

## 4-OP-C-7-E1.2      COMPENSATORY LEAVE and HOLIDAY

**Responsible Executive:** Finance & Administration

**Approving Official:** Vice President of Finance & Administration

**Effective Date:** ~~December~~ May 1, 2021 Upon conclusion of notice period

**Revision**Revision History, New, 1, 2014, Amended, 11/182016, \_\_\_\_\_

### I. INTRODUCTION

This ~~procedure~~ policy provides details of University holidays and guidance in the accrual and use of compensatory leave for USPS, A&P, and AEX ~~and A&P Nonexempt~~ employees ~~and holiday compensatory leave for A&P and AEX.~~

### II. POLICY

#### A. Holidays

1. The following holidays, as provided to all employees ~~by Florida Statutes~~, and any additional holidays authorized by the Board of Trustees or the University President, shall be observed as paid holidays:
  - New Year's Day - January 1
  - Martin Luther King, Jr. Day - third Monday in January
  - Memorial Day - last Monday in May
  - Federal Holiday – June 19
  - Independence Day - July 4
  - Labor Day - first Monday in September
  - Veterans' Day - November 11
  - Thanksgiving Day - fourth Thursday in November
  - Friday after Thanksgiving
  - Christmas Day - December 25
  
2. If any of these holidays fall on Saturday, the preceding Friday shall be observed as a holiday; if any of these holidays fall on Sunday, the following Monday shall be observed as a holiday.
  
3. Holiday pay is paid at the employee's regular rate of pay.

4. An employee must be in pay status (either working or using approved leave) for at least a portion of their last scheduled day before a holiday in order to be paid for the holiday.
5. A full-time employee shall be granted eight hours of paid leave with pay for each of these holidays, regardless of the days or hours which constitute the workweek. Part-time employees shall be granted a proportionate number of hours based on FTE.
6. In municipalities or counties where events are organized to ~~celebrate some occasion~~ observe the holiday on a date or time that does not align with the university's designated observance of the holiday in the locality, any employee who desires to attend such an event may use approved and accrued annual, compensatory, or personal holiday leave for that purpose, but shall not be granted any other type of leave with pay. ~~Employees who desire to observe This policy shall also apply to~~ any holiday that is not specifically designated a University holiday may use approved and accrued annual, compensatory, or personal holiday leave for that purpose, but shall not be granted any other type of leave with pay.
- ~~7.~~ Additional holidays authorized by the Board of Trustees or President shall follow the ~~same guidelines~~ aforementioned compensatory guidelines as it relates to holidays for compensation for earning additional pay or leave.

#### B. Personal Holiday

Each full-time USPS employee is entitled to one personal holiday each University fiscal year with proportionate accrual for less than full-time employment. ~~Such A~~ personal holiday shall be credited to eligible employees on July 1 of each year to be taken by June 30 of the following year. A&P positions are exempted under Florida Statutes and are not eligible for this benefit.

The personal holiday must be used in full and cannot be split for use on multiple days.

#### C. Compensatory Leave

There are two types of compensatory leave: overtime (time-and-one-half) and straight-time (hour-for-hour).

##### 1. Overtime compensatory leave:

- a. Is earned by a USPS or A&P nonexempt employee for hours physically worked beyond 40 hours in a workweek instead of overtime pay.

- b. USPS sworn Law Enforcement ~~on employees work who work~~ periods other than a standard 40 hour workweek must work the number of hours established for that period for overtime compensatory leave to apply.

2. Straight-time compensatory leave is provided as follows:

- a. To compensate a USPS Exempt employee for hours physically worked beyond 40 hours in a workweek unless the department head or appropriate authority approves payment. The USPS Exempt employee works in a position that has been designated as exempt ~~pursuant to~~ the Fair Labor Standards Act.

- b. To compensate a USPS (Nonexempt and Exempt) or A&P Nonexempt employee when the employee works more than the required number of hours (up to 40) in the workweek during which a holiday occurs.

- c. To compensate a USPS employee (Nonexempt and Exempt) or A&P Nonexempt for administrative leave for jury duty provided in the Administrative Leave policy when the employee worked more than the required number of hours (up to 40) in the workweek during which the jury duty occurred.

- d. To compensate an A&P Exempt employee when they are required to work on a holiday, and the employee works sed more than the required number of hours in the workweek during which the holiday occurred. A&P Exempt employees may earn a maximum of eight hours of compensatory leave per holiday, ~~for a combined workweek total of 40 hours.~~

- ~~d.e.~~ To compensate exempt employees in job codes assigned to pay band 10 or lower who work a campus closure.

- ~~e.f.~~ To compensate non-essential a USPS employee (Nonexempt and Exempt) or A&P Nonexempt employees when the employee works more than the required number of hours (up to 40) in a workweek during which a campus closure for occurred. ~~administrative leave for an emergency closure provided in the Administrative Leave policy when the employee works more than the required number of hours (up to 40) in the workweek during which an emergency closure occurred.~~

- f.g. To compensate a part-time USPS employee (Nonexempt and Exempt) or A&P Nonexempt for hours physically worked beyond the employee's Full-time Equivalency Rate (FTE) in a workweek, ~~instead of payment.~~

~~g.h.~~ USPS Law Enforcement employees ~~on~~-who work periods other than a standard 40 hour workweek must work the number of hours established for that period in order for straight-time compensatory leave to apply.

5. Unused compensatory leave (straight-time and overtime) shall be cashed out:

- annually,
- upon promotion to an ineligible salary plan,
- upon separation from the University, OR
- at the discretion of the department when crossing budget entities, at the time of reassignment, transfer, demotion, or promotion across divisions.

Compensatory leave may be retained only for extraordinary circumstances upon final approval by the Chief Human Resources Officer or designee. The retention request must be initiated by the affected employee and approved by the supervisor, Dean, Director, or Department Head, and the Chief Human Resources Officer or designee. If retention of compensatory leave is deemed inappropriate by the Chief Human Resources Officer or designee, some or all of the compensatory leave will be cashed out.

Compensatory leave earned for additional holidays declared by the Board of Trustees or President may be required to be used or forfeited and not cashed out.

2. Any hours worked during a workweek that would cause the compensatory leave balances to exceed 80 hours of straight-time compensatory leave or 160 hours of overtime compensatory leave will be paid during the pay period in which it was earned. USPS Law Enforcement employees will be governed by the provisions of their collective bargaining agreement.
3. The supervisor must approve earning compensatory leave before the time is worked.
4. Prior approval must be received from the supervisor before compensatory leave is used.
5. At the discretion of a supervisor or other appropriate authority, an employee may be required to use compensatory leave based on agency needs and provided such usage requirement is in accordance with any collective bargaining agreement provisions.
6. Compensatory leave shall be used and the balances depleted before annual leave is used, unless otherwise specified in a collective bargaining agreement.

7. While on compensatory leave or other leave with pay, an employee may not be employed elsewhere unless the requirements for outside activity have been met.

### III. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY

The President holds authority, as delegated by the Board of Trustees, ~~delegated authority from the Board of Trustees~~ to establish institutional personnel policies. Constitutional authority, state statutes, Florida Board of Governors regulations, and University regulations authorize the policy:

Sections 110.117, F.S.;

Florida Board of Governors Regulation 1.001~~(2)(e)~~ and (5)(a);

Florida State University Board of Trustees Regulations FSU-4.001 and FSU-4.0015.

This policy shall be reviewed by the Chief Human Resources Officer every seven years for its effectiveness. The Office of Human Resources shall make recommendations to the Vice President for Finance and Administration for any modification or elimination.