

## MEMORANDUM OF ADMINISTRATIVE POLICY

SECTION: Human Resources

Number: 02.D.04

AREA: Benefits

**SUBJECT: Types of Employee Leave**

### I. PURPOSE

This policy outlines the holiday and leave benefits provided by the State of Texas to its employees in the General Provisions of the [State General Appropriations Act](#) and related statutes and federal laws and regulations. It applies to all university regular, benefits - eligible employees regardless of source of funds from which paid, with exceptions noted in certain provisions. The policy provides guidelines to establish under what circumstances employees may be entitled to or granted each type of leave.

### II. POLICY

The University of Houston - Clear Lake provides holidays, vacation, sick leave, and other leave benefits granted by the State of Texas to regular university employees. Leave benefits may be with or without pay, based on certain qualifying conditions. Eligible employees are entitled to request and be considered for leaves described in this document. Eligibility for certain leave benefits may differ under law; these differences are noted.

The policy of the University of Houston - Clear Lake and is to ensure equal opportunity in all its educational programs and activities, and all terms and conditions of employment without regard to age, race, color, disability, religion, national origin, veteran's status, genetic information, or sex (including pregnancy), except where such a distinction is required by law. Additionally, the UH -Clear Lake prohibits discrimination in all aspects of employment and educational programs on the basis of sexual orientation, gender identity, or gender expression. For the UH -Clear Lake's Official Non-Discrimination Statement, see [System Administrative Memorandum \(SAM\) 01.D.05 – Equal Opportunity and Non-Discrimination Statement](#).

### III. DEFINITIONS

3.1 Federal Fiscal Year: The 12-month period beginning October 1 and extending through the following September 30.

3.2 University Fiscal Year: The 12-month period beginning September 1 and extending through the following August 31.

3.3 Regular employee: A university employee who is appointed for at least 20 hours per week on a regular basis for a period of at least 4-1/2 months, excluding students employed in positions that require student status as a condition of employment.

**IV. GENERAL PROVISIONS**

- 4.1 All types of leave must be requested and approved in accordance with this MAP. Unless a requirement for higher approval is noted, the leave must be approved by the employee's supervisor.
- 4.2 One leave period may involve several types of leave; i.e., sick leave, family and medical leave, extended sick leave, vacation, etc. In such cases, each type of leave involved must be requested according to the procedure for that leave and reported accordingly
- 4.3 The date of return to work shall be specified when the leave is requested. If the return date is not known, the employee must contact the supervisor/HR designee regularly, in accordance with the procedure for that leave.
- 4.4 The employee must report to the supervisor if he/she will be unable to return to work at the end of the leave period and must provide an acceptable reason for the delay. Failure to return to work from an approved leave of absence by the intended date and to provide an acceptable reason will be considered abandonment by the employee of his/her job.
- 4.5 Records of leave requests and leave accrued and taken must be maintained by the department. The official leave records are those reflected in the UH - Clear Lake payroll system. Departmental records must be verified to payroll system records on a monthly basis.
- 4.6 Time away from the workplace on the university's behalf and/or approved as time worked shall not be considered as leave.
- 4.7 If an exempt employee does not otherwise work 40 hours in the workweek, absences must be recorded as vacation, sick leave, or other appropriate leave, to comply with State law.
- 4.8 Leave requests should be made reasonably ahead of time and shall be scheduled to accommodate work requirements whenever possible.

**V. REPORTING LEAVE**

- 5.1 Requests for leave must be submitted for approval in a format that is acceptable by university.
- 5.2 When a leave period involves more than one type of leave, each type of leave involved shall be requested according to the procedure for that type of leave.
- 5.3 Obtaining or using job-protected leave under false pretenses or by falsifying medical documents is subject to disciplinary action up to and including termination.

**VI. LEAVE WITH PAY**

The following types of leave are provided to the employee at full pay, and do not affect state service credit, university benefits, or leave accruals, except where noted.

- 6.1 Holidays: The state authorizes the number of annual holidays available to regular employees and provides that institutions of higher education may adjust the holiday schedule to provide the most efficient academic operation. The University of Houston - Clear Lake holiday calendar is approved annually by the Board of Regents and includes most national holidays and an extended winter holiday break.

Eligible employees who are required to work on a scheduled holiday are entitled to equivalent time off with pay to be taken during the following 12-month period. Employees may be paid for holiday compensatory time hours earned on a straight time basis when the supervisor determines that allowing the employee to take compensatory time off would be disruptive to normal teaching, research, or other critical functions.

Additional details on university holiday benefits may be found in [SAM 02.E.03](#).

- 6.2 Vacation: Regular staff employees and administrative faculty on 12-month appointments are entitled to paid vacation time in each fiscal year. Vacation entitlement is earned according to the schedule established in the biennial [State General Appropriations Act](#), proportionate to the FTE established for the position in which the individual is employed. Faculty other than those on 12-month appointments are not eligible for vacation.

Additional details on university vacation benefits may be found in [SAM 02.D.01](#).

- 6.3 Sick Leave: Leave for medical appointments or elective procedures must be requested ahead of time and scheduled to accommodate work requirements whenever possible.

When the employee is unable to work because of illness, he/she should contact his/her supervisor at the earliest practical time in accordance with university procedures, and the Leave Request/Notification must be submitted promptly upon return. In addition, a medical absence of more than three working days requires a written statement from the employee's health care provider, indicating the cause or nature of the illness or other acceptable statement of the facts concerning the illness.

Sick leave is earned at the rate of eight hours for each month or fraction of a month of employment, proportionate to the FTE established for the position(s) in which employed.

- 6.3.1 Extended sick leave: Extended sick leave may be available to long-term

employees in good standing who have become disabled and have exhausted all accrued sick leave and other leave balances. This benefit may be awarded to provide continued income from the time all accumulated paid leave has been exhausted through the end of the waiting period for long-term disability benefits to begin.

- 6.3.2 Sick leave pool: The sick leave pool provides a source of additional sick leave for employees who suffer a catastrophic illness or injury and have exhausted all accrued sick leave and other leave balances. All regular employees may voluntarily transfer sick leave from their accrued balances to the UH -Clear Lake sick leave pool and apply for benefits from the pool.

Additional details on university sick leave benefits may be found in [SAM 02.D.01](#) and [SAM 02.D.02](#).

- 6.4 Administrative Leave with Pay: An employee whose job performance and productivity consistently exceeds those normally expected or required by the job description of the employee may be granted Administrative Leave with Pay. It may also be granted to an employee who has successfully completed a special project of significant importance to warrant special recognition. In either case, the required job performance level must be documented in the most recent performance evaluation or by memorandum from the employee's supervisor. This leave must be approved by a Vice President prior to being granted.
- 6.5 Emergency Leave: Up to eight hours of leave may be requested for personal emergencies by submitting a Leave Request/Notification. The request requires the approval of the university president/designee. The university president may approve emergency leave on a university-wide basis for periods of time longer than eight hours as a result of national or local disasters, a pandemic or other emergencies.
- 6.6 Bereavement Leave: Regular employees are eligible for up to three (3) days of bereavement leave (up to 5 days if the deceased lived out of the area) due to a death in the employee's immediate family. For the purpose of this provision, the employee's immediate family includes: husband, wife, children (including step-children), brothers, sisters (including stepbrother or stepsister), brothers-in-law, sisters-in-law, parents (including stepparents), grandparents, grandchildren, father-in-law, mother-in-law, sons-in-law, or daughters-in-law. The request shall be submitted to the employee's supervisor as early as possible, identifying the relationship of the deceased to the employee. Upon return from leave, the employee may be asked to furnish acceptable documentation to his/her supervisor.
- 6.7 Jury Duty: A university employee is entitled to leave to respond to a summons for jury duty and to serve on a jury, if selected. The employee will be granted a reasonable amount of time to report for jury duty and to report to work following dismissal from jury duty.

The employee shall submit the Leave Request/Notification, together with a copy of the jury summons, as soon as possible after receipt. Jury time shall be estimated

and revised with the Leave Request/Notification, if necessary, upon return. The employee shall submit an official Jury Duty Release notice to their supervisor upon return to work.

Employees working the evening or night shift are entitled to leave time for the assigned shift on the day(s) they have responded to and/or served on jury duty during the day shift. If an employee is required to work the evening or night shift on the day(s) of jury duty, the employee will receive additional compensation at straight time for the time worked.

The employee is entitled to keep any compensation for jury service.

6.8 Voting Leave: University of Houston – Clear Lake offers its benefits-eligible employees Voting Leave, in accordance with [Texas Government Code § 661.914](#). Employees must be allowed sufficient time off to vote in each national, state, or local elections. Employees requesting leave to vote must obtain prior approval from their supervisor before taking time off. Supervisors may grant up to 2 hours off at the beginning or the end of the workday for employees to vote without deduction in pay or leave time. This leave must be recorded in TRAM as “Other Paid Leave.”

6.9 Witness Leave: Any university employee called to appear in his/her official capacity in any judicial action, legislative investigation, or as an expert witness on behalf of the university shall consider and report that time as time worked, not leave. Employees shall not accept or receive witness fees for such appearances. However, employees providing witness services on behalf of the university are entitled to paid travel expenses. The employee’s supervisor must be notified of the time away prior to the leave.

A university employee who serves as a witness for any other reason than on behalf of the university is entitled to receive witness fees, but such time must be requested and approved as vacation time, compensatory leave, or leave without pay. If the employee is responding to a subpoena and accrued leave is not available, the supervisor shall be notified and must grant leave without pay.

6.10 Administrative Leave: In the event of an emergency closing of the campus or a portion of the campus declared by the president or the president’s designee, regular employees who leave or cannot get to the campus as a result of the condition will be granted administrative leave for the period the university is officially closed. In such circumstances, non-exempt employees who are requested by their supervisors to stay on campus or to come to campus because of the critical nature of their work will receive additional compensation at straight time for the time they work.

6.11 Volunteer Firefighters, Emergency Medical Services Volunteers, and Search and Rescue Volunteers Leave: A university employee who is a volunteer firefighter,

Emergency Medical Services volunteer, or a search and rescue volunteer shall be granted a leave of absence not to exceed five days each fiscal year to attend training conducted by state agencies. The employee shall submit the Leave Request, along with a copy of the notice of the training or meeting, as soon as possible after the notification is received.

- 6.12. Foster Parent Leave: An employee who is a foster parent to a child under the conservatorship of the Department of Family and Protective Services (DFPS) is entitled to leave of absence to attend DFPS staffing meetings regarding the child or to attend the school district's Admission, Review, and Dismissal (ARD) meetings regarding the child.
- 6.13. Red Cross Volunteer Leave (Ready Texans Program): Any university employee who is a certified Red Cross disaster service volunteer or who is training to become a volunteer may be granted leave not to exceed 10 days each fiscal year to participate in specialized disaster relief services for the American Red Cross. Such leave must be based on a request from the American Red Cross with the approval of the Governor's Office. This leave is subject to annual limits on the pool of state employee certified disaster volunteers set by the Legislature and coordinated by the Division of Emergency Management and the Governor's Office.
- 6.14. Service Animal Training for Employees with Disabilities: A university employee who is a person with a disability, as defined by [Human Resources Code, Section 121.002](#), is entitled to a leave of absence not to exceed 10 days per fiscal year without a deduction in salary for the purpose of attending a training program to acquaint the employee with an service animal to be used by the employee.
- 6.15. Faculty Development Leave: Information on faculty development leaves is available through the university Office of the Provost.
- 6.16. Compensatory Leave: Non-exempt university employees may be entitled to compensatory leave time in lieu of pay for time worked beyond the standard 40-hour workweek. Restrictions and terms differ for non-exempt [FLSA](#) and straight-time compensatory leave.
- 6.17. Leave for Organ or Bone Marrow Donors: (a) a state employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor (as defined by [Texas Government Code, Section 661.916](#)). (b) The leave of absence provided by this section may not exceed (1) five working days in a fiscal year to serve as a bone marrow donor, or (2) 30 working days in a fiscal year to serve as an organ donor.
- 6.18. Donation of Blood: (a) a state agency shall allow each agency employee sufficient time off, without a deduction in salary or accrued leave, to donate blood (as defined by [Texas Government Code, Section 661.917](#)). (b) An employee may not receive

time off under this section unless the employee obtains approval from the employee's supervisor before taking time off. (c) On returning to work after taking time off under this section, an employee shall provide the employee's supervisor with proof that the employee donated blood during the time off. If an employee fails to provide proof that the employee donated blood during the time off, the state agency shall deduct the period for which the employee was granted time off from the employee's salary or accrued leave, whichever the employee chooses. (d) An employee may receive time off under this section not more than four times in a fiscal year.

- 6.19 Educational Activities of Employees' Minor Children: An employee may use up to eight hours of sick leave each fiscal year to attend educational activities of the employee's children in grades Pre-k through 12th grade. The employee shall give reasonable advance notice to their supervisor and, when possible, should take the business needs of the department into consideration. "Educational activity" means a school-sponsored activity, including a parent-teacher conference, tutoring, volunteer program, field trip, classroom program, school committee meeting, academic competition, and an athletic, music, or theater program.
- 6.20 Injury Leave for Peace Officers: Commissioned Peace Officers employed within the University of Houston System may be eligible for up to one year of Injury Leave, without a deduction in salary, for an injury sustained due to the nature of the officer's duties and that occurs during the course of the officer's performance of duty, unless due to their own gross negligence or if performing office duties.
- 6.21 Amateur Radio Operators: University employees who hold an amateur radio station license may be eligible for leave to participate in specialized disaster relief services, pursuant to state statute, and in coordination with the Texas Division of Emergency Management.
- 6.22 Court Appointed Special Advocates (CASA) Volunteers: University employees may be granted up to five (5) hours leave each month to participate in mandatory training or to perform volunteer services for Court Appointed Special Advocates, pursuant to state statute.
- 6.23 Reserve Law Enforcement Officer: An employee who is a reserve law enforcement officer is entitled to leave of up to five working days every fiscal biennium to attend continuing education training required for peace officers in accordance with state statutes.
- 6.24 Leave During Agency Investigation: At the determination of the President or the President's designee, an employee may be granted leave if the employee is:
- 6.24.1. The subject of an investigation being conducted by the University; or

6.24.2. A victim of, or witness to, an act or event that is the subject of an investigation by the University

An employee who is the subject of the investigation is ineligible to receive leave for that reason under any other provision of this subchapter.

6.25 Veterans Medical Health Leave: An employee who is a veteran and eligible for VA benefits may be granted leave to obtain medical, physical rehabilitation, or mental health care administered by the Veterans Health Administration, not to exceed 15 days each fiscal year. Veteran Medical Health Leave may be used for appointments and/or treatments only. Other leave must be used when experiencing symptoms relating to the condition outside of appointments or treatments. Additional days may be granted by the University President or designee, if determined appropriate for the employee.

6.25.1 To the extent possible, employees should give their supervisor written notice of the need for leave as soon as practicable, but generally at least one week prior to the appointment.

6.25.2 Employees and supervisors should consider the business needs of the department in approving leave, as long as it does not interfere with medical care.

6.25.3 Eligible hours not used by the end of the fiscal year will expire, and are not rolled over.

## VII. LEAVE WITHOUT PAY (UNPAID LEAVE)

7.1 Leave of absence without pay is an authorized temporary release of a staff member from the payroll

7.2 A regular, benefits-eligible employee may be granted a leave of absence without pay for sufficient reason for a period not to exceed 12 months. Except for disciplinary suspensions, active military duty, and workers' compensation situations, all applicable accrued paid leave balances (vacation, compensatory leave, and sick leave) must have been exhausted before the leave without pay period commences. The use of accrued sick leave is, however, restricted to those circumstances that would otherwise qualify the employee for sick leave under state law and university policies.

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

7.4 A leave of absence without pay of longer than 30 days (other than for military active



duty, family and medical leave, parental leave, or workers' compensation) requires the approval of the dean or director in accordance with the companion procedure. Leaves without pay of 30 days or less may be granted with the approval of the employee's supervisor.

- 7.5 The president may grant exceptions to these policy limitations for such reasons as interagency agreements or for other educational purposes.
- 7.6 Except where specified otherwise, an employee will not accrue vacation, sick leave, or state service credit for any full calendar month (i.e., from the first day of a month through the last day of a month, inclusive) on leave without pay. An employee will accrue these credits if any part of a month is paid. Also, no retirement plan contributions are made by the university while the employee is on leave without pay.

Employees may continue group insurance while on leave without pay by making arrangements with the Benefits section of the Human Resources Department to personally pay the total amount of the premium, including what would have been the state's contribution. When on family and medical leave, the state's contribution will be continued, but the employee share of the premium must be paid personally by the employee.

- 7.7 While on leave without pay, the employee is not eligible for holiday pay.
- 7.8 The university Office of the Provost should be consulted for special restrictions relating to faculty leaves without pay.

#### VIII. LEAVES THAT MAY BE PAID OR UNPAID

- 8.1 Workers' Compensation leave: All university employees are covered under provisions of the [Texas Workers' Compensation Act](#). Under this act, if an employee is injured on the job or sustains a job-related illness and the employee's claim is accepted for workers' compensation benefits, the employee is eligible for workers' compensation leave. When on workers' compensation leave, the employee may elect to take accrued paid sick leave, vacation, and/or compensatory time; or the employee may take leave without pay from the university, during which the employee is compensated at a percentage of his/her salary by the State of Texas Attorney General's Office. In either case, the State of Texas covers medical costs. Also, in any case, the injury or illness must be reported to the employee's supervisor immediately.

Forms used for reporting job-related injury or illness for eligibility for compensation under the Workers' Compensation Act may be obtained from the Risk Management Department. If the leave involves leave without pay, a Personnel Action Request (PAR) shall be submitted, indicating the reason for the leave.

- 8.2 Family and Medical leave: An eligible employee is entitled to a maximum of 12 weeks of family and medical leave in a year (as defined) for the following events

or conditions:

8.2.1 The birth of a child and the care of the newborn

8.2.2 The placement of a child with an employee in connection with the adoption or state-approved foster care of the child

8.2.3 The serious health condition of a child, parent, or spouse of the employee.

8.2.4 A serious health condition of the employee

The employee taking family and medical leave must use all applicable accrued paid leave balances (including accrued sick leave and vacation, but not compensatory leave) unless concurrently on workers' compensation. The use of accrued sick leave is restricted to those circumstances that would otherwise qualify for sick leave usage under state law. If paid leave balances are exhausted, the remainder of the 12 weeks of family and medical leave will be on leave without pay.

The Leave Request/Notification shall be submitted, along with the Application for Family or Medical Leave form and the health care provider's certification. When the request involves leave without pay, a Personnel Action Request (PAR) shall be submitted, indicating the reason for the leave.

[Additional details on university policies on Family and Medical Leave may be found in SAM 02.D.06.](#)

8.3 Parental leave: An employee who is not eligible for family and medical leave is entitled to a maximum of 12 weeks of parental leave for the following events:

8.3.1 The birth of a child to the employee and the care of the newborn.

8.3.2 The placement of a child under three years of age with an employee in connection with the adoption or state-approved foster care of the child.

The employee taking parental leave must use all applicable accrued paid leave balances (including accrued sick leave, vacation, and compensatory leave). The use of accrued sick leave is restricted to those circumstances that would otherwise qualify for sick leave usage under state law. If paid leave balances are exhausted, the remainder of the 12 weeks of parental leave will be on leave without pay.

8.4 Military leave: Under the General Provisions of the [State General Appropriations Act](#) and the [Texas Government Code](#), University of Houston - Clear Lake employees who are members of state military forces or armed forces are entitled to military leave of absence with pay for a maximum of 15 days per federal fiscal year for training or active duty authorized by a property authority. State law also requires that a state employee's work schedule be adjusted as needed so that two of the employee's non-work days per month coincide with two days of military

duty to be performed by the employee.

After exhausting the 15 days of paid military leave, the employee may use accrued vacation leave to the extent available and/or be placed in a leave without pay status for the remainder of the active duty period. Employees called to active duty are entitled to re-employment following discharge if the individual received an honorable discharge, if application for re-employment is made within 90 days of discharge, if the length of active duty does not exceed five years, and if the employee is physically and mentally qualified to perform the essential functions of that position.

In addition, an eligible employee who is a spouse, child, parent, or next of kin of a current member of the Armed Forces, including members of the National Guard or Reserves, with a serious injury or illness is eligible for up to a combined total of 26 work weeks of unpaid leave during a "single 12-month period" to care for the service member (military caregiver leave).

The employee shall submit the Leave Request/Notification, along with a copy of his/her orders, as soon as possible after the orders are received. When the request involves leave without pay, a Personnel Action Request (PAR) shall be submitted, indicating the reason for the leave.

**IX. TIME AWAY THAT IS NOT CONSIDERED LEAVE**

Time away from the office as a witness on the university's behalf, to attend conferences and other work-related training, or to attend college credit courses approved under the College Program is considered time worked and should not be requested or reported as leave.

**X. REVIEW AND RESPONSIBILITIES**

Responsible Party: Executive Director for Human Resources

Review: Every five years on or before May 1

XI. APPROVAL

*Mark Denney*

Mark Denney

Vice President Administration and Finance

*Ira K. Blake*

Dr. Ira Blake

President

Date: 07/09/2021

XII. REVISION LOG

<b>Revision Number</b>	<b>Approval Date</b>	<b>Description of Changes</b>
1	07/09/2021	No UHCL policy exists. ULC recommended adopting UH SAM 02.D.04. Approved by ULC.

XIII. REFERENCES

[State General Appropriations Act](#)

(SAM) 01.D.05 – Equal Opportunity and Non-Discrimination Statement.

[SAM 02.E.03.](#)

[State General Appropriations Act](#)

[SAM 02.D.01.](#)

[SAM 02.D.02.](#)

[Texas Government Code § 661.914.](#)

[Human Resources Code, Section 121.002](#)

[FLSA](#)

[Texas Government Code, Section 661.916\).](#)

[Texas Government Code, Section 661.917](#)

[Texas Workers' Compensation Act.](#)

[State General Appropriations](#)

[Texas Government Code,](#)