Leave of Absence (Faculty and Staff)

Original Implementation: September 1, 1981
Last Revision: April 14, 2015

This policy describes available leaves for both faculty and staff employees. It excludes all casual employees and employees who are in positions that require them to be a student as a condition of employment.

**Leaves available for faculty only:**
The university may grant a leave of absence to faculty, when departmental needs allow, for the following reasons:

1. To pursue additional education or training for the faculty member in order to strengthen their performance in their position at SFA.
2. To engage in research and writing directly related to responsibilities at SFA.
3. To accept a similar position in a visiting capacity at another institution.
4. To accept a position outside higher education that is directly related to the employee's professional field and has potential for enhancing their future contributions to the university.
5. Health, following the use of all accumulated sick leave, when it is demonstrated that at the end of the leave period the employee will be able to resume duties at SFA.

Leaves may be granted to faculty with the following conditions:

1. Requests for a leave of absence will be directed to the president of the university through administrative channels.
2. No paid or unpaid leave will be approved for more than 12 months.
3. Requests for renewal of a leave may be considered when submitted in writing prior to March 15.
4. Individuals who are not planning to return from leave to SFA should notify the department chair before March 15th.

**Leaves available for staff employees:**
The president may grant a leave of absence without pay to a staff employee after receiving input from the supervising department regarding departmental needs and subject to the following provisions:

1. All accumulated paid leave entitlements must be exhausted before granting such leaves, with the additional provision that sick leave must be exhausted only in those cases where the employee is eligible to take sick leave. Employees off due to a worker’s compensation injury will not be required to exhaust their accrued vacation and comp time,
but their accrued sick leave must be exhausted before leave of absence may be granted. 

2. Such leaves will be limited in duration to twelve (12) months.
3. Except in instances of disciplinary suspension, leave covered by worker’s compensation, or active military duty situations:
   a. Vacation leave must be exhausted.
   b. Sick leave, if appropriate, must be exhausted.
4. The employee must report to the supervisor and human resources if they 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 job abandonment.

Leaves available for both faculty and staff:
Individuals for whom a leave of absence has been approved are responsible for making an appointment with human resources to resolve all questions regarding employee benefits.

Individuals on leave due to a personal serious health condition or to care for a covered relation must contact their supervisor at least once each week, or as often as requested by the supervisor, regarding the status of the condition and the intention to return to work. The supervisor is responsible for reporting this information to human resources as the university is responsible for notifying employees of their rights under the Family and Medical Leave Act (FMLA). Additionally, the individual is required to call human resources on the 1st and 3rd Monday of each month during their leave to report their leave and/or return to work status.

Employees on leave due to a worker's compensation claim must contact their supervisor at least once each week, or as often as requested by their supervisor, regarding the status of the condition and the intention to return to work. Additionally, the individual is required to provide a work status report to the university environmental health, safety and risk management office from the treating physician after each appointment. The environmental health, safety and risk management office will provide a form to the physician upon request. The employee is responsible for insuring the information is provided as requested.

Employees, who are recovering from a worker's compensation injury, are concurrently on FMLA leave, and who have exhausted all accrued paid leave are in leave without pay status (LWOP). These employees must make a written request from the university president for a leave of absence (LOA) not to exceed a 12 month period from the beginning of their leave without pay status. Except as provided for in the following leave provisions, any extended leaves of absence without pay for a period of four and one-half (4-1/2) months or more for faculty or exempt staff must be approved by the Board of Regents upon the recommendation of the president.

Family Medical Leave - The Family and Medical Leave Act (FMLA) will, in many circumstances, entitle university employees with more than one year of service and who have worked at least 1,250 hours in the last year, to request up to twelve weeks of medical leave per year. (See the Family and Medical Leave policy 12.9 for more information.)
Parental Leave - Employees who do not qualify for family and medical leave are entitled to parental leave for the birth of a child or the adoption or foster care placement of a child under the age of three. Parental leave cannot exceed 12 weeks. Such parental leave may only be taken for the birth of a natural child or the adoption or foster care placement with the employee of a child under 3 years of age. The leave period begins with the date of birth or the adoption or foster care placement. (See the Family and Medical Leave policy 12.9 for more information.)

Foster Parent Leave - An employee, who is a foster parent to a child under the protection of the Department of Family and Protective Services (DFPS), is entitled to a leave of absence with full pay for the purpose of attending meetings held by the DFPS regarding the employee's foster child. In addition, the employee may attend, with a paid leave of absence, the admission, review, and dismissal (ARD) meetings held by a school district regarding the foster child.

Emergency Leave

1. Bereavement Leave: Employees will be granted bereavement leave without a loss in pay when a death occurs in their family. For the purposes of bereavement leave, family is defined as the employee's spouse, or the employee's and spouse's parents, children, brothers, sisters, grandparents and grandchildren.

The amount of time granted for bereavement leave shall not exceed three days. A full three days is not automatically granted since it is intended that such leave be limited to the reasonable amount of time necessary for travel, funeral arrangements, and funeral services. If additional days are needed, the faculty member will be required to use sick leave. Staff employees will be required to use vacation or compensatory time if additional days are needed. Employees who have exhausted all available leave accruals will be required to take leave without pay if extended leave is approved.

Requests for bereavement leave should be submitted to the department official who has the authority to approve leave. Requests for bereavement leave for family members, not mentioned above, or for leaves greater than three days are subject to the approval of the director of human resources, the divisional vice president, and the university president. Employees requesting bereavement leave may be required to provide documentary evidence of the relative's death to qualify for paid leave and attach it to the Bereavement Leave Request form.

2. Administrative Leave: Administrative leave will be granted in only the rarest of circumstances. While employees hold no entitlement to additional leave, they may be granted paid emergency/administrative leave when it is determined that there is good cause for such leave. Such leaves will not normally exceed three workdays per fiscal year.
For the purposes of this leave, an emergency is defined as an unforeseen event or combination of circumstances calling for immediate action which if not responded to immediately would present imminent danger to human life or substantial damage to property. Except for extraordinary circumstances, employees accruing sick leave would not be eligible for emergency/administrative leave for their own, or a family member's medical illness.

Administrative leave may be requested by an employee and approved by the department head for the employee to attend the funeral of a co-worker or other university employee with whom they regularly worked. Department heads, however, must ensure minimum staff levels are maintained in the department.

Inclement weather conditions will not constitute just cause for an emergency leave unless approved by the president for the institution as a whole.

Requests for emergency/administrative leave will not be approved unless authorized by the employee's immediate supervisor and department head, the director of human resources, the divisional vice president, and the university president. All requests for emergency/administrative leave should be routed to the employee's supervisor on the Administrative Leave Request form.

**Educational Activities** - An employee may use up to 8 hours of sick leave each fiscal year to attend educational activities for the employee's children who are in pre-kindergarten through 12th grade. Educational activities are school-sponsored activities, including parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs. Employees must give reasonable notice of intention to use sick leave to attend such activities.

**Jury Duty** - No deduction shall be made from the salary or wages of any employee who is called for jury service.

**Military Leave** – Employees are eligible for 15 workdays in each federal fiscal year (October 1 through September 30) without loss of pay or benefits to accommodate authorized training or duty for the state’s military forces, a reserve branch of the U.S. Armed Forces, or a state or federally authorized urban search and rescue team. The 15 days of paid leave do not have to be consecutive. If the employee does not use the 15 days of military leave in a federal fiscal year, the employee is entitled to carry the balance forward to the next federal fiscal year, not to exceed 45 workdays.

The university will adjust the work schedule of a member of the Texas National Guard or United States Armed Forces Reserve so that two of the employee's days off each month coincide with two days of military duty.
An employee called to active duty during an emergency to serve in reserve component of the U.S. Armed Forces under Title 10 or Title 32 of the U.S. Code is entitled to an unpaid leave of absence. The employee may choose, but is not required, to use all or some portion of another form of paid leave before they choose to go on leave without pay while on military leave.

An employee called to state active duty as a member of the state military forces by the governor because of an emergency is entitled to receive emergency leave without loss of military leave or vacation leave. This leave will be proved without a deduction in salary. This time is not limited and does not count against the 15 days maximum military leave per federal fiscal year.

An employee called to federal active duty for the purpose of providing assistance to civil authorities in a declared emergency or for training for that purpose is entitled to receive paid emergency leave for not more than 22 workdays without loss of military leave or vacation leave per calendar year.

A member of the state military forces who is ordered to active state duty by the governor or by other proper authority under the law of this state is entitled to the same benefits and protections provided:

- To persons performing service in the uniformed services in accordance with Title 38 U.S.C. Sections 4301-4313 and 4316-4319, as that law existed on April 1, 2003; and
- To persons in the military service of the United States in accordance with Title 50 App. U.S.C. Sections 501-536, 560, and 580-594, as that law existed on April 1, 2003.

Military Paid Leave and State Service - Employees called to active duty during national emergency to serve in a reserve component of the U.S. Armed Forces under Title 10 or 32 of the U.S. Code are entitled to state service for longevity purposes, vacation leave accruals, and sick leave accruals while on an unpaid leave of absence. This leave will be accrued but not posted until the employee returns to state employment. In addition, the employee retains their leave balances unless the employee chooses to use any accrued leave (vacation or compensatory time) to maintain benefits for the employee or the employee’s dependents while on military duty. Additionally, the employee may continue to accrue service credit with ERS by receiving at least one hour of state pay during each month of active military service. The employee may use any combination of paid leave to qualify for state pay.

Military Differential Pay: The university shall grant sufficient emergency leave to provide a pay differential if the employee's military gross pay is less than the employee's state gross pay. The combination of gross military pay and emergency leave may not exceed the employee's actual state gross pay. Pay received while assigned to a combat zone, hardship duty pay, and family separation pay is excluded when computing military differential pay. The employee should be notified of the university’s intent to use emergency leave to supplement their military pay to raise it to a rate comparable to the state pay received prior to activation. Only state employees called to active duty in support of a national emergency or Homeland Security mission (under U.S.C. Title
10 or 32) and who’s military pay is less than their gross state pay are eligible for differential pay. Service members involved in routine military training or who are attending military schools are not entitled to this differential pay. If emergency leave is granted to employees activated for military duty, those employees will accrue sick leave and vacation leave, as appropriate, each month they receive pay from the university. The sick and vacation hours will be accrued but not posted until the employee returns to full employment with the university. To determine eligibility, the employee must provide a copy of their Military Leave and Earnings Statement each month that emergency leave is going to be granted to look at the total entitlement of military pay received by the service member. The service member’s pay may change during the period of active duty because of a promotion or change in entitlements; any increase in pay may reduce or cease the need for state military differential pay.

Military Restoration of Employment: To be eligible for restoration of employment at the conclusion of military service, the employee must be honorably discharged no later than five years after induction, enlistment, or call to duty and must be physically and mentally qualified to perform the duties of the job. If an employee is unable to perform the duties of the previous job due to a service-related disability, the veteran is entitled to be restored to a position that he or she can perform with similar or the nearest possible seniority, status, and pay. Veterans whose employment has been restored may not be dismissed without cause within a year of their reinstatement. Eligible veterans must apply for reinstatement within 90 days after discharge or release from service. The application must be made in writing to the president of the university and must include evidence of discharge under honorable conditions. An individual reemployed is considered to have been on furlough or leave of absence during the time that they were in military service. As such, the employee may participate in retirement or other benefits to which a state employee is or may be entitled.

**Certified Red Cross Activities Leave** - Employees who are certified disaster service volunteers of the American Red Cross or are in training to become such a volunteer may be granted a paid leave of absence not to exceed 10 days each fiscal year. The employee must have the approval of his or her supervisor and a formal request from the Red Cross. In addition, the approval of the governor's office is required. An employee on such leave will not lose pay, vacation time, sick leave, earned overtime, and/or compensatory time during this leave. The pool of certified disaster volunteers must not exceed 350 participants at any one time.

**Amateur Radio Operator Leave** – An employee with an amateur radio station license issued by the Federal Communications Commission will be granted a paid leave of absence not to exceed 10 working days each fiscal year to participate in specialized disaster relief services. An employee on such leave will not lose pay, vacation time, sick leave, overtime leave, or compensatory time. The amateur radio operator leave must be authorized by the employee’s supervisor and must have the approval of the governor. The number of amateur radio operators eligible for this leave may not exceed 350 state employees at any one time.
Volunteer Firefighters/Emergency Medical Services Training Leave - Volunteer firefighters and emergency medical services volunteers will be granted a paid leave of absence not to exceed five working days each fiscal year for attending training schools conducted by state agencies.

Assistance Dog Training - An employee with a disability as defined by Texas Human Resources Code, Section 121.002 shall be granted a paid leave up to 10 working days in a fiscal year for the purpose of attending a training program to acquaint the employee with an assistance dog to be utilized by the employee. This leave is in addition to other leave entitlements.

Organ or Bone Marrow Donors - An 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. The leave of absence may not exceed five working days in a fiscal year to serve as a bone marrow donor or 30 working days in a fiscal year to serve as an organ donor.

Donation of Blood - An employee shall be allowed sufficient time off, without a deduction in salary or accrued leave, to donate blood. An employee must obtain approval from his/her supervisor prior to taking off. On returning to work, an employee shall provide his/her supervisor with proof that the employee donated blood during the time off. An employee may receive time off not to exceed more than four times in a fiscal year.

Compliance with a Subpoena – An employee may not be discharged, disciplined, or penalized for complying with a subpoena to appear in a civil, criminal, legislative, or administrative proceeding. It will be up to the university’s discretion in instances of unofficial testimony to decide whether such an absence is considered good cause for emergency leave.

Time Off to Vote – Employees will be allowed sufficient time off, without a deduction in pay or accrued leave, to vote in each national, state, or local election if there is not sufficient time to vote outside regular working hours.

All requests for leave without pay must be submitted to human resources on the Leave without Pay form.


Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources
Forms: Bereavement Leave Request form; Administrative Leave Request form; Leave without Pay form

Board Committee Assignment: Academic and Student Affairs