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January 31, 2019

**HRS Memo #19-007**

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**MEMORANDUM**

**TO: All Non-Union 12-Month Staff**

**FROM: Teddra J. Porteous, J.D.**  
**Associate Superintendent, Human Resource Services**

**Michael J. Perrone**  
**Associate Superintendent, Chief Financial Officer**

**SUBJECT: Guidelines for Use of Earned Vacation Leave by**  
**Non-Union 12-month Employees**

On July 31, 2018 the School Board increased the maximum number of accrued vacation hours that can be carried forward after December 31<sup>st</sup> to the following year. The maximum hours that can be carried over is 480 hours.

Pursuant to Polk County School Board Policy (1430.06 – Administrators, 3430.06 – Instructional Staff, and 4430.06 – Support Staff), use of earned vacation leave by all 12-month employees must be approved by the supervising administrator prior to using the leave.

Effective immediately, non-union 12-month employees may use no more than 20 consecutive days of vacation leave, calculated at the employee’s regularly scheduled work hours per day. Vacation leave requests in excess of 20

**STUDENTS FIRST**



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Non-Union 12-Month Personnel Vacation Leave Guidelines

consecutive days will not be approved.

During the four-day work week in the summer, when non-union employees may be scheduled to work 10 hours each day, vacation days will be counted based on an 8 hour/day schedule. For purposes of this guideline, an employee who takes a vacation day during the 10-hour work schedule, is absent for 1.25 days, based on his/her regular 8-hour/day work schedule.

Employees who use 20 consecutive 8-hour vacation leave days must return to work for a minimum of 45 calendar days before an additional leave request in excess of five (5) days will be considered.

Vacation leave requests that are combined with Thanksgiving Break, Winter Break, or Spring Break will not be approved when the total number of days, including the break, totals 20 consecutive week day absences.

Nothing in this guideline should be interpreted in such a way as to interfere with an employee's right to use sick leave, Family and Medical Leave Act (FMLA) leave, or Medical leave in accordance with law and policy.

Use of accrued sick leave (not including School Board-approved FMLA or Medical leave of absence), or any other leave and/or intermittent return(s) to work that appears to be for the purpose of circumventing this guideline, is prohibited.

As provided in Section 1012.65, *Florida Statutes*, the maximum number of vacation days allowed to be cashed out per employment with Polk County Public Schools is 60 days (480 hours based on an employee working 8 hours per day). In addition, there is a lifetime limit of 480 hours (60 days) to be included in Florida Retirement System (FRS) earnings calculations for retirement.

**Employees who have previously cashed out any vacation hours**, whether due to a change in position from 12-month (to 10 or 11-month schedule, voluntarily or involuntarily), or entry into the Deferred Retirement Option Program (DROP), need to be aware of this limitation in order to plan and use their vacation time in excess of 480 hours prior to DROP participation or separation of service due to retirement, resignation, etc.)

Please note that the above guidelines do not impact an employee's use of accrued vacation and/or sick leave to fulfill a Board-approved FMLA leave of absence.

Thank you for your assistance in complying with these guidelines affecting 12-month non-union staff who are eligible to earn vacation.

Attachment: Frequently Asked Questions for Non-Union 12-Month Personnel



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### FREQUENTLY ASKED QUESTIONS FOR NON-UNION 12-MONTH PERSONNEL

1. Why are you restricting non-union employee vacation leave?

**Answer: The use of vacation is not being restricted, only the duration is being capped at 20 consecutive work days per event. Employees who are out for extended periods of time place a hardship on co-workers in their department/division who have to handle additional duties during a long-term absence.**

2. Does this affect me if I previously transferred from a 12-month position to an 11-month work schedule and my vacation leave was already cashed out?

**Answer: Yes, if you previously had a vacation leave cash out due to a change in work schedule, then those hours will count towards your maximum employment event total of 480 hours.**

3. How many hours can I carry over each calendar year?

**Answer: Pursuant to Polk County School Board Policy (1430.06 – Administrators, 3430.06 – Instructional Staff, and 4430.06 – Support Staff), the maximum number of accrued vacation hours that can be carried forward on December 31<sup>st</sup> each year is 480 hours.**

4. I will be eligible to enter DROP soon. How many hours can I cash out towards my DROP salary earnings calculation?

**Answer: The maximum number of accrued vacation hours that can be cashed out upon separation of service (terminal leave), or calculated for DROP retirement is 480 hours.**

5. Can I use all of my vacation leave before I resign or retire?

**Answer: The duration of vacation leave is being capped at 20 consecutive work days per event. Any remaining accrued vacation leave up to 480 hours would be cashed out as terminal leave, as applicable.**

6. I am planning to separate from service soon and do not have time to use all of my vacation time before I leave the District.

**Answer: There is no grandfathered provision, so the conditions of this new guideline are effective immediately.**



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7. If I take less than 20 days during a vacation event, when can I be out again for vacation?

**Answer: The schedule of vacation days must be approved in advance by each supervisor, who is aware of the workload for that area, so as not to place a hardship on the department/division.**

8. I have already received written approval to be absent on vacation in excess of 20 days. Can I take these days?

**Answer: If the leave has already been approved by your supervisor in writing, you may use the vacation leave as approved.**

9. I have submitted my request for vacation leave in excess of 20 days, but it has not yet been approved by my supervisor in writing.

**Answer: If your leave form has not been approved in writing, the request for leave in excess of 20 days is denied.**

10. I have a previously scheduled medical procedure or an extended illness. Can I use more than 20 days of vacation leave for medical reasons?

**Answer: For extended absences due to medical reasons for you or a qualified family member, you must apply for a Family Medical Leave Act (FMLA) leave, Intermittent FMLA leave, or Medical leave of absence through the Risk Management and Insurance Department. These types of illness-related extended leave requests (whether paid or unpaid) must be approved by School Board as well.**

11. Can I be absent for more than 20 days using a combination of vacation, personal leave chargeable to sick leave, and sick leave?

**Answer: The maximum number of consecutive work days you can be absent per event is 20 days, using any combination of accrued leave.**

12. I just returned from 20 consecutive days of vacation, but due to an emergency need to be absent again. What happens?

**Answer: We recognize that emergencies occur, but we reiterate that any absences that appear to be circumventing this guideline are prohibited.**

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