

**IN COMPLIANCE WITH TEXAS GOVERNMENT CODE CHAPTER  
661.252(C)**

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Leave Policies for the Texas Board of Nursing

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# EMPLOYEE LEAVE

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## ANNUAL LEAVE

State employees are entitled to paid annual leave each year. Employees of independent school districts and junior colleges are not considered State employees.

Any appointed officer or employee who normally works 900 hours or more per year is allowed to accrue annual and sick leave. Annual leave accrual rates are the same for both hourly and salaried employees. Part-time employees are also eligible for annual leave, but their accrual rate and maximum annual leave carryover amounts are proportionate to the number of hours they work. For example, half-time employees earn and carry over annual leave at one-half the rate authorized for full-time employees.

State employees who are employed by multiple State agencies may not accrue annual leave at a rate that exceeds that of a full-time employee.

An employee accrues annual leave and may carry annual leave forward from one fiscal year to the next in accordance with the schedule detailed in the following table:

Length of Service	Hours Accrued Days	Accrued	Allowable
	Carryover	Per Month	(Hours)
Less than 2 years:	8	12.0	180
At least 2 but less than 5 years:	9	13.5	244
At least 5 but less than 10 years:	10	15.0	268
At least 10 but less than 15 years:	11	16.5	292
At least 15 but less than 20 years:	13	19.5	340
At least 20 but less than 25 years:	15	22.5	388
At least 25 but less than 30 years:	17	25.5	436
At least 30 but less than 35 years:	19	28.5	484
At least 35 years or more:	21	31.5	532

All hours in excess of maximum allowable carryover left at the end of a fiscal year shall be credited to the employee's sick leave balance.

Credit for the higher rate of accrual will be given on the first calendar day of the month only if the employee's anniversary falls on that day. Otherwise, the increase in vacation accrual will be given on the first calendar day of the following month.

Employees begin to accrue vacation from their first day of employment. They end their accrual on their last day of duty. Duty day in this case means an employee's last physical day on the job. Credit for annual leave is given for each month or fraction of a month of State employment. The employee receives this credit on the first day of the month. If the employee is on any type of paid leave that extends into the following month, the accrual will not be posted until the employee returns to duty. An employee forfeits this accrual if he or she fails to return to duty.

Vacation with pay may not be taken until the employee has been continuously employed with a State agency for six months. An employee who separates from State employment for any reason during that six-month period is not eligible for any accruals made during that period. Additionally, continuous employment means that no leave without pay for a full month has been taken. The six-month eligibility requirement must be re-employed; he or she is eligible to use vacation leave as it is earned or to be paid for it upon termination.

An employee who separates from employment will not be paid for unused annual leave if re-employed by a State agency in a benefits-eligible position within 30 days. Separation includes, but is not limited to, leaving one State agency to work for another, provided at least one workday passes between those employments.

A terminating employee may, with the approval of the employing agency, remain on the payroll after separation to use accrued annual leave rather than receive a lump-sum payment. No additional accruals will be made during this period.

Upon separation, lump-sum payments for accrued but unused annual leave to include, as applicable, payment for any holidays that the employee would have observed had he or she remained on the payroll, will be paid out. Eight hours per holiday will be added for employees normally scheduled to work 40 hours per week. Employees normally scheduled to work less than 40 hours per week will receive a prorated payment. An employee moving to a position in a State agency that does not accrue vacation time is not entitled to add time for holidays that fall within the accrual period. In no case is the employee entitled to receive longevity and/or hazardous duty pay for the accrual period. The employee may not use sick leave or accrue sick or vacation time while exhausting vacation time.

Employees transferring from one State agency to another will have their leave balances transferred. If an employee separates from employment and is re-employed within 30 calendar days by an agency to a position that accrues annual leave, the leave balance will transfer to the new agency.

Employees requesting annual leave must submit an email or “blue sheet” to their supervisor for approval a minimum of three days prior to the first day of leave requested. If request is made by email, a blue sheet must be completed and signed by a supervisor prior to taking approved leave. Approval will be based upon employee workload, office coverage and the number of consecutive days requested.

## **SICK LEAVE**

Sick Leave is a benefit to State employees that allows for a paid absence from work under certain conditions. An employee accrues sick leave at a rate of eight hours per month (or proportionately for part-time employees). An employee accrues sick leave beginning on the first day of State employment and ending on the last duty day of State employment. Duty day means an employee’s last physical day on the job. Workers employed by multiple agencies cannot accrue sick leave at a rate that exceeds that of a full-time, 40-hour-per-week employee. An employee who is on leave the first day of the month may not use that month’s accrual until he or she returns to duty. An employee may use sick leave while he or she is on annual leave.

Sick leave may be used when an employee is prevented from performing his or her job due to sickness, injury, pregnancy, or confinement. It may also be used to care for an immediate family member who is ill. “Immediate family” is defined as individuals related by kinship, adoption, or marriage who live in the same household; foster children who reside in the same household; and minor children regardless of whether they live in the same household. Sick leave may be used to care for immediate family members who do not reside in the same household only for a documented medical condition. In this instance only, “immediate family” is interpreted as spouse, parent, or child.

An employee who is the legal guardian of a child by court appointment may use sick leave to care for the child. Sick leave may be used for the adoption of a child under the age of three.

An employee who will be absent from work must notify his or her supervisor as soon as possible. An employee absent because of illness must notify his/her supervisor the first morning of his/her absence or at the earliest practical time. Unless the employee is too ill

to call or make contact with his or her supervisor, the employee himself/herself is expected to make the call. To be eligible for accumulated sick leave with pay for a continuous period of more than three working days, an employee must submit a doctor's certification, or an acceptable written statement of facts, showing the nature of the illness. When an employee returns to work after taking sick leave, he/she is required to complete a "blue sheet" which is submitted to the employee's supervisor for his/her signature.

### **LEAVE FOR ORGAN OR BONE MARROW DONORS**

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

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

### **DONATION OF BLOOD**

The BON will allow each agency employee sufficient time off, without a deduction in salary or accrued leave, to donate blood. An employee may not receive time off under this section unless the employee obtains approval from his or her supervisor before taking time off. On returning to work after taking time off under this section, an employee shall provide his or her supervisor with proof that the employee donated blood during the time off. If an employee fails to provide proof that the employee donated blood during the time off, the State agency shall deduct the period for which the employee was granted time off from the employee's salary or accrued leave, whichever the employee chooses. An employee may receive time off under this section not more than four times a fiscal year.

### **SICK LEAVE POOL**

- Each State agency and institution of higher education is required to establish a program that allows employees to voluntarily transfer sick leave to a sick leave pool. The program must be administered by a person appointed by the agency or institution of higher education.
- Contributions to the sick leave pool must be in increments of eight hours with the exception of retiring employees who may contribute any unused balance. The sick leave pool is intended to assist employees and their immediate families in dealing with catastrophic illness or injury that forces them to exhaust all sick leave.

- A retiring employee may designate accrued sick leave for retirement credit in increments of 20 days or 160 hours for one month's credit as well as the number of hours to be donated to the sick leave pool.
- An employee may draw from the sick leave pool only with the approval of the pool administrator. Supporting documentation from a medical practitioner must be submitted to the pool administrator containing sufficient information to allow the pool administrator to evaluate the employee's eligibility.
- An employee may not receive sick leave in excess of one-third of the total time in the pool or 90 days, whichever is less.
- A catastrophic injury or illness 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 that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the State for the employee.
  - Licensed practitioner means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.
  - Immediate family is defined as those individuals related by kinship, adoption, marriage or foster children who are so certified by the Texas Department of Aging and Disability Services who are living in the same household or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis."
- The Executive Director will serve as the Pool Administrator and is responsible for developing mechanisms to transfer accrued sick leave into and out of the pool; developing rules and procedures for the operation of the pool; and developing forms for contributing leave to, or using leave from, the pool.
- General Provisions:
  - All employees of the BON including those on provisional, temporary, emergency, hourly or other types of appointments may apply to use sick leave from the sick leave pool. The Executive Director is excluded from participating in the sick leave pool.
  - Employees may use pool leave for their own catastrophic illness or injury, or for one in their immediate family, as defined above.
  - Employees may also use sick leave pool if they contributed sick leave to the pool and then exhausted their sick leave balance in the same fiscal year. Such

employees may receive only the number of hours they contributed to the pool that fiscal year unless they suffer a catastrophic illness or injury.

- Employees must exhaust all accrued leave before they are eligible to use leave from the pool.
- Employees on sick leave pool for an entire month continue to accrue leave provided they return to work following the leave.
- Employees with catastrophic illnesses or injuries are not required to contribute to the pool before they can use pool leave.
- Employees who use pool leave are not required to pay back pool leave.
- Contributing Sick Leave to the Pool:
  - Contributions to the pool are strictly voluntary.
  - Active employees may contribute one or more days of sick leave to the pool each fiscal year, in increments of eight hours. Employees may contribute to the sick leave pool each month by indicating so at the bottom of their time sheets.
  - Employees who make contributions to the pool may not stipulate that their contributions can be used only by a particular person.
  - Employees will be encouraged to contribute to the pool at the time of their separation from State employment.
  - Employees who contribute leave to the pool cannot get it back unless they are eligible to use it.
- Requesting to Use Leave from the Pool:
  - Requests for pool leave are to be in writing on the blue sheet along with medical documentation and employee statement and forwarded to the Executive Director through appropriate supervisory channels, and will be considered by the Executive Director on a first-come, first-serve basis.
  - The Executive Director will have five working days from the date he/she receives a request in which to approve all or part of the request, or deny the request.
  - The amount of pool leave granted for each catastrophic illness or injury will be determined by the Executive Director. The amount cannot exceed one-third of the balance of hours in the pool, or 90 days, whichever is less.
  - Any unused balance of pool leave granted to an employee returns to the pool. The estate of a deceased employee is not entitled to payment for unused pool leave.

## **EMPLOYEE SICK LEAVE DONATION**

Under Section 661.207 of the Texas Government Code, an employee may donate any amount of the employee's accrued sick leave to another BON employee, who has exhausted his or her own sick leave.

### **DONATING SICK LEAVE**

- Donor must be a BON employee.
- Sick leave donation(s) are strictly voluntary.
- An employee may not receive remuneration or benefit in exchange for sick leave donations(s).
- An employee donating sick leave loses all ownership of and access to sick leave hours they choose to donate, including use for retirement service credit.
- Sick leave donation(s) may not be made to an individual in the donation employee's chain-of-command.

### **RECEIVING DONATED SICK LEAVE**

- Recipient must be a BON employee.
- To be eligible for receipt, an employee must first exhaust the entire employee's sick leave (including any time the individual may be eligible to withdraw from the sick leave pool).
- An employee may not provide remuneration or benefit in exchange for a sick leave donation.
- An employee receiving donated sick leave may only use the donated sick leave as provided by Sections 661.202(d) and (e) of the Government Code, which state in relevant part:
  - (d) 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 for and assist a member of the employee's immediate family who is sick. For purposes of taking regular sick leave with pay, the following persons are considered to be members of the employee's immediate family:
    - an individual who resides in the same household as the employee and is related to the employee by kinship, adoption, or marriage;

- a foster child of the employee who resides in the same household as the employee and who is under the conservatorship of the Department of Protective and Regulatory Services; and
  - a minor child of the employee, regardless of whether the child lives in the same household.
- (e) An employee's use of sick leave to care for and assist members of the employee's family who are not described by Subsection (d) is strictly limited to the time necessary to provide care and assistance to a spouse, child, or parent of the employee who needs the care and assistance as a direct result of a documented medical condition.
- An employee receiving donated sick leave shall not receive service credit in the Employees Retirement System of Texas for any Sick Leave Option time donated to the employee that is unused on the last day of the employee's employment.
- 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 many 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.
- Any employee who receives donated sick leave may only use this leave for sick leave purposes that occur on or after the date the qualified donor employee submits the donated sick leave authorization form.

## **LEAVE WITHOUT PAY (LWOP)**

State agencies may grant a leave of absence subject to the following provisions:

- The leave is unpaid.
- The leave may not exceed 12 months.
- Except in instances of disciplinary suspension, workers' compensation or military situations:
  - Annual leave must be exhausted.
  - Sick leave, if appropriate, must be exhausted.
- Subject to fiscal constraints, approval of LWOP constitutes a guarantee of employment for a specified period of time.

- The administrative head of an agency or institution of higher education may approve instances of LWOP on a case-by-case basis and may also allow for exceptions to these limitations.

Any full calendar month of LWOP does not constitute a break in employment, but also does not count for purposes of State service credit with the exception of an employee returning from military leave without pay.

An employee who is on LWOP will have his or her compensation reduced for the pay period at the hourly rate of pay times the number of hours on LWOP. Please refer to the statutes cited in this section for specific guidelines concerning salary reduction for FLSA-exempt employees.

The Executive Director may grant leave without pay under the following preconditions:

- The request for leave without pay must be in writing.
- All annual leave and compensatory time, in cases other than illness, must be exhausted except when requesting parental leave.
- In the case of an extended illness, a written statement from the attending physician must be submitted.
- The following factors will be taken into consideration prior to approval of the leave request:
  - The workload in the agency;
  - The effect of the employee's extended absence; and
  - The situation.

Although approval of leave without pay constitutes a guarantee of employment for a specified period of time, such a guarantee is subject to fiscal constraints. The Executive Director may grant exceptions to the above limitations for such reasons as interagency agreements or educational purposes. Any full calendar month of leave without pay will not constitute a break in the continuity of State employment, but shall not be included in the calculations of the six month continuous service under merit salary provisions, and under the employee vacation and leave provisions (refer to General Appropriations Act for policy regarding Military Leave).

To request leave without pay, the employee must submit a "blue sheet" and provide reason for request to their Department Director one month prior to the initial expected leave date. The Department Director will make a recommendation to the Executive Director who will approve or deny the request. The Department Director will inform the employee of the

decision in writing or orally, if possible. If the leave is granted, the Department Director will inform the accounting department in writing of the duration of leave.

## **STATE HOLIDAY OVERVIEW**

State agency employees are entitled to a paid day off from work on national, state, and optional holidays observed by the State. Employees who work for multiple agencies may not accrue holiday leave at a rate greater than that of a full-time, 40-hour-per-week employee. An employee is eligible to a paid day off for a holiday if:

- The holiday does not fall on a weekend.
- The employee is not on leave without pay (LWOP).

A State agency must have enough State employees on duty during a State holiday to conduct the public business of the agency with the exception of those State holidays that fall on a Saturday or Sunday, the Friday after Thanksgiving Day, December 24, or December 26. Employees who work on an observed holiday will receive holiday compensatory time for those hours worked. Holiday compensatory time must be used within 12 months following the date that the hours were earned. Employees are required to give reasonable notice to their employers when taking this compensatory time. To be paid for a holiday that falls in mid-month (other than the first or last workday of the month), the employee must be a State employee (the legal definition of which is someone who is employed by the State and not on leave without pay) on the day before and the day after the holiday. 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. 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.

In situations where an employee works before or after a holiday and takes a partial leave without pay day, the employee will receive credit for working the entire day if he or she works any part of it. The Office of the Comptroller of Public Accounts has determined that only employees who use unpaid leave for the entire workday will be considered to be on leave without pay for the day.

## **FAMILY AND MEDICAL LEAVE**

The Family and Medical Leave Act (FMLA), as amended, generally ensures that employees are able to take extended leaves of absence from work to handle family issues

or illness without fear of being terminated from their jobs or being forced into a lower job upon their return. The leave guaranteed by the FMLA is unpaid and employers can require the employee to provide a doctor's certification. The FMLA provides all eligible employees a total of 12 weeks of unpaid leave during a 12-month period for the following:

- The birth and subsequent care of a newborn child.
- The placement of a child for adoption or foster care.
- The need to care for a spouse, child, or parent with a serious health condition.
- A serious health condition that renders the employee unable to work.
- Because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Additionally, an employee who takes family and medical leave must be returned to the same job or a job with equivalent status and pay, and the employer must continue the employee's health benefits during the absence. An employee who takes family and medical leave is still responsible for paying his or her portion of health insurance premiums. For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if for some reason the employer's business activity has temporarily ceased and employees generally are not expected to report for work for one or more weeks (e.g., a school closing two weeks for the Christmas/New Year holiday or the summer vacation), the days the employer's activities have ceased do not count against the employee's FMLA leave entitlement.

An employee does not earn State service credit, annual leave, or sick leave for any full calendar months of leave without pay while on family and medical leave. Family and medical leave may be used intermittently if required by a physician to address a serious illness. Employees requesting intermittent leave to care for a child that is a newborn, during adoption, or during foster care must get employer approval for the intermittent leave.

State agencies may use any one of the following periods to administer the 12-week leave entitlement:

- A calendar year.
- Any fixed 12-month period such as a fiscal year or anniversary date to anniversary date.

- A 12-month period measured forward from the date an employee first uses family and medical leave.
- A rolling 12-month period measured backward from the date an employee uses any family and medical leave.

By policy, the BON uses the 12 month period measured backward from the date an employee uses any family and medical leave.

Eligibility for family and medical leave is limited to employees who have worked for the State at least 12 months. The 12 months need not be consecutive or continuous. In addition, the employee must have worked a minimum of 1,250 hours during the 12 months immediately preceding the start of leave.

Eligible employees must first use all available and applicable paid vacation and sick leave while taking family and medical leave, with the exception of an employee who is receiving temporary disability benefits or workers' compensation benefits and is not required to use paid leave while receiving those benefits. For purposes of family and medical leave, the State is considered a single employer. Agencies should credit time worked for other State agencies when considering family and medical leave eligibility. Consequently, agencies should research any leave taken by the employee while previously employed with the State.

State compensatory time, holiday time, and administrative leave that are benefits of the State may be counted toward the entitlement. Employees on workers' compensation or receiving temporary disability benefits cannot be required to use, but may elect to use, paid leave prior to taking unpaid family and medical leave. However, Fair Labor Standards Act (FLSA) compensatory time cannot be used concurrently with family and medical leave.

FLSA compensatory time is not a form of accrued paid leave that an employee may use to substitute for unpaid family medical leave. Employees may elect to use FLSA compensatory time while out on family and medical leave; however that time may not be counted against the employee's 12-week family and medical leave entitlement. Sick leave may be used in conjunction with family and medical leave when a child under the age of three is adopted, regardless of whether the child is ill at the time of adoption. However, a State employee on family and medical leave who is the father of a child may use his sick leave only if the child is ill due to childbirth or to care for his spouse while she is recovering from labor and delivery.

In all circumstances, it is the employer's responsibility to designate leave, paid or unpaid, as FMLA qualifying and to give notice of the designation to the employee. In the case of intermittent leave or leave on a reduced schedule, only one such notice is required unless

the circumstances regarding the leave have changed. The employer's designation decision must be based only on information received from the employee or the employee's spokesperson (i.e., if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, or other appropriate spokespersons may provide notice to the employer of the employee's need to take family and medical leave). In any circumstance where the employer does not have sufficient information about the reason for an employee's use of paid leave, the employer should inquire further of the employee or the spokesperson to ascertain whether the paid leave is potentially FMLA-qualifying. Family and medical leave eligibility is not for the employee to decide.

Amendments to the FMLA created two new leave entitlements, which are known as the military family leave entitlements. These include: Military Caregiver Leave (also known as Covered Service Member Leave) and Qualifying Exigency Leave.

### **QUALIFYING EXIGENCY LEAVE**

Eligible employees may take up to 12 weeks of job-protected leave in an applicable 12-month period for any qualifying exigency arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. Examples of a qualifying exigency include:

- Short-term deployment.
- Military events and related activities.
- Child care duties and school activities.
- Financial and legal arrangements.
- Counseling.
- Rest and recuperation.
- Post-deployment activities.
- Additional activities not encompassed in the other categories, but agreed to by the employer and the employee.

### **MILITARY CAREGIVER LEAVE**

Eligible employees may take up to 26 weeks of job-protected leave in a "single 12-month period" to care for a covered service member with a serious injury or illness.

Employers covered by these provisions must also grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to

a total of 26 workweeks of unpaid leave during a “single 12-month period” to care for the service member. This approach is required regardless of the method used by the employer to determine the employee’s 12 workweeks of leave entitlement for other family and medical qualifying reasons.

### **PARENTAL LEAVE**

Employees who do not qualify for FML are entitled to parental leave for the birth of a child or the adoption or foster care placement of a child under the age of three. This entitlement provides up to 12 weeks (480 hours) of unpaid leave. Accrued annual leave and applicable sick leave must be used while taking parental leave. Because eligibility time requirements are different for parental leave (less than 12 months of State service) and family and medical leave [12 months (1,250 hours) or more of State service], an employee can meet requirements for only one of these entitlements.

Circumstances can exist that would allow an employee to take parental leave, return to duty, and subsequently be eligible for FML leave. The employee could then take FML leave for the birth, adoption, or foster placement of a child or for another reason.

### **FOSTER PARENT LEAVE**

An employee who is a foster parent to a child under the protection of the Department of Family and Protective Services (DFPS) is entitled to a paid leave of absence to attend staff meetings held by DFPS regarding the foster child. In addition, the employee may use this entitlement to attend the Admission, Review and Dismissal meetings held by a school district regarding the foster child.

### **PARENT-TEACHER CONFERENCE LEAVE**

An employee may use up to eight hours of sick leave each fiscal year to attend Educational Activities for the employee’s children who are in pre-kindergarten through twelfth grade. Educational activities include school-sponsored activities such as parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music or theater programs. The employee must give reasonable notice of his or her intention to use this leave. Part-time employees receive this leave on a proportional basis.

Upon written notification of an educational activity to the respective Department Director, an employee will be allowed up to one hour of educational leave per week for every hour

of accrued leave requested to be used for a parent/teacher conference. A parent in this policy is defined as anyone who has legal custody of a minor child attending school from pre-kindergarten to senior high school. This leave must be approved up to three days prior to the requested time by submitting a blue sheet to their respective Department Director.

**EMERGENCY LEAVE**

The Executive Director may grant emergency leave with pay because of a death in the employee’s family. The Executive Director may grant emergency leave for other reasons determined to be for a good cause.

For emergency leave with pay, the employee must submit a “blue sheet” to their Department Director as soon as possible. The Department Director will discuss the request with the Executive Director who will approve or deny the leave at that time.

**EMERGENCY LEAVE FOR DEATH IN THE FAMILY**

Emergency leave may be granted to an employee because of a death in the employee’s family. The death of the family members listed in the following chart shall constitute adequate need for emergency leave. Tex. Gov’t Code §661.902(a). An employee will be allowed emergency leave for the death of a family member in accordance with the following:

Maximum Hours	Relationship to Employee
24 hours for travel in excess of 300 miles each way from an employee’s workstation.	Employee’s spouse, parent, child, brother, sister, uncle, aunt, nephew, niece, grandparent, grandchild, daughter-in-law, son-in-law, sister-in-law, brother-in-law, foster parent, foster child, step-child, step-brother, step-sister, step-parent, step-grandparent, step-grandchild; employee’s spouse’s parent, child, brother, sister, grandparent, grandchild, foster parent, foster child, step-child, step-sister, step-brother, step-parent, step-grandparent, step-grandchild.
16 hours for travel between 150 and 299 miles each way from an employee’s workstation.	Employee’s spouse, parent, child, brother, sister, uncle, aunt, nephew, niece, grandparent, grandchild, daughter-in-law, son-in-law, sister-in-law, brother-in-law, foster parent, foster child, step-child, step-brother, step-sister, step-parent, step-grandparent, step-grandchild; employee’s spouse’s parent, child, brother, sister, grandparent, grandchild, foster parent, foster child, step-child, step-sister, step-brother, step-parent, step-grandparent, step-grandchild.
8 hours for travel less than 149 miles each way from an employee’s workstation.	Employee’s spouse, parent, child, brother, sister, uncle, aunt, nephew, niece, grandparent, grandchild, daughter-in-law, son-in-law, sister-in-law, brother-in-law, foster parent, foster child, step-child, step-brother, step-sister, step-parent, step-grandparent, step-grandchild.

4 hours	Current BON employee or a current fellow employee's immediate family member. For this purpose immediate family member is defined as parent, child, spouse or sibling
4 hours	Former BON employee.

In addition to granting employees emergency leave for the death of an employee's family member, the executive director may grant emergency leave for other reasons if:

- The employee requests the leave,
- The agency's administrative head determines that the employee has shown good cause for taking the leave, and
- The agency's administrative head believes in good faith that the employee being granted the emergency leave intends to return to his or her position with the agency upon expiration of the emergency leave.

An employee is not required to request emergency leave if the agency head grants emergency leave because the agency is closed due to weather conditions or in observance of a holiday.

Part-time, temporary and hourly employees will be allowed emergency leave on a proportionate basis.

#### **DOCUMENTATION**

The Executive Director shall require documentation for the use of emergency leave.

#### **OFFICE CLOSING DUE TO HAZARDOUS CONDITIONS**

Among the reasons constituting good cause for which the Executive Director may grant emergency leave is the closing of the office(s) of the BON due to hazardous conditions and/or inclement weather.

BON employees are not expected to come to work when road conditions put employees at risk due to inclement weather. The office hours of the BON will match that of the Austin

Independent School District (AISD) during inclement weather. Staff should watch the local newscasts and/or listen to radio stations for this information. Staff can also call the voice mail system of their Department Director for any updated messages. For staff who live outside of Austin, your schedule will follow that of your local independent school district. If that is different from the AISD schedule, you are expected to call your Department Director or Supervisor. If conditions become hazardous during the workday, the Executive Director or her designee may close the office or permit staff with children to leave to pick up their children/dependents when their school district or day care is closing.

## **MILITARY LEAVE**

State employees are eligible for leave to accommodate:

- Authorized training or duty for the State's military forces and members of any reserve branch of the U.S. Armed Forces.
- Activation of the State's National Guard by the Governor.
- National emergency activation for members of a reserve branch of the U.S. Armed Forces

### **Adjusted Work Schedule for Military Leave**

State agencies are required to adjust the work schedule of a military member so that two of the employee's days off each month coincide with two days of military duty.

### **Authorized Training for Duty**

A State employee who is called to active duty or authorized training is entitled to a leave of absence of 15 days in each federal fiscal year (October 1 – September 30) without loss of pay or benefits. The 15 days need not be consecutive. In addition, these days are "working" days, not "calendar" days. After exhausting the 15 days, the employee may use accrued vacation or be placed in a leave without pay status (or combination of the two) for the remainder of the active duty period.

### **Call to National Guard Active Duty by the Governor**

A member of the National Guard called to active duty by the Governor because of a State emergency is entitled to receive emergency leave without loss of military or annual leave. This leave is not limited and will be provided with full pay.

## **Certain Benefits and Protections for State Service**

A member of the State military forces who is ordered to active State duty by the Governor or by other proper authority under the law of this State is entitled to the same benefits and protections provided:

- To persons performing service in the uniformed services by 38 U.S.C. Sections 4301-4313 and 4316-4319, as that law existed on April 1, 2003; and
- To persons in the military service of the United States by 50 App. U.S.C. Sections 501-536, 560, and 580-594, as that law existed on April 1, 2003.

This applies only to persons serving on active State duty on or after the effective date of this statute without regard to the date on which the person was initially ordered to active State duty.

## **Call to National Duty**

A member of the National Guard or any reserve branch of the U.S. Armed Forces called to federal active duty during a national emergency is entitled to an unpaid leave of absence after exhausting the 15 days of paid military leave. The employee retains any accrued sick or vacation leave. The employee does not earn sick or annual leave during this period. However, he or she does accrue State service credit. The employee may use any accrued annual leave, compensatory time, or overtime leave to maintain benefits for the employee or the employee's dependents while on military duty. Before the employee departs for military service, the agency shall review with the employee any issues relating to maintaining health insurance coverage. Additionally, the employee may continue to accrue service credit with ERS 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 to qualify for State pay.

## **Restoration of Employment**

To be eligible for restoration of employment at the conclusion of military service, the employee must be honorably discharged no later than five years after induction, enlistment, or call to duty and must be physically and mentally qualified to perform the duties of the job.

## **VOLUNTEER FIREFIGHTER/EMERGENCY MEDICAL SERVICES TRAINING LEAVE**

Volunteer firefighters and emergency medical services volunteers will be granted a paid leave of absence not to exceed five working days each fiscal year for attending training schools conducted by State agencies. Also, a State agency or institution of higher education may grant leave without a deduction in salary to a volunteer firefighter or an emergency medical services volunteer for the purpose of responding to emergencies if a policy for granting this leave under those circumstances exists.

## **CERTIFIED RED CROSS ACTIVITIES LEAVE**

Employees who are certified disaster service volunteers of the American Red Cross or are in training to become such a volunteer are entitled to a leave of absence not to exceed 10 days each fiscal year. The employee must have the approval of his or her supervisor and a formal request from the Red Cross. In addition, the approval of the Governor's Office is required. An employee on such leave will not lose pay, vacation time, sick leave, earned overtime, and/or compensatory time during this leave. The pool of certified disaster volunteers must not exceed 350 participants at any one time.

## **LEAVE FOR EMPLOYEES WITH A DISABILITY**

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

## **Educational Leave**

Eligibility: The employee must be employed on a full-time basis and must be employed for the entirety of the course.

An employee during the first six months of employment or an employee who has an evaluation average below 3.0, a contact record or is on probation may not be considered for Educational Leave unless he/she is taking the course at the request of the agency.

An eligible employee may apply for up to three hours of paid Educational Leave per week to attend approved courses at an accredited institution of his/her choice.

The Department Director under the following provisions may grant Educational Leave:

An employee must submit the Educational Leave Request form to his/her immediate supervisor indicating the course schedule and a proposed work schedule.

With the supervisor's consent, the request will be given to the Department Director for consideration of approval.

Once approved, the supervisor will work with the employee to set a schedule that will accommodate the employee's workload and school schedule. The following should be considered when finalizing the schedule:

- The employee must take at least thirty minutes for lunch.
- Break time is not reimbursable.
- Employees needing more than three hours of Educational Leave per week may utilize approved Flex-time in order to complete the established workweek schedule hours.

If the employee is absent from work due to illness on days in which he/she would normally attend class, the employee is to submit a "blue sheet" for the time missed from work without regard to Educational Leave. Leave time must cover the time normally spent in class.

If work performance and/or completion of workload are adversely affected directly as a result of Educational Leave, the Department Director has the option of initiating a contact record, placing the person on probation, or denying participation in Educational Leave for the following semester.

Verification of successful completion must be submitted to the Operations Director within 30 days of completing the course.

An employee will be required to reimburse the BON with Annual Leave, Holiday Time, comp time or overtime for Educational Leave time used if he/she:

- completes the course with a D or below;
- withdraws from the course;
- fails to provide verification of successful completion;
- separates from employment during the course period; or
- separates from employment within one year of completing the course.

Employees not having an adequate amount of Accrued Leave to cover reimbursement of time will be handled on an individual basis.

### **TIME OFF TO VOTE**

Employees should be allowed sufficient time off, without a deduction in pay, to vote in each national, state, or local election. Staff must coordinate time off to vote with their department director or supervisor.

### **JURY SERVICE**

An employee is entitled to serve on a jury without any deduction from wages. Any compensation for jury service need not be accounted to the State by the employee. When asked to serve on a jury, the employee must notify their immediate supervisor as soon as possible. If the time required for jury service is for less than ½ day (4 hours), staff are expected to return to work or request leave.