

31.03.01 Vacation

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Regulation Summary

This Texas A&M University System (system) regulation establishes uniform administration of vacation leave to eligible employees in accordance with state law.

Regulation

1. ELIGIBILITY

1.1 Non-faculty

An employee appointed for 50 percent or more time for a period of at least four and one-half months in a budgeted position, excluding an employee in a position for which student status is a requirement for employment, is entitled to vacation with pay.

1.2 Faculty

1.2.1 Faculty members at academic institutions are typically appointed on a less than 12-month basis. A faculty member with a less than 12-month appointment is not eligible to accrue vacation but may take time off during university holidays and student recesses, subject to rules or guidelines established by the academic institution requiring faculty to be present. 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 12-month appointment unless official action is taken to change the appointment to a 12-month basis.

1.2.2 Some faculty members are appointed on a 12-month basis, such as those holding administrative positions. A faculty member with a 12-month appointment is eligible to accrue vacation. The term of appointment is for the entire fiscal year and the faculty member accrues and uses vacation in the same manner as a non-faculty employee. A faculty member whose appointment is changed to a 12-month appointment must receive written notice of the change and instructions for documentation of any absence from the workplace.

2. VACATION LEAVE ACCRUAL AND CARRYOVER LIMITS

2.1 An employee's vacation accrual amount is based on the employee's total confirmed state employment. Total state employment includes employment with the system and any other agency or institution of the state of Texas, including employment as a student

worker; however, employment with independent school districts and/or junior or community colleges is not state employment.

- 2.2 An employee accrues vacation beginning on the first day of employment and ending on the employee's last duty day, which is the employee's last physical day on the job. Vacation accruals are posted to the employee's leave record on the first day of employment and on the first calendar day of each succeeding month. If employed by the state during any part of a calendar month, the employee accrues vacation leave for that month unless the employee is on leave without pay for the entire month.
- 2.3 If an employee'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 on the first calendar day of the appropriate month (see Section 2.6). Otherwise, the employee begins to accrue vacation leave at the higher rate on the first calendar day of the month following the anniversary date. An employee who begins working on the first workday of a month is considered to have begun working on the first calendar day of the month.
- 2.4 A current employee who previously retired from state employment on or after June 1, 2005, and receives an annuity based wholly or partly on service as a state employee in a public retirement system that was credited to the employee, receives vacation leave computed on only the length of state employment after the date the employee retired.
- 2.5 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 on a proportionate basis.
- 2.6 A full-time (100% effort) employee accrues vacation leave and may carry it forward from one fiscal year to the next in accordance with the following schedule:

Employees With Total State Employment of:	Hours Accrued per Month for Full-time Employment	Maximum Hours Carried Forward From One Fiscal Year to the Next for a Full-time Employee
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

- 2.7 All hours of unused vacation leave that exceed the maximum number of hours allowed by the schedule (proportionate for part-time employees) will be credited to the employee's sick leave balance on the first day of the next fiscal year.

3. VACATION LEAVE USE

- 3.1 An employee must submit a documented time off request to use accrued vacation leave.
- 3.2 An employee must be in a vacation-accruing position to take vacation leave. An employee may not take vacation leave until the employee has six months of continuous state employment, although the employee accrues vacation leave during that period.
- 3.3 An employee who is on paid leave on the first workday of a month may not take vacation leave accrued for that month until the employee returns to duty.
- 3.4 Time during which an employee is excused from work because of a holiday is not charged against the employee's vacation leave.
- 3.5 An employee on vacation is eligible to reclassify the leave type to sick leave provided that the employee is eligible for sick leave and documentation for such illness is provided per System Regulation *31.03.02, Sick Leave*. The only exception is an employee who is allowed to remain on payroll to exhaust accrued vacation per Section 7.4.
- 3.6 A supervisor may deny a request to use vacation leave if granting that leave would place an unreasonable burden on the member's ability to provide services of acceptable quality and quantity during the time requested.
- 3.7 Members may require the employee to use FLSA (but not state) compensatory time before taking vacation as stated in System Regulation *31.01.09, Overtime*.

4. TRANSFER OF VACATION LEAVE BALANCE

- 4.1 An employee who transfers directly from one state agency to another 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 5.
- 4.2 If an employee separates from a state agency and is reemployed by a member in a position under which the employee accrues vacation leave during the 30-day period immediately following the date of separation from state employment, the employee's vacation leave balance transfers to the member if the employee was not paid for the vacation leave under Section 5.

5. PAYMENT OF VACATION LEAVE BALANCE UPON SEPARATION

- 5.1 An employee, who at any time during the employee's lifetime has accrued six months of continuous state employment and separates from state employment for any reason, is entitled to be paid for the employee's accrued vacation balance as of the date of separation. 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.
- 5.2 A separation from state employment as it pertains to vacation includes a separation in which the employee:

- (a) leaves one state agency to begin working for another state agency, and one or more workdays occur between the two employments;
- (b) moves from a position in the system that accrues vacation time to a position in the system that does not accrue vacation time. The member pays 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.

Under these exceptions, the employee retains the vacation balance 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.

- (c) moves from a position in a state agency that accrues vacation to a position in another state agency that does not accrue vacation, and the other state agency refuses to credit the employee for the vacation balance;
- (d) 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, and the other state agency is not authorized or refuses to credit the employee for the vacation balance; or
- (e) holds two or more positions, and separates from one that accrues vacation, and the agency agrees to pay the employee for the accrued vacation balance.

5.3 A separation under Section 5.2(e) applies only with respect to the position from which the separation occurs.

6. COMPUTATION OF TOTAL ACCUMULATED LEAVE UPON SEPARATION; HOLIDAY TIME

6.1 Except as provided in Section 6.3, 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 the employee's accrued vacation for each holiday that is scheduled to fall within the period after the date of separation and during which the employee could have used the time. To determine the period during which vacation could have been used and the number of holidays, the employee's vacation time is allocated over the workdays after the employee's separation and eight hours are added as a holiday occurs during the period.

6.2 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 computed per Section 6.1 but is to be proportionally reduced according to the employee's normally scheduled weekly work hours.

6.3 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.

- 6.4 Holiday pay will not be included in the payment of frozen vacation balances upon termination of employment. See Section 5.2(b)(2).

7. PAYMENT PROVISIONS

- 7.1 Except as described in Section 7.3, the lump-sum payment to an employee will be computed by multiplying the employee's hourly rate of compensation on the date of separation from state employment by the total hours of vacation time determined under Section 6.
- 7.2 The employee's hourly rate of compensation is calculated from the employee's monthly rate of compensation. The monthly rate of compensation includes base pay plus any monthly emolument(s) received in lieu of base pay, such as a vehicle, housing or telecommunications allowance. Longevity or hazardous duty pay is not included in the monthly rate of compensation. The sum of the monthly base pay and monthly emolument(s) are multiplied by 12 to determine the annual rate of compensation, which is then divided by 2080 hours to determine the hourly rate of compensation.
- 7.3 When an employee separates from state employment while holding a position that does not accrue vacation, the employee's payment will be computed by multiplying the employee's final hourly rate of compensation in the last position held that accrued vacation by the employee's total hours of vacation determined under Section 6.
- 7.4 An employee will be paid in a lump-sum upon separation. However, the member may agree to permit the employee to remain on the payroll to exhaust the employee's accrued vacation time in lieu of a lump-sum payment. An employee who remains on payroll receives all compensation and benefits that the employee was receiving on the employee's last day of duty, including paid holidays, longevity pay and hazardous duty pay, but may not use sick leave or accrue sick leave or vacation leave.
- 7.5 The lump-sum payment must be charged to the fiscal year in which the employee's separation from service becomes effective.

8. PAYMENT OF VACATION LEAVE BALANCE UPON DEATH

- 8.1 Upon the death of an employee who had at least six months of continuous state service during the employee's lifetime, the member pays the employee's estate for the balances of the employee's vacation leave and sick leave. The payment may not exceed all of the employee's accumulated vacation leave and the lesser of half of the employee's accumulated sick leave or 336 hours of sick leave.
- 8.2 An employee, who at any time during the employee's lifetime has accrued six months of continuous state employment and at the time of death is normally scheduled to work at least 40 hours a week, will have eight hours added to the employee's total leave balance for each holiday that is scheduled to fall within the period after the date of death and during which the employee could have used leave. To determine the period during which leave could have been used and the number of holidays, the employee's total leave balance is allocated over the workdays after the employee's death and eight hours are added as a holiday occurs during the period. In this section, total leave balance means

the sum of the accrued balance of a deceased employee's vacation leave and the lesser of half of the accrued balance of the employee's sick leave or 336 hours of sick leave.

8.3 For an employee who at the time of death is normally scheduled to work fewer than 40 hours a week, the number of hours added for each holiday is computed as provided by Section 8.2 but is to be proportionally reduced according to the lesser number of the employee's normally scheduled weekly work hours.

8.4 The payment to the estate of the deceased employee will be computed by multiplying the employee's hourly rate of compensation at the time of death (per the computation in Section 7.2) by the total number of leave hours determined under Section 8.2 or 8.3.

Related Statutes, Policies, or Requirements

[34 Tex. Admin. Code § 5.43, *Payments for Accrued Vacation Time*](#)

[34 Tex. Admin. Code § 5.44, *Payments for Accrued Vacation and Sick Leave to the Estates of Deceased State Employees*](#)

[Tex. Gov't Code Ch. 661](#)

[System Regulation 31.01.09, *Overtime*](#)

[System Regulation 31.03.02, *Sick Leave*](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

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