

### **D.5.3.1 (Procedure) Holidays, Leaves and Absences**

Responsible Department: Human Resources

Based on Board Policy: [D.5.3](#) - Holidays, Leaves and Absences

Approved: 4-28-09

Last Amended: 5-14-18

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#### **General Provisions**

College District employees shall be eligible to receive paid and unpaid leave in accordance with College District policies and related procedures. Leave is not automatically granted. Requests for leave shall be appropriately documented, timely and properly approved. Approval shall be based both on the justification of the leave, the impact of such leave on the work unit and the College District, and other factors as appropriate.

Employees shall not lose any accumulated leave while on authorized unpaid leave of absence. Additional leave shall not accrue during unpaid leave of absence unless the leave of absence is designated FMLA leave. During FMLA leave and paid leaves of absence, leave time shall continue to accrue at the normal rate.

During a period of unpaid, non-FMLA leave of absence, an employee may elect to continue insurance coverage by arranging to pay the full premium. Insurance and retirement coverage paid by the College District will continue uninterrupted for an employee on paid leave or FMLA Leave.

Except for sick leave and bereavement leave, requests for leave must be submitted and approved in advance on the official form provided by the College District.

Leave may be used and will be charged in one-hour increments. Absences of one hour or less may be excused by the supervisor for adequate reasons.

Unauthorized absences are a serious violation of College District procedure. Failure to comply with the provisions of the College District's leave policies and procedures may result in the recording of unauthorized absences, loss of pay, and other actions up to and including termination of employment.

Employees are responsible for notifying their supervisors when absent from work and for submitting appropriate leave request forms. The completed "Request for Leave" form shall be maintained by the department for a period of three years.

Each pay period, the Payroll department shall provide department supervisors leave balance reports that include balances for each of their employees. Departments shall record and certify, by signature, leave usage of each of their employees and return the reports to the Payroll Department at the end of each pay period. This process will be modified to utilize Banner self-service capabilities during fiscal year 2011 where supervisors approve online.

Sick leave, Family and Medical Leave Act (FMLA) leave, personal leave, and bereavement leave shall be provided to all non-faculty employees who work twenty or more hours per week; to all tenure track and tenured faculty members and to adjunct faculty with full benefits. Eligible employees who work less than full-time shall accrue sick leave on prorata basis. Paid leave benefits for which part-time employees are eligible will be administered on a prorata basis. Irrespective of employment status, FMLA leave is available to all eligible employees.

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All employees except temporary daily and hourly employees and part-time faculty shall be eligible for civic leave, military leave, and unpaid leave of absence, subject to the specific provisions set forth in these procedures.

Eligible employees accrue paid leave on the first day of each pay period. Sick leave and bereavement leave are available to new employees immediately, but vacation leave and personal leave may not be granted to employees until after the completion of the initial 90 days of employment.

#### **Vacation Leave**

Vacation leave with compensation shall be available for regular, full-time College District employees whose work assignments are 12 full months annually.

#### **Calculation**

Vacation leave is calculated and earned on a per pay period basis. Eligible employees will earn vacation leave according to the following schedule:

Full-time College

District Employment Annual Vacation Leave

Administrators 7 hours per pay period

*Other eligible employees:*

From 0 to 5 years 3.33 hours per pay period

From 5+ to 10 years 4 hours per pay period

From 10+ to 15 years 5 hours per pay period

15+ years 6 hours per pay period

#### **Conditions**

The following conditions apply to vacation leave benefits:

1. Employees may accumulate vacation leave up to a maximum of two times their annual earning rate. Any unused vacation leave accumulated in excess of this maximum shall be forfeited on August 31. Employees may not take more vacation time than their available vacation leave balance.
2. Employees who transfer to positions in which annual vacation leave benefits do not accrue shall be paid for all unused vacation at the pay rate effective immediately prior to their transfer dates. The College District reserves the right to require that persons employed with restricted funds, prior to the end of their service under the grant, either use their vacation time or be paid for accrued vacation time.

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3. Departing employees who have successfully completed the 90-day initial employment period and have provided all required notice of resignation will be compensated for unused vacation time upon termination of employment. The requirements for notice of resignation are set forth in D.10.2.4 (Procedure) Resignation From Alamo Colleges Employment.

#### **Holiday Leave**

Paid holidays for all regular non-faculty personnel shall include ten days of Christmas/New Year's vacation, five days of mid-semester spring vacation, and eight additional holidays to be specified by the administration on an annual basis.

For employees who work on Saturdays, regular workdays shall be scheduled on Saturday before Labor Day and the Saturday following the Battle of Flowers holiday. However, the Saturdays falling on Thanksgiving and Easter weekends shall be holidays.

To be eligible to receive pay for Christmas/New Year's vacation, employees must have been in pay status for the entire 40 hours of each administrative workweeks immediately prior to and immediately following the holiday period. Pay status includes annual leave. Employees are reminded that requests for such leave will be granted at the discretion of the College District. Leaves for the weeks prior to and following the holiday will be granted contingent upon the supervisor's judgment that such leave would not adversely impact the unit's performance.

#### **Personal Leave**

Two days of noncumulative personal leave, with regular compensation, shall be granted to each regular full-time employee during each fiscal/academic year. Regular employees working less than full time are granted personal leave days on a prorated basis.

Personal leave shall accrue to regular employees at the start of each fiscal year. Personal leave will accrue to new employees as of the day of their initial appointment but is not available for their use until the 91st day after their appointment. Personal leave may be used in the summer. Employees may not take more personal leave than their available personal leave balance.

Employees will not be paid for unused personal leave upon termination.

Faculty members who request personal leave shall be responsible for working with their department chairs to provide appropriate substitutes for classes from which they will be absent.

#### **Civic Leave**

Civic leave without loss of pay or other benefits shall be granted to fulfill civic duties such as jury duty or compliance with subpoenas for court appearances.

Written evidence of civic participation, including dates of service, shall be attached to the leave request form submitted by the employee.

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Employees may retain any monies earned for civic participation while on approved civic leave. Employees shall report for regular duty on scheduled work days when civic participation is not required and to keep their supervisor informed of the expected length of their absences.

The College District shall not discharge, discipline, or penalize in any manner an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding.

#### **Sick Leave**

Sick leave with regular compensation may be used for personal illnesses, injury, or other health-related conditions, or for illness or injury of persons related to the employee within the first degree of consanguinity or affinity or living in the household of the employee. For a detailed chart illustrating the degrees of sanguinity and affinity, see [D.2.4.1](#). Sick leave benefits are provided solely to provide income protection for the events described above, and may not be used for any other absence except as allowed under this procedure for bereavement (see "*Bereavement Leave*").

Sick leave shall accrue to full-time benefits-eligible non-faculty employees at a rate of 4.33 hours per pay period, and to full-time benefits-eligible faculty at a rate of 4.44 hours per pay period. Sick leave balances may accumulate indefinitely without limit. Sick leave with regular compensation is allowed for the duration of the absence but may not exceed the employee's available sick leave balance. Sick leave will not accrue but may be taken during periods of summer employment extensions.

Employees who are unable to report to work due to illness or injury shall notify their immediate supervisors within one hour of the start of their regularly scheduled workday unless they cannot due to circumstances beyond their control. Lack of a telephone is not a valid reason for failure to report an absence. Absent employees shall also contact their supervisors on each additional day of absence.

If an employee is absent for five or more consecutive days due to illness or injury, a physician's statement shall be provided verifying the disability; its beginning and expected ending dates, and certifying that the employee may safely return to duty. Such verification may also be requested for other sick leave absences and may be required as a condition to receiving sick leave benefits.

#### ***Sick Leave Accrued Prior to September 1, 1987***

Upon death or disability retirement, employees or their estates or beneficiaries as applicable, shall be paid for sick leave accrued prior to September 1, 1987 at the rate of one hour's pay for every hour of sick leave not to exceed 240 hours.

Sick leave accrued prior to September 1, 1987 cannot be reinstated once used.

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#### **Workers' Compensation (*see also C.1.6 and C.1.6.2*)**

An employee who is receiving workers' compensation benefits may choose to use accumulated sick leave concurrently. If the employee chooses this option, the College District shall pay the difference between the weekly income benefit received under workers' compensation and the employee's regular weekly compensation.

There shall be no payment for sick leave accrued on or after September 1, 1987.

If an employee chooses not to use accumulated sick leave while receiving workers' compensation benefits, the employee shall not receive any compensation from the College District during that time.

Employees shall report on-the-job injuries and direct manifestations of occupational diseases to their supervisors immediately and complete a report of injury.

For assistance with workers' compensation matters contact the Risk Management department.

Employees on leave for workers' compensation due to job-related injuries or illnesses will be placed on FMLA Leave.

#### **Bereavement Leave**

Up to 24 hours paid leave may be granted when a death occurs in the immediate family of a College District employee. For the purpose of bereavement leave, immediate family means father, mother, sister, brother, son, daughter, spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparents (spouses included), and grandchildren. It also includes any other family member living in the household of the employee.

In the event that an employee must take bereavement leave, the employee shall notify the College District as soon as possible after learning of the need for leave.

In the event of the death of a friend or a more distant relative, employees may use up to 24 hours of sick leave.

Additional sick leave for travel or emergencies related to bereavement may be approved at the department level on a case-by-case basis.

#### **Military Leave**

For military leave, the employee shall submit a leave request form with a copy of the official military orders placing the employee on active duty status at least five (5) work days before the beginning date of active duty status. An employee on short-term military leave shall be paid his/her regular salary and shall continue to accrue benefits at the normal rate.

**Short-Term:** Paid leave of up to 15 days may be granted to College District employees who present timely and appropriate documentation authorizing bona fide short-term active duty status.

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***Long-Term:*** The College District will grant employees a military leave of absence without pay for duty in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), and other applicable federal, state and local laws. Employees requesting military leave should provide the College District with a copy of their military duty orders as soon as practicable. Employees are required to give the College District advance notice of upcoming military service, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable. The military leave will be unpaid. However, the employee may use any available sick pay for the absence.

During military leave, employees may have certain rights to continue participation in the Employee Healthcare Plan as provided by law.

Employees who are on military leave for up to 30 days must return to work on the first regularly scheduled work period after service ends (allowing for reasonable travel time). Employees who are on military leave beyond 30 days must apply for reinstatement in accordance with USERRA and all applicable state laws.

When an employee returns from military leave (depending on the length of military service in accordance with USERRA), the employee will be placed either in the position he or she would have attained if he or she had remained continuously employed or in a comparable position. For the purpose of determining benefits that are based on length of service, the employee will be treated as if he or she had been continuously employed.

#### **Developmental Leave**

Developmental leave may be granted to eligible College District employees for purposes of study, research, writing, skill upgrading, or other appropriate endeavors, including faculty exchanges. Developmental leave shall be available only to individuals employed by the College District on a full-time basis for a minimum of two consecutive academic years.

Developmental leave shall be without compensation. However, all insurance benefits paid by the College District shall continue uninterrupted during the leave period, provided the employee agrees in writing either to return to employment in the College District for one full year or to reimburse the College District the cost of such benefits paid during the leave period.

The duration of developmental leave shall depend upon the parameters of the developmental endeavor, but shall not exceed one calendar year. In the case of faculty members, beginning and ending dates shall generally coincide with the beginning and end of regular and/or summer semesters, in accordance with the need to provide for the least possible disruption of classes.

Requests for developmental leave shall be submitted through regular supervisory channels to the Chancellor.

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Upon return from developmental leave as provided herein, employees shall be reinstated to their original positions or to comparable positions without loss of seniority, rank, tenure, or accrued benefits, except as specified otherwise in this procedure.

Employees shall be eligible for additional developmental leave after the lapse of a period of three years from the end of the previous developmental leave period.

Periodically, the Chancellor shall provide to the Board an informative report concerning developmental leaves granted to College District employees.

#### **Unpaid Leave of Absence**

Full-time College District employees may be granted unpaid leaves of absence for a variety of reasons provided such requests are thoroughly documented, timely, meet eligibility requirements, and are reviewed and approved in advance through regular channels including the Chancellor. Requests will then be forwarded to the Associate Vice Chancellor for Human Resources with appropriate recommendation for review and disposition.

Employees shall not lose any accumulated leave while on authorized unpaid leave of absence, nor shall any additional leave accrue during such leave of absence.

Leave of absence without pay is not automatically granted. The decision will be based both upon the justification of need for such leave and upon the strength of assurance that such leave will not cause undue disruption of work in the employee's area of responsibility.

#### ***Short Term***

A short-term leave of absence shall be considered an absence of less than twenty consecutive work days.

A short-term leave of absence without pay may be granted to an employee when other types of leave have been exhausted and adequate justification is provided.

Arrangements concerning insurance and retirement benefits paid by the College District will vary according to the timing and duration of the leave. The employee and his/her supervisor must work closely with the Human Resources department to assure continued coverage.

In cases where there is apparent evidence of abuse in the use of leave of absence, the supervisor may, after conferring with the employee, recommend denial of further requests for unpaid leave.

The request for short-term leave of absence will include planned dates of departure and return to work. Any change to the original return-to-work date must be requested by the employee and reviewed by Human Resources. If the change is approved, the supervisor will establish a new planned return-to-work date; will prepare a Personnel Action 9 of 10

#### ***Extended***

An extended leave of absence shall be considered an absence of twenty or more work days.

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Extended leave of absence shall be generally limited to a maximum period of one calendar year. An additional one-year extension of such leave may be granted upon written request, through appropriate levels of management, providing the additional 12-month absence is for educational purposes.

An extended leave should be requested by the employee well in advance and must be approved at each supervisory level, up to and including the Chancellor.

Request (PAR) and will forward it to the Human Resources department for action prior to the employee's return to work.

Employees returning from extended leave of absence will be given priority consideration for positions which are vacant at the time of their return. Return to service is at the discretion of the College District, and is contingent on the recommendation of the Chancellor, the availability of an appropriate vacancy, and other factors. Reinstated employees will not lose seniority, rank, tenure, or accrued benefits, except as specified otherwise in this procedure.

Upon approval of an extended leave of absence, the administration shall stipulate in writing a specific date by which the employee must notify the College District of his/her intention to return to normal work duties. An employee who fails to comply with the notification deadline will forfeit his/her right to priority consideration for reinstatement.

Periodically, the Chancellor will provide to the Board an informational report concerning extended leaves of absence granted to College District employees.

#### **Religious Holy Days**

Any College District employee may be absent from work for observance of a religious holiday and must provide proper notification, in advance, to the immediate supervisor. This shall be taken as paid leave by utilizing personal leave or accrued vacation or unpaid leave if paid leave is not available.

#### **Administrative Leave**

The College District may place an employee on administrative leave pending the results of an investigation or to protect the safety of the employee and/or others. Administrative leave may be paid or unpaid. The placement of an employee on administrative leave, length of leave, paid or unpaid status, and other conditions of administrative leave are at the discretion of the College District and must be approved by the Associate Vice Chancellor of Human Resources, President/Vice Chancellor and Chancellor or designee.

#### **Family and Medical Leave Act (FMLA)**

For guidelines on FMLA leave, see [D.5.4](#).

*Legal Reference - TACC Policy Reference Manual*

DEC(LEGAL) - Compensation and Benefits: Leaves and Absences