



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

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

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) Operating Policy/Procedure (HSCEP OP) is to establish policy for vacation, sick, emergency, and other leaves of absence -- other than family and medical leave and military leave -- for classified, professional, administrative, executive management, and faculty employees. Family and medical leave is covered in HSCEP OP 70.32. Military leave is covered in HSCEP OP 70.54.

**REVIEW:** This HSCEP OP will be reviewed in September of each odd-numbered year (ONY) by the assistant vice president for human resources (AVPHR), with recommendations for revisions submitted to the vice president for financial and administration by October 1.

### POLICY/PROCEDURE

#### 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 (4½), excluding students employed in positions that require student status as a condition of employment. An employee of TTUHSC El Paso is an employee of the State.

TTUHSC El Paso: TTUHSC El Paso, which also may be referred to as the "Agency" or "Institution" and is a State agency and a component of the Texas Tech University System (TTU System).

Department: The work unit/home organization to which the employee is assigned.

#### I. **Vacation:**

A TTUHSC El Paso employee is entitled to a vacation without a deduction in pay.

A. **Eligibility:** To be eligible to participate in TTUHSC El Paso's paid vacation leave plan, employees must:

1. be employed to work at least 20 hours a week or more for a period of four and one half (4½) months;
2. not be employed in a position that requires student status as a condition of employment; and
3. not be employed as a faculty member who works fewer than 12 months of the year.

#### B. **Accruals and Vacation Leave Balances:**

1. Employees will accrue vacation leave hours from the first day of employment through the last day of duty, which is the employee's last day of physical presence at work.

2. Employees accrue vacation leave time for each month of employment beginning on the first month of employment and on the first calendar day of each succeeding month thereafter. Employees who are employed for any part of a calendar month accrue vacation leave time for the entire month.

**NOTE:** Although the current month vacation leave accrual is available to the employee on the first of the month, it will not show in the employee's leave balance until after payroll processes the first pay period of the month for an employee's pay type.

3. Vacation leave accrual balances may not be a negative balance.
4. For an employee who is on any type of paid leave that extends into the following month, the employee's vacation leave accruals will be suspended for that month until the employee returns to work. Once the employee returns to work, the suspended vacation leave accrual may not be used for work time missed prior to the employee's return to work. The employee forfeits these vacation leave accruals if he or she does not return to work.
5. Employees will not accrue vacation leave time for any full calendar month for which they were in Leave without Pay (LWOP) status.
6. The rate of vacation leave an employee accrues is determined by his or her length of State service. (Service in a public school district, community or junior college is not considered state service.) Full-time employees accrue vacation leave time and may carry forward vacation leave time accruals from one fiscal year to the next in accordance with the table below. Part-time employees accrue and carry over vacation leave time proportionate to their percentage of employment.

<b><u>Total State Employment of</u></b>	<b><u>Hours Accrued Per Month</u></b>	<b><u>Maximum Hours to Carry Forward to Next FY</u></b>
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

7. If an employee's State employment anniversary date occurs on the first calendar day of the month, the employee begins to accrue vacation leave at the higher rate in accordance with the chart above on the first calendar day of the anniversary month. Otherwise, the employee begins to accrue vacation leave at the higher rate on the first calendar day of the month following the anniversary date.
8. An employee's vacation leave balance that does not exceed the maximum allowable hours in the chart above will carry forward from one fiscal year to the next. All vacation leave hours in excess of the maximum allowable carryover remaining at the end of the fiscal year will be credited to the employee's sick leave accrual balance on the first day of the next fiscal year.

9. An employee who transfers directly from one State agency to another or who separates from one State agency and is employed within thirty days by another State agency into a benefits eligible position will have the vacation leave balances transferred unless already paid by the former agency.
10. Vacation leave accruals for return-to-work retirees are based on dates of retirement and rehire. An employee who retired on or after June 1, 2005 who receives a State retirement annuity accrues vacation leave based on length of State service earned only after the employee's retirement date. Otherwise, the return-to-work retiree accrues vacation leave based on total State service.

**C. Use of Vacation Leave:**

1. Department administrators or designee are responsible for ensuring that vacation leave time is reported and charged to the employee's vacation accruals and for meeting institutional payroll processing deadlines.
2. Eligible employees may use vacation leave time subject to the following conditions:
  - a) the employee has six months of continuous employment with the State;
  - b) the employee has vacation leave time accrued; and
  - c) the employee has met departmental requirements for requesting and approval of vacation leave.
3. Vacation leaves are to be requested in advance in compliance with departmental procedures and must be approved and scheduled by the employee's department administrator or designee in consideration of the needs of the department and the preferences of the employee to the extent possible.
4. Department administrators or designee in reviewing and acting on an employee's request for vacation time should review the employee's vacation and holiday comp leave accrual balances to ensure the employee has adequate leave time accrued and to minimize the need for manual leave adjustment requests to Payroll and Tax Services.

**NOTE:** Vacation time requested by the employee which exceeds the employee's accrued vacation and holiday comp accruals may be approved for leave and the employee will be considered to be in a LWOP status. An employee in a LWOP status will not receive pay for the period of time absent from work. (Refer to Section XVIII Leave Without Pay).
5. Employees on approved vacation leave will not be required to utilize or report vacation leave hours for any TTUHSC El Paso holiday which occurs during the period the employee is on approved vacation leave. Non-exempt employees will report holiday leave in the time reporting system. Exempt employees do not report holiday leave.
6. Vacation leave taken in excess of the employee's accrued balance will first be taken from holiday comp balance. If the holiday comp balance is not sufficient, 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.

7. Employees may use vacation and holiday comp accruals to cover absences due to a qualifying sick leave event for which they have exhausted their sick leave accruals.
8. Absences documented as vacation leave which did not meet HSCEP OP 70.01 Leaves of Absence, 70.32 Family and Medical Leave and other TTUHSC El Paso policies and procedures may be considered an unauthorized absence(s). The employee may be subject to corrective action up to and including termination in accordance with HSCEP OP 70.31, Employee Conduct, Coaching, Corrective Action, and Separation from Employment.

**D. Payment of Accrued Vacation:**

1. An eligible employee who separates from TTUHSC El Paso employment and does not transfer directly to another State agency will be paid for accrued vacation leave balance provided the employee completes, signs and returns a Lump Sum Vacation Certification form (Attachment A).

The payment will be processed on the next regular payroll after receipt of the certification form in the Payroll and Tax Services office and verification of balances. This process could take up to 30-45 days after the employee's final regular pay date.

2. An employee who separates before completing six months of continuous employment with the State will not be paid for any accrued vacation leave time.
3. Upon the death of an eligible employee, all accrued vacation leave will be paid to the employee's estate as a death benefit.

**E. Extension of Separation from Employment Using Accrued Vacation:**

1. In lieu of a lump sum payment, vacation leave may be used to extend the employee's separation date (must be approved by department administrator or designee) and/or to facilitate the payment of the employee in cases where a final payroll check has already been prepared, to avoid having Payroll and Tax Services cancel and rewrite the final payroll 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 TTUHSC El Paso and TTU System 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.

**II. Holiday Comp:**

Regular employees of TTUHSC El Paso will accrue two (2) hours holiday comp each month (24 hours annually) in lieu of three (3) 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 HSCEP OP 70.06).

Holiday comp leave is to be requested in advance, in compliance with departmental procedures, and must be approved and scheduled by the employee's department administrator or designee in consideration of the needs of the department and the preferences of the employee to the extent possible.

III. **Sick Leave:**

A TTUHSC El Paso employee is entitled to sick leave without a reduction in pay subject to the following:

A. **Eligibility:** To be eligible to participate in TTUHSC El Paso's paid sick leave employees must:

1. be employed to work at least 20 hours a week or more for a period of four and one half (4½ ) months; and
2. not be employed in a position that requires student status as a condition of employment.

B. **Accruals and Sick Leave Balances:**

1. Employees will accrue sick leave from the first day of employment through the last day of day of duty, which is the employee's last day of physical presence at work.
2. For an employee who is on any type of paid leave that extends into the following month, the employee's sick leave accruals will be suspended for that month until the employee returns to work. Once the employee returns to work the suspended sick leave accruals may not be used for work time missed prior to the employee's return to work.
3. An employee will not accrue sick leave time for any full calendar month for which he or she was in LWOP status.
4. Full-time employees accrue eight (8) hours of sick leave for each month of employment beginning on the first month of employment and on the first calendar day of each succeeding month thereafter. Employees who are employed for any part of a calendar month accrue sick leave time for the entire calendar month. Part-time employees accrue sick leave on a proportionate basis based on their percentage of employment.
5. Sick leave accruals accumulate with the unused amount of sick leave carried forward each month. Sick leave accrual balances may not remain negative. Any overpayment of sick leave will be recovered through payroll processes.

C. **Payment Restoration or Transfer:**

1. An employee who separates from employment from a State agency is entitled to have his or her sick leave balance restored if:
  - a) the employee is separated due to a formal reduction in force (RIF) and is re-employed by the State within 12 months from the last day of the month in which the RIF separation occurred, or

- b) the employee is reemployed by TTUHSC El Paso within 12 months of the last day of the month in which the separation occurred with at least 30 days break in State employment after the separation date, or
  - c) the employee is reemployed by a different State agency within 12 months after the end of the month in which the separation occurred, and
  - d) the employee did not donate their sick leave balance to the agency's sick leave pool.
2. In the case of death of an employee who has an accrued sick balance, his/her estate will be paid 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.

**D. Use of Sick Leave:**

1. Department administrators or designee are responsible for ensuring that all sick leave taken by an employee meets the eligibility and entitlement requirements of the State and HSCEP OPs and that all sick leave time taken is reported and charged to the employee's sick leave accruals.
2. Eligible employees may immediately use accrued sick leave when:
- a) sickness, injury, or pregnancy and confinement prevent the employee from performing their job duties or when the employee is required to care for and assist a member of the employee's immediate family (see below, C3) who is sick, or
  - b) adopting a child under the age of three (3), or
  - c) attending up to eight (8) hours per fiscal year of school sponsored educational activities of the employee's children while they are in grades pre-kindergarten through 12TH grade or
  - d) the employee has sick leave accrued, and
  - e) the employee has met the department's requirements for notification, certification, and reporting.

Faculty are required by Texas Government Code 661.203 to submit prescribed leave forms for all sick leave the faculty member takes if the absence occurs during the normal workday for regular employees, even if no classes are missed.

3. For the purposes of taking sick leave the following persons are considered to be members of the employee's immediate family:
- a) an individual who resides in the same household as the employee and is related to the employee by kinship, adoption, or marriage,
  - b) a foster child of the employee who resides in the same household as the employee and who is under the conservatorship of the Department of Protective and Regulatory Services, and
  - c) a minor child of the employee, regardless of whether the minor child lives in the same household, or

- d) to care for and assist members of the employee's family who are not described in this section is strictly limited to the time necessary to provide care and assistance to a spouse, child, or parent of the employee who needs the care and assistance as a direct result of a documented condition.
4. An employee shall notify his or her supervisor or have notice given to the supervisor of the need for sick leave at the earliest practical time.

**NOTE:** Notices which may meet the definition of a serious health condition under the Family and Medical Leave Act (FMLA; HSCEP OP 70.32 Family and Medical Leave) should be referred to Human Resources for determination of FMLA eligibility.

5. Employees on approved sick leave will not be required to utilize or report sick leave hours for any holiday which occurs during the period the employee is on approved sick leave. Non-exempt employees will report the holiday hours as holiday leave through their leave reporting system. Exempt employees do not report holiday leave.
6. An employee who exhausts all sick leave accruals may use accrued vacation and holiday comp accruals. Once all available accruals are exhausted the employee may be placed on LWOP or may be subject to corrective action up to and including termination in accordance with HSCEP OP 70.31 Employee Conduct, Coaching, Corrective Action, and Separation from Employment.
7. To be eligible to take accumulated sick leave without a deduction in salary during a continuous period of more than three (3) working days an employee absent due to sickness, injury, or pregnancy and confinement must send to the department administrator or designee and Human Resources a written statement of the facts concerning the condition that is acceptable to justify the absence. Additionally, employees are required to complete Application for Family and Medical Leave for absences exceeding three (3) or more business days. (Refer to HSCEP OP 70.32 Family and Medical Leave).

The department administrator or designee may require a written statement of the facts from a license practitioner for sick leave without a deduction in salary taken during a continuous period of three (3) or fewer working days.

Employees returning to work from their own medical condition may be required to provide the department administrator or designee and Human Resources a return-to-work release document from the employee's licensed practitioner.

8. Absences documented as sick leave which did not meet HSCEP OP 70.01 Leaves of Absence, 70.32 Family and Medical Leave and other TTUHSC El Paso policies and procedures may be considered an unauthorized absence(s). The employee may be subject to corrective action up to and including termination in accordance with HSCEP OP 70.31, Employee Conduct, Coaching, Corrective Action, and Separation from Employment.
9. Abuse of sick leave or violation of this policy may result in corrective action up to and including termination. Abuse includes taking sick leave to work for another employer.

- E. **Donation of Sick Leave** – refer to TTU Payroll & Tax Services OP 69.12 Sick Leave Donation:

**IV. Agency Investigation Leave:**

**An employee who is the subject of an investigation being conducted by TTUHSC El Paso or is a victim of, or witness to an act that is the subject of an investigation, may be granted paid leave by the TTUHSC El Paso president.**

**V. Amateur Radio Operator Leave:**

A regular employee with an amateur radio station license issued by the Federal Communications Commission may be granted leave not to exceed ten (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 Texas 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.

**VI. Assistance Dog Training for Employees with a Disability:**

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 ten (10) working days in a fiscal year. For purposes of this leave, "disabled" has the meaning assigned by Section 121.002, Human Resources Code.

**VII. Bone Marrow Transplant Leave:**

Regular employees are allowed a paid leave of absence, up to five (5) working days in a fiscal year, to serve as a bone marrow donor.

**VIII. CASA Volunteer Leave:**

A regular employee may use up to five (5) hours each month to participate in mandatory training or perform volunteer service for Court Appointed Special Advocates (CASA).

**IX. Certified Red Cross Activities Leave:**

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 (10) working days each fiscal 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.

**X. 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

XI. **Donation of Blood Leave:**

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 (4) 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.

XII. **Educational Activities Leave:**

An employee may use up to eight (8) hours of sick leave each fiscal year to attend educational activities of the employee's children who are in pre-kindergarten through 12th grade. 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.

XIII. **Emergency Leave:**

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 (3) workdays per fiscal 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 president or designee.

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

XIV. **Family and Medical Leave:**

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 FMLA. (Refer to HSCEP OP 70.32)

XV. **Foster Parent Leave:**

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. The employee who meets this criteria 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.

**XVI. Funeral Leave:**

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. In addition, the president of TTUHSC El Paso has extended the definition of "family" to include the employee's or the spouse's stepparents, stepchildren, stepbrothers, stepsisters, step-grandparents, step-grandchildren, and great-grandparents.

The amount of time granted for funeral leave normally shall not exceed three (3) days. A full three (3) 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 president or designee, when it is determined the employee shows good cause.

**XVII. Jury Leave:**

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 TTUHSC El Paso 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.

**XVIII. Leave without Pay:**

**A. General Provisions**

After all accumulated paid leave entitlements have been used, regular employees may be granted a LWOP for a period not to exceed one year, with the approval by the employee's administrator or designee. If LWOP is granted for a shorter, specific period of time, it may be extended, at the discretion of the employee's administrator or designee and with the approval of president or designee, for a combined period of time not to exceed one year. In granting such leaves, the interests of the employing department and TTUHSC El Paso will be given priority consideration.

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

A LWOP 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 LWOP, subject to fiscal constraints.

The requirement that all accumulated paid leave entitlement be used before a LWOP is waived if the leave is for disciplinary suspension, active military duty, workers compensation leave, or a TTUHSC El Paso 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 LWOP, with or without accommodation as followed by applicable federal laws under ADA, may result in the employee's separation.

**B. Reporting Leave Without Pay**

The employee's administrator or designee is responsible for notifying Human Resources when an employee will be on LWOP by submitting the Leave Without Pay Form (Attachment C). This form will also be submitted to report a Return from Leave.

**C. Benefit Status during Leave Without Pay**

During a period of LWOP, employment is not considered to be interrupted; however, benefits associated with pay status are affected as follows:

1. Vacation, sick, and holiday comp accruals are suspended.
2. The Group Benefit Program (GBP) 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 (FMLA). The GBP insurance coverage may be continued, provided the applicable premium payments are made to the Payroll and Tax Services office or the Employees Retirement System (ERS). The GBP Insurance coverage canceled for nonpayment of premiums during a leave without pay is considered waived and all coverage will be canceled. (Exception: While on FMLA or workers' compensation, all coverage will be canceled except health insurance for the employee only.) Reinstatement to insurance plans is subject to the GBP rules.
3. Tax sheltered annuities become inactive.

4. Membership in the Teacher Retirement System (TRS) or Optional Retirement Program (ORP) becomes inactive and contributions cannot be withdrawn.
5. Employees will not be paid for holidays, if on LWOP status:
  - a) on either the day before or the day after the holiday(s);
  - b) when the holiday falls on the first workday of the month, and the employee is on LWOP status the day after the holiday; or
  - c) If the holiday falls on the last work day of the month and the employee is on LWOP status the work day before the holiday.
6. Except for an employee who returns to state employment from military leave without pay (Refer HSCEP OP 70.54 Military Leave) a full calendar month during which an employee is on leave without pay is not counted in computing:
  - a) total state service for purposes related to longevity pay or to the rate of accrual of vacation leave; or
  - b) continuous state service for purposes related to merit salary provisions or for the ability to use 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.

**XIX. Legislative Leave for Peace Officers:**

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 TTUHSC El Paso Police Captain at least 30 days in advance of the leave; and
- B. Make reimbursement to TTUHSC El Paso 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.

**XX. Organ Donor Leave:**

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

**XXI. Parental Leave:**

Employees who do not qualify for FMLA are entitled to parental leave not to exceed 12 weeks for the birth of a child or the adoption or foster care placement of a child under the age of three. To be eligible for parental leave, an employee does not meet the eligibility requirements for family and medical leave because:

- A. The employee has worked for the State of Texas for less than 12 months; or
- B. The employee has worked fewer than 1,250 hours during the 12-month period preceding the leave.

The employee must first use all available and applicable accrued vacation, holiday comp and sick leave while taking parental leave prior to going on leave without pay. Parental leave is limited to and begins on the date of the birth of the employee's natural child or the adoption or foster care placement with the employee of a child younger than three (3) years of age.

**XXII. Reserve Law Enforcement Officer Training Leave:**

An employee who is a reserve law enforcement officer is entitled to receive up to five (5) days paid leave every fiscal year to attend required training.

**XXIII. Service Excellence Leave Award:**

- A. Regular employees of TTUHSC El Paso 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 administrator or designee and upon approval of the president or designee.
  - 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 FTE.
  - 5. The employee must not currently be subject to formal disciplinary action.
  - 6. Service Excellence Leave 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. Nominations may be made any time within the year.
  - 2. Supervisors may nominate employees for recognition by completing a nomination form (Attachment D). Nomination forms require approval of the employee's department administrator/chair and president. Upon final approval the form should be forwarded to the Human Resources Office. Upon approval the department administrator or designee may make the award to the employee. The Human Resources Office will contact the Payroll and Tax Services office to add the award hours to the employee's Service Excellence Leave Award bank.

3. Awarded employees will negotiate with their supervisor to schedule the time off.
4. Supervisors are encouraged to permit the time off as close to the approval of the award as practicable. 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).

**XXIV. Veteran Medical and Mental Health Care Leave:**

An employee who is a veteran and is eligible for health benefits under a program administered by the Veterans Health Administration of the US Department of Veterans Affairs may be granted up to fifteen (15) days paid leave in a fiscal year to obtain medical or mental health care, including physical rehabilitation by the Veterans Health Administration. The president of TTUHSC El Paso may grant additional days as determined appropriate for the employee.

**XXV. Volunteer Firefighters and Emergency Medical Services Volunteers:**

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 (5) workdays in the 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.

**XXVI. Voting by State Employees:**

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.

**XXVII. 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 LWOP. 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 Without Pay Form (Attachment C) 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.

**XXVIII. Right to Change Policy:**

TTUHSC El Paso 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: *Leave Without Pay Form*
- Attachment D: *Service Excellence Leave Award Nomination*

**REFERENCES:**

- I. Texas Government Code, Sections 661.031, 661.033, 661.062, 661.152-153
- II. Texas Government Code, Sections 661.031, 661.033, 661.201 – 205
- III. Texas Government Code Section 661.923
- IV. Texas Government Code, Section 661.919
- V. Texas Government Code, Section 661.910
- VI. Texas Government Code, Section 661.916
- VII. Texas Government Code, Section 661.921
- VIII. Texas Government Code, Section 661.907
- IX. Texas Government Code, Section 659.005 and Texas Labor Code, Section 52.051
- X. Texas Government Code, Section 661.917
- XI. Texas Government Code, Section 661.206
- XII. Texas Government Code, Section 661.902
- XIII. Texas Government Code, Section 661.912
- XIV. Texas Government Code, Section 661.906
- XV. Texas Government Code, Section 661.902
- XVI. Texas Government Code, Section 659.005
- XVII. Texas Government Code, Section 661.909 and Rules and Regulations of the Texas Higher Education Coordinating Board, Section 25.1
- XVIII. Texas Government Code 614.003
- XIX. Texas Government Code, Section 661.916
- XX. Texas Government Code, Section 661.913
- XXI. Texas Occupational Code, Section 1701.351
- XXII. Texas Government Code Section 661.911
- XXIII. Texas Government Code, Section 661.924
- XXIV. Texas Government Code, Section 661.905
- XXV. Texas Government Code, Section 661.914