

**THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN**  
**OFFICE OF HUMAN RESOURCES**  
***POLICY AND PROCEDURES MEMORANDUM***

**VACATION LEAVE**

**DATE:** April 23, 2007

**1. PURPOSE**

This policy provides for administration of employee vacation leave.

**2. POLICY**

**2.1 Eligibility**

Employees of The University of Texas of the Permian Basin who are appointed twenty hours per week or more and for four and one-half months or more earn vacation leave beginning on the first day of eligible employment, regardless of whether they are paid on a monthly or hourly basis. Faculty members who have nine-month basis rather than twelve-month basis appointments and employees appointed to positions which require student status as a condition of employment do not earn vacation time.

**2.2 Leave Accrual and Carry Over**

Full-time employees accrue vacation leave and may carry it forward from one fiscal year to the next in accordance with the following schedule:

Hours Accrued Allowable Length of State Service Per Month Carry-over:

<b>Length of State Service</b>	<b># Hours Accrued Per Month</b>	<b>Allowable Carryover</b>
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

An eligible part-time employee, i.e., one who works 21-39 hours per week, accrues vacation leave on a proportionate basis. The maximum amount of vacation leave a part-time employee may carry forward from one fiscal year to the next is also on a proportionate basis.

Employees are encouraged to use vacation time during the fiscal year in which it is accrued. If this is not possible, employees are entitled to carry forward from one fiscal year to the next the balance of unused accumulated vacation leave that does not exceed the maximum number of hours allowed by law, as indicated above. All unused accumulated vacation leave that may not be carried forward at the end of a fiscal year will be credited to the employee's sick leave balance effective on the first day of the next fiscal year.

Credit for vacation leave accrual will be given on the employee's first day of employment and on the first day of each succeeding month thereafter. An employee who works for any part of a calendar month accrues vacation leave for the entire month.

An employee does not earn vacation leave when in an ineligible status, including when on leave without pay for an entire calendar month. If an individual's state employment anniversary date occurs on the first calendar day of a month, the employee begins to accrue vacation leave at a higher rate as indicated on the above chart on the first calendar day of the month. Otherwise, the higher rate of accrual begins on the first calendar day of the month following the anniversary date.

If an employee is on any type of paid leave which extends into the next month, any vacation accrual for the next month will not be credited until the date the employee returns to duty.

An employee who goes on paid leave following his or her last day of duty then subsequently separates from employment is not entitled to leave accruals while on such paid leave for any calendar month(s) following the month in which the last day of duty occurs.

### **2.3 Entitlement to Vacation Leave**

Employees may not take vacation leave until they have been continuously employed with the state for six months, although vacation hours will be accrued during that period. Continuous employment means that the employee is paid a regular state salary for the period. Continuity of employment is not interrupted if the employee is placed on leave without pay for less than one calendar month; but a full calendar month of leave without pay does not count toward state service or vacation accrual.

An employee who has completed six months or more of continuous state employment and then leaves state employment is entitled to take vacation leave as it is earned upon reemployment in an eligible position.

## 2.4 **Payment or Transfer of Vacation Leave When an Employee Separates from Employment**

An employee who at any time worked for the state for at least six continuous months and who separates from state employment for any reason is entitled to be paid for the balance of accrued vacation leave as of the date of separation, under the following conditions:

- a) The employee separates from a position at The University of Texas of the Permian Basin in which vacation time is granted.
- b) The employee moves from a position within The University of Texas of the Permian Basin that accrues vacation leave to another internal position that does not accrue vacation leave. The University of Texas of the Permian Basin may agree to pay the employee for the accrued vacation balance; normally, such payments will be made only under unusual circumstances where the payment is deemed to be in the best interest of the university. A holiday that falls after the date of separation from the position that is vacation leave-eligible is not paid to the employee. When an employee moves to an ineligible position and is not paid vacation leave, the accrued time is frozen until the employee becomes eligible again or terminates employment.
- c) The employee moves from a position at a state agency, The University of Texas System Administration or one of the components that accrues vacation time to a position at another state agency or component that does not accrue vacation time. Payment must be made by the exit employer if the receiving employer refuses to credit the employee for the balance of the employee's vacation time as of the date of the move. A holiday that falls after the date of separation from the position that is vacation leave-eligible is not paid to the employee; or
- d) The employee holds two or more positions and separates from one that accrues vacation time.

An employee may, with the agreement of The University of Texas of the Permian Basin, be allowed to remain on the payroll after the last day worked to utilize vacation leave in lieu of being paid in a lump sum. In this circumstance, the employee will continue to receive all compensation and benefits that the employee was receiving on the last day of duty, including paid holidays, longevity, and/or hazardous duty pay.

An employee who is paid for vacation leave upon separation will be credited for any holiday that falls within the period after the date of separation and the last date of the period in which the employee would have used the time had the employee remained on the payroll.

Lump sum payments to employees will be computed based on the rate of compensation on the last date of employment. An employee who transfers from an eligible to an ineligible position and then terminates employment will be paid based on the rate of compensation in the eligible position.

Lump sum vacation payments will not include hazardous duty or longevity pay; but will include any emoluments received in lieu of pay, such as car or housing allowances.

An employee transferring from one state agency or institution to another without a break in service will have his or her accrued but unused vacation leave balance transferred.

If an individual separates from one state agency and is reemployed by a state agency in a position that accrues vacation leave within thirty days after the individual's date of separation, the individual is entitled to reinstatement of the unused balance of the previously accrued vacation leave.

In the case of the death of an employee who has an accrued vacation leave balance after six months of continuous employment, his or her estate will be paid for all of the accumulated vacation leave. The payment shall be calculated at the rate of compensation being paid the employee at the time of death.

## **2.5 Negative Leave Balances**

Negative leave balances cannot be carried over from one calendar month to the next; the employee must be placed on leave without pay for any unearned leave taken. Upon separation, any unearned vacation leave taken by the employee will be deducted from the final paycheck. The employee will be placed on leave without pay at the end of employment in order to have deductions made for overdrafts of vacation.

## **2.6 Return to Work Retirees**

A state employee who retired from state employment before 6/1/2005 and returned to state employment before 9/1/2005 will continue to accrue vacation leave at the same rate the employee was entitled to receive immediately before 9/1/2005.

A state employee who retired from state employment before 6/1/2005 and returned to state employment on or after 9/1/2005 will accrue vacation leave based on the length of state service since the return to work.

# **3. PROCEDURES**

**3.1** Employees should make requests for vacation leave in advance.

**3.2** Leave requests must be approved by the supervisor with consideration for staffing requirements in the department.

- 3.3 Employees should show the time away from work as “Vacation” or “Vacation-FML” on Time Reports and records.
- 3.4 An employee who transfers from a position that was eligible for vacation leave accrued to one that is ineligible and then subsequently terminates employment will be paid for vacation leave based on the last salary rate that was in effect in the eligible position.
- 3.5 When an employee transfers to another state agency or institution, the receiving agency or institution is responsible for contacting the employee’s prior agency or institution to obtain information on leave accruals.

**4. DEFINITIONS**

Nine-month Basis: Faculty members at academic institutions are typically appointed on a nine-month basis, which is reflective of the semester-based academic calendar (September through May.) Faculty members may also be employed in the summer terms, but are still considered to have nine-month based appointments. Nine-month based employees are not entitled to earn vacation leave.

Twelve-month Basis: Faculty at medical school components are typically considered twelve-month basis employees. Their terms of appointment are for the entire year, September through August, and, as such, they are eligible to accrue vacation leave.

**4. AUTHORITY**

*Texas Government Code*, §§ 661.062-.065; § 661.067; §§ 661.091-.092; § 661.121; §§ 661.151-.153; § 662.0072

**5. APPLICATION**

This policy applies to The University of Texas of the Permian Basin.