

Leave Policy

I. Purpose

To establish leave practices as required and permitted by law. UT Permian Basin (UTPB) administration may only offer leave as outlined in state and federal law, and this policy provides an overview of available leave options. Additional details regarding the various types of leave are available from the Office of Human Resources (HR).

II. Principles

- I.** Staff and Faculty will use leave appropriately to comply with policy and adhere to applicable laws, rules, and procedures.
- 2.** Supervisors have the discretion to balance business needs in the context of the personal needs and legal rights of the employee and will:
 - a.** Accommodate an employee's request to the extent practicable;
 - b.** Consider the financial impact of an employee's leave request and available leave balances;
 - c.** Follow applicable laws and policies; and
 - d.** Adhere to procedures set forth by UT Permian Basin Administration as defined in the below sections.

III. Eligibility

With a few exceptions, to be eligible to use the types of leave covered in this policy, a UT Permian Basin employee must be appointed to work at least 20 hours per week for a continuous period of at least four and one-half months and not working in a position that requires student status as a condition of employment. Faculty on a 9-month appointment may not be eligible for all categories of leave covered by this policy. Employees do not need to meet these requirements for jury service or to serve as a witness, to comply with a subpoena, or, if a peace officer, for legislative leave. Different eligibility standards apply to the Family and Medical Leave Act ("FMLA") and Fair Labor Standards Act ("FLSA") overtime. FMLA eligibility standards are detailed in the respective section in this policy. FLSA overtime is covered in UTPB's FLSA Overtime and State Compensatory Policy HOP Section III, 3, I.

IV. General Responsibilities

- I.** Employee requests leave in advance of absence when the need for leave is foreseeable. If the need for leave is not foreseeable, the employee must request leave as soon as they know the need for leave.
- 2.** The supervisor, working with HR when applicable, responds to leave requests after considering department staffing requirements in the context of the personal needs and legal rights of the employee.

3. Employee records absence from work on the electronic timesheet using the appropriate leave type.
4. Negative leave balances are not permitted.
5. Any documentation provided to department leaders must be provided to HR for the employee's personnel file and not retained by the department.
6. **Foreign Travel Notice.** An employee traveling to any country whose government is identified on the U.S. Department of Commerce's foreign adversary list at 15 C.F.R. 791.4 (China, including Hong Kong or Macau, Cuba, Iran, North Korea, Russia, Venezuela) must submit the Employee Pre-Travel Notification and Post-Travel Briefing for Personal Travel to Foreign Adversary Country form.

V. Types of Leave (Quick Glance)

1. **Vacation Leave:** Accrued leave to be used for any reason. [See Section VI for full policy.](#)
2. **Sick Leave:** Accrued leave to be used for health reasons only. [See Section VII for full policy.](#)
3. **Sick Leave Pool:** For situations where the employee's accrued leave balance is exhausted due to a catastrophic injury or illnesses. [See Section VIII for full policy.](#)
4. **Family Leave Pool:** For bonding with and caring for a child within the first year following birth, adoption, or foster placement; and caring for self or family members due to serious illness including a pandemic-related illness. [See Section IX for full policy.](#)
5. **Emergency Leave:** The Texas Legislature has given the university the authority to grant emergency leave under certain conditions (Military Leave, Bereavement Leave, and Other Emergency Leave) [See Section X for full policy.](#)
6. **Military Duty Leave:** For employees who are called to active military duty or authorized training. [See section XI for full policy.](#)
7. **Family Medical Leave (FMLA):** Unpaid protected medical leave. [See section XII for full policy.](#)
8. **Military Caregiver Leave Under FMLA:** [See section XIII for full policy.](#)
9. **Parental Leave:** Unpaid protected leave for employees who are not eligible for FMLA [See section XIV for full policy.](#)
10. **Holiday Leave:** Specific dates the University is closed in observance of a holiday. [See section XV for full policy.](#)
11. **Jury Duty:** To be used when summoned to serve on a jury. [See section XVI for full policy.](#)

12. Wellness: To be used for physical activity events. [See section XIX for full policy.](#)

13. Other Leave Entitlements: [See section XVII for full policy.](#)

14. Leave Without Pay (LWOP): Unpaid leave to be used only when all other applicable personal paid leave balances are exhausted. [See section XVIII for full policy.](#)

VI. Vacation Leave

I. Accrual, Credit, and Carryover:

- a. **Accrual** - Vacation leave accrual rates for eligible employees are governed by the length of state service as determined by their state service credit. Part-time employees will accrue vacation leave on a percentage basis for the time appointed. Employees must have six (6) months of continuous state employment before they can use accrued vacation leave. Employees do not accrue vacation leave if they are a 9-month faculty member.
- b. **Accrual Rates and Allowable Carryover Hours** - Employees are encouraged to use vacation leave during the fiscal year in which it is accrued. Unused vacation leave carries forward into the next fiscal year. However, the number of hours carried forward cannot exceed the limits outlined in the vacation leave Accrual Schedule for a full-time employee. Vacation leave hours in excess of the set limits at the end of the fiscal year (August 31) transfer to the employee's sick leave balance. Regular employees who work less than forty (40) hours per week carry unused vacation leave hours forward in proportion to their appointment.

Vacation leave will accrue and carryover according to the following chart:

Employees with Total State Service Credit of:	Hours Accrued Per Month	Maximum Carryover Hours to Next Fiscal Year for Full-Time Employees
Less than 2 years	8	180
At least 2 years but less than 5	9	244
At least 5 years but less than 10	10	268
At least 10 years but less than 15	11	292
At least 15 years but less than 20	13	340
At least 20 years but less than 25	15	388
At least 25 years but less and 30	17	436
At least 30 years but less than 35	19	484
At least 35 years or more	21	532

- c. **Credit** - Credit for accrual will be given and posted to an employee's leave record on the first day of employment and on the first day of each succeeding month of employment. If an employee is on paid leave on the first day of the month, the vacation leave will be credited for that month but will not be available for use until after the employee returns to work.



2. **Nonaccrual** - Employees do not accrue vacation leave for any full calendar month in which the employee is on leave without pay. Employees called to active duty during a national emergency by a reserve branch of the U.S. Armed Forces of the United States do not accrue vacation leave during such service but do accrue state service credit. See [Military Duty Leave](#). **Limitations on Use:**
 - a. **Outside Employment** - While on vacation leave, an employee may not be employed elsewhere unless the requirements and approvals for outside employment have been met. See HOP ADM 3-600, [Conflict of Interest, Conflict of Commitment, and Outside Activities](#).
 - b. **Quarter Hour Increments** – A non-exempt employee who uses vacation leave in an amount less than a full hour shall be charged for such leave to the closest quarter hour in fifteen (15) minute increments.
 - c. **Use and Exhaustion** - Vacation leave may not be used before it is accrued. When an employee exhausts all appropriate and available leave, leave without pay is the only option.
 - d. **Illness or Injury During Vacation Leave** - An employee who becomes ill or is injured while on approved vacation leave will be allowed to use accrued sick leave to cover the illness or injury. Upon receipt of a requested medical certification, an employee may request to have the actual time they were incapacitated due to illness or injury changed to sick leave.
 - e. **Emergency Closure During Vacation Leave** - An employee who is on a prior approved vacation leave during an emergency closure shall have the vacation leave changed to administrative leave.
 - f. **Coordination with Other Leave** - Employees who are eligible to earn and use compensatory time are encouraged to use accrued and available compensatory time before using accrued vacation leave. A supervisor can require employees to charge leave time to any accrued and available compensatory time rather than accrued vacation leave.
3. **Notification Requirements:**
 - a. **Advance Notice** - When foreseeable, employees should give at least thirty (30) calendar days advance notice to the supervisor of their request to use vacation leave. Every effort will be made to grant a request made at least thirty (30) calendar days in advance unless the absence creates an undue hardship for the department.
 - b. **Advance Notice Not Possible** - When advance notice is not possible, notice by the employee should be provided as soon as practical. The needs of the department will be given first consideration in granting or denying a request made less than 30 days in advance.
4. **Loss of Eligibility Due to Change in Status:**
 - a. If an employee's appointment changes to less than twenty (20) hours per week before completing six (6) months of continuous, benefits-eligible, state employment, the vacation leave balance is frozen.

- b. If the employee's appointment changes to less than twenty (20) hours per week after six (6) months of continuous, benefits-eligible, state employment, the accrued vacation leave is frozen. No further vacation leave will accrue, and none of the existing vacation leave balance may be used. If the employee's appointment returns to twenty (20) hours or more per week, the vacation leave balance will be restored and may be used upon approved request.

5. Employee Transfers:

- a. Transfers within UTPB - Accrued vacation leave balances for employees transferring with no break in service within UTPB are automatically transferred to the new department. Unless the transfer is to a faculty position in that case the vacation leave will be paid out.
- b. **Transfers to UTPB** - Employees transferring with no break in service to UTPB from another state of Texas agency or higher education institution can request that their accrued vacation leave be transferred to UTPB.
- c. **Transfers to Another State of Texas Agency or Higher Education Institution** UTPB employees transferring with no break in service to another state of Texas agency or higher education institution can request that their accrued vacation leave be transferred to the new workplace.
- d. If the employee has six (6) months of continuous, benefits-eligible, state employment prior to any of the above transfers, the vacation leave accrued is available for use with appropriate approval.

6. Employee Separations:

- a. **Lump Sum Payment** - An employee who separates from state service through resignation or termination from UTPB is entitled to a lump sum payment for accrued and unused vacation leave when:
 - i. The employee has six (6) months of continuous, benefits-eligible, state employment prior to separation; and
 - ii. The lump sum payment is processed as of the date of separation in accordance with state law. The payment is based on the employee's rate of pay at the time of separation. Neither hazardous duty pay nor longevity pay is included in computing the amount of the lump sum payment.
- b. **Credit for Holidays** - An employee who is paid for vacation leave upon separation will be credited for any holiday that falls within the period after the date of separation and the last date of the period in which the employee would have used the leave had the employee remained on the payroll.
- c. **Continued Payroll Status** - At the department's discretion, an employee separating from UTPB may be allowed to remain on the payroll after the last workday to use vacation leave in lieu of a lump sum payment. In this circumstance, the employee will continue to receive all compensation and benefits that the employee was receiving on the last day of duty, including paid holidays, longevity, and/or hazardous duty pay. The employee may not use sick leave or accrue sick or vacation leave during this period.

- d. **Separation Before Six (6) Months** - If an employee separates from UTPB before completing six (6) months of continuous, benefits-eligible, state employment, vacation leave accrual is not paid out.

7. Payment to an Estate:

- a. A deceased employee's estate is entitled to payment for unused vacation leave if the employee had at least six (6) months of continuous, benefits-eligible, state employment at the time of death. The payment is based on the employee's rate of pay at the time of death.
- b. If the employee's accrued vacation leave was not available for use at the time of death because the employee's appointment had been reduced to less than twenty (20) hours per week, the payment is based on the rate of pay at the time the employee last accrued vacation leave. See Loss of Eligibility Due to Change in Status above.

VII. Sick Leave

I. Permitted Uses of Sick Leave:

- a. **Employee's Medical Condition** - Sick leave may be taken when an employee is prevented from performing duties because of sickness, injury, or pregnancy and confinement.
- b. **Care of Immediate Family** - Sick leave may be taken when an employee needs to care for an immediate family member who is ill because of sickness, injury, or pregnancy and confinement. The following persons are considered to be members of the employee's immediate family:
 - i. An individual who resides in the same household as the employee and is related to the employee by kinship, adoption, or marriage;
 - ii. A foster child of the employee who resides in the same household as the employee and who is under the conservatorship of the Texas Department of Family and Protective Services; or
 - iii. A minor child of the employee, regardless of whether the child lives in the same household.
- c. **Care of Family Who Do Not Reside in the Same Household** - An employee's sick leave used to care for family who does not reside in the same household is strictly limited to the time necessary to provide care to the employee's spouse, child, or parent who needs such care as a direct result of a documented medical condition. An employee who is the legal guardian of a child by court appointment may use sick leave to care for the child. Sick leave cannot be used to provide care for an employee's parent-in-law who does not live in the same household.
- d. **Educational Activity** - An employee may use up to a total of eight (8) hours of leave each fiscal year to attend educational activities for their children who are attending pre-kindergarten through 12th grade. For purposes of this leave, an "educational activity" means a school-sponsored activity. The employee must give reasonable advance notice of the employee's intention to use sick leave to attend an educational activity.
- e. **Use** - Sick leave cannot be used before accrual.



2. Exhaustion:

If an employee exhausts all sick leave, any further absence caused by sickness, injury, or confinement due to pregnancy must be charged to other accrued paid leave. If all other accrued leave is exhausted, the employee will be placed on leave without pay. [SEE LEAVE OF ABSENCE POLICY](#) An employee who has exhausted leave may qualify for Sick Leave Pool or Family Leave Pool based on individual circumstances. See , [Sick Leave Pool](#), and [Family Leave Pool](#)

3. Accrual and Credit:

- a. **Accrual** - Full-time employees accrue eight (8) hours of sick leave for each month or fraction of a month of employment. Part-time employees accrue sick leave on a basis proportional to their appointment.
- b. **Credit** - Credit for accrual is given and posted to an employee's leave record on the first day of employment and on the first day of each succeeding month of employment. If an employee is on paid leave on the first day of the month, the sick leave accrual will be credited for that month but will not be available for use until after the employee returns to work. If an employee is on unpaid leave on the first day of the month, the sick leave accrual will not be credited for that month, nor will it be available for use until after the employee returns to work.
- c. **Non-Accrual** - Employees do not accrue sick leave for any full calendar month in which the employee is on leave without pay. Employees called to active duty during a national emergency by a reserve branch of the Armed Forces of the United States do not accrue sick leave during such service.

4. Employee Responsibilities:

- a. **Notification** - An employee who must be absent from work because of sickness, injury, or confinement due to pregnancy must notify the supervisor or have the supervisor notified at the earliest possible time on or before the first day of absence. If an employee expects to be absent for more than three (3) workdays, the employee or the employee's representative must notify the supervisor at the beginning of each work week unless other specific notification arrangements are made that are acceptable to the supervisor. It is the responsibility of the employee to report the need for leave involving a severe or chronic health condition that necessitates the employee being absent from work for three (3) or more days to the Office of Human Resources. See [Family Medical Leave](#), and [Leave of Absence Policy](#)
- b. **Failure to Notify Supervisor** - An employee's repeated pattern of failing to notify the supervisor when absent may be grounds for disciplinary action. Except in cases of an emergency or when other specific notification arrangements have been made in agreement with the employee's supervisor, three (3) consecutive days of absence without notice is job abandonment and may be cause for immediate dismissal from employment.

- c. **Certification for Continuous Absence of More Than Three (3) Days** - For an employee to be eligible to use accrued sick leave during a continuous period of more than three (3) workdays, an employee may be required to send to their supervisor a licensed practitioner's note showing they have been treated during the period that sick leave will be used. The supervisor is responsible for reporting any sick leave absence of more than (3) three days to the Office of Human Resources. See [Family and Medical Leave](#).
- d. **Return to Work Certification** - Medical certification that the employee is fit to return to work and perform his/her job may be required.
- e. **Abuse and Falsification of Certification** – An employee who is found to have used sick leave pay under false pretenses is subject to termination. Similarly, falsification of a licensed practitioner's certification is grounds for dismissal from employment.
- f. **Reporting** – Upon return to work after sick leave use, the employee, other than faculty, shall accurately complete their time report noting the sick leave used and submit the report in a timely manner for approval to the supervisor.

Faculty members must report all sick leave even though no classes were missed if the absence occurs during a faculty member's teaching schedule. The faculty member is also responsible for avoiding sick leave abuse.

5. Supervisor and Department Responsibilities:

- a. When considering the approval of sick leave use, the supervisor shall review any licensed practitioner's note or other written statement submitted regarding sick leave. The supervisor must verify that the employee has accurately recorded the leave and sign the appropriate time report approving the sick leave used.
- b. It is the supervisor's responsibility to report the need for leave involving a serious or chronic health condition that necessitates the employee being absent from work for three (3) or more days to the Office of Human Resources. See [Family and Medical Leave](#) and [LEAVE OF ABSENCE Policy](#)
- c. When an employee's medical condition causes an absence from work and is in excess of three (3) working days, the employee's supervisor shall require that, immediately upon the employee's return to work, the employee submit to the supervisor a licensed practitioner's note or other written statement that the employee was treated and the date that the employee is able to return to work. See Leave of Absence Policy. The certification must also specify what limitations, if any, exist to the employee's ability to perform his or her job duties or pose a threat to the safety of the employee or others. If limitations exist, the supervisor shall contact the Office of Human Resources.

6. Payment, Restoration, or Transfer of Sick Leave When an Employee Separates from Employment.

- a. An employee who transfers directly from another state agency to UT System Administration without a break in service will have his/her sick leave balance transferred.



- b. An employee who separates from a state agency under a formal reduction in force will have his/her sick leave balance restored if reemployed by a state agency within 12 months after the end of the month in which the employee separated.
- c. An employee who separates from a state agency for a reason other than a formal reduction in force is entitled to have his/her sick leave balance restored if: (1) the employee returns to employment with the same state agency within 12 months after the end of the month in which the employee separated but only if there has been a break in employment of at least 30 calendar days; or (2) the employee returns to work with a different state agency within 12 months after the end of the month in which the employee separated.
- d. An employee who moves from a position within UT System Administration that accrues sick leave to another internal position that does not accrue sick leave will have his/her accrued sick leave balance frozen. If the employee returns to a leave-eligible status, he/she may begin using the previous sick leave balance and resume accruing sick leave.
- e. In the case of the death of an employee who has an accrued sick leave balance, his/her estate will be paid for one-half of the accumulated sick leave balance or 336 hours, whichever is less. The payment will be calculated at the rate of compensation being paid the employee at the time of death.

7. Donation of Sick Leave.

- a. An employee may donate sick leave to another UTPB employee:
 - i. The recipient meets the sick leave eligibility requirement;
 - ii. The recipient has exhausted the recipient's own sick leave; and
 - iii. The recipient has exhausted any time the recipient is eligible to withdraw from the sick leave pool.
- b. An employee who receives donated sick leave may use the donated sick leave only as provided in Section VII. I. a. – c. above.
- c. An employee may not provide or receive remuneration or a gift in exchange for donated sick leave.
- d. The dollar value of donated sick leave will be included in the donor's income by UTPB, and UTPB will withhold taxes when the donated sick leave is used by the recipient. The calculated tax is based on the donor's compensation rate.
- e. If an employee does not use all donated sick leave, the employee will not retain the unused donated sick hours for later use. Unused donated sick hours may not be donated to another employee or to the Sick Leave Pool. Unused donated sick will not transfer to another state agency. The estate of a deceased employee is not entitled to receive payment for unused donated sick.
- f. Contact HR to initiate a donation.

VIII. Sick Leave Pool

It is the policy of UTPB to provide paid sick leave to eligible employees who have exhausted all other accrued paid leave and lose compensation because either they or their immediate family member(s) have suffered a catastrophic illness or injury.

1. Withdrawal:

- a. Applications to withdraw sick leave from the pool must be submitted on the form prescribed by the pool administrator. The pool administrator will process applications to use sick leave pool hours in the order in which they are received. The decision of the pool administrator regarding withdrawals from the sick leave pool shall be final. An application must be accompanied by a certification from the licensed practitioner treating the illness or injury that resulted in the exhaustion of the accrued paid leave of the employee making the application. The statement must provide sufficient information regarding the illness or injury to enable the pool administrator to evaluate the employee's eligibility.
- b. An employee is eligible to withdraw sick leave from the pool if the pool administrator determines the employee or a member of his or her immediate family suffers from a catastrophic injury or illness and the employee has exhausted all accrued paid leave because of the catastrophic illness or injury or because of a previous donation of sick leave to the pool.

2. Awards:

- a. In determining the amount of sick leave to be assigned to an eligible employee from the pool, the pool administrator shall take into consideration the information contained in the employee's application, the statement from the licensed practitioner, the number of applications pending, and the amount of sick leave available in the pool. In no event shall the sick leave allocated to an eligible employee from the pool exceed ninety (90) days or one-third (1/3) of the sick leave pool balance, whichever is less.
- b. Upon approval of an application for sick leave pool hours, the employee will be credited with the approved number of sick leave pool hours, and the employee and the supervisor will be notified of the amount of time granted from the pool.
- c. The employee may use sick leave assigned from the pool in the same manner as sick leave accrued by the employee and will be treated for all purposes as if the employee were absent on earned sick leave.
- d. Any unused sick leave hours awarded from the pool may be returned to the pool by the pool administrator if the condition of the catastrophic illness or injury affecting the employee or the employee's immediate family member changes. The estate of a deceased employee shall not be entitled to payment for unused sick leave assigned from the pool.

3. Contributions:

- a. The sick leave pool consists of sick leave hours voluntarily contributed to the pool by employees of UTPB. Although contributions are voluntary, employees who leave state employment are encouraged to contribute to the pool unless there is a possibility that they will be reemployed by the state within twelve (12) months and thereby eligible to have their sick leave balance restored.

- b. An employee who wishes to contribute sick leave to the pool must submit an authorization form to the pool administrator or designated representative. With approval, employees are permitted to contribute one or more days of sick leave to the sick leave pool at any time. Contributions to the pool must be in units of eight (8) hours. Employees are permitted to contribute an unlimited number of hours to the sick leave pool. Retiring employees are also permitted to contribute to the sick leave pool and may do so in increments of less than eight (8) hours. Sick leave contributed to the pool may not be designated for the use of a particular person.
- c. Upon approval of an application to contribute sick leave, the pool will be credited with the contribution. A corresponding amount will be deducted from the contributing employee's sick leave balance.

IX. Family Leave Pool (FLP)

It is the policy of UTPB to provide paid leave to eligible employees who have exhausted all other accrued paid leave and need more flexibility in bonding with and caring for children during the child's first year following birth, adoption, or foster placement, or caring for an ill family member or themselves.

1. Contributions:

- a. The FLP consists of sick and vacation leave hours voluntarily contributed to the pool by employees of UTPB. Although contributions are voluntary, employees who leave state employment are encouraged to contribute to the pool unless there is a possibility that they will be reemployed by the state within twelve months and thereby eligible to have their sick leave balance restored.
- b. An employee who wishes to contribute sick or vacation leave to the FLP must submit an authorization form to the Director of Human Resources or designee.
- c. Employees are permitted to contribute one or more days of sick or vacation leave to the FLP at any time.
- d. Contributions in units of eight (8) hours. Employees are permitted to contribute an unlimited number of hours to the FLP.
- e. Family leave contributed to the pool may not be designated for the use of a particular person.
- f. The dollar value of donated leave will be included in the donor's income by UTPB, and UTPB will withhold taxes. The calculated tax is based on the donor's compensation rate.

2. Eligibility:

An employee is eligible to withdraw family leave from the pool if the need for leave would otherwise result in 40 hours or more of unpaid time off and the need for leave is for:

- a. The birth of a child;
- b. The placement of a foster child or adoption of a child under 18 years of age;

- c. The placement of any person 18 years of age or older requiring guardianship;
- d. A serious illness to an immediate family member or the employee, including a pandemic-related illness;
- e. An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or
- f. A previous donation of time to the pool.

3. Withdrawal:

- a. Applications to withdraw family leave from the pool must be submitted on the form prescribed by the Director of Human Resources or designee.
- b. The Director of Human Resources or designee will process applications to use FLP hours in the order in which they are received. The decision of the pool administrator regarding withdrawals from the FLP shall be final.

4. Supporting Documentation:

- a. Depending upon the reason for the request for time off from the FLP, the employee may have to provide additional documentation in support of their request. If documentation is required, the employee will receive a notification from the Office of Human Resources.
- b. If the request for time off from the FLP is due to a medical reason, the employee must submit a certification from their or their family member's healthcare provider that specifies the nature and expected duration of the need for time off:
 - i. If the employee has already submitted such certification in support of a request for FMLA or Sick Leave Pool, then no additional documentation is required.
 - ii. If the employee has not yet submitted such certification, then they must submit a completed Certification of Healthcare Provider –Employee or Certification of Healthcare Provider –Care for Family Member to the Office of Human Resources before their request for time off from the FLP will be reviewed. If certification is not received within 15 days of the date they submitted the request for time off from the FLP, then the request may be denied.
- c. If the request for time off from the FLP is due to an extenuating circumstance created by a pandemic, such as caring for a child whose school or daycare is closed, then the employee must provide a letter from their child(ren)'s school or daycare that states the reason and dates of closure.
- d. If the request for time off from the FLP is to care for a person other than the employee, the employee will be required to submit proof that they are the other person's legally married spouse, parent, or guardian.
 - i. If the other person is listed as a dependent on the employee's UTPB insurance, no additional action documentation is required.

- ii. If the other person is not listed as a dependent on UTPB insurance, then the employee must submit documentation (i.e. marriage certificate, birth certificate, etc.) that establishes their relationship to the other person in addition to the documentation requirements listed above. If documentation is not received within 15 days of the date the employee submitted the request for time off, then the request may be denied.
- e. All documentation submitted supporting the employee's request for time off from the FLP will be evaluated for job-protected time off under the Family and Medical Leave Act (FMLA). If it is determined that the employee is eligible for time off under the FMLA, their FMLA entitlement will run concurrently with any hours awarded from the FLP.

5. Determination:

- a. In determining the amount of leave to be assigned to an eligible employee from the pool, the pool administrator shall take into consideration the information contained in the employee's application, any supporting documentation required, the number of applications pending, and the amount of leave available in the pool. In no event shall the leave allocated to an eligible employee from the pool exceed 90 days or one-third of the FLP balance, whichever is less.
- b. Upon approval of an application for FLP hours, the employee will be credited with the approved number of FLP hours, and the employee and the supervisor will be notified of the amount of time granted from the pool.
- c. The employee may use leave assigned from the pool in the same manner as leave accrued by the employee and will be treated for all purposes as if the employee were absent on earned leave.
- d. Any unused leave hours awarded from the pool may be returned to the pool by the pool administrator if the reason for the need for leave changes. The estate of a deceased employee shall not be entitled to payment for unused leave assigned from the pool.

X. Emergency Leave

I. Bereavement Leave

- a. University employees who need to take time off due to the death of a family member are eligible for emergency leave.
- b. Family is defined as the employee's spouse, as well as parents, children, brothers, sisters, grandparents, great-grandparents, and grandchildren of the employee or the employee's spouse.
- c. A department head or designee may approve up to forty (40) hours of emergency leave with pay for the death of an employee's family member. The approval of the appropriate Vice President or designee is required for emergency leave with pay when such leave exceeds forty (40) hours.
- d. **General Provisions:**
 - i. Employees are not required to attend the family member's funeral in order to be entitled to use emergency leave.

- ii. Emergency leave hours are not required to be used consecutively; however, granted hours must be **taken within 6 months** from the date of the family member's death.
- iii. Relationships that exist due to marriage will terminate upon death or divorce. For example, emergency leave for an ex-spouse's death would not apply, nor would it apply for the death of an ex-spouse's family member.
- iv. Emergency leave for the death of a family member may not be used after an employee has terminated employment and is on the payroll to exhaust his or her vacation leave.

2. Good Cause

- a. The President or designee may grant an employee emergency leave if the employee requests the leave; the President or designee determines that the employee has shown good cause for taking the leave; and the President or designee believes in good faith that the employee being granted the emergency leave intends to return to their position upon expiration of the emergency leave. An example of good cause to grant an individual employee emergency leave may include, but is not limited to, an unplanned situation requiring immediate attention which requires the employee to exhaust all available and applicable paid leave balances.
- b. An employee is not required to request emergency leave if the President grants emergency leave because the university is closed due to weather conditions or in observance of a holiday.

XI. Military Duty Leave

This policy applies to all UTPB employees who are members of the state's military forces, a reserve branch of the U.S. Armed Forces or a state or federally authorized urban search and rescue team.

1. Authorized Training or Duty – State Military Forces, U.S. Armed Forces Reserve Components, and Urban Search & Rescue Team:

A UTPB employee who is called to active duty or authorized training as a member of the state military forces, any of the reserve components of the United States Armed Forces, state or federally funded urban search and rescue team is entitled to a paid leave of absence from his or her respective duties without loss of time, efficiency rating or performance review rating, vacation time, or salary, for not more than 15 working days (intermittent or continuous) in a fiscal year.

If an employee does not use the 15 days of military leave in a fiscal year, the employee is entitled to carry forward from one fiscal year to the next fiscal year the net balance of the unused accumulated leave, not to exceed 45 workdays.

2. National Guard Emergency – Call to State Active Duty:

An employee who is called to state active duty as a member of the Texas military forces by the governor because of an emergency is entitled to paid emergency leave. The leave taken under this section does not count towards the 15-day entitlement in Section XI. 1.



3. National Guard Emergency – Call to Federal Active Duty:

An employee who is called to federal active duty as a member of the Texas military forces may not receive the employee's state salary while on leave. However, the employee may use any accrued leave to maintain benefits for the employee or the employee's dependents.

The employee also may accrue retirement service credit by receiving at least one hour of state pay during each month of active military service, using any combination of paid leave to qualify for the state pay.

4. National Emergency – Call to Federal Active Duty in U.S. Armed Forces Reserve Component:

An employee called to active duty during a national emergency to serve in a reserve component of the U.S. Armed Forces under Title 10 or Title 32 of the United States Code is entitled to an unpaid leave of absence. The employee may choose (but is not required) to use all or some portion of another form of accrued paid leave before he or she chooses to go on leave without pay while on military leave.

During such leaves of absence, the employee will accrue state service credit for purposes of longevity pay, vacation leave, and sick leave.

The employee may retain any accrued vacation or sick leave and is entitled to be credited with those balances on return to UTPB employment. Leave earned while on an unpaid leave of absence is credited to the employee's balance when the employee returns to active UTPB employment.

The employee also may accrue retirement service credit by receiving at least one hour of state pay during each month of active military service, using any combination of paid leave to qualify for the state pay.

While on unpaid military leave, an employee shall be granted sufficient emergency leave as differential pay if the employee's military pay is less than the employee's state gross pay.

5. Disaster Leave – Call by the Governor to State Active Duty of State Military Forces, U.S. Armed Forces Reserve Components, or Urban Search & Rescue Teams:

Employees who are members of the state's military forces, a reserve branch of the U.S. Armed Forces, or a state or federally authorized urban search and rescue team who are called to state active duty by the governor or another appropriate authority in response to a disaster are entitled to a paid leave of absence for each day they are called to active duty during a natural or man-made disaster, as defined in Government Code 418.004. The paid leave may not exceed seven working days in a fiscal year. The leave taken under this section does not count towards the 15-day entitlement in Section XI. I.

6. Assistance to Civil Authorities – Call to Federal Active Duty:

A UTPB employee called to federal active duty for the purpose of providing assistance to civil authorities in a declared emergency or for training for that purpose is entitled to receive paid emergency leave for not more than 22 workdays without loss of military leave under Section XI. I. or other accrued paid leave. The duty or training under this subsection does not include duty or training carried out under Section XI. I.

7. Adjustment in Work Schedule for Members of the National Guard:

The work schedule of any employee who is a member of the Texas National Guard or the United States Armed Forces Reserve must be adjusted so that two of the employee's days off each month coincide with two (2) days of military duty to be performed by the employee, in order to facilitate participation in military duties by state employees.

8. Employee Responsibilities:

- a. Employees must notify supervisors as soon as possible when they are called for military duty.
- b. Employees must provide copies of military orders to their supervisor prior to taking military leave.

9. Recordkeeping:

Accurate records of military leave taken will be retained in the employees' personnel file in the Office of Human Resources. If employees are on military leave for one calendar month or more, accurate records of state service credit will also be maintained.

XII. Family and Medical Leave (FMLA)

1. Persons Affected:

UTPB-eligible employees who have been employed by the state of Texas for a total of at least twelve (12) months and have worked at least 1,250 hours (about 1 month 3 weeks) during the twelve-month period prior to the commencement of the requested leave are covered by the Family and Medical Leave Act.

- a. The 12 months the employee must have worked for the State of Texas need not be consecutive months.
- b. Periods of employment that precede a break in state service of seven (7) years or more do not count toward the 12-month requirement, unless the following is applicable:
 - i. The break is due to the fulfillment of the employee's National Guard or Reserve military service obligations, or
 - ii. There is a written agreement stating the State of Texas' intent to re-employ the employee after the break.

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

2. Policy:

- a. FMLA entitles eligible employees to take up to twelve (12) weeks of unpaid, job-protected leave for serious health conditions and/or specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. It is the policy of UTPB to provide eligible employees leave in accordance with the FMLA and its implementing regulations for one or more of qualifying reasons:
 - i. The birth of a child and care after such birth;
 - ii. The placement with the employee of a child for adoption or foster care;

- iii. The employee's own serious health condition that makes the employee unable to perform the functions of the employee's position;
 - iv. To provide care for the employee's spouse, parent, or child with a serious health condition;
 - v. A qualifying exigency arising out of the fact the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty ("military exigency leave"); or
 - vi. To provide care for a covered service member with a serious injury or illness if the service member is the employee's spouse, child, parent, or next of kin ("military caregiver leave") - See [Military Caregiver Leave Under the FMLA](#).
- b. To the extent any FMLA implementing regulations conflict with this policy or its related procedures, the regulations should be followed.
- c. It is the responsibility of the employee or supervisor to report the need for FMLA involving a serious or chronic health condition that would necessitate the employee being absent from work for three (3) or more days to the Office of Human Resources. Because it is UTPB's responsibility to designate leave as FMLA leave, UTPB may require complete, sufficient documentation from an employee to determine if the leave requested is for an FMLA qualifying reason. If UTPB does not have the information necessary to determine if the leave requested is for an FMLA qualifying reason, the FMLA leave request may be denied.
- d. Intermittent and Reduced Schedule Leave:**
Employees with a serious health condition, or who need to provide care to a spouse, parent, child, or covered service member with a serious health condition (but not those taking leave due to the birth or placement of a child), may take intermittent or reduced schedule leave.
- i. If an employee takes an intermittent or reduced leave schedule, only the amount of leave taken may be counted toward the twelve (12) weeks of leave to which an employee is entitled. Where an employee normally works a part-time schedule or variable hours, the amount of leave to which an employee is entitled is determined on a pro-rata or proportional basis by comparing the new schedule with the employee's normal schedule.
 - ii. When an employee has requested intermittent or reduced schedule leave, the University may transfer the employee to an alternative position with equivalent pay and benefits if the employee is qualified for the position, and if it better accommodates the recurring periods of leave more than the employee's current position.
- e. How the 12-Month Period is Calculated: Eligible employees are entitled to take up to 12 weeks of family leave during any 12-month period measured forward from the date the employee's first FMLA leave begins.

f. Medical Examinations: UTPB may require the following:

- i. Certification from the health care provider to support the leave request when an employee is taking leave to care for a family member, or due to his or her own serious health condition. If UTPB does not agree with the medical certification, a second opinion at UTPB's expense may be obtained. If the two opinions disagree, a third opinion may be obtained at UTPB's expense and will be the final determination. There is no certificate requirement if an employee is taking leave for the birth of a child or placement of a child;
- ii. Periodic recertification;
- iii. Periodic reports during FMLA leave on the employee's status and intent to return to work;
- iv. Medical certification to show that intermittent leave is medically necessary;
- v. A fitness-for-duty certification to return to work; or
- vi. Medical certification if an employee claims inability to return to work after the expiration of leave because of the continuation of a serious medical condition.

g. Notice by the Employee to UTPB:

To be approved for FMLA leave, an employee must provide UTPB with appropriate notice regarding the need for leave. If possible, employees should give notice of the need for leave using forms available through the Office of Human Resources:

- i. When the need for FMLA leave is foreseeable (e.g., expected birth, placement for adoption or foster care, planned medical treatment, etc.), an employee should give UTPB at least thirty (30) days advance notice of the need for leave.
- ii. When the need for FMLA leave is not foreseeable, an employee should give UTPB notice that leave is needed as soon as practical, preferably the same day or the next business day when the employee learns of the need for leave.
- iii. Absent unusual circumstances, employees must follow any usual notice or call-in procedures for their working unit. If an employee is incapacitated or otherwise unable to personally give UTPB notice that FMLA leave is needed, notice may be given on the employee's behalf by a spouse, adult family member, or other responsible party.
- iv. An eligible employee who has turned in appropriate notice of a qualifying reason under the FMLA and has met the documentation requirements, will be considered for FMLA leave.

h. Notice by UTPB to the Employee:

- i. Upon receipt of a request for FMLA or other notice of the need for leave, the Office of Human Resources will determine whether an employee is eligible for FMLA leave and, within five (5) business days (absent extenuating circumstances), will issue the employee a notice discussing their eligibility and their rights and responsibilities.

- ii. When UTPB has received the required documentation to determine if leave is FMLA-qualifying, the Office of Human Resources will provide the employee with written notice designating whether the requested leave is approved or denied within five (5) business days (absent extenuating circumstances).
- i. **Concurrent Use of Paid Leave:**

Except for employees receiving temporary disability or workers' compensation income benefits, eligible employees must use all accumulated sick, vacation, compensatory, and administrative leave concurrently with FMLA leave. Employees receiving temporary disability or workers' compensation benefits may elect leave without pay rather than using paid leave. Similarly, the sick leave pool, when available, may be used in conjunction with and count toward the FML entitlement. All leave taken for an FMLA-qualifying reason, paid or unpaid, will count toward the employee's FMLA leave entitlement. The 12-week entitlement may run concurrently with workers' compensation leave, provided the employee is otherwise eligible for FMLA leave. UTPB will not count paid leave that was not for an FMLA-qualifying reason against an employee's FMLA leave entitlement.
- j. **Premium Payments for Group Health Insurance:**

When an eligible employee is on unpaid FMLA leave, UTPB will continue to contribute its share of premium sharing for group health insurance as if the employee had continued in employment during the leave. For example, if the employee normally has family coverage, UTPB will continue sharing the cost of the premiums with the employee at the family rate. The employee is required to pay his or her share of the premiums in the same manner required when working. An employee may pay his or her share of group health insurance premiums in any manner customarily used by UTPB.
- k. **Failure of Employee to Pay Share of Group Health Insurance:**
 - i. If the employee fails to pay premiums, a 30-day grace period will be provided after the agreed upon date for which payment is due. If the employee does not make payment within 30 days, UTPB may cease to maintain the health coverage on the date the grace period ends. Prior to expiration of the grace period, UTPB will notify the employee of the discontinuation of insurance coverage.
 - ii. If UTPB discontinues health coverage as a result of non-payment of premiums, the employee's group health insurance must be restored to at least the same level and terms as were provided when leave commenced. Therefore, the returning employee shall not be required to meet any qualification requirements, such as a waiting period or pre-existing condition requirements when the employee has failed to continue his or her health coverage for non-payment of premiums.
 - iii. An employee must continue to pay group health insurance premiums during unpaid leave if they return to work for a period less than 30 days.
- l. **Returning Employee:**

On return from an approved FMLA leave, an employee generally will be returned to the same position the employee held when the leave started or to an equivalent position. An equivalent position is one that is comparable to the employee's former position in terms of pay, benefits, and working conditions, and involves the same or substantially similar duties and responsibilities and with substantially equivalent skill, effort, responsibility, and



authority. A determination of whether a position is equivalent to the one held before the approved FMLA is made by the Office of Human Resources.

An employee has no greater right to reinstatement or to other benefits or conditions of employment than if the employee had been continuously employed during the FMLA period. An employee may be denied restoration to a position if UTPB can show the employee would not otherwise have been employed at the time reinstatement is requested (e.g., the position is subject to a legitimate reduction-in-force action; the employee is unable to perform an essential function of the position because of a physical or mental condition; FMLA leave is fraudulently obtained by the employee, etc.). If an employee gives unequivocal notice of intent not to return to work, in that case, UTPB is no longer obligated to restore the employee to his or her position or maintain health benefits (subject to COBRA requirements).

m. Rights of Employees:

Employees who exercise their FMLA rights are entitled to do so without restraint, and UTPB prohibits interference with, restraint, or denial of any person's exercise or attempted exercise of any FMLA right. Any employee who disciplines, discharges, or discriminates or retaliates against an individual for having exercised or attempted to exercise any FMLA right, for instituting a complaint or proceeding under or related to the FMLA, or for providing information or testimony in good faith in connection with an inquiry or proceeding regarding the FMLA may be subject to disciplinary action, up to and including termination of employment or nonrenewal of appointment. An employee's exercise or attempt to exercise FMLA rights, complaint under or related to the FMLA, or providing of information or testimony in good faith in connection with an inquiry or proceeding regarding the FMLA may not necessarily stop or delay any evaluation or disciplinary action related to the employee who is otherwise not meeting performance expectations or who has violated UTPB rules or policies. All other UTPB employment policies apply to employees regardless of FMLA status.

n. Record Keeping Requirements:

All offices and individuals responsible for handling FMLA-related records must maintain the confidentiality of that information on a need-to-know basis to the extent required by law. Copies of all FMLA requests and related records should be maintained separately from the official institutional personnel file in accordance with state and federal law and UTPB policies. Reporting of FMLA leave time taken should be accomplished through appropriate absence reporting procedures. Records and documents related to medical certifications, recertification, and medical histories may be disclosed to: (a) supervisors only as needed to evaluate and accommodate necessary work restrictions; (b) first aid and safety personnel if the employee's physical or medical conditions require emergency treatment; or (c) governmental officials investigating compliance with the FMLA.

o. Coordination with Other Leave Entitlement:

The FMLA implementing regulations state that if UTPB provides more benefits than required by the FMLA, the FMLA will not restrict those benefits. Therefore, benefits such as the sick leave pool, family leave pool, and extended disability leave, when available, may be used in conjunction with and count toward the 12 weeks of FMLA leave. It should also be noted that the FMLA does not restrict or modify any federal or state anti-discrimination law or the employer's obligation to comply with those laws.

XIII. Military Caregiver Leave Under FMLA

1. Persons Affected

Any eligible University of Texas Permian Basin (UTPB) employee who is the spouse, child, parent, or next of kin of a covered service member with a serious injury or illness.

2. Policy

Military caregiver leave allows an eligible employee who is the spouse, child, parent, or next of kin of a covered service member with a serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a “single 12-month period” to provide care for the service member.

a. An employee who wishes to take military caregiver leave for a current service member must provide certification to his or her supervisor before leave will be approved. The certification requirement is met by submitting a certification completed by an authorized health care provider or by providing a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member’s family. Employees may use the U. S. Department of Labor’s optional form WH-385.

b. UTPB may request a second or third opinion of a current service member’s serious injury or illness only when a certification is provided by a non-military-affiliated health care provider.

XIV. Parental Leave

The parental time off policy provides up to 12 weeks of unpaid time off for the birth of a natural child or for the adoption or foster care placement of children under three years of age.

1. You may qualify for parental time off if you are not eligible for leave under the FMLA.
2. If you become eligible for FMLA while using parental time off, you will be transitioned to FMLA.
3. Employees are required to use all accrued and available paid time off concurrently with parental time off.
4. Any paid time off accrued while on parental time off may not be used until after you have returned to work in a benefits eligible position.
5. Sick time off may be used concurrently with parental time off for
 - a. The first six weeks following a vaginal delivery and
 - b. Eight weeks following a c-section.
6. The usage of sick time off may be warranted past the first six or eight weeks in the event of complications or illness to the child or mother, otherwise other paid time off must be used for the remainder of your parental time off.
7. The university will continue to contribute its share of premiums for insurance while an employee is using paid time off. The university will discontinue its share of premiums anytime that an employee is on a Leave of Absence and using parental time off.

XV. Holiday Leave

UTPB provides paid holiday leave in accordance with the Texas Government Code. As permitted by the Texas Government Code, UTPB will establish a vacation and holiday schedule, which is compatible with UTPB's own academic schedule and, at its discretion, may designate some holiday days as "floating holidays" to allow employees more flexibility in choosing their own time off. [Holiday Calendar](#)

1. Payment of Holiday for Transferring Employees:

If a state or national holiday fall between the dates an employee transfers, without a break in service, from one state agency or institution of higher education to another, the agency to which the employee transfers is responsible for paying the employee for the holiday, regardless of whether the agency or institution of higher education that received the new employee recognizes the holiday.

2. Holiday Compensatory Time:

When a holiday falls on an employee's day off or an employee is required to work on a holiday, the employee will be granted straight-time holiday compensatory time in lieu of the holiday. Employees may be paid for holiday compensatory time hours on a straight time basis when the taking of the holiday compensatory time would be disruptive to normal teaching, research, or other critical functions. The holiday compensatory time must be taken or paid out during the 12-month period following the holiday date. The holiday compensatory time may also be used to observe any additional religious holiday or holidays or state or national holiday that is not officially observed by UTPB. This time off must be scheduled with the prior approval of the employee's immediate supervisor. Department heads or designees are responsible for determining holiday work schedules and approved use of leave.

XVI. Wellness Leave

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

XVII. Other Leave Entitlements

1. Firefighter, Emergency Medical Services, and Search & Rescue Volunteer Leave:

An employee who is a volunteer firefighter, emergency medical services, or search and rescue volunteer as defined by state law may be granted up to five (5) days of paid leave each fiscal year (September 1 – August 31) to attend fire service, emergency medical services, or search and rescue training conducted by a state agency or institution of higher education. These volunteers may also be granted leave without a deduction in salary for the purpose of allowing the volunteer to respond to emergency fire or medical situations.

2. Foster Parent Leave:

An employee who is a foster parent to a child under the conservatorship of the Texas Department of Protective and Regulatory Services (DPRS) may be granted paid leave to attend meetings held by DPRS regarding the child or to attend an admission, review, or dismissal meeting held by a school district regarding the child.

3. Educational Activity Leave (formerly Parent-Teacher Conference Leave):

An employee may use up to a total of eight (8) hours of leave total each fiscal year to attend educational activities for the employee's children who are attending a grade from pre-kindergarten through 12th grade. For purposes of this leave, an "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, an academic competition, and an athletic, music, or theater program. The eight (8) hours are in aggregate and do not apply to each individual child in the employee's family. The employee must give their supervisor reasonable advance notice of the employee's intention to use sick leave to attend an educational activity. See Sick Leave.

4. Volunteers of Texas Voluntary Organizations Active in a Disaster:

An employee who is a volunteer of an organization that is a member of the Texas Voluntary Organizations Active in Disaster may be granted up to ten days of paid leave to participate in disaster relief services each fiscal year. The disaster must be declared a state of disaster by the governor. The employee must have prior approval from his/her manager. If the conditions are met, the employee will not lose pay during the leave or be required to use applicable accrued paid leave. Contact HR to initiate a request.

5. Blood Donation Leave:

- a.** An employee may take paid time off to donate blood not to exceed four (4) times in a fiscal year. The amount of time allowed is the time that is sufficient and reasonable to donate blood.
- b.** An employee must obtain prior approval from their supervisor before taking the time off.
- c.** Upon returning to work, the employee must provide the supervisor documented proof that the employee donated blood during the time off. If the employee fails to provide documented proof that blood was donated during the time off, the department may deduct the time off from the employee's salary or accrued leave, whichever the employee chooses.



6. Leave for Bone Marrow or Organ Donors Leave:

An employee is entitled to a leave of absence without a deduction in salary for the time needed to serve as a bone marrow or organ donor. Leave without deduction in salary under this provision may not exceed five (5) working days in a fiscal year to serve as a bone marrow donor or 30 working days in a fiscal year to serve as an organ donor.

7. Assistance Dog Training Leave for Employees with a Disability:

An employee with a disability is entitled to up to ten (10) days of paid leave per fiscal year for the purpose of attending a training program to acquaint the employee with an assistance dog to be used by the employee for the employee's disabling medical condition.

- a. The training program must be recognized for providing specific focus on training the employee to work with an assistance dog for the disabling medical condition.
- b. An "employee with a disability" means an employee who has a mental or physical disability; an intellectual or developmental disability; a hearing impairment; deafness; a speech impediment; a visual impairment; post-traumatic stress disorder; or any health impairment that requires special ambulatory devices or services.

8. Leave for Amateur Radio Operator for Disaster Relief:

An employee who holds an amateur radio license issued by the Federal Communications Commission may be granted leave of up to ten (10) days each fiscal year to participate in specialized disaster relief services without a deduction in salary or accruals. To qualify for this leave, the employee must have the authorization of the supervisor and the approval of the governor. The number of amateur radio operators eligible for this type of leave may not exceed 350 state employees at any one time during a fiscal year. The Texas Division

of Emergency Management is responsible for coordinating the establishment and maintenance of the list of employees eligible for this leave.

9. Court Appointed Special Advocates Volunteer Leave:

An employee may be granted a leave of absence without a deduction in salary or accrued leave to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates. Leave without a deduction in salary or accrued leave under this section may not exceed five (5) hours each month.

10. Training Leave for Reserve Enforcement Officers:

A state employee who is a reserve law enforcement officer (i.e., a reserve deputy sheriff, reserve deputy constable, reserve police force, or volunteer reserve police force) is entitled to a leave of absence without a deduction in salary to attend training required under Section 1701.351 of the Texas Occupations Code. Leave under this section may not exceed five (5) working days every biennium.

11. Voting Leave:

Whenever possible, employees are expected to vote before or after their normal working hours. If it is not possible for an employee to vote during off hours, UTPB will allow an employee sufficient time off, without deduction in salary or accrued leave, to vote in each national, state, or local election. Paid leave for voting is provided to regular employees. Leave is only available on an official election day, with a maximum of four (4) hours allowed. Employees must coordinate with their supervisor to schedule time off to vote.

12. Administrative Leave with Pay for Outstanding Performance:

The President may approve and grant administrative leave with pay to an employee as a reward for outstanding performance as documented by the employee's performance appraisals. The total amount granted to an employee may not exceed 32 hours during a fiscal year.

13. Compensatory (Comp) Time

For information about Overtime and Compensatory (Comp) Time, please visit the FLSA Overtime and State Compensatory Time Policy.

14. Employee Responsibilities:

- a. To qualify for the leave entitlements under this policy, employees must provide their supervisor with adequate documentation to support the leave request in advance of the leave requested.
- b. Employees provided leave under this policy must properly designate the leave on their time sheets or leave request forms.
- c. For all other leave designated in this policy, employees must code the time absent as "other" and provide an explanation.

XVIII. Leave of Absence Without Pay

1. Policy

With the operational needs and interests of UTPB receiving primary consideration, it is the policy of UTPB to grant eligible employees a period of unpaid leave for good cause during which employment is protected. Granting an unpaid leave of absence signifies that the employee may be restored to the same or comparable position upon return to employment and makes the employing department responsible for ensuring such a position remains available. However, these events are subject to financial constraints, applicable UTPB or The University of Texas System rules and policies, and applicable state and federal laws. A leave of absence without pay may be granted for good cause, including personal reasons, professional development, public service, or other activities that reflect credit on UTPB and enhance an individual's ability to make subsequent contributions to UTPB. UTPB is under no obligation to grant a leave of absence under this policy.

2. Procedure

a. Duration:

A leave of absence may be granted for a period of up to twelve (12) months. If the period of the leave is less than twelve (12) continuous months, an employee may submit a request to extend the leave for a combined period not to exceed twelve (12) months. The Regents' Rules restrict leaves of absence that extend beyond the end of a fiscal year. Therefore, the granting of that portion of a leave that extends beyond the current fiscal year (August 31) is contingent upon the employee's reappointment.

b. Exhaustion of Paid Leave:

Except for disciplinary suspensions, approved military leave, and leave covered by workers' compensation benefits, all accumulated paid leave (including state compensatory time and FLSA overtime) must be exhausted before going on leave of

absence without pay status. Sick leave must first be used only if the employee is taking leave for a reason for which the employee is eligible to take sick leave.

c. **Application and Approval Process:**

i. **Application Submission** - The employee must submit a written request on the **Leave of Absence form** to the Office of Human Resources that includes the following:

1. The reason for the requested leave with documentation as appropriate;
2. Length of time requested; and
3. A statement of the employee's clear intention to return to work. If the leave is for professional development or public service, the request shall specify how the leave will increase the effectiveness or professional productivity of the employee.

ii. **Application Review** - When evaluating leave requests, the Office of Human Resources will work with the immediate supervisor to determine if the request is in the best interest of UTPB. The following criteria will be considered:

1. The ability of the department to function efficiently and effectively during the employee's absence;
2. The effect of the employee's absence on coworkers;
3. The provisions required to accomplish the employee's work;
4. Whether the employee's documented work performance justifies employment protection; and
5. The employee's clear intent to return to work.

iii. **Determination** - The Office of Human Resources and the immediate supervisor shall review the leave request and submit a written recommendation to the department or unit head. The recommendation shall state whether the application should be granted or denied and the reasons for the decision. The department or unit head shall make the final decision to grant or deny the leave request and shall communicate the decision in writing to the employee with a copy to the supervisor and the Office of Human Resources.

d. **Effect of Leave on Insurance Benefits:**

For a leave of absence that is not covered by Family and Medical Leave, the following applies.

i. **Premiums While on Leave** - The employee is allowed to keep all or part of the insurance they have by paying the full premium in accordance with UTPB policies. Any insurance coverage not wanted may be put in abeyance and activated immediately upon return to work without the necessity of having to submit evidence of insurability documents.

- ii. **Nonpayment of Premiums by Employee** - If the employee fails to pay the insurance premium by the due date, UTPB shall cancel the employee's insurance coverage at the end of the last month for which a complete payment is made.
- iii. **Restoration of Coverage upon Return to Work** - If UTPB discontinues health coverage as a result of the employee's non-payment of premiums, the employee's group health benefits must be restored to at least the same level and terms as were provided when leave commenced. The returning employee will not be required to meet any qualification requirements, such as a waiting period or preexisting condition requirements, when the employee has failed to continue his or her health coverage for non-payment of premiums.
- iv. For a leave of absence that is covered by Family and Medical Leave, see [Family and Medical Leave](#) for insurance benefit information.

e. **Return to Work:**

The employee returning from a leave of absence will be reinstated to the same or equivalent position and pay within the department or unit, subject to financial constraints, applicable UTPB or the UT System rules and policies, and applicable state and federal laws.

f. **Eligibility for Subsequent, Non-Consecutive Leave:**

An employee must return to duty for one year (12 continuous months) after a leave of absence to be eligible to apply for another leave of absence, unless they have been granted an extension under this policy.

3. Responsibilities

a. **Employee Responsibilities:**

An employee on leave shall immediately notify the supervisor of any change in circumstances that affect the employee's leave status.

b. **Department Responsibilities:**

The department shall place an employee granted a leave of absence on leave without pay status for the term of the leave or until the end of the fiscal year, whichever is shorter.

c. **Delegation of Authority:**

The President delegates authority to the Director of Human Resources to review and approve leaves of absence for the initial twelve-month period. The President delegates authority to the appropriate Vice President to review and approve leaves of absence for a second consecutive twelve-month leave.

XIX. Injury Leave for Certain Peace Officers

Commissioned peace officers injured in the course of duty may be entitled to paid injury leave without a deduction in salary. The maximum amount of leave available for all injuries occurring at one time is one year. Refer to [UTS 185 Injury Leave for Peace Officers](#) for details.

XX. Legislative Leave for Peace Officers**1. Leave Entitlement:**

- a. An employee who serves as a peace officer for UTPB is entitled to leave to serve in, appear before, or petition a governmental body during a legislative session.
- b. UTPB will grant leave under this section to an employee who complies with application submittal and payment of associated costs except in an emergency or if granting leave will result in an insufficient number of employees to conduct normal business needs. If granting leave results in an insufficient number of employees, UTPB will allow another employee who serves as a peace officer of equal rank to volunteer to exchange work time, as long as overtime is not incurred and if the volunteer work will result in having a sufficient number of employees. If the above conditions are met, the employee may take leave under this section without a break in service or deduction of applicable accrued paid leave.
- c. Leave under this section to attend a session of the Congress of the United States may not exceed 30% of the employee's total annual working days during the year in which leave is granted. Leave under this section to attend a legislative session in the state of Texas may not exceed the length of the legislative session.

2. Use of Leave:

- a. The employee must submit a written application on or before the 30th day before the employee intends to begin his/her leave. The application must state the length of the requested leave and the employee's willingness to reimburse UTPB for any wages or other costs UTPB will incur as a result of the leave. UTPB will require reimbursement of all costs associated with legislative leave an employee is granted.
- b. UTPB will notify the employee in writing within thirty days after receiving the application of the actual amount of money required to offset the costs it will incur associated with the legislative leave. UTPB will require the employee to submit reimbursement before approving the leave. The employee must submit a sworn statement identifying the source of the money provided for reimbursement.

XXI. Compliance with a Subpoena

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

XXII. Agency Investigation

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

XXIII. Mental Health Leave for Peace Officers

Commissioned peace officers who experience a traumatic event in the course of duty may be entitled to paid mental health leave without a deduction in salary.

XXIV. Veteran Health

1. Eligibility:

Employees who served in the United States Army, Navy, Air Force, Coast Guard, or Marine Corps or the Texas National Guard and who are eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs.

2. Entitlement:

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

XXV. Definitions

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

2. Catastrophic Illness or Injury - Is a severe condition or combination of conditions affecting the mental or physical health of the employee or member of the employee's immediate family that requires treatment by a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned and therefore results in loss of compensation from the state. A severe condition or combination of conditions is one that will result in death if not treated promptly, requires hospitalization for more than 72 consecutive hours, or causes a person to be legally declared a danger to him or herself or others. For purposes of this policy, pregnancy and elective surgery are not considered severe conditions, except when life-threatening complications arise from them.

3. Covered Active Duty –

- a. For a member of the regular Armed Forces, duty during deployment with the Armed Forces to a foreign country; or
- b. For a member of a reserve component of the Armed Forces (including the Reserve, National Guard, Ready Reserve, Selected Reserve, Individual Ready Reserve, certain retired Regular Armed Forces, and certain retired members of the Reserves), duty during deployment with the Armed Forces to a foreign country under a call or order to active duty. This term does not apply to members of the state military unless they are called into federal service.

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

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

6. **Full-Time Employee** - Appointed to work 40 hours per week.
7. **Licensed Practitioner** - A licensed physician or other licensed health care professional who is practicing within the scope of his or her license.
8. **Minor Child** – A person under the age of 18.
9. **Non-Exempt Employee** - Employees appointed to positions that do not fall under one of the exemptions found in the Fair Labor Standards Act (FLSA) of 1938, as amended, and whose positions are therefore subject to all provisions of the FLSA, including the overtime provisions.
10. **Part-Time Employee** – Appointed to work less than 40 hours per week.
11. **Peace Officer** - an employee commissioned to serve as a peace officer under Article 2.12, Code of Criminal Procedure and Section 51.203, Texas Education Code.
12. **Personal Paid Leave** - Any sick, vacation, state compensatory, floating holiday, overtime, or other awarded paid leave type the employee has available for use.
13. **Physical Fitness Activities** - Includes individual or group activities designed to maintain or improve strength, flexibility, balance, endurance, or cardiovascular fitness and to sustain or increase physical fitness.
14. **Premium Sharing** - The amount of money provided by the state and UT System to offset the costs of premiums for certain insurance coverages.
15. **Qualifying Exigency** - Making alternative childcare arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member's absence.
16. **Reserve Law Enforcement Officer** - An employee who is a reserve deputy sheriff, reserve deputy constable, reserve police force, or volunteer reserve police force.
17. **Search & Rescue Volunteer** - An employee who provides services for or on behalf of an organization that conducts search and rescue activities without remuneration (except reimbursement for expenses).
18. **Serious Health Condition** - An illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

XXVI. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s):

1. The Family and Medical Leave Act of 1993
2. Texas Government Code Chapter 437: Texas Military
3. Texas Government Code Chapter 614: Peace Officers and Fire Fighters

4. Texas Government Code Chapter 659: Compensation
5. Texas Government Code Chapter 661: Leave
6. Texas Government Code Chapter 662: Holidays and Recognition Days, Weeks, and Months
7. Texas Government Code Chapter 664: State Employees Health Fitness and Education
8. Texas Labor Code Chapter 52: Protection of Laborers, Restrictions on Labor
9. The University of Texas System Board of Regents' Rules and Regulations Rule 30201, Leave Policies
10. The University of Texas System Board of Regents' Rules and Regulations Rule 30203, Sick Leave Pool
11. The University of Texas System Board of Regents' Rules and Regulations Rule 30204, Family Leave Pool

XXVII. Dates Reviewed or Amended

Created: September 27, 1995

Amended: April 10, 2019

Approved: November 18, 2025