Procedure 33.03.01 K1.01 Vacation Leave

Revised June 1, 2011
Next Scheduled Review June 1, 2013

<table>
<thead>
<tr>
<th>Total State Employment</th>
<th>Hours Accrued Per Month</th>
<th>*Maximum Carryover to Next Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 2 years</td>
<td>7</td>
<td>168</td>
</tr>
<tr>
<td>2 years, but less than 5 years</td>
<td>8</td>
<td>232</td>
</tr>
<tr>
<td>5 years, but less than 10 years</td>
<td>9</td>
<td>256</td>
</tr>
<tr>
<td>10 years, but less than 15 years</td>
<td>10</td>
<td>280</td>
</tr>
<tr>
<td>15 years, but less than 20 years</td>
<td>12</td>
<td>328</td>
</tr>
<tr>
<td>20 years, but less than 25 years</td>
<td>14</td>
<td>376</td>
</tr>
<tr>
<td>25 years, but less than 30 years</td>
<td>16</td>
<td>424</td>
</tr>
<tr>
<td>30 years, but less than 35 years</td>
<td>18</td>
<td>472</td>
</tr>
<tr>
<td>35 years and over</td>
<td>20</td>
<td>520</td>
</tr>
</tbody>
</table>

1. General

Vacation is provided to give employees time off that they can use for any purpose. Eligible state employees earn a specific amount of vacation each year based on total state service.

2. Eligibility

Eligible employees may take vacation after reaching six months of continuous state service. The six months of service may have been in previous state positions with the Texas A&M University System or other state institutions/agencies, including student worker positions. Employees who are not in vacation-accruing positions may not take vacation leave.

If an employee is hired at 50% effort in a temporary position that is not expected to last 4 ½ months, but the work in fact extends to the 4 ½ month mark, the employee should be placed in a budgeted position, making him/her eligible for vacation from that time on.

3. Granting Vacation

Generally, eligible employees should be allowed to take vacation at the times they
request, assuming they have accrued vacation at least equal to the amount of time requested. However, employees are obligated to complete the application for Leave of Absence Form as soon as possible to allow supervisors to plan for absences. Supervisors may set requirements for how far in advance vacation leave must be requested, but should remain flexible if vacation is needed for unforeseen events.
Employees should take into consideration peak workload periods and popular vacation time when requesting vacation leave. Supervisors may deny specific vacation days due to anticipated heavy workloads, potential emergency requirements, lack of available substitutes or other critical work-related reasons.

State law does not allow negative vacation balances, so employees may not borrow against future vacation accruals.

If an employee becomes ill while on vacation, the days that the employee is ill should be reclassified as sick leave. If an employee is scheduled for vacation on a holiday declared by the governor, on a day the institution is closed because of bad weather, or the Chancellor or Chief Executive Officer closes the institution, vacation time should be restored.

4. **Accrual**

The amount of accrued vacation an employee may carry over to a new fiscal year is limited based on years of state service. *No exceptions to these carryover limits are allowed.* Consequently, both supervisors and employees should monitor accrual carefully and make plans for employees to use vacation days rather than exceed the limit.

Unused accumulated vacation leave that exceeds maximum carryover limits will automatically be credited to the employee’s sick leave balance as of the first day of the next fiscal year.

When an employee’s percent effort changes mid-month, vacation accrual is based on his/her status on the first workday of the month.

In cases of multiple (joint appointment) employment, leave is accrued the same way as for a single appointment. The unit of primary assignment should keep records.

In cases of dual employment, vacation accrues separately and must be recorded separately. Vacation accrued in one position cannot be used to take time off from the second position. If the employee leaves one position, any remaining vacation may not be transferred to the other position. A dually employed individual may not receive benefits in excess of those provided one full-time employee.

If an employee transfers from a vacation-accruing position to a non-vacation-accruing position, the employee should be paid in a lump sum for unused accrued vacation after 30 days in the non-accruing position. The employee may be paid for vacation only if the new position has a different PIN than the vacation-accruing position. The employee and his/her department can instead agree to freeze the vacation balance. When the PIN does not change, as in the case of a faculty member who goes from a 12-month appointment to a 9-month appointment, the employee should not be paid for accrued vacation.
5. **Terminal Vacation Pay**

Employees leaving the institution are informed in writing state law requires payment of accrued vacation be held for 30 days. At the time of termination, former employees are given a letter indicating that at the end of 30 days, they must return the letter to receive a check for their accrued vacation. The letter includes a statement for the employee to sign and return to Payroll indicating whether he/she did/did not go to work for another state institution or agency within 30 days of leaving the University. If they have gone to work for another state institution or agency, the accrued vacation will be transferred to the new employer.

Employees who leave System employment and return to work for the state within 30 days cannot be paid a lump sum for accrued vacation.

System members have the option of allowing departing employees to remain on payroll to use accrued vacation. If an employee chooses to remain on payroll to use accrued vacation, any holidays that fall within the period will be paid in addition to the vacation. The vacation pay out period may overlap the start of a new position with the state (which would result in a temporary dual employment situation) or another employer.

If an employee does not return to work for the state within 30 days of leaving System employment, they can be paid a lump sum for accrued vacation, and any holidays that would have fallen within the vacation period (had the vacation been paid out) would be paid in addition to the vacation.

If a position is eliminated, the employee should be paid a lump sum for any vacation or holidays that would extend beyond the position elimination date. However, the employee should not remain on the payroll after the position elimination date.

6. **Record Keeping**

Vacation records must, by law, be maintained and available for public inspection. It is each department’s responsibility to track and insure the Application for Leave of Absence form is completed with a copy forwarded to the Payroll Department. Payroll will distribute an employee monthly vacation and sick leave report on a monthly basis. Any discrepancies should be reported to Payroll immediately.