

TEXAS STATE TECHNICAL COLLEGE SYSTEM
SYSTEM OPERATING STANDARD

No. HR.2.3.12			Page 1 of 9			Effective Date: 09/19/03		
DIVISION:			Human Resources					
SUBJECT:			Employee Leaves and Holidays					
AUTHORITY:			Minute Order #61-93					
PROPOSED BY:			<i>Original Signed by Rich Morris</i>					
TITLE:			Associate Vice Chancellor for Human and Organization Development			Date: 9/19/03		
RECOMMENDED BY:			<i>Original Signed by Rich Morris</i>					
TITLE:			Associate Vice Chancellor for Human and Organization Development			Date: 9/19/03		
APPROVED BY:			<i>Original Signed by Bill Segura</i>					
TITLE:			Chancellor			Date: 9/19/03		

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POLICY

It is the policy of Texas State Technical College to maintain attendance, leave and pay reporting in accordance with a standardized system of records to assure consistent application of employee benefits.

PERTINENT INFORMATION

The Appropriations Act, H.B. 1, 74th Legislature, authorizes and prescribes conditions, limitations, rules and procedures for allocating and expending funds.

As used in this System Operating Standard, the following definitions apply:

"National holiday" means:

- (A) the first day of January;
- (B) the third Monday in January;
- (C) the third Monday in February;
- (D) the last Monday in May;
- (E) the fourth day of July;
- (F) the first Monday in September;
- (G) the 11th day of November;
- (H) the fourth Thursday in November; and
- (I) the 25th day of December.

"Regular employee" means one who is 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 which require student status as a condition of employment. Only regular employees shall be eligible for paid holidays. The holiday pay for regular employees shall be determined as a basis proportionate to their scheduled hours of work.

"State employees" means an appointed non-constitutional officer or an employee of a state agency. The term includes a part-time, hourly, or temporary state employee.

"State holiday" means:

- (A) the 19th day of January;
- (B) the second day of March;
- (C) the 21st day of April;
- (D) the 19th day of June;
- (E) the 27th day of August;
- (F) the Friday after Thanksgiving;
- (G) the 24th day of December; and
- (H) the 26th day of December.

Employee Entitlement to Paid Day Off

TSTC System and College employees are entitled to a paid day off from work for each national and state holiday if the holiday does not fall on a Saturday or Sunday, and the General Appropriations Act does not prohibit state agencies from observing the holiday. Each fiscal year, the TSTC System Board of Regents establishes the holiday schedule for the college; however, the number of holidays to be observed may not exceed the number of holidays on which an employee of a state agency is entitled by law to a day off. (Texas Government Code, Section 662.011)

Employees who work less than an entire fiscal year are entitled to paid holiday time off during the fiscal year equal to eight hours multiplied by the number of approved holidays established by the Board of Regents during the period worked.

The College will make reasonable accommodation to permit employees to observe major religious holidays, i.e., Rosh Hashana, Yom Kippur and Good Friday in lieu of any state holiday on which the college is required to be open and staff to conduct public business.

Compensatory Time

A TSTC employee who is required to work on a Board-approved holiday is entitled to equivalent compensatory time off during the 12-month period following the holiday. Employees must give reasonable notice of their intention to use the compensatory time but are not required to say how the compensatory time will be used. (Texas Government Code, Section 662.007)

Beginning Work After A Holiday; Ending Work Before a Holiday

An employee who begins work for TSTC on the first workday of a month is entitled to be paid for a scheduled holiday that occurs before the first workday if holiday occurs during the month, and does not fall on a Saturday or Sunday. An employee who stops working for TSTC on the last workday of a month is entitled to be paid for a scheduled holiday that occurs after the last workday if the holiday occurs during the month, and does not fall on a Saturday or Sunday. Workday means a day on which the employee is normally scheduled to work. (Texas Government Code, Section 662.010)

DELEGATION OF AUTHORITY

Presidents are authorized to approve requests for leave without pay for employees under their supervision for one month or less when, in their judgment, such requests serve the best interest of the individual and the college. The Chancellor is authorized to approve leaves of absence without pay for a period up to and including 12 months when it appears justifiable and beneficial to the individual and the college.

OPERATING REQUIREMENTS

The Human Resources or Personnel office on each college and the System Administration is assigned the responsibility for assuring consistent application of this System Operating Standard, performing the necessary review of leave accrual and use, reporting and establishing procedures to maintain accurate records.

Organizational units will be responsible for reporting the vacation, sick leave used, and holidays observed, and submitting Attendance, Leave and Pay Reports to their respective Office of Human Resources/Personnel.

Employees with prior State service must be identified and credited with verified service toward the rate of accrual of vacation time.

Employee Vacations and Leaves

With the exception of faculty members who have appointments of less than 12 months, all employees are entitled to paid vacation as determined by length of service. Part-time employees accrue vacation on a proportionate basis.

Family and Medical Leave

The Family and Medical Leave Act of 1993 requires any employer with at least fifty employees to provide twelve weeks of unpaid leave of absence, upon request, to an employee because of a new child, to care for a seriously ill family member, or for the employee's own serious illness. State employees, including TSTC, who have been employed for twelve continuous months by the state, and who have worked at least 1,250 hours during that period, are entitled to leave pursuant to the Family and Medical Leave Act provided that the employee utilizes all available applicable paid leave (sick and vacation) while taking FMLA leave. See SOS, HR 2.3.13 for applicable procedures.

Schedule of Vacation Leave Accruals for Full-Time Employees

Length of State Service	Hours Accrued Per Month	Maximum Allowable Carry Over
0 but less than 2 years	8	180
2 but less than 5 years	9	244
5 but less than 10 years	10	268
10 but less than 15 years	11	292
15 but less than 20 years	13	340
20 but less than 25 years	15	388
25 but less than 30 years	17	436
30 but less than 35 years	19	484
35 or more	21	532

All hours of unused accumulated vacation leave in excess of the maximum allowable carry over left at the end of a fiscal year shall be credited to the employees sick leave balance.

Credit for one month's vacation leave accrual is given for each month or fraction of a month of state employment and is posted on the first day of employment, and on the first day of each succeeding month. Vacation pay may not be granted until an employee has been continuously employed for six months, although credit will be accrued during that period. (H.B. 1, 74th Legislature, Article XI, Section 8.1)

An employee must complete the required full year of employment to be entitled to receive the higher rate of vacation leave accrual. The length of employment is calculated from the employee's anniversary date if the anniversary date falls on the first day of the month. Otherwise, the increase in vacation allowance will occur on the first calendar day of the following month.

In computing vacation leave time taken, time which an employee is excused from work because of holidays is not charged against vacation time.

An employee who resigns, is dismissed or separated from employment is entitled to be paid for all accrued and unused vacation time, as long as the employee has had continuous employment for at least six months and the individual has not been reemployed by a state agency which grants vacation time within a period of 30 days from the date of state employment separation. An employee terminating employment may, with the agreement of the college, be allowed to remain on the payroll to utilize vacation leave in lieu of being paid in a lump sum; however, will not accrue any additional

vacation time. (H.B. 1, 74th Legislature, Article IX, Section 8.1)

Sick Leave

Employees of the college shall, without deduction in salary, be entitled to sick leave subject to the following conditions:

An employee will begin earning entitlement for paid sick leave on the first day of employment, and credit for one month's accrual will be given and posted each month or fraction of a month to the employees leave record on the first day of employment and the first day of each succeeding month of employment.

The employee will accrue sick leave at the rate of eight hours per month of employment, and accumulates with the unused amount carried forward each month. Sick leave accrual terminates on the last day of duty. Part-time regular employees will accrue sick leave on a basis proportionate to their scheduled hours of work.

Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty or when the employee is needed to care and assist a member of the employee's immediate family who is actually ill. For purposes relating to regular sick leave, "immediate family" is defined as those individuals related by kinship, adoption, marriage; or foster children who are so certified by the Department of Human Services and who are living in the same household as the employee. If a family member does not reside in the same household, an employee's use of sick leave is strictly limited to the time necessary to provide care and assistance to a child or parent of the employee that needs such care and assistance as a direct result of a documented medical condition. (H.B. 1, 74th legislature, Article IX, Section 8.2)

An employee absent because of illness must notify his/her immediate supervisor at the earliest practical time. To be eligible for accumulated sick leave with pay during a continuous period of more than three working days, an employee must provide to the administrative head, or his designee, a doctor's certification or other acceptable written statement of facts, showing the nature of the illness. Employees returning to work after taking sick leave are required to complete a sick leave application which is submitted to the appropriate approving authority for consideration.

The estate of a deceased employee is entitled to payment for one-half of accrued sick leave, or 336 hours, whichever is less, provided that the employee had continuing employment with the college and/or state for at least six months at the time of death. (H.B. 1, 74th Legislature, Article IX, Section 8.6)

An employee who transfers directly from another state agency to TSTC shall be given credit for the unused portion of accumulated sick leave, provided there is no break in state service.

Exceptions to Sick Leave

Exceptions to the amount of sick leave an employee may take may be authorized by the administrative head, or his designee, after reviewing the particular case. Authorization for

exceptions to the amount of sick leave an employee may take shall be based on the following criteria:

- a. That all sick and annual leave accruals are exhausted;
- b. That employee's leave records reflect prudent use of sick leave time;
- c. That the employee has maintained a satisfactory or better record of performance;
- d. That the employee has at least six months of TSTC service; and
- e. That the employee plans to return to the TSTC workforce.

Sick Leave Pool

The Board of Regents has established a program to allow employees to voluntarily transfer sick leave time earned by employees to a sick leave pool (see SOS HR.2.3.9, Sick Leave Pool Administration). The sick leave pool is intended to provide for the alleviation of the hardship caused to an employee and the employee's family if a catastrophic illness or injury forces the employee to exhaust all leave time earned by that employee and to lose compensation from the state.

An employee is eligible to use the time contributed to the sick leave pool if, because of a catastrophic illness or injury or because of a previous donation of sick leave time to the pool, the employee has exhausted all leave time to which the employee is otherwise entitled.

To contribute time to the sick leave pool, the employee must submit an application to the pool administrator. The employee may transfer to the pool one (eight hours) or more days of the sick leave time earned by that employee.

An eligible employee may withdraw the lesser of one-third of the total amount of time in the pool or 90 days. The pool administrator shall determine the exact amount of time that an eligible employee may draw from the pool. (Texas Government Code, Section 661.006)

Foster Parent and Parental Leave

An employee, who is a foster parent to a child under the conservatorship of the Department of Human Services, is entitled to a leave of absence with full pay for the purpose of attending staff meetings held by the Department of Human Services for Admission, Review, and Dismissal meetings held by a school district regarding the employee's foster child.

Employees are entitled to a parental leave of absence, not to exceed six weeks, for the birth of a natural child or the adoption of a child under three years of age. Employees may elect to use any combination of available sick leave, vacation leave, compensatory time off, or leave without pay for this period. The use of sick leave is strictly limited to those situations clearly falling within the conditions for which paid sick leave may be used. (H.B. 1, 74th Legislature, Article IX, Section 8.4)

Emergency/Bereavement Leave

An employee shall be granted emergency (bereavement) leave because of a death in the employee's family. Under this provision, an employee's family is defined as the employee's spouse, employee's

and spouse's parents, children, brothers, sisters, grandparents, and grandchildren. (H.B. 1, 74th Legislature, Article IX, Section 8.3) An agency head may grant emergency leave for other reasons determined to be for good cause. The amount of time granted depends on the individual's level of responsibility for the arrangements, travel time needed, conditions of work in the individual's department, and other relevant circumstances. Normally, bereavement leave will be limited to three work days. The Board of Regents has authorized Presidents to approve emergency leaves for employees on their respective campuses. (Minute Order 128-83)

Unsafe Working or Travel Conditions

When an office or work site must close because of hazardous conditions or unsafe travel conditions for employees, the following will apply:

1. Emergency leave will be granted to regular employees who do not work because an emergency has been declared.
2. The chancellor, president or dean will define the beginning and ending times of the emergency and will announce this information to all location administrators on the first working day following the emergency.
3. Nonexempt regular employees who are required to work during the emergency will be granted equivalent compensatory time in addition to being paid for the hours worked.
4. If an employee is scheduled to be absent from work and the school is closed after other employees have already reported for work, the employee shall be charged for the day off as scheduled.

If an employee is scheduled to be absent from work and the school is closed prior to employees reporting for work, the employee is not charged for the day off.

Military Leave

TSTC employees are eligible for the following types of leave for military service:

- 1) Authorized training or duty for members of the state military forces and members of any of the reserve components of the United States Armed Forces;
- 2) Call to National Guard active duty by the Governor; and
- 3) National emergency active duty for a member of a reserve branch of U.S. Armed Forces.

Employees who are members of the State Military Forces or members of any reserve components of the U.S. Armed Forces engaged in authorized training or duty are entitled to leaves of absence from their respective duties without loss of time or salary not to exceed 15 working days in a fiscal year. (H.B. 1, 74th Legislature, Article IX, Section 8.4)

Employees who are members of the National Guard called to active duty by the governor because of a state emergency are entitled to receive emergency leave.

An employee called to active duty during a national emergency by a reserve branch of the U.S. Armed Forces shall have a leave of absence. The employee shall accrue state service credit while on leave of absence but does not accrue vacation or sick leave. The employee retains any accrued sick or vacation leave and will be credited with those leave balances upon return. (Texas Government Code, Section 431.085)

Leave of Absence for Blind Employees

An employee who is blind is entitled to a leave of absence with full pay, for a period not to exceed ten working days in a fiscal year, for the purpose of attending a training program to acquaint the employee with a seeing-eye dog to be used by the employee. "Blind" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 30 degrees. (Section 91.002.(2), Human Resources Code)

Jury and Witness Fees

Employees summoned for jury duty receive time off with pay and without loss of other leave benefits. Jury fees need not be reported to the college.

Employees called to appear in an official capacity in a judicial action or legislative investigation are not entitled to witness fees. However, if the appearance is not in an official capacity but is for the purpose of testifying from personal knowledge, then the employee may accept customary witness fees and obtain approved leaves of absences. (H.B. 1, 74th Legislature, Article IX, Section 2.3-4)

Leave Without Pay

The college may grant leave without pay or leave of absence without pay up to twelve (12) months subject to the following provisions:

- 1) Except for disciplinary and workers' compensation situations, all accumulated paid leave entitlement must be exhausted before granting leave without pay, with the additional provision that sick leave must be exhausted only in those cases where the employee is eligible to take sick leave under sick leave provisions.
- 2) Although approval of leave without pay constitutes a guarantee of employment for a specified period, the guarantee is subject to fiscal constraints.
- 3) Except in cases of an employee returning to employment from military leave without pay, any full calendar month in which an employee is on leave without pay will not be counted in the calculation of total state service for vacation or longevity pay entitlement.
- 4) Employees will not accrue vacation or sick leave during the period of leave without pay.

(H.B. 1, 74th Legislature, Article IX, Section 8.11)

PERFORMANCE INDICATORS

The records and attendance of each employee on the TSTC payroll will be accurately reported at the end of the pay period on the approved Attendance Leave Pay Reports.

Each organizational unit will report the vacation and sick leave used and holidays observed, and will maintain files of Attendance Leave Pay Reports for each employee during each fiscal year.

Each college will maintain personnel records on the Administrative Computer System which indicate monthly vacation and sick leave balances.



COLLEGE OPERATING PROCEDURE

COLLEGE		Page 1 of
OFFICE OF RESPONSIBILITY:		
APPROVED BY:		
TITLE:	Date	
FORWARDED TO SYSTEM OFFICE ON		