



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.45: Vacation Leave

DATE: May 29, 2014

PURPOSE: The purpose of this Operating Policy is to establish university policy for vacation leave for regular staff employees.

REVIEW: This OP will be reviewed in April of even-numbered years by the managing director of Human Resources and the managing director Equal Employment Opportunity with substantive revisions forwarded to the associate vice president for administration and chief of staff.

POLICY

1. Definitions

Regular Employee: A person employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions that require student status 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.

An employee may not have a negative vacation leave balance at any time. In the event an employee does not have enough time accruals to cover an absence, it must be reported as leave without pay.

3. Vacation Leave

A regular employee will be entitled, without deduction in salary, to vacation leave subject to the following conditions:

- a. Regular full-time employees, other than regular faculty employees with appointments of less than 12 months, will earn vacation entitlement in accordance with the following schedule:

Total State Employment of	Hours Accrued Per Month	Maximum Hours to Carry Forward to Next FY
0 but less than 2 years	8	180
At least 2 but less than 5 years	9	244
At least 5 but less than 10 years	10	268
At least 10 but less than 15 years	11	292

At least 15 but less than 20 years	13	340
At least 20 but less than 25 years	15	388
At least 25 but less than 30 years	17	436
At least 30 but less than 35 years	19	484
At least 35 years or more	21	532

- b. A regular part-time employee will earn a pro rata vacation entitlement based upon the percent of time worked.
- c. The vacation leave accruals for a regular return-to-work retiree who retired on or after June 1, 2005 and who receives an annuity based wholly or partly on state service are based upon the length of state employment after the date of retirement.
- d. A regular faculty member with a full-time appointment for 12 months (as faculty, staff, or a combination) who observes the administrative work schedule may also earn vacation entitlement on the total appointment in accordance with the above schedule, subject to the approval of the appropriate academic dean.
- e. In lieu of accruing vacation entitlement, a faculty member appointed on a less than 12-month basis is granted leave time at the end of each semester and observes the student holiday schedule.
- f. An employee will earn vacation entitlement beginning on the first day of employment and terminating on the employee's last physical day on the job. A person who begins work on the first workday of the month will be considered to have an employment date of the first of the month. Credit for one month's accrual will be given for each month or fraction of a month of employment with the state. Service in a public school district, community, or junior college is not considered state service.
- g. Vacation leave may not be granted until the employee has had continuous employment with the state (whether benefits-eligible or not) for six months, although credit will be accrued during that period. Any full calendar month of leave without pay will not be included in the calculation of the six months of continuous employment. An employee who has completed six months of continuous state employment and leaves state employment is eligible to take vacation as it is earned upon re-employment without completion of another six-month eligibility period.
- h. Credit for the higher rate of accrual as shown on the chart above will be given on the first calendar day of the month if the employee's anniversary date falls on the first calendar day of the month; otherwise, the increase will occur on the first calendar day of the following month. If an employee begins working in a position that accrues vacation leave on the first workday of the month, the employee is deemed to have begun working on the first calendar day of the month.
- i. The net balance of unused accumulated vacation leave, not to exceed the maximum cited above, will be carried forward from one fiscal year to the next fiscal year. The maximum carry-over for a regular part-time employee will be proportional to the percent of time worked.
- j. All hours of unused accumulated vacation that are in excess of the maximum cited above will be credited to the employee's sick leave balance as of the first day of the next fiscal year,

- effective September 1, 1992.
- k. Time during which an employee is excused from work for an official university holiday will not be charged against the employee's vacation accrual.
 - l. An employee who is on leave on the first workday of a month may not take vacation leave accrued for that month until the employee has returned to duty.
 - m. Vacation leaves are to be requested in advance and will be scheduled by the employee's administrative officer according to the needs of the department, with consideration for the employee's preference whenever possible. Vacation leave taken in excess of the employee's accrued balance is not allowed.
 - n. A regular employee, continuously employed with the state for six months, will be paid for vacation time duly accrued at the time of separation from state employment. An employee who separates before completing six months of continuous state employment will lose any accumulated vacation credit. For purposes of this section, separation from state employment occurs when an employee:
 - (1) Leaves one state agency to begin working for another state agency, if one or more workdays occur between the two employments;
 - (2) Moves from a position in a state agency that accrues vacation time to a position in that agency that does not accrue vacation time, if the agency agrees to pay the employee for the accrued balance of the employee's vacation time;
 - (3) Moves from a position in a state agency that accrues vacation time to a position in another state agency that does not accrue vacation time, if the other state agency refuses to credit the employee for the balance of the employee's vacation time as of the date of the move;
 - (4) Moves from a position in a state agency that does not accrue vacation time to a position in another state agency that does not accrue vacation time, if the other state agency is not authorized or refuses to credit the employee for the balance of the employee's vacation time as of the date of the move; or
 - (5) Holds two or more positions and separates from one that accrues vacation time, if the agency agrees to pay the employee for the accrued balance of the employee's vacation time.
 - o. Vacation time paid upon separation (defined above) will be paid in a lump sum, but not before the final regular paycheck is issued. Exceptions to this policy may be approved by the managing director of Human Resources in accordance with the following principles:
 - (1) In lieu of a lump sum payment, vacation leave may be used to extend the employee's separation date to facilitate the payment of the employee in cases where a salary check has already been prepared, and the payment of the accrued vacation credit by lump sum would require reissuing a salary check. Vacation leave may be extended beyond the last calendar day of the month or pay period in which the employee last worked only if approved by Human Resources in agreement with the department.

- (2) In lieu of a lump sum payment, vacation leave may be used to extend the employee's separation date to facilitate a transfer between Texas Tech University and Texas Tech University Health Sciences Center or any other state of Texas agency without a break in service. In such cases, the vacation leave may be extended into the next month, if necessary, to facilitate uninterrupted state service.
- p. An employee who transfers from a vacation-accruing status to a status that does not accrue vacation should use all accumulated vacation leave before the transfer. If it is not possible to do so, the employee will be paid for accrued, but unused, accumulated vacation. The vacation payment will not include any holidays that would fall within the period covered by the vacation time. The rate of pay to be used in the calculation is the rate at the time the person ceases to accrue vacation. An employee transferring between Texas Tech departments or state agencies will have his or her accrued, but unused, vacation leave balance transferred if his/her employment with the state is uninterrupted and he/she has not been paid for his/her vacation leave under section 3.o.
- q. Upon the death of an employee, all accrued vacation will be paid to the employee's estate as a death benefit, provided the employee has had continuous employment with the state for six months.

4. **Authoritative Reference**

Texas Government Code, Section 661.033, 661.062 (a), 661.063 (c) (2), 661.064, 661.065, 661.067 (a), 661.067 (b), 661.121, 661.152-154

5. **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.