

Texas Woman's University University Regulation and Procedure

**Regulation and Procedure Name: Employee Attendance, Vacation, Sick,
and Other Leave Policy**

**Regulation and Procedure
Number: URP: 05.500**

Policy Owner: Finance and Administration

POLICY STATEMENT

This University Regulation and Procedure ("URP") establishes guidelines for Texas Woman's University ("TWU") employee attendance, vacation, sick, and other leave as outlined in this policy and consistent with state law.

APPLICABILITY

This policy is applicable to TWU Employees.

DEFINITIONS

1. "Employee," for the purposes of this policy, is a regular full-time (100% FTE) staff or faculty member, and regular part-time (50%-99% FTE) staff or faculty member who is employed to work for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition of employment. Hourly paid employees are not eligible for leave. Regular employment may be:
 - a. Full-time, with a normal schedule of forty hours per week; or
 - b. Part-time, with a normal schedule of at least 20 but less than forty hours per week.
2. "Immediate Family" means:
 - a. An individual who resides in the same household as the Employee and is related to the Employee by kinship, adoption, or marriage; 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 Protective and Regulatory Services; and a minor child of the Employee, regardless of whether the child lives in the same household.

- b. A spouse, child, or parent of the Employee who does not reside in the same household, but who needs care and assistance as a direct result of a documented medical condition.
- 3. “Last Day of Duty” means an Employee’s last physical day on the job.
- 4. “Licensed Practitioner” means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his or her license.
- 5. “Illness or Injury” means a mental or physical condition that:
 - a. Prevents an Employee from performing his or her duties; or
 - b. Requires medical, dental, or optical examination or treatment, including physical therapy or laboratory work or tests ordered by a Licensed Practitioner.

REGULATION AND PROCEDURE

I. Attendance

A. Departmental Attendance Policies

- 1. Regular and reliable and predictable attendance is an essential function of each position at Texas Woman’s University. Punctual and regular attendance is expected of each TWU employee.
- 2. This TWU policy is a general attendance operating policy for all Employees. Any TWU department that requires greater operational control and efficiency may develop a specific attendance policy based on its needs.
- 3. Employees are responsible for accurately recording time worked on time sheets (manual or electronic). Individual time reporting must be approved by the supervisor or other designated department official who has the authority to approve hours worked and absences. The supervisor or other designated department official who has this authority is responsible to ensure that time is reported timely and accurately. Falsification of time reporting records by employees, supervisors and other designated department officials with the authority to approve hours worked and absences is considered a violation of TWU Standards of Conduct and are subject to disciplinary action up to and including termination. (See URP 05.400: Time Reporting – Faculty, Staff, Graduate Assistants and Hourly Employees.)

B. Business Hours

Regular business hours for all TWU offices are from 8 a.m. to 5 p.m., Monday through Friday. Employees are expected to observe these hours unless there are different departmental work schedules, or the Employee is working an approved flex-time schedule.

C. Tardiness

Employees are required to report to work on time. Punctuality is important for the orderly and productive completion of work. Being punctual also includes returning from lunch and breaks at the proper time. Employees who chronically report to work late, or who report late coming back from lunch and rest breaks, may be subject to corrective action up to and including dismissal from employment.

D. Absences Due to Illness

1. Notification

When an employee is unable to report for work, it is the responsibility of the employee to notify the supervisor no less than one (1) hour before their scheduled work hours begin. If advance notification is impossible, Employees are obligated to notify their supervisor of an absence at the earliest possible time. Employees are responsible for keeping their supervisor informed of the status of their absence and expected return-to-work date.

2. Documentation

- a. Absences due to Illness or Injury that continue for three (3) work shifts or more will require documentation from a doctor including a statement of the cause and nature of the Illness or Injury. Absences due to Illness or Injury that continue for more than three (3) work shifts may fall under the provisions of the Family and Medical Leave Act (FMLA) and must be reported to the Office of Human Resources. (See URP 05.510: Family Medical Leave Act.)
- b. Faculty must submit prescribed leave forms for all sick leave taken if the absence occurs during the normal workday for regular employees, even if no classes are missed.
- c. TWU may request a doctor's release or other documentation after any absence before an Employee is allowed to return to work. The release must specify what limitations, if any, exist

to the Employee's ability to perform his or her job duties or whether the Employee's Illness or Injury poses a threat to the safety of the Employee or others. If limitations exist, then the Employee's supervisor shall contact the Office of Human Resources to determine any appropriate next steps.

E. Job Abandonment

Job abandonment will result after an Employee has missed three (3) consecutive work shifts without properly notifying the Employee's immediate supervisor and/or the appropriate administrative officer of the reason(s) for the absence(s). Job abandonment is cause for immediate dismissal from employment.

II. Sick Leave

A. Sick Leave Accrual

1. Sick leave will be earned by a regular full-time Employee at the current rate of eight (8) hours per month or a fraction of a month of employment. A regular part-time Employee working at least 20 hours per week will earn a prorated share based on the percent of time worked.
2. An Employee is entitled to be credited for one month's accrual of sick leave at the rate specified above for each month of employment with the state beginning on the first day of employment with the state and on the first calendar day of each succeeding month of state employment.
3. Any unused sick leave carries forward each month. Sick leave accrual ends on the Last Day of Duty.

B. Sick Leave Use

1. Sick leave with pay may be taken when Illness or Injury prevents the Employee from performing their job duties or when a member of the Employee's Immediate Family has an Illness or Injury.
2. An Employee who is on leave on the first day of a month may not use the sick leave that the Employee accrues for that month until after the Employee returns to duty.
3. With reasonable advance notice to the Employee's supervisor, an Employee may use up to eight (8) hours of sick leave each calendar year to attend parent-teacher conference sessions for the Employee's child or children who are in pre-kindergarten through twelfth (12th) grade.

4. Illness or Injury occurring during a vacation period may be charged to sick leave. When an Employee is ill for a continuous period of more than three (3) days while on vacation, to be eligible for accumulated sick leave with pay, the Employee will be required to furnish a doctor's certificate showing the cause and nature of the Illness or Injury or some other written statement of facts concerning the Illness or Injury which is acceptable to the supervisor.

C. Sick Leave Pool

An Employee may be eligible to request time from the sick leave pool if the Employee exhausted all the sick leave time to which that Employee is otherwise entitled. (See URP 05.520: Sick Leave Pool.)

D. Teacher Retirement System Service Credit for Sick Leave

It is the responsibility of the Employee to verify whether sick leave hours can be counted as Teacher Retirement System ("TRS") service credit.

E. Patterned Sick Leave Abuse

1. Employees are responsible for the appropriate use of sick leave. Sick leave abuse occurs when an Employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging absences to sick leave.
2. Abuse may also occur when an Employee establishes a pattern of sick leave over a period of time such as the day before or after a holiday, on Mondays and Fridays, after paydays, any one specific day, half-days, or continued patterns of maintaining a zero or near zero sick leave account balance or patterns of a leave without pay status.
3. Employees who engage in sick leave abuse, and/or show a pattern of failing to notify their supervisor of absences, may be subject to corrective action up to and including termination of employment. (See URP 05.600: Staff Standards of Conduct and Disciplinary Process and URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes.)

III. Vacation Leave

A. Vacation Leave Accrual

1. All regular full-time staff Employees and faculty members appointed to a twelve (12) month position are eligible to earn paid vacation leave under the current State of Texas schedule. All regular part-time staff Employees must work at least 20 hours per week in a

regular part-time position to earn a prorated share of vacation leave based on the percent of time worked.

2. An eligible Employee earns vacation leave beginning on the first day of employment with TWU and ending on the Last Day of Duty. Credit for one month's accrued vacation will be given for each month or partial month in which the Employee is employed by TWU. Vacation with pay cannot be taken until the eligible Employee has continuous employment with the State of Texas for six (6) months, although vacation leave will be accrued during that time.
3. Vacation earned during one fiscal year may be carried forward to the next fiscal year subject to the maximum hours shown in the chart above. All hours of unused accumulated vacation leave which are above the maximum at the end of the fiscal year are credited to the eligible Employee's sick leave balance as of the first day of the next fiscal year.
4. An eligible Employee's vacation leave accrual rate is based on years of total eligible service. An Employee will change to a higher accrual rate on the first calendar day of the month if the Employee's anniversary date falls on the first day of the month. Otherwise, the Employee will change to a higher accrual rate on the first calendar day of the following month. An Employee who begins working on the first workday of a month is considered to have begun working on the first day of the month for purposes of this policy.

[See Table 1]

B. Vacation Leave Use

1. Vacation ordinarily will be scheduled at a time that is mutually convenient to the Employee, the department, and TWU. Where conflicts arise, the needs of TWU and the department will be given first consideration.
2. 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.

C. Transfer of Vacation Leave

1. An Employee who transfers employment from one state agency to another is entitled to credit for the unused balance of the Employee's accumulated vacation leave from the former employment, as long as the Employee's employment with the state is uninterrupted and the Employee is not paid for the leave upon separation from his or her former employment.

2. An Employee who is re-employed by any state agency in a position under which the Employee accrues vacation leave within 30 days after the date of separation is entitled to reinstatement of the unused balance of the Employee's previously accrued vacation leave.
3. Employees who have previous employment with the State of Texas should contact the Office of Human Resources to secure proper credit toward vacation accrual.

D. Separation of Employment

An Employee who is no longer employed at TWU is entitled to be paid for all accrued vacation at the time of separation from TWU employment, provided the Employee has had continuous employment with the State of Texas for six (6) months and the Employee is not transferring to another State of Texas agency. The payout of vacation will occur on the following month's payroll. A deduction may be taken by TWU against an Employee's vacation payout if, at the time of separation, the Employee has been overpaid and/or received compensation to which they were not legally entitled from TWU.

IV. Miscellaneous Leave

In certain circumstances, Employees may be eligible for a paid leave of absence, other than holiday; paid vacation leave; paid sick leave; sick leave pool; and family, medical, and parental leave without pay. The following types of leave are permissible under this section, without a deduction in salary, sick leave or vacation leave:

A. Emergency Leave

1. The Chancellor, or designee, may grant an Employee emergency leave for a reason not otherwise allowed under this policy if the Chancellor determines that good cause exists to grant such leave. Employees must exhaust available paid leave before requesting emergency leave. The Chancellor, or designee, may only grant a request for emergency leave if the Chancellor, or designee, believes in good faith that the Employee intends to return to their position at TWU after the period of emergency leave.
2. If an Employee feels that good cause exists to justify a request for emergency leave, the Employee will submit a written request for leave to their supervisor and the appropriate vice president, including a statement of the reason that leave is required. If appropriate, the supervisor and vice president will forward the request to the Chancellor or designee for consideration.

3. Not later than October 1 of each year, the Chancellor shall report to the Texas Comptroller of Public Accounts the name and position of each Employee who was granted more than 32 hours of emergency leave during the previous state fiscal year, including the reason for which the Employee was granted the emergency leave and the total number of hours of emergency leave granted to the Employee in that state fiscal year.
4. An Employee is not required to request emergency leave if TWU is closed due to weather conditions or in observance of a holiday.

B. Texas National Guard Emergency Leave

An Employee, who is a member of the Texas National Guard called to active duty by the Governor because of an emergency, will be placed on paid administrative leave of absence. Being on such status will not result in the loss of paid annual military leave or annual leave.

C. Foster Parent Leave

An Employee who is a foster parent to a child under the conservatorship of the Department of Protective and Regulatory Services may take leave for the purpose of attending:

1. Meetings held by the Department of Protective and Regulatory Services regarding the child under the foster care of the Employee; or
2. An admission, review, and dismissal meeting held by a school district regarding the child under the foster care of the Employee.

D. Assistance Dog Training for Employees with a Disability

An Employee with a disability may be granted leave to attend a training program to acquaint the Employee with an assistance dog or other service animal to be used by the Employee. Leave may not exceed ten (10) days each fiscal year. Leave should be authorized by the Employee's supervisor. The supervisor will then notify the Office of Human Resources, who will verify eligibility.

E. Parental Leave

An Employee who has been employed for fewer than 12 months or who worked fewer than 1,250 hours during the 12-month period preceding the beginning of leave under this section is eligible to take a parental leave of absence not to exceed 12 weeks in accordance with this section. The Employee must first use all available and applicable paid vacation and sick

leave while taking the leave, and the remainder of the leave is unpaid. Leave under this section begins on the date of the birth of a natural child of the employee or the adoption by or foster care placement with the employee of a child younger than three years of age.

F. Voting

If there is not sufficient time to vote outside regular working hours, an Employee may take leave for a sufficient amount of time to vote in each national, state, or local election, without a deduction in salary or accrued leave.

G. Leave for Organ or Bone Marrow Donors

An Employee may take leave for the time necessary to permit the Employee to serve as a bone marrow or organ donor. A leave of absence provided by this section may not exceed:

1. Five (5) working days in a fiscal year to serve as a bone marrow donor; and
2. Thirty (30) working days in a fiscal year to serve as an organ donor.

H. Donation of Blood

An Employee may take leave to donate blood with prior approval from his or her supervisor. Upon returning to work, the Employee must provide his or her supervisor with documentation verifying that the Employee donated blood during the time off. If an Employee fails to provide the required documentation, TWU shall deduct the period for which the Employee was granted time off from the Employee's salary or accrued leave, whichever the Employee chooses. Leave under this section is limited to four times in a fiscal year.

I. Amateur Radio Operator Leave

Amateur Radio Operator Leave is granted for an Employee with an amateur radio station license issued by the Federal Communications Commission to participate in specialized disaster relief services. A leave of absence provided by this section may not exceed ten (10) business days each fiscal year. Leave should be approved by the Employee's supervisor and the Governor of Texas. The supervisor will then notify the Office of Human Resources, who will verify eligibility.

J. Court Appointed Special Advocate ("CASA") Volunteer Leave

An Employee who serves as a CASA volunteer may take leave to participate in mandatory training or perform volunteer services. A leave of absence provided by this section may not exceed five (5) hours per month. Leave should be approved by the Employee's supervisor. The supervisor will then notify the Office of Human Resources, who will verify eligibility.

K. Reserve Law Enforcement Officer

An Employee who is a reserve law enforcement officer may take leave of absence to attend training required under the Texas Occupations Code. Leave under this section may not exceed five (5) working days every fiscal biennium.

L. Veteran Leave

1. An Employee who is a veteran and is eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs may take 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.
2. A leave of absence provided by this section may not exceed fifteen (15) days each fiscal year. Notwithstanding the foregoing, the Chancellor may annually grant additional days of leave as he or she determines appropriate for an Employee under this section.

M. Jury Summons or Court Subpoena

An Employee summoned for jury service or subpoenaed to appear as a witness shall be given reasonable time off as required for rendering such services to the court. The Employee is not required to account to the state for any fee or compensation received for jury service.

N. Bereavement Leave

An Employee may take leave because of a death in the Employee's family, including the Employee's spouse, parent, parent-in-law, stepparents, sister-in-law, brother-in-law, brothers, sisters, grandparents, grandchildren, children, and stepchildren. When a death occurs in an Employee's family, the Employee may take up to three (3) days off with pay to grieve, attend the funeral, or make funeral or other related arrangements.

V. Payment to the Estate of a Deceased Employee

The payment of a deceased employee's estate shall be as follows:

- A. A deceased Employee's estate is entitled to payment of unused vacation leave and sick leave if the Employee had at least six (6) months of continuous state employment at the time of death. The amount of payment is based upon the Employee's rate of pay at the time of death. The payment may not exceed the sum of the Employee's accumulated vacation leave and the lesser of half of the Employee's accumulated sick leave or 336 hours of sick leave.
- B. An Employee, who at the time of death is normally scheduled to work at least forty (40) hours a week, will have eight (8) hours added to the Employee's total leave balance for each holiday that is scheduled to fall within the period after the date of death and during which the Employee could have used leave. To determine the period during which leave could have been used and the number of holidays, the Employee's total leave balance is allocated over the workdays after the Employee's death and eight (8) hours are added as a holiday occurs during the period.
- C. For an Employee who, at the time of death, is normally scheduled to work fewer than forty (40) hours a week, the number of hours that is to be added to the Employee's accumulated sick and vacation leave for each state or national holiday is computed as provided above, but is to be proportionally reduced according to the lesser number of the Employee's normally scheduled weekly work hours.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

Tex. Gov't Code Ch. 434, 658, 661, 1301

Tex. Hum. Res. Code Ch. 121.

Tex. Occ. Code Ch. 1701.

[URP 05.400: Time Reporting – Faculty, Staff, Graduate Assistants and Hourly Employees](#)

[URP 05.510: Family Medical Leave Act \(FMLA\)](#)

[URP 05.520: Sick Leave Pool](#)

[URP 05.530: Leave of Absence and Leave Without Pay](#)

[URP 05.540: Extended Leave](#)

[URP 05.450: Recognition Leave](#)

[URP 05.550: Military Leave](#)

[URP 05.600: Staff Standards of Conduct and Disciplinary Process](#)

[URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes](#)

FORMS AND TOOLS

None

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Table 1:
Eligibility Requirements Based State Service

Total State Employment Including Prior Service	Hours Earned per Month	Days Earned Per Year	Maximum Hours of Earned Vacation Eligible to Carry Forward to Next Fiscal Year
Less than 2 years	8	12.0	180
At least 2 but less than 5 years	9	13.5	244
At least 5 but less than 10 years	10	15.0	268
At least 10 but less than 15 years	11	16.5	292
At least 15 but less than 20 years	13	19.5	340
At least 20 but less than 25 years	15	22.5	388
At least 25 but less than 30 years	17	25.5	436
At least 30 but less than 35 years	19	28.5	484
At least 35 or more years	21	31.5	532