

# SYSTEM REGULATION

## 31.03.01 **Vacation**

*November 3, 1997*

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*Revised May 4, 2004*

***Supplements System Policy 31.03***

### 1. ELIGIBILITY

#### 1.1 Staff

All regular employees of the System are entitled to vacation with pay. A regular employee is one who is listed in the position identification database in a nonwage position identification number (PIN) for 50 percent or more time for at least four and one-half months, excluding students holding positions for which student status is a requirement for employment.

#### 1.2 Faculty

##### (1) Less than twelve-month basis

Faculty members at academic institutions are typically appointed on a less than twelve-month basis. A faculty member may also be employed for additional months during the summer to teach or do research, but is still considered to have a less than twelve-month appointment unless official action is taken to change the appointment to a twelve-month basis. A faculty member with a less than twelve-month appointment does not accrue vacation, but may take time off during university holidays and student recesses.

##### (2) Twelve-month basis

Some faculty members are appointed on a twelve-month basis, such as those holding administrative positions. The term of appointment is for the entire year, September through August, and the faculty member accrues and uses vacation in the same manner as a non-faculty employee. Appropriate leave must be taken when absent from the workplace and not on university business. A faculty member whose appointment is changed to a twelve-month appointment must receive written notice of the change and instructions for documentation of any absence from the workplace.

### 2. ENTITLEMENT TO VACATION LEAVE

2.1 System employees must be in vacation-accruing positions to use vacation leave.

- 2.2 A supervisor may deny a request to use vacation leave if granting that leave would place an unreasonable burden on the employer's ability to provide services of acceptable quality and quantity during the time requested.
- 2.3 System components may establish procedures that require employees to use FLSA (but not state) compensatory time before taking vacation or that allow supervisors to set that requirement.
- 2.4 A part-time employee accrues vacation leave on a proportionate basis. The maximum number of hours that a part-time employee may carry forward from one fiscal year to the next is also determined on a proportionate basis.
- 2.5 A full-time employee accrues vacation leave and may carry it forward from one fiscal year to the next in accordance with the following schedule:

<b>Employees With Total State Employment of:</b>	<b>Hours Accrued per Month</b>	<b>Maximum Hours Carried Forward From One Fiscal Year to the Next</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
35 years or more	21	532

- 2.6 The component human resources office will determine total state service (excluding employment with independent school districts and junior colleges) for each new or returning employee. Contact the component human resources office for additional information on state service calculation.
- 2.7 An employee accrues vacation leave (see schedule above) for each month of employment with the state. Vacation credit is posted to each employee's leave record on the first day of employment and on the first day of each succeeding month that the employee is actively at work. An employee who is employed by the state during any part of a calendar month accrues vacation leave for that month unless he or she is on leave without pay for the entire month. Vacation accrual ends on the last day the employee is actively at work.
- 2.8 An employee may not take vacation leave until he or she has six months of continuous state employment, although the employee accrues vacation leave during that period.
- 2.9 If an employee's state employment anniversary date occurs on the first day of a month, the employee begins to accrue vacation leave at a higher rate on the first day of the appropriate month (see Section 2.5). An employee who begins working on the first workday of a month is considered to have begun working on the first day of the month.

Otherwise, the employee begins to accrue vacation leave at the higher rate on the first day of the month following the anniversary date.

2.10 An employee is 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 the schedule. All hours of 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 on the first day of the next fiscal year.

2.11 Time during which an employee is excused from work because of a holiday is not charged against the employee's vacation leave.

2.12 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 returns to duty.

### 3. TRANSFER OF VACATION LEAVE BALANCE

If a state employee transfers directly from one state agency to another, he or she is entitled to credit by the agency to which the employee transfers for the unused balance of the employee's vacation leave, if the employee's employment with the state is uninterrupted and if the employee is not paid for the vacation leave under Section 4, Entitlement to Payment for Vacation Time.

### 4. ENTITLEMENT TO PAYMENT FOR VACATION TIME

4.1 A System employee who separates from state employment for any reason is entitled to be paid for his or her accrued vacation balance as of the date of separation if he or she has accrued six months of continuous state employment at any time during his or her lifetime.

4.2 A separation from state employment includes a separation in which the employee:

4.2.1 leaves one state agency to begin working for another state agency, if one or more workdays occur between the two employments;

4.2.2 moves from a position in the System that accrues vacation time to a position in the System that does not accrue vacation time. TAMUS will pay the employee for the accrued vacation balance with the following exceptions:

- (1) when the employee transfers to a non-vacation-accruing position and is expected to return to an accruing position, or
- (2) when the employee and the department where the employee will be working agree that the balance should be frozen.

For the exceptions, the employee will retain the vacation credit and may use it if the employee returns to a leave-accruing position or the employee will be paid for it upon resignation, dismissal or separation from state employment.

- 4.2.3 moves from a position in a state agency that accrues vacation to a position in another state agency that does not accrue vacation, if the other state agency refuses to credit the employee for the vacation balance;
  - 4.2.4 moves from a position in a state agency that does not accrue vacation to a position in another state agency that does not accrue vacation, if the other state agency is not authorized or refuses to credit the employee for the vacation balance; or
  - 4.2.5 holds two or more positions, and separates from one that accrues vacation, if the agency agrees to pay the employee for the accrued vacation balance.
- 4.3 A separation under Subsection 4.2.5 applies only with respect to the position from which the separation occurs.
- 4.4 For the purposes of Section 4.1, state employment is continuous while the employee is entitled to be paid a regular state salary, except that state employment continuity is not interrupted while the employee is on a leave of absence without pay for less than one calendar month.

## 5. COMPUTATION OF TOTAL ACCUMULATED LEAVE; HOLIDAY TIME

- 5.1 Except as provided in 5.3., an employee who, on the date of separation, is normally scheduled to work at least 40 hours a week will have eight hours added to his or her accrued vacation for each holiday that falls within the period after the date of separation and during which the employee could have used the time.
- 5.2 For an employee who, on the date of separation, is normally scheduled to work less than 40 hours a week, the number of hours added to the employee's accrued vacation for each holiday is proportionally reduced according to the employee's normally scheduled weekly work hours.
- 5.3 For an employee who is paid under this section because the separation from state employment involves a move to a position in a state agency that does not accrue vacation time, no hours will be added to the employee's accrued vacation for a holiday that is scheduled to fall within the period after the date of separation and during which the employee could have used the time.
- 5.4 Holiday pay will not be included in the payment of frozen vacation balances upon termination of employment.

## 6. PAYMENT PROVISIONS

- 6.1 Except as described in Section 6.3, the payment to an employee will be computed by multiplying the employee's rate of compensation on the date of separation from state employment by the total hours of vacation time determined under Section 5.
- 6.2 The component may determine the rate of compensation either by dividing the monthly salary by the work hours in the month or by dividing the FTE annual salary by 2080 hours.

- 6.3 When an employee separates from state employment while holding a position that does not accrue vacation, his or her payment will be computed by multiplying the employee's final rate of compensation in the last position held that accrued vacation by the employee's total hours of vacation.
- 6.4 Under this section, rate of compensation for a lump-sum payment:
- 6.4.1 includes supplemental compensation in lieu of base pay for which the employee was eligible; and
  - 6.4.2 does not include longevity or hazardous duty pay.
- 6.5 An employee may elect to be paid in a lump sum upon separation. If it is mutually agreeable to both the employee and employer, an employee may elect to remain on the payroll in a budgeted or wage position for the period of accrued vacation. An employee who remains on payroll will retain all group benefits, but may not use sick leave or accrue sick leave or vacation leave.
- 6.6 A lump-sum payment will be calculated as described in Sections 6.1 and 6.3, and holiday pay will be determined as described in Section 5. The lump-sum payment must be charged to the fiscal year in which the employee's separation from service becomes effective.

## 7. EMPLOYEE DEATH

Upon the death of an employee who has accumulated vacation entitlement, his or her estate will be paid for all of the employee's unused vacation and any hours for holidays for which the employee would have qualified if the employment had continued over the span of working days represented by the accumulated vacation. Payment will be calculated at the rate of compensation being paid at the time of death, but neither longevity nor hazardous duty pay may be included in the compensation rate.

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CONTACT FOR INTERPRETATION: The System Human Resources Office

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