



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.01: Miscellaneous Leaves of Absence

DATE: January 25, 2012

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish university policy for leaves of absence, other than holiday, vacation, family and medical, parental, leave without pay, sick, and sick leave pool for classified, professional, administrative, executive management, and faculty employees.

REVIEW: This OP will be reviewed in June of even-numbered years by the managing director Human Resource Services and the managing director Equal Employment Opportunity with recommended revisions forwarded to the assistant vice president for human resources administration and the chief of staff to the president.

POLICY/PROCEDURE

1. Eligibility

An employee is eligible to accrue or take paid leave under this OP only if the employee is a regular employee, which is defined as an employee who:

- a. Is employed to work at least 20 hours per week for a period of at least four and one-half months; and
- b. Is not employed in a position for which the employee is required to be a student as a condition of employment.

2. Reporting Leaves of Absence

Employees are required to report hours worked and leave usage in a manner and form prescribed by the university in order to meet the payroll processing deadlines.

3. Amateur Radio Operator Leave

A regular employee with an amateur radio station license issued by the Federal Communications Commission may be granted leave not to exceed 10 days each fiscal year to participate in specialized disaster relief services without a deduction in salary or loss of vacation or sick leave. The amateur radio operator leave should be authorized by the employee's supervisor and with the approval of the governor.

The number of amateur radio operators eligible for this type of leave may not exceed 350 state employees during a fiscal year. The division of emergency management in the Governor's Office is responsible for coordinating the establishment and maintenance of the list of employees

eligible for this leave.

4. **Assistance Dog Training for Employees with a Disability**

A disabled employee is entitled to a leave of absence with full pay to attend a training program to acquaint the employee with an assistance dog to be used by the employee. The employee continues to accrue vacation and sick leave while on leave. The leave of absence may not exceed ten working days in a fiscal year. For purposes of this leave, "disabled" has the meaning assigned by Section 121.002, of the Texas Human Resources Code.

5. **Blood Donor Leave**

A regular employee is allowed sufficient time off without a deduction in salary or accrued leave to donate blood. Time off may not be granted more than four times in a fiscal year. To qualify for this leave, the employee must obtain his or her supervisor's approval before taking the time off and provide proof to the supervisor that blood was donated during the time off.

6. **Bone Marrow Transplant Leave**

A regular employee is allowed a paid leave of absence, up to five working days in a fiscal year, to serve as a bone marrow donor.

7. **Certified Red Cross Activities Leave**

A regular employee who is certified as a disaster service volunteer of the American Red Cross or is in training to become such a volunteer is entitled to a leave of absence, not to exceed ten days each fiscal year, to participate in specialized disaster relief services for the American Red Cross. 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, or earned overtime during this leave.

The number of certified disaster service volunteers eligible for this type of leave may not exceed 350 state employees during a fiscal year. The division of emergency management in the Governor's Office is responsible for coordinating the establishment and maintenance of the list of employees eligible for this leave.

8. **Compliance with a Subpoena**

An employee who is testifying in an official capacity for the university is considered to be on "special assignment," and the time is considered regular hours worked.

An employee who appears as a witness in an official capacity in a judicial proceeding or legislative hearing may not accept or receive a witness fee for the appearance.

An employee who is required to attend court as a result of a subpoena to appear in civil, criminal, legislative, or administrative proceedings will be allowed to use vacation time for the absence. If the employee does not have enough vacation time accrued, the time off will be leave without pay. The employee should notify his or her supervisor upon receiving the subpoena.

An employee who is retained to testify as an expert witness will be required to use vacation time or, if no vacation time is available, with the permission of the employee's supervisor, may be

placed on leave without pay.

9. **Court Appointed Special Advocate (CASA) Volunteer Leave**

A regular employee who is a court appointed special advocate may take up to five hours per month to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates.

10. **Emergency Leave**

A regular employee may be granted an emergency leave only after all applicable leave has been exhausted and when it is determined that there is good cause for such leave. Such leave normally will not exceed three workdays per year.

An emergency is defined as an unforeseen combination of circumstances calling for immediate action, such as a natural disaster, which if not responded to immediately would present imminent danger to human life or substantial damage to property.

When an employee must leave work because of an emergency, the employee's immediate supervisor should be notified as early as possible. Emergency leaves require approval by the appropriate vice president or vice provost and the president.

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

11. **Family and Medical Leave** – See OP 70.32

12. **Foster Parent Leave**

A regular employee who is a foster parent to a child under the conservatorship of the Department of Protective and Regulatory Services is entitled to attend:

- a. Staffing meetings held by the Department of Protective and Regulatory Services regarding the child under the foster care of the employee; or
- b. An admission, review, and dismissal (ARD) meeting held by a school district regarding the child under the foster care of the employee.

13. **Funeral Leave**

A regular employee will be granted funeral leave without a loss in regular pay for a death in the family. For the purposes of funeral leave, "family" is defined as the employee's spouse or being related to the employee or his/her spouse as parents, children, brothers, sisters, grandparents, or grandchildren.

In addition, the president of Texas Tech has extended the definition of "family" to include the employee's or the spouse's stepparents, stepchildren, stepbrothers, stepsisters, step-grandparents, step-grandchildren, and great-grandparents.

The amount of time granted for funeral leave normally 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, funeral services, grieving, or being with other family members during the immediate period of bereavement. Vacation leave will be used for time off for funeral leave for other than a family member listed above or for extended time off. If the employee does not have sufficient vacation leave and if additional time off is granted, it will be taken as leave without pay.

Requests for funeral leave should be submitted to the departmental official who has the authority to approve leave. Requests for funeral leave for a family member not mentioned above, or for a period greater than three days, are subject to approval of the appropriate vice president or vice provost and the president, when it is determined the employee shows good cause.

14. **Holiday Leave** – See OP 70.45

15. **Jury Leave**

A regular employee summoned for jury service will be given reasonable time off for the hours required for rendering such services to the court.

Compensation will not be reduced, nor will time away from work be deducted from accrued leave. Day shift employees are to report for work any time during normal duty hours when service to the court is not required.

For an employee working other than the regular day shifts, the department will:

- a. Provide time off equivalent to the time necessary to fulfill such obligation;
- b. Pay straight time in an amount equivalent to the time that was necessary to fulfill such obligation; or
- c. Reassign the employee to the day shift for the period they are required to serve and assign a replacement for the later shift, as needed.

An employee shall not be required to account to Texas Tech for any fee or compensation received for jury service.

In order to qualify for pay during periods of such service, the employee must furnish documentary proof of service to his or her immediate supervisor.

An employee should notify his or her supervisor upon receiving a summons.

16. **Leave Without Pay** – See OP 70.43

17. **Legislative Leave for Peace Officers**

A certified peace officer is entitled to a legislative leave to appear before or to petition a governmental body during a regular or special session of that body. An eligible employee desiring to apply for such leave must:

- a. Submit an *Application for Legislative Leave for Peace Officers* to the chief of police at least 30 days in advance of the leave; and

- b. Make reimbursement to Texas Tech for the cost of granting the leave before the leave starts.

A legislative leave will not be construed as a break in service, and the employee will remain in a paid status during such leave. The length of the leave may not exceed the length of the session, or 624 work hours, during any fiscal year.

18. Military Leave

- a. Authorized Training or Active Duty

An employee who is a member of the state's military forces or member of any reserve component of the U.S. armed forces who is called to active duty or authorized training is entitled to a leave of absence of not more than 15 work days in each federal fiscal year (October 1 – September 30) without loss of pay or benefits. The 15 days need not be consecutive. After exhausting the 15 work days of paid military leave, the employee may use accrued vacation leave or be placed on leave without pay for the remainder of the active duty period.

- b. Call to State Duty by the Governor

An employee who is a member of the state military forces who is called to active state duty by the governor because of a state emergency is entitled to receive emergency leave without loss of military or annual leave. This leave is not limited and will be provided with full pay.

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:

- (1) 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
- (2) To persons in the military service of the United States by 50 App. U.S.C., Sections 501-536, 560, and 580-594, as that law existed on April 1, 2003.

This applies only to persons serving on active state duty on or after May 27, 2003 without regard to the date on which the person was initially ordered to active state duty.

- c. Call to National Duty

An employee who is a member of the state's military forces or a member of any reserve component of the U. S. armed forces called to federal active duty during a national emergency is entitled to an unpaid leave of absence after exhausting the 15 days of paid military leave. The employee will continue to accrue state service credit for purposes of longevity pay while on military duty, but does not accrue vacation or sick leave during this period. The employee may retain any accrued vacation or sick leave and is entitled to be credited with those balances upon returning to active university employment from military duty. Leave earned while in a university-paid status is credited to the employee's balances when the employee returns to active university employment.

An employee may use any accrued vacation leave to maintain benefits for the employee or the employee's dependents while on military duty. Before the employee departs for military

service, he or she should contact Human Resource Services to review any issues relating to maintaining health insurance coverage, including what the employee must do to maintain his/her health insurance coverage, how his/her health insurance coverage is affected by paid or unpaid leave, and how to pay any premium required for the insurance coverage.

An employee may continue to accrue service credit with TRS by receiving at least one hour of pay from the university during each month of active military service. An employee may use any combination of paid leave, including vacation leave, military leave, or military emergency leave differential pay to qualify for this pay.

d. Differential Pay

A regular employee who is a member of the state's military forces or a member of any reserve component of the U.S. armed forces who is called to federal active duty during a national emergency will be granted sufficient emergency leave to provide a pay differential if his/her military gross pay is less than his/her state gross pay. The combination of emergency leave and military pay may not exceed the employee's actual state gross pay. See OP 70.04, Military Emergency Leave, for additional information.

e. Restoration of Employment

An employee who is a member of the state's military forces or of any reserve component of the U.S. armed forces ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that he or she held when ordered to duty or to a position of similar seniority, status, and pay, if he/she is still physically and mentally qualified to perform the essential duties of such job.

If the employee has a disability, as defined by the American with Disabilities Act, as amended, the employee must be able to perform the essential functions of the job with or without a reasonable accommodation.

If the veteran employee is not qualified to perform the duties of the same position held before the military service because of a military-connected disability, the employee must be re-employed in:

- (1) Any other position of similar seniority, status, and pay, which, with reasonable accommodation by Texas Tech, the employee could perform; or
- (2) The nearest approximate position consistent with the individual's circumstances.

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 able to perform the essential duties of the position.

A regular employee eligible for re-employment under state or federal law must apply for re-employment no later than the 90th day after the date the veteran is discharged or released from active military service.

An application for re-employment must:

- (1) Be made to the head of the department, office, commission, or board of this state, the state institution, or the local governmental entity that employed the veteran before the veteran entered military service;
- (2) Be in writing; and
- (3) Have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions.

An employee who is restored to employment will be considered as having been on leave of absence without pay, and the employee will be entitled to participate in all benefits to which employees of Texas Tech may be entitled upon return to work. Such active military service will be considered service with Texas Tech for purposes of the number of vacation days an employee is entitled to accrue upon returning to work and not as past accrued vacation days, longevity pay entitlement, and retirement vesting purposes.

Restored employees also have the opportunity to make any mandatory or elective retirement contributions for the period of military service. After the employee makes up the missed contributions, Texas Tech will make any matching contributions that ordinarily would have been made for such contributions. Such contributions will be based on the salary the employee would have received had the employee remained at work and must be made within a period three times the length of the absence, not to exceed five years.

An employee who is re-employed under this provision will not be discharged without cause before the first anniversary date of re-employment.

19. Organ Donor Leave

A regular employee is allowed a paid leave, up to 30 working days in a fiscal year, to serve as an organ donor.

20. Parental Leave – See OP 70.32

21. Parent-Teacher Conference Leave

A regular employee may use up to eight hours of sick leave each fiscal year to attend parent-teacher conference sessions for the employee's children who are students attending grades pre-kindergarten through twelve. The employee must give reasonable notice of intention to use sick leave to attend a parent-teacher conference.

22. Sick Leave and Sick Leave Pool – See OP 70.44

23. Vacation Leave – See OP 70.45

24. Voting by State Employees

An employee is allowed sufficient time off, without a deduction in salary or accrued leave, to vote in each national, state, or local election. The supervisor may designate the time to be taken as long as the employee has sufficient time to travel to the voting station and cast his or her vote.

25. Volunteer Firefighters/Emergency Medical Services Volunteers Leave

A benefits-eligible employee who is a volunteer firefighter or emergency medical services volunteer 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. In addition, an employee who is a certified volunteer firefighter or EMS volunteer will be granted a paid leave of absence to respond to fire or medical emergency situations.

To be eligible for this leave, the employee must provide, in advance to the department head, documentation of being a certified volunteer firefighter or EMS volunteer. This documentation is to be forwarded to the Human Resource Services Department for obtaining administrative approval for the employee to respond to emergencies. The time spent responding to an emergency situation will be reported as "Firefighter EMS leave"

26. Authoritative References

Amateur Radio Operator Leave – Texas Government Code, Section 661.919

Assistance Dog Training for Employees with a Disability - Texas Government Code, Section 661.910

Blood Donor Leave - Texas Government Code Section 661.917

Bone Marrow Transplant Leave - Texas Government Code, Section 661.916

Certified Red Cross Activities Leave - Texas Government Code, Section 661.907

Compliance with a Subpoena – Texas Labor Code, Section 52.051; and Texas Government Code, Section 659.005.

Court Appointed Special Advocate (CASA) Volunteer Leave – Texas Government Code, Section 661.921.

Emergency Leave – Texas Government Code, Section 661.902

Foster Parent Leave - Texas Government Code, Section 661.906

Funeral Leave - Texas Government Code, Section 661.902

Jury Leave - Texas Government Code, Section 659.005

Leave Without Pay - Texas Government Code, Section 661.909

Legislative Leave for Peace Officers - Texas Government Code 614.001 – 614.010.

Military Leave - Texas Government Code, Sections 431.005, 431.0825, 431.017, 613.002-613.006, 661.903, 661.904, 661.9041, Uniformed Services Employment and Re-employment Rights Act, State Auditor's Leave Interpretation Letters 98-03 and 79-01.

Organ Donor Leave - Texas Government Code, Section 661.916

Parent – Teacher Conference Leave - Texas Government Code, Section 661.206

Voting by State Employees - Texas Government Code, Section 661.914

Volunteer Firefighters/Emergency Medical Services Volunteers Leave - Texas Government Code, Section 661.905

28. Forms

All leave forms are available on the Human Resources website:
<http://www.depts.ttu.edu/hr/forms.asp>

29. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.