

University of Houston Clear Lake

MEMORANDUM OF ADMINISTRATIVE POLICY

SECTION: Human Resources
AREA: General

Number: 02.D.01

SUBJECT: Vacation and Sick Leave

I. PURPOSE

- 1.1 The University of Houston - Clear Lake provides leave benefits to eligible employees according to the [General Appropriations Act](#) and other statutory standards. Vacation (annual leave) and sick leave are outlined in this document. Other leave policies are addressed in their respective administrative memoranda.
- 1.2 For purposes of this document, a “regular, benefits-eligible” employee means one who is employed to work at least 20 hours per week for at least four and one-half continuous months excluding students employed in positions that require student status as a condition for employment.

II. POLICY

- 2.1 It is the policy of the university to provide vacation and sick leave to regular, benefits-eligible employees according to the provisions of state law. Eligibility for vacation and sick leave differs under law and is specified below.
- 2.2 State law specifies that sick leave may be used only in certain qualifying circumstances, listed in section 4.1.

III. VACATION LEAVE POLICY PROVISIONS

- 3.1 Regular, benefits-eligible staff employees and faculty on 12-month appointments shall, without deduction in salary, be entitled to vacation time in each fiscal year in accordance with the provisions of [Section 661.152](#) of the Texas Government Code. Such entitlement is earned according to the schedule established by the Texas Legislature in the biennial [General Appropriations Act](#), proportionate to the full-time equivalency (FTE) established for the position in which the individual is employed. Faculty other than those on 12-month appointments, are not eligible for vacation.
- 3.2 Vacation entitlement is subject to the following guidelines:
 - 3.2.1 An employee will earn vacation entitlement beginning on the first day of employment with the university and terminating on the last day of duty.
 - 3.2.2 Credit for one month’s accrual will be given for each month or fraction of a month of employment with the university and will be posted to each employee’s leave record on the first day of employment with the university and on the first day of each succeeding month of employment thereafter.

- 3.2.3 Vacation with pay may not be granted until the employee has had continuous employment with the state for six months, although credit will be accrued during that period.
- 3.2.4 An employee who is on paid leave on the first workday of a month may not take vacation leave accrued for that month until the employee has returned to duty.
- 3.2.5 Credit for the higher rate of accrual as shown on the chart below shall be given on the first calendar day of the month if the employee’s anniversary date falls on the first calendar day of the month; otherwise, the increase will occur on the first calendar day of the following month. Part-time employees will accrue vacation leave on a proportionate basis and the maximum carry over will also be proportionate.

LENGTH OF STATE SERVICE	HOURS ACCRUED PER MONTH	ALLOWABLE CARRYOVER
Less than 2 years	8	180
At least 2 but less than 5	9	244
At least 5 but less than 10	10	268
At least 10 but less than 15	11	292
At least 15 but less than 20	13	340
At least 20 but less than 25	15	388
At least 25 but less than 30	17	436
At least 30 but less than 35	19	484
At least 35 years or more	21	532

- 3.2.6 The net balance of unused accumulated leave, not to exceed the maximum cited above, may be carried forward for any employee from one fiscal year to the next fiscal year. Any excess hours over the maximum cited above will automatically be credited to the employee’s sick leave balance.
- 3.2.7 In computing vacation time taken, time during which any employee is excused from work because of holidays or officially granted administrative leave shall not be charged against the employee’s vacation.
- 3.2.8 None of the funds appropriated by the [General Appropriations Act](#) may be used to pay a state employee or former employee who resigns, is dismissed, or has otherwise been separated from state employment unless:
 - 3.2.8.1 the individual’s employment with the state had been continuous for a period of six months; and
 - 3.2.8.2 the individual has not been re-employed by a state agency to a position which accrues vacation time within a period of 30 days from the date of separation from state employment. Accrued vacation is paid from the budget of the employing department.
- 3.2.9 Use and documentation of vacation are subject to the management practices developed by the university.

- 3.3. A terminating employee may, with the agreement of the appropriate university administrators, be allowed to remain on payroll to utilize accrued vacation in lieu of being paid in a lump sum.
- 3.4. A lump sum vacation payment will be made to an individual who leaves employment within the university 30 days following their termination of employment unless they have been employed by another state agency, provided that the employee has been employed with the state for six continuous months.
- 3.5. An individual who is re-employed by a state agency to a position which accrues vacation time within a period of 30 calendar days from the separation from state employment shall have their previously accrued but unused vacation leave restored.

IV. SICK LEAVE POLICY PROVISIONS

- 4.1 In accordance with [Section 661.202](#) of the Texas Government Code, regular employees of the university shall, without deduction in salary, be entitled to sick leave subject to the following conditions:
 - 4.1.1 An employee will earn sick leave entitlement beginning on the first day of employment with the university and terminating on the last day of duty.
 - 4.1.2 Sick leave entitlement shall be earned at the rate of eight hours for each month or fraction of a month employment, proportionate to the FTE percentage established for the position(s) in which employed.
 - 4.1.3 Sick leave will accumulate with the unused portion carried forward each month.
 - 4.1.4 An employee who is on paid leave on the first workday of a month may not use the sick leave that the employee accrues for that month until after the employee returns to duty.
 - 4.1.5 Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty or when the employee is needed to care for and assist a member of the employee's immediate family who is actually ill.

For purposes relating to regular sick leave, immediate family is defined as those individuals who reside in the same household and are related by kinship, adoption, or marriage, as well as foster children certified by the Texas Department of Protective and Regulatory Services. Minor children of the employee, whether or not living in the same household, will be considered immediate family for purposes of regular sick leave. An employee's use of sick leave for family members not residing in that employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child, or parent of the employee who needs such assistance as a direct result of a documented medical condition. For the purpose of this policy, parent does not cover parents-in-law of the employee.

- 4.1.6 An employee who must be absent from duty because of illness shall notify the appropriate supervisor or cause the supervisor to be notified of that fact at the earliest practical time.

- 4.1.7 An employee who uses sick leave is required to document his absence from work in accordance with procedures established for such documentation by the university.
- 4.1.8 To be eligible for accumulated sick leave with pay during a continuous period of more than three working days, an employee absent due to illness shall send to the administrative head of his employing agency a doctor's certificate showing the cause or nature of the illness, or some other written statement of the facts concerning the illness which is acceptable to such administrative head. It is within the discretion of the administrative head to require documentation concerning illnesses resulting in absences of three working days or less. The university administrative head may delegate this authority to the employee's supervisor.
- 4.2. [Section 661.206](#) of the Texas Government Code states that an employee who is a parent of a child who is a student attending a grade from pre-kindergarten through 12th grade may use up to eight hours of sick leave each calendar year to attend parent-teacher conference sessions for the employee's child. An employee shall give reasonable advance notice of the employee's intention to use the sick leave to attend a parent-teacher conference.
- 4.3. A terminating employee will not be allowed to remain on the payroll after the planned final work day to utilize accrued sick leave.
- 4.4. Upon return to duty after sick leave, the employee concerned shall, without delay, complete the prescribed application for sick leave and submit it to the supervisor for consideration.

V. EXTENDED SICK LEAVE

- 5.1 The following is a policy statement which contains detailed procedures for handling the granting and recording of extended sick leave. The university will adhere strictly to the policy and procedures.
- 5.2 Although provisions for sick leave with pay are determined by state law, under special circumstances extensions or exceptions may be granted to extend available sick leave until the employee is eligible for additional relief such as disability benefits or sick leave pool. Exceptions to the amount of sick leave with pay an employee may take must be authorized by the Chief Executive Officer of the university on an individual basis, after a review of the merits of the particular case.
- 5.3 Eligibility for extended sick leave with pay will be restricted to long-service (a minimum of five years university service) employees who are in good standing (not in disciplinary probation status and no record of sick leave abuse) who have terminal or critical illnesses which exceed sick and/or vacation leave accruals. The maximum amount of extended sick leave with pay which may be granted upon exhaustion of an employee's accrued sick leave and accrued vacation time is the amount necessary to satisfy the 90-day (720 hours) waiting period under the university's group long-term disability income insurance policy. This provision applies to each eligible employee whether or not actually enrolled in the university's long-term disability income insurance program. Absence from work because of illness of the employee's spouse, child, or parent does not qualify the employee for extended sick leave with pay.

- 5.4 Requests for extended sick leave with pay will be submitted on the prescribed form through normal channels to the Chief Executive Officer of the university for final action. A statement from the employee's physician must be submitted to support each request for extended sick leave with pay. At the option of the institution, a second supporting opinion may be required from another physician at the university's expense. A copy of the approved request for extended sick leave with pay shall be attached to the employee's time and effort report, and submitted to the Payroll Office for final submission with the university's payroll voucher.

VI. DOCUMENTATION OF LEAVE

The university shall maintain records of the vacation and sick leave accrual and absences of each employee, and the reasons therefore, whether from sickness, vacation, other paid leave, or leave of absence without pay.

VII. TRANSFER OF LEAVE ENTITLEMENT

A state employee who transfers directly from one state agency to another shall be given credit by the receiving agency for the unused balance not to exceed the listed maximum of accumulated vacation and sick leave, provided that his employment with the state is uninterrupted, according to Section [661.153](#) and [661.204](#) of the Texas Government Code.

VIII. PAYMENT FOR UNUSED LEAVE IN EVENT OF DEATH

Funds appropriated for the purposes of providing sick and vacation leave pay may be used to pay the estate of an employee who dies while employed by the university as listed below provided the employee has six continuous months with the State at the time of death:

- 8.1. All of the employee's accumulated vacation leave; and
- 8.2. One-half of the employee's accumulated sick leave, or an amount equal to 336 hours pay, whichever is less.

IX. REINSTATEMENT OF SICK LEAVE

- 9.1. Employees separated from employment under a formal reduction in force policy shall have their sick leave balance restored if re-employed by the state within 12 months after the end of the month in which the employee separated from state employment, according to Section [661.205](#) of the Texas Government Code.
- 9.2. Employees separated from employment with the university for other reasons shall also have their sick leave balance restored according to Section [661.205](#) of the Texas Government Code if:
 - 9.2.1. the employee is re-employed by the university within 12 months after the end of the month of their termination, provided that they had a break in service of at least 30 calendar days, or
 - 9.2.2. the employee is reemployed by a different state agency or institution of higher education within 12 months after the end of the month in which the employee separates from System employment.

X. REVIEW AND RESPONSIBILITIES

Responsible Party: Executive Director for Human Resources

Review: Every five years, on or before August 31st

XI. APPROVAL

Mark Denney

Mark Denney

Vice President for Administration and Finance

Ira K. Blake

Dr. Ira Blake

President

Date: 6/27/2021

XII. REVISION LOG

Revision Number	Approved Date	Description of Changes
1	6/27/2021	UH System Policy adopted and placed in UHCL Standardized MAP Template.

XIII. REFERENCES

[State General Appropriations Act](#)
[Texas Government Code, Section 661.913,](#)
[Family and Medical Leave Act of 1993](#)[UH -Clear Lake Administrative](#)
[SAM.01.D.05 – Equal Opportunity and Non-Discrimination Statement.](#)
[SAM 02.D.01, Vacation and Sick Leave\).](#)
[Fair Labor Standards Act \(FLSA\)](#)
[SAM 02.D.06, Family and Medical Leave,](#)
[SAM 02.A.05, Employee Relations, Grievance, and Appeal,](#)