



LEAVE POLICY

TEXAS DEPARTMENT OF LICENSING AND REGULATION

Human Resource Management

LEAVE BENEFITS

A. Annual Leave

Annual leave for TDLR employees shall conform to the provisions of the current Appropriations Bill or other applicable state law. Accrual rates and the number of hours of annual leave that can be retained from year to year are determined by the Legislature. See schedule below.

An employee will earn annual (vacation) leave beginning on the first day of employment with the state and terminating on the last day of duty. An employee may not accrue vacation leave beyond his or her last physical day on the job. Credit for one month's accrual will be given for each month or fraction of a month of employment with the state and will be posted to each employee's leave record on the first day of employment with the state and on the first of each succeeding month of employment thereafter. Annual leave may not be granted until the employee has had six (6) months of continuous employment with the state, although credit will be accrued during that period.

Credit for the higher rate of accrual will be given on the first calendar day of the month if the employee's anniversary date falls on the first calendar day of the month; otherwise, the increase will occur on the first calendar day of the following month.

Schedule of Vacation Leave Accruals for Full-Time Employees			
Length of Service	Hours Accrued per Month	Days Accrued per Year	Allowable Carryover (Hours) from One Fiscal Year to the Next
Less than 2 years	8	12	180
At least 2 years but less than 5 years	9	13.5	244
At least 5 years but less than 10 years	10	15	268
At least 10 years but less than 15 years	11	16.5	292
At least 15 years but less than 20 years	13	19.5	340
At least 20 years but less than 25 years	15	22.5	388
At least 25 years but less than 30 years	17	25.5	436
At least 30 years but less than 35 years	19	28.5	484
At least 35 years or more	21	31.5	532

An employee on leave on the first workday of the month may not use annual leave accrued for that month until the employee has returned to duty.

The net balance of unused accumulated leave, not to exceed the maximum cited above, is carried forward from fiscal year to fiscal year.

Unused accumulated annual leave which exceeds the allowable carryover at the end of a fiscal will be credited to the employee's sick leave balance as of the first day of the next fiscal year.

A state employee who transfers directly from one State agency to another will be given credit by the receiving agency for the unused balance of accumulated annual and sick leave, provided that his or her employment with the state is uninterrupted.

Employees may schedule annual leave at those times during the year which are most convenient to the employee, except where scheduled annual leave conflicts with the needs of TDLR. The Division Director or his/her designee shall make the determination that such conflict exists. Employees requesting annual leave must seek appropriate approval for leave prior to the commencement of leave.

B. Sick Leave

Sick leave will be used and granted in conformity with the current Appropriations Bill or other applicable state law.

Sick leave is earned at the rate of eight (8) hours for each month or fraction of a month of employment, and accumulates with the unused amount of such leave carried forward each month. An employee may not accrue sick leave beyond his or her last physical day on the job. There is no limit, however, to the amount of sick leave an employee may accrue while employed.

Sick leave may be used by TDLR employees when illness, injury, childbirth or pregnancy prevent an employee's performance of his or her job duties, or when an employee is needed to care for a member of his or her immediate family who is ill. For purposes of this section, immediate family members include spouses, parents (not a parent-in-law), siblings, grandparents and children. An employee absent from duty because of illness shall notify his or her supervisor within 30 minutes of the start of the workday, or as soon as practicable.

If an employee is out due to illness during a continuous period of more than three (3) working days, a doctor's certificate showing the cause or nature of the illness, or some other statement of the facts concerning the illness which is acceptable to the supervisor, may be requested by the employee's supervisor. This documentation, if requested, must be provided immediately upon return to duty and must be attached to the employee's timesheet.

An employee on leave on the first workday of the month may not use sick leave accrued for that month until the employee has returned to duty.

Accumulated sick leave hours are not paid when employees separate from state employment. An employee separated from employment with the state under a formal reduction-in-force shall have his sick leave balance restored if re-employed by the state within twelve (12) months of termination. An employee separated for other reasons shall also have his sick leave balance restored if:

- Re-employed by TDLR within twelve (12) months of termination, provided there has been a break in service of at least thirty (30) calendar days since termination, or
- Re-employed by the state, with an agency other than TDLR, within twelve (12) months of termination.

An employee's sick leave balance will transfer when the employee transfers directly to or from another state agency without a break in service.

C. Sick Leave Pool

Employees may voluntarily contribute sick leave time earned to a Sick Leave Pool for employees' use. Sick leave time contributed cannot be restored once given.

Sick Leave Pool, up to 480 hours per event, is available to employees if they or their immediate families suffer a catastrophic illness or injury and all other leave has been exhausted. A "catastrophic illness or injury" is defined by the Employees Retirement System of Texas as: A severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and forces the employee to exhaust all leave time earned by that employee and to lose compensation from the State.

Generally, an injury or illness has to be considered life-threatening by a physician to be considered "catastrophic." Examples of conditions that may be considered catastrophic are cancer, brain tumors, heart attacks or strokes. Conditions not usually covered (unless accompanied by a catastrophic condition or a complication considered to be life-threatening) include gynecological problems and conditions, hysterectomies, gall bladder surgery, surgery for a herniated disk, carpal tunnel syndrome, allergies, bronchitis, most broken bones and orthopedic surgeries, angina, pregnancy and childbirth, and post-partum recovery.

Employees, or supervisors on their behalf, must apply in writing to the Sick Leave Pool Administrator for use of Sick Leave Pool. The application must include a doctor's statement (Medical Certification form) outlining the injury or illness of the employee or member of the immediate family, the treatment required, expected duration of the injury or illness and the anticipated date of the employee's return to work

If the request is approved by the Sick Leave Pool Administrator, he or she will determine the amount of time granted. The Sick Leave Pool granted will be credited to the employee, who may use the time in the same manner as sick leave earned. Employees may not receive more than one-third of the total number of hours in the Sick Leave Pool. Hours granted part-time employees will be on a pro rata basis. Unused sick leave will be returned to the pool when the employee

returns to work.

D. Donations of Sick Leave

Employees of TDLR may donate any amount of the employee's accrued sick leave to another TDLR employee who has exhausted his or her leave, including any time he or she may be eligible to withdraw from a sick leave pool.

Employees may not provide or receive remuneration or a gift in exchange for a sick leave donation. An employee who receives donated sick leave may use the donated sick leave for sickness, injury, or pregnancy and confinement prevent the employee from performing his/her job or to care for and assist a member of the employee's immediate family who is sick.

Employees may not receive service credit in the Employees Retirement System (ERS) for any donated sick leave that is unused on the last day of the employee's employment.

E. Holidays

All holidays granted during a fiscal year, as well as those holidays on which TDLR must remain open with limited staffing ("skeleton crew days"), are noted on the LRNet under "Holiday Schedule." An employee must meet the definition of a state employee on the day before or the day after a state or national holiday in order to be paid for the holiday, unless the holiday falls on the employee's first or last workday of the month. TDLR employees who work on "skeleton crew days" will be entitled to holiday time earned (not to exceed 8 hours), to be taken on such day as mutually agreed upon by the employee and his or her supervisor, but within 12 months of the accrual

F. Emergency Leave

Bereavement Leave: The Executive Director may grant employees emergency leave with pay because of the death of an employee's family member. An employee may receive up to twenty-four (24) hours of emergency leave due to death of an employee's family member, including an employee's spouse, parents, siblings, grandparents, and children, as well as an employee's spouse's parents, siblings, grandparents, and children. This leave will be granted at the discretion of the Executive Director.

Good Cause Emergency Leave: In addition, the Executive Director may make a determination regarding other reasons for emergency leave and may grant emergency leave when the leave is requested by the employee and, in the Executive Director's judgment, the employee has shown good cause for such leave. The Executive Director will not grant emergency leave to an employee the Director believes in good-faith does not intend to return to employment following the leave period.

G. Family & Medical Leave

The Federal Family and Medical Leave Act (FMLA) gives "eligible" employees of a covered employer the right to take unpaid leave, or paid leave if it has been earned, for a period of up to twelve (12) work weeks per fiscal year for an FMLA-qualifying

reason. Employees who have been employed by the State of Texas for at least twelve (12) months and have physically worked for the State of Texas at least 1,250 hours during the preceding twelve (12) month period are eligible for FMLA leave pursuant to the Act. FMLA leave may be taken consecutively or intermittently in certain circumstances.

Eligible employees may be granted FMLA leave for the following reasons:

- the birth of the employee's child;
- the placement of a child with the employee for adoption or foster care;
- to care for a spouse, child or parent who has a serious health condition; or
- a serious health condition that renders the employee incapable of performing the essential functions of his or her job.
- a qualifying exigency arising from the employee's spouse, son, daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active in support of a contingency operation.

TDLR will determine whether an event qualifies for FMLA leave and will notify the employee of the designation. An employee does not have the option of choosing whether to designate leave as FMLA leave for a qualifying event. If an event qualifies under the FMLA, the leave will be counted as FMLA leave and noted as such on the employee's timesheet.

Prior to using unpaid FMLA leave, employees must use all accrued state compensatory time, holiday time, annual and sick leave. Paid leave used will be counted against the twelve (12) week entitlement. An employee may, but is not required to use FLSA overtime for an FMLA-qualifying event. If FLSA overtime is used for an FMLA reason, the absence which is paid for from accrued FLSA overtime may not be counted against the employee's FMLA entitlement.

TDLR will request medical certification from the employee indicating the date the condition commenced, the probable duration if known, and the appropriate facts regarding the condition. Failure to provide requested medical certification in a timely manner may result in the denial of leave until it is provided.

FMLA is not an additional type of leave; it guarantees the restoration of employment to a position with equivalent pay, benefits, and other terms and conditions of employment. During a period of FMLA leave, an employee will be entitled to continuing coverage under the group health insurance plan. In all instances, while an employee is on FMLA leave, the State of Texas will continue to pay its normal contribution to the health insurance premium. Employee-paid portions of group insurance premiums will be paid unless the employee is on unpaid FMLA leave for a portion of a month.

The failure of an employee to return to work upon the expiration of a FMLA leave of absence may be treated as a resignation, unless an extension of leave is agreed upon and approved in writing by TDLR.

Spouses Employed by the Same Employer

In cases in which eligible spouses are both employed by TDLR, the married

employees are limited to a combined total of 12 weeks of FMLA leave for:

- The birth of a child and care of a child after birth, placement of a child with the employee
- The adoption or foster care and to care for a newly placed child;
- To care for a parent who has a serious health condition or 26 work weeks if the leave is granted to care for a covered service member with serious injury or illness.

Additional information on FMLA can be found on the LRNet, under a publication entitled, "Family and Medical Leave Act Handbook."

Military Caregiver Leave

An eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the U.S. Armed Forces, including members of the National Guard or Reserves, with a serious injury or illness will be granted up to a total of 26 work weeks of unpaid leave during a single 12 month period to care for the service member.

H. Parental Leave

Those employees with less than twelve (12) months of service or who have worked less than 1,250 hours are eligible to take a parental leave of absence under the provisions of the Government Code, provided that the employee utilizes all available applicable state paid leave while taking leave pursuant to this provision. The leave authorized by the Government Code may not exceed twelve (12) weeks and is limited to, and begins the date of, the birth of a natural child or the adoption or foster care placement of a child under three years of age.

I. Jury Duty and Fees

TDLR encourages employee participation in the civic process. An employee may serve on a jury with full pay, and need not report any fee received for serving on a jury.

J. Witness Fees

An employee who appears as a witness in an official capacity in a judicial proceeding or legislative hearing may not accept or receive a witness fee for the appearance.

An employee who appears as a witness, in capacity other than as an employee, in a judicial proceeding or legislative hearing to testify from personal knowledge concerning matters related to the proceeding or hearing is entitled to receive any customary witness fees for the appearance.

An employee who appears as an expert witness in a judicial proceeding or legislative hearing may accept compensation for the appearance only if the person is not also compensated by the state for the person's time in making the appearance and may accept reimbursement for travel expenses only if the expenses are not reimbursed by the state. Paid leave is not considered time compensated by the

state under these requirement

K. Military Leave

An employee may receive military leave in accordance with applicable state and federal law. The work schedule of any employee who is a member of the Guard or Reserve will be adjusted so that two of the employee's days off each month coincide with two days of training duty to be performed by the employee.

An employee who is in the National Guard and is called to active duty by the Governor is entitled to paid emergency leave for the time in which that employee is on active duty. This time is not limited and does not count against any other military leave or annual leave.

All military leave, other than active duty in the National Guard as called by the Governor, is subject to a maximum of 15 days of paid leave per federal fiscal year. After exhausting the 15 days of military leave an employee may use accrued vacation leave to the extent available. Should a state employee exhaust all paid leave, TDLR's executive director will grant sufficient emergency leave as differential pay if the employee's military gross pay is less than the employee's state gross pay. The combination of military pay and emergency leave may not, however, exceed the employee's actual state gross pay. Upon return from military leave, an employee will be promptly reinstated to the same position held prior to leave or a position of similar seniority, status, and pay.

L. Veteran Medical and Mental Health Care Leave

TDLR employees who are veterans are entitled to up to fifteen (15) days of paid leave each fiscal year to obtain medical or mental health care administered by the Veterans Health Administration of the United States Department of Veterans Affairs, including physical rehabilitation.

The Executive Director may grant additional days of leave in excess of the 15 days for the purpose described above if the Executive Director determines such leave is appropriate for the employee.

A veteran means a person who has served in the army, navy, air force, coast guard or marine corps of the United States or a person who has served in the Texas National Guard.

M. Foster Parent Leave

A state employee, who is a foster parent to a child under the conservatorship of the Department of Human Services, is entitled to a leave of absence with full pay for the purpose of attending meetings held by the Department of Family and Protective Services regarding the employee's foster child. In addition, the employee may attend, with a paid leave of absence, the Admission, Review, and Dismissal (ARD) meeting held by a school district regarding his/her foster child.

N. Volunteer Firefighter and Emergency Medical Services Volunteer Leave

Volunteer firefighters and emergency medical services volunteers shall be granted up to

five days of leave each fiscal year for attending fire service or emergency medical

services training conducted by state agencies or institutions of higher education. This leave for the training is not charged against an employee's vacation or sick leave privileges. Documentation indicating the employee's status as a volunteer prior to the training and a certificate of completion from the training shall be presented to Human Resources.

O. Certified American Red Cross Activities Leave

Any state employee who is a certified disaster service volunteer of the American Red Cross, or who is in training to become such a volunteer, may be granted a leave of absence not to exceed ten days each fiscal year to participate in specialized disaster relief services. The employee must have supervisory approval to use this leave in addition to a request from the American Red Cross and the approval of the Governor's Office.

P. Leave During Agency Investigation

TDLR investigates concerns and complaints made by employees to ensure a positive and professional working environment and compliance with agency policy and the law. The Executive Director may grant paid leave during such an investigation to the following employees:

- (1) an employee who is the subject of an investigation being conducted the agency;
- (2) an employee who has filed or made a complaint about an act or event that is the subject of an investigation being conducted by the agency; and
- (3) an employee who is a witness to an act or even that is the subject of an investigation by the agency.

An employee granted leave in accordance with this policy is required to participate in good-faith in any investigation being conducted by the agency and may be contacted by TDLR during the leave period to provide information regarding the investigation.

Q. Leave for Employees with a Disability – Assistance Dog Training

A state employee who is a person with a disability shall be granted a paid leave of absence not to exceed 10 days each fiscal year for the purpose of attending a training program to acquaint the employee with an assistance dog to be used by the employee.

R. Parent-Teacher Conference Leave

An employee may use up to eight hours of sick leave each calendar year to attend parent-teacher conference sessions for the employee's children who are in pre-kindergarten through 12th grade. Employees must give reasonable notice of intention to use sick leave to attend such conferences.

S. Leave Without Pay

Agencies may grant employees a leave of absence without pay. Except for certain

situations, employees must have first exhausted all accumulated leave entitlements. Leave without pay cannot exceed 12 months.

T. Leave for Organ, Bone Marrow or Blood Donors

A state employee is entitled to a leave absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence may not exceed five working days in a fiscal year to serve as a bone marrow donor, and 30 working days to serve as an organ donor.

TDLR will also allow each employee sufficient time off, without a deduction in salary or accrued leave, to donate blood. To receive this leave, an employee must obtain prior approval from his or her supervisor and provide proof of donation upon return. An employee may not receive time off for blood donation more than four times in a fiscal year.

U. Leave for Inclement Weather

If hazardous conditions develop overnight, on a weekend, or following a holiday, the Executive Director, or his designee, will decide whether to open TDLR. As a general practice, we will follow the "school district rule." If the Austin Independent School District is closed due to inclement weather, TDLR's Austin offices will be closed. If the school district where you reside is closed due to inclement weather, you may stay at home. If inclement weather occurs at a time when schools are closed for holidays or are otherwise not in session, TDLR employees will be notified via agency email and Rapid Notify along with an estimated date and time of reopening, if known. Regional employees will defer to the school district in which the Regional Office is located and/or the school district where they reside.

Should the TDLR's Austin office or a regional office be closed due to inclement weather, emergency leave will be granted for the period of time the office is closed. Employees out on previously scheduled leave will not be granted emergency leave.

V. Voting

An employee shall be granted one hour of leave to vote in national, state or local elections.

W. Administrative Leave

The Executive Director, or his designee, may grant administrative leave without a deduction in salary to an employee as a reward for outstanding performance as documented by employee performance. An employee may not exceed 32 hours of administrative leave during a fiscal year.

X. Court Appointed Special Advocates (CASA) Volunteer

An employee may be granted up to five hours of leave each month to participate in mandatory training or perform volunteer services for CASA without a deduction in salary or loss of annual or sick leave or overtime or comp time.