Sec. 1 Purpose

To establish leave practices as required and permitted by law. UT System Administration may only offer leave as set forth in state and federal law, and this policy provides an overview of available leave options. Additional details regarding the various types of leave are available from the Office of Human Resources.

Sec. 2 Principles

a) Employees will use leave appropriately to comply with policy and adhere to applicable laws, rules, and procedures.

b) Managers have the discretion to balance business needs in the context of the personal needs and legal rights of the employee and will:
   1) accommodate an employee’s request to the extent practicable;
   2) consider the financial impact of an employee’s leave request and available leave balances;
   3) follow applicable laws and policies; and
   4) adhere to procedures set forth by UT System Administration as defined below.

Sec. 3 Eligibility

With a few exceptions, to be eligible to use the types of leave covered in this policy, a UT System employee must be appointed to work at least 20 hours per week for a continuous period of at least four and one-half months and not working in a position that requires student status as a condition of employment. Employees do not need to meet these requirements for jury service or to serve as a witness, to comply with a subpoena, or, if a peace officer, for legislative leave. Different eligibility standards apply to the Family and Medical Leave Act (“FMLA”), and Fair Labor Standards Act (“FLSA”) overtime and are detailed in the respective sections.

Sec. 4 General Responsibilities

a) Employee requests leave in advance of absence when the need for leave is foreseeable. If the need for leave is not foreseeable, the employee must request leave as soon as s/he knows of the need for leave.

b) Manager or HR, when applicable, responds to leave request after considering department staffing requirements in the context of the personal needs and legal rights of the employee.

c) Employee records absence from work on the electronic timesheet using the appropriate leave type.

d) Negative leave balances are not permitted.
Sec. 5 Leave Types – Quick Glance

<table>
<thead>
<tr>
<th>Name</th>
<th>General Description</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Leave for Outstanding Performance</td>
<td>Granted by the Chancellor or Department Head as an award for documented outstanding performance.</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Agency Investigation</td>
<td>For subjects, victims, or witnesses of an agency investigation.</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Amateur Radio Operator</td>
<td>For license holders participating in specialized disaster relief services.</td>
<td>Department</td>
</tr>
<tr>
<td>American Red Cross Volunteer</td>
<td>For certified disaster service volunteers and trainees to participate in specialized disaster relief services for the American Red Cross.</td>
<td>Department</td>
</tr>
<tr>
<td>Assistance Dog Training</td>
<td>For employees with a disability to attend a training program to acquaint the employee with an assistance dog.</td>
<td>Department</td>
</tr>
<tr>
<td>Bereavement</td>
<td>Absences relating to the death of a family member as defined.</td>
<td>Department</td>
</tr>
<tr>
<td>Blood Donation</td>
<td>For the purpose of donating blood.</td>
<td>Department</td>
</tr>
<tr>
<td>Bone Marrow and Organ Donation</td>
<td>For the purpose of donating an organ or bone marrow.</td>
<td>Department</td>
</tr>
<tr>
<td>Compliance with a Subpoena</td>
<td>For employees to comply with a subpoena to appear in a civil, criminal, legislative, or administrative proceeding.</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Court Appointed Special Advocates Volunteer</td>
<td>For training or volunteer services for Court Appointed Special Advocates.</td>
<td>Department</td>
</tr>
<tr>
<td>Educational Activities</td>
<td>Available to parents attending school sponsored activities only.</td>
<td>Department</td>
</tr>
<tr>
<td>Emergency Leave</td>
<td>For emergency closures and other reasons determined as good cause which have been approved by HR or the Chancellor.</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Family and Medical Leave</td>
<td>Unpaid protected medical leave.</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Floating Holiday</td>
<td>Awarded leave to be used for any reason.</td>
<td>Department</td>
</tr>
<tr>
<td>FLSA Overtime</td>
<td>Earned Federal leave based on reported work hours to be used for any sort of personal leave. Available only to non-exempt employees. See INT 113 Fair Labor Standards Act - Overtime.</td>
<td>Department</td>
</tr>
<tr>
<td>Foster Parent Leave</td>
<td>Available to foster parents to attend Texas Department of Family and Protective Services or school district meetings.</td>
<td>Department</td>
</tr>
<tr>
<td>Injury Leave for Certain Peace Officers</td>
<td>For an injury sustained while performing official work duties.</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Jury Service, Witness Service, and Witness Fees</td>
<td>To be used when summoned to serve on a jury.</td>
<td>Department</td>
</tr>
<tr>
<td>Leave Without Pay</td>
<td>Unpaid leave to be used only when all other applicable personal paid leave balances are exhausted.</td>
<td>Department</td>
</tr>
<tr>
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</tr>
<tr>
<td>Legislative Leave for Peace Officers</td>
<td>To serve in, appear before, or petition a governmental body during a legislative session.</td>
<td>Department</td>
</tr>
<tr>
<td>Military Leave</td>
<td>For active and reserve duty, authorized training, and urban search and rescue teams. See also Federal Military Leave under USERRA.</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Parental Leave</td>
<td>Unpaid protected leave for employees who are not eligible for Family and Medical Leave, specifically for the birth of a child, adoption, or foster care placement.</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Reserve Law Enforcement Officer</td>
<td>For reserve law enforcement officers to attend required training under Texas Occupations Code, Section 1701.351.</td>
<td>Department</td>
</tr>
<tr>
<td>Sick</td>
<td>Accrued leave to be used for health reasons only.</td>
<td>Department</td>
</tr>
<tr>
<td>Sick Leave Pool</td>
<td>For catastrophic injuries/illnesses to be used when all other personal paid leave balances are exhausted.</td>
<td>Human Resources</td>
</tr>
<tr>
<td>State Compensatory Time</td>
<td>Earned leave based on reported time to be used for any sort of personal leave. See INT 147 State Compensatory Time.</td>
<td>Department</td>
</tr>
<tr>
<td>Vacation</td>
<td>Accrued leave to be used for any reason.</td>
<td>Department</td>
</tr>
<tr>
<td>Veteran Health</td>
<td>For certain veterans to obtain medical or mental health care administered by the Veterans Health Administration of the United States Department of Veterans Affairs, including physical rehabilitation.</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Volunteer Firefighter and Emergency Medical Services Volunteer</td>
<td>To attend fire or emergency medical service training conducted by a state agency or institution of higher education.</td>
<td>Department</td>
</tr>
<tr>
<td>Voting</td>
<td>Work time spent on voting during early voting or Election Day.</td>
<td>Department</td>
</tr>
<tr>
<td>Wellness</td>
<td>To be used for physical activity events.</td>
<td>Department</td>
</tr>
</tbody>
</table>

**Sec. 6 Vacation**

a) Leave Accrual and Carryover.

1) First accrual will be on the date of hire. Subsequent accruals will be on the first day of each month.

2) Accrual and carryover rates are proportionate to the employee’s appointment (i.e., full-time or part-time).
3) Accrual rates for a given month are based on the employee’s total state service as of the first of that month.

4) An employee who retired from state employment before June 1, 2005 and returned to state employment before September 1, 2005 accrues vacation leave at the same rate the employee was entitled to receive immediately before September 1, 2005.

5) An employee who retired from state employment on or after June 1, 2005 and returned to state employment on or after September 1, 2005 accrues vacation leave based on the length of state service since returning to work.

6) An employee on leave without pay for an entire calendar month will not receive vacation accrual for that month.

7) An employee on paid leave on the first workday of a month or for an entire calendar month will receive vacation accrual for that month. However, the employee may not use the accrual until he/she returns to work. If the employee separates before returning to work, accruals are forfeited.

8) An employee accrues vacation leave and may carry forward accrued, unused vacation leave from one fiscal year to the next in accordance with the schedule below. All unused, accrued vacation leave in excess of the allowable fiscal year carryover will be credited to the employee’s sick leave balance.

Vacation Leave Accrual Rate and Maximum Allowable Carryover

<table>
<thead>
<tr>
<th>State Service Months</th>
<th>Hours Accrued Per Month</th>
<th>Allowable Accrued Hours to Carry Over</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 23</td>
<td>8</td>
<td>180</td>
</tr>
<tr>
<td>24 to 59</td>
<td>9</td>
<td>244</td>
</tr>
<tr>
<td>60 to 119</td>
<td>10</td>
<td>268</td>
</tr>
<tr>
<td>120 to 179</td>
<td>11</td>
<td>292</td>
</tr>
<tr>
<td>180 to 239</td>
<td>13</td>
<td>340</td>
</tr>
<tr>
<td>240 to 299</td>
<td>15</td>
<td>388</td>
</tr>
<tr>
<td>300 to 359</td>
<td>17</td>
<td>436</td>
</tr>
<tr>
<td>360 to 419</td>
<td>19</td>
<td>484</td>
</tr>
<tr>
<td>420</td>
<td>21</td>
<td>532</td>
</tr>
</tbody>
</table>

b) Use of Vacation Leave. An employee may not take vacation leave until he/she has six months continuous Texas state service. An employee with prior state service is required to obtain service verification from all previous employers.
c) Payment or Transfer of Vacation Leave When an Employee Separates from Employment.

1) An employee who at any time worked for the state for at least six continuous months and who separates from state employment for any reason is entitled to be paid for the balance of accrued, unused vacation leave as of the date of separation, under the following conditions:

   I. the employee separates from a position at UT System Administration in which vacation leave is granted;

   II. the employee moves from a position within UT System Administration that accrues vacation leave to another internal position that does not accrue vacation leave. UT System Administration may agree to pay the employee for the accrued vacation balance. Generally, such payments will be made only under unusual circumstances where the payment is deemed to be in the best interest of UT System Administration. A holiday that falls after the date of separation from the position that is vacation leave-eligible is not paid to the employee. When an employee moves to an ineligible position and is not paid vacation leave, the accrued time is frozen until the employee becomes eligible again or separates employment;

   III. the employee moves from a position at a state agency that accrues vacation leave to a position at another state agency that does not accrue vacation leave. Payment must be made by the last employer if the receiving employer refuses to credit the employee for the balance of the employee’s vacation leave as of the date of the move. A holiday that falls after the date of separation from the position that is vacation leave-eligible is not paid to the employee; or

   IV. the employee holds two or more positions and separates from one that accrues vacation leave.

2) An employee may, with the agreement of UT System Administration, be allowed to remain on the payroll after the last day worked to use vacation leave in lieu of being paid a lump sum. In this circumstance, the employee will continue to receive all compensation and benefits that the employee was receiving on the last day of duty, including paid holidays, longevity, and/or hazardous duty pay. The employee may not use sick leave or accrue sick or vacation leave during this period.
3) An employee who is paid for vacation leave upon separation will be credited for any holiday that falls within the period after the date of separation and the last date of the period in which the employee would have used the leave had the employee remained on the payroll.

4) Lump sum payments to employees will be computed based on the rate of compensation on the last date of employment. An employee who transfers from an eligible to an ineligible position and then terminates employment will be paid based on the rate of compensation in the eligible position.

5) Lump sum vacation payments will not include hazardous duty or longevity pay but will include any emoluments received in lieu of pay, such as car or housing allowances.

6) An employee transferring from one state agency to another without a break in service will have his/her accrued and unused vacation leave balance transferred to the receiving state agency.

7) In the case of the death of an employee who has an accrued vacation leave balance after six months of continuous Texas state employment, his/her estate will be paid for all of the accumulated vacation leave. The payment shall be calculated at the rate of compensation being paid the employee at the time of death.

Sec. 7 Sick

a) Leave Accrual and Carryover.

1) First accrual will be on the date of hire. Subsequent accruals will be on the first day of each month. Last accrual will be on the last duty day of state employment.

2) Accrual rates are proportionate to the employee’s appointment (i.e., full-time or part-time) up to a maximum of eight hours for each month of employment.

3) An employee on leave without pay for an entire calendar month will not receive sick accrual for that month.

4) An employee on paid leave for an entire calendar month will receive sick accrual for that month. However, the employee may not use the accrual until s/he returns to work. If the employee separates before returning to work, accruals are forfeited.
b) Use of Sick Leave

1) Sick leave may be taken when an employee is prevented from performing his/her duties due to sickness, injury, or pregnancy and confinement.

2) Sick leave may also be used when an employee is needed to care for and assist a member of the employee’s immediate family who is ill. The following persons are considered to be members of the employee’s immediate family:
   I. an individual who resides in the same household as the employee and is related to the employee by kinship, adoption, or marriage;
   II. a foster child of the employee who resides in the same household as the employee and who is under the conservatorship of the Texas Department of Family and Protective Services; or
   III. a minor child of the employee, regardless of whether the child lives in the same household.

3) Sick leave for members of an employee’s family who do not meet the definition of “immediate family” as described above (for example, an adult child who does not reside in the employee’s home) may only be taken to provide care and assistance to a spouse, child, or parent of the employee who needs such care and assistance as a direct result of a documented medical condition.

4) An employee who is the legal guardian of a child by court appointment may use sick leave to care for the child.

5) Sick leave cannot be used to provide care for an employee’s parent-in-law who does not live in the same household.

6) Sick leave may be used for delivery and recovery associated with the birth of a child to the extent certified by the physician. A father may use sick leave only if the child is ill or to care for his spouse while she is recovering from childbirth. Sick leave may be used for the adoption of a child under the age of three but is limited to the amount of sick leave that would be necessary to recover from pregnancy and childbirth.

7) An employee on vacation who would otherwise be entitled to sick leave may request to use sick leave in lieu of vacation.

8) If a sick leave absence exceeds three consecutive workdays, the employee must provide the manager a doctor’s note indicating the cause or nature of the condition. An employee may be required to submit documentation that an absence of any duration was necessary and due to illness or injury.
9) Medical certification that the employee is fit to return to work and perform his/her job may be required.

10) Employees may use up to eight hours of sick leave each fiscal year to attend school-sponsored educational activities for the employee’s children who are in pre-kindergarten through 12th grade (see Educational Activities).

11) An employee who is found to have used sick leave pay under false pretenses is subject to termination.

c) Donation of Sick Leave
   1) An employee may donate sick leave to another employee at UT System Administration if:
      I. the recipient meets the sick leave eligibility requirement;
      II. the recipient has exhausted the recipient’s own sick leave; and
      III. the recipient has exhausted any time the recipient is eligible to withdraw from the sick leave pool.

   2) An employee who receives donated sick leave may use the donated sick leave only as provided in Section 7) b) 1) - 2) above.

   3) An employee may not provide or receive remuneration or a gift in exchange for donated sick leave.

   4) The dollar value of donated sick leave will be included in the donor’s income by UT System Administration and UT System Administration will withhold taxes.

   5) Contact HR to initiate a donation.

d) Payment, Restoration, or Transfer of Sick Leave When an Employee Separates from Employment.
   1. An employee who transfers directly from another state agency to UT System Administration without a break in service will have his/her sick leave balance transferred.

   2. An employee who separates from a state agency under a formal reduction in force will have his/her sick leave balance restored if reemployed by a state agency within 12 months after the end of the month in which the employee separated.
3. An employee who separates from a state agency for a reason other than a formal reduction in force is entitled to have his/her sick leave balance restored if: (1) the employee returns to employment with the same state agency within 12 months after the end of the month in which the employee separated but only if there has been a break in employment of at least 30 calendar days; or (2) the employee returns to work with a different state agency within 12 months after the end of the month in which the employee separated.

4. An employee who moves from a position within UT System Administration that accrues sick leave to another internal position that does not accrue sick leave will have his/her accrued sick leave balance frozen. If the employee returns to a leave-eligible status, he/she may begin using the previous sick leave balance and resume accruing sick leave.

5. In the case of the death of an employee who has an accrued sick leave balance, his/her estate will be paid for one-half of the accumulated sick leave balance or 336 hours, whichever is less. The payment will be calculated at the rate of compensation being paid the employee at the time of death.

Sec. 8 Floating Holiday

Some years the holiday schedule includes a floating holiday. If it does, full-time employees receive 8 hours of floating holiday leave, or a proportionate amount for employees not appointed full-time. A floating holiday should be used within the fiscal year it was awarded. Unused floating holidays will carry over to the following fiscal year. Upon separation, including direct transfers to another state agency, unused floating holidays will be paid out.

Sec. 9 Wellness

a) Use of Wellness Leave.
   1) Three times per week, employees may be granted up to 30 minutes during normal working hours to participate in physical fitness activities. Time may not be split or carried over from one day to another.
   2) In order to use wellness leave, an employee must seek approval from his/her manager and submit a Wellness Leave Agreement. The agreement may remain in effect for the duration of employment in the position identified in the agreement, unless terminated by the employee’s manager. A new agreement must be completed if an employee changes positions.
   3) Managers may request documentation of participation in physical activity. Managers may revoke wellness leave time at any time.
4) Employees may attend on-site wellness programs including, but not limited to, health fairs, flu shot clinics, financial seminars, and employee assistance programs without using leave time. Attendance must be approved in advance by the employee’s manager.

5) Wellness leave will not be counted toward the earning of FLSA Overtime or State Compensatory Time.

Sec. 10 Educational Activities

Employees may use up to eight hours of sick leave each fiscal year to attend school-sponsored educational activities for the employee’s children who are in pre-kindergarten through 12th grade. Employees must give reasonable advance notice of the employee’s intention to use sick leave to attend an education activity. Actual hours granted are proportionate to the employee’s appointment (i.e., full-time or part-time). School-sponsored activities include parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs. Use of sick leave for educational activities must be reported as Educational Activities Leave.

Sec. 11 Bereavement Leave

Employees may use up to forty hours of Bereavement Leave for a death in an employee’s family. Actual hours granted is proportionate to the employee’s appointment. Hours may be used consecutively or intermittently. Family is defined as the employee’s spouse, as well as parents, children, brothers, sisters, grandparents, great-grandparents, and grandchildren of the employee or the employee’s spouse.

Sec. 12 Emergency Leave

The Chancellor or his/her designee may grant emergency leave for situations such as emergency closure as well as other reasons determined to be for good cause. An example of good cause may include, but is not limited to, an unplanned situation requiring immediate attention which requires the employee to exhaust all available and applicable paid leave balances.
Sec. 13 Family and Medical Leave (FML)

a) Eligibility.

1) Applies to an employee who has been employed for at least twelve months by the state and who has worked at least 1,250 hours during the twelve-month period immediately preceding the commencement of leave. The twelve months of employment need not be consecutive. However, periods of employment that precede a break in state service of seven years or more do not count toward the twelve-month requirement unless:

   i) the break is due to the fulfillment of the employee’s National Guard or Reserve military service obligations; or

   ii) there is a written agreement stating the state of Texas’ intent to rehire the employee after the break.

2) An employee who is not eligible for FML may be eligible to use Parental Leave for the birth, adoption, or foster care of a child (see Parental Leave).

b) Leave Entitlement. Provides up to twelve weeks of unpaid, job-protected family and medical leave during a twelve-month period in accordance with the federal Family and Medical Leave Act (FMLA) of 1993. Provides the right to continue in premium sharing while on leave and to return to the same or an equivalent position at the conclusion of leave.

1) Reasons for Leave. The FMLA entitles eligible employees to take leave for the following reasons:

   i) the birth of a son or daughter, and to care for the newborn child, or placement of a son or daughter with the employee for adoption or foster care;

   ii) to care for a spouse, son, daughter, or parent who has a serious health condition;

   iii) for a serious health condition that makes the employee unable to perform the functions of his/her job; or

   iv) for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

2) An eligible employee who is a covered military member’s spouse, son, daughter, parent or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the military member with a serious injury or illness.
c) Benefits and Protections. Upon return from FMLA leave, employees must be
restored to the same job or one nearly identical to it with equivalent pay, benefits,
and other employment terms and conditions. UT System Administration may not
interfere with an individual’s FMLA rights or retaliate against someone for using or
trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or
being involved in any proceeding under or related to the FMLA.

d) Requesting Leave. Generally, employees must give HR 30-days’ advance notice of
the need for FMLA leave. If it is not possible to give 30-days’ notice, an employee
must notify HR as soon as possible, and, generally, follow UT System
Administration’s usual procedures.

Employees do not have to share a medical diagnosis but must provide enough
information to HR so it can determine if the leave qualifies for FMLA protection.
Sufficient information could include informing HR that the employee is or will be
unable to perform his or her job functions, that a family member cannot perform daily
activities, or that hospitalization or continuing medical treatment is necessary.
Employees must inform HR if the need for leave is for a reason for which FMLA was
previously taken or certified.

HR can require a certification or periodic recertification supporting the need for
leave. If HR determines that the certification is incomplete, it must provide a written
notice indicating what additional information is required.

e) Once UT System Administration becomes aware that an employee’s need for leave
is for a reason that may qualify under the FMLA, HR must notify the employee if he
or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights
and responsibilities under the FMLA. If the employee is not eligible, the employer
must provide a reason for ineligibility.

HR will notify employees if leave will be designated as FMLA leave, and if so, how
much leave will be designated as FMLA leave.
f) Coordination with Other Leave Entitlement. Employees must use all available and applicable paid leave while taking FMLA leave, except that an employee who is receiving temporary disability benefits or workers’ compensation benefits is not required to first use applicable paid leave while receiving those benefits. Similarly, the sick leave pool, when available, may be used in conjunction with and count toward the FML entitlement. The FMLA does not restrict or modify any federal or state antidiscrimination laws or supersede any state or local law that provides greater family or medical leave rights. If leave is covered by workers’ compensation, ADA, or temporary disability benefits, UT System Administration may use the information obtained to determine eligibilities for those benefits to determine if leave is FMLA-qualifying. Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or, depending on the nature of the claim, may bring a private lawsuit.

g) Contact HR at least 30 days in advance to initiate a request.

Sec. 14 Parental Leave

a) Eligibility. Applies to an employee who has been employed for less than twelve months by the state or who has worked less than 1,250 hours during the twelve-month period immediately preceding the beginning of leave.

b) Leave Entitlement. Provides up to twelve weeks of unpaid parental leave for the birth of a natural child or for the adoption or foster care placement of children under three years of age.

c) Coordination with Other Leave Entitlement. Employees must use all available and applicable paid leave while taking Parental Leave.

d) Contact HR at least 30 days in advance to initiate a request.

Sec. 15 Sick Leave Pool

a) Withdrawal from the Sick Leave Pool. The pool provides a source of additional sick leave for employees when the employee or employee’s immediate family member suffers a catastrophic illness or injury and when the employee has exhausted all personal sick leave. Contact HR to initiate a request to withdraw from the pool.

b) Contributions to the Sick Leave Pool.

1) The sick leave pool consists of sick leave hours voluntarily contributed by employees of UT System Administration.

2) With approval from the pool administrator, employees are permitted to contribute one or more days of sick leave to the sick leave pool at any time.
3) Sick leave contributed to the pool may not be designated for the use of a particular person. For employee-to-employee sick leave donations, see Sec. 7 (c).

4) Employees who separate from UT System Administration are encouraged to contribute to the pool unless there is a possibility they will be reemployed by the state within twelve months after the end of the month of separation and thereby eligible to have their sick leave balance restored. A separating employee who wishes to contribute to the pool must do so prior to or on the separation date. A separating employee who contributes sick leave to the pool is not eligible to have those hours restored if he/she returns to state employment within twelve months.

5) Contact HR to initiate a donation.

c) Pool Administrator. The sick leave pool is administered by a pool administrator designated at UT System Administration by the Chancellor.

Sec. 16 Leave Without Pay (LWOP)

a) Leave Entitlement.

1) A leave of absence without pay may be granted for good cause during an employee's appointment. Subject to fiscal constraints, approval of the leave constitutes a guarantee of employment at the conclusion of the specified leave period.

2) All accumulated and applicable paid leave must be exhausted before LWOP is granted except in cases of disciplinary suspensions, approved military leave, or workers' compensation benefits. Sick leave must be exhausted only in those cases when the employee is taking LWOP for a reason for which the employee is eligible to take sick leave.

3) A leave of absence without pay will be limited to twelve continuous months.

4) LWOP absences not related to Family Medical Leave (FML), Parental Leave, or Military Leave will be approved or denied by the Department Head while giving interests of the institution first consideration if the leave exceeds 40 hrs. If the leave is 40 hours or less, the employee’s manager will approve or deny the request.

5) An employee who takes leave without approval may be subject to discipline up to and including termination.
6) Upon separation, any unearned leave taken by the employee will be deducted from the employee’s final paycheck by placing the employee on leave without pay at the end of employment.

7) Refer to UT System Administration Policy INT131: Probationary Period for Classified Employees for explanation of any LWOP impact on an employee's probationary period.

b) Notify HR of LWOP at least 30 days in advance.

Sec. 17 Foster Parent

An employee who is a foster parent to a child under the conservatorship of the Texas Department of Family and Protective Services (DFPS) may take a paid leave of absence for the purpose of attending meetings held by DFPS regarding the foster child or attending admission, review, and dismissal meetings held by a school district regarding the foster child.

Sec. 18 Voting

When it is not possible for an employee to vote before or after normal working hours, including weekends, in a national, state, or local election, managers are authorized to grant a reasonable period of time off for voting.

Sec. 19 Jury Service, Witness Service, and Witness Fees

a) Jury Service. No deduction will be made from an employee’s salary or wages because the employee is called for jury service. The employee will not be required to account for any fee or compensation received for jury service. The employee must provide official proof of jury service to his/her manager.

b) Witness Service and Fees.

1) An employee who appears as a witness in an official capacity in a judicial proceeding or legislative hearing:

   i) may not accept or receive a witness fee for the appearance;

   ii) may receive per diem and reimbursement for travel and expenses from either the state or the judicial body, but not from both; and

   iii) must contact HR for time reporting instructions.

2) An employee who appears as a witness, in a capacity other than as a state officer or employee, in a judicial proceeding or legislative hearing to testify from personal knowledge concerning matters related to the proceeding or hearing may accept customary witness fees for the appearance.
i) Time away will be recorded using available and applicable personal paid leave.

3) An employee who appears as an expert witness in a judicial proceeding or legislative hearing may accept compensation for the appearance only when the appearance is made on his/her own leave time and may accept reimbursement for travel expenses only if the expenses are not reimbursed by the state.

i) With the exception of classified employees, full-time employees who serve as consulting or testifying expert witnesses in a suit in which the state is a party must report this information to the Department Head, who must notify HR.

Sec. 20 State Military Leave

a) Eligibility. State employees who are members of the state’s military forces, a reserve branch of the U.S. Armed Forces or a state or federally authorized urban search and rescue team.

b) Leave Entitlements.

1) An eligible employee called to active duty or authorized training is entitled to fifteen workdays paid leave (intermittent or continuous) in a fiscal year without loss of performance review rating, other personal leave, or salary. When relieved from duty, the employee is entitled to be restored to the position that the employee held when ordered to duty. If the employee does not use the fifteen days of military leave in a fiscal year, the employee is entitled to carry the net balance forward (up to 45 workdays) to the next fiscal year.

2) An employee called to active duty during a national emergency to serve in a reserve component of the U.S. Armed Forces under Title 10 or Title 32 of the United States Code is entitled to an unpaid leave of absence. The employee may choose to use all or some portion of personal paid leave before choosing to go on leave without pay while on military leave.

3) An employee called to state active duty as a member of the Texas military forces by the governor or other appropriate authority in response to a natural or man-made disaster is entitled to receive paid emergency leave without loss of military leave under Section 20 b) 1) above or personal paid leave.

4) A state employee called to federal active duty for the purpose of providing assistance to civil authorities in a declared emergency or for training for that purpose is entitled to receive paid emergency leave for no more than 22 workdays per fiscal year without loss of military leave under Section 20 b) 1) above or personal paid leave.
5) An employee who is called to federal active duty as a member of the Texas military forces may not receive the employee’s state salary, except the employee may use any accrued vacation leave, earned compensatory time, or overtime leave under the FLSA, to maintain benefits for the employee or the employee’s dependents and may accrue service credit with the Employees Retirement System of Texas by receiving at least one hour of state pay during each month of active military service, using any combination of paid leave to qualify for the state pay.

6) Only employees called to active duty in support of a national emergency or Homeland Security mission (under United States Code, Title 10 or Title 32) and whose military pay is less than their gross state pay are eligible for differential pay. Service members involved in routine military training or who are attending military schools are not entitled to this differential pay. For the differential pay, the combination of emergency leave and military pay may not exceed the employee’s actual state gross pay.

c) Military orders supporting the use of military leave must be provided to HR in advance.

Sec. 21 Federal Military Leave under USERRA

a) Rights Under The Uniformed Services Employment and Reemployment Rights Act. USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services.

b) Reemployment Rights. An Employee has the right to be reemployed in his/her UT System Administration job if s/he leaves his/her job to perform service in the uniformed service and:

1) the employee ensures that UT System Administration receives advance written or verbal notice of the service;

2) the employee has five years or less of cumulative service in the uniformed services while with UT System Administration;

3) the employee returns to work or applies for reemployment in a timely manner after conclusion of service; and

4) the employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.
If the employee is eligible to be reemployed, s/he must be restored to the job and benefits s/he would have attained if s/he had not been absent due to military service or, in some cases, a comparable job.

c) Right To Be Free From Discrimination and Retaliation. If an employee is a past or present member of the uniformed service, has applied for membership in the uniformed service, or is obligated to serve in the uniformed service, then UT System Administration may not deny the employee initial employment, reemployment, retention in employment, promotion, or any benefit of employment because of this status. In addition, UT System Administration may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

d) Health Insurance Protection. If an employee leaves his/her job to perform military service, the employee has the right to elect to continue existing UT System Administration health plan coverage for the employee and his/her dependents for up to 24 months while in the military. Even if the employee does not elect to continue coverage during military service, the employee has the right to be reinstated in the employee’s UT System Administration health plan when the employee is reemployed, generally without any waiting periods or exclusions except for service-connected illnesses or injuries.

e) Enforcement. The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its Web site at http://www.dol.gov/vets. An interactive online USERRA Advisor may be viewed at http://www.dol.gov/elaws/userra.htm.

If an employee files a complaint with VETS and VETS is unable to resolve it, the employee may request that his/her case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. The employee may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the Internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees. U.S. Department of Labor, Veterans' Employment and Training Service, 1-866-487-2365.
Sec. 22 Court Appointed Special Advocates Volunteer

An employee may be granted a leave of absence to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates without a deduction in salary or accrued leave, earned overtime, or state compensatory time. Leave under this section may not exceed five hours each month.

Sec. 23 Blood Donor

An employee may take time off without a deduction in salary or accrued leave to donate blood. An employee may receive time off for this purpose no more than four times in a fiscal year. On returning to work after taking leave to donate blood, an employee shall provide his/her supervisor with proof that s/he donated blood during the time off. If an employee fails to provide proof that the employee donated blood during the time off, UT System Administration shall deduct the period for which the employee was granted time off from the employee’s salary or accrued leave, whichever the employee chooses.

Sec. 24 Organ or Bone Marrow Donor

An employee is entitled to a leave of absence without a deduction in salary for the time needed to serve as a bone marrow or organ donor. Leave under this section may not exceed five working days in a fiscal year to serve as a bone marrow donor or thirty working days in a fiscal year to serve as an organ donor.

Sec. 25 Assistance Dog Training for Employees with A Disability

An employee with a disability is entitled to paid leave, not exceeding ten working days in a fiscal year, for the purpose of attending a training program to acquaint the employee with an assistance dog to be used by the employee for the employee’s disabling medical condition. The training program must be recognized for specifically training disabled individuals to work with an assistance dog for their disabling medical condition. A “person with a disability” is one who has a mental or physical disability, an intellectual or developmental disability, hearing impairment, deafness, speech impairment, visual impairment, post-traumatic stress disorder, or any health impairment that requires special ambulatory devices or services.

Sec. 26 Volunteer Firefighter and Emergency Medical Services Volunteer

An employee who is a volunteer firefighter or an emergency medical services volunteer, as defined by state law, is entitled to a leave of absence without a deduction in salary to attend fire service or emergency medical services training conducted by a state agency or institution of higher education. Leave without a deduction in salary under this section may not exceed five working days in a fiscal year.
Sec. 27 Amateur Radio Operator

A state employee with an amateur radio station license issued by the Federal Communications Commission may be granted leave not to exceed ten days each fiscal year to participate in specialized disaster relief services without a deduction in salary or loss of personal paid leave with manager and governor’s approval. The number of amateur radio operators eligible for this type of leave may not exceed 350 state employees at any one time during a fiscal year. The Texas Division of Emergency Management is responsible for coordinating the establishment and maintenance of the list of employees eligible for this leave.

Sec. 28 Red Cross Disaster Service Volunteer

An employee who is a certified disaster service volunteer of the American Red Cross or who is in training to become a volunteer may be granted paid leave up to ten days each fiscal year to participate in specialized disaster relief services for the American Red Cross. The employee must have approval from his/her manager, in addition to a formal request to volunteer from the American Red Cross and approval from the governor. If the conditions are met, the employee will not lose pay or applicable accrued paid leave during the leave.

Sec. 29 Injury Leave for Certain Peace Officers

Commissioned peace officers injured in the course of duty may be entitled to paid injury leave without a deduction in salary.

Sec. 30 Reserve Law Enforcement Officer Training Leave

An employee who is a reserve law enforcement officer as defined by Texas Occupations Code, Section 1701.001, is entitled to paid leave not to exceed five working days each fiscal biennium to attend training required by Texas Occupations Code, Section 1701.351.

Sec. 31 Legislative Leave for Peace Officers

a) Leave Entitlement.

1) An employee who serves as a peace officer for UT System Administration is entitled to leave to serve in, appear before, or petition a governmental body during a legislative session.
2) UT System Administration will grant leave under this section to an employee who complies with application submittal and payment of associated costs except in an emergency or if granting leave will result in an insufficient number of employees to conduct normal business needs. If granting leave results in an insufficient number of employees, UT System will allow another employee who serves as a peace officer of equal rank to volunteer to exchange work time, as long as overtime is not incurred and if the volunteer work will result in having a sufficient number of employees. If the above conditions are met, the employee may take leave under this section without a break in service or deduction of applicable accrued paid leave.

3) Leave under this section to attend a session of the Congress of the United States may not exceed 30% of the employee's total annual working days during the year in which leave is granted. Leave under this section to attend a legislative session in the state of Texas may not exceed the length of the legislative session.

b) Use of Leave.

1) The employee must submit a written application on or before the 30th day before the employee intends to begin his/her leave. The application must state the length of the requested leave and the employee’s willingness to reimburse UT System Administration for any wages or other costs UT System Administration will incur as a result of the leave. UT System Administration will require reimbursement of all costs associated with legislative leave an employee is granted.

2) UT System Administration will notify the employee in writing within thirty days after receiving the application of the actual amount of money required to offset the costs it will incur associated with the legislative leave. UT System Administration will require the employee to submit reimbursement before approving the leave. The employee must submit a sworn statement identifying the source of the money provided for reimbursement.

Sec. 32 Administrative Leave for Outstanding Performance

The Chancellor or Department Head may award administrative leave with pay to an employee as a reward for documented outstanding performance. Recommendation and approval of Administrative Leave for Outstanding Performance (ALOP) is discretionary. The total amount awarded to an employee may not exceed thirty-two hours per fiscal year. ALOP must be used within the fiscal year in which it was granted with the manager’s approval. ALOP not used within the fiscal year will be forfeited. Employees may not be paid for an ALOP balance. ALOP cannot be used to remain on the payroll after the last day worked.
Sec. 33 Compliance with a Subpoena

UT System Administration may not discharge, discipline, or penalize an employee for complying with a subpoena to appear in a civil, criminal, legislative, or administrative proceeding. UT System Administration may use discretion in instances of unofficial testimony to decide whether such an absence is considered good cause for emergency leave.

Sec. 34 Agency Investigation

The Chancellor or his/her designee may grant leave to the subject, victim, or witness of an agency investigation. The subject of the agency investigation may not receive any other type of leave for this reason under Subchapter Z, Chapter 661 of the Texas Government Code.

Sec. 35 Veteran Health

a) Eligibility. Employees who served in the United States army, navy, air force, coast guard, or marine corps or the Texas National Guard and who are eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs.

b) Entitlement. A veteran may be granted leave without a deduction in salary or loss of vacation, sick, overtime, or state compensatory leave to obtain medical or mental health care administered by the Veterans Health Administration of the United States Department of Veterans Affairs, including physical rehabilitation. Veteran Health leave may not exceed 15 days per fiscal year. The Chancellor or his/her designee may grant additional leave to the employee if deemed appropriate.

Definitions

Appointment - attributes of an employee's employment including work hours per week, i.e., part-time or full-time status.

Catastrophic Illness or Injury - a severe condition or combination of conditions affecting the mental or physical health of the employee or member of the employee's immediate family that requires treatment by a licensed practitioner for a prolonged period and that forces the employee to exhaust all leave time earned and therefore results in loss of compensation from the state. A severe condition or combination of conditions is one that will result in death if not treated promptly, requires hospitalization for more than 72 consecutive hours, or causes a person to be legally declared a danger to him or herself or others. For purposes of this policy, pregnancy and elective surgery are not considered severe conditions, except when life-threatening complications arise from them.
Covered Active Duty - (1) for a member of the regular Armed Forces, duty during deployment with the Armed Forces to a foreign country; or (2) for a member of a reserve component of the Armed Forces (including the Reserve, National Guard, Ready Reserve, Selected Reserve, Individual Ready Reserve, certain retired Regular Armed Forces, and certain retired members of the Reserves), duty during deployment with the Armed Forces to a foreign country under a call or order to active duty. This term does not apply to members of the state military unless they are called into federal service.

Emergency Medical Services - services used to respond to an individual's perceived need for immediate medical care and to prevent death or aggravation of physiological or psychological illness or injury.

Emergency Medical Services Volunteer - emergency medical services personnel who provide emergency prehospital care without remuneration, except reimbursement for expenses.

Exempt Employee - an employee who is not covered by the overtime provisions of the Fair Labor Standards Act.


Floating Holiday - a holiday which may be included in the fiscal year holiday schedule to be used as paid leave.

Full-Time - appointed to work 40 hours per week.

Licensed Practitioner - a licensed physician or other licensed health care professional who is practicing within the scope of his or her license.

Minor Child - person under the age of 18.

Non-exempt Employee - an employee who is covered by the overtime provisions of the FLSA.

Part-Time - appointed to work less than 40 hours per week.

Peace Officer - an employee commissioned to serve as a peace officer under Article 2.12, Code of Criminal Procedure and Section 51.203, Texas Education Code.

Personal Paid Leave - any sick, vacation, state compensatory, floating holiday, overtime, or other awarded paid leave type the employee has available for use.

Physical Fitness Activities - includes individual or group activities designed to maintain or improve strength, flexibility, balance, endurance, or cardiovascular fitness and to sustain or increase physical fitness.
Premium Sharing - the amount of money provided by the state and UT System to offset the costs of premiums for certain insurance coverages.

Qualifying Exigency - making alternative child care arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member's absence.

Reserve Law Enforcement Officer - an employee who is a reserve deputy sheriff, reserve deputy constable, reserve police force, or volunteer reserve police force.

Serious Health Condition - an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

Related Info

Texas Government Code Chapter 437: Texas Military
Military Leave: Subchapter E; Sec. 437.2023 (also see Texas Government Code 659 & 661)

Texas Government Code Chapter 614: Peace Officers and Fire Fighters
Legislative Leave for Peace Officers: Subchapter A; Sec. 614.003, Sec. 614.004, Sec. 614.008

Texas Government Code Chapter 659: Compensation
Jury Service: Subchapter A; Sec. 659.005
Compensatory Time: Subchapter B; Sec. 659.016, Sec. 659.018, Sec. 659.022, Sec. 659.023
Overtime: Subchapter B; Sec. 659.015
Military Leave: Subchapter B; Sec. 659.023 (also see Texas Government Code 437 & 661)

Texas Government Code Chapter 661: Leave
Sick Leave Pool: Subchapter A; all sections
Vacation Leave: Subchapters F, B and C; all sections
Sick Leave: Subchapter G; all sections
Educational Activities: Subchapter G; Sec. 661.206
Bereavement Leave (Emergency Leave): Subchapter Z; Sec. 661.902
Emergency Leave: Subchapter Z; Sec. 661.902
Family and Medical Leave Act: Subchapter Z; Sec. 661.912
Parental Leave: Subchapter Z; Sec. 661.913
Leave Without Pay: Subchapter Z; Sec. 661.909
Military Leave: Subchapter Z; Sec. 661.904, Sec. 661.9041 (also see Texas Government Code 437 & 659)
Foster Parent: Subchapter Z; Sec. 661.906
Voting: Subchapter Z; Sec. 661.914
Court Appointed Special Advocates Volunteer: Subchapter Z; Sec. 661.921
Blood Donor: Subchapter Z; Sec. 661.917
Organ or Bone Marrow Donor: Subchapter Z; Sec. 661.916
Assistance Dog Training for Employees with A Disability: Subchapter Z; Sec. 661.910
Volunteer Firefighter and Emergency Medical Services Volunteer: Subchapter Z; Sec. 661.905
Amateur Radio Operator: Subchapter Z; Sec. 661.919
Red Cross Disaster Service Volunteer: Subchapter Z; Sec. 661.907
Injury Leave for Certain Peace Officers: Subchapter Z; Sec. 661.918
National Guard Emergency: Subchapter Z; Sec. 661.903
Reserve Law Enforcement Officer: Subchapter Z; Sec. 661.922
Outstanding Performance (Administrative Leave with Pay): Subchapter Z; Sec. 661.911

Texas Government Code Chapter 664: State Employees Health Fitness and Education
Wellness: Subchapter B; Sec. 664.061

Texas Labor Code Chapter 52: Protection of Laborers, Restrictions on Labor
Employee Compliance with Subpoena: Subchapter F; Sec. 52.051

Regents’ Rule 30201: Leave Policies

Responsible System Administration Office

Office of Human Resources

Contact Information

Questions or comments should be directed to the Office of Human Resources

Dates Approved or Amended

September 8, 2017