

Leave

Purpose

To provide TRS employees leave time for events, such as holidays, or circumstances, such as recovering from illness or providing care to others.

Applies To

All TRS employees

General Statement

TRS provides employees with vacation, sick leave, and holidays as detailed in this policy. If they meet the eligibility requirements, employees may also receive authorization to take leave without pay.

Vacation (Annual) Leave

State employees are entitled to paid vacation leave. Vacation leave is time off for a vacation or to pursue other personal activities. Employees may not take vacation leave until they have been employed with the state of Texas for six continuous months. The six continuous months can be at any time during the employee's lifetime. An employee may not use vacation leave before it has been accrued.

Earning Vacation Leave

Employees begin to accrue vacation leave on the first day of employment and on the first calendar day of each succeeding month of state employment. If an employee is on paid leave (continuous or intermittent leave) that extends from one month into the next month, the employee's leave accrual will not be posted until the employee returns to work. This leave cannot be applied to cover any previous absences.

Vacation Leave Accrual Rate and Maximum Carry-Forward Hours

The amount of vacation leave an employee accrues and the amount that an employee can carry over each fiscal year is determined by their length of state service and percent of time worked. Vacation leave accruals end on an employee's last day of duty, which is an employee's last physical day on the job.

For a schedule of vacation leave accrual for full-time employees, see:

https://www.trs.texas.gov/Pages/careers_benefits_vacation.aspx.

Accrual Rates for Part-Time and Hourly Employees

The accrual rates and maximum number of hours that can be carried forward into the next fiscal year for part-time and hourly employees are proportionate to those for full-time employees. The accrual rates and maximum carry-forward hours are based on total state service and the percentage of time worked.

For example, an employee who has less than 2 years of state service and has always worked at 50 percent time accrues 4 hours of vacation leave per month (8 hours X .50 = 4 hours). The same employee can carry forward 90 hours into the next fiscal year (180 X .50 = 90 hours).

Accrual Rates for Employees Changing from Full Time to Part Time

An employee who changes from full-time to part-time status during the year will earn vacation leave consistent with the percent of time worked during each month of the year. Such an employee may carry forward into the next fiscal year an amount proportionate to their employment status as of August 31st.

Vacation Leave Accruals for Rehired Retirees

Rehired retirees who retired from state employment before June 1, 2005, accrue vacation leave at the same rate as they did immediately before retirement. Rehired retirees who retired on or after June 1, 2005, and who receive a state retirement annuity accrue vacation leave based on their length of service earned after retirement.

Total State Service Anniversary Date

The rate at which an employee accrues vacation leave per month increases when the employee's total length of state service reaches an anniversary date (e.g., the hours of vacation leave that an employee accrues per month increases from 8 to 9 hours after 2 years of state service and from 9 to 10 hours after 5 years of state service).

When an employee's anniversary date falls on the first day of the calendar month, the employee is credited for the higher rate on that day. When an employee's anniversary date falls on any other day, the employee is credited for the higher rate on the first day of the following calendar month. When an employee's anniversary date occurs during August, the employee may carry forward the higher amount of maximum hours into the next fiscal year.

Separation and Unused Vacation Leave

When an employee who has completed six or more continuous months of state service separates from employment, the employee will be paid for any unused vacation leave unless they are employed by another state agency within 30 days of the separation. In that instance, the balance of the unused vacation leave will be transferred to the employing agency.

An employee may request to stay on the TRS' payroll and exhaust all or part of their vacation leave balance until the end of the month the employee's separation takes place,

rather than receive a lump sum for the total balance. TRS has discretion to grant or deny such a request.

The estate of a deceased employee is entitled to payment for all accrued vacation leave, provided that all the requirements in Texas Government Code, Chapter 661, Subchapter B, are satisfied.

Requesting Vacation Leave

Employee requests for vacation leave must be submitted to the employee's manager in accordance with department standards. The manager may deny the request based on business necessity, unless the vacation leave requested is for a condition covered by the Family and Medical Leave Act or workers' compensation.

A manager may require a non-exempt employee to use FLSA overtime in lieu of requested vacation or state compensatory leave. However, the manager should not require this substitution if it would result in the employee's loss of vacation leave due to fiscal yearend conversion into sick leave or state compensatory leave due to reaching 12-month expiration date.

Leave Without Pay

Leave without pay (LWOP) is an unpaid absence from work. It can be either authorized or unauthorized leave. The Executive Director or designee may grant employees LWOP not to exceed 12 months.

Repeated unauthorized use of LWOP by an employee is considered an inappropriate use of leave and may result in corrective action, up to and including termination.

Employees do not accrue vacation or sick leave while on LWOP if the employee is on leave for a full calendar month. LWOP must be entered and approved on the employee's timesheet before the monthly payroll processing deadline.

Exhausting Paid Leave

All applicable paid leave must be used before going on LWOP status. Paid leave does not need be used first in the case of military leave without pay and cannot be used in the case of disciplinary suspension. Paid leave does not need to be used before unpaid leave covered by workers' compensation benefits. Sick leave must be used if applicable but cannot be used if it is not applicable.

Requesting LWOP

LWOP requests must be authorized by the department manager, chief officer, Chief Organizational Excellence Officer, and the Executive Director or designee. Employees must contact the [workplace accommodations coordinator](#) in OE to initiate the process.

Extension of LWOP

Employees requesting an extension of LWOP must seek prior approval from their department manager. Employees or their department manager must contact the workplace accommodations coordinator in OE to initiate the extension process. The total duration of LWOP may not exceed 12 months.

Sick Leave

Sick leave is an employee benefit that, under certain conditions, allows for a paid absence from work. An employee may use accrued sick leave for:

- a personal illness or injury;
- appointments with licensed medical practitioners;
- pregnancy-related illness;
- physician-prescribed confinement due to complications with a pregnancy;
- the care of an eligible [immediate family member](#) who is ill;
- the adoption of a child who is less than three years old; and
- educational activities (see [Sick Leave and Educational Activities](#) under Sick Leave).

An employee who has a pattern of using sick leave on Mondays or Fridays or in another disruptive pattern may be subject to corrective action, up to and including termination.

Definitions

Immediate Family Members: Immediate family includes the following:

- an individual who is related to the employee by kinship, adoption, or marriage and who resides in the employee's household;
- a foster child who is under the conservatorship of the Department of Family and Protective Services, who is in the employee's care, and who resides in the employee's household;
- a minor child of the employee, regardless of whether the child and employee reside in the same household; and
- an individual who is the employee's spouse, child, or parent and who requires care and assistance for a documented medical condition but who does not reside in the employee's household.

Licensed Medical Practitioners: A licensed medical practitioner is a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of their license.

Sick Leave Accrual

An employee accrues and is eligible to use sick leave beginning on the first day of employment. Thereafter, an employee accrues sick leave on the first day of the calendar month. The employee is not required to complete six months of continuous state service before using accrued sick leave. An employee who is on leave the first day of the month will not earn and may not use that month's accrual until they return to duty. Sick leave accrual

ends on the last duty day of state employment. The last duty day is the employee's last physical day on the job.

Full-time employees accrue eight hours of sick leave per month.

Part-time and hourly employees accrue sick leave at a rate proportionate to full-time employees. The percentage of time that the part-time and hourly employees work is used to calculate accrued hours.

The employee's unused sick leave balance is carried forward each month throughout employment. There is no limit to the amount of sick leave that can be accrued or carried forward into the next fiscal year.

Use of Sick Leave for Family Members Not in Employee's Household

The use of sick leave for immediate family members not residing in the employee's household is strictly limited to the time necessary to provide such care and assistance. The [workplace accommodations coordinator](#) may request documentation of the family member's medical condition from the employee before approving sick leave. However, if the disease or condition is chronic or terminal, documentation is not required for each use of sick leave.

Sick Leave and Educational Activities

Employees who have children attending pre-kindergarten through 12th grade may use up to eight hours of sick leave each fiscal year to attend their children's educational activities.

Examples of educational activities:

- a school-sponsored activity, including a parent-teacher conference
- tutoring
- a volunteer program
- a field trip
- a classroom program
- a school committee meeting
- an academic competition
- an athletic, music, or theater program

Confidentiality of Medical Information

As required by law, the workplace accommodations coordinator maintains all employee medical records in confidential files separate from employee personnel files.

All medical documentation must be sent to the workplace accommodations coordinator. No medical documentation may be kept in department/division files. Medical documentation must be submitted in a confidential manner to the workplace accommodations coordinator.

Donation of Sick Leave to an Employee

An employee may donate any amount of the employee's accrued sick leave to another employee who:

- is employed in the same state agency as the donor employee; and
- has exhausted the employee's sick leave, including any time that the individual may be eligible to withdraw from a sick leave pool.

An employee may not provide or receive remuneration or a gift in exchange for a sick leave donation. An employee who receives donated sick leave under this section may not:

- Use sick leave donated to the employee except as provided under the [sick leave accrual](#) section; or
- Notwithstanding any other law, receive service credit in the Employees Retirement System of Texas for any sick leave donated to the employee that is unused on the last day of that employee's employment.

Employees interested in donating hours to another employee must submit the *Sick Leave Contribution* form (PER 35) to the [workplace accommodations coordinator](#).

Sick Leave Balance Restoration

An employee who terminates employment as a result of a reduction in force shall have their sick leave balances restored (excluding any hours that were donated to the Sick Leave Pool at the time of termination) if re-employed by the state within 12 months.

Employees who terminate employment with the state for other reasons are entitled to have their sick leave balance restored if:

- re-employed by the same state agency or institution of higher education within 12 months after termination, but only if there has been a break in employment with the state of at least 30 calendar days; or
- re-employed by a different state agency or institution of higher education within 12 months after termination.

Sick Leave and Employee's Death

The estate of a deceased employee is entitled to payment of half of the employee's accumulated sick leave or 336 hours, whichever is less, provided that the requirements in the Texas Government Code, Chapter 661, Subchapter B, are satisfied.

Sick Leave and Vacation Leave

An employee may request a change in leave status if the employee or an immediate family member becomes ill while the employee is on vacation leave.

Employees who use vacation leave in lieu of sick leave must provide the same documentation as they would if they were out for three or more consecutive working days. For additional information, see [Required Documentation](#) under Sick Leave.

The employee must follow all provisions of the sick leave policy.

Sick Leave and Other Paid Leave

An employee who uses other appropriate paid leave in lieu of sick leave must provide documentation to the workplace accommodations coordinator if the employee is out for three or more consecutive working days. Requests are authorized at the discretion of management in consultation with Organizational Excellence.

The employee must comply with all sick leave provisions.

Sick Leave Notification

An employee who will be absent from duty because of illness must notify their manager as soon as possible or in accordance with divisional standards. If absent for more than one day, the employee should notify the manager, in accordance with division/department procedures, of their status each morning, unless other arrangements are made.

Employees must give their managers at least a 24-hour notice of their intent to use sick leave for:

- nonemergency medical appointments; or
- educational activities.

Required Documentation

An employee who is absent for three or more consecutive working days because of illness must provide a doctor's medical documentation to the [workplace accommodations coordinator](#). OE may also require medical documentation or some other written statement for sick leave taken during a continuous period of fewer than three working days. Medical documentation should be provided only to OE. Additional medical documentation may be requested, depending on the circumstance and job functions, as appropriate.

Unscheduled Leave

Unscheduled leave occurs when an employee is late or absent without prior approval. Unscheduled leave may be authorized or unauthorized depending on the circumstances.

The following are examples of unscheduled leave use that may be addressed by counseling or discipline:

- The employee frequently has unscheduled leave due to events that could have been avoided by prior planning or effective time management;
- The employee frequently has unscheduled leave that is not FMLA leave or approved as a workplace accommodation and results in performance problems, the reassignment of the employee's work, or disruption in the workplace;
- The employee has a pattern of unscheduled leave right before or after the weekend or holiday time off or on days of peak workload;
- The employee calls in sick on a day for which a request to use vacation has already been denied;
- The employee fails to report to duty at the scheduled time; and

- The employee is frequently absent due to illness or the illness of a family member that is not covered by FMLA leave or supported by a medical provider's note when required.

If an employee is out three or more consecutive working days due to illness or for another medical reason, the employee must provide a statement from the employee's medical provider indicating that the employee has been released to return to work. This statement must be provided to the workplace accommodations coordinator in OE. Organizational Excellence can request medical documentation at any time.

Exceptions to this policy can be made on a case-by-case basis by the Executive Director or designee. The manager should contact Organizational Excellence if the manager feels that an exception is warranted.

No medical information should be retained outside of Organizational Excellence. Employees should limit the information provided to managers when reporting leave due to medical reasons. Employees need only report that they are out for personal illness or for FMLA reasons. Specifics about the illness should not be shared with managers.

TRS provides employees with vacation, sick leave, and holidays as detailed in this policy. If they meet the eligibility requirements, employees may also receive authorization to take leave without pay.

Job Abandonment

An employee who is absent from work for three consecutive workdays without contacting their manager regarding the reason for the absence is considered to have abandoned the job and is subject to immediate termination of employment.

An employee who fails to return to work on the first workday following the end of an approved leave period is considered to have abandoned the job and is subject to immediate termination of employment.

Job abandonment constitutes a voluntary resignation on the employee's part and will be coded accordingly.

Organizational Excellence, in consultation with the employee's management, may make individual exceptions to this policy based on extenuating circumstances or may consider requests for reinstatement by an employee on a case-by-case basis. In no way shall this policy be construed to deprive an employee of rights under the FMLA, ADA, or any other federal or state law.

Holidays

TRS employees are entitled to a paid day off from work on national, state, and optional holidays observed by the state, provided the holiday does not fall on a Saturday or Sunday.

If a holiday occurs while an employee is on paid leave, such as sick leave or vacation leave, the holiday time is substituted and the time is not deducted from the employee's vacation or sick leave balances.

If an employee is in a paid status before and after a mid-month holiday, the employee is paid for the holiday. If an employee is in an unpaid status for the entire day before or after a mid-month holiday, the employee is not paid for the holiday.

If an employee is in a paid status after a holiday that falls on the first workday of the month, the employee is paid for the holiday. If an employee is in an unpaid status for the entire day after a holiday that falls on the first workday of the month, the employee is not paid for the holiday.

If an employee is in a paid status before a holiday that falls on the last workday of the month, the employee is paid for the holiday. If an employee is in an unpaid status for the entire day before a holiday that falls on the last workday of the month, the employee is not paid for the holiday.

Authorized Holidays

For a list of the authorized national, state and optional holidays, see the Texas State Auditor's Office website: <http://www.hr.sao.texas.gov/Holidays/>.

The Executive Director may authorize additional office closures.

Holiday Time for Full- and Part-time Employees

The amount of paid holiday time allowed for full-time and part-time employees is based on the percent of time worked. The following table provides examples:

Percent of Time Worked	Calculation of Holiday Time
100	40 hours per week ÷ 5 = 8 hours of holiday time
75	30 hours per week ÷ 5 = 6 hours of holiday time
50	20 hours per week ÷ 5 = 4 hours of holiday time

Holiday Time for Hourly Employees

Hourly employees earn holiday time proportionate to the hours they work.

Holiday Time for Employees Who Work Other than 8–5, Monday–Friday

Employees who work hours other than 8 to 5, Monday through Friday, receive the same number of hours as employees who work 8 to 5, Monday through Friday. The employees who work other than 8 to 5, Monday through Friday (40 hours a week) will receive eight hours of paid holiday time off for each holiday in the fiscal year during the period in which the employee works.

Skeleton Crew Holiday

A skeleton crew holiday is a day on which TRS is only required to have enough employees on duty to conduct its public business. Managers will determine whether an employee is

needed for a skeleton crew holiday. If an employee works on a skeleton crew holiday, the employee will earn holiday time.

Optional Holidays

TRS employees are entitled to observe optional holidays, such as Rosh Hashanah, Yom Kippur, Good Friday, and Cesar Chavez Day, in lieu of skeleton crew holidays. The employee must agree to give up a skeleton crew holiday during the same fiscal year as the optional holiday. The employee's manager must approve the substitution and ensure the employee works on the substituted holiday.

Violations

Violations of TRS or division leave policies may result in corrective action, up to and including termination of employment.

If a manager suspects an employee of abusing leave, the manager should contact the Employee Relations staff in Organizational Excellence for advice and additional information.

This policy does not constitute a contract, a promise or guarantee of employment, or a guarantee of access to TRS premises or information resources, as applicable, and may be modified, superseded, or eliminated by TRS without notice to the employee.