



Angelo State University
Operating Policy and Procedure

OP 52.59: Miscellaneous Time Away From Work

DATE: October 14, 2019

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish leave entitlements for Angelo State University Employees other than vacation leave, sick leave, sick leave pool, Family Medical Leave Act leave, or military leave.

REVIEW: This OP will be reviewed in August every five years, or as needed, by the director of human resources with recommended revisions forwarded through the vice president for finance and administration to the president by September 15 of the same year.

POLICY/PROCEDURE

1. Eligibility

An employee is eligible to accrue or take paid leave under this OP only if the employee is a regular employee, which is defined as an employee who:

- a. Is employed to work at least twenty hours per week for a period of at least four and one-half months; and
- b. Is not employed in a position for which the employee is required to be a student as a condition of employment.

2. Reporting Leaves of Absence

Employees are required to report hours worked and leave usage in a manner and form prescribed by the university in order to meet the payroll processing deadlines.

The employing department is responsible for maintaining a record of time and attendance, absences of each employee, and the reason for absences.

3. Vacation Leave- See [OP 52.49](#)

4. Sick Leave for Staff Employees- See [OP 52.42](#)

5. Sick Leave Pool- See [OP 52.41](#)

6. Family Medical Leave Act (FMLA)- See [OP 52.16](#)

7. Military Leave- See [OP 52.25](#)

8. Time Off for Voting

Employees are encouraged to take advantage of early voting periods that have extended voting hours. When it is not possible for an employee to vote before or after normal working hours on a national, state or local election day, supervisors are authorized to grant a reasonable period of time, i.e., one hour, off for voting. All employees are eligible for time off to vote. Employees should be currently registered voters in order to use this leave.

- a. Time off should be requested in advance and approved by the supervisor.
- b. No reduction in vacation allowance or salary will be made for the time taken to vote as long as supervisory approval is obtained.

9. Parental Leave

Parental leave is limited to, and begins on the date of, the birth of a natural child of the employee, or the adoption or foster care placement with the employee of a child younger than three years of age.

- a. University employees who are not eligible for Family and Medical Leave may use parental leave.
- b. An individual who has been employed for less than twelve months by the state or who worked less than 1,250 hours during the twelve-month period immediately preceding the beginning of leave is eligible to take a leave of absence not to exceed twelve (12) weeks. While on parental leave, the employee must first use all available and appropriate vacation and sick leave. After the employee exhausts paid vacation and applicable sick leave, the remainder of the parental leave period is leave without pay.
- c. Employees must request parental leave in advance and in writing to the Office of Human Resources.
- d. The Office of Human Resources is responsible for approving any parental leave requests.
- e. If the employee is placed on leave without pay, the employee must contact the Office of Human Resources to make arrangements for the payment of insurance premiums while on leave.
- f. Employees should show the time away from work as "Other" and provide an explanation on time reports and records.

10. Jury Duty and Court Appearances

All university employees are expected to fulfill their citizenship obligations and may be granted leave with pay on regular workdays to perform jury duty. The university will not discharge, threaten to discharge, intimidate, or coerce any employee because the employee serves as a juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States.

- a. A copy of the summons or a statement by the Judge, County Clerk, or other official should be obtained by the employee for verification and given to the employee's department for documentation purposes.
- b. An employee performing jury duty is entitled to any fees received while performing such duties.
- c. In no case shall administrative leave with pay be granted for court attendance when an employee is the defendant or is engaged in personal litigation unless such actions are the result of an act performed by the employee as a part of his/her official duties as an employee of the university.
- d. An employee called to appear in an official capacity in any judicial action or legislative investigation is not entitled to any witness fees for such a governmental appearance. However, if the appearance is not in an official capacity but is for the purpose of testifying from personal knowledge, an employee may accept any customary witness fees. In the case of an employee whose appearance as an expert witness is not in an official capacity, the employee may receive compensation only when such an appearance is made on his or her own leave time.
- e. Employees may receive per diem, expense reimbursements, and mileage allowances for serving as a witness in an official governmental capacity, as long as there is no double reimbursement to the employee for expenses.
- f. No deduction will be made from the salary or wages of any university employee who is called for jury service, nor shall the employee be required to account to the university for any fee or compensation received for jury service.
- g. The employee is entitled to return to the same employment that the employee held when summoned for jury service if the employee, as soon as practical after release from jury service, gives the employer actual notice that the employee intends to return.

11. Leave During an Agency Investigation

The university may grant leave without a deduction in salary to a state employee who is:

- a. The subject of an investigation being conducted by the agency; or
- b. A victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency.

A state employee who is the subject of an investigation being conducted by the agency is ineligible to receive leave for that reason under any other provisions of Texas Government Code, Chapter 661.

12. Emergency Leave

- a. Death in the Family

(1) Employees are allowed up to three work days with pay for a death in the family. For the purposes of this provision, family is defined as the employee's spouse, the

employee's or spouse's parents, brothers, sisters, grandparents, children, and grandchildren. The amount of time granted for the death of a family member is intended to cover a reasonable time period necessary for travel, funeral arrangements, funeral services and being with other family members during the immediate period of bereavement.

- (2) Requests for emergency leave for a death in the family should be submitted to the department official who has the authority to approve the employee's leave. Requests for emergency leave for a family member not mentioned herein, or for a period greater than three days, are subject to approval by the dean/administrative head, appropriate vice president, and the president, when it is determined the employee shows good cause.
 - (a) To request emergency leave for a family member not mentioned above or for a period greater than three days, the employee must complete the [Emergency Leave Exception Request](#) form located on the Office of Human Resources website.
 - (b) This form must be approved by the dean/administrative head of the department, appropriate vice president, and the president in order for the exception to be allowed.
 - (c) Once all approvals are complete, the form should be sent to the Office of Human Resources for placement in the employee's personnel file.

b. Other Emergency Leave

- (1) Employees may be granted an emergency leave, for non-funeral purposes, of up to three days when it is determined that there is good cause for such leave. Emergency leave under this provision may not exceed three days per fiscal year.
- (2) An emergency is defined as an unforeseen event or circumstances which call for the immediate action by the employee, which if not responded to immediately, would present imminent danger to human life or substantial damage to property.
- (3) When an employee must leave work because of an emergency, the employee's immediate supervisor should be notified as early as possible. The president or his designee shall grant non-funeral emergency leave if determined that the employee shows good cause for such leave. All requests for such leave, along with the justifications for the requests, shall be initiated by the department chair through normal administrative channels.
- (4) Inclement weather conditions will not constitute just cause for emergency leave. Inclement weather conditions and leave necessary under such conditions are subject to the provisions of [OP 52.20 Staffing During Inclement Weather or Adverse Conditions](#).

c. Reporting Emergency Leave

The legislation allows the administrative head of a state agency to grant an employee use of emergency leave for reasons other than for the death of an employee's family member if:

- (1) The employee requests leave.
- (2) The agency's administrative head determines that the employee has shown good cause for taking the emergency leave.
- (3) The agency's administrative head believes in good faith that the employee is being granted emergency leave.

13. Leave Without Pay

An approved leave without pay implies intent from the employee to return to work and implies intent from the university to return the employee to work. For leave other than Family and Medical Leave Act leave, the employing department must reinstate the employee to some position, but not necessarily the same position, upon expiration of a leave without pay, subject to fiscal constraints.

The requirement that all accumulated paid leave entitlement be used before a leave without pay is waived if the leave is for disciplinary suspension, active military duty, workers' compensation leave, or a university-initiated leave. An employee may retain a sick leave balance if the absence does not clearly fall within the definition of sick leave under Texas Government Code, Chapter 661, Subchapter G.

Any full or partial calendar month of leave without pay does not constitute a break in employment. However, if an employee is on leave for a full calendar month, that month will not count for purposes of state service credit, with the exception of an employee returning from military leave without pay. Additionally, a full calendar month of leave without pay is not included in the calculation of the number of continuous months of employment for purposes of merit increases and leave entitlements.

An employee who fails to return to work upon expiration of a leave without pay will be terminated from the university.

a. Family Member

For purposes of medical leave without pay, the definition of immediate family member as designated in [OP 52.41 Sick Leave Pool](#) and [OP 52.42 Sick Leave](#), will apply.

b. Medical Leave without Pay (Other than Family and Medical Leave)

Medical leave without pay is not granted automatically; it must be requested by the chair of the department. If an employee or immediate family member of the employee has a serious medical condition and the employee has exhausted all other available leaves, the department chair may request the employee be placed in a medical leave without pay status for up to 90 calendar days. This leave cannot be intermittent. The employee must provide medical documentation that shows the cause or nature of the condition, the expected duration of the condition, and an anticipated return to work date. The department chair should submit a written recommendation to the appropriate vice president. If approved by the vice president, it will be forwarded to the director of human resources for review and approval. Nothing in this provision entitles an employee to leave in addition to the Family Medical Leave Act (FMLA) or the Sick Leave Pool.

c. Other Leave without Pay

- (1) After all accumulated paid leave entitlements have been used, a regular employee may be granted leave without pay for reasons other than medical for a period not to exceed one year, with the approval of the employee's administrative officer and the director of human resources. If leave without pay is granted for a shorter, specific period of time, it may be extended, at the discretion of the employee's administrative officer and the approval of the director of human resources, for a combined period of time not to exceed one year. In granting such leaves, the interests of the employing department and the University will be given priority consideration.

The president may approve exceptions to these limitations for reasons such as interagency agreements or educational purposes.

- (2) A full-time employee, regular employee, or part-time employee who is subject to the Fair Labor Standards Act (FLSA) and is on leave without pay will have his or her compensation reduced for the pay period at the hourly rate of pay times the number of hours on leave without pay. Per state law, Angelo State University may reduce the pay of FLSA exempt employees for absences of less than a full day for personal reasons or because of injury or illness when permission to use leave was not sought or was denied, accrued leave was exhausted, or the employee chose to use leave without pay.

d. Benefit Status during Leave without Pay

The employee is responsible for contacting the appropriate agency for payment arrangements and continuation of applicable benefits. During a medical or other leave without pay, service is not considered to be interrupted; however, benefits associated with pay status are affected if an employee is in a leave without pay status for a full calendar month as follows:

- (1) Vacation leave, sick leave, and state service accruals are suspended.
- (2) Group insurance premium-sharing contributions are suspended unless the leave is because of a lack of work between terms or the employee is on family and medical leave. Group insurance coverage may be continued, provided the applicable premium payments are made to Payroll Services or the Employees Retirement System of Texas (ERS).

If an employee is on approved family and medical leave, he or she will be responsible for paying all premiums other than health insurance for the employee only.

Failure to pay any premiums will result in cancellation, and reinstatement to insurance plans is subject to the state employees Group Benefits Program rules.

(3) Flexible Spending Accounts (FSA)

- (a) An employee who is participating in a health flexible spending account is required to pay his or her monthly pledge directly to ERS while on leave without

pay. Claims for expenses incurred during the months in which an employee does not fulfill his or her monthly pledge requirement are not eligible for reimbursement.

(b) Contributions for an employee who is participating in the day care flexible spending account will be suspended while the employee is in leave without pay status and claims for expenses incurred during the month are not eligible for reimbursement.

(4) Tax sheltered annuities become inactive.

(5) Membership in the Teacher Retirement System or Optional Retirement Program becomes inactive and contributions cannot be withdrawn.

14. Educational Activities Leave

An employee may use up to eight hours of sick leave each fiscal year to attend educational activities of the employee's children who are in pre-kindergarten through 12th grade. The eight hours are in aggregate and do not apply to each individual child in the employee's family.

- a. The employee must give his/her supervisor reasonable advance notice for using sick leave to attend an educational activity.
- b. Employees taking leave for an educational activity as provided above must enter the time absent as "sick leave" and indicate that the purpose of the leave was to attend an educational activity.
- c. Educational activity is defined as a school-sponsored activity, including a parent-teacher conference, tutoring, a volunteer program, a field trip, a classroom program, a school committee meeting, an academic competition, and an athletic, music, or theater program.

15. Compliance with a Subpoena

Angelo State University may not take action against an employee for complying with a subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Any organization that violates this may be found in contempt of court or subject to a monetary penalty, depending upon the issuing authority.

An employee testifying in an official capacity is considered to be on "special assignment," and would not be required to use his or her own leave to be absent from work. An employee who testifies as an expert witness is authorized to use emergency leave for his or her absence. Angelo State University will use its own discretion in instances of unofficial testimony to decide whether such an absence is considered good cause for emergency leave.

16. Amateur Radio Operator Leave

A state employee with an amateur radio station license issued by the Federal Communications Commission may be granted leave not to exceed 10 days each fiscal year to participate in specialized disaster relief services without a deduction in salary or loss of annual or sick leave, overtime leave, or state compensatory time. The amateur radio operator leave should be authorized by the employee's supervisor and with the approval of the governor.

17. Blood Donation Leave

Employees may take time off to donate blood not to exceed four (4) times in a fiscal year. The amount of time allowed is the time that is sufficient and reasonable to donate blood.

- a. Employees must obtain prior approval from their supervisor before taking the time off. Upon returning to work, the employee must provide to the supervisor documented proof that the employee donated blood during the time off. If the employee fails to provide documented proof that blood was donated during the time off, the department may deduct the time off from the employee's salary or accrued leave, whichever the employee chooses.

18. Bone Marrow and Organ Donation

Employees are entitled to a leave of absence without a deduction in salary for the time necessary to allow the employee to serve as a bone marrow or organ donor. Employees may take up to five (5) working days on a paid leave of absence in a fiscal year to serve as a bone marrow donor, and employees may take up to thirty (30) working days to serve as an organ donor. Employees must provide adequate documentation to their supervisor before taking the time off.

19. Court Appointed Special Advocate (CASA) Volunteers

A state employee may be provided paid leave not to exceed five hours each month to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates. This leave is provided to an employee without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time.

20. Foster Parent Leave

Employees who are foster parents to a child under the conservatorship of the Department of Family and Protective Services (Department) are entitled to a leave with pay for the purpose of attending meetings held by the Department regarding the foster child. In addition, the employee may use this entitlement to attend admission, review, and dismissal meetings held by a school district regarding the foster child. This leave does not apply to employees who wish to become foster parents.

21. Leave for Assistance Dog Training

An employee with a disability as defined by Texas Human Resources Code, Section 121.002, will be granted paid leave not to exceed 10 days each fiscal year to attend training necessary to provide the employee with an assistance dog to be used by the employee.

22. Red Cross Disaster Service Volunteer Leave

Employees who are certified disaster service volunteers of the American Red Cross or who are in training to become volunteers may be granted leave up to ten (10) days each fiscal year to participate in specialized disaster relief services for the American Red Cross. The employee must have authorization from his or her supervisor in addition to a formal request to volunteer from the American Red Cross and the approval of the Governor. If the above conditions are met, the employee will not lose pay, vacation time, sick leave or earned overtime and/or compensatory time during the leave.

23. Volunteer Firefighters and Emergency Medical Services Training Leave

Employees who are volunteer firefighters or an emergency medical services volunteers are granted up to five (5) days of paid leave each fiscal year for attending fire service or emergency medical service training conducted by state agencies or institutions of higher education. This leave is not charged against the employee's vacation or sick leave.

24. Search and Rescue Training Leave

An employee who is a search and rescue volunteer is entitled to a leave of absence without a deduction in salary to attend a search and rescue training conducted by a state agency or institution of higher education. Leave without deduction in salary may not exceed five (5) working days in a fiscal year.

25. Reserve Law Enforcement Officer Training Leave

An employee who is a reserve law enforcement officer is entitled to a leave of absence without a deduction in salary to attend training required under Section 1701.351, Occupations Code. This paid leave may not exceed five (5) working days every fiscal biennium.

26. Medical and Mental Health Care Leave for Certain Veterans

An employee who is a veteran, as defined by Texas Government Code, Section 434.023 (a), and who is eligible for health benefits under a program administered by the Veterans Health Administration of the U.S. Department of Veterans Affairs, may be granted leave without a deduction in salary, or loss of vacation and sick leave, earned overtime, or state compensatory time, to obtain medical or mental health care (including physical rehabilitation) administered by the Veterans Health Administration of the U.S. Department of Veterans Affairs. Leave granted may not exceed 15 days each fiscal year unless the agency's administrative head determines that additional days of this leave is appropriate for the employee.

27. Legislative Leave for Peace Officers

Peace officers injured in the line of duty may be entitled to paid injury leave without a deduction in salary. This covers commissioned law enforcement officers or agents commissioned by the Public Safety Commission and the director of the Department of Public Safety, the Parks and Wildlife Commission, the Alcoholic Beverage Commission, or the Office of the Attorney General.

To be eligible for injury leave, the peace officer must submit evidence of a medical examination and a recommendation for a specific period of leave from a physician licensed to practice in Texas. The maximum amount of leave allowed for all injuries occurring at one time is one fiscal year.

The injured peace officer may simultaneously be on injury leave and receive workers' compensation medical benefits but is not eligible for disability retirement benefits during the leave period. The injured peace officer is entitled to workers' compensation indemnity benefits after the discontinuation or exhaustion of injury leave.

An officer who qualifies for injury leave is not required to use compensatory time off or any other type of leave for an injury that occurs in the line of duty. However, a peace officer is not entitled to injury leave if the officer's own negligence contributed to the injury or if the injury was related to the performance of routine office duties.

28. Extended Sick Leave

- a. Extension of the amount of sick leave a university faculty or staff employee may take beyond the amount accumulated in accordance with the provisions of Senate Bill No. 1, Acts of the Seventieth Legislature, Second Called Session, or subsequent Appropriations Acts, may be authorized by the president of the university. Any such extensions will be authorized on an individual basis after a review of the merits of the particular case. All requests for extended sick leave shall be initiated by the department chair through normal administrative channels and must have the approval of the director of human resources prior to submission of the request to the president for his consideration. A statement of any authorized extension for an employee and the justification for it will be placed in the employee's official personnel file maintained in the Office of Human Resources.
- b. The following criteria must be met before consideration will be given for an extension of sick leave:
 - (1) The employee must identify the circumstances which resulted in the disability or illness and must submit in writing a request for extension of sick leave including a doctor's certification letter which contains:
 - (a) Identification of the employee's disability or illness,
 - (b) The treatment required,
 - (c) The expected duration of the disability or illness, and
 - (d) The tentative date the employee may be expected to return to work.
 - (2) The employee must:
 - (a) Have worked for Angelo State University for five continuous years immediately preceding the request, or
 - (b) Have seven years continuous State employment immediately preceding the request.

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- (3) The employee must have performed his/her duties in a satisfactory manner and not have abused the sick leave privilege in the past.
- (4) The employee must have exhausted all leave with pay entitlements prior to the request.
 - (a) Employees with catastrophic illnesses or injuries are eligible to apply for hours from the sick leave pool.
 - (b) For non-work incurred personal illness, injury, or disabilities, an employee is eligible to receive a maximum of thirty work days paid extended sick leave, or an amount equal to his/her accrued sick leave balance at the onset of the illness or injury, whichever is less. The president may waive this limitation or any of the above criteria when an on-the-job injury is involved, or where in his/her judgment, exceptional circumstances merit such special consideration.
 - (c) If an employee is granted an extension of sick leave and later voluntarily elects not to return to work for the university, he/she must repay in a lump sum the amount of money expended by the university for the cost of the extension of sick leave.