

# VACATION AND SICK LEAVE POLICY

Policy No. ULC.1997.004

Last review December, 2011

## 1. PURPOSE

1.1 As part of the University of Houston System, the University of Houston-Clear Lake provides leave benefits to eligible employees according to the Government Code and other statutory standards. Vacation (annual leave) and sick leave are outlined in this policy. Other leave policies are addressed in separate UHCL policy statements.

1.2 For purposes of this policy, a "regular, benefits-eligible" employee means one who is employed to work at least twenty 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.

## 2. POLICY

2.1 It is the policy of the University of Houston-Clear Lake 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 4.1 below.

2.3 Abuse of leave entitlements or failure to observe proper procedures for requesting, using, and documenting vacation and sick leave may be cause for disciplinary action. If unapproved sick leave or vacation is taken, such leave will be charged against the appropriate leave balance on record for the employee; however, use of unapproved vacation or sick leave may be cause for disciplinary action.

2.4 Nothing in this policy shall be used as the basis for illegal discrimination against any employee or group of employees.

## 3. POLICY PROVISIONS - VACATION

3.1 Regular, benefits-eligible staff employees, administrators, and faculty on twelve month appointments shall, without deduction in salary, be entitled to vacation time in each fiscal year. Such entitlement is earned according to the schedule established by the Texas legislature, proportionate to the FTE established for the position in which the individual is employed. Faculty, other than those on twelve month appointments, are not eligible for vacation. A nine-month faculty appointment that is extended to cover twelve months by addition of summer employment does not constitute a twelve-month faculty appointment.

3.2 Vacation entitlement is subject to the following guidelines:

a. An employee will earn vacation entitlement beginning on the first day of employment with UHCL and terminating on the last day of duty.

b. Credit for one month's accrual will be given for each month or fraction of a month of employment with UHCL and will be posted to each employee's leave record on the first day of employment with UHCL and on the first day of each succeeding month of employment thereafter.

c. 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. An eligible employee hired by UHCL who has already satisfied the requirement for six continuous months of state employment will be eligible to use vacation as soon as acceptable documentation of such prior service is provided, subject to departmental approval of the employee's leave request.

d. 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. If an employee begins work in an eligible position on the first working day of a month, that employee is deemed to have begun working on the first calendar day of the month.

e. The net balance of unused accumulated leave, not to exceed the amount 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. The maximum amount of vacation that can be carried forward from one fiscal year to the next is also proportionate to the FTE established for the position in which the individual is employed.

f. In computing vacation time taken, time during which the employee is excused from work because of holidays or officially granted administrative leave shall not be charged against the employee's vacation.

g. An eligible employee who resigns, is dismissed, or separated from UHCL shall be entitled to be paid for all vacation time duly accrued at the time of separation, provided the employee has had continuous employment with the state for six months. Accrued vacation is paid from the budget of the employing department.

3.3 Hiring departments will assume responsibility for any vacation balance transferred by a new employee from another state agency, because of a direct transfer with no break in service.

3.4 With the approval of the employing department and the Office of Human Resources, a terminating employee may be allowed to remain on the payroll after the last day worked to exhaust vacation leave in lieu of receiving vacation pay in a lump sum, subject to the following conditions:

- the employee must not actually separate from the university; rather the employment termination date must be set ahead to such time as the employee's accrued vacation leave will be exhausted.
- the employee may not use sick leave during this period, nor will sick leave or vacation accrue.
- the employee is entitled to continue to receive all other compensation and benefits that the employee was receiving on the last day of duty, including paid holidays, longevity pay, and hazardous duty pay;
- the employee is entitled to any general salary increase for state employees that takes effect before the employee's accrued vacation time is exhausted.

## 4. POLICY PROVISIONS - SICK LEAVE

4.1 Regular employees of the University of Houston System shall, without deduction in salary, be entitled to sick leave subject to the following conditions:

- a. An employee will earn sick leave entitlement beginning on the first day of employment with the University of Houston System and terminating on the last day of duty.
- b. 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.
- c. Sick leave will accumulate with the unused portion carried forward each month.
- d. 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.
- e. 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 the direct result of a documented medical condition.
- f. 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. When time off is requested to attend to a covered family member who is ill, a physician's certification documenting the need shall be provided at the earliest possible opportunity, but no later than the date the employee returns to work.
- g. An employee who uses sick leave is required to document the absence from work in accordance with procedures established for such documentation by UHCL.
- h. In the event an employee's use of sick leave exceeds three continuous working days, the supervisor may require the employee to produce a physician's written statement showing the cause or nature of the illness, or other acceptable written documentation, concerning the illness upon the employee's return to duty.

4.2 A terminating employee will not be allowed to remain on the payroll after the planned final work day to utilize accrued sick leave.

4.3 Questions about eligibility for sick leave and its proper use and documentation may be referred to the Office of Human Resources.

## **5. POLICY PROVISIONS - EXTENDED SICK LEAVE**

5.1 The following is a statement of UHS policy which contains detailed procedures for handling the granting and recording of extended sick leave. UHCL is required to 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 President of the respective component 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 5 years UHCL 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 of Houston System's group long-term disability income insurance policy. This provision applies to each eligible employee whether or not actually enrolled in the University of Houston System'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 by the employing department to the President via the Executive Director of Human Resources 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 component'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.

## **6. DOCUMENTATION OF LEAVE**

6.1 In accordance with UHS policy, UHCL maintains 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. Such records shall be available for public inspection in accordance with the Texas Public Information Act.

## **7. TRANSFER OF LEAVE ENTITLEMENT**

7.1 A State employee who transfers directly from one State agency to another shall be given credit by the receiving agency for the unused balance of accumulated vacation and sick leave, not to exceed the listed maximum, provided that employment with the State is uninterrupted.

## **8. PAYMENT FOR UNUSED LEAVE IN EVENT OF DEATH**

8.1 Funds appropriated for the purposes of providing sick and vacation leave may be used to pay the estate of an employee who dies while employed by UHCL as listed below, provided the employee has six (6) continuous months of service with the state at the time of death:

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

## **9. 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.

9.2 Employees separated for other reasons shall also have their sick leave balance restored if:

a. the employee is re-employed by the same state agency or institution of higher education within 12 months after the end of the month in which the employee separates from state employment, provided they had a break in service of at least 30 calendar days, or

b. the employee is re-employed 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 state employment.

# VACATION AND SICK LEAVE POLICY PROCEDURES

## 10. PROCEDURES - UHCL LEAVE REQUEST FORM

10.1 The UHCL Leave Request form is the approved form for requesting leave and documenting leave taken by eligible UHCL employees. Section V of the Leave Request form specifies the recommended time frame for submitting various types of leave requests, including:

Vacation of 3 days or more -15 days prior to the date leave is requested

Vacation leave of 2 days or less -3 days prior to date leave is requested

Sick leave -upon return to work; attach physician's statement if absence exceeds 3 consecutive work days

10.2 Each request for vacation leave will be considered on a case by case basis. A department head may deny a vacation request for good business reasons or if the request is not submitted in a timely manner according to established departmental standards. In the event a timely vacation request is denied for business reasons, the requesting employee will be allowed to schedule available vacation leave for a more convenient time.

10.3 A copy of the approved leave request must be attached to the employee's time and effort report for the pay period in which leave is taken. The time and effort report must accurately reflect the amount and dates of leave taken, in agreement with the approved leave request form.

## 11. PROCEDURES - EXTENDED SICK LEAVE REQUEST FORM

11.1 The UHCL "Request for Extended Sick Leave" form (Attachment B) is the approved form for requesting and documenting extended sick leave approved for eligible UHCL employees.

11.2 The Office of Human Resources will verify information provided by the employee. If the information is not correct, the Office of Human Resources will provide corrected data, and will inform the employee of any such changes. The Office of Human Resources will recommend the correct number of extended sick leave hours and the appropriate FTE for extended sick leave. The Office of Human Resources will route the request form to the President for final consideration.

11.3 The President will consider the facts of each case and approve or disapprove each request for extended sick leave. The President may consult with appropriate UHCL administrators to arrive at a decision that is fair, in accordance with policy, and consistent with past university practice. The approved or disapproved extended sick leave request form will be returned to the employee, with a copy to Human Resources.

11.4 The Office of Human Resources will attach a copy of the President's approval of extended sick leave to each time and effort report for the affected employee during any pay period when extended sick leave is used. The cost of extended sick leave will be paid by the employing department.

## **12. SICK LEAVE POOL CONTRIBUTIONS BY TERMINATING EMPLOYEES**

12.1 A terminating benefits-eligible employee may donate all or any part of the sick leave balance remaining at the time of termination to the University of Houston System Sick Leave Pool.

12.2 Such sick leave pool donations will be available for use by eligible UHS employees on a first-come, first-served basis.

12.3 The Sick Leave Contribution Application form will be used to authorize sick leave pool contributions. This form must be completed, signed, and submitted to the UHCL Office of Human Resources before a contribution can be processed.