

## ANNUAL LEAVE

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### A. Purpose

The purpose of this policy is to provide for the administration of annual leave for employees of The University of Texas Rio Grande Valley (UTRGV).

### B. Persons Affected

This policy applies to employees appointed to work at least twenty (20) hours per week for a period of at least four and one-half (4 ½) months. Faculty are excluded from this policy. Students employed in positions that require student status as a condition of employment are not covered by this policy.

### C. Definitions

1. Duty day - means an employee's last physical day on the job prior to separation from employment.
2. Non-exempt employee - Employees appointed to positions which do not fall under one of the exemptions found in the Fair Labor Standards Act of 1938, as amended, and whose positions are therefore subject to all provisions of the FLSA, including the overtime provisions.
3. State service credit - is earned for the actual days, months, and years of service with UTRGV or other state of Texas agencies or higher education institutions, as long as employment at the other state agency or institution is not concurrent with employment at UTRGV. Each month an employee is on active payroll counts as one (1) month of state service credit, regardless of the number of hours worked in a month. Only the actual days worked during those partial months at the beginning and ending of employment count as state service credit.

### D. Policy

UT Rio Grande Valley provides paid vacation leave to eligible employees for scheduled time away from work, in accordance with state law.

### E. Procedures

#### 1. *Accrual and Credit:*

1. *Accrual* - Annual leave accrual rates for eligible employees are governed by length of state service as determined by their state service credit. Part-time employees will accrue annual leave on a percentage basis for the time appointed. Annual leave will accrue according to the following chart:

<b>Employees with total state service credit of:</b>	<b>Hours accrued per month</b>	<b>Maximum carryover hours to next fiscal year for <i>full-time</i> employees</b>
Less than 2 years	8	180
At least 2 years but less than 5	9	244
At least 5 years but less than 10	10	268
At least 10 years but less than 15	11	292
At least 15 years but less than 20	13	340
At least 20 years but less than 25	15	388
At least 25 years but less and 30	17	436
At least 30 years but less than 35	19	484
At least 35 years or more	21	532

Employees must have six (6) months of continuous state employment before they can use accrued annual leave. Leave without pay status is not included in the calculation of continuous service.

- b. *Credit* - Credit for accrual will be given and posted to an employee's leave record on the first day of employment and on the first day of each succeeding month of employment. If an employee is on paid leave on the first day of the month, the annual leave will be credited for that month but will not be available for use until after the employee returns to work.
- c. *Nonaccrual* - Employees do not accrue annual leave for any full calendar month in which the employee is on leave without pay. Employees called to active duty during a national emergency by a reserve branch of the U.S. Armed Forces of the United States do not accrue annual leave during such service, but do accrue state service credit. See HOP ADM 4-607, Military Duty Leave.

2. *Limitations on Use:*

- a. *Outside Employment* - While on annual leave, an employee may not be employed elsewhere unless the requirements and approvals for outside employment have been met. See HOP ADM 3-600, Conflict of Interest, Conflict of Commitment, and Outside Activities.
- b. *Quarter Hour Increments* – A non-exempt employee who uses annual leave in an amount less than a full hour shall be charged for such leave to the closest quarter hour in fifteen (15) minute increments. See HOP ADM 3-600, Conflict of Interest, Conflict of Commitment, and Outside Activities.
- c. *Use and Exhaustion* - Annual leave may not be used before it is accrued. When an employee exhausts all appropriate and available leave, leave without pay is the only option.

- d. *Illness or Injury during Annual Leave* - An employee who becomes ill or is injured while on approved annual leave will be allowed to use accrued sick leave to cover the illness or injury. Upon receipt of a medical certification, an employee may request to have the actual time they were incapacitated due to illness or injury changed to sick leave.
- e. *Emergency Closure during Annual Leave* - An employee who is on a prior approved annual leave during an emergency closure shall have the annual leave changed to administrative leave.
- f. *Coordination with Other Leave* - Employees who are eligible to earn and use compensatory time are encouraged to use accrued and available compensatory time before using accrued annual leave. See HOP ADM 4-407, State Compensatory Time (Exempt and Non-Exempt Employees). A Department Chair can require employees to charge leave time to any accrued and available compensatory time rather than accrued annual leave.

3. *Notification Requirements:*

- a. Employees may use annual leave accruals for scheduled time away from work by requesting and obtaining their supervisor's approval, which should be documented in writing.
- b. *Advance Notice* - When foreseeable, employees shall give at least thirty (30) calendar days advance notice to their supervisor of their request to use annual leave. Every effort will be made to grant a request made at least thirty (30) calendar days in advance unless the absence will create an undue hardship on the department.
- c. *Advance Notice Not Possible* - When advance notice is not possible, notice by the employee should be provided as soon as practicable. The needs of the department will be given first consideration in granting or denying a request made less than 30 days in advance.

4. *Concurrent Use of Other Paid Leave:*

Employees are required to use accrued and available annual leave concurrent with Family and Medical Leave and/or Parental Leave. See HOP ADM 4-608, Family and Medical Leave, or HOP ADM 4-605, Parental Leave. Employees may use annual leave in conjunction with unpaid Military Leave. See HOP ADM 4-607, Military Duty Leave.

5. *Allowable Carryover Hours:*

Employees are encouraged to use vacation leave during the fiscal year in which it is accrued. Unused annual leave carries forward into the next fiscal year. However, the number of hours carried forward cannot exceed the limits outlined in the annual leave Accrual Schedule for a full-time employee. Annual leave hours in excess of the set limits at

the end of the fiscal year (August 31) transfer to the employee's sick leave balance. Regular employees who work less than forty (40) hours per week carry unused annual leave hours forward in proportion to their appointment.

6. *Loss of Eligibility Due to Change in Status:*

If the employee's appointment changes to less than twenty (20) hours per week before completing six (6) months continuous, benefits eligible, state employment, the annual leave accrual is frozen.

If the employee's appointment changes to less than twenty (20) hours per week after six (6) months of continuous, benefits eligible, state employment, the accrued annual leave is frozen. No further annual leave will accrue and none of the existing annual leave balance may be used. If the employee's appointment returns to twenty (20) hours or more per week, the annual leave balance will be restored and may be used upon approved request.

7. *Employee Transfers With No Break in Service:*

- a. *Transfers within UTRGV* - Accrued annual leave balances for employees transferring with no break in service within UTRGV are automatically transferred to the new department.
- b. *Transfers to UTRGV* - Employees transferring with no break in service to UTRGV from another state of Texas agency or higher education institution can request that their accrued annual leave be transferred to UTRGV.
- c. *Transfers to Another State of Texas Agency or Higher Education Institution* – UTRGV employees transferring with no break in service to another state of Texas agency or higher education institution can request that their accrued annual leave be transferred to the new workplace.
- d. If the employee has six (6) months of continuous, benefits eligible, state employment prior to any of the above transfers, the annual leave accrued is available for use with appropriate approval.

8. *Employee Separations:*

- a. *Lump Sum Payment* - An employee who separates from UTRGV through resignation or termination is entitled to a lump sum payment for accrued and unused annual leave when:
  - i. The employee has six (6) months of continuous, benefits eligible, state employment prior to separation; and
  - ii. The lump sum payment is processed as of the date of separation in accordance with state law. The payment is based on the employee's rate of pay at the time of separation. Neither hazardous duty pay nor longevity pay is included in computing the amount of the lump sum payment.

- b. *Continued Payroll Status* - At the department's discretion, an employee separating from UTRGV may be allowed to remain on the payroll after the last workday to use annual leave in lieu of a lump sum payment.
- c. *Separation before Six (6) Months* - If an employee separates from UTRGV before completing six (6) months of continuous, benefits eligible, state employment, annual leave accrual is lost.

9. *Payment to an Estate:*

- a. A deceased employee's estate is entitled to payment for unused annual leave if the employee had at least six (6) months of continuous state employment at the time of death. The payment is based upon the employee's rate of pay at the time of death.
- b. If the employee's accrued annual leave was not available for use at the time of death because the employee's appointment had reduced to less than twenty (20) hours per week, the payment is based on the rate of pay at the time the employee last accrued annual leave. See Loss of Eligibility Due to Change in Status above.

**F. Responsibilities**

- 1. *Employee Responsibilities* - The employee shall provide appropriate notice to the supervisor of the request to use annual leave. The employee shall promptly and accurately record the use of leave.
- 2. *Supervisor and Department Responsibilities* - The supervisor must review the employee's request based on university and departmental guidelines and approve/disapprove within 5 working days of receipt of the request. Employee time reports should be verified for accuracy and signed. The department shall maintain the monthly Report of Vacation and Sick Leave of all employees who take annual leave.
- 3. *Delegation of Authority* - Authority is hereby delegated to the department head or designee to determine annual leave eligibility and approve use of leave.

**G. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)**

*Texas Government Code 661.031-661.038, Leave*

*Texas Government Code 661.061-661.068, Leave*

*Texas Government Code 661.151-661.153, Leave*

The University of Texas System Board of Regents' *Rules and Regulations Rule 30201, Leave Policies*