



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 70.01, **Leaves of Absence**

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish Health Sciences Center El Paso policy for vacation, sick, emergency, and other leaves of absence, other than family and medical leave, for classified, professional, administrative, executive management, and faculty employees. Family and medical leave is covered in TTUHSCEP OP 70.32.

REVIEW: This TTUHSCEP OP will be reviewed on July 15 of each odd-numbered year (ONY) by the Executive Director for Human Resources (EDHR), with recommendations for revisions submitted to the Chief Financial Officer by August 1.

POLICY/PROCEDURE:

1. Definitions

Regular Employee: An employee employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions that require student status as a condition of employment.

2. Vacation [1]

Regular employees will be entitled, without deduction in salary, to vacation leave subject to the following conditions:

a. Regular full-time employees, other than regular faculty employees with appointments of less than 12 months, will earn vacation entitlement in accordance with the following schedule.

<u>Total State Employment of</u>	<u>Hours Accrued Per Month</u>	<u>Maximum Hours to Carry Forward to Next FY</u>
0 but less than 2 years	8	180
At least 2 but less than 5 yrs.	9	244
At least 5 but less than 10 yrs.	10	268
At least 10 but less than 15 yrs.	11	292
At least 15 but less than 20 yrs.	13	340
At least 20 but less than 25 yrs.	15	388
At least 25 but less than 30 yrs.	17	436
At least 30 but less than 35 yrs.	19	484
At least 35 years or more	21	532

b. Regular part-time employees will earn a pro rata vacation entitlement based upon the percent of time worked.

c. Employees will earn vacation entitlement beginning on the first day of employment and terminating on the last day of duty. A person who begins work on the first workday of the month will be considered to have an employment date of the first of the month. Credit for one month's accrual will be given for each month or fraction of a month of employment with the state. Service in a public school district, community, or junior college is not considered state service. [2]

- d. Vacation with pay may not be granted until employees have had continuous employment with the state (whether benefits-eligible or not) for six months, although credit will be accrued during that period. Any full calendar month of leave without pay will not be included in the calculation of the six continuous months of employment. Employees who have completed six months of continuous state employment and leave state employment are eligible to take vacation as it is earned upon re-employment without completion of another six-month eligibility period
- e. Credit for the higher rate of accrual as shown on the chart above will be given on the first calendar day of the month if the employee's anniversary date falls on the first calendar day of the month; otherwise the increase will occur on the first calendar day of the following month. If an employee begins working in a position that accrues vacation leave on the first workday of the month, the employee is deemed to have begun working on the first calendar day of the month.
- f. The net balance of unused accumulated vacation leave, not to exceed the maximum cited above, will be carried forward from one fiscal year to the next fiscal year. The maximum carry-over for regular part-time employees will be proportional to the percent of time worked.
- g. All hours of unused accumulated vacation that are in excess of the maximum cited above will be credited to an employee's sick leave balance as of the first day of the next fiscal year (effective September 1, 1992).
- h. Time during which an employee is excused from work because of holidays will not be charged against the employee's vacation.
- i. An employee who is on paid leave on the first workday of a month may not take vacation leave accrued for that month until the employee has returned to duty. [3]
- j. Vacation leaves are to be requested in advance and will be scheduled by the employee's administrative officer according to the needs of the department, with consideration for the employee's preference whenever possible. Vacation leave taken in excess of the employee's accrued balance will first be rolled to Holiday Comp. If Holiday Comp balance is not adequate, a nonexempt employee will be docked pay for those hours on the paycheck for that time period. An exempt employee will be docked those hours on the next month's pay.
- k. Regular employees, continuously employed with the state for six months, will be paid for vacation time duly accrued at the time of separation from state employment. An employee who separates before completing six months of continuous state employment will lose any accumulated vacation credit. For purposes of this section, separation from state employment occurs when an employee. [4]
 - (1) Leaves one state agency to begin working for another state agency, if one or more workdays occur between the two employments;
 - (2) Moves from a position in a state agency that accrues vacation time to a position in that agency that does not accrue vacation time, if the agency agrees to pay the employee for the accrued balance of the employee's vacation time;
 - (3) Moves from a position in a state agency that accrues vacation time to a position in another state agency that does not accrue vacation time, if the other state agency refuses to credit the employee for the balance of the employee's vacation time as of the date of the move;
 - (4) Moves from a position in a state agency that does not accrue vacation time to a position

in another state agency that does not accrue vacation time, if the other state agency is not authorized or refuses to credit the employee for the balance of the employee's vacation time as of the date of the move; or

- (5) Holds two or more positions and separates from one that accrues vacation time, if the agency agrees to pay the employee for the accrued balance of the employee's vacation time.

Upon the death of an employee, all accrued vacation will be paid to the employee's estate as a death benefit, provided the employee has had continuous employment with the state for six months. [5]

- I. Vacation time paid upon separation (defined above) will be paid in a lump sum, provided the employee completes, signs, and returns to the Human Resources Office a *Lump Sum Vacation Certification* form (Attachment A). The payment will be processed on the first regular payroll after separation date or receipt of the certification form in the Human Resources Office, whichever is later. Exceptions to this policy may be approved by the Executive Director of Human Resources in accordance with the following principles:
 - (1) In lieu of a lump sum payment, vacation leave may be used to extend the employee's separation date to facilitate the payment of the employee in cases where a salary check has already been prepared, and the payment of the accrued vacation credit by lump sum would require reissuing a salary check. Vacation leave may not be extended beyond the last calendar day of the month or pay period in which the employee last worked.
 - (2) In lieu of a lump sum payment, vacation leave may be used to extend the employee's separation date to facilitate a transfer between Texas Tech University Health Sciences Center and Texas Tech University or any other State of Texas agency without a break in service. In such cases, the vacation leave may be extended into the next month, if necessary, to facilitate uninterrupted state service.
- m. Employees who transfer from a vacation-accruing status to a status that does not accrue vacation should use all accumulated vacation leave before the transfer. If it is not possible to do so, the employee will be paid for accrued, but unused, accumulated vacation. The vacation payment will not include any holidays that would fall within the period covered by the vacation time. The rate of pay to be used in the calculation is the rate at the time the person ceases to accrue vacation. Employees transferring between Texas Tech departments or state agencies will have their accrued, but unused, vacation leave balance transferred, if their employment with the state is uninterrupted and they have not been paid for their vacation leave under section 2.k. [6]

3. **Holiday Comp**

Regular employees of TTUHSCEP will accrue two hours holiday comp each month (24 hours annually) in lieu of three designated holidays as allowed for state employees. Holiday comp must be used within 12 months of the actual accrual; therefore an employee's holiday comp balance will never exceed 24 hours. Part time benefit eligible employees will receive a pro-rata accrual based on FTE. Upon separation from employment, the employee will be paid for any holiday comp balance. Refer to [TTUHSCEP OP 70.06](#) for further information on holidays.

4. **Sick Leave [7]**

Regular employees will be entitled, without deduction in salary, to sick leave subject to the following conditions:

- a. Regular employees will earn sick leave entitlement beginning on the first day of employment

and terminating on the last day of duty.

- b. Credit for one month's accrual will be given for each month or fraction of a month of employment and will be credited to each employee's leave account on the first day of employment and on the first day of each succeeding month of employment thereafter.
- c. Sick leave entitlement will be earned by regular full-time employees at the rate of eight hours for each month or fraction of a month of employment, and will accumulate with the unused amount of such leave carried forward each month. Regular part-time employees will earn sick leave on a proportionate basis. Sick leave accrual will terminate on the last day of duty.
- d. An employee who is on leave on the first day of a month may not use the sick leave that the employee accrues for that month until after the employee returns to duty.
- e. Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent an employee's performance of duty, or when the employee is needed to care for and assist a member of the immediate family who is actually ill. For purposes relating to sick leave, immediate family is defined as:
 - (1) Individuals who reside in the employee's household and are related by kinship, adoption, or marriage;
 - (2) Foster children certified by the Texas Department of Protective and Regulatory Services who reside in the employee's household; or
 - (3) Minor children, whether or not living in the employee's household.

An employee's use of sick leave for family members not residing in the employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child (minor or adult), or parent of the employee who needs such care and assistance as a direct result of a documented medical condition.

- f. An employee who must be absent from duty because of sickness, injury, or pregnancy and confinement shall notify the employee's supervisor or have the supervisor notified of that fact at the earliest practicable time.
- g. To be eligible for accumulated sick leave with pay during a continuous period of more than three working days, employees must send their supervisor a healthcare provider's certificate showing the dates of illness or injury and releasing the employee from care to return to work, or some other written statement of the facts concerning the illness that is acceptable to justify the absence. Additionally, employees are required to complete the application for FMLA for absence exceeding three business days. (Refer to [TTUHSCEP OP 70.32, Att. A](#)).

The employee's supervisor may require a healthcare provider's certificate or other written statement of the absence for sick leave taken without a deduction in salary during a continuous period of less than three business days. A review process will take place every 30 days for employees on an extended medical absence. A written statement from the employee's healthcare provider will be required to assess the employee's current leave status.

- h. Employees should record such leave through Web Time Entry or Web Leave Report (or their department's prescribed time keeping system). Sick leave taken in excess of the employee's accrued balance must be covered by vacation or holiday comp. If all accrued balances are used, nonexempt employees will be docked pay for that time period; exempt employees will be docked pay the following month.

- i. Faculty members will report on Web Leave Report all sick leave taken, even though no classes were missed, if the absence occurred during the normal workday for regular employees and the faculty member was in a paid status.
- j. Employees transferring between Texas Tech departments or state agencies will retain unused sick leave, provided service is uninterrupted.
- k. Employees separated from state employment under a formal reduction in force are entitled to have their sick leave balances restored if re-employed by the state within 12 months after the end of the month in which they were separated from state employment. Employees separated from state employment for reasons other than a reduction in force are entitled to have their sick leave balances restored if:
 - (1) They are re-employed by the same state agency or institution of higher education within 12 months after the end of the month in which they were separated from state employment, but only if there has been a break in employment with the state of at least 30 calendar days; or
 - (2) They are re-employed by a different state agency or institution of higher education within 12 months after the end of the month in which they were separated from state employment. [8]
- l. When an official holiday occurs during a paid sick leave, the holiday will not be charged against sick leave.
- m. Effective September 1, 2001, a member of the Teacher Retirement System may, upon retirement, purchase one additional year of membership service credit, provided the employee has 50 days or 400 hours of accumulated state sick leave that is unused as of the last day of employment before retirement. Only five days per year of unused sick leave may be accumulated per year toward the 50 days or 400 hours.
- n. In the event of an employee's death, one-half of the employee's unused sick leave accumulation, not to exceed 336 hours, will be paid to the employee's estate as a death benefit, provided the employee has completed six months of continuous employment with the state before death. [9]
- o. Malingering and other abuses of sick leave will constitute grounds for dismissal from employment.

Note: Taking sick leave to work for another employer will be considered grounds for dismissal from employment.

5. **Amateur Radio Operator Leave [35]**

A regular employee with an amateur radio station license issue by the Federal Communications Commission may be granted leave not to exceed 10 days each fiscal year to participate in specialized disaster relief services without a deduction in salary or loss of vacation or sick leave. The amateur radio operator leave should be authorized by the employee's supervisor and with the approval of the governor.

The number of amateur radio operators eligible for this type of leave may not exceed 350 state employees during a fiscal year. The division of emergency management in the Governor's Office is responsible for coordinating the establishment and maintenance of the list of employees eligible for this leave.

6. **Assistance Dog Training for Employees with a Disability [19]**

Disabled employees are entitled to a leave of absence with full pay to attend a training program to acquaint the employee with an assistance dog to be used by the employee. The employee continues to accrue vacation and sick leave while on leave. The leave of absence may not exceed 10 working days in a fiscal year. For purposes of this leave, "disabled" has the meaning assigned by Section 121.002, Human Resources Code.

7. **Bone Marrow Transplant Leave [24]**

Regular employees are allowed a paid leave of absence, up to five working days in a fiscal year, to serve as a bone marrow donor.

8. **CASA Volunteer Leave [32]**

A regular employee may use up to five hours each month to participate in mandatory training or perform volunteer service for Court Appointed Special Advocates (CASA).

9. **Certified Red Cross Activities Leave [31]**

Employees who are certified disaster service volunteers of the American Red Cross or who are in training to become such a volunteer, may be granted a leave with pay, not to exceed ten working days each year, to participate in specialized disaster relief services for the American Red Cross, upon the request of the American Red Cross and with approval of the Governor's office and authorization of the appropriate supervisor without loss of pay, or available leave.

10. **Compliance with a Subpoena**

An employee who is testifying in an official capacity for the university is considered to be on "special assignment", and the time is considered regular hours worked.

An employee who appears as a witness in an official capacity in a judicial proceeding or legislative hearing may not accept or receive a witness fee for the appearance.

An employee who is required to attend court as a result of a subpoena to appear in civil, criminal, legislative, or administrative proceeding will be allowed to use vacation time for the absence. If the employee does not have enough vacation time accrued, the time off will be leave without pay. The employee should notify his or her supervisor upon receiving the subpoena.

An employee who is retained to testify as an expert witness will be required to use vacation time or, if no vacation time is available, with the permission of the employee's supervisor, may be placed on leave without pay.

11. **Donation of Blood Leave [26]**

Regular employees are allowed sufficient time off without a deduction in salary or accrued leave to donate blood. Time off may not be granted more than four times in a fiscal year. To qualify for this leave, employees must obtain their supervisor's approval before taking the time off, and provide proof to the supervisor that blood was donated during the time off.

12. **Educational Activities Leave [23]**

An employee may use up to eight hours of sick leave each fiscal year to attend educational activities of the employee's children. Educational activity means a school-sponsored activity, including a parent-teacher conference, tutoring, a volunteer program, a field trip, a classroom program, a school committee meeting, an academic competition, and an athletic, music or theater program. An employee shall give reasonable advance notice of the intention to use the sick leave.

13. **Emergency Pay [14]**

Employees may be granted an emergency leave when it is determined that there is good cause for such leave. Such leave normally will not exceed three workdays per year.

An **emergency** is defined as an unforeseen combination of circumstances calling for immediate action, which if not responded to immediately would present imminent danger to human life or substantial damage to property.

When an employee must leave work because of an emergency, the employee's immediate supervisor should be notified as early as possible. Emergency leaves require approval by the appropriate vice president and the president.

Inclement weather conditions will not constitute just cause for an emergency leave unless approved by the president for the institution as a whole.

14. **Family and Medical Leave [18]**

Employees who have a total of at least 12 months of state service, and who have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of leave, are entitled to leave pursuant to the federal Family and Medical Leave Act (FMLA). Refer to [TTUHSCEP OP 70.32](#)

15. **Foster Parent Leave [20]**

This applies only to regular employees who currently are foster parents to a child under the conservatorship of the Department of Protective and Regulatory Services are entitled to:

- a. A leave of absence with full pay to attend staffing meetings held by the Department of Protective and Regulatory Services regarding the child under the foster care of the employee; or
- b. Attend the Admission, Review and Dismissal (ARD) meeting held by a school district regarding the child under the foster care of the employee.

16. **Funeral Leave [13]**

Regular employees will be granted funeral leave, without a loss in regular pay, for a death in the family for the purposes of funeral leave, "family" is defined as the employee's spouse, or the employee's or the spouse's parents, children, brothers, sisters, grandparents, and grandchildren.

The amount of time granted for funeral leave normally shall not exceed three days. A full three days is not automatically granted since it is intended that such leave be limited to the reasonable amount of time necessary for travel, funeral arrangements, funeral services, and being with other family members during the immediate period of bereavement.

Requests for funeral leave should be submitted to the departmental official who has the authority to approve leave. Requests for funeral leave for a family member not mentioned above, or for a period greater than three days, are subject to approval of the appropriate vice president and the president, when it is determined the employee shows good cause.

17. **Jury Leave [12]**

Regular employees summoned for jury service will be given reasonable time off for the hours required for rendering such services to the court.

Compensation will not be reduced, nor will time away from work be deducted from accrued leave. Day shift employees are to report for work any time during normal duty hours when service to the courts is not required.

For employees working other than the regular day shifts, the department will:

- a. Provide compensatory time off equivalent to the time necessary to fulfill such obligation;
- b. Pay straight time in an amount equivalent to the time that was necessary to fulfill such obligation; or
- c. Reassign the employee to the day shift for the period they are required to serve, and assign a replacement for the later shift, as needed.

Employees shall not be required to account to TTUHSCEP for any fee or compensation received for jury service.

In order to qualify for pay during periods of such service, the employee must furnish documentary proof of service to his or her immediate supervisor.

Employees should notify their supervisor upon receiving a summons or subpoena. When an employee is called for such duty during a particularly busy time, the immediate supervisor can direct the employee to request a postponement from such service.

18. **Leave Without Pay [29]**

a. General Provisions

After all accumulated paid leave entitlements have been used, regular employees may be granted a leave without pay for a period not to exceed one year, with the approval by the employee's administrative officer and their Dean/Vice President. If leave without pay is granted for a shorter, specific period of time, it may be extended, at the discretion of the employee's administrative officer and the approval of their Dean/Vice President, for a combined period of time not to exceed one year. In granting such leaves, the interests of the employing department and the university will be given priority consideration. A memorandum entitled *Information concerning Leave Without Pay Status* (Attachment C) will be mailed to each employee placed on leave without pay for more than one month.

The President may approve exceptions to these limitations for reasons such as interagency agreements or educational purposes.

A leave without pay implies intent from the employee to return to work and implies intent from the university to return the employee to work. The employing department is required to reinstate an employee to the former position or to one of similar requirements and compensation upon expiration of a leave without pay, subject to fiscal constraints.

The requirement that all accumulated paid leave entitlement be used before a leave without pay is waived if the leave is for disciplinary suspension, active military duty, workers compensation leave, or a university-initiated leave. Sick leave may be used only in situations clearly falling within the definition of sick leave. Failure to return to work upon expiration of a leave without pay, with or without accommodation as followed by applicable federal laws under ADAAA, may result in the employee's separation.

b. Reporting Leave Without Pay

The employing department is responsible for reporting when an employee will be on Leave Without Pay for a full calendar month or more by submitting the Texas Tech Leave With/Out

Pay Form (Attachment D). This form will also be submitted to report a Return from Leave.

19. **Benefit Status During Leave Without Pay**

During a disability or other leave without pay, service is not considered to be interrupted; however, benefits associated with pay status are affected as follows:

- a. Vacation, sick leave, and state service accruals are suspended.
- b. Group insurance premium-sharing contributions are suspended unless the leave is because of a lack of work between terms or the employee is on family and medical leave. Group insurance coverage may be continued, provided the applicable premium payments are made to the Payroll Department or the Employees Retirement System of Texas (ERS). Insurance coverage canceled for nonpayment of premiums during a leave without pay is considered waived and all coverage will be canceled. (**Exception:** While on family and medical leave or workers' compensation, all coverage will be canceled except health insurance for the employee only.) Reinstatement to insurance plans is subject to the Uniform Group Insurance Program rules.
- c. Tax sheltered annuities become inactive.
- d. Membership in the Teacher Retirement System or Optional Retirement Program becomes inactive and contributions cannot be withdrawn. [27]
- e. Employees are not entitled to pay for holidays that fall on a day other than the first or last workday if on leave without pay status on either the day before or the day after the holiday. When the holiday falls on the first workday of a month, if the employee is on leave without pay the day after, the employee will not be paid for the holiday. If the holiday falls on the last workday of the month, if the employee is on leave without pay the workday before, the employee will not be paid for the holiday.
- f. Except for an employee who returns to state employment from military leave without pay under Section 10, a full calendar month during which an employee is on leave without pay is not counted in computing:
 - (1) Total state service for purposes related to longevity pay or to the rate of accrual of vacation leave; or
 - (2) Continuous state service for purposes related to merit salary provisions or vacation leave.

A full or partial calendar month during which an employee is on leave without pay does not constitute a break in continuity of employment.

20. **Legislative Leave for Peace Officers [21]**

Only certified peace officers are eligible for this leave.

Certified peace officers are entitled to a legislative leave to appear before or to petition a governmental body during a regular or special session of that body. Eligible employees desiring to make application for such leave must:

- a. Submit an *Application for Legislative Leave for Peace Officers* (Attachment B) to the TTUHSCEP Police at least 30 days in advance of the leave; and
- b. Make reimbursement to TTUHSCEP for the cost of granting the leave before the leave starts.

A legislative leave will not be construed as a break in service, and the employee will remain in a paid status during such leave. The length of the leave may not exceed the length of the session, or 624 work hours, during any fiscal year.

21. **Military Leave [15]**

a. **Authorized Training or Active Duty**

Employees who are members of the state military forces, a reserve component of the armed forces, or a member of a state or federally authorized Urban Search and Rescue team, except as provided by Subsections (a-1) of Section 431.005 of the Government Code who are called to active duty or authorized training are entitled to leave of absence of not more than 15 days in each federal fiscal year (October 1 – September 30) without loss of pay or benefits. The 15 days need not be consecutive. In addition, these days are “working” days, not “calendar” days.

After exhausting the 15 days of paid military leave, the employee may use accrued vacation leave, holiday comp or be placed on leave without pay for the remainder of the active duty period. Employees may carry forward from one federal fiscal year (October 1 – September 30) to the next the net balance of unused accumulated leave, not to exceed 45 days.

Employees who are members of the state military forces, a reserve component of the armed forces, or a member of a state or federally authorized Urban Search and Rescue team, who are ordered to duty by proper authority are entitled, when relieved from duty, to be restored to the position that they held when ordered to duty.

b. **Call to State Duty by the Governor**

Employees who are members of the state military forces who are called to active state duty by the governor because of a state emergency are entitled to receive emergency leave without loss of military leave or annual leave. This leave is not limited and will be provided with full pay.

Members of the state military forces who are ordered to active state duty by the governor or by other proper authority under the law of this state are entitled to the same benefits and protections provided:

- (1) To persons performing service in the uniformed services by 38 U.S.C., Sections 4301-4313 and 4316-4319, as that law existed on April 1, 2003; and
- (2) To persons in the military service of the United States by 50 App. U.S.C., Sections 501-536, 560- and 580-594, as that law existed on April 1, 2003.

c. **Call to National Duty**

Employees who are members of the state’s military forces or members of any reserve component of the U.S. armed forces called to federal active duty during a national emergency are entitled to an unpaid leave of absence after exhausting the 15 days of paid military leave. Employees continue to accrue state

service credit for purposes of longevity pay while on military duty, but do not accrue vacation or sick leave and are entitled to be credited with those balances upon returning to active university employment from military duty. Leave earned while in a university-paid status is credited to the employees’ balances when employees return to active university employment.

Employees called to federal active duty for the purpose of providing assistance to civil

authorities in a declared emergency or training for that purpose, shall receive paid emergency leave for not more than 22 work days without loss of military leave or annual leave.

Employees may use any accrued vacation leave or holiday comp time to maintain benefits for the employee or the employee's dependents while on military duty. Before employees depart for military service, the university shall review with them any issues relating to maintaining health insurance coverage, including what employees must do to maintain their health insurance coverage, how their health insurance coverage is affected by paid or unpaid leave, and how to pay any premium required for the insurance coverage.

Employees may continue to accrue service credit with TRS by receiving at least one hour of pay during each month of active military service. Employees may use any combination of paid leave, including vacation leave, holiday comp, military leave, or military emergency leave differential pay, to qualify for this pay.

d. Differential Pay

Regular employees who are members of the state's military forces or members of any reserve component of the U.S. armed forces who are called to federal active duty during a national emergency will be granted a pay differential if their military gross pay is less than their state gross pay. The combination of military emergency leave pay and military pay may not exceed the employee's actual state gross pay. See [TTUHSCEP OP 70.54](#), Military Emergency Leave, for additional information.

e. Restoration of Employment

To be eligible for restoration of employment at the conclusion of military service, the employee must be honorably discharged no later than five years after induction, enlistment, or call to duty and must be physically and mentally qualified to perform the duties of the job.

22. Extended Military Leave [16]

a. General Provisions

Regular employees who separate from Texas Tech University Health Sciences Center El Paso employment for the purpose of entering the federal armed forces, Texas National Guard, National Guard, or any of the federal reserve components of the armed forces of the United States will be restored, if released from such active military service under honorable conditions within five years from the date of enlistment or call to active service, to the same position held at the time of separation, or to a position of similar seniority, status, and pay if still physically and mentally qualified to perform the duties of such position. If the veteran employee is not qualified to perform the duties of the same position held before the military service because of a military-connected disability, the employee must be re-employed:

- (1) In any other position of similar seniority, status and pay, which, with reasonable accommodation by Texas Tech University Health Sciences Center El Paso the employee could perform, or
- (2) In the nearest approximate position consistent with the individual's circumstances. Regular employees eligible for restoration to employment must make written application for such restoration and attach evidence of release from military service under honorable conditions. Such requests must be made no later than the 90th day after the date of discharge or release from active military service.

Employees who are restored to employment will be considered as having been on leave of absence without pay, and the employee will be entitled to participate in all benefits to which

employees of TTUHSCEP may be entitled. Such active military service will be considered service with TTUHSCEP for vacation and longevity pay accrual entitlement and retirement vesting purposes. Restored employees also have the opportunity to make any mandatory or elective retirement contributions for the period of military service.

Once the employee makes up the missed contributions, Texas Tech University Health Sciences Center El Paso will make any matching contributions that ordinarily would have been made for such contributions. Such contributions will be based on the salary the employee would have received had the employee remained at work, and must be made within a period three times the length of the absence, not to exceed five years.

Employees re-employed will not be discharged without cause before the first anniversary date of re-employment.

b. Insurance Options while on Active Duty

Regular employees who enter active duty may:

- (1) Continue all coverages, except disability, which is suspended subject to payment of the due premiums without employer contributions; and
- (2) Drop coverages in force and re-enroll in those coverages within 30 days of returning to work, provided the employee returns to work within 90 days of being discharged from active duty. No new period of preexisting conditions exclusion for HealthSelect or disability income coverage applies.

23. Negative Leave and Compensatory Time Balances Prohibited [28]

The State Auditor's Office has advised that a state agency must not allow an employee to carry a negative sick leave, vacation leave, or compensatory time balance. In 1974, the Attorney General stated that it would be unconstitutional for a state agency to advance salary to an employee under the constitution of the State of Texas.

24. Organ Donor Leave [25]

Regular employees are allowed a paid leave, up to 30 working days in a fiscal year, to serve as an organ donor.

25. Parental Leave [17]

Regular employees with less than a total of 12 months of state service, or who have worked less than 1,250 hours in the 12-month period immediately preceding the commencement of leave, are eligible to take a parental leave of absence, not to exceed 12 weeks, provided that the employee utilizes all available applicable paid vacation and sick leave while taking parental leave. Texas Tech University Health Sciences Center El Paso policy requires that all accruals be utilized before being placed on Leave Without Pay. Parental leave is limited to, and begins with the date of, the birth of a natural child or the adoption or foster care placement of a child under three years of age. It is expressly provided that the use of sick leave is strictly limited to those situations clearly falling within the definition of sick leave. Parental leave is monitored and tracked by the employee's department.

26. Reserve Law Enforcement Officer Training Leave [34]

An employee who is a reserve law enforcement officer is entitled to receive up to five days paid leave every fiscal biennium to attend required training.

27. **Service Excellence Leave Award [33]**

- a. Regular employees of TTUHSCEP who have exhibited outstanding performance may be rewarded with paid leave time off without reduction of other leave balances such as vacation or holiday comp.
- (1) Time may be awarded at the request of the department manager and upon approval of the appropriate Dean or Vice President.
 - (2) An employee nominated for Service Excellence Leave Award must have a current performance appraisal on file with a rating that exceeds expectations.
 - (3) Service excellence leave is an award and should not be considered an employee entitlement. Receipt of an above average to outstanding performance appraisal is an eligibility requirement, but does not entitle the employee to service excellence leave.
 - (4) An employee may be awarded up to a maximum of 32 hours within a fiscal year. This maximum is prorated based upon the employee's percentage of employment.
 - (5) The recipient must not currently be subject to formal disciplinary action.
 - (6) Service excellence must be used within the fiscal year it is awarded or it will be forfeited.
 - (7) Unused service excellence leave is not compensable at the time of termination.
- b. Procedures
- (1) TTUHSCEP may develop their own service excellence leave award program following these basic guidelines with nomination procedures and forms.
 - (2) Nominations may be made any time within the year.
 - (3) Supervisors may nominate individuals for recognition by completing a nomination form (Attachment E). Nomination forms require approval of the employee's department manager/chair and appropriate Dean or Vice President. Upon final approval the form should be forwarded to the Human Resources department. Upon approval the department manager/supervisor may make the award to the employee. The Human Resources department will contact the Payroll Office to add the award hours to the employee's Service Excellence Leave Award bank.
 - (4) Award recipients will negotiate with their supervisor to schedule the time off. Supervisors are encouraged to permit the time off as close to the approval of the award as practicable.
 - (5) Service excellence leave taken will be reported in Web Time Entry by non-exempt employees and on Web Leave Report by exempt employees (unless alternate time/leave reporting is used by the department).

28. **Volunteer Firefighters and Emergency Medical Services Volunteers [30]**

Benefits-eligible employees who are volunteer firefighters or emergency medical services (EMS) volunteers will be granted a leave of absence with full pay to attend training schools conducted by state agencies provided such a leave does not exceed five workdays in any one fiscal year. In addition, employees who are certified volunteer firefighters or EMS volunteers will be granted a leave of absence with full pay to respond to fire or medical emergency situations. To be eligible for this leave, employees must provide, in advance to the department head, documentation of being a certified volunteer firefighter or EMS volunteer. This documentation is to be forwarded to the Human Resources Office for obtaining administrative approval for the employee to respond to emergencies. The time spent responding to an emergency situation will be recorded through Web Time Entry or Web Leave Report, with documentation given to their approver.

29. **Voting by State Employees [22]**

Employees are allowed sufficient time off, without a deduction in salary or accrued leave, to vote in each national, state, or local election. If the polls on election day are open less than two consecutive hours outside of the employee's regular work schedule, the employee should be allowed time during his/her work schedule to go vote, should not be penalized and the time

should be recorded as voting leave on their timesheet. This policy applies only to Election Day and does not apply to early voting.

30. Reporting Leaves of Absence

Leaves With Pay: Leaves with pay will be reported in the following manner:

- a. Non-exempt Employees will report paid hours of leave taken through Web Time Entry or approved departmental time keeping system. Leave documentation will be delivered to the employee's supervisor.
- b. Exempt employees will report all paid leave taken through Web Leave Report and deliver documentation, as required to their supervisor.

Leaves Without Pay: The employing department is responsible for reporting when an employee will be on Leave Without Pay Leaves without pay for all employees where the length of absence is unknown or that covers one full month should be reported on a Leave With/Out Pay Form (Attachment D) through normal administrative channels, and sent to the Human Resources office. It should be dated from the first workday through the last workday the employee is absent without pay.

Leaves with and without pay should be reported in a timely manner using the defined procedures in order to facilitate accurate salary payments and leave accounting. Failure to report leaves of absence, with or without pay, is a violation of university policy and state law, and the offender may be subject to disciplinary action.

31. Right to Change Policy

TTUHSCEP reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

ATTACHMENTS:

- [Attachment A: Lump Sum Vacation Certification](#)
- [Attachment B: Application for Legislative Leave for Peace Officers](#)
- [Attachment C: Memo: Information concerning Leave Without Pay Status](#)
- [Attachment D: Leave With/Out Pay Form](#)
- [Attachment E: Service Excellence Leave Award Nomination form](#)

REFERENCES:

1. Texas Government Code, Section 661.152-153
2. Attorney General's Opinion WW-1443, M-707, and MW-165
3. Texas Government Code, Section 661.152(j)
4. Texas Government Code, Section 661.062
5. Texas Government Code, Section 661.033
6. Texas Government Code, Section 661.153
7. Texas Government Code, Sections 661.201(b) through 661.205
8. Texas Government Code, Section 661.205
9. Texas Government Code, Section 661.033(c)
10. Unassigned
11. Unassigned

12. Texas Government Code, Section 659.005
13. Texas Government Code, Section 661.902
14. Texas Government Code, Section 661.902
15. Texas Government Code, Sections 431.005, 431.0825, 613.002, 661.903, 661.904, 661.9041, State Auditor's Leave Interpretation Letters 98-03 and 79-01, and Texas Attorney General Opinions C-679, MW-29, and MW-109
16. Uniformed Services Employment and Re-employment Rights Act; Texas Government Code, Sections 613.001-613.006; and Attorney General's Opinion MW-109
17. Texas Government Code, Section 661.913
18. Texas Government Code, Section 661.912
19. Texas Government Code, Section 661.910
20. Texas Government Code, Section 661.906
21. Texas Government Code 614
22. Texas Government Code, Section 661.914
23. Texas Government Code, Section 661.206, amended by HB480, 83rd Legislative Session
24. Texas Government Code, Section 661.916
25. Texas Government Code, Section 661.916
26. Texas Government Code, Section 661.917
27. Rules and Regulations of the Texas Higher Education Coordinating Board, Section 25.1
28. State Auditor's Office Leave Interpretation Letter No. 97-03 (1996)
29. Texas Government Code, Section 661.909
30. Texas Government Code, Section 661.905
31. Texas Government Code, Section 661.907
32. Texas Government Code, Section 661.921
33. Texas Government Code, Section 661.911
34. SB433, 82nd Legislature, regular session
35. Texas Government Code, Section 661.919(b)