Leave of Absence (Non-Academic)

Original Implementation: September 1, 1981
Last Revision: April 17, 2012

The president may grant a leave of absence without pay to non-academic employees 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, workers' compensation, or military situations:
   - Annual leave must be exhausted.
   - Sick leave, if appropriate, must be exhausted.

4. The return to work date shall be specified when the leave is requested; or, in the event that the return date is not known, the employee must make arrangements to contact the supervisor at least once each week or as often as requested by the supervisor. The employee is required to call Human Resources on the 1st and 3rd Monday of each month during the leave to report their leave and/or return to work status.

Individuals 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 employee 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.

5. The employee must report to the supervisor and the Human Resources Department 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 job abandonment.
Employees who are recovering from a worker's compensation injury, are concurrently on FMLA leave, and who have exhausted all accrued sick leave are in leave without pay status (LWOP). Those employees must make a written request for a leave of absence (LOA) from the university president 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 exempt, non-academic employees must be approved by the Board of Regents upon the recommendation of the president.

The president designates the department head to permit an employee a leave of absence without pay for 1-3 days for appropriate reasons. The department head can approve a leave of absence without pay only one (1) time per fiscal year per employee. An individual who chronically exhausts all paid leave and has utilized one department-approved leave of absence without pay will be required to request a leave of absence without pay in advance from the president for future leave needs unless entitled to other benefits under university policy or law. All leaves for a semester or less, except as stated above, must be approved by the president. The Board of Regents must approve leaves of more than a semester for exempt, non-academic employees.

**Family Medical Leave** - The Family 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. Employees entitled to FMLA leave are required to use all of their paid vacation and sick leave while taking the FMLA leave. (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. The employee must first use all available and applicable paid vacation and sick leave while taking the parental leave and the remainder of the leave is unpaid. 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) meeting held by a school district regarding
the child under the foster care of the employee.

Emergency Leave

1. Bereavement Leave: Regular 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 employee will be required to use vacation or compensatory time. Employees who have exhausted all 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 Emergency/Administrative Leave Request form.

**Parent-Teacher Conference Leave** - An employee may use up to 8 hours of sick leave each fiscal year to attend parent-teacher conference sessions for the employee's children who are in pre-kindergarten through 12th grade. Employees must give reasonable notice of intention to use sick leave to attend such conferences.

**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 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 fiscal year, the employee is entitled to carry the balance forward to the next 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 a 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 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 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 laws of this state is entitled to the same benefits and protections provided:

- To persons performing service in the uniformed services by 38 U.S.C. Sections 4301-4313 and 4316-4319, as that law existed on April 1, 2003; and

Employees called to active duty during national emergency to serve on 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 vacation leave, compensatory time, or overtime leave 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.

Differential Pay: The agency 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 agency’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. 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.

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.

**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.

**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.

All requests for leave without pay must be submitted to Human Resources on the “Leave without Pay” form.

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**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