional Development Opportunities:— ODHR shall complete a Certificate of Absence (COA) through the Request and Manage My Leave System for an employee who has been approved for an unpaid continuous leave of absence for illness, personal reasons, and/or professional development opportunities.~~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 for College inquiries or investigations related to employment performance and/or conduct matters. 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; Amended 09-05-2024

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