

**TEXAS HIGHER EDUCATION COORDINATING BOARD
PERSONNEL POLICY MANUAL**

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices																															
POLICY NAME	Vacation Leave																															
EFFECTIVE																																
REVISED	May 24, 2019																															
AUTHORITY	Texas Government Code, Chapters 661 and 559																															
SCOPE	All THECB employees who have had continuous employment with the state for six months.																															
PURPOSE	To establish policies and provisions for use of vacation leave.																															
DEFINITIONS	<p>Full-time Employee. An employee who is normally scheduled to work 40 hours or more per week.</p> <p>Part-time Employee. An employee who is normally scheduled to work less than 40 hours week.</p>																															
1. POLICY	A. Vacation leave is paid time off for a vacation or to pursue other personal activities.																															
2. USE OF VACATION LEAVE	<p>A. Earned vacation shall be taken at a time mutually acceptable to the employee and the employee's supervisor and/or division/department head, and should be scheduled to meet the work requirements of the division/department.</p> <p>B. Vacations should be scheduled as far in advance as possible. The time off must be pre-approved by the employee's supervisor and/or division/department head. It is at the discretion of the division head to disallow vacation time that does not meet the work needs of the division, or to disapprove leave after-the-fact that was not pre-approved.</p> <p>C. While on vacation, unused sick leave may be used on any day an employee is confined to a hospital or a residence due to a major illness or injury. A certificate from the treating physician will be required if an employee claims sick leave for more than three days.</p> <p>D. When an authorized Coordinating Board holiday occurs during a period of vacation leave, the day off is not charged to vacation leave.</p>																															
3. METHOD OF ACCRUAL	<p>A. Vacation is earned beginning with the first day of employment and terminating on the last day of duty, in accordance with the following schedule:</p> <table border="1"> <thead> <tr> <th>Employees with Total State Employment of:</th><th>Hours Accrued Per Month</th><th>Maximum Hours to Carry Forward From One Fiscal Year to Next Fiscal Year</th></tr> </thead> <tbody> <tr> <td>0 but less than 2 years</td><td>8</td><td>180</td></tr> <tr> <td>2 but less than 5 years</td><td>9</td><td>244</td></tr> <tr> <td>5 but less than 10 years</td><td>10</td><td>268</td></tr> <tr> <td>10 but less than 15</td><td>11</td><td>292</td></tr> <tr> <td>15 but less than 20</td><td>13</td><td>340</td></tr> <tr> <td>20 but less than 25</td><td>15</td><td>388</td></tr> <tr> <td>25 but less than 30</td><td>17</td><td>436</td></tr> <tr> <td>30 but less than 35</td><td>19</td><td>484</td></tr> <tr> <td>35 plus</td><td>21</td><td>532</td></tr> </tbody> </table>		Employees with Total State Employment of:	Hours Accrued Per Month	Maximum Hours to Carry Forward From One Fiscal Year to Next Fiscal Year	0 but less than 2 years	8	180	2 but less than 5 years	9	244	5 but less than 10 years	10	268	10 but less than 15	11	292	15 but less than 20	13	340	20 but less than 25	15	388	25 but less than 30	17	436	30 but less than 35	19	484	35 plus	21	532
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	<p>B. Vacation leave may not be taken until the employees has been employed with the State for six continuous months.</p> <p>C. Credit for the higher rate of accrual will be given on the first calendar day of each month only if the employee's anniversary falls on that day. Otherwise, the increase in vacation leave accrual will be given on the first calendar day of the following month.</p> <p>D. Credit for one month's accrual will be earned by budgeted full-time employees for each month or fraction of a month of employment. Employees are not able to use their new leave accruals for a new month until the first day they are physically present at work during that month.</p> <p>E. The percentage of one month's accrual will be earned by budgeted part-time and eligible hourly employees for each month or fraction of a month of employment. This percentage earned will be based on the ratio the employee's part-time employment bears to full-time employment. The maximum carryover from one fiscal year to the next will also be proportionate.</p> <p>F. Vacation leave hours in excess of the maximum carry forward amount will be converted to sick leave on the first day of the next fiscal year.</p>
4. RECORDKEEPING	<p>A. Vacation leave accrued, used, and carried forward shall be recorded for all employees using the Centralized Accounting Payroll/Personnel System (CAPPS).</p>
5. TRANSFER	<p>A. Employees who transfer directly from one state agency to another will have their vacation leave balances transferred.</p>
6. SEPARATION, RETIREMENT, OR DEATH	<p>A. Separation. An employee will be paid for all unused vacation leave upon separation.</p> <p style="padding-left: 40px;">I. An employee will be paid for all unused vacation leave upon separation of employment or retirement, provided the employee has completed six months of continuous employment with the state.</p> <p style="padding-left: 40px;">II. A separating employee may, with the approval of the employing agency, remain on the payroll after separation to use accrued vacation leave rather than receive a lump-sum payment. No additional accruals will be made during this period. An employee who is allowed to remain on the payroll is entitled to continue to receive all compensation and benefits that the employee was to receive on his/her last day of duty. Upon separation, lump-sum payments for accrued but unused vacation leave will include payment for any holidays that the employee would have observed had he/she remained on the payroll.</p> <p style="padding-left: 40px;">III. An individual who within a period of 30 calendar days from the date of separation from the Coordinating Board is reemployed by a state agency or institution into a position which accrues vacation time shall have his or her previously accrued but unused vacation leave restored.</p> <p>B. Retirement. Rehired retirees who retired from state employment on or after June 1, 2005, and who are receiving a state retirement annuity, will accrue vacation leave based only on service earned after their retirement date. The maximum hours that may be carried forward into the next fiscal year is based only on service earned after their retirement date.</p> <p style="padding-left: 40px;">I. Rehired retirees who retired from state employment before June 1, 2005</p>

	<p>accrue vacation leave based on total state service. The maximum hours that may be carried forward into the next fiscal year is based on their total years of state service.</p> <p>II. Upon re-employment, a rehired retiree is eligible to use vacation leave as it is earned.</p> <p>C. Death. In the event of death, an employee's estate will be paid all of the employee's unused vacation leave at the time of death.</p>

TEXAS HIGHER EDUCATION COORDINATING BOARD
MANUAL OF ADMINISTRATIVE POLICIES

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices
POLICY NAME	Working Overtime and State Compensatory Time
EFFECTIVE	
REVISED	May 30, 2019
AUTHORITY	The Federal Fair Labor Standards Act: 29 U.S.C. Sections 201 et. seq. (FLSA) Texas Government Code, Chapters 659 and 662
SCOPE	All THECB employees.
PURPOSE	To establish policies and provisions for compensation for and use of overtime hours accumulated.
DEFINITIONS	<p>Fair Labor Standards Act (FLSA). Establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in federal, state, and local governments.</p> <p>Exempt employees. Employees exempt from the Fair Labor Standards Act under an Executive, Professional or Administrative exemption. Information concerning such designations shall be available in the Human Resources Department.</p> <p>Non-exempt employees. Employees who are entitled to the minimum wage and/or overtime pay protections of the FLSA.</p> <p>Standard workweek. The THECB defines the workweek as that period beginning 12:01 a.m. on Sunday and extending through the seven-day period ending at midnight the following Saturday.</p> <p>Standard workday. The 24-hour period beginning at 12:01 a.m. and ending at 12:00 midnight.</p>
1. POLICY	A. An agency manager or supervisor may require an employee to work overtime. The agency compensates employees with time off, or in certain cases, pay, for the overtime hours they are required to work, consistent with federal and state laws.
2. FLSA OVERTIME AND STATED COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES	<p>A. When a THECB employee who is subject to the overtime provisions of the FLSA (i.e., a “non-exempt employee”) is required to physically work hours more than 40 hours in a standard workweek, the employee is entitled to compensation for the excess hours.</p> <p>Any paid leave or holidays taken are not counted as hours worked in determining FLSA overtime credit.</p> <p>B. Accrual and Compensation</p> <p>I. FLSA Overtime</p> <p>Compensation for all FLSA overtime credit in excess of 40 hours per week shall be by receiving compensatory time at the rate of 1.5 hours for each hour of overtime, during the 12-month period following the end of the workweek in which the time was earned.</p> <p>a. A non-exempt employee may accrue up to 240 hours of FLSA overtime credit.</p>

	<ul style="list-style-type: none"> b. If the FLSA overtime credit exceeds 240 hours, the employee shall receive payments in cash for the excess. c. At the discretion of the Commissioner of Higher Education or his designee, a non-exempt employee may receive payments in cash for FLSA overtime credit. d. Upon termination of employment, a non-exempt employee shall be paid for any accrued FLSA overtime credit. <p>II. State Compensatory Time</p> <p>When a non-exempt employee takes paid leave or when a holiday occurs, the non-exempt employee is eligible for state compensatory time if the total number of hours worked (if less than 40 hours) plus any paid leave or paid holidays exceeds 40 in one workweek. If this occurs, the non-exempt employee must be allowed state compensatory time off for this additional time on an hour-for-hour basis.</p> <ul style="list-style-type: none"> a. The state compensatory time off must be used within 12 months of the end of the workweek in which it was earned or it lapses. b. Generally, a non-exempt employee will not be paid for unused state compensatory time.
3. STATE COMPENSATORY TIME FOR EXEMPT EMPLOYEES	<p>A. An employee of the Coordinating Board who is not subject to the overtime provisions of the FLSA (i.e., is an "exempt employee") may be allowed, at the discretion of the Commissioner or his designee, state compensatory time, on an hour-for-hour basis, when the combination of hours worked, paid leave, and holidays exceeds 40 hours in a workweek.</p> <ul style="list-style-type: none"> I. The state compensatory time off must be used within 12 months of the end of the workweek in which it was earned or it lapses. II. Generally, an exempt employee may not be paid for unused state compensatory time.
4. RESPONSIBILITIES	<p>A. Supervisors:</p> <ul style="list-style-type: none"> I. Are responsible for managing work effectively, so that employees are allowed, or required, to work beyond regularly assigned work hours only when there is a business necessity; and II. Must require employees to request permission before working overtime. <p>B. Employees:</p> <p>Must accrue the overtime at the employee's assigned work location unless the employee obtains the supervisor's advance approval to work at another location.</p>
5. USING FLSA OVERTIME AND STATE COMPENSATORY TIME	<ul style="list-style-type: none"> A. Earned leave for overtime hours worked shall be taken at a time mutually acceptable to the employee and the employee's supervisor and/or division/department head, and should be scheduled to meet the work requirements of the division. B. Employees are not required to specify the reason for the request when taking time off for overtime hours worked.



TEXAS HIGHER EDUCATION COORDINATING BOARD
MANUAL OF ADMINISTRATIVE POLICIES

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices
POLICY NAME	Holiday Pay
EFFECTIVE	
REVISED	May 17, 2019
AUTHORITY	Texas Government Code, Chapters 559 and 662
SCOPE	All THECB employees.
PURPOSE	To outline holidays recognized by the THECB and to provide guidelines for holiday pay.
DEFINITIONS	<p>Full-time Employee. An employee who is normally scheduled to work 40 hours or more per week.</p> <p>Part-time Employee. An employee who is normally scheduled to work less than 40 hours week.</p> <p>Hourly Employee. An employee who is paid an hourly wage for his or her work, as opposed to a fixed salary.</p>
1. POLICY	To outline holidays recognized by the THECB and to provide guidelines for holiday pay.
2. CALCULATION OF HOLIDAY TIME	<p>A. Budgeted full-time and part-time employees:</p> <ol style="list-style-type: none"> I. An individual who is a state employee on both the last workday before and the first workday after a designated national or state holiday is entitled to paid time off from work if: <ol style="list-style-type: none"> a. the holiday does not fall on a Saturday or Sunday, and b. the General Appropriations Act does not prohibit state agencies from observing the holiday. B. If a holiday occurs while an employee is on paid leave, such as sick leave or vacation leave, the holiday time is substituted, and the time is not deducted from the employee's vacation or sick leave balances. C. To be paid for a holiday that falls on a day other than the first or last workday of the month, the employee must be a state employee, on paid status, on the day before and the day after the holiday. D. If the holiday falls on the first workday of a month, the employee must be a state employee on the day immediately after the holiday to be paid for the holiday. If the holiday falls on the last workday of the month, the employee must be a state employee on the day immediately before the holiday to be paid for the holiday. E. The amount of paid holiday time allowed for full-time and part-time employees is prorated based on the percent of time worked. <p>The following table provides examples:</p>

	Percent Time Worked	Calculation of Holiday Time (per holiday observed)
	100 percent	40 hours per week ÷ 5 = 8 hours of holiday time
	75 percent	30 hours per week ÷ 5 = 6 hours of holiday time
	50 percent	20 hours per week ÷ 5 = 4 hours of holiday time
	<p>F. Hourly employees</p> <ol style="list-style-type: none"> I. Part-time hourly employees will receive holiday pay based upon the ratio their part-time employment bears to full-time employment. II. Calculating the average amount of work time per week should be done after the pay period has ended. <ol style="list-style-type: none"> a. For example, if an hourly employee works an average of 26 hours per week during the pay period, the amount of paid holiday time allowed would be 5.2 hours. <p>G. Holiday Time for Employees Who Work Other than 8-5, Monday through Friday</p> <ol style="list-style-type: none"> I. Employees who work hours other than 8 to 5, Monday through Friday, will receive the same number of holiday hours as employees who work 8 to 5, Monday through Friday. II. Compensatory time for a holiday accrues when the holiday occurs on an employee's regularly scheduled day off. 	
3. COMPENSATORY TIME FOR HOLIDAYS WORKED	<p>A. Employees who are required to work on national or state holidays observed by the state are entitled to compensatory time off during the 12 months after the holiday. The amount of compensatory time accrued is equal to the amount of holiday time worked, not to exceed eight hours.</p> <p>B. The employee must give reasonable notice before using the compensatory time. The employee and supervisor must agree to the time off.</p>	
4. OPTIONAL HOLIDAYS	<p>A. An individual who is a state employee on the last workday before and the first workday after an optional holiday is entitled to paid time off from work on each day of an optional holiday if</p> <ol style="list-style-type: none"> I. the optional holiday does not fall on a Saturday or Sunday; II. the employee agrees to give up, during the same fiscal year, a state holiday when the office is open that does not fall on a Saturday or Sunday; and III. the General Appropriations Act does not prohibit state agencies from observing the holiday. <p>B. The employee's supervisor must ensure that the employee works on the substituted holiday.</p>	
5. NEW HIRES AND HOLIDAYS	<p>A. If a new employee works the first scheduled workday of a calendar month, the effective date of hire is the first day of the calendar month.</p> <p>B. The effective date of hire is the first day of the calendar month even when an observed holiday occurs before the employee actually reports to work, if the holiday occurs within that month and does not fall on Saturday or Sunday.</p>	
6. HOLIDAYS AND	<p>A. If an employee separates from the THECB and is exhausting unused vacation leave by</p>	

EMPLOYEE SEPARATIONS	remaining on the payroll, the employee receives payment for any holidays that the employee would have observed. If the employee chooses to receive a lump sum payment for unused annual leave, then the employee does not receive payment for holidays occurring after the employee's date of separation.

**TEXAS HIGHER EDUCATION COORDINATING BOARD
PERSONNEL POLICY MANUAL**

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices
POLICY NAME	Sick Leave
EFFECTIVE	April 21, 2008
REVISED	August 1, 2019
AUTHORITY	<p>Texas Government Code, Sec. 661.202</p> <p>Texas Government Code, Sec. 661.204</p> <p>Texas Government Code, Sec. 661.205</p> <p>Texas Government Code, Sec. 661.206</p> <p>Texas Government Code, Sec. 661.904</p>
SCOPE	Employees in budgeted full-time and part-time positions at the Coordinating Board shall, without deduction in salary, be eligible to use sick leave with pay when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty, or when the employee is needed to care and assist a member of the employee's immediate family who is ill. Hourly employees who work at least 20 hours per week for a period of at least four and one-half months are eligible for sick leave after completing four and one-half months on the Coordinating Board payroll.
PURPOSE	To provide time off without a deduction in pay to eligible full-time and part-time Coordinating Board employees when the employee is unable to perform the duties of his or her job due to sickness, injury, pregnancy, or confinement or to care for an employee's immediate family member who is sick or injured.
1. POLICY	The Coordinating Board provides paid sick leave to employees in accordance with state law.
2. ELIGIBILITY	<p>A. For purposes relating to regular sick leave, the employee's immediate family is defined as:</p> <ul style="list-style-type: none"> I. those individuals who reside in the same household and are related by kinship, adoption, or marriage, as well as foster children certified by the Texas Department of Protective and Regulatory Services; II. minor children of the employee, whether or not living in the same household; and III. a spouse, child, or parent of the employee who does not reside in the employee's household but who needs such care and assistance as a direct result of a documented medical condition.
3. ACCRUAL	<p>A. Sick leave will accrue beginning on the first day of employment and terminating on the last physical day on the job at the rate of eight hours per month, for a 40-hour employee.</p> <p>B. Credit for one month's accrual will be earned by budgeted full-time employees for each month or fraction of a month of employment. Employees are not able to use these new leave accruals for a new month until the first day they are physically present at work during that month.</p> <p>C. A percentage of one month's accrual will be earned by budgeted part-time and eligible hourly employees for each month or fraction of a month of employment. The percentage earned will be based on the ratio the employee's part-time employment bears to full-time</p>

	<p>employment.</p> <p>D. There is no limit on the amount of sick leave that can be accrued. Sick leave entitlement shall accumulate with the unused amount of sick leave carried forward each month. Sick leave accrual will terminate on the last day of duty.</p> <p>E. Budgeted employees will be credited with one month's accrual of sick leave on the first day of employment.</p>
4. USE OF SICK LEAVE	<p>A. Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty, or when the employee is needed to care and assist a member of his or her immediate family, as defined in the Eligibility section of this chapter, who is ill. The employee's supervisor must be notified at the earliest practicable time in a manner determined by the supervisor.</p> <p>B. While on vacation, days in which an employee is confined to a hospital or a residence because of a major illness or injury may be charged to unused sick leave. A certificate from the treating physician is required in such cases.</p> <p>C. When an authorized Coordinating Board holiday occurs during a period of sick leave, the day off is not charged to sick leave.</p> <p>D. Sick leave may be used for short periods of absence caused by medical or dental appointments.</p> <p>E. To be eligible to use sick leave during a continuous period of more than three working days, an employee must submit to the Human Resources Department (HRD) a doctor's certificate showing the cause or nature of the illness or injury, or some other written statement of the facts concerning the illness or injury which is acceptable.</p> <p>F. The Commissioner has given each division head the authority to require documentation for an absence of less than three working days.</p> <p>G. Leave notices without explanation for the absences, and without an indication of who was ill/injured, are unacceptable and will be returned to the employee and/or the division head.</p> <p>H. If the employee is out for more than three continuous days for a serious health condition, as defined in the agency's Policy on Family and Medical Leave (FMLA), to determine FMLA qualifications the employee must have a doctor's certification using the agency's form adopted from the U.S. Department of Labor Certification of Physician or Practitioner (Form WH-380).</p> <p>I. In order to return to duty after an employee's own illness or injury where the total use of all paid and/or unpaid leave exceeds three working days, the employee may be required to furnish a certificate from the treating health care provider stating the employee is fit to return to work.</p> <p>J. Abuse of sick leave privileges is cause for corrective action or termination, regardless of the amount of unused sick leave time accrued. A doctor's certificate may be required for any period of absence when there is cause to question if an employee is abusing sick leave privileges. In such cases, the agency's form adopted from the U.S. Department of Labor Certification of Physician or Practitioner (Form WH-380) will be required.</p> <p>K. A terminating employee may be allowed to remain on the payroll to utilize vacation leave in lieu of being paid in a lump sum, providing that such an employee will not be eligible to use paid sick leave after his/her last duty (physical) day.</p> <p>L. Upon return to duty after personal illness or illness of an immediate family member, an employee must submit his or her use of leave in the state's Centralized Accounting and</p>

	<p>Payroll/Personnel System (CAPPS) in accordance with agency policy, Time and Attendance.</p> <p>M. As provided in the Policy on Miscellaneous Paid Time Off, up to eight hours of sick leave also may be used each calendar year to attend parent-teacher conferences.</p>
<p>5. WHEN ALL ACCUMULATED SICK LEAVE HAS BEEN USED</p>	<p>A. After all accessible, accumulated sick leave has been used, an eligible employee with a qualifying condition may then use accessible accumulated vacation leave to continue receiving salary. When all sick leave, vacation leave, compensatory time, granted extended sick leave, granted sick pool leave, donated sick leave, or Family Medical Leave, if applicable, have been used, a request for leave without pay or a termination of employment must be initiated.</p>
<p>6. EXTENDED SICK LEAVE</p>	<p>A. Extension of the amount of sick leave an employee may take beyond the accumulated amount may be authorized by the Commissioner of Higher Education or his designee. Any such exceptions will be authorized on an individual basis after review of the merits of the particular case. A statement of any such exceptions or the reasons for them shall be reported in the Centralized Accounting and Payroll/Personnel System (CAPPS). The amount of extended sick leave which an employee may request is determined by the amount of sick leave which was available to the employee at the onset of the employee's condition requiring the use of sick leave. The onset of the condition shall be the date of the current confinement resulting in absence from work, provided that at the date of onset of the current confinement, the employee had worked for the agency for at least two continuous years.</p> <p>B. The employee must submit in writing a request for extension of sick leave including a doctor's certification letter on the agency's Extended Sick Leave Request Form available from HRD. This certification letter will include:</p> <ul style="list-style-type: none"> I. the doctor's statement that the employee is under the doctor's care for a serious health condition; II. the doctor's statement that there is a need for the employee to be away from work on leave; III. the doctor's statement specifying the length/duration of the leave; and IV. the doctor's statement indicating the expected date the employee may return to work. <p>C. The following criteria must be met before consideration will be given for an extension of sick leave:</p> <ul style="list-style-type: none"> I. The employee must have worked for the THECB for two continuous years preceding the request and/or the date of the onset of the condition's current confinement for which the employee is requesting extended sick leave. II. The employee must have performed his or her duties in a satisfactory manner, and he or she must not have abused the sick leave privilege in the past. III. The employee must have exhausted all leave with pay entitlements prior to the request. IV. The employee must indicate in writing his or her intent to return to work for the Coordinating Board if granted an extension of sick leave. V. If the employee voluntarily elects not to return to work for the Coordinating Board, he or she must repay in a lump sum, or such alternate arrangement as the Commissioner of Higher Education may prescribe, the amount of money expended by the Coordinating Board for the

	<p>cost of the extension of sick leave.</p> <p>VI. For non-work incurred personal illness, injury, or disabilities, an employee is eligible to receive a maximum of 60 workdays paid extended sick leave, or an amount equal to his or her accrued sick leave balance at the onset of the illness or injury, whichever is less.</p> <p>VII. The division head, upon determining that an employee in his or her division should be recommended for extended sick leave, shall forward the request and doctor's certification to the HRD for verification and sign-off that the employee meets the criteria for the amount of extended sick leave requested.</p> <p>VIII. The HRD, on behalf of the division head, shall submit to the Commissioner of Higher Education or his designee the request for approval of the extended sick leave.</p> <p>IX. The Commissioner of Higher Education or his designee may waive all or part of the criteria when an on-the-job injury is involved.</p>
<p>7. TERMINATION, TRANSFER, SEPARATIONS, RETIREMENT, OR DEATH</p>	<p>A. Termination of Employment</p> <p>I. Employees will not be paid for unused sick leave upon termination of employment but may contribute to the agency's sick leave pool one or more days of their accrued sick leave time in accordance with the Policy on Sick Leave Pool.</p> <p>II. Employees separated from employment under a formal reduction-in-force shall have their sick leave balance restored, if reemployed by the state into a position which accrues sick time within 12 months of their termination.</p> <p>III. Employees who separate from their employment for reasons other than a formal reduction-in-force are allowed to have their sick leave balance restored if:</p> <p>a. The employee is reemployed by the Coordinating Board within 12 months, provided there has been a break in service of at least 30 calendar days since termination; or</p> <p>b. The employee is reemployed by a different state agency or state institution of higher education within 12 months of termination.</p> <p>B. Transfers</p> <p>Employees who transfer directly from the Coordinating Board to another state agency will have their leave balances transferred, if the employee's employment with the state is uninterrupted.</p> <p>C. Separations</p> <p>I. Employees who separate from the Coordinating Board for reasons other than a formal reduction in force will have their sick leave balances restored only if the employee is reemployed by the Coordinating Board or another state agency or state institution of higher education within 12 months after the end of the month in which the employee separates from state employment, and if there has been a break in employment with the state of at least 30 calendar days.</p> <p>II. Employees will not be paid for unused sick leave upon separation. An employee who separates from employment with the Coordinating Board, and remains on the payroll to utilize his/her accrued vacation time in lieu of being paid a lump sum is not eligible to use sick leave during the time following their last physical day worked.</p> <p>III. Employees who return to state employment following military service are entitled to</p>

	<p>have their sick leave balance restored.</p> <p>D. Retirement</p> <p>Employees who retire under the Employees Retirement System (ERS) can accrue additional months of retiree service credit for a specified number of unused sick leave hours as authorized under law and may contribute any amount of unused sick leave to the agency's sick leave pool.</p> <p>E. Death</p> <p>In the event of death, the employee's estate will be paid for one-half of the employee's unused sick leave at the time of death, or for 336 hours of sick leave, whichever is less.</p>
8. RECORD-KEEPING	<p>Sick leave accrued, used, and carried forward shall be recorded for all employees.</p> <p>Upon return to duty after personal illness or illness of an immediate family member, an employee shall, without delay, submit his or her use of leave in CAPPs in accordance with agency policy, Chapter C-03, Time and Attendance.</p>

TEXAS HIGHER EDUCATION COORDINATING BOARD
MANUAL OF ADMINISTRATIVE POLICIES

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices
POLICY NAME	Emergency Leave
EFFECTIVE	
REVISED	September 10, 2019
AUTHORITY	Texas Government Code, Section 661.902
SCOPE	All THECB employees.
PURPOSE	To provide guidance for the administration and use of emergency leave.
POLICY	<p>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.</p> <p>In addition, the Commissioner or a designee may grant emergency leave for other reasons determined to be for good cause.</p>
DEFINITIONS	<p>Employee's family. The employee's spouse; or the employee's or spouse's parents, children, children's spouses, siblings, grandparents, grandchildren, foster parent, or foster children. Parent includes an individual who stood in loco parentis (role of parent) to an employee.</p>
1. PROCEDURES	<p>A. Death in Family Emergency Leave</p> <ol style="list-style-type: none"> I. Requesting Leave for Family Death <ol style="list-style-type: none"> a. Employee notifies his or her supervisor of the need to use emergency leave. b. Supervisor may require employees to submit an obituary or some other form of documentation. II. Death in Family Occurring During Vacation Leave <ol style="list-style-type: none"> a. Employee should notify his or her supervisor of the need to use emergency leave while on vacation. III. Emergency leave --More than Three Days <ol style="list-style-type: none"> a. If more than three calendar days of emergency leave is needed, the supervisor or division head must submit the request to the Senior Director of Human Resources. b. The Director of Human Resources will review the request and seek approval from the Commissioner or designee. <p>B. Emergency Leave for Good Cause</p> <ol style="list-style-type: none"> I. Requesting leave for Good Cause <ol style="list-style-type: none"> a. Employee submits the request for leave to the Senior Director of Human Resources. The request needs to state the reason for taking the leave and express the employee's intent to return to his or her position upon expiration of the granted emergency leave. b. The Senior Director of Human Resources will review the form and seek approval from the Commissioner or designee.

	<p>I. Inclement Weather</p> <p>a. An employee is not required to request emergency leave if the Commissioner grants emergency leave because the agency is closed due to weather conditions or in observation of a holiday.</p>
2. LEAVE ACCRUALS	Sick leave and vacation leave continue to accrue when an employee is on emergency leave but are not credited to the employee's leave balances until the date that the employee returns to duty.

**TEXAS HIGHER EDUCATION COORDINATING BOARD
PERSONNEL POLICY MANUAL**

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices
POLICY NAME	Policy on Leave Without Pay
EFFECTIVE	
REVISED	August 30, 2018
AUTHORITY	
SCOPE	All THECB employees.
PURPOSE	When conditions warrant, leave without pay (LWOP) may be granted.
1. POLICY ON LEAVE WITHOUT PAY	<p>A. When conditions warrant, leave without pay (LWOP) may be granted for budgeted full-time or part-time employees (and temporary hourly employees who accrue leave):</p> <ul style="list-style-type: none"> I. When they have no vacation leave accrued; II. When they are ineligible to take vacation leave as a result of not having completed six month of continuous state employment; or III. When they are ill, or a member of their immediate family is ill, and they have no sick leave accrued. <p>B. Use of Leave Without Pay.</p> <ul style="list-style-type: none"> I. Employees who are authorized to be absent from duty in LWOP status will receive a deduction in salary for the time they are absent from duty. II. Leave without pay taken immediately prior to or following a holiday also requires a deduction in salary for the holiday. III. Deductions for LWOP may cause the employee's warrant for that pay period to be delayed. IV. A deduction in salary for LWOP does not prevent the accrual of sick or vacation leave if the employee is paid for any portion of the month. However, an employee is not able to use his or her new leave accruals for a new month until the first day he or she is physically present at work during that month. V. All leave with pay entitlements must be exhausted before an employee will be authorized to take LWOP, except for: <ul style="list-style-type: none"> a. active military duty situations; b. leave covered by workers' compensation benefits; or c. when the Commissioner or his designee has authorized an employee's disciplinary action for suspension without pay as provided in Section 4(d)(5) of Chapter M, Policy on At-Will Disciplinary Procedures and Termination of Employment. VI. Employees' requests for LWOP must be submitted in writing and should provide at least 30 days advance notice when the use of LWOP is foreseeable. <p>C. Approval of Leave Without Pay.</p> <ul style="list-style-type: none"> I. Leave without pay which is sporadic or for periods of 12 weeks or less must be approved by the appropriate division head.

	<p>II. Leave without pay which exceeds 12 weeks must be approved by the Commissioner of Higher Education or his designee. Leave without pay is limited in duration to 12 months and is subject to fiscal constraints.</p> <p>III. Subject to fiscal constraints, approval of LWOP for non-FMLA reasons constitutes a guarantee of employment during the LWOP period. However, upon completion of the LWOP, an employee reverts to at-will status.</p>

**TEXAS HIGHER EDUCATION COORDINATING BOARD
MANUAL OF ADMINISTRATIVE POLICIES**

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices						
POLICY NAME	Sick Leave Pool						
EFFECTIVE							
REVISED							
AUTHORITY	Texas Government Code, Chapter 661, Subchapter A						
SCOPE	All THECB employees, including those in their initial six-month employment period, part-time employees, and hourly employees.						
PURPOSE	The sick leave pool is intended to assist employees and their immediate families in dealing with catastrophic illnesses or injuries that force the employees to exhaust <u>all</u> their available leave. Eligible employees may request leave from the sick leave pool if they or an immediate family member suffers a catastrophic illness or injury.						
DEFINITIONS	<p>Catastrophic illness or injury. A severe condition or combination of conditions that either affects:</p> <ol style="list-style-type: none"> I. the mental health of the employee or an immediate family member of the employee; or II. the physical health of the employee or an immediate family member of the employee and is potentially life threatening; III. requires the services of a licensed practitioner for a prolonged period; and IV. forces the employee to exhaust all earned leave time and lose state compensation. <p>Licensed Practitioner. A practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his or her employment. Licensed practitioners are doctors of</p> <ol style="list-style-type: none"> I. medicine, II. osteopathy, III. dentistry, IV. optometry, or V. podiatry. <p>Sick Leave Pool. A fund of donated sick leave hours used to support employees who suffer, or to care for immediate family members who suffer, a catastrophic illness or injury.</p>						
1. POLICY	Eligible employees may request leave from the sick leave pool if they or an immediate family member suffers a catastrophic illness or injury.						
2. PROCEDURES	<p>A. Processing Requests for Leave from the Sick Leave Pool</p> <p>The following table describes how to request leave from the sick leave pool.</p> <table border="1"> <thead> <tr> <th>Step</th><th>Action</th></tr> </thead> <tbody> <tr> <td>1</td><td>The employee completes section 1 of the Sick Leave Pool Request Form and submits the form to the immediate supervisor.</td></tr> <tr> <td>2</td><td> <p>The supervisor:</p> <ul style="list-style-type: none"> • informs the employee of the eligibility criteria, and that the treating physician or other licensed practitioner should supply appropriate medical certification; and • gives the employee: <ul style="list-style-type: none"> ○ (if for the employee's own catastrophic illness or injury) a job description, a list of physical requirements for the employee's job </td></tr> </tbody> </table>	Step	Action	1	The employee completes section 1 of the Sick Leave Pool Request Form and submits the form to the immediate supervisor.	2	<p>The supervisor:</p> <ul style="list-style-type: none"> • informs the employee of the eligibility criteria, and that the treating physician or other licensed practitioner should supply appropriate medical certification; and • gives the employee: <ul style="list-style-type: none"> ○ (if for the employee's own catastrophic illness or injury) a job description, a list of physical requirements for the employee's job
Step	Action						
1	The employee completes section 1 of the Sick Leave Pool Request Form and submits the form to the immediate supervisor.						
2	<p>The supervisor:</p> <ul style="list-style-type: none"> • informs the employee of the eligibility criteria, and that the treating physician or other licensed practitioner should supply appropriate medical certification; and • gives the employee: <ul style="list-style-type: none"> ○ (if for the employee's own catastrophic illness or injury) a job description, a list of physical requirements for the employee's job 						

		<p>and form WH-380-E, Certification of Health Care Provider for Employee's Serious Health Condition, or</p> <ul style="list-style-type: none"> ○ (if for a covered family member's catastrophic illness or injury) form WH-380-F, Certification of Health Care Provider for Family Member's Serious Health Condition.
3	The employee:	<ul style="list-style-type: none"> • has the physician complete form WH-380-E or form WH-380-F, and • sends the form to the immediate supervisor.
4	The supervisor:	<ul style="list-style-type: none"> • completes section 2 of the Sick Leave Pool Request Form • attaches the completed form WH-380-E or form WH-380-F to the Sick Leave Pool Request Form, and • sends both forms to the HRD.
5	The HRD:	<ul style="list-style-type: none"> • determines if the employee meets eligibility requirements, • determines the number of pool hours to be granted; • completes section 3 of the Sick Leave Pool Request Form, • notifies the immediate supervisor and employee of the decision, and • sends the Sick Leave Pool Request Form to the immediate supervisor.
6	If the leave extends into a new month, the supervisor resubmits the employee's request for sick leave pool leave to the HRD.	
	<p>B. Exception: If a request for sick leave pool leave is disapproved, or if the request has not been approved by the 10th of the month for which it is requested, the employee may be placed on leave without pay.</p> <p>C. Filing a Request on an Employee's Behalf: When the catastrophic illness or injury prevents an employee from personally filing a request, the request may be initiated by an immediate family member, or the employee's supervisor.</p> <p>D. Avoiding Pay Loss: To avoid leave without pay, requests for sick leave pool leave should be submitted to the HRD at least 10 workdays before the employee's accrued leave is exhausted.</p> <p>E. Additional Requests: When less than the maximum request was made or awarded, the employee may request additional hours from the pool if the employee's or immediate family member's condition deteriorates.</p> <p>F. However, the cumulative total time awarded during a rolling 12-month period cannot exceed the maximum established for an employee (full-time, part-time, or hourly), whether it be for a single catastrophic illness or injury, any combination of catastrophic illnesses or injuries, or additions to earlier requests.</p> <p>G. To request additional hours, the employee completes the Sick Leave Pool Request Form.</p> <p>H. If the employee is medically unable to request additional hours, one or more of the following people may: an immediate family member, or the employee's supervisor.</p> <p>I. Whenever possible, the request for additional hours should be made 10 workdays before the original sick leave pool hours are exhausted. There is no automatic right or guarantee an additional request will be approved.</p>	
3. ELIGIBILITY	A. To be eligible for leave from the sick leave pool, the employee must	

	<ul style="list-style-type: none"> I. not have an active second- or third-level reminder in the Positive Performance System, II. have exhausted all other paid leave, III. not have abused leave, and IV. have provided an acceptable certificate of illness or injury from an attending physician or licensed practitioner. <p>B. There is no automatic right or guarantee a request will be approved.</p> <p>C. A deceased employee's estate is not entitled to payment for any unused Sick Leave Pool hours credited to the employee.</p>
4. AMOUNT OF TIME	<p>A. The maximum request from the sick leave pool during a 12-month period depends on whether the employee is full-time, part-time, or hourly. At no time may an award from the sick leave pool exceed the lesser of the maximum allowed for an employee based on position type (full-time, part-time, or hourly), or one-third of the total amount of leave in the sick leave pool.</p> <p>B. The Human Resources Department (HRD) sets the amount of the award. When determining the exact number of hours to be awarded, the HRD will take into consideration the total amount of time available in the sick leave pool.</p> <p>C. Employees can use up to the total amount of leave awarded for:</p> <ul style="list-style-type: none"> I. a single catastrophic illness or injury, II. any combination of catastrophic illnesses or injuries, or III. amendments to earlier requests. <p>D. The 12-month period for sick leave pool leave is measured backward from the date on which an employee uses any sick leave pool leave. This is referred to as a rolling 12-month period.</p> <p>E. Full-time Employees may request the lesser of one-third of the total available hours in the sick leave pool, or 480 total hours during a rolling 12-month period.</p> <p>F. Part-time Employees may request leave from the sick leave pool at a rate in proportion to full-time employees as the percent of time worked.</p> <ul style="list-style-type: none"> I. Example: An employee working 50 percent time may request up to 240 hours during a rolling 12-month period (480 hours X .50 = 240 hours). <p>G. Hourly employees may request leave from the sick leave pool at a rate in proportion to full-time employees, based on the average hours worked each month over the previous six consecutive months.</p> <ul style="list-style-type: none"> I. Example: An hourly employee (hours during the same six months) Average monthly hours for previous six months = 150 Average scheduled work hours for full-time employees = 172 Maximum available for request during rolling 12-months = 419 (150 ÷ 172 X 480 hours = 419 hours)
5. EFFECTIVE DATE OF SICK LEAVE POOL AWARDS	<p>A. Once the HRD has approved the time, the effective time and date are normally those on which the employee entered unpaid leave status.</p> <p>B. Unless there has been an agency administrative error, as determined by the HRD, awards will not be made retroactive by more than 30 calendar days prior to the date the HRD received the request.</p>
6. CONTINUOUS OR INTERMITTENT USE	<p>A. Leave from the sick leave pool may be used continuously or intermittently as needed.</p>

	<p>B. An employee who needs to use the sick leave pool intermittently must use all currently accrued leave before using the remainder of leave from the sick leave pool.</p> <p>C. In addition, the agency may require the employee to justify the intermittent use.</p>
7. SEPARATION AND THE SICK LEAVE POOL	A. Employees who separate from employment for any reason while on leave from the sick leave pool do not have accrued leave or any unused sick leave pool hours credited to them.
8. FMLA AND THE SICK LEAVE POOL	A. Sick leave pool hours are counted against the 12 weeks allowed in a rolling 12-month period under the FMLA unless the employee's FMLA entitlement has been exhausted.
9. RETURN OF UNUSED LEAVE	<p>A. The HRD tracks employee use of pool hours for the rolling 12 months following the effective date of the award.</p> <p>B. Unused sick leave pool hours must be returned to the sick leave pool if any of the following occurs during the rolling 12 months:</p> <ul style="list-style-type: none"> I. the employee or the employee's immediate family member is fully released by the practitioner, II. the employee or the employee's immediate family member has deceased, III. the employee terminates employment, or IV. the employee retires. <p>C. Any balance of sick leave pool hours that has not been used within the rolling 12 months must be returned to the sick leave pool.</p> <p>D. The supervisor enters the returned leave in CAPPS.</p>
10. RELEASE TO RETURN TO WORK	<p>A. Before the employee returns to work, the employee must submit to the HRD a licensed practitioner's written statement that the employee was required to be absent from duty because of the condition and the date that the employee is able to return to work. The statement 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.</p> <p>B. Exception: If the employee is on Family and Medical Leave Act (FMLA) leave for his or her own catastrophic illness or injury, the employee completes an _____, instead of the HR0307. For more information, see the Family and Medical Leave Act (FMLA) Leave Policy; Release to Return to Work).</p>
11. EMPLOYEE CONTRIBUTIONS TO THE SICK LEAVE POOL	<p>A. An employee is not required to contribute to the Sick Leave Pool to apply for an award.</p> <p>B. Employees may make voluntary contributions of accrued sick leave to the Sick Leave Pool by submitting a Sick Leave Pool Transfer Form to Human Resources. The form is available from Human Resources or on the Human Resources website. Contributions may not be designated for a specific person or for a particular illness.</p>
12. CONTRIBUTION METHODS	<p>A. Contributions may be made by two (2) methods:</p> <ul style="list-style-type: none"> I. Annual Automated Contribution. An annual automated contribution of eight (8), sixteen (16) or twenty-four (24) hours. The contribution will be deducted from the donor's sick leave balance at the beginning of each fiscal year, provided that the contribution will not cause the donor's balance to drop below fifty (50) hours. II. Lump Sum Contribution. Employees may contribute unlimited hours in this manner, provided that the contribution will not cause the donor's balance to drop below fifty (50) hours.

	<p>B. Employees terminating or retiring may donate their entire accrued sick leave balance. However, employees should carefully consider their decision. Once sick leave hours are donated to the Sick Leave Pool, they cannot be restored to the employee upon return to work.</p> <p>C. Refund of Contribution. Any current employee who has contributed to the Sick Leave Pool may submit a written request to the Sick Leave Pool Administrator to receive a refund without suffering a catastrophic illness or injury if the employee:</p> <ul style="list-style-type: none">I. has exhausted his or her sick leave balance and has an immediate need to use sick leave.
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**TEXAS HIGHER EDUCATION COORDINATING BOARD
PERSONNEL POLICY MANUAL**

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices
POLICY NAME	Donated Sick Leave
EFFECTIVE	
REVISED	August 30, 2018
AUTHORITY	Texas Government Code, Sec. 661.207
SCOPE	Coordinating Board employees who have exhausted all sick leave, including extended sick leave, and any time the individual may be eligible to withdraw from the sick leave pool.
PURPOSE	To allow employees of the Coordinating Board to donate any amount of the employee's accrued sick leave to another employee of the Coordinating Board.
POLICY STATEMENT	<p>Coordinating Board employees may donate any amount of the employee's accrued sick leave to another employee who:</p> <ul style="list-style-type: none"> • Is employed in the same agency as the donor employee, and • Has exhausted his or her sick leave, including any time he or she may be eligible to withdraw from a sick leave pool.
1. ELIGIBILITY	<p>To be eligible to receive donated sick leave from a Coordinating Board employee, the recipient must:</p> <ol style="list-style-type: none"> I. be on the Coordinating Board's payroll, and II. Have exhausted all sick leave, including extended sick leave, and any time the individual may be eligible to withdraw from the sick leave pool. If the recipient exhausted all sick leave due to intermittent leave, any accrued leave must be used prior to using donated leave.
2. DONATIONS OF SICK LEAVE	<ol style="list-style-type: none"> A. A Coordinating Board employee may donate any amount of his or her accrued sick leave to another employee of the Coordinating Board by submitting a Sick Leave Donation Form. B. The donor can choose to remain anonymous or divulge his or her name to the recipient. C. Upon receipt of the Sick Leave Donation form, the Human Resources Department (HRD) will determine if the intended recipient is eligible to receive sick leave donations. If eligible, the HRD will deduct the donated leave from the donor's accrued sick leave balance and transfer it to the recipient's donated sick leave balance. D. Donated sick leave hours will not be returned to the donor if the recipient does not use all of the donated leave. Employees donating sick leave lose all ownership of and access to sick leave hours they choose to donate, including use for retirement service credit and/or to increase his or her annuity. Contact ERS customer service at (877) 275-4377 if you have questions regarding how donating sick leave may impact your retirement. The impact will be different for different employees depending on his or her hire date. E. Sick leave donations will be considered a taxable event to the donor unless the situation qualifies as a medical emergency pursuant to Internal Revenue Service (IRS) guidelines. For sick leave donation purposes, a medical emergency is defined as "a major illness or other medical condition that requires a prolonged absence from work (40 hours), including intermittent absences that are related to the same illness or condition." If donations are made for situations that do not qualify as medical emergencies, the cash value of the donated sick leave will be included in the gross income of the donor and treated as wages for employment tax purposes. Such wages will be considered a lump-sum payment and subject to 25 percent income tax, Medicare, and applicable social security withholdings. Individuals making a donation are

	<p>encouraged to consult a tax advisor.</p> <p>F. In the event an employee wishes to donate leave to an eligible employee who has not requested the donation of sick leave, HRD will contact the intended recipient and notify him or her of the donation. To accept the donation, the recipient must fill out the Receipt of Sick Leave Donation Acknowledgement form.</p> <p>G. Coercion to solicit donations (including on behalf of others) is prohibited. Coercion includes, but is not limited to, contacts that exert pressure, play on people's emotions, or leave a feeling of guilt or lack of compassion for not donating. Such conduct is disruptive to the workplace and may result in corrective disciplinary action. Falsification, misrepresentation, or fraud in applying for or obtaining sick leave donation(s) constitute unprofessional conduct and will result in corrective disciplinary action, up to and including termination.</p>
3. REQUESTING DONATED SICK LEAVE	<p>A. An employee can request donated sick leave by filling out a Request for Donated Sick Leave form provided by the Coordinating Board's Human Resources Department (HRD).</p> <p>B. The HRD will determine if the requestor is eligible to receive sick leave donations.</p> <p>C. If eligible, the HRD will send an agency wide notice announcing the request for sick leave donations.</p> <p>D. The requestor can choose to be identified in the agency wide notice, or remain anonymous. Specific medical conditions will not be divulged in the agency wide request, but a general summary as approved by the requestor will be included. (Example: John Doe is requesting sick leave donations to care for his daughter with a serious medical condition.)</p> <p>E. Employees are prohibited from soliciting requests from other agency employees for themselves, or on behalf of another employee, except through the HRD as described in this policy</p>
4. LIMITATIONS	<p>A. Donated sick leave may be used to take leave by the recipient in the same manner as accrued sick leave, as provided by Sections 661.202(d) and (e) of the Government Code.</p> <p>B. Donated leave received may only be used for sick leave purposes that occur on or after the date the qualified donor employee submits the Sick Leave Donation Form.</p> <p>C. The recipient of donated sick leave may not receive retirement service credit in the Employees Retirement System of Texas (ERS) for any donated sick leave that is unused on the last day of employment.</p> <p>D. Donated sick leave cannot be transferred to another state agency.</p> <p>E. Donated sick leave cannot be paid out to the recipient's estate if the recipient dies before using all of the donated sick leave.</p> <p>F. An employee may not provide or receive remuneration or a gift in exchange for sick leave donations.</p> <p>G. Abuse of sick leave privileges is cause for disciplinary action or termination, regardless of the amount of unused sick leave time accrued. Evidence of abusing sick leave privileges would include a past record of repeated absence from duty for minor ailments as soon as leave has been accrued. A doctor's certificate may be required for any period of absence when there is cause to question if an employee is abusing sick leave privileges. In such cases the agency's form adopted from the U.S. Department of Labor Certification of Physician or Practitioner (Form WH-380) shall be required.</p> <p>H. Unless otherwise protected under federal or state law, accrued donated leave does not</p>

	guarantee job protection.

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices
POLICY NAME	Miscellaneous Paid Time Off
EFFECTIVE	
REVISED	September 26, 2019
AUTHORITY	Texas Government Code, Chapters 659, 664 and 661.
SCOPE	All THECB employees.
PURPOSE	To explain the Coordinating Board's miscellaneous leave policies.
1. POLICY ON MISCELLANEOUS PAID TIME OFF	<p>A. Jury Duty</p> <p>I. When called for jury duty and while serving as a juror, employees will receive time off with pay. Such employees shall not be required to account to the state for any fee or compensation received for jury service. Submission of official orders from the court is required as evidence of jury service.</p> <p>B. Administrative Holidays (Special Leave)</p> <p>I. Occasionally the Commissioner of Higher Education or designee may authorize each division/department head to allow employees time off with pay for various occasions that are not officially designated as holidays. Time off with pay for these occasions will be granted at the discretion of the division/department head and for a period of time as specified by the Commissioner or designee. Only those employees scheduled to work on the day of the administrative holiday will be granted such leave. Employees on any other leave status for that day will not be entitled to the administrative holiday.</p> <p>C. Foster Parent Leave</p> <p>I. A budgeted full-time or part-time employee, who is a foster parent to a child under the conservatorship of the Department of Protective and Regulatory Services, is eligible for a leave of absence with full pay for the purpose of attending staffing meetings held by the Department of Protective and Regulatory Services regarding the child under the foster care of the employee, or to attend the Admission, Review, and Dismissal (ARD) meeting held by a school district regarding the child under the foster care of the employee.</p> <p>D. Red Cross Certified Disaster Service Volunteer</p> <p>I. Any budgeted full-time or part-time employee who is a certified disaster service volunteer of the American Red Cross, or who is in training to become such a volunteer, with the authorization of his or her supervisor, may be granted a leave not to exceed 10 days each fiscal year to participate in specialized disaster relief services for the American Red Cross, upon the request of the American Red Cross and with approval of the Office of the Governor, without loss of pay, vacation time, sick leave or earned overtime, and/or compensatory time. Notwithstanding this provision, the pool of state employees certified disaster volunteers shall not exceed the limits on this pool established in the current Appropriations Act. A list of such employees will be coordinated with the Division of Emergency Management and the Office of the Governor.</p> <p>II. Within 60 days of any request made by the American Red Cross for a report shall be prepared by the American Red Cross for the Legislative Budget Board setting forth the reasons and needs for any request made.</p>

	<p>E. Leave for Blind Employee.</p> <p>I. A blind budgeted full-time or part-time employee shall be granted up to 10 working days of absence with pay each fiscal year for the purpose of attending a training program to acquaint the employee with a seeing-eye dog to be utilized by the employee. This leave is in addition to other leave entitlements.</p> <p>J. Outstanding Performance Leave</p> <p>I. The Commissioner or designee may grant leave with pay to budgeted full-time or part-time employees as a reward for outstanding performance as documented by the Performance Plan and Evaluation. In no event shall the aggregate amount of outstanding performance leave granted to an employee exceed 32 hours during any fiscal year.</p> <p>a. Definition. Outstanding Performance Leave is a leave award of up to 32 hours in any fiscal year for outstanding performance as documented by the employee's Performance Plan and Evaluation form or other performance appraisal.</p> <p>b. Eligibility. To be eligible for Outstanding Performance Leave, an employee must meet the following conditions:</p> <ol style="list-style-type: none"> 1) The employee's current employment must include completion of an initial six- month employment period in a budgeted position, either full-time or part- time; temporary and hourly employees are not eligible. In addition, the Commissioner of Higher Education is not eligible; and 2) The employee's outstanding performance must be documented by a performance appraisal. <p>c. Conditions for Outstanding Performance Leave. Outstanding Performance Leave will be subject to the following conditions:</p> <ol style="list-style-type: none"> 1) In no event shall the aggregate amount of the leave awarded exceed 32 hours in any fiscal year; and 2) The leave should be scheduled at times which are mutually agreeable to the employee and the employee's supervisor. However, a truly cooperative effort should be made to accommodate an employee's request for use of awarded leave. <p>II. Procedures for processing administrative leave requests are:</p> <ol style="list-style-type: none"> a. Recommendations for Outstanding Performance Leave must be made to the Commissioner or designee by the division/department head. b. The division/department head, upon determining that an employee in his or her division should be recommended for a leave award, shall forward the request to the Human Resources Department (HRD) for verification and sign-off that the employee meets the conditions for eligibility to receive a leave award. c. The HRD, on behalf of the division/department head, shall submit to the Commissioner or designee a request for approval of the recommended leave, including the amount of leave recommended. d. The Commissioner or designee will indicate approval/disapproval in writing on the request document. The Commissioner or designee may approve/disapprove the request in all or in part (i.e., the Commissioner or designee may approve the request but may stipulate a different amount of leave to be awarded). If the request is
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	<p>approved, the designated Deputy Commissioner will forward the approved request to the HRD.</p> <p>III. The employee's immediate supervisor will notify the employee once the leave award is approved.</p> <p>IV. After determining that the employee's supervisor has notified the employee of the leave award, the employee will receive from the HRD a follow-up notice on procedures for taking and reporting the leave awarded for outstanding performance.</p> <p>V. All records shall be forwarded to the HRD for the purpose of tracking and record retention.</p> <p>K. Time off to Vote</p> <p>I. The THECB shall allow sufficient time off to employees, without a deduction in salary or accrued leave, to vote in each national, state, or local election if there is not sufficient time to vote outside regular working hours. The THECB encourages employees to vote early.</p> <p>L. Sick Leave for Educational Activities</p> <p>I. An employee may use up to eight hours of sick leave each fiscal year to attend educational activities of the employee's children who are in pre-kindergarten through 12th grade. The 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</p> <p>M. Medical and Mental Health Care Leave for Certain Veterans</p> <p>I. An employee who is a veteran, as defined by Texas Government Code, Section 434.023 (a), and who is eligible for health benefits under a program administered by the Veterans Health Administration of the U.S. Department of Veterans Affairs, may be granted leave without a deduction in salary or loss of vacation and sick leave, earned overtime, or state compensatory time, to obtain medical or mental health care (including physical rehabilitation) administered by the Veterans Health Administration of the U.S. Department of Veterans Affairs. Leave granted for this reason may not exceed 15 days each fiscal year unless the Commissioner or designee determines that additional days of this leave is appropriate for the employee</p> <p>N. Leave During an Agency Investigation</p> <p>I. The Commissioner or designee may grant leave without a deduction in salary to an employee who is:</p> <ol style="list-style-type: none"> The subject of an investigation being conducted by the agency, or A victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency. <p>II. An employee who is the subject of an investigation being conducted by the THECB is ineligible to receive leave for that reason under any other provision of Texas Government Code, Chapter 661.</p> <p>O. Court Appointed Special Advocate (CASA) Volunteers</p>
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	<p>I. An employee may be provided paid leave not to exceed five hours each month to participate in mandatory training or to perform volunteer services for Court Appointed Special Advocates. This leave is provided to an employee without a deduction in salary or loss of vacation leave, sick leave, overtime leave, or state compensatory time.</p> <p>P. Blood Donation</p> <p>I. An employee may take 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 he or she donated blood during the time off, the agency 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.</p> <p>Q. Bone Marrow and Organ Donation</p> <p>I. An 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:</p> <p>a) Five working days in a fiscal year to serve as a bone marrow donor; or</p> <p>b) Thirty working days in a fiscal year to serve as an organ donor.</p> <p>R. Amateur Radio Operator Leave</p> <p>I. An employee with an amateur radio station license issued by the Federal Communications Commission may be granted leave not to exceed 10 days each fiscal year to participate in specialized disaster relief services without a deduction in salary or loss of vacation leave, sick leave, overtime leave, or state compensatory time. The amateur radio operator leave should be authorized by the employee's supervisor and with the approval of the Governor.</p> <p>S. Volunteer Firefighters and Emergency Medical Services Training Leave</p> <p>I. Volunteer firefighters and emergency medical services volunteers are entitled to paid leave not to exceed five working days each fiscal year for attending training services conducted by a state agency or institution of higher education. Also, a state agency or institution of higher education may grant paid leave to a volunteer firefighter or an emergency medical services volunteer for the purpose of responding to emergency fire or medical situations if the agency or institution of higher education has a policy for granting the leave.</p> <p>U. Reserve Law Enforcement Officer Training Leave</p> <p>I. Employees who are reserve law enforcement officers as defined by Texas Occupations Code, Section 1701.001, are entitled to paid leave not to exceed five working days each fiscal biennium to attend training required by Texas Occupations Code, Section 1701.351.</p> <p>V. Compliance with a Subpoena</p> <p>I. An employee will not be discharged, disciplined, or penalized for complying with a subpoena to appear in a civil, criminal, legislative, or administrative proceeding.</p>
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**TEXAS HIGHER EDUCATION COORDINATING BOARD
PERSONNEL POLICY MANUAL**

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices
POLICY NAME	Military Policy
EFFECTIVE	
REVISED	
AUTHORITY	Texas Government Code Chapters 431, 658, and 661 Uniformed Services Employment and Reemployment Rights Act of 1994: 20 CFR Part 1002 and Title 38, United States Code, Chapter 43
SCOPE	All THECB employees.
PURPOSE	
1. MILITARY POLICY	The Texas Higher Education Coordinating Board provides various types of military leave to employees who are members of the state military forces, the United States Armed Forces reserve components, or the United States Armed Forces as provided by state and federal law.
2. PAID ANNUAL MILITARY LEAVE	<p>A. Applicability</p> <p>Employees who are members of the State's military forces, a reserve branch of the U.S. Armed Forces, or a member of a state or federally authorized urban search and rescue team are entitled to 15 business days in each federal fiscal year (October 1- September 30) without loss of pay or benefits to accommodate authorized training or duty. The 15 days of paid leave need not be consecutive.</p> <p>B. Carry Forward</p> <p>The employee may carry forward from one fiscal year to the next the net balance of unused accumulated military leave that does not exceed 45 workdays.</p> <p>C. Notification.</p> <p>I. As early as possible, an employee must:</p> <ol style="list-style-type: none"> notify the supervisor of a call to active duty; provide a statement of the employee's intent to return to work following completion of the employee's military service; and attach a copy of the military orders, other official directive, or authorization. <p>II. The supervisor must send a copy of the statement and military orders to the Human Resources Department (HRD).</p> <p>D. Work Schedule Adjustment.</p> <p>The employee's supervisor shall adjust the work schedule of any employee who is a member of the Texas National Guard so that two (2) days off each month coincide with two (2) days of military duty to be performed by the employee.</p>

<p>3. STATE ACTIVE DUTY</p>	<p>A. Paid Emergency Leave. If a member of the Texas military forces is called to active duty by the governor in response to a natural or man-made disaster, the employee is entitled to receive unlimited leave with full salary (paid emergency leave) without loss of the 15 days of military leave or annual leave.</p> <p>B. Benefits. Employees called to active duty with the state military forces are entitled to:</p> <ul style="list-style-type: none"> I. retain any accrued sick leave and vacation leave and be credited with these leave balances upon return to state employment; II. receive state service credit for the time spent on active duty in the military for the purposes of retirement, longevity pay, and vacation and sick leave entitlements; and III. return, when relieved from active duty, to the position that the employee held when ordered to duty or to another position of like seniority, status, and pay. IV. request a statement containing the number of workdays claimed as paid leave in that fiscal year, the net balance of unused accumulated paid leave for the fiscal year that the employee is entitled to carry forward to the next fiscal year, and the net balance of all unused accumulated paid leave to which the employee is entitled. <p>C. Adjusted Work Schedule. The employee's supervisor shall adjust the work schedule of any employee who is a member of the United States Armed Forces Reserve so that two (2) days off each month coincide with two (2) days of military duty to be performed by the employee.</p>
<p>4. FEDERAL ACTIVE DUTY</p>	<p>A. Paid Emergency Leave. If an employee is called to federal active duty to aid civil authorities in a declared emergency or training for that purpose, the employee is entitled to receive paid emergency leave for not more than 22 workdays without loss of the 15 days of military leave or annual leave.</p> <p>B. Benefits Employees called to active duty with a reserve branch of the United States Armed Forces are entitled to:</p> <ul style="list-style-type: none"> I. retain any accrued sick leave and vacation leave and be credited with these leave balances upon return to state employment; II. receive state service credit for the time spent on active duty in the military for the purposes of retirement, longevity pay, and vacation and sick leave entitlements; and III. return, when relieved from active duty, to the position that the employee held when ordered to duty or to another position of like

	<p>seniority, status, and pay.</p> <p>IV. request a statement containing the number of workdays claimed as paid leave in that fiscal year, the net balance of unused accumulated paid leave for the fiscal year that the employee is entitled to carry forward to the next fiscal year, and the net balance of all unused accumulated paid leave to which the employee is entitled.</p> <p>C. Supervisor Responsibility The employee's supervisor shall adjust the eligible employee's work schedule so that two (2) days off each month coincide with two (2) days of military duty to be performed by the employee.</p>
5. UNPAID EXTENDED MILITARY LEAVE	<p>A. Applicability After exhausting the fifteen (15) business days of annual military leave, members of the state military forces or the United States Armed Forces reserve components called to active duty during a national emergency are entitled to an unpaid leave of absence.</p> <p>B. Vacation and Sick Leave and State Service An employee on Leave Without Pay status:</p> <p>I. retains his or her leave balances unless the employee chooses to use any accrued vacation leave, compensatory time, or overtime leave to maintain benefits for the employee or the employee's dependents while on military duty.</p> <p>II. continues to accrue vacation or sick leave during this period; and</p> <p>III. continues to accrue state service for longevity pay purposes.</p> <p>C. Other Leave in Lieu of Unpaid Leave An employee on military leave may elect, but cannot be required, to use any accrued vacation leave or earned compensatory leave in lieu of being placed on leave without pay.</p>
6. VACATION LEAVE, SICK LEAVE, AND SERVICE CREDIT	<p>A. A state employee activated for military service may continue to accrue service credit with the Employees Retirement System of Texas by receiving at least one hour of state pay during each month of active military service. The employee may use any combination of paid leave, including state compensatory leave, overtime leave, annual leave, military leave, or approved agency differential pay, to qualify for the state pay.</p> <p>B. An employee called to active duty during a national emergency to serve in a reserve component of the U.S. armed forces continues to accrue:</p> <p>I. sick and vacation leave;</p> <p>II. state service credit for purposes of longevity pay;</p>

7. DIFFERENTIAL PAY	<p>A. An employee called to active duty during a national emergency may be entitled to differential pay.</p> <p>B. Differential pay is emergency leave granted to an employee if the employee's military gross pay is less than the employee's state gross pay.</p> <p>C. The combination of differential pay and military pay may not exceed the employee's actual state gross pay.</p> <p>D. To receive differential pay the employee must submit the military leave and earnings statement each month to the supervisor to verify continued eligibility.</p>

**TEXAS HIGHER EDUCATION COORDINATING BOARD
PERSONNEL POLICY MANUAL**

CHAPTER	Chapter C - 01. Leave Benefits and Related Pay Practices
POLICY NAME	Education Policy
EFFECTIVE	
REVISED	
AUTHORITY	The Texas Government Code, Chapter 656 State Employees Training Act
SCOPE	All THECB employees.
PURPOSE	Educational leave is full-time or part-time paid time away from regular work duties for training or education at a career college or a private or public institution of higher education. Educational leave is considered a temporary change in the employee's work assignment. The Commissioner or his designee may release eligible employees from regular work assignments without loss of pay or benefits to attend courses.
1. EDUCATION POLICY	<p>A. Training, Workshops, and Conferences. Educational leave is not necessary for:</p> <ul style="list-style-type: none"> I. required training programs; II. workshops, seminars, or conferences; III. professional development training that is required for an employee to maintain a certification or license, such as CPA, CIA, CMA, CISA, or CLE training; IV. programs at the Governor's Center for Management Development; or V. college or university courses provided under a memorandum of agreement.
2. ELIGIBILITY	<p>A. If the training or education requires release from regular work assignments, part-time or full-time, the employee must meet the following criteria:</p> <ul style="list-style-type: none"> I. successful completion of the probationary period; II. an overall rating that the employee meets or exceeds the criteria on the employee's most recent performance evaluation; and III. is not receiving a scholarship under Coordinating Board rules found in 19 TAC 1.116 through 1.120.
3. WAIVERS	A. The Commissioner or his designee may waive the eligibility criteria when the training or education addresses a critical shortage skill or occupation.
4. LEAVE ACCRUALS	A. Agency employees approved for educational leave are eligible for all employee benefits, including sick leave and vacation leave accruals.
B. REQUESTING EDUCATIONAL LEAVE	A. Employees should request educational leave as far in advance as possible, but no later than 30 working days before the course is scheduled to begin, unless the employee can demonstrate a good cause for delay in submitting the request.

C. APPROVING EDUCATIONAL LEAVE	<p>A. Approving Educational Leave.</p> <p>The following is the procedure for approving educational leave:</p> <ol style="list-style-type: none"> I. Step 1. The employee requests educational leave from his or her supervisor and the division/department head of the division to which the employee is assigned. II. Step 2. The division/department head in consultation with the supervisor (and manager if applicable): <ol style="list-style-type: none"> a. assesses the employee's eligibility for educational leave; b. reviews the employee's request for leave; and c. if recommending approval, indicates the actions to cover the employee's regular duties during the employee's absence. III. Step 3. The division/department head recommends approval/disapproval to the appropriate Deputy Commissioner. IV. Step 4. The Deputy Commissioner reviews and recommends approval/disapproval to the Commissioner.
D. REQUIREMENTS WHILE ON LEAVE	<p>A. Requirements While on Leave.</p> <p>The agency may require employees on educational leave to provide documentation to show that the employee is:</p> <ol style="list-style-type: none"> I. enrolled, II. participating in or passing courses.

**TEXAS HIGHER EDUCATION COORDINATING BOARD
PERSONNEL POLICY MANUAL**

CHAPTER	Chapter C - 02a. Family Medical Leave Act Policy
POLICY NAME	Policy on Family Medical Leave
EFFECTIVE	February 3, 2010
REVISED	September 20, 2018
AUTHORITY	Texas Government Code, Section 661.912 29 United States Code, Section 2601 et seq. 29 Code of Federal Regulations, Section 825.300 et seq. 29 Code of Federal Regulations, Section 1630.14(c).
SCOPE	To administer and implement agency policy in accordance with the Family Medical Leave Act (FMLA) for all THECB employees.
PURPOSE	To permit eligible employees to use FMLA time in accordance with federal and state statutes.
DEFINITIONS	<p>Son or Daughter. A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and is incapable of self-care because of a mental or physical disability. Son or daughter does not include a son-in-law or daughter-in-law.</p> <p>Parent. A biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter. "Parent" does not include parents "in law."</p> <p>Spouse. A husband or wife as defined under Texas state law and includes a common law husband or wife. "Spouse" does not include unmarried domestic partners.</p> <p>Health Care Provider. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices or any other person determined by the Secretary of Labor to be capable of providing health care services. Secretary of Labor – United States Secretary of Labor.</p> <p>USDOL. United States Department of Labor.</p> <p>Active Duty. Duty under a call or order to active duty of members of the uniformed services as described in United States Code, Title 10, Section 101 (a)(13)(B).</p> <p>Veteran. A war veteran is a person who has or is serving in the armed forces, or a person who has had long service or experience in an occupation or office.</p> <p>Contingency Operation. An action or operation against an opposing military force as described in United States Code, Title 10, Section 101(a)(13).</p> <p>Qualifying Exigency. Specific activities arising out of the fact that the spouse, or a son, a daughter, or parent of the employee is on active duty or a veteran (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. Activities include the following eight situations: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities to address other events which arise out of the covered military member's active duty or call to active duty status, provided the THECB and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.</p> <p>Covered Service Member. A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.</p> <p>Outpatient Status. In the case of a member of the Armed Forces assigned to:</p> <ol style="list-style-type: none"> I. a military medical treatment facility as an outpatient; or

	<p>II. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.</p> <p>Next of Kin. The nearest blood relative of an individual.</p> <p>Serious Health Condition. An illness, injury, impairment, or physical or mental condition that involves:</p> <p>I. inpatient care in a hospital, hospice, or residential medical care facility; or</p> <p>II. continuing treatment by a health care provider.</p> <p>Serious Injury or Illness. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.</p>
1. REQUIREMENTS	<p>A. In accordance with the FMLA, eligible employees are entitled to up to 12 weeks (480 hours) of unpaid, job-protected leave in a rolling 12-month period for certain qualifying events.</p> <p>B. In addition, eligible employees are entitled to up to 26 weeks (1040 hours) of unpaid, job-protected leave in a rolling 12-month period for certain qualifying events involving a member of the Armed Forces.</p> <p>C. The FMLA leave designation ensures that the employee is entitled to return to the same job or an equivalent position with equivalent pay and benefits.</p> <p>D. The Human Resources Department (HDR) will determine whether an event qualifies for FMLA leave and will notify the employee of its determination within five (5) business days of the employee notifying the THECB of the need for leave.</p> <p>E. In order to be paid while on FMLA designated leave, employees are required to use all accrued leave balances. Employees must exhaust all accrued leave balances prior to being placed on leave without pay.</p>
2. ELIGIBILITY	<p>A. An employee who has been employed by the state of Texas for at least 12 months and who has actually physically worked at least 1,250 hours work for the state (based on the Fair Labor Standards Act (FLSA) hours-worked principles) during the 12-month period immediately preceding the commencement of FMLA leave; or</p> <p>B. An employee who meets the eligibility criteria mentioned above and who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 weeks of leave during a 12-month period to care for a service member. The employee must be a caregiver for a family member of the Armed Forces who is:</p> <p>I. undergoing medical treatment, recuperation, or therapy;</p> <p>II. in out-patient status; and</p> <p>III. is otherwise on the temporary disability retired list for a serious injury or illness.</p> <p>C. An eligible employee may use caregiver leave for a family member who is a veteran undergoing treatment, recuperation, or therapy for an injury, incurred while on active duty, as long as the veteran was a member of the Armed Forces, National Guard, or Reserves within five years of requiring care.</p>
3. QUALIFYING EVENT	<p>A. for the birth of an employee's son or daughter and in order to care for the son or daughter in the first 12 months after childbirth;</p> <p>B. for the adoption or placement of a child in foster care in the first 12 months;</p>

	<p>C. to care for the employee's spouse, son, daughter, or parent who has a serious health condition;</p> <p>D. for a serious health condition that renders the employee incapable of performing the essential functions of his or her job (including work-related illness or injuries); or</p> <p>E. for any qualifying exigency arising due to the fact that a spouse, a son, a daughter, or parent of the employee is on or has been called to active duty in the Armed Forces in support of a contingency operation.</p>
4. REQUESTING FMLA LEAVE	<p>A. An employee must provide a 30-day advance notice to his or her supervisor and to the Human Resources Department of the need to take FMLA leave if the need for leave is foreseeable, such as a planned surgery or an expected due date. If leave is required because of a medical emergency or other unforeseeable event, the employee shall provide such notice to his or her supervisor as is reasonable and practicable.</p> <p>B. Notification for Leave due to Active Duty of Family Member. In any case in which the necessity for leave under the service member leave is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to his or her supervisor and the Human Resources Department as is practicable.</p>
5. DESIGNATION OF FMLA LEAVE	<p>A. If, after consulting with the employee and the employee's supervisor, the Director of Human Resources determines that paid leave should be counted as FMLA leave, the decision will only be made based on information given by the employee and the employee's health care provider. If circumstances are such that this decision is not made before leave has begun, the Director of Human Resources may retroactively redesignate the appropriate part of the leave as FMLA leave.</p> <p>B. If an employee fails to report an FMLA reason for an absence and the Human Resources Department did not learn the reason for the absence until the employee's return, the employer may, upon the employee's return to work promptly designate the leave retroactively with appropriate notice to the employee. The Director of Human Resources shall retroactively designate FMLA leave under these circumstances.</p>
6. DOCUMENTATION	<p>A. Medical certification or a completed U.S. Department of Labor Certification of Health Care Provider Form will be required from a health care provider in all cases involving either FMLA leave to care for a seriously ill spouse, son, daughter, or parent, or FMLA leave due to an employee's serious health condition.</p> <p>B. Medical certification must be provided within 15 business days of the notification. If a medical certification is considered insufficient due to the information being vague, ambiguous, or non-responsive, then the employee will be allowed an additional 7 calendar days to respond to the employer with a complete medical certification. The employee's failure to provide the medical certification within the 15 business days allotted may result in the denial of the request for FMLA leave, continuation of leave, or job restoration.</p> <p>C. Notice of leave due to active duty of family member, in cases where exigency or notification of an impending call or order to active duty arise, the Coordinating Board requires the employee to provide, as soon as practicable, a copy of the certification or a completed U.S. Department of Labor Certification of Qualifying Exigency Form to the Human Resources Department.</p>

	<p>D. The Coordinating Board may require that the eligible employee obtain subsequent recertifications on a reasonable basis.</p> <p>E. Records and documents relating to medical certifications, recertifications, or medical histories shall be maintained in the Human Resources Department in separate files/records and shall be treated as confidential medical records. Documented Certification related to active duty or call to active duty will be maintained in the employee's personnel file.</p>
7. USE OF LEAVE	<p>A. FMLA leave is generally used for a continuous period of absence from work when medically necessary for a serious health condition. Medically necessary FMLA leave may be used intermittently or on a reduced work schedule. A reduced work schedule must be approved by the division head and appropriate deputy commissioner. An employee must utilize accrued leave balances while on leave for FMLA qualifying events, including sick, Fair Labor Standards Act (FLSA) overtime, state compensatory time, holiday compensatory time, and annual leave. FMLA leave may be unpaid when the employee exhausts all accrued leave balances, if the employee does not qualify for or exhausts extended sick leave and/or sick leave pool. An employee who is receiving temporary disability benefits or workers' compensation benefits is not required to first use applicable paid leave while receiving those benefits but may elect to do so.</p> <p>B. The use of paid sick leave when taking FMLA leave shall be in accordance with the Coordinating Board's Policy on Paid Sick Leave and the Texas workers' compensation law.</p> <p>C. FMLA leave used to care for a son or daughter because of childbirth, or because of placement of a son or daughter with the employee for adoption or foster care, must be taken all at one time.</p> <p>D. FMLA leave used to care for the employee himself or herself because of a serious health condition, or to care for the employee's spouse, son, daughter, or parent because of a serious health condition, may be taken intermittently or on a reduced work schedule if medically necessary. The employee must provide certification from the health care provider caring for the employee and/or eligible family member that leave must be taken in that manner.</p>
8. HOLIDAYS WHILE ON FMLA LEAVE	<p>If a holiday falls within a week in which an employee is on continuous FMLA leave, the holiday will be counted toward the FMLA leave entitlement. Holidays are not counted toward the FMLA leave entitlement where the employee uses FMLA leave intermittently or on a reduced work schedule.</p>
9. DURATION OF LEAVE	<p>A. Eligible employees may be granted not more than 12 weeks (480 hours) of FMLA leave in a 12-month period measured backward from the date an eligible employee's qualifying event begins.</p> <p>B. In the event that both husband and wife are employed at the Coordinating Board, the husband and wife together are limited to only one 12-week period for childbirth, adoption, or foster care placement, or to care for a seriously ill parent.</p> <p>C. In the event of a serious illness for a spouse, son, daughter, or for the employee's own serious illness, the husband and wife are each eligible for a 12-week period.</p> <p>D. Service Member Family Leave used by an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a combined total of 26 weeks (1040 hours) of leave during a 12-month period to care for the service member who is:</p> <ol style="list-style-type: none"> I. undergoing medical treatment, recuperation, or therapy; and II. is otherwise on the temporary disability retired list for serious injury or illness.

10. INSURANCE COVERAGE DURING USE OF FMLA	<p>A. The agency is required to maintain its state contribution toward medical coverage for up to the 12 weeks of FMLA leave at the same level as if the employee were actively at work. For service member leave, the agency will maintain its contribution toward medical coverage for up to 26 weeks of FMLA leave at the same level as if the employee were actively at work.</p> <p>B. If employee contributions are required also, such contributions remain the employee's responsibility for payment and may be payroll deductible. If payroll deduction cannot be made because the employee's net pay is not sufficient, or because the employee is on unpaid leave for a full calendar month, the employee must submit payment for the employee's portion of the insurance premium.</p> <p>C. If the employee fails to return to work after the expiration of FMLA leave, the employee may be required to reimburse the state of Texas for the state paid portion of the health insurance premium unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or to circumstances beyond the employee's control.</p>
11. STATE SERVICE AND LEAVE ACCRUALS DURING THE USE OF FMLA	<p>A. An employee on FMLA leave is not entitled to accrue state service credit for any full calendar months of leave without pay (LWOP) taken while on FMLA leave and shall not accrue vacation or sick leave for such months.</p> <p>B. A full calendar month of unpaid FMLA leave will not constitute a break in state service. However, any full calendar month of unpaid FMLA leave will not be counted in the calculation of total state service for purposes of longevity pay or annual leave entitlements.</p> <p>C. An employee on unpaid FMLA leave for any full calendar month will not receive retirement credit for that month.</p>
12. RETURN FROM FMLA LEAVE	<p>A. As a condition of returning to work, an employee who has taken FMLA leave due to his or her own serious health condition must obtain a Return to Work Certification from the health care provider stating that the employee is able to resume work. The employee is to provide the Return to Work Certificate to the Human Resources Department upon his or her return from leave.</p> <p>B. An employee will not be permitted to return to work until a Return to Work Certification release from the attending physician is submitted to the Human Resources Department.</p> <p>C. When FMLA leave is for care of a family member or to care for a service member, the employee must notify the Human Resources Department of his or her return from leave.</p>
13. RESTORATION OF EMPLOYMENT	<p>A. The Coordinating Board will return an employee to the same or an equivalent position when the employee returns to work after using FMLA leave. An equivalent position will have the same pay, benefits, and working conditions, and will involve the same or substantially similar duties and responsibilities. An exception to this can be made for an employee who is one of the 10 percent highest paid employees of the Coordinating Board and whose job restoration would cause substantial and grievous economic injury to the operations of the agency.</p> <p>B. If an employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, etc., as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return to work.</p> <p>C. If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has</p>

	<p>no right to restoration to another position under the FMLA. However, the Coordinating Board's obligations may be governed by the Americans with Disabilities Act (ADA).</p> <p>D. If the employee is on FMLA status and fails to communicate with the Human Resources Department shortly before and immediately after the 12 weeks have transpired, or he or she fails to report to work or abandons his or her position, the employee will be subject to termination or administratively separated from employment.</p>
14. FORMULATION AND REVIEW	When the need to create or revise a policy arises, the Human Resources Department will work with the Office of General Counsel to identify necessary revisions.
15. IMPLEMENTATION, ENFORCEMENT, AND MONITORING	<p>A. The Commissioner and/or designee are responsible for monitoring the organization-wide implementation and enforcement over which they have assigned authority.</p> <p>B. Supervisors and division/department heads are responsible for implementing and enforcing the Family Medical Leave Act (FMLA) policy within their respective areas.</p>
16. REQUIRED FORMS	<ul style="list-style-type: none"> • USDOL Form WH-382 - Designation Notice • USDOL Form WH-381 - Notice of Eligibility and Rights & Responsibilities • USDOL Form WH-380-E - Certification of Health Care Provider - For Employee Serious Health Condition • USDOL Form WH-380-F - Certification of Health Care Provider - For Family Member Serious Health Condition • USDOL Form WH-384 - Certification of Qualifying Exigency - Military Family Leave • USDOL Form WH-385 - Certification of Serious Injury or Illness - Covered Service Member
17. RECORD KEEPING	The Human Resources Department is responsible for maintaining all state leave records and forms regarding the Family Medical Leave Act. Employees are required to complete all forms related to FMLA and submit to the Human Resources Department for processing.

**TEXAS HIGHER EDUCATION COORDINATING BOARD
PERSONNEL POLICY MANUAL**

CHAPTER	Chapter C - 02b. Family Medical Leave Act Procedure
POLICY NAME	Procedure for Family Medical Leave
EFFECTIVE	February 3, 2010
REVISED	September 20, 2018
AUTHORITY	
SCOPE	To administer agency procedures in accordance with the Family Medical Leave Act (FMLA) for all Texas Higher Education Coordinating Board (THECB) employees.
PURPOSE	To set forth procedures that must be followed when an employee applies for FMLA leave.
1. EMPLOYEE RESPONSIBILITIES	<p>A. Provides a 30-day advance notice to his or her supervisor and to the Human Resources Department (HRD) of the need to take FMLA leave. If a medical emergency or other unforeseeable event arises, the employee shall provide such notice to his or her supervisor as is reasonable and practicable.</p> <p>B. Schedules a meeting with the HDR to discuss eligibility for FMLA leave and documentation needed to determine if the leave to be taken may qualify as FMLA leave.</p> <p>C. Provides to the HDR a medical certification or a completed U.S. Department of Labor Certification of Health Care Provider Form (Form WH-380-E, Form WH-380-F, or Form WH-385) within 15 business days of his or her notification.</p> <p>D. Submits a Notification of Leave (NOL) via the Centralized Accounting and Payroll/Personnel System (CAAPS) to report FMLA leave taken.</p> <p>E. Provides a Return to Work Certification to the HDR upon his or her return date.</p>
2. SUPERVISOR RESPONSIBILITIES	<p>A. Approves the Notification of Leave through the CAAPS for FMLA leave requests.</p>
3. HUMAN RESOURCES DEPARTMENT RESPONSIBILITIES	<p>A. Meets with the employee and determines eligibility for FMLA leave and provides documentation needed to determine if the leave may qualify for FMLA leave.</p> <p>B. Informs employee and supervisor of eligibility.</p> <p>C. Gathers and reviews supporting Department of Labor (DOL) documentation completed by the employee and physician.</p> <p>D. Informs the employee and supervisor if approval has been granted for the FMLA qualifying life event.</p> <p>E. Discusses health and other benefits with the employee as they apply for FMLA leave.</p>
4. REQUIRED FORMS	<p>A. USDOL Form WH-382 - Designation Notice</p> <p>B. USDOL Form WH-381 - Notice of Eligibility and Rights & Responsibilities</p> <p>C. USDOL Form WH-380-E - Certification of Health Care Provider - For Employee Serious Health Condition</p> <p>D. USDOL Form WH-380-F - Certification of Health Care Provider - For Family Member Serious</p>

	Health Condition
	E. USDOL Form WH-384 - Certification of Qualifying Exigency - Military Family Leave
	F. USDOL Form WH-385 - Certification of Serious Injury or Illness - Covered Service Member