

1. Title

Leave Policies

2. Rule and Regulation

Sec. 1 Holidays. All employees, except those employed in positions that require student status as a condition of employment, are entitled to such holidays as are provided by the Legislature in the current Appropriations Act and as are approved annually by the Executive Vice Chancellor for Business Affairs, or to alternate holidays approved in the official calendars of the various institutions by the Executive Vice Chancellor for Business Affairs.

Sec. 2 Vacations. Vacations for eligible employees, including faculty appointed on a 12-month basis, shall be as provided by State law. Vacations for eligible full and part-time employees shall be on a percentage basis for the time appointed, regardless of whether they are paid on a monthly or hourly basis. Eligible employees accrue vacation hours based on length of state service.

2.1 Termination. An employee who leaves employment shall be entitled to be paid in "lump sum" for all vacation leave entitlement duly accrued at the date of termination; provided the employee has had continuous employment with the State of Texas for six months. The payment shall be calculated at the rate of compensation being paid the employee at the time of termination.

2.2 Death. In the case of death of an employee who has accumulated vacation leave, their estate will be paid for such leave. The payment shall be calculated at a rate of compensation being paid the employee at the time of his or her death.

Sec. 3 Leave Without Pay. With the interest of the institution being given first consideration and for good cause, leaves of absence without pay may be granted for a period within the term of appointment of any faculty or staff, subject to the general conditions included herein. Leaves of absence for a first year or portion thereof or a second consecutive year's leave may be granted by the Chancellor or president, or his or her designee. Leaves of absence for a third consecutive year will be granted

only for the reasons outlined in Sections 3.2 and 3.3 below, following review and approval by the appropriate Executive Vice Chancellor.

- 3.1 First Year of Leave. The maximum period for which a leave of absence will be granted is twelve months from when the leave begins.
- 3.2 Second Year of Leave. Except in unusual circumstances such as military service, reasons of health, continued graduate study, and public service or other activity that reflects credit on the institution and enhances an individual's ability to make subsequent contributions to the institution, a second consecutive year of leave will not be granted.
- 3.3 Third Year of Leave. Except in very unusual circumstances a third consecutive leave of absence for one year will not be granted.
- 3.4 Return of Duty. After a return to duty of one year, the leave-of-absence privilege will again be available, subject to the conditions above.
- 3.5 Exhaust Leave. Unless otherwise provided by or authorized pursuant to law, all accumulated paid leave entitlement must be exhausted before a leave of absence without pay may be granted, with the additional provision that sick leave must be exhausted only in those cases where the employee is eligible to take sick leave.
- 3.6 Family and Medical Leave. Upon expiration of Family and Medical Leave pursuant to these *Rules and Regulations*, an employee may be eligible for a leave of absence under this section.
- 3.7 Other Absences. For leave of absence to participate in a political campaign, faculty development leave, parental leave, sick leave, leave for jury duty, leave for military duty, and leave related to on-the-job injuries, see other sections of these *Rules and Regulations*.

Sec. 4 Development Leave. Development leaves for faculty members may be granted as set out in *Texas Education Code* [Section 51.101 et seq.](#) upon approval by the president of an institution.

The law provides that after two consecutive academic years at the same institution, faculty members as defined in this Act may be considered for a faculty development leave for one academic year at one-half his or her regular salary or for one-half academic year at his or her full regular salary. Such leaves shall be granted pursuant to procedures outlined in the Act and to the limitations therein.

- Sec. 5 Administrative Leave. As set out in the *Texas Government Code* [Section 661.911](#), the Chancellor or president of an institution may grant administrative leave without a deduction in salary to an employee as a reward for outstanding performance as documented by employee performance appraisals. The total amount of administrative leave an employee may be granted under this law may not exceed 32 hours in a fiscal year.
- Sec. 6 Parental Leave. Parental leave for all employees shall be as provided by State law as set out in the *Texas Government Code* [Section 661.913](#) giving supervisors the responsibility for approving parental leave requests for those employees not eligible for Family and Medical leave for the birth of a natural child or adoption by or foster care placement with the employee of a child younger than 3 years of age. Employees must first use all available and appropriate vacation and sick leave and then the remainder of the leave period will be leave without pay. Parental leave of absence may not exceed twelve weeks.
- Sec. 7 Sick Leave. Sick leave for all employees, including faculty, non-teaching personnel, and classified personnel, shall be as provided by State law.
- Sec. 8 Compensatory Leave. Compensatory time for those employees exempted from the *Fair Labor Standards Act* shall be determined by the Chancellor or president of the institution involved, or their respective designees, and set forth in the respective institution's policy and procedures.
- Sec. 9 Death. In the case of death of an employee who has accumulated sick leave, the estate will be paid for such leave as permitted by law. The payment shall be calculated at the rate of compensation being paid the employee at the time of death.
- Sec. 10 Jury Duty. Necessary time off for jury duty is required to be given without loss of pay or vacation leave.

Sec. 11 Military Duty. A leave of absence not to exceed 15 working days in any one federal fiscal year is granted employees who, as members of the National Guard or Official Militia of Texas or members of any of the Reserve institutions of the Armed Forces, shall be engaged in authorized training or duty, ordered or authorized by proper authority. During such periods, the employee is absent without loss of efficiency rating, vacation time, or salary; and when relieved from military duty, the employee is restored to the position and status he or she previously held. A leave of absence with full pay shall be provided any employee who is called to active duty with the National Guard by the Governor of Texas. Such leave shall not be charged against the employee's vacation or sick leave privileges. The chief business officer of each institution may prescribe forms and procedures for such leaves.

- 11.1 Paid Emergency Leave. As set out in the *Texas Government Code* [Section 431.0825](#), a state employee called by the Governor to state active duty as a member of the state military forces is entitled to receive paid emergency leave without loss of military leave under *Texas Government Code* [Section 431.005](#) or annual leave.
- 11.2 Use of Compensatory Time. As set out in the *Texas Government Code* [Section 659.023](#) a state agency shall provide an employee activated to military service as a member of the reserve component of the armed forces with a statement containing the balance of the employee's accrued stated compensatory time and shall accommodate the employee's request to use the balance of accrued state compensatory time before the compensatory time expires.
- 11.3 Unpaid Leave. As set out in the *Texas Government Code* [Section 661.904](#), an employee called to active duty during a national emergency to serve in a reserve component of the armed forces of the United States under [Titles 10](#) or [32](#) of the *United States Code* is entitled to an unpaid leave of absence. The employee on an unpaid leave of absence during military duty continues to accrue state service credit for purpose of longevity pay, vacation leave, and sick leave.

- (a) The employee may retain any accrued vacation or sick leave and is entitled to be credited with those balances on return to state employment. Leave earned while in a state-paid status is credited to the employee's balance when the employee returns to active state employment.
 - (b) The employee may use any accrued vacation leave, earned state compensatory leave, or overtime compensatory leave earned under the federal [Fair Labor Standards Act](#) to maintain benefits for the employee or the employee's dependents while the employee is on military duty.
 - (c) Before an employee leaves for military service, any issues related to maintaining state health insurance coverage during the employee's military duty must be reviewed with him or her, including what the employee needs to do to maintain state health coverage, how health coverage is affected by paid or unpaid leave, and how to pay any premium required for health care coverage.
 - (d) Continued accrual of service credit with the Teacher Retirement System of Texas (TRS) for an employee activated for military service shall be as determined by TRS consistent with State and federal law.
- 11.4 In accordance with *Texas Government Code* [Section 661.9041](#), the Chancellor or president of an institution shall grant sufficient emergency leave as differential pay to a state employee on unpaid military leave if the employee's military pay is less than the employee's state gross pay. The combination of emergency leave and military pay may not exceed the employee's actual state gross pay.
- Sec. 12 Family and Medical Leave. Any employee may request and receive a leave of absence without pay for up to 12 weeks per year for family and medical reasons specified by the Family and Medical Leave Act of 1993 ([29 United States Code Sec. 2601](#)) and accompanying regulations governing the Act, as set forth in approved institutional and System policies. Eligibility criteria are defined in the Act. Upon expiration of the 12 weeks of leave taken pursuant to the *Family and Medical Leave Act*, an

employee may be eligible for a leave of absence without pay pursuant to Section 3 above.

- Sec. 13 **Servicemember Family Leave.** As specified by the Family and Medical Leave Act of 1993 ([29 United States Code Sec. 2601](#)) and accompanying regulations governing the Act and as set forth in approved institutional and System policies, any eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty while on active duty may request and receive a leave of absence without pay for up to 26 workweeks during a single 12-month period to care for the servicemember. Eligibility criteria are defined in the Act. An eligible employee is entitled to a combined total of 26 workweeks of leave under Sections 12 and 13 of this Rule during the single 12-month period described in this Section. This does not limit the leave available under Section 12 for any other 12-month period. Further, after the 26 weeks of leave expire, an employee may be eligible for a leave of absence without pay pursuant to Section 3 of this Rule.
- Sec. 14 **Bone Marrow and Organ Donors.** *Texas Government Code Section 661.916* provides that an employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence may not exceed five working days in a fiscal year to serve as a bone marrow donor or 30 working days in a fiscal year to serve as an organ donor.
- Sec. 15 **Blood Donors.** In accordance with *Texas Government Code Section 661.917*, an employee shall be allowed sufficient time off, without a deduction in salary or accrued leave to donate blood.
- 15.1 **Approval.** An employee may not receive time off unless the employee obtains approval from the employee's supervisor before taking off.
- 15.2 **Proof.** On returning to work after taking time off, the employee shall provide the employee's supervisor with proof that the employee donated blood during the time off. If an employee fails to provide proof that the employee donated blood during the time off, the employee will deduct the time from accrued leave, if available, or be placed on leave without pay.

15.3 Limitation. An employee may receive time off under this section not more than four times a year.

Sec. 16 Authorization for Absence. Authorization for any staff member to be absent from his or her usual and regular duties for a purpose related to his or her duties will be granted only under the following conditions:

16.1 When such absence is on State business, and

16.2 When appropriate provisions are made to carry on the duties of the absent person without additional expense to the institution; or

16.3 In the case of military leave, not to exceed 15 working days each year.

Sec. 17 Institutional Regulations. Permission to be absent from usual and regular duties shall be obtained as prescribed in institutional regulations.

3. Definitions

None

4. Relevant Federal and State Statutes

Fair Labor Standards Act of 1938 ([29 United States Code 201, et seq.](#))

Family and Medical Leave Act of 1993 ([29 United States Code Sec. 2601](#))

Employment and Reemployment Rights of Members of the Uniform Services Act ([38 U.S.C. Sec. 4301](#))

Armed Forces ([10 U.S.C Sec. 101 et seq.](#))

National Guard ([32 U.S.C. Sec. 101 et seq.](#))

Texas Education Code [Section 51.101](#) – Definitions; Faculty Development Leaves of Absence

Texas Government Code [Section 661.909](#) – Leave Without Pay

Texas Government Code [Section 431.005](#) – Leave of Absence for Public Officers and Employees

Texas Government Code [Section 431.0825](#) – Employees in National Guard; Emergency Leave

Texas Government Code [Section 659.023](#) – Compensatory Time Policy

Texas Government Code [Section 661.904](#) – Military Leave During National Emergency

Texas Government Code [Section 661.9041](#) – Differential Pay

Texas Government Code [Section 661.911](#) – Administrative Leave With Pay

Texas Government Code [Section 661.916](#) – Leave for Organ or Bone Marrow Donors

Texas Government Code [Section 661.917](#) – Donation of Blood

5. Relevant System Policies, Procedures, and Forms

None

6. Who Should Know

Employees

7. System Administration Office(s) Responsible for Rule

Office of Employee Services

8. Dates Approved or Amended

Editorial amendments to Sec. 11.3 made September 27, 2012

Editorial amendments to Sec. 8, 11.3(b), and Number 4 made June 15, 2012

Editorial amendments to Sec. 11.3(c) and (d) made September 28, 2010

Editorial amendment to Sec. 1 made September 1, 2010

Editorial amendment made November 17, 2009, to add new Sec. 8 back into the Rules

August 14, 2008

Editorial amendment to Sec. 1 made September 1, 2010

Editorial amendment to Sec. 11 and Number 4 made July 14, 2008

Editorial amendment to Sec. 5 made April 1, 2008
August 11, 2005
December 10, 2004

9. Contact Information

Questions of comments regarding this Rule should be directed to:

- bor@ustystem.edu