

Vacation Leave Policies

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Sponsoring Department: Human Resources

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I. Eligibility

Employees appointed to work at least twenty (20) hours per week for a period of at least four and one-half (4 ½) months are eligible. Faculty and students employed in positions that require student status as a condition of employment are excluded from this policy. Employees must have six (6) months of continuous state employment before they can use accrued annual leave. Leave without pay status is not included in the calculation of continuous service.

II. Accrual

The accrual of vacation leave will be in accordance with a vacation and holiday schedule issued by the President prior to the beginning of each fiscal year. That schedule will have as its basis the vacation leave provided by State law (plus such additional leave as may be converted from unused official State holidays which do not fall on a Saturday or a Sunday). Employees shall receive credit for one month's accrual for each month or partial month actually worked regardless of the date of employment or termination.

- A. Employees previously employed by the State of Texas will be credited with prior service including temporary, part time faculty, student employment and legislative service, when determining the employee's vacation accrual rate; provided, however, the Office of Human Resources receives a written verification of such service from the State agency for which the prior service was performed. An employee who transfers to UTA from another State of Texas agency or institution without an interruption of employment will be credited with all accrued vacation leave as certified in writing by the agency or institution from which the employee has transferred.

- B. An employee requesting a leave of absence without pay will be required to utilize vacation leave balance and compensatory time prior to being placed on the leave. Also, an employee who exhausts their sick leave accrual will be required to utilize vacation and compensatory leave before being placed on a leave without pay.
- C. No employee may accrue vacation leave while in an ineligible status (leave without pay) with the exception of an employee on an unpaid leave of absence due to military duty during a national emergency. See *Military Leave of Absence* ([Procedure 3-17](#)).
- D. If the employee is on any type of paid leave that extends into the following month, the accrual will not be posted until the employee returns to work. An employee forfeits this accrual if he or she fails to return to work.
- E. Regular part time employees will accrue vacation leave on a proportionate basis for the time worked, and the maximum carryover will also be proportionate. For example, half time employees earn and may carryover vacation time at one-half the rate for full time employees.
- F. Annual leave accruals for return-to-work retirees are based on retirement and rehire dates:

Retirement Date	Rehire Date	Accrual Rate
On or Before 5-31-2005	Prior to 9-1-2005	Accruals based on total state service (no change)
On or Before 5-31-2005	After 9-1-2005	Accruals based on total state service (no change)
On or After 6-1-2005	Prior to 9-1-2005	Split accrual rates (if he returned to work 8-1-2005 accrual rate would be based on total state service BUT after 9-1-2005 accrual rate would be based on state service since 8-1-2005)
On or After 6-1-2005	9-1-2005 or later	Accrual rate would be based on state service since re-hire date

Note: Return-to-work retirees are not required to re-establish the six months continuous service requirement in order to take annual leave with pay.

- G. Employment Status on the first day of the month determines accrual.
 - 1. A part-time employee on the first of the month who changes to full-time in the middle of the month still accrues vacation leave based on part-time employment for that month.

2. An employee who completes five years of state service in the middle of the month still accrues vacation leave based upon four years of service for that month.

H. Leave Accrual and Carryover.

An eligible full-time employee accrues vacation leave and may carry it forward from one fiscal year to the next in accordance with the schedule set by State law and detailed below.

Length of State Service	# Hours Accrued Per Month For Full-time Employment	Maximum Allowable Carryover
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 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.

- I. All hours of unused accumulated vacation leave which are lapsed at the end of the fiscal year will be credited to the employee's sick leave balance as of the first day of the next fiscal year.

III. Records

It is the responsibility of each department head to maintain accurate and current vacation leave records for each employee, and such vacation leave records will be submitted monthly to the Office of Human Resources on the monthly absence report. Reports will be due by the 15th of the following month. Departments are required to keep a copy of each report.

IV. Utilization

Vacation leave cannot be used until it has been accrued by the employee. Employees are urged to utilize vacation leave during the fiscal year in which it is accrued. The maximum amount of accrued vacation leave which may be carried forward from one fiscal year to the next, as listed above, is controlled by the Appropriations Bill, and is set forth in the holiday and vacation schedule issued by the President prior to the beginning of each fiscal year. Administrative officials shall schedule employee vacations in accordance with departmental needs for the maintenance of adequate staffing giving as much consideration as possible to employee preferences. The administrative official may designate time periods during which vacation leave is to be taken. Appropriate advance notice of designated periods should be given to affected employees.

- A. Vacation leave should be requested in advance in accordance with departmental policies. Failure to do so may result in a reduction of the employee's earnings for the pay period in which the absence occurred.
- B. In the event of illness during a paid vacation, the employee may request such time to be charged to accrued sick leave rather than vacation, in accordance with the sick leave policies (Procedure 3-10, Paragraph 4d and 4e).
- C. Employees appointed to a position which is ineligible for vacation accrual (i.e., 9 month faculty appointment, or less than 50% time) will not be eligible to accrue or utilize any leave that was accrued prior to becoming ineligible. If the employee returns to an eligible status the balance may be utilized at that time, provided the six month probationary period has been satisfied. If the employee is unlikely to return to a vacation accrual position, the employee will be paid a lump sum payment according to the termination policy stated below in [Section V](#).

An employee is not allowed to carry a negative vacation balance. This would be advancing salary to an employee and it is unconstitutional to do such.

V. **Termination**

The payroll removal date will be the last day worked.

- A. An employee who terminates employment with the University will receive a lump sum payment for any accrued vacation leave provided:
 - 1. the employee has been continuously employed for a period of six months (completed probationary period), and
 - 2. the employee is not a direct transfer to another institution of higher education or state agency
- B. Separation from the University would include an employee transferring from a position in the University that does accrue vacation leave to a position within the University or in another State of Texas agency/institution that does not accrue vacation time, or if the other agency/institution is not authorized or refuses to credit the person for the balance of the terminating employee's vacation leave. The transferring employee would be entitled for payment of

vacation leave previously accrued. This paragraph applies if the employee is eligible for payment as stated above in 5a. Otherwise, the transferring employee shall have their accrued vacation leave balance transferred to the receiving agency or institution.

- C. A separating employee will not remain on the payroll after the last day worked to utilize vacation leave time in lieu of being paid in a lump sum. Such accrued leave will be paid in lump sum.
- D. Payment shall be calculated at the employee's final rate of compensation in the last position held that accrued vacation time. Calculation does not include longevity pay.
- E. If an employee has a negative vacation balance (more leave taken than earned) the payroll removal date will be the last day the employee worked. The Payroll Voucher will be prepared and delivered immediately to the Payroll Office. The voucher would reflect a negative balance and should state that the final pay check is to be reduced in order to cover the negative vacation balance.
- F. Lump sum payments for accrued, but unused vacation time are computed as though the employee actually worked. A state employee who on the date of separation is normally scheduled to work 40 hours a week, will have eight hours added to his or her accrued vacation time for each state or national holiday that falls within the period after the date of separation and the last date of the period in which the employee could have used the time had the employee remained on the payroll. Benefits eligible employees who are normally scheduled to work less than 40 hours a week on the date of separation are also entitled to have hours added to vacation time hours for national and state holidays using the same calculation. However, the additional hours are to be proportionate to the employee's percent of time.
- G. The employee who is paid for accrued vacation time because the employee moves to a position in a state agency that does not accrue vacation time may not accrue hours for a state or national holiday scheduled to fall within the period after the date of separation and during the period in which the employee could have used the time.

VI. Payment to an Estate

- A. In the case of death, the estate of an employee (who has an accrued vacation balance after six (6) continuous months employment) will be paid for all of the employee's accumulated unused vacation leave and for any state holiday that falls within the appropriate timeframe. The payment shall be calculated at the final rate of compensation in the last position held that accrued vacation time. Calculation does not include longevity pay.

