UTDBP3054 - Leaves of Absence
Policy Statement

General Policy

Policies for each type of authorized leave of absence are defined within this subsection and should be followed by all staff and faculty.

Time Reporting

Any and all authorized paid leave of absence must be reported in the employee’s Galaxy on-line timesheet under the appropriate time reporting codes or absence event using the appropriate code.

Time reporting codes:

• Annual Military Training = MIL
• National Guard Activation = NTG
• Bereavement = BRV
• Jury Duty or Court Appearance = JUR
• Voting = VPT

Abscence Events:

• Sick Leave = SL
• Vacation = VC

Supervisors, Managers and Time Administrators must monitor their employees’ time off to ensure proper reporting of sick and vacation leave in Galaxy online timesheets, and report over-usage of leave time to the Leave Administrator and Benefits Analyst.

If the authorized leave of absence will be for a period longer than thirty (30) days, the employee may be required to follow the procedures for employee checkout.

Leave of Absence Without Pay

It is the policy of the University of Texas at Dallas, when it is in the best interest of the University and for good cause, and subject to fiscal constraints, to grant eligible employees a period of unpaid leave.

Scope

To be eligible, an employee must be appointed for at least twenty (20) hours per week for a period of at least four and one-half (4 1/2) months excluding students employed in positions which require student status as a condition of employment.

Exhaustion of Paid Leave

All accumulated paid leave entitlements must be exhausted before granting such leaves, with the additional provision that sick leave must be granted only in those cases where the employee is eligible to take sick leave.

Duration

The maximum period for which a leave of absence will be granted is the end of the fiscal year in which the leave
begins.

A second consecutive year of leave should not be granted except in unusual circumstances such as military service, reasons of health, continued graduate study, and public service or other activity that reflects credit on the institution and enhances an individual's ability to make subsequent contributions to the institution. In addition to the department or unit head approval, the appropriate Vice President must approve a second year request.

**Approval Process**

Employees may request a leave of absence without pay by submitting a written request through his/her supervisor that includes the following:

- The reason for the requested leave with documentation as appropriate;
- Length and time requested, and
- A statement of the employee's clear intention to return to work.

The supervisor shall review the leave request and submit a written recommendation to the department or unit head. Once an approval is granted, the department head must provide written communication to the Leave Administrator prior to placing an employee on a leave of absence.

The President, or his/her designee, may grant leave without pay to any employee when it is determined the employee shows good cause for such leave. This determination may provide the employee a special leave authorization which is not within the scope of normal Leave of Absence policies.

After a return to active duty of one year or more, the leave-of-absence privilege will again be available, subject to the eligibility requirements.

**Insurance Benefits during Leave Without Pay**

An employee who is placed on a leave of absence status for one or more full calendar months must specify the insurance coverages he or she wishes to retain while on leave. The employee is entitled to make changes to coverage (i.e. cancel, suspend) within 31 days of leave of absence effective date. It is the responsibility of the employee to contact the Leave Administrator to make arrangements for payment of insurance premiums while on leave or to make changes to coverage.

The employee is responsible for paying the full premium amount directly to the University. If the employee fails to pay the insurance premiums by the due date, the University shall cancel the employee's insurance coverage at the end of the last month for which a complete payment is made. Cancelled coverage is not eligible for continuation of coverage under COBRA. The employee is entitled to make changes to coverage (i.e. cancel, suspend) within 31 calendar days of the effective date of the leave of absence. Employees must contact the Leave Administrator regarding their benefits while on leave.

**Military Leave and Employment Rights**

**Military Leave Overview**

Both State and federal law provide employment and re-employment rights to individuals who are called to military service. These laws provide income and job-protection as well as a means for employees to secure time off when called to military service.

**Paid Military Leave**

The University of Texas at Dallas will grant paid military leave to employees who are called to active duty in accordance with the terms described below.
Leave Entitlement

Employees are entitled to paid leave for the following types of military service:

1. Authorized training or duty for members of the state military forces and members of any of the reserve components of the United States Armed Forces. An employee who is called to active duty or authorized training as a member of the state military forces or any of the reserve components of the United States Armed Forces is entitled to a paid leave of absence from his or her respective duties without loss of time, efficiency rating or performance review rating, vacation time, or salary for not more than fifteen working days in a federal fiscal year (October 1 through September 30).
   The fifteen days of military leave need not be consecutive. Members of the state military forces or members of reserve components of the United States Armed Forces who are ordered to duty on non-consecutive days are entitled to a total of fifteen days. These fifteen days of military leave are working days and not calendar days.
   All military leave, other than a call to active duty in the National Guard by the Governor, is subject to a maximum of fifteen days of leave per federal fiscal year.
2. National emergency active duty for members of a reserve branch of the United States Armed Forces. A leave of absence will be provided to an employee called to active duty during a national emergency by a reserve branch of the United States Armed Forces. During such leaves of absence, the employee will accrue state service credit, but will not accrue vacation or sick leave. However, the employee retains any accrued sick or vacation leave and will be credited with those leave balances upon return. Employees are entitled to a maximum of fifteen working days of paid military leave if they have not already exhausted their annual entitlement. An employee who remains on active duty after exhausting his or her fifteen days of annual entitlement may use accrued vacation leave to the extent available, or be placed on a leave without pay, or a combination of the two for the remainder of the active duty period.
3. Call to National Guard Emergency Leave by the Governor. An emergency leave of absence with full pay will be provided to an employee who is called by the Governor of Texas to active duty as a member of the National Guard because of a state emergency, without loss of paid military or annual leave. The employee is entitled to this leave with full pay. This time is not limited and does not count against the fifteen days maximum military leave nor is the employee required to use annual leave. Only when the Governor calls a member of the National Guard to active duty for an emergency is the period of leave unlimited, paid, and without loss to annual or military leave. If a member of the National Guard is called to duty for training or duty authorized by a proper authority other than the Governor, the fifteen day maximum of paid military leave per fiscal applies.
4. Section 437.202 of the Texas Government Code provides for a paid leave of absence to employees engaged in certain military service who are called to state active duty by the governor or another appropriate authority in response to a disaster not to exceed seven (7) workdays in a fiscal year. Disaster is defined in Section 418.004 of the Government Code as "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency." During a leave of absence, the employee will not be subject to loss of time, efficiency rating, personal time, and sick or vacation leave.

Adjustment in Work Schedule for Members of the National Guard

The work schedule of any employee who is a member of the Texas National Guard or the United States Armed Forces Reserve must be adjusted so that two of the employee's days off each month coincide with two days of military duty to be performed by the employee, in order to facilitate participation in military duties by state employees.

Procedures
Employees must notify supervisors as soon as possible when they are called for military duty.

Employees must provide copies of military orders to their supervisor prior to taking military leave.

Copies of the military orders must be sent to the Leave Administrator prior to placing an employee on military leave.

Accurate records of military leave taken will be retained in the employee's departmental file and in the employment file in the Office of Human Resources. If employees are on military leave for one calendar month or more, accurate records of state service credit will also be maintained.

Reporting

In accordance with Texas Government Code, Section 437.202 (f):

- By accessing their Galaxy on-line timesheet employees will have access to the number of workdays for which the officer or employee claimed paid military leave in that fiscal year; and
- The net balance of unused accumulated leave for that fiscal year that the officer or employee is entitled to carry forward to the next fiscal year; and
- The net balance of all unused accumulated leave under this section to which the officer or employee is entitled.

Employees must report leave taken for military training in their Galaxy on-line timesheet.

The Uniformed Services Employment and Reemployment Rights Act (USERRA)

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) protects and gives reemployment rights to employees returning from military service, as long as they have given advance notice to the University of their military service or obligation. It provides protection to members of the U.S. Armed Services (including reservists), the Army National Guard, the Air National Guard, and the commissioned corps of the Public Health Service. USERRA applies to voluntary as well as involuntary military service. It does not apply to active duty service in the State of Texas National Guard.

Eligibility

Individuals who are covered by the USERRA must meet the following conditions for reemployment:

1. must have been employed by The University of Texas at Dallas. (The position that was held must have been of a recurrent nature with reasonable expectation of continuation for a significant period of time.)
2. must have given written or verbal notice to their supervisor prior to leaving the job for military training or service except when precluded by military necessity.
3. must not have exceeded the five-year cumulative limit on period of military service.
4. must have been released from service under conditions other than dishonorable.
5. must report back to their previous job in a timely manner or submit an application for reemployment, with time limits established by law. The time limits are based on the length of military service (see below).

Entitlements of Returning Military Service Member

There are four basic entitlements, provided the individual meets the criteria set forth above:

1. Prompt reinstatement to employment. Generally, reinstatement should occur within a matter of days, but this will depend on the length of the absence.
2. Accrued seniority, as if the employee had been continuously employed. This would include credit for state service for longevity pay and vacation accrual rate, any legislated across-the-board increase that may have
been implemented in their absence, and credit towards the Teachers Retirement System (TRS) if enrolled in that program. The returning employee must be allowed to make up any missed contributions to TRS or the Optional Retirement Program (ORP) over a period equal to three times the period of military leave to a maximum of five years. Deposits of the University's contributions toward TRS or the Optional Retirement Program (ORP) will be made upon reemployment.

3. Training or retraining and other necessary accommodations, particularly in cases of long periods of absence or service-connected disability.

4. Special protection against discharge for the twelve-month period following reemployment.

Requirements for Reemployment

For periods of military service of less than 91 days, USERRA requires that the employee is entitled to the job he or she would have attained if the employee had not been called for military service, provided the individual is or can become qualified for the job. If the individual is unable to become qualified for a new job after a reasonable effort by the employer, the person is entitled to the job he or she left.

For periods of military service of 91 days or more, the individual is entitled to the job he or she would have attained if the individual had not been called for military service, or in a position of "like seniority, status, and pay," the duties of which the individual is qualified to perform. If not qualified to perform the duties of this new position after reasonable effort by the employer, the individual is entitled to the job he or she left or a position of "like seniority, status, and pay" that the individual is qualified to perform.

Reasonable efforts are actions, including training, that do not cause an undue hardship to the University.

Obligations of Employees Following Military Service

For periods of military service of up to thirty consecutive days, the individual must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an eight-hour period for rest. If reporting back to work within this deadline is impossible or unreasonable through no fault of the employee, he or she must report back to work as soon as possible after the expiration of the eight-hour period.

After a period of military service of 31 to 180 days, the individual must submit a written or verbal application for reemployment with the employer not later than fourteen days after the completion of the period of service. If submitting an application within fourteen days is impossible or unreasonable through no fault of the employee, he or she must submit it as soon as possible thereafter.

After a period of military service of 181 days or more, the individual must submit an application for reemployment not later than 90 days after completion of the period of service. These deadlines to report to work or apply for reemployment can be extended for up to two years to accommodate a period during which a person was hospitalized for or convalescing from an injury or illness resulting from or aggravated by a period of military service. The individual will be required to provide documentation about any delay in reporting for reemployment within the specified time periods.

Reemployment Rights of the Disabled Service Member

The University will make "reasonable efforts" to accommodate persons with a disability incurred during or aggravated by military service. If a person returns from military service with a disability that cannot be accommodated by reasonable efforts, the individual will be reemployed in another position he or she is qualified to perform. This position must be the "nearest approximation" of the position to which the individual is otherwise entitled, in terms of status and pay, with full seniority.

Proof of Military Service for Reemployment Purposes
Following periods of military service of 31 days or more, individuals who wish to return to employment must provide documentation that establishes the length and character of the service and the timeliness of the application for reemployment. Reemployment may not, however, be delayed if documentation is not readily available.

The following documents would satisfy proof of eligibility for reemployment: discharge papers, leave and earnings statements, school completion certificates, endorsed orders, or a letter from a proper military authority.

**Right to Continuation of Benefits During Military Service**

When an employee has a period of military service of one calendar month or more, he/she may elect to continue health insurance coverage for him or herself and his or her dependents. If the employee is on leave without pay for an entire calendar month, he/she must pay the entire premium and will not be eligible for premium sharing provided by the state and the University.

If the employee elects coverage, he/she may continue in a leave without pay status for twelve months and continue to pay premiums during that time. If the period of military service exceeds a twelve-month period of leave without pay, the employee is removed from the payroll and is given the opportunity to continue benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee returns after a break-in-service, he/she will be given credit for months of state service equivalent to the months of unpaid military leave, as required by law.

During a period of military leave without pay, individuals will not earn vacation, sick leave or holiday pay, but they will continue to earn state service credit for the months that they are on leave. When they return to work, they will be eligible for reinstatement of any balances of accrued vacation and sick leave that they had had before going on military leave.

**Prohibition Against Discrimination**

Provisions of the USERRA provide protection against discrimination for individuals returning from military duty: "A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in the uniformed services shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation."

"An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for [under USERRA]."

This second provision of the law, prohibits reprisals against any person without regard to military connection who testifies or otherwise assists in an investigation or other proceeding under USERRA.

**Procedures**

1. An employee eligible under USERRA must notify his or her supervisor verbally or in writing as soon as possible after becoming aware that he/she is being called for extended military service. He/she must also notify the Leave Administrator in the Office of Human Resources so that arrangements can be made for insurance coverage.
2. Before departing on military leave, copies of military orders must be provided to the supervisor so that the employee can be placed on military leave. The employee's department will inform the Leave Administrator in the Office of Human Resources that the employee will be on USERRA leave.
3. Provided the employee meets the criteria for eligibility upon return from military service, he/she must contact their former department and the Office of Human Resources. Representatives from the Office of Human Resources will work with the returning individual to ensure that all necessary documentation is
provided for reemployment.

4. The Office of Human Resources will work with the employing department to ensure that the reemployment process is facilitated and that the employee is returned to a position that meets the requirements of USERRA.

5. The Office of Human Resources will also ensure that all benefits to which the employee is entitled are reinstated and will provide information to the employee regarding contributions they may make to the retirement plan in which they are enrolled.

6. If the department has a reason to terminate the employee within twelve months of their return to employment, reasons for termination must be reviewed and approved by the Office of Human Resources.

Miscellaneous Leave Provisions

In addition to the vacation and sick leave provisions, the State offers leave to employees for specific situations. This section covers various leave provisions granted to eligible university employees.

Scope

This policy applies to any employee who is appointed to work at least twenty (20) hours per week for a period of at least four and one-half (4 1/2) continuous months. For purposes of this policy, faculty must be appointed for at least fifty percent (50%) time for at least four and one-half (4 1/2) continuous months. Students employed in positions that require student status as a condition of employment are not covered by this policy.

A. Emergency and Funeral Leave (Bereavement)

Qualified Purposes

1. Death in the Employee's Family. With supervisory approval, an employee shall be granted up to three (3) days of leave in the event of a death in the Employee's Family. Employee's Family is defined as the employee's spouse, the employee's and the spouse's parents, children, siblings, grandparents, grandchildren, and an employee's daughters-in-law and sons-in-law. In rare cases and for good cause, an employee may be granted leave for the death of an individual not defined as a member of the employee's family by this policy.

2. Death of a Coworker. With supervisory approval, an employee shall be granted up to four (4) hours of leave to attend the funeral of a Coworker. Coworker is defined as a person who was an active employee of The University of Texas at Dallas at the time of death.

3. Natural Disasters, Emergency Closures, or Other Emergency Leave. The President or his or her designee, i.e., the Associate Vice President for Human Resources, may grant paid leave for natural disasters, emergency closures of campus facilities or operations, or for other reasons when the employee shows good cause for such leave, including emergency leave for extenuating circumstances related to death.

Employee Responsibilities

Except for emergency closures, the employee or the employee's representative must submit a written request for emergency leave to the employee's supervisor. The request must specify the reason and length of time required. The employee is responsible for obtaining approval for leave requested under this policy and promptly and accurately recording the use of leave on the appropriate time sheet.

Supervisor, Department Head, and Vice President or Dean Responsibilities

Supervisor: The supervisor is responsible for approving a request for leave due to a death in an employee's family or attendance at a coworker's funeral and verifying that the employee has accurately recorded all emergency and funeral leave use. For leave requests due to natural disasters or other reasons, including for the death of an individual not defined as a member of the employee's family, the supervisor shall review the request, and if
recommended for approval, shall submit the request to the department head.

Department Head: For leave requests for the death of an individual not defined as a member of the employee’s family, the department head is responsible for approving the request. For leave requests due to natural disasters or other reasons, the department head shall review the request, and if recommended for approval, shall submit the request to the respective Vice President or Dean. Vice President or Dean: For leave requests due to natural disasters or other reasons, the Vice President or Dean shall review the request, and if recommended for approval, shall submit the request to the Associate Vice President for Human Resources, who is responsible for making a determination if granting leave is appropriate for the specific situation in conjunction with university practices.

B. Jury Duty or Court Appearance

Any employee summoned to perform jury duty or subpoenaed to serve as a witness in a court or administrative proceeding to which he or she is not a party shall be excused from work. No deduction shall 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. Employees are expected to work, if reasonably possible, the time when not actually in a court or administrative proceeding in connection with such service.

In order to qualify for pay during periods of such service, the employee shall furnish documentary proof of service to his or her immediate supervisor.

Any employee called to appear in his or her official capacity in any judicial action or legislative investigation shall neither accept nor receive any witness fee for such a governmental appearance.

If the appearance as a witness is not in an official capacity but is for the purpose of testifying from personal knowledge concerning matters related to the inquiry, then the employee shall be entitled to any customary witness fees.

Any employee appearing as an expert witness shall be entitled to accept compensation for his or her appearance only when such appearance shall be made on his or her own leave time.

The prohibition relating to witness fees does not extend to any mileage or per diem allowance paid to University employees for expenses incurred while serving as a witness as long as a claim for reimbursement for expenses has been made to the University. In no instance shall there be double reimbursement for those expenses.

C. Voting

When it is not possible for an employee to exercise his/her voting privilege before or after regular working hours on an official election day, supervisors may verbally authorize a reasonable period of time for voting during that employee's working hours. This period should be reported in the employee's Galaxy on-line timesheet under the VOT reporting code. All employees are eligible for this leave.

D. Blood Donation

A state agency shall allow employees sufficient time off, without a deduction in salary or accrued leave, to donate blood. An employee may not receive time off to donate blood unless the employee obtains approval from his or her supervisor before taking time off. Upon returning to work, the employee shall provide his or her supervisor with proof that the employee donated blood during the time off. If an employee fails to provide proof that the employee donated blood during the time off, the university must deduct the time off from the employee's salary or accrued leave, whichever the employee chooses. An employee may receive time off to donate blood not more than four times in a fiscal year.
E. Bone Marrow / Organ Donation

A state employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence may not exceed:

- Five working days in a fiscal year to serve as a bone marrow donor; or
- 30 working days in a fiscal year to serve as an organ donor

Employees must contact the Leave Administrator prior to taking bone marrow or organ donation leave.

F. Assisted Dog Training

A state employee with a disability as defined by the Texas Human Resources Code, Section 121.002, will be granted paid leave of absence not to exceed 10 working days in a fiscal year to attend a training program to acquaint the employee with an assistance dog that the employee will use.

G. Foster Parent Leave

A state employee who is a foster parent to a child under the conservatorship of the Department of Protective and regulatory Services is entitled to a leave of absence without a deduction in salary for the purpose of attending:

- Meetings held by the Department of Protective and Regulatory Services regarding the child under the foster care of the employee; or
- An admission, review, and dismissal (ARD) meeting held by a school district regarding the child under the foster care of the employee.

The employee is required to present a copy of any notice received or document or statement affirming the date, time, and location of the meeting or ARD to the Leave Administrator. An employee is expected to return to duty at the completion of the meeting, if applicable.

H. Injury Leave for Certain Peace Officers

Peace Officers injured in the course of duty may be entitled to paid injury leave without a deduction in salary.

Peace officers who are injured in the line of duty as a result of the performance of their duties may be entitled to paid injury leave. An officer who qualifies for injury leave is not required to use compensatory time off or any 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 gross negligence contributed to the injury or if the injury was related to performing routine office duties.

I. Quarantine Leave for Peace Officers

In accordance with chapter 180 of the Local Government Code, The University of Texas at Dallas will provide paid quarantine leave to a Peace Officer who is ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty without loss or reduction of pay and benefits such as leave accrual, pension and health insurance benefits. As applicable, the University will provide reimbursement for reasonable costs related to the quarantine, including lodging, medical and transportation. The reimbursement request must be submitted to the Chief of Police or his/her designee for review and further handling.

The quarantine leave must be ordered and approved by the Chief of Police or his/her designee in conjunction with an order from the University of Texas System, the University president or his/her designee, local, state, or federal government health authority. The Chief of Police or his/her designee may be required to coordinate with other internal departments involved in the situation.

The Chief of Police or his/her designee will notify the Office of Human Resources, Leave Administration via
J. Mental Health Leave for Peace Officers

In accordance with chapter 614 of the Texas Government Code, The University of Texas at Dallas will provide Mental Health Leave to a Peace Officer who meets the requirements set forth under the law.

Eligibility for Mental Health Leave

Any individual employed as a Peace Officer of the University, as defined under Article 2.12, Code of Criminal Procedures and Section 51.203 of the Texas Education Code, is eligible to request a mental health leave in writing within thirty-one (31) calendar days of experiencing a traumatic event in the course and scope of his/her employment. The employee will receive full pay and benefits while on an approved mental health leave. The employee will not be required to use annual vacation leave, sick leave, or accrued compensatory time while on mental health leave status.

Traumatic event is defined as an event or series of extraordinary events that occurs in the scope of the officer's employment and causes significant stress likely to impact the mental health or well-being of a Peace Officer experiencing the event.

Traumatic events include, but are not limited to the following:

1. Suicide
2. Fatal accident
3. Homicide
4. Line of duty death or suicide of a department employee
5. Use of force resulting in death or serious bodily injury
6. In-custody death
7. Any incident in which the officer, while acting in a law enforcement capacity, suffers serious bodily injury or threatened serious bodily injury by another person
8. Participation in recovery efforts related to a natural disaster such as hurricane, flood, fire, or earthquake
9. Participation in response and recovery efforts related to a terrorist attack

Duration of the Mental Health Leave

For each traumatic event, mental health leave may be granted for up to three (3) working days. The employee may be granted additional days if medical or justification documentation is provided.

Reporting Responsibilities

A supervisor who becomes aware of the behavioral changes in an officer involved in a traumatic event shall notify the Chief of Police or his/her designee of such concerns. The supervisor should monitor the employee and the concern expressed to ensure there is support and intervention as needed. The Chief of Police or his/her designee should review the situation and, as warranted recommend the officer seek professional support and apply for mental health leave.

Request and Approval Process

1. A Peace Officer who experienced a traumatic event may request mental health leave by submitting a completed Request for Family or Medical Leave (FML) Form to the Chief of Police within thirty-one (31) calendar days of the traumatic event.
2. The request must be reviewed and approved by the Chief of Police or his/her designee. The request will be treated with discretion, professionalism, respect, and dignity. The Chief of Police or his/her designee will indicate the traumatic event and date of occurrence on the completed FML form before submitting the approved request to the Office of Human Resources.

3. The Chief of Police or his/her designee must render a decision no later than twenty-four (24) hours following the receipt of the request unless more time is needed to review the situation. Every effort should be made to render a timely decision.

4. The approved request must be sent to Benefits-Leave Administration Office via email LOA@utdallas.edu along with documentation as applicable.

5. A mental health leave request of more than three (3) days will require medical documentation which will be reviewed and processed in accordance with the Family Medical Leave Act (FMLA) policy. Refer to the Family Medical Leave Act policy for more details.

6. To maintain the confidentiality of the request, medical documentation related to this leave must be submitted to LOA@utdallas.edu or faxed to the LOA designated fax number by the employee. The Office of Human Resources will coordinate and seek approval from the Chief of Police or his/her designee on the number of days beyond the three (3) days based on the medical information provided by the employee.

7. The mental health leave will run concurrent with FMLA leave.

8. The employee must submit a full duty medical release before returning to work if the leave is more than three (3) consecutive working days. As necessary, the Chief of Police or his/her designee may request a fitness for duty examination in accordance with the University of Texas System Policy and Procedure Manual, Code of Conduct; Policy number 212 Section IV.D(c).

Impact to Other Leaves

Administrative leave required to be taken by an officer after a critical incident is not considered mental health leave. A request for mental health leave can follow administrative leave. Administrative leave is governed under UT System Police Department Administrative Investigations Policy 605. Administrative leave is not a substitute for mental health leave. Mental health leave can be requested and granted in the absence of administrative leave.

This leave is entirely separate and independent of workers' and Peace Officer injury leave compensation under UTS 185, Peace Injury Leave. A request for mental health leave does not trigger any reporting requirement related to workers' compensation claims. Nothing in this policy limits or prohibits a peace officer's right to file a workers' compensation claim.

Resources

The Chief of Police or his/her designee will provide peer support resources as needed. The following are some of the resources available:

1. Employee Assistance Program
2. Behavioral Health through UT SELECT and UT CONNECT
3. LearnToLive (L2L) - Digital Mental Health Platform; available through BCBS Blue Access for Members (BAM)
4. MDLive – Behavioral and Psychological Virtual Visits
5. Employee Wellness Resources
6. National Alliance on Mental Illness (NAMI)
7. Substance Abuse and Mental Health Services Administration (SAMHSA)

K. Volunteer Activities

Employees may be entitled to five (5) days of paid leave per fiscal year to participate in certain volunteer activities such as volunteer firefighter training, emergency medical services training, and reserve law enforcement training. Employees must contact the Leave Administrator prior to taking leave for volunteer activities.
For information regarding miscellaneous leave provisions, please contact the Leave Administrator at LOA@utdallas.edu.

Family and Medical Leave Act

Scope

All University employees are eligible for up to 12 weeks of family leave per year for certain family reasons provided they have been employed by the State of Texas for at least 12 months prior to the commencement of the leave, and worked at least 1,250 hours. If the employee requesting leave has not been employed by the State of Texas for 12 months and worked at least 1,250 hours, he/she may be eligible for other leave of absence options described in other sections of the leave policy.

Leave Requirements:

1. The University will grant up to 12 weeks of unpaid leave in a 12-month period for one or more of the following reasons:
   1. Birth of son/daughter and care after such birth;
   2. Placement of son/daughter for adoption or foster care;
   3. Serious health condition of spouse, child or parent of employee;
   4. Serious health condition of employee (unable to perform job).

   Leave for birth or placement for adoption can be taken prior to the actual birth or adoption.

2. When an employee is taking leave to care for a family member, or due to his/her own serious health condition, the employee will be required to support the leave request with certification from the health care provider. A sample certificate is attached to this policy. If the institution does not agree with the medical certification, a second opinion at the University’s expense may be obtained. If the two opinions disagree, a third opinion may be obtained at the University’s expense, and will be the final determination. There is no certificate requirement if an employee is taking leave for the birth of a child, or placement of a child.

Definitions

Spouse/Dependent: For purposes of the Act, spouse is defined in accordance with federal law and with the applicable state law including common law marriages when recognized by the state. Unmarried domestic partners do not qualify for family leave. Son or daughter is defined under the Act to include a child under 18 years or older who is incapable of self-care because of a mental or physical disability.

Serious Health Condition: A serious health condition is defined as an injury, impairment, or physical or mental condition that involves either: 1) inpatient care in a hospital, hospice or residential care facility; or 2) continuing treatment by a health care provider. The term “serious health condition” is intended to cover those conditions which affect one's health to the extent that in-patient care is required or continuing treatment by a provider of health care is necessary on a recurring basis for more than a few days for treatment or recovery. The Act is not intended to cover short term conditions for which treatment and recovery are brief.

Examples of serious health conditions include heart attacks, heart conditions, most cancers and back conditions requiring extensive therapy or surgical procedures, strokes, respiratory conditions, appendicitis, pneumonia, emphysema, severe nervous disorder, injuries caused by serious accidents on or off the job, pregnancy, severe morning sickness, need for prenatal care, childbirth, and recovery from childbirth. A serious health condition includes treatment for a serious chronic condition which, if left untreated, would likely result in an absence of work for more than three days.

Substance Abuse: Treatment of substance abuse may be included under the Act where a stay at an in-patient treatment facility is required. However, absences because of an employee's use of a substance without treatment does not qualify for family leave. The inclusion of substance abuse does not prevent the employer from taking any
employment action against an employee who is unable to perform the essential functions of the job provided the employer complies with the Americans with Disabilities Act (ADA) and does not take action against the employee solely because such employee exercises his or her rights under the Act.

**Intermittent Leave and Reduced Schedule Leave**: Employees with a serious health condition or with a spouse, parent or child with a serious health condition (but not those taking leave due to the birth or placement of a child) are also entitled to take "intermittent" or "reduced schedule" leave, if the leave is medically necessary.

"Intermittent leave" is defined as leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time, and may include leave for periods from one hour to several weeks. Examples include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

"Reduced schedule leave" is defined as a leave schedule that reduces an employee's usual number of working hours per work week or hours per work day. This type of leave might be used, for example, when an employee is recovering from a serious health condition, but is not strong enough to work a full-time schedule for a specific period of time.

If an employee takes an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the 12 weeks of leave to which an employee is entitled. Where an employee normally works a part-time schedule or variable hours, the amount of leave to which an employee is entitled is determined on a pro rata or proportional basis by comparing the new schedule with the employee's normal schedule.

When an employee has requested intermittent or reduced schedule leave, the University may transfer the employee to an alternative position with equivalent pay and benefits if the employee is qualified for the position, and if it better accommodates the recurring periods of leave more than the employee's current job.

**Procedures**

**How the 12-Month Period is Calculated**: Eligible employees are entitled to take up to 12 work weeks of family leave during any 12-month period measured forward from the date the employee's first family leave begins.

**Requirement of Using Sick/Vacation Leave**: With the exception of employees receiving workers' compensation, employees are required to utilize all accumulated vacation and sick leave, if applicable, when taking leave that qualifies as Family and Medical Leave. However, the University is not permitted to count paid leave that was not for an Act leave purpose against an employee's family leave entitlement. For example, if an employee has taken sick leave on various occasions for a cough, cold, flu or condition that is not an extended illness, those may not be counted towards the 12 week entitlement under the Act. If, however, the employee is expecting the birth of a child and has taken leave prior to the birth for prenatal care, the employer may require the employee to use his or her sick and vacation leave, and limit the total amount of time away from the employment to a total of 12 weeks. The University must inform the employee that paid leave must be taken when an individual requests family leave. It is UTD's responsibility to designate whether or not the leave (paid or unpaid) will be considered leave taken pursuant to the Act. The twelve (12) week entitlement will run concurrently with workers' compensation leave, provided the employee is otherwise eligible for FMLA Leave.

**Premium Payments for Medical Insurance**: When an employee is on unpaid family leave, the University will continue to contribute its share of premium sharing for medical/dental insurance as if the employee had continued in employment during the leave. For example, if the employee normally has family medical coverage, the University will continue sharing the cost of the premiums with the employee at the family rate. The employee is required to pay his or her share of the premiums in the same manner required when working. An employee may pay his or her share of premiums of the health plan in any manner customarily used by the University.

**Failure of Employee to Pay Share of Insurance**: If the employee fails to pay a timely health plan premium, a 30 day grace period will be provided after the agreed upon date for which payment is due. If the employee does not
make payment within 30 days, the University may cease to maintain the health coverage on the date the grace period ends. Prior to expiration of the grace period, the University will notify the employee of the discontinuation of insurance coverage within 15-days of the expiration of the grace period.

If the institution discontinues health coverage as a result of non-payment of premiums, the employee's group health benefits must be restored to at least the same level and terms as were provided when leave commenced. Therefore, the returning employee shall not be required to meet any qualification requirements such as a waiting period or pre-existing condition requirements, when the employee has failed to continue his/her health coverage for non-payment of premiums.

If an employee fails to return to work after taking leave that qualifies as Family and Medical Leave, and the employer has paid for maintaining health coverage, the employer is entitled to recover the premiums paid unless the reason the employee does not return to work is due to 1) continuation of a serious health condition that would entitle the employee to family leave, or 2) other circumstances beyond the control of the employee.

An employee is considered to have returned to work after he or she has worked for a period of 30 calendar days. Therefore, an employee who returns to work for only one week and then departs is not considered to have returned to work for purposes of premium payments. The University may recover health insurance premium payments from certain sums due to the non-returning employee such as travel reimbursement, pay checks, etc., provided that prior to the deduction of any amounts the Office of General Counsel is consulted to ensure that such deduction is appropriate.

**Returning Employee:** When an employee returns to work under the Act, he or she is entitled to be restored to the same position held when the leave started, or to an equivalent position with equivalent pay. An equivalent position is one that has the same pay, benefits, and working conditions, and involves the same or substantially similar duties and responsibilities and with the equivalent skill, effort, responsibility and authority.

**Notice by Employer Requirement:** A notice will be posted to notify employees of their rights and responsibilities under the Act. The employer must also supply to employees a notice describing the Act which will be issued by the Department of Labor. UT Dallas employees may access their rights and responsibility notice on the Office of Human Resources website.

**Notice by Employee:** Employees must give at least 30 days advance notice to the employer of the need to take Family and Medical Leave when it is foreseeable for the birth or adoption of a child or for medical treatment. When it is not practicable under any circumstances, such as premature birth or medical illness, to give such notice, the notice should be given as soon as practical within one to two business days of when the employee learns of the need for leave.

The Leave Administrator may designate leave taken as FMLA leave if there is sufficient information about the employee's reason for leave. If the reason for leave is insufficient, the Leave Administrator may require the employee to provide sufficient information to determine if the leave qualifies under FMLA. It is the employee's obligation to respond to employer inquiries designed to determine if the leave is FMLA qualified. An eligible employee who has given notice under the Act and has provided the certification requirements, if needed, may not be denied family medical leave.

**Rights of Employees:** Employees who exercise their rights under the Act are entitled to do so without restraint and shall not be subject to discharge or discrimination by the employer solely on the basis of exercising his or her rights under the Act. The employer may not discriminate against an individual for having filed charges, instituted any proceeding under or related to the Act, or given any information in connection with any inquiry or proceeding regarding the Act.

If an employee's Act rights have been violated, the Act provides that the employee may file a complaint with the Department of Labor or file a private law suit against the employer to obtain damages and other relief.
There is also an assessment of penalties for willfully failing to post a notice in plain view for all workers and applicants to see, notifying them of the FMLA provisions and providing information concerning how to file a complaint with the Wage and Hour Division.

**Record Keeping Requirements**

The following records must be kept by the employer regarding family leave:

1. Books or records of no less than three years, which contain the basic payroll and identifying employee data, including name, address, occupation, rate of pay, terms of compensation, hours worked, additions and deductions to the wages, and total compensation.
2. Dates family leave is taken by an employee. The leave must be designated in the records as family leave.
3. Documentation of family leave taken in increments of less than one full day, as well as hours of the leave.
4. Copies of the employee notices of leave furnished to the employer under the Act, if in writing, and copies of all general and specific notices given to employees under the Act and copies of the regulations that were issued on June 4, 1993.
5. Any documents describing employee benefits or University policies. This includes written and electronic records regarding the taking of paid and unpaid leave.
6. Premium payments of employee benefits.
7. Records of any dispute between the employee and the University regarding any designation of leave as family leave, including any written statements from the University or employee and the reasons for the designation and disagreement.
8. Employee medical information and documentation shall be maintained by the Office of Human Resources.

It should be noted that records and documents relating to an employee’s leave (i.e. medical certifications, recertification’s, and medical histories of the employee or employee’s family members) will be maintained in separate files in the Office of Human Resources.

The medical information relating to an employee’s work restrictions may be disclosed to supervisors and managers in order to determine whether an employee’s restrictions may be accommodated. All medical information must be submitted to the Leave Administrator in the Office of Human Resources. Documents containing employee medical information should not be kept by the department.

**Rights of Employees:** The Act regulations state that if an employer provides more benefits than required by the Act, the Act will not restrict those benefits. Therefore, benefits such as the sick leave pool and extended disability leave, when available, may be used in conjunction with and count towards the 12 weeks of family leave. It should also be noted that the Act does not restrict or modify any federal or state anti-discrimination rules or the employer's obligation to comply with the ADA.

**Parental Leave**

Employees who do not qualify for family and medical leave are entitled to parental leave not to exceed 12 weeks for the birth of a child or the adoption or the foster care placement of a child under the age of three. An employee who is placed in an unpaid status while taking parental leave is not eligible for premium sharing. An employee's entitlement to leave for the birth or placement of a child expires 12 months after the birth or placement. If both parents work for the University, regardless of whether they work at different work sites or different component institutions, the total amount of leave cannot exceed 12 weeks. This limitation applies only for those cases involving the birth or placement of a child. In cases involving sickness, this limitation does not apply.

**Sick Leave**

The University of Texas at Dallas provides paid sick leave to employees in accordance with state law.
Scope

This policy applies to any employee who is appointed to work at least twenty (20) hours per week for a period of at least four and one-half (4 1/2) months. For purposes of this policy, faculty must be appointed for at least fifty percent (50%) time for at least four and one-half (4 1/2) continuous months. Students employed in positions that require student status as a condition of employment are not covered by this policy.

Permitted Uses

Employee's Medical Condition: Sick leave may be taken when an employee is prevented from performing duties because of sickness, injury, or confinement due to pregnancy.

Care of Immediate Family: Sick leave may be taken when an employee needs to care for an immediate family member who is actually ill because of sickness, injury, or confinement due to pregnancy.

Care of Family Who Do Not Reside in the Same Household: An employee's sick leave used to care for family who do not reside in the same household is strictly limited to the time necessary to provide care to the employee's spouse, child or parent who needs such care as a direct result of a documented medical condition.

Educational Activities: An employee may use up to eight (8) hours of sick leave each calendar year to attend parent-teacher conferences for the employee's children who are in pre-kindergarten through the twelfth grade. The employee must give reasonable notice of his or her intention to use this leave. Educational activities are school-sponsored activities, including parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs.

Use and Exhaustion: Sick leave cannot be used before it accrues. If an employee exhausts all sick leave, any further absence caused by sickness, injury or confinement due to pregnancy must be charged to other accrued paid leave. If all other accrued leave is exhausted, the employee will be placed on leave without pay. If the sickness, injury, or confinement due to pregnancy is catastrophic, the employee may apply for hours from the sick leave pool. (See Sick Leave Pool Policy.)

Minimum Increments: Non-exempt employees who use sick leave in an amount less than a full hour shall be charged for such leave to the closest quarter hour in fifteen (15) minute increments. Exempt employees shall be charged in one (1) hour increments.

Definitions

Immediate family member is defined as those individuals who live in the same household as the employee and are related by kinship, adoption, or marriage; or are foster children certified by the Texas Department of Family and Protective Services; and an employee's child under the age of 18 years regardless of whether the child lives in the same household. Sick leave also may be used to care for immediate family members who do not reside in the same household only for a documented medical condition. In this instance only, “immediate family” is interpreted as spouse, parent, or child.

Sickness or injury, for purposes of using sick leave, includes an absence required for medical, dental, or optical examination or treatment; or for physical therapy and laboratory work or tests as ordered by a licensed practitioner.

An employee's confinement due to pregnancy, for purposes of using sick leave, means inability to perform duties caused or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery. The employee seeking to use sick leave to cover the impairment must provide a licensed practitioner's certification that the impairment causes the employee to be unable to work. Sick leave may not be used in conjunction with parental leave or family and medical leave once an employee has recovered from temporary impairment related to pregnancy or confinement.

A documented medical condition: exists when the employee submits a licensed practitioner's certification to the
employee's supervisor as to the nature of the sickness, injury, or confinement due to pregnancy.

A licensed practitioner's certification is a document signed by a licensed physician, nurse practitioner, or other health care professional, competent within their scope of practice to make a medical evaluation of the employee's sickness, injury or confinement due to pregnancy.

**Duty day** means an employee's last physical day on the job prior to separation from employment.

**Accrual and Credit**

**Accrual:** Full-time employees will accrue eight (8) hours of sick leave for each month or fraction of a month of employment. Part-time employees will accrue sick leave on a basis proportional to their appointment.

**Credit:** Credit for accrual will be given and posted to an employee's leave record on the first day of employment and on the first day of each succeeding month of employment. If an employee is on paid leave on the first day of the month, the sick leave accrual will be credited for that month but will not be available for use until after the employee returns to work. If an employee is on unpaid leave on the first day of the month, the sick leave accrual will not be credited for that month nor will it be available for use until after the employee returns to work.

**Nonaccrual:** Employees do not accrue sick leave for any full calendar month in which the employee is on leave without pay. Employees called to active duty during a national emergency by a reserve branch of the Armed Forces of the United States do not accrue sick leave during such service. (See Paid Military Leave Policy.)

**Employee Responsibilities**

**Notification:** An employee who must be absent from work because of sickness, injury, or confinement due to pregnancy will notify the supervisor, or have the supervisor notified, at the earliest possible time on the first day of absence.

If an employee expects to be absent for more than three (3) work days, the employee or the employee's representative will contact the supervisor again at the beginning of each work week, unless other specific notification arrangements are made that are acceptable to the supervisor.

**Failure to Notify Supervisor:** An employee's failure to notify the supervisor when absent may be cause for disciplinary action.

Except in cases of an emergency or when other specific notification arrangements have been made in agreement with the employee's supervisor, three (3) consecutive work days of absence without notice is job abandonment and is cause for immediate dismissal from employment.

**Certification**

- **Continuous Absence of Three (3) Work Days or Less:** For an employee to be eligible to use accrued sick leave during a continuous period of three (3) work days or less, the employee may be required by the supervisor to provide a return to work release to their supervisor. The employee may also be required to submit a licensed practitioner's certification or other written statement which provides enough information for the Leave Administrator to reasonably determine whether or not the employee has an FMLA qualifying event.

- **Continuous Absence of More Than Three (3) Work Days:** For an employee to be eligible to use accrued sick leave during a continuous period of more than three (3) work days, an employee shall provide a return to work release to their supervisor and the Leave Administrator. Additionally, the employee must also provide a licensed practitioner's certification or other written statement showing the cause or nature of the condition that is acceptable to the Leave Administrator in determining if an FMLA qualifying events exists. This certification should be sent to the Leave Administrator during the period of absence or immediately.
upon return to work.

• Failure to provide a return to work release or doctor's certification as described in paragraph (a) and (b) above, may constitute an abuse of sick leave and be subject to disciplinary action, up to and including dismissal from employment.

The Leave Administrator may designate leave taken as FMLA leave if there is sufficient information about the employee's reason for leave. If the reason for leave is insufficient, the Leave Administrator may require the employee to provide sufficient information to determine that the leave qualifies under FMLA. It is the employee's obligation to respond to employer inquires designed to determine if leave is FMLA qualified.

**Falsification of Certification**

Falsification of a licensed practitioner's certification and/or providing false medical information is cause for dismissal from employment.

**Confidentiality of Medical Records**

Any document containing medical information about an employee is considered a medical record and is regarded as confidential. Medical records are kept in a file separate from all other employee records and are available to the Leave Administrator and other authorized personnel in the Office of Human Resources.

**Sick Leave Abuse**

An employee is responsible for the appropriate use of sick leave. Sick leave abuse occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging an absence to sick leave. Abuse may also occur when an employee establishes a pattern of sick leave usage over a period of time such as the day before or after a holiday, on Mondays and Fridays, after paydays, any one specific day, half-day, or a continued pattern of maintaining zero or near zero leave balances. Abuse of sick leave may result in disciplinary action, up to and including termination of employment.

**Reporting**

**Employee Responsibilities:** Upon return to work after sick leave use, the employee shall accurately complete the appropriate time report, note the sick leave used, and submit it in a timely manner for approval to the supervisor. Submitting an official time report that includes sick leave use constitutes an application to the supervisor for approval of sick leave use.

Faculty must submit the report for all sick leave even though no classes were missed if the absence occurs during the normal workday for regular employees.

**Supervisor and Department Responsibilities:** When considering the approval of sick leave use, the supervisor, manager, and department time administrators must verify that the employee has accurately recorded the absence event in the Galaxy online timesheet and submitted the absence for approval. Absences of more than 3 days should be reported to the Leave Administrator.

To ensure employee confidentiality, all medical leave records shall be maintained by the Office of Human Resources.

**Return to Work Release and Certification**

When an absence from work is caused by an employee's medical condition and is in excess of three (3) working days, the employee's supervisor shall require that, immediately upon the employee's return to work, the employee submit to the supervisor a return to work release. The doctor's release must also specify what limitations, if any,
exist to the employee's ability to perform his or her job duties or pose a threat to the safety of the employee or others. If limitations exist, the supervisor shall contact the Office of Human Resources. The employee also may be required to submit a licensed practitioner's certification or other written statement which provides enough information for the Leave Administrator to reasonably determine whether or not the employee has an FMLA qualifying event.

**Conditions for Restoration of Sick Leave Upon Re-Employment or Change in Eligible Status**

1. **Restoration after Formal Reduction in Force**: Employees separated from employment under a formal reduction in force policy will have their paid sick leave balance restored if re-employed by the state within twelve (12) months of termination.
2. **Restoration and Re-employment with Another State Agency**: Employees who are separated for reasons other than a formal reduction in force and are re-employed by a different state agency will have their paid sick leave balance restored if re-employed within twelve (12) months of termination.
3. **Restoration and Re-employment with Same State Agency**: Employees who are separated for reasons other than a formal reduction in force and are re-employed by the same state agency will have their paid sick leave balance restored if re-employed within twelve (12) months of termination and if they have a break in service of at least thirty (30) calendar days from the date of termination.
4. Retirees who return to state employment will not have their sick leave balances restored.
5. **Restoration due to Change in Benefits Eligible Status**: Employees who change status from benefits eligible to non-benefits eligible, are not entitled to use their sick leave balance while in a non-benefits eligible position. However, their sick leave balance will be restored if they return to a benefits eligible position during the 12-month period from which ineligibility occurred. Otherwise sick leave will be forfeited.

**Employee Transfers With No Break in Service**

1. **Transfers Within the University**: Accrued sick leave balances for employees transferring with no break in service within the University are automatically transferred to the new department.
2. **Transfers to the University**: Employees transferring with no break in service to the University from another state of Texas agency or higher education institution can request that their accrued sick leave be transferred to the University.
3. **Transfers to Another State of Texas Agency or Higher Education Institution**: University employees transferring with no break in service to another state of Texas agency or higher education institution can request that their accrued sick leave be transferred to the new workplace.

**Payment to an Estate**

A deceased employee's estate is entitled to payment for one-half (1/2) of the employee's accrued sick leave balance, or 336 sick leave hours, whichever is less, if the employee had at least six (6) months of continuous state employment at the time of death and normally worked 900 hours or more a year.

**Approval**

Approval authority is hereby delegated to the department head or designee to approve sick leave use. The Office of Human Resources must review and approve qualified leave under FMLA and will require medical certification for this process.

*For Assistance*: Questions regarding sick leave should be directed to the Benefits Analyst HCM - timereporting@utdallas.edu and/or the Leave Administrator at LOA@utdallas.edu.

**Sick Leave Pool Policy and Administration**

In accordance with the provisions of Texas Government Code 661.001, the University allows eligible employees to voluntarily donate accrued sick leave hours to a sick leave pool. Upon meeting the requirements set out in this policy, eligible employees may apply to withdraw unearned sick leave hours from the UTD sick leave pool. The sick
leave pool assists employees when they, or eligible family members, suffer a catastrophic illness or injury.

Scope

This policy applies to any employee who is appointed to work at least twenty (20) hours per week for a period of at least four and one-half (4 1/2) months. For purposes of this policy, faculty must be appointed for at least fifty percent (50%) time for at least four and one-half (4 1/2) continuous months. Students employed in positions that require student status as a condition of employment are not covered by this policy.

Sick Leave Pool Procedures

Application Requirements: An employee is eligible to apply for the Sick Leave Pool when all of the following conditions are met:

1. The employee or employee's immediate family has a catastrophic illness or injury as defined in this policy;
2. The employee has exhausted all accrued sick leave due to the condition;
3. The employee has exhausted all accrued paid leave, including compensatory time;
4. The employee has been, or will be, placed on leave without pay for at least 8 hours (1 work day);
5. The employee has not exhausted the maximum award of Sick Leave Pool hours per catastrophic illness or injury; and
6. The condition is not an on-the-job injury covered by Worker's Compensation Insurance.

Applications are not complete without the required documentation, including the statement of a licensed practitioner. Complete applications will be processed on a first-come, first-served basis.

Awards from the pool may not exceed 720 hours or 1/3 of the Sick leave pool balance, whichever is less, per catastrophic illness or accident.

The Pool Administrator will determine the exact amount of time that an eligible employee may draw from the pool. The Pool Administrator's decision is final.

Awards from the pool are prospective. Sick leave pool hours cannot be granted retroactively. Employees who have exhausted all accrued paid leave must be put on leave without pay until a sick leave pool award, if any, is approved.

Use of Sick Leave Pool Hours

The employee may use sick leave assigned from the pool in the same manner as sick leave earned by the employee and shall be treated for all purposes as if the employee were absent on earned sick leave.

Unused sick leave pool hours will be returned to the pool.

Abuse of Sick Leave Pool

Abuse of the Sick Leave Pool may result in the cancellation of participation and employee shall be required to repay all sick leave pool hours awarded as well as be subject to disciplinary action, up to and including termination.

Providing false medical information or falsification of a licensed practitioner's certification is cause for dismissal from employment.

Definitions

Catastrophic illness or injury: A severe condition or combination of conditions affecting the mental or physical health of an employee, or an employee's immediate family, that requires the services of a licensed practitioner for a prolonged period of time; that forces the employee to exhaust all leave time earned by the employee, and that forces
the employee to lose compensation from the University. Note: This definition was established by the Board of
Trustees of the Employee Retirement System of Texas in accordance with 661.004 (b).

**Severe condition or combination of conditions:** A medical or mental condition that:

1. Results in death if not treated promptly, or
2. Requires hospitalization for more than 72 consecutive hours, or
3. Causes a person to be legally declared a danger to him or herself or others.

Pregnancy and elective surgery are not considered severe conditions except when one or more complications arise from the pregnancy or elective surgery which would result in death if not treated promptly.

**Licensed practitioner:** A practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

**Prolonged period of time:** The employee satisfies the prolonged period of time requirement when:

1. He or she has been absent from work and under the care of a licensed practitioner due to the severe condition for at least 80 hours (10 working days) in the 120 calendar days prior to the date the employee becomes eligible for the sick leave pool benefit, or
2. He or she has been hospitalized due to the severe condition for more than 72 consecutive hours.

**Immediate family:** Those individuals who live in the same household as the employee and are related by kinship, adoption, or marriage; or are foster children certified by the Texas Department of Family and Protective Services; and an employee's child under the age of 18 years regardless of whether the child lives in the same household. An employee's use of the sick leave pool used to care for family who do not reside in the same household is strictly limited to the time necessary to provide care to the employee's spouse, child or parent who needs such care as a direct result of a documented catastrophic medical condition.

**Loss of Compensation:** The employee satisfies the loss of compensation requirement when he or she has exhausted all paid leave, including compensatory time, and has been placed on leave without pay for at least 8 hours (1 work day) prior to the effective date of the grant of sick leave pool hours.

**Pool Administrator:** The Director of Employee Benefits.

**Contributions to the Pool**

Employees may make contributions to the pool in 8 hour increments, provided the donor's contribution will not result in a sick leave balance of less than eighty (80) hours at the time of the donation. Donations are to the pool and not to specific individuals.

Retiring employees may donate any unused sick leave balance to the pool.

Terminating or retiring employees who donate sick leave to the sick leave pool should understand that donated hours cannot be returned if the employee returns to State employment within twelve (12) months. Terminating employees who choose not to donate unused sick leave hours to the sick leave pool and within 12 months return to State employment are eligible to have their sick leave balances restored and/or transferred to their new place of employment.

Employees who are in their initial performance probationary period, or who are in a disciplinary probationary period, and who receive an award from the sick leave pool will have their probationary status extended upon returning to work. The number of sick leave pool hours used will equal the period that the probationary period is extended.

An employee who is on leave on the first day of a month may not use the sick leave that the employee accrues for the month until after a return to duty. Accrued sick leave and vacation are not credited to an employee until the first
day that he or she returns to work. Therefore, an employee who is continuously on sick leave pool will not have accrued vacation or sick leave credited until he or she returns to work. An employee using sick leave pool part time or intermittently will have vacation and sick leave credited and must use the earned vacation and sick leave before using the sick leave pool hours.

Providing false medical information or falsification of a licensed practitioner’s certification is cause for dismissal from employment.

**Estimate Entitlement**

The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the sick leave pool.


For more information contact the Office of Human Resources.

**Employee to Employee Sick Leave Donation**

The Employee to Employee Sick Leave donation program covers the provisions of Texas Government Code Section 661.207 Donation of Sick Leave as codified in statute by HB 1771, 84th Legislature, 2015.

**Procedures**

Application Requirements: An employee may donate sick leave to another sick leave eligible staff or faculty member employed at the University of Texas at Dallas when all of the following conditions are met:

1. The recipient is employed in the same agency as the donor employee; and
2. The recipient meets the sick leave eligibility requirements; and
3. The recipient has exhausted the recipient's own sick leave; and
4. The recipient has exhausted any time he or she may be eligible to withdraw from the sick leave pool.

Employees may not directly or indirectly provide or receive remuneration or a gift in exchange for a sick leave donation.

**Information for Donor**

- The donor may determine the number of hours they wish to donate and will complete the required sick leave donation form.
- Whether the donated sick leave hours are used or not, the donation is irrevocable (non-returnable) as of the date the donation form is completed and received by the Leave Administrator in the Office of Human Resources.
- The donor may not directly or indirectly receive or give any financial payment (remuneration) or gift in exchange for this donation.
- The donor may not directly or indirectly receive special treatment or favors in exchange for this donation.
- The donor will treat all medical and personal information shared by the recipient as confidential.

**Recipient Process**

- The recipient must have exhausted all sick leave, including any time the recipient is eligible to withdraw from the Sick Leave Pool.
- An employee who receives donated sick leave may use the donated leave according to the provisions outlined in the sick leave policy.
- Donated hours may be utilized for both continuous and/or intermittent leave.
- Once the required donation form is approved by the Leave Administrator in the Office of Human Resources.
Resources, the recipient will be notified of any donated hours.

- The recipient may not directly or indirectly receive or give financial payment (remuneration) or gift in exchange for this donation.
- The recipient may not directly or indirectly provide special treatment or favors in exchange for this donation.
- If the recipient leaves UT Dallas for any reason, the remaining donated sick leave hours will be forfeited and are not restored upon rehire.

**Taxation Impact to Donor and/or Recipient**

Taxation related to the employee to employee sick leave donation will be consistent with the Internal Revenue Service and UT System guidelines.

**Family Leave Pool Policy and Administration**

In accordance with the provisions of Texas Government Code Section 661.021, the University allows eligible employees to voluntarily donate one or more days of earned sick or vacation leave to the family leave pool. Upon meeting the requirements set out in this policy, eligible employees may apply to withdraw unearned sick and vacation leave hours from the UTD family leave pool. The purpose of the family leave pool is to:

1. Provide eligible state employees more flexibility in:
   1. Bonding with and caring for children during a child's first year following birth, adoption or foster placement;
   2. Caring for a seriously ill family member or the employee, including pandemic related illnesses or complications caused by a pandemic; and
2. Allow eligible employees to apply for leave time under the family leave pool.

**Scope**

This policy applies to any employee who is appointed to work at least twenty (20) hours per week for a period of at least four and one-half (4 ½) months. For purposes of this policy, faculty must be appointed for at least fifty percent (50%) time for at least four and one-half (4 ½) continuous months. Students employed in positions that require student status as a condition of employment are not covered by this policy.

**Contribution to the Family Leave Pool (FLP)**

Employees may make contributions to the pool in eight (8) hour increments, provided the donor's contribution will not result in a sick and vacation leave balance of less than eighty (80) hours at the time of the donation. Donations are to the pool and not to specific individuals.

Retiring and terminating employees may donate any unused sick leave balance to the pool. Terminating employees who donate sick leave to the family leave pool should understand that donated hours cannot be returned if the employee returns to state employment within twelve (12) months.

**Permitted Use of Family Leave Pool**

The employee must exhaust eligible compensatory, discretionary, sick leave pool, and sick and vacation leave to be eligible to withdraw from the family leave pool. If eligible, the employee may request a withdrawal from the pool due to the following reason(s):

- The birth of a child;
- The placement of a foster child or adoption of a child under 18 years of age;
- The placement of a person 18 years old or older requiring a guardianship;
- A serious illness to an immediate family member or the employee (including a pandemic related illness);
- An extenuating circumstance created by an ongoing pandemic, including providing essential care to a
family member; or
• A previous donation of time to the pool.*

* The employee will be asked to certify previous donation of time to the pool in the Family Leave Pool application form.

An employee who app lies to use time under the pool to care for another person must submit and be listed on the other person's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as a mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent, or provide documentation that the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.

Withdrawal from the Family Leave Pool

The employee's request to withdraw time from the family leave pool may not exceed one-third (1/3) of the total time in the pool or 90 days (720 hours), whichever is less. The number of hours per day will be proportionate to an employee's FTE. The employee is limited to one withdrawal occurrence per fiscal year and up to a maximum of three (3) withdrawal occurrences per lifetime at UTD.

An eligible employee may submit a request for withdrawal of time from the family leave pool by completing a Leave Pool Application form and must be on an approved leave. The withdrawal request requires appropriate documentation (e.g., doctor's note in case of serious illness or proof of closure of school in case of extenuating circumstance). Applications are not complete without the required documentation. Complete applications will be processed on a first-come, first-served basis.

Donation of time and payment of leave time withdrawn from the family leave pool will be subject to payroll taxation in accordance with the IRS guidelines. The University will maintain two family leave pools (emergency/medical and non-emergency/non-medical) to determine appropriate taxation of donated time and payment of withdrawal. Donations to the non-emergency/non-medical family leave pool will be subject to taxation to the donors, including separating or retiring employees, at the time of donation. Donation to the emergency/medical family leave pool will not be taxable to the donor.

If the employee already exhausted the time available from the sick leave pool or is not qualified to withdraw time from the sick leave pool, the employee may request to withdraw time from the family leave pool because of a serious illness (including a pandemic-related illness) of a family member or the employee. The employee must provide the pool administrator with the medical statement from the licensed practitioner who is treating the employee or the family member to substantiate the serious illness condition.

If the eligible employee is requesting to withdraw time because of an extenuating circumstance created by an ongoing pandemic, including essential care to a family member, the employee must provide applicable documentation, including an essential caregiver designation, proof of closure of a school or daycare, or other appropriate documentation.

The Pool Administrator is the Director of Employee Benefits. The Pool Administrator will determine the amount of time that an eligible employee may withdraw from the pool based on the application and supporting documentation. Awards from the pool are subject to the maximum time allowable by law. The Pool Administrator's decision is final. If the Pool Administrator determines the employee is eligible, the transfer of time from the pool will be approved and credited to the employee.

Awards from the pool are prospective. Family leave pool hours cannot be granted retroactively. Employees who have exhausted all accrued paid leave must be put on leave without pay until a family leave pool award, if any, is approved.

An employee who is absent while using time withdrawn from the family leave pool may use the time as sick leave.
earned by the employee. The employee shall be treated for all purposes as if the employee is absent on earned sick leave. Unused family leave pool time will be returned to the pool.

Abuse of the family leave pool may result in the cancellation of participation. The employee shall be required to repay all family leave pool hours awarded and be subject to disciplinary action up to and including termination. Providing false information or falsification of a licensed practitioner's certification is cause for dismissal from employment.

Employees that receive an award from the family leave pool who are in their initial performance probationary period or who are in a disciplinary probationary period will have their probationary status extended upon returning to work. The number of family leave pool hours used will equal the period that the probationary period is extended. Employees who have been the subject of disciplinary action (written warning, performance improvement plan, suspension) within 3 months prior to applying for leave will not be eligible to withdraw time from the family leave pool.

Monthly accruals for sick and vacation leave are credited to employees on the first day they return to work. Employees who are on leave may not use any sick and vacation leave that was accrued during their absence until after they return to work. Employees using family leave pool part-time or intermittently will have sick and vacation leave credited and must use the earned sick and vacation leave before using the family leave pool hours.

The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the family leave pool.

**Annual Leave (Vacation leave)**

**Policy**

The University of Texas at Dallas provides paid annual leave to eligible employees in accordance with state law.

**Scope**

This benefit is available to employees appointed to work at least twenty (20) hours per week for a period of at least four and one-half (4 1/2) months. The benefit is not available to faculty members, nor is it available to students employed in positions that require student status as a condition of employment.

**Accrual and Credit**

Accrual: Employees will accrue annual leave for each month or fraction of a month of employment based on total state service credit. Part-time employees will accrue annual leave on a percentage basis for the time appointed. Annual leave is accrued according to the schedule approved by the legislature, which appears below:

<table>
<thead>
<tr>
<th>Employees with total state service credit of:</th>
<th>Hours accrued per month</th>
<th>Maximum carryover hours to next fiscal year for full-time employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 2 years</td>
<td>8</td>
<td>180</td>
</tr>
<tr>
<td>At least 2 years but less than 5</td>
<td>9</td>
<td>244</td>
</tr>
<tr>
<td>At least 5 years but less than 10</td>
<td>10</td>
<td>268</td>
</tr>
<tr>
<td>At least 10 years but less than 15</td>
<td>11</td>
<td>292</td>
</tr>
<tr>
<td>At least 15 years but less than 20</td>
<td>13</td>
<td>340</td>
</tr>
<tr>
<td>At least 20 years but less</td>
<td>15</td>
<td>388</td>
</tr>
</tbody>
</table>
than 25

| 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.

Credit: Credit for accrual will be given and posted to an employee's leave record on the first day of employment and on the first work day of each succeeding month of employment. If an employee is on paid leave on the first day of the month, the annual leave will be credited for that month but will not be available for use until after the employee returns to work.

Definitions:

Duty day means an employee's last physical day on the job prior to separation from employment.

State service credit is earned for the actual days, months, and years of service with the University or other State of Texas agencies or higher education institutions, as long as employment at the other state agency or institution is not concurrent with employment at the University. Each month an employee is on active payroll counts as one (1) month of state service credit, regardless of the number of hours worked in a month.

Only the actual days worked during those partial months at the beginning and ending of employment count as state service credit. Each thirty (30) days of employment converts into one (1) month of state service credit.

Nonaccrual: Employees do not accrue annual leave for any full calendar month in which the employee is on leave without pay. Employees called to active duty during a national emergency by a reserve branch of the U.S. Armed Forces of the United States do not accrue annual leave during such service, but do accrue state service credit. (See the Military Leave Policy.)

Limitations on Use

Outside Employment: While on annual leave, an employee may not be employed elsewhere unless the requirements and approvals for outside employment have been met. (See the Outside Employment Policy.)

Minimum Increments: Non-exempt employees who use annual leave in an amount less than a full hour shall be charged for such leave to the closest quarter hour in fifteen (15) minute increments. Exempt employees shall be charged in one (1) hour increments.

Use and Exhaustion: Annual leave may not be used before it is accrued. When an employee exhausts all appropriate and available leave, the employee is to be placed on leave without pay subject to the leave policy guidelines.

Illness or Injury During Annual Leave: An employee who becomes ill or is injured while on approved annual leave will be allowed to use accrued sick leave to cover the illness or injury. The employee should request that their supervisor change the actual time they were incapacitated due to illness or injury from annual leave to sick leave. The supervisor, after consulting with the Office of Human Resources, may require appropriate medical certification of the illness or injury before making the change.

Coordination with Other Leave: Employees who are eligible to earn and use compensatory time are encouraged to use accrued and available compensatory time before using accrued annual leave. (See Compensatory Time Policy.) A department head can require employees to charge leave time to any accrued and available compensatory time.

| 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.

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Use and Exhaustion: Annual leave may not be used before it is accrued. When an employee exhausts all appropriate and available leave, the employee is to be placed on leave without pay subject to the leave policy guidelines.

Illness or Injury During Annual Leave: An employee who becomes ill or is injured while on approved annual leave will be allowed to use accrued sick leave to cover the illness or injury. The employee should request that their supervisor change the actual time they were incapacitated due to illness or injury from annual leave to sick leave. The supervisor, after consulting with the Office of Human Resources, may require appropriate medical certification of the illness or injury before making the change.

Coordination with Other Leave: Employees who are eligible to earn and use compensatory time are encouraged to use accrued and available compensatory time before using accrued annual leave. (See Compensatory Time Policy.) A department head can require employees to charge leave time to any accrued and available compensatory time.
rather than accrued annual leave.

**Notification Requirements**

Advance Notice: When foreseeable, employees shall give at least thirty (30) calendar days advance notice to their supervisor of their request to use annual leave.

Advance Notice Not Possible: When advance notice is not possible, notice by the employee should be provided to their supervisor as soon as practicable.

Written/Verbal Notice: Written notice, to include notice by email, of the request to use annual leave is recommended when possible; however, employees may provide verbal notice of the request for the leave when written notice is not practical. Employees taking annual leave must report their absence event on their Galaxy on-line timesheet.

**Concurrent Use of Other Paid Leave**

Employees are required to use accrued and available annual leave concurrent with Family and Medical Leave and/or Parental Leave. (See Family and Medical Leave or Parental Leave Policies.) Employees may use annual leave in conjunction with unpaid Military Leave. (See Military Leave Policy.)

**Allowable Carryover Hours**

Unused annual leave carries forward into the next fiscal year. However, the number of hours carried forward cannot exceed the limits set by the legislature for a full-time employee. Annual leave hours in excess of the set limits at the end of the fiscal year (August 31) transfer to the employee’s sick leave balance. Regular employees who work less than forty (40) hours per week carry unused annual leave hours forward in proportion to their appointment.

**Loss of Eligibility Due to Change in Status**

If the employee’s appointment changes to less than twenty (20) hours per week before completing six (6) months continuous, benefits eligible, state employment, the annual leave accrual is frozen.

If the employee’s appointment changes to less than twenty (20) hours per week after six (6) months of continuous, benefits eligible, state employment, the accrued annual leave will be paid to the employee. No further annual leave will accrue.

**Employee Transfers with No Break in Service**

Transfers Within the University: Accrued annual leave balances for employees transferring with no break in service within the University are automatically transferred to the new department.

Transfers to the University: Employees transferring with no break in service to the University from another State of Texas agency or higher education institution can request that their accrued annual leave be transferred to the University.

Transfers to Another State of Texas Agency or Higher Education Institution: University employees transferring with no break in service to another State of Texas agency or higher education institution can request that their accrued annual leave be transferred to the new workplace. If the employee has six (6) months of continuous, benefits eligible, state employment prior to any of the above transfers, the annual leave accrued is available for use with appropriate approval.

**Employee Separations**

Lump Sum Payment: An employee who separates from the University through resignation or involuntary termination is entitled to a lump sum payment for accrued and unused annual leave when: 
• The employee has six (6) months of continuous, benefits eligible, state employment prior to separation and
  • The lump sum payment is processed as of the date of separation in accordance with state law. The
    payment is based on the employee's rate of pay at the time of separation. Neither hazardous duty pay nor
    longevity pay is included in computing the amount of the lump sum payment.

For purpose of annual leave payout due to employee separation, separation includes moving from a position in a
state agency or institution of higher education that accrues annual leave, to a position within the state agency or
institution of higher education that does not accrue vacation leave.

Continued Payroll Status: At the department's discretion, an employee separating from the University may be
allowed to remain on the payroll after the last workday to use annual leave in lieu of a lump sum payment.

Separation before Six (6) Months: If an employee separates from the University before completing six (6) months of
continuous, benefits eligible, state employment, annual leave accrual is lost.

Payment to an Estate

A deceased employee's estate is entitled to payment for unused annual leave if the employee had at least six (6)
months of continuous state employment at the time of death. The payment is based upon the employee's rate of pay
at the time of death.

If the employee's accrued annual leave was not available for use at the time of death because the employee's
appointment had reduced to less than twenty (20) hours per week, the payment is based on the rate of pay at the
time the employee last accrued annual leave. (See Loss of Eligibility Due to Change in Status above.)

Employee Responsibilities

The employee shall provide appropriate notice to the supervisor of the request to use annual leave. The employee
shall promptly and accurately record the use of leave. The employee will check monthly leave balance reports in a
timely manner and promptly report discrepancies to their supervisor.

Supervisor and Department Responsibilities

The supervisor must review the employee's request based on university and departmental guidelines and staffing
requirements, and approve or disapprove within 5 working days of receipt of the request. Employee time reports
should be verified for accuracy and all absence events shall be submitted and approved in the Galaxy on-line
timesheet.

Approval Authority

Approval is hereby delegated to the department head or designee to approve use of leave. For more information,
contact the Office of Human Resources.

Policy References and Notices

• Employer FMLA Notice
• FMLA Factsheet & Information
• Online Leave Procedures
• Request for Family or Medical Leave Form
• Health Care Provider Form for FMLA Application:
  ◦ Employee
  ◦ Dependent or Parent
• Application to Withdraw Hours from the Sick Leave Pool
• Licensed Practitioner’s Statement for Sick Leave Pool Application
Policy History

- Revised: 2013-10-14
- Revised: 2021-04-05
- Editorial Amendment: 2021-04-28
- Revised: 2022-03-07

Policy Links

- Permalink for this policy: https://policy.utdallas.edu/utdbp3054
- Link to PDF version: https://policy.utdallas.edu/pdf/utdbp3054
- Link to printable version: https://policy.utdallas.edu/print/utdbp3054