

# MANUAL OF PROCEDURE

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**PROCEDURE NUMBER:** 2502A

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**PROCEDURE TITLE:** All Personnel: Retirement Sick Leave Payment Program

**STATUTORY REFERENCE:** Florida Statute 1012.865

**BASED ON POLICY:** II-82 All Full-Time Personnel: Employee Retirement

**EFFECTIVE DATE:** November 8, 2005

**LAST REVISION DATE:** March 9, 2010, August 30, 2011

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## **I. PURPOSE**

To provide a process wherein the District Board of Trustees may recognize long term career employees upon retirement by the establishment of a Sick Leave Payment Program.

## **II. PROCEDURE**

### **A. Eligibility**

#### **1. Individuals Who Retire**

Individuals eligible for sick leave payment must complete 10 years or more of active full-time employment at Miami Dade College (MDC), and the College must be the individual's last Florida Retirement System Employer. Wherever the term "Florida Retirement System" (FRS) is used, it includes the various subsections of the System. Such qualified individuals must apply for retirement through MDC.

#### **2. Termination Prior to Retirement**

Individuals with 10 years of full-time service at the College who voluntarily terminate employment on or after August 24, 1988 and are vested in the state retirement system will be eligible for sick leave payment at the time they retire and are placed on the FRS payroll. The College must be the individual's last FRS Employer. Computation of the payment for such individuals will be on the same basis as computation for any other individual who retires.

### 3. Beneficiary

In the event of death of an individual eligible for retirement benefits, the beneficiary will receive the employee's retirement sick leave payment upon receiving benefits from the FRS. Such application for FRS benefits shall be made through MDC, which shall have been the member's last FRS employer. The calculation will be in accordance with Section II, C of this procedure based on the eligibility of the deceased employee.

In the event of death of an individual eligible for normal retirement whose survivors choose to defer retirement application, the College President may waive the provisions of this policy and make immediate sick leave payment to accommodate the survivors.

### 4. Termination with Subsequent FRS Employment

Persons who apply for retirement benefits through any other FRS employer/institution may have their sick leave transferred under the prevailing policies and procedures of the receiving institution. The payment procedures of the receiving institution shall govern any sick leave payment available to the former college employee.

## B. Accumulation of Sick Leave

### Accumulation for Leave Purpose and Accumulation for Payment Purposes

Individuals are eligible to accumulate sick leave hours for the purpose of utilizing such sick leave until they retire. Accumulation of sick leave toward the retirement sick leave payment program by professional exempt contractual employees is limited by Section C below.

## C. Computation Formula

### 1. Payment Formula

The amount of the sick leave payment will be computed by multiplying the eligible days times the average daily rate by a percentage computed as follows: Fifty percent for 10 years of service plus an additional 1.5 percent for each full year of service beyond 10 years.

### 2. The Daily Rate

The mean annual salary earned shall be determined and then divided by the number of days in the current applicable contract year to establish the average daily rate. The

daily rate that is utilized to compute the payment will be the average daily earned rate for the three highest fiscal/contract years of employment. Average daily rate shall include base annual salary and supplements but shall exclude overtime, mileage, overload or extra pay for additional assignments.

3. Maximum Payment

The maximum payment that any individual can receive under this program shall be the mean annual salary of the three highest salary years of employment at the College.

4. Instructional Personnel

The Retirement Sick Leave Settlement Payment for eligible instructional personnel will be based on “Old” and “New” days as defined:

- (a) Old days are days earned prior to August 28, 1991.
- (b) New days are days earned on/after August 28, 1991.

Old days shall be paid based on 1/226 of the yearly salary.  
New days shall be paid based on 1/196 of the yearly salary.  
Sick leave in the current year shall be used first.  
Old days will be used on a first in first out basis.

5. Additional Limitation for Full-time Professional Exempt Contractual Personnel

- i. The retirement sick leave payment for any full-time professional exempt contractual employee will be based on “pre-7/1/01” hours and “on/after-7/1/01” hours.
  - a. “Pre-7/1/01” hours are unused sick leave hours accumulated prior to July 1, 2001.
  - b. “On/After 7/1/01” hours are unused sick leave hours accumulated on or after July 1, 2001.
- ii. Except for full-time professional exempt contractual employees hired on or after July 1, 1995, the maximum payment that a full-time professional exempt contractual employee can receive for unused “pre-7/1/01” hours is limited only by Section II of this procedure.
  - a. Special exception for full-time professional exempt contractual employees hired on or after July 1, 1995 (because of amendment to F.S. 240.343 effective July 1, 1995; terminal pay shall not exceed an amount equal to one-fourth of the employee’s unused sick leave accumulated on or after July 1, 1995, not to exceed 60 days’ pay.

- b. Special exception for full-time professional exempt contractual employees hired on or after July 1, 1995 and retiring before July 1, 2001 (because of amendment to F.S. 240.343 effective July 1, 1995 through June 30, 2001); the retirement payment for unused sick leave accumulated prior to July 1, 1995 shall be paid according to Policy II-28 as in effect on July 1, 1995 and Procedure 2502.
- iii. The maximum retirement sick leave payment that a full-time professional exempt contractual employee can receive for “on/after-7/1/01” hours shall not exceed an amount equal to one-fourth of the employee’s unused sick leave calculated at the employee’s pay at the time of retirement or 60 days of the employee’s pay at the time of retirement, whichever is less. Provided, however, if the employee has an accumulated balance equal to 60 days or more “pre-7/1/01” hours on June 30, 2001, “on/after 7/1/01” hours cannot be accumulated for retirement pay purposes until the accumulated leave balance of “pre-7/1/01” hours falls below 60 days.
- iv. For purposes of calculating the retirement sick leave payment for employees subject to the limitation in Section II, C will be deemed that whenever sick leave is used by the employee on or after July 1, 2001, “on/after-7/1/01” hours are used first and when no “on/after 7/1/01” hours remain, sick leave will then be charged against “pre- 7/1/01” hours.

To the extent reasonably possible, sick leave hours earned elsewhere and transferred to Miami Dade College shall be treated as earned either pre-July 1, 2001 (“pre-7/1/01” hours) or on/after July 1, 2001 (“on/after 7/1/01” hours) as such hours were originally earned. “Pre-7/1/01” hours will be transferred to Miami Dade College before “on/after 7/1/01” hours.

#### D. Procedure for Payment

Payment of the amount due to the individual will be made through the College’s terminal leave payment program on the following basis:

- a) A minimum of 60 days from the last regular pay check, any amount up to 50 percent of the mean annual salary.
- b) A minimum of 60 days after the first anniversary date of retirement, any balance over 50% of the mean annual salary.


#### E. Notice of Retirement

While the decision to retire is a personal matter that may occur at any time following eligibility, the College has developed a notification schedule for each employee category.

Proper notification is required so that the College can be responsive to its staffing needs. The sick leave payment program will adhere to the following schedule.

In order to avoid disruption of the sick leave payment program, the following criteria must be met:

1. Instructional Personnel:
  - a) Classroom faculty:
    - 1) Must retire on the last day of an academic term, or their scheduled DROP date, if applicable, unless the individual's retirement is preceded by a planned leave.
    - 2) Notice of retirement on the last day of the Fall Term must be given by October 1st, preceding the retirement date.
    - 3) Notice of retirement on the last day of any other term must be given by March 1st, preceding the retirement date.
  - b) Non-classroom faculty:
    - 1) May retire on any date agreed upon with the retiree's campus administration, but no later than their scheduled DROP date, if applicable.
    - 2) Notice of retirement must be given 90 days prior to the retirement date.
  - c) Individuals on the Professional Exempt Contractual, Professional Exempt Non-Contractual and Support Non-Exempt Salary Schedules must give notice of retirement 90 days prior to the retirement date.

	
8/30/2011	
<b>PRESIDENT</b>	<b>DATE</b>