



## **TAHC Leave Policies**

In accordance with Senate Bill 73, 85<sup>th</sup> Legislature, Regular Session, state agencies must publish leave policies adopted under Texas Government Code, Chapter 661, on the agency's Internet website in a location easily accessible by the agency's employees and the public.

Texas Animal Health Commission leave policies are provided below.

## Holidays

The Texas Animal Health Commission (TAHC) grants employees time off with pay on days designated by the State Legislature as official state holidays and on days granted by special decree of the Governor.

### Observed Holidays

- Labor Day
- Veteran's Day
- Thanksgiving (and day after)
- Christmas (day before and day after)
- New Year's Day
- Martin Luther King, Jr. Day
- Confederate Heroes Day (\*)
- Presidents' Day
- Texas Independence Day (\*)
- San Jacinto Day (\*)
- Memorial Day
- Independence Day
- LBJ's Birthday (\*)

Holidays falling on a Saturday or Sunday will not be observed.

A minimum work force of one employee per department or region office is required on those holidays followed by an asterisk (\*) noted above. Supervisors determine which employees must work on these days.

### Optional Holidays

With prior supervisory approval, an employee may observe Rosh Hashanah, Yom Kippur, Cesar Chavez Day, and Good Friday in lieu of any state holiday(s) on which a minimum work force is required.

### Holiday Work and Compensation

An employee required to work on any holiday occurring Monday through Friday will earn holiday comp time. This holiday comp time may be taken at a later date with the approval of the employee's supervisor.

Employees whose work schedules are different from Monday through Friday will automatically receive holiday comp time when their regular day off coincides with a holiday that is on Monday through Friday. Holidays occurring when employees are on approved, paid leave are counted as holidays.

Eight (8) hours is the maximum number of holiday comp time hours that employees can earn as a result of working on a holiday or when the employee's regular day off coincides with a holiday. Additional hours worked will be counted as regular comp time or overtime.

Holiday comp time must be taken within twelve (12) months from the date the hours were earned, or the hours will be lost automatically.

Employees in leave without pay (LWOP) status will not be paid for holidays unless: 1) they have actually worked the day before and the day after the holiday, or 2) they were in an approved paid leave status before and after the holiday.

Employees cannot be paid for holiday comp time upon separation of employment from the State.

## **Vacation Leave**

Employees with at least six (6) months of continuous state service are eligible to take paid vacation leave, or upon termination, be paid for unused vacation leave.

### Accrual

An employee required to work on any holiday occurring Monday through Friday will earn holiday comp time. This holiday comp time may be taken at a later date with the approval of the employee's supervisor.

- Vacation leave begins to accrue on the first day of employment.
- Credit for one (1) months' vacation leave accrual will be posted to each employee's leave record on the first day of employment with the State and on the first day of each succeeding month of employment thereafter. An employee who is on leave on the first day of the month will not be eligible to use leave accrued for the month until he/she returns to duty.
- Employees receive credit for one (1) month's accrual if they are on the payroll for at least one (1) day during that month.
- Vacation leave does not accrue for any month in which the employee is on leave without pay for the entire calendar month, unless the leave is for activated military duty.
- Vacation leave accrual for a separating employee ceases on the last day of duty which is either:
  - the last day physically present at work for an employee who resigns, abandons his/her job, is terminated, or retires; or
  - the last day in pay status for an employee who separates from his/her job due to illness, temporary disability, or death.

### Leave Accrual and Carry-Over

Some unused vacation leave carries forward from one fiscal year to the next. Hours over the maximum carry-over convert to an equivalent number of sick leave hours. The state's fiscal year begins September 1 and ends August 31. Vacation accrual rates for full-time employees are:

<b>Length of Service</b>	<b>Hours Accrued per Month</b>	<b>Allowable Carry-over from One Fiscal Year to the Next</b>
0 - 2 years	8	180
2 - 5 years	9	244
5 - 10 years	10	268

<b>Length of Service</b>	<b>Hours Accrued per Month</b>	<b>Allowable Carry-over from One Fiscal Year to the Next</b>
10 - 15 years	11	292
15 - 20 years	13	340
20 - 25 years	15	388
25 - 30 years	17	436
30 - 35 years	19	484
> 35 years	21	532

The rate of vacation leave accrual increases with length of service. Credit for the higher rate of accrual is given on the first calendar day of the month if the employee’s anniversary date falls on the first. Otherwise, the increased accrual begins on the first calendar day of the following month.

Part-time employees accrue and carry over vacation hours in proportion to the time worked.

Leave for military service or reserve duty is not considered a break in service.

Vacation accrual rates depend upon total length of state service. The Human Resources Department verifies prior state service.

Total state service includes all the time that an individual works for any Texas state agency, whether continuous or interrupted, full-time or part-time. Service in a unit of local government or as a consultant to a state agency is not counted as state service.

A person employed by the State for less than six (6) continuous months cannot use vacation leave or be paid for vacation leave upon termination of employment.

#### Requesting Vacation Leave

Employees must receive prior supervisory approval for all vacation leave taken. Employees may request vacation leave via email, written memo, or in other ways prescribed by their supervisors.

Vacation leave is subject to approval and rescheduling to ensure the continued effectiveness of the employee’s department, division, office, or work site.

#### Leave Accounting

Vacation hours are recorded to the nearest quarter (1/4) hour.

A holiday occurring when an employee is on approved vacation leave is counted as a holiday.

An employee who becomes ill while on vacation leave and can document the illness may change those hours to sick leave upon returning to work.

#### Separation

A separating employee having six (6) months of continuous state employment is entitled to be paid for

accrued and unused vacation time.

An employee may defer all or part of his/her vacation lump sum payment into his/her Texas\$aver 401(k) and/or 457 Plan account; be paid in a lump sum; or, at TAHC's discretion, remain on the payroll until the vacation time is expended.

If vacation time is expended while still on the payroll, longevity is paid for eligible separating employees. Employees do not accrue additional leave after the last day of active duty, even though they remain on the payroll.

### Interagency Transfer

Employees transferring directly to another state agency cannot be paid vacation leave. The TAHC Human Resources Department must transfer leave to the receiving agency or the employee may use it to remain on payroll until the receiving agency hire date.

### Reemployment by the State

An individual reemployed within thirty (30) days by a state agency to a position that accrues vacation time will have his/her previously accrued but unused vacation leave restored, unless that employee retires from state service.

### Retirement

For those employed by the state before September 1, 2009, an employee taking normal or disability retirement can convert accumulated vacation leave that is unused on the last day of employment to retirement credit. Each 160 hours is worth one month of retirement credit.

Excess vacation leave hours that do not divide by 160 will count as an additional month of retirement credit.

This benefit is not extended to those employed by the agency on or after September 1, 2009.

## **Sick Leave**

TAHC employees accrue paid sick leave hours on the first day of employment and on the first day of each month thereafter. An employee, who is on leave the first day of the month, may not use that month's accruals until he/she returns to duty. All TAHC employees are expected to use sick leave in a responsible manner. Employees are entitled to use sick leave with pay as set forth below.

TAHC recognizes that absence due to illness may be unavoidable but encourages employees to accumulate a reasonable sick leave balance for use in the event of a serious or long-term illness.

Abuse of sick leave is grounds for action.

### Definitions

Immediate family: Those individuals for whom the employee is responsible, including individuals related by kinship, adoption, and marriage who reside in the same household. Also included are foster children residing in the same household and certified by the Texas Department of Family and Protective Services as follows.

- Minor children of the employee, whether or not living in the same household, will be considered immediate family for purposes of regular sick leave.

### Accrual

Full-time employees accrue eight (8) hours of sick leave each month provided they are on the payroll at least one (1) day that month.

Accrual begins on the first day of employment. An employee who is on leave on the first day of the month will not be eligible to use sick leave accrued for the month until he/she returns to duty.

Accrual continues on the first day of each succeeding calendar month with the balance carried forward each month.

Sick leave accrues without limit.

Sick leave does not accrue when the employee is on leave without pay (LWOP) for a full calendar month unless the leave is for military service or reserve duty.

Sick leave does not accrue beyond the last day of duty (defined as the last day physically present at work) for employees who resign, abandon their positions, or who are terminated.

Part-time employees accrue sick leave prorated to the hours that they work (for example, an employee working twenty (20) hours per week accrues four (4) hours per month).

### Criteria for Using Sick Leave

An employee may use sick leave when:

- the employee is actually ill, temporarily disabled, or pregnancy and confinement prevent the employee's performance of duty;
- a member of the employee's immediate family needs his/her personal care or assistance because of actual illness; or
- he/she or a member of his/her immediate family requires a medical, dental, optical, or similar appointment.
- Sick leave may be taken for a spouse, child, or parent of the employee who does not reside in the same household. Sick leave under this provision is limited to time necessary to provide care and assistance only. Medical documentation will be required.
- Using sick leave for a parent-in-law is only permissible if the parent-in-law resides in the employee's household.

### Employee Responsibilities

Employees who unexpectedly must be absent from work for purposes described in this policy will notify their supervisors as soon as possible.

If absent for more than one day, the employee should notify the supervisor of his/her status at the beginning of each workday, unless other arrangements are made (for example, an employee planning to return from approved disability leave on a specific date does not need to call in each day). An employee on leave under the Family and Medical Leave Act (FMLA) must comply with the provision outlined in Family and Medical Leave.

An employee should provide a doctor's statement or other statement of medical fact if he/she has been absent for three (3) or more days due to sickness of himself/herself or qualified family member, or when requested by his/her supervisor.

When an employee is able to plan for or has control over an absence qualifying for use of sick leave, he/she must request and ensure that his/her supervisor approves sick leave in advance of its use. Examples include dental appointments, elective surgery, and physical examinations. Employees may apply for sick leave in advance via email, written memo, or in other ways prescribed by supervisory personnel.

### Supervisor Responsibilities

TAHC supervisors may require specific sick leave notification procedures other than those listed above in order to maintain efficient operations.

Whenever an employee takes sick leave, supervisors may require a physician's documentation stating the nature of the illness and the extent of the disability, or other written statements of medical fact concerning the illness.

Supervisors may also require documentation, including information on diagnosis, prognosis, and current physical ability for absences due to illness or injury before permitting the employee to resume work. Continued employment may be conditional, based on the employee's examination by a physician selected by the agency if reasons exist to obtain further information.

### Leave Accounting

Sick leave taken is recorded to the nearest quarter (1/4) hour.

A holiday occurring when an employee is on sick leave is counted as a holiday, not as sick leave taken.

An employee who becomes ill while on vacation leave and can substantiate the illness may change those hours to sick leave upon returning to work.

### Interagency Transfer

If an employee is transferring to another state agency, either TAHC or the new agency will credit him/her sick leave, depending on where he/she is employed on the first working day of that month. Credit for unused sick leave is transferred if state service is uninterrupted. The Human Resources Department is responsible for obtaining or transferring sick leave credit.

### Separation

Accumulated sick leave hours are not paid when employees separate from state employment.

Employees may not use sick leave when carrying out time on payroll after last day of active duty.

An employee separating from TAHC employment will have the previous sick leave balance restored if:

- he/she is reemployed by TAHC within twelve (12) months of separation; or
- he/she is reemployed by another state agency within twelve (12) months of separation.

### Retirement

For those employed by the state before September 1, 2009, an employee taking normal or disability

retirement can convert accumulated sick leave that is unused on the last day of employment to retirement credit. Each 160 hours is worth one month of retirement credit.

Excess sick leave hours that do not divide by 160 will count as an additional month of retirement credit.

## **Parent-Teacher Conference Leave**

An employee who is a parent of a child attending a grade from pre-kindergarten through the 12th grade may use up to eight (8) hours of sick leave each fiscal year to attend parent-teacher conferences for the employee's children.

Employees are required to give advance notice to their supervisors of their intention to use sick leave to attend a parent-teacher conference. Part-time employees receive sick leave on a proportionate basis.

## **Sick Leave Pool**

All regular employees may apply for sick leave from the sick leave pool if they or a member of their immediate family have suffered a catastrophic illness or injury, subject to the provisions below. Use of sick leave pool time will be designated as FMLA leave.

### Definitions

The Employees Retirement System (ERS) of Texas provides the following definitions.

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

**Immediate Family:** Those individuals related by kinship, adoption, marriage, or foster children who are so certified by the Texas Health and Human Services Commission 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.

### Eligibility for Sick Leave Pool

Any regular, full-time employee with a "meets expectations" performance rating in all categories or above on their Performance Evaluation and who has not had a written reprimand or been placed on disciplinary probation within the past year may apply to use sick leave from the sick leave pool for catastrophic illness or injury incurred on the job.

The following employees may also request sick leave pool for catastrophic illness or injury incurred on the job:

- introductory employees who are within their first six (6) months of employment; or
- temporary employees (excluding those from temporary agencies).



Employees must exhaust all accrued leave (annual, sick, compensatory, etc) before they are eligible to use leave from the pool.

In order to apportion the available sick leave pool hours among the maximum number of employees, an employee may receive only one grant of leave from the sick leave pool per catastrophic illness during a twelve (12) month period.

The amount of sick leave pool time granted cannot exceed one-third (1/3) of the balance of hours in the pool, or ninety (90) days, whichever is less.

Exceptions are as follows:

- An employee not working due to an on-the-job injury or illness is not required to exhaust his/her vacation, overtime, comp time, or holiday comp time.
- An employee using FMLA leave is not required to use FLSA overtime.

### Donating Time to the Sick Leave Pool

Employees can contribute an unlimited amount of sick leave subject to the provisions below. The time donated to the sick leave pool must be in eight (8) hour increments with the exception of retiring employees, who may contribute any unused balance.

- An employee must have more than forty (40) hours of accrued and unused sick leave before he/she may contribute time, unless the employee is separating from state employment.
- Employees cannot designate a particular employee to receive their donated sick leave pool time.
- Once employees have donated time to the sick leave pool, they cannot get it back unless they are eligible to use time from the sick leave pool.
- Retiring employees cannot withdraw time contributed to the sick leave pool to receive service credit for 160 hours of accrued and unused sick leave.

All employees, especially those who are separating from the agency or from state employment, are encouraged to contribute time to the sick leave pool.

Employees may submit sick leave pool donations to Human Resources via email or in writing.

The Human Resources Department will then deduct the contributed time from the donating employee's sick leave balance and add the donated time to the sick leave pool.

### Requesting Sick Leave Pool Time

#### **Employee Responsibilities**

Employees requesting time from the sick leave pool must have exhausted all accrued paid leave entitlements before they are eligible to use approved sick leave pool time.

The only exception to exhausting all accrued paid leave is an employee that is unable to work as a result of an occupational injury or illness. An employee in this situation would have to exhaust only paid sick leave entitlements to be eligible to receive time from the sick leave pool.

Employees should submit requests to their supervisors at least ten (10) working days prior to the

exhaustion of all accrued paid leave entitlements if they anticipate that they will need sick leave pool time.

To request sick leave pool time, employees must:

- request it before requesting any extended sick leave;
- exhaust all accrued leave before applying for sick leave pool time;
- have not received time for a catastrophic illness or injury during the last twelve (12) months; and
- submit a completed TAHC Form 21-03, Sick Leave Pool Request. The request must also be accompanied by a written statement from a licensed practitioner who is treating the employee or the employee's immediate family member.

The statement must include:

- the beginning date of the physical or mental condition;
- a description of the illness or injury;
- the prognosis for recovery; and
- the anticipated date the employee will be able to return to duty.

If the sick leave pool request is related to a family member's injury or illness, the sick leave request form (TAHC Form 21-03) must also include:

- the relationship to the employee;
- where the family member resides;
- a statement giving details of the illness or injury; and
- a statement indicating to what extent the family member is totally dependent upon the employee on a continuing basis.

### **Supervisor Responsibilities**

Each supervisor involved in the review process will review the Sick Leave Pool Request form, the physician's statement with their recommendation and any other pertinent information useful in arriving at a final determination.

If the supervisor approves/disapproves the request, he/she will sign the Sick Leave Pool Request form and submit it to the Human Resources Department. The Human Resources Department will forward the request to the sick leave pool administrator for final review. If he/she approves/does not approve the request, he/she will return it to the Human Resources Department with documented reasons for the disapproval.

### **Sick Leave Pool Administrator Responsibilities**

The Chief of Staff or designee acts as the sick leave pool administrator.

The sick leave pool administrator will act on a request for time from the sick leave pool within ten (10) working days. All requests are handled on a first-come, first-serve basis.

If the request is approved, the sick leave pool administrator will notify the Human Resources Department and the approved sick leave time will be credited to the employee. The Human Resources

Department will notify the employee and the supervisor. Approved sick leave pool time is used and documented as sick leave taken by the employee.

Upon the employee's return to work, any unused leave will be returned to the sick leave pool.

If the request is not approved, the sick leave pool administrator will notify the Human Resources Department. The Human Resources Department will notify the employee of the decision. An employee may appeal a sick leave pool denial by submitting his/her supporting documentation to the Executive Director.

### **Agency Responsibility**

Upon receiving a written appeal from the employee stating disagreement with the sick leave pool administrator's decision, the Executive Director or designee will investigate and respond with a written determination to the employee and the sick leave pool administrator within five (5) working days of receiving the appeal.

## **Donor Sick Leave**

All regular employees may donate a portion of their unused sick leave to another employee within the TAHC. The employee receiving the donated sick leave does not necessarily have to be in a catastrophic condition such as with the sick leave pool.

### Eligibility for Donor Sick Leave

In order to receive or donate sick leave the following rules must apply:

- Employees receiving donated sick leave must have exhausted all of their sick leave balance, including any amounts from the agency's sick leave pool and extended sick leave;
- Donated sick leave cannot be used towards ERS retirement;
- Donated sick leave cannot be transferred to another state agency;
- Donated sick leave cannot be paid out to the estate if the recipient passes away;
- Donated sick leave hours must be recorded as lost when the recipient terminates;
- Donated sick leave hours do not get returned to the donor if the recipient does not use them all;
- If the recipient terminates and is rehired at the same agency where donated sick leave hours were lost, the hours cannot be reinstated;
- The entry date for donated hours must be before the donor's termination date;
- The donor can donate sick leave hours in any increment with no minimum or maximum;
- The donor can donate sick leave to more than one recipient.
- The donor cannot donate sick leave to a recipient that is their supervisor or a position of higher authority within the organization. Sick leave donations can only be donated to peer recipients unless prior approval has been given by the Executive Director.

### Human Resources Responsibility

Upon receiving a written notice of a donation from a donor, the Human Resources Department will verify the recipient's leave balance. Once verified, a notice will be sent to the donor and the recipient.

## Extended Sick Leave

The Executive Director or his/her designee may grant, on an individual basis, extended sick leave with pay to regular employees on the basis of personal illness due to unusual circumstances, continued illness, or injuries. Extended sick leave will be designated as FMLA leave.

### Eligibility for Extended Sick Leave

Employees who are eligible for sick leave pool will apply to the sick leave pool first and receive a determination of the number of hours to be transferred (or a denial of their request) before making a request for extended sick leave.

- The employee must have exhausted all accumulated leave.
- The employee must have a current job performance rating of “meets expectations” or higher.
- The amount of leave an employee may request is based on the following:

<b>Length of State Service</b>	<b>Maximum Allowable Request</b>
6 months - 5 years	80 hours
5 - 10 years	1 month
10 - 15 years	1.5 Months
> 15 years	2 months

### Employee Responsibilities

The employee must submit a written request to his/her supervisor for extended sick leave, stating the nature of the illness and the amount of time requested. The employee must also submit a medical evaluation from his/her physician or a completed Certification of Health Care Provider (Form 98-07) to his/her supervisor.

### Supervisor Responsibilities

The employee’s supervisor will attach his/her written approval or non-approval to the request and forward them to the Chief of Staff.

### Human Resources Responsibilities

The Chief of Staff will review the request for compliance with the policy; and:

- if the request does not conform to policy, will return the request to the employee with an explanation; or
- if the request conforms to policy, forward it to the Executive Director or his/her designee for a decision; and
- communicate the final decision to the employee and his/her supervisor.

### Approving the Request

The Executive Director or designee will review each request on a case-by-case basis and determine the number of hours to be granted. Full consideration will be given to all relevant factors, including but not limited to:

- the number of hours requested;
- the employee’s documented need;
- the employee’s job performance history; and
- the employee’s history of sick leave usage.

The Executive Director may make exceptions to the extended sick leave policy at his/her discretion.

## **Family and Medical Leave**

The TAHC will meet the requirement of the Family and Medical Leave Act (FMLA) of 1993 to provide eligible employees up to twelve (12) weeks of paid or unpaid job-protected leave during a 12-month period for certain family and medical reasons.

### Definitions

Immediate Family (for FMLA purposes): consists of the:

- employee’s spouse;
- employee’s child, including those eighteen (18) years or over, who are incapable of self-care due to a mental or physical disability; and
- employee’s parent.

Serious Health Condition: an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care;
- any period of incapacity requiring absence of more than three (3) calendar days from work, school, or other regular daily activities that also involves continuing treatment by or under the supervision of a health care provider;
- continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or
- continuing treatment by or under the supervision of a health care provider for prenatal and postnatal care.

### Eligibility

An eligible employee is one who:

- has been employed by the State for at least twelve (12) months (all state employment will be counted and it need not be continuous); and
- has worked at least 1,250 hours during the preceding twelve (12) months (these 1,250 hours refer to hours actually worked and do not include any paid time off).

Employees who do not qualify for FMLA but who need leave to care for a new child should refer to “Parental Leave,” to see if they qualify.

### Qualifying Conditions

The TAHC must grant up to twelve (12) weeks of FMLA leave during a 12-month period for one or more of the following reasons:

- the birth of a son or daughter and to care for the newborn child;
- the placement of a minor for adoption or foster care with the employee;
- the care for the employee's spouse, child, foster-child, or parent who has a serious health condition; or
- a serious health condition that makes the employee unable to perform his/her essential job functions.

### Determining Period

The twelve-month FMLA period for the birth or placement of a child expires at the end of twelve (12) months following the date of the birth or placement.

The twelve-month period for leave resulting from a serious health condition will be measured from the date of the employee's first FMLA leave.

### Serious Health Conditions

Some examples of serious health conditions are: heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, depression, injuries caused by serious accidents on or off the job, illnesses associated with pregnancy, severe morning sickness, the need for prenatal care, childbirth, and recovery from childbirth.

Depending on the seriousness of the condition and the extent to which treatment by a health care provider is required, treatments for allergies, stress, or substance abuse may be covered.

Treatment for substance/alcohol abuse is included where the treatment is ongoing and/or a stay in an inpatient facility is required. The employee must be recovering from substance/alcohol to be eligible for FMLA.

### Ineligibility

The following are ineligible for FMLA: routine physical examinations, absences due to untreated substance abuse, routine dental work, and short-term conditions (3 days or less) for which treatment and recovery are very brief. This list is not comprehensive.

### Special Provisions

Leave taken for birth or placement for adoption/foster care:

- must be taken within twelve (12) months after birth or placement;
- does not have to be taken all at once, but may be taken intermittently or by working a reduced workweek schedule only with the approval of the division director or department head; or
- may begin before the birth of a child.

Leave for a serious health condition may be taken intermittently if "medically necessary." The TAHC may require a certification of the condition.

### Leave Designation

All sick leave pool and extended sick leave will be designated as FMLA leave. If FMLA leave is used for

the adoption of a child under three (3) years of age, sick leave may not be taken unless the child is actually ill. An employee who is a father of a child may use sick leave at the childbirth only if the child is ill or his spouse is recovering from labor and delivery.

### Intermittent Leave

Employees may take leave on an intermittent or reduced schedule for medical care or treatment when medically necessary. The Executive Director may transfer an employee requesting an intermittent or reduced schedule to an available alternative position with equivalent pay and benefits when such a transfer better accommodates recurring periods of FMLA leave.

### Certification of a Medical Provider

The TAHC requires a medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. Periodic certification reports regarding the employee's status and intent to return to work may be required during FMLA leave.

### Employee Responsibilities

Employees must use all paid leave (except FLSA - overtime) before being granted leave without pay when using FMLA. However, employees receiving temporary disability benefit payments or workers' compensation benefits do not need to use all paid leave first.

Ordinarily, employees must provide thirty (30) days' advance notice to their supervisors when they foresee the need to use FMLA leave. In those situations where advance notice is not practical, employees should notify their supervisors within two (2) business days of when they learn of the need for the FMLA leave.

- Employees must pay their share of premium costs.
- Employees must provide a certification from the health care provider that contains:
  - the date on which the serious health condition commenced;
  - the probable duration of the condition; and
  - either a statement that they are unable to perform the duties of their positions or a statement that they are needed to care for an immediate family member.

Employees will use the Certification of Health Care Provider (Form 98-07) to obtain the certification of need for FMLA leave.

When an employee needs FMLA leave to care for an immediate family member or the employee's own illness using planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the agency's operation.

### Human Resources Responsibilities

Human Resources will decide if leave should be designated as FMLA based on information provided by the employee. This information may include certification by the employee's physician using the Certification of Health Care Provider (Form 98-07).

Human Resources will notify employees whenever paid leave is designated as FMLA leave. The designation must normally be made before the leave is completed and before the employee has returned to work.

### Agency Responsibilities

During leave without pay when an employee is using FMLA, the TAHC will continue group health insurance coverage by paying the state-paid portion of the employee's health insurance.

The TAHC will discontinue an employee's health care coverage if the employee's premium is more than thirty (30) days late.

The TAHC will reinstate all health coverage for the employee upon return from FMLA.

### Job Restoration

Upon return from FMLA leave, in most cases an employee will be restored to his/her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

## **Military Family Medical Leave**

The TAHC will meet the requirement of the National Defense Authorization Act (NDAA) amending the FMLA to provide eligible employees with two leave rights related to military service.

### Definitions

**Military Caregiver Leave:** An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty, is entitled to up to 26 weeks of job-protected leave in a single 12-month period to care for the service member. Military Caregiver Leave is not in addition to the 12 weeks of FMLA leave normally available to eligible employees, but is combined with all other types of FMLA qualifying leave during the applicable 12-month period. Although an eligible employee's entitlement is capped at a combined total of 26 weeks for all FMLA taken during the period, the employee may not take more than 12 weeks of leave for reasons other than military caregiving. Military Caregiver Leave may be taken intermittently if medically necessary.

**Qualifying Exigency Leave:** Eligible employees are entitled to take up to 12 weeks of FMLA leave for "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 to active duty status, in support of a contingency operation. Qualifying Exigency Leave may be taken intermittently, and is available only to the family members of National Guard or Reservists called to federal active duty. Family members of military personnel in the Regular Armed Forces, retired members of a state Reserve or National Guard, or those called to active duty by a state rather than the federal government, are not eligible for this leave type.

Regulations specify the following events as qualifying exigencies:

- short-notice deployment (i.e., called to active duty seven (7) or fewer days prior to the date of deployment);
- military events, ceremonies, or programs related to active duty or related activities;
- childcare and school activities;
- financial or legal appointments;
- counseling;



- rest and recuperation;
- post-deployment activities (e.g., arrival ceremonies and reintegration briefings); and
- additional activities agreed upon by the employer and employee.

Covered service members: Current members of the Regular Armed Forces, National Guard or Reserves and members who are on the temporary disability retired list. Former members of the Regular Armed Forces, National Guard or Reserves and members who are on the permanent disability retired list are not covered.

Next of kin: The service member is nearest blood relative (other than a spouse, parent, or child) in the following priority order – custodial blood relatives, siblings, grandparents, aunts and uncles, and first cousins. A blood relative may be designated by the service member in writing as his/her next of kin.

Serious Health Condition: An illness or injury involving either inpatient care or continuing treatment by a health care provider. A covered service member who is incapacitated for more than three (3) consecutive days must either visit a health care provider twice within thirty (30) days of the first day of incapacity (unless extenuating circumstances prevent a follow-up visit), with the first visit within seven (7) days of the first day of incapacity; or see a health care provider within seven (7) days for the first day of incapacity, which results in a regimen of continuing treatment under the provider's supervision (e.g., prescription medication, physical therapy).

Serious Injury or Illness: An injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating.

### Eligibility

The regulations do not alter the basic FMLA eligibility requirements, with the exception that time spent on vacation or sick leave may be applied towards the 1,250 hour, 12-month requirement, provided the employee is maintained on the payroll and is receiving benefits from the employer.

An employee is only eligible to use the military family leave one time per family member.

### Certification for Military Family Leave/Qualifying Exigency Leave

The TAHC requires certification supporting the need for FMLA leave due to a qualifying exigency or serious injury or illness of a covered service member. As part of the certification process, the TAHC may request copies of military orders or other military documentation.

### Employee Responsibilities

Employees must provide at least thirty (30) days' advance notice of foreseeable leave. In the event the employee learns of the need for FMLA leave less than thirty (30) days in advance, the employee must notify the employer as soon as practicable, generally on the same or next business day. If the employee fails to do so, the employer may delay or deny FMLA coverage, with certain exceptions.

## **Parental Leave**

For parents or foster parents who do not qualify for FMLA, the TAHC will provide up to twelve (12) weeks' parental leave of absence for employees to care for their newborn or newly adopted or placed

child, subject to the provisions below.

### Eligibility

An employee with less than a total of twelve (12) months of state service or who has worked less than 1,250 hours in the twelve (12) month period immediately preceding the commencement of leave is eligible to take a parental leave of absence not to exceed twelve (12) weeks.

### Employee Responsibilities

Before taking parental leave, the employee must first use all available and applicable paid vacation and sick leave. The authorization begins with the date of the birth of a natural child or the adoption or care placement of a child under three (3) years of age. Sick leave may only be taken if the child is actually ill.

To request parental leave, employees should notify their supervisors thirty (30) days in advance of the leave date. In situations where advance notice is not practical, employees should notify their supervisors within two (2) business days of when the employee learns of the need for the parental leave.

## **Emergency Leave**

An employee shall be granted paid emergency leave, normally three (3) working days, by his/her department head or division director for a death in the employee's immediate family (employee's spouse, or the employee's or spouse's parents, children, brothers, sisters, grandparents, and grandchildren). The Executive Director must approve any emergency leave in excess of three (3) working days.

### Employee Responsibilities

The employee requesting emergency leave will notify his/her supervisor as soon as possible regarding the need for emergency leave.

### Required Documentation

Supervisors may require documentation of the death of the employee's immediate family member (for example, a copy of the death certificate or newspaper obituary), or other documentation.

### Leave Accounting

Emergency leave taken is reported on the employee's CAPPs timesheet and WFT and is recorded to the nearest quarter (1/4) hour.

## **Inclement Weather Emergency Leave**

Emergency leave may be granted by the Executive Director or designee for inclement weather when it has been determined by management that employees are unable to work safely in the office or remotely.

Employees who work during times when inclement weather emergency leave has been granted, will receive compensatory time for those hours worked. Employees who have previously requested leave for a day that is subsequently deemed an "emergency leave" day due to inclement weather, will use the

leave that was previously requested.

If management determines that staff are unable to travel safely to the designated office location but can safely work remotely, notification will be sent to all employees to work remotely including the length of time. All employees are required to take any necessary technology tools home each day to ensure they are able to work remotely as management decisions are made.

### Notification

To ensure the safety of its employees and to determine if travel is hazardous, the agency will follow the lead of the independent school district that has jurisdiction over the geographic location where the office resides. For instance, the Central Office will follow the direction for the Austin Independent School District regarding safe travel conditions.

Most school districts announce closures and delayed start times on the local television news channels, but if an employee is unsure about safe travel conditions, he/she can go to the website of the appropriate independent school district and follow their lead when making the decision to travel to the office location.

When school districts are not in session, agency employees will need to review local television news channels for appropriate information including road closures, dangerous road crossings and travel conditions. If staff are unable to travel safely to the designated office location, this does not mean the agency is closed for the day. The Executive Director will determine if staff will work remotely that day or if the agency will be closed. Notification will be sent to all employees by email/text regarding working remotely or closure. All employees are required to take any necessary technology tools home each day.

### Employee Responsibilities

Employees are to monitor their local independent school districts' websites and local television stations to determine whether travel conditions are safe. Employees are also to monitor their email and agency laptops/phones for either email/text notification regarding remote work or agency closure for the day.

### Supervisors Responsibilities

Supervisors should monitor conditions closely. If meetings or trainings are scheduled or visitors are expected in the office where a weather event has occurred, please notify outside participants or visitors of the schedule change as soon as possible. For the Central Office delayed starts or office closures, the Communications Department will alert the public by placing the information at the top of the agency's website. For the region office delay, remote work or closure, the Region Director or his/her designee will notify the Assistant Executive Director for Animal Health Programs, the Deputy Director of Animal Health Programs and ADT and the Chief of Staff to send an email to all TAHC employees to advise them of the delay/remote work/closure.

## **Military Leave**

State employees are provided leave for authorized training or duty for the state military forces and members of any reserve branches of the U. S. Armed Forces.

### Eligibility

Military leave with pay is granted for the period stated in the orders not to exceed fifteen (15) working days in any federal fiscal year when an employee:

- is called to active duty with the State Military Forces by the Governor of Texas for a required period; or
- is called to active duty during a national emergency by a reserve branch of the United States Armed Forces for a required period.

### Vacation/Sick Leave While on Military Leave

A leave of absence with pay for military duty or training is not charged against the employee's vacation or sick leave when an employee is engaged in authorized training or duty for up to fifteen (15) working days. The fifteen (15) days need not be continuous.

Vacation and sick leave continue to accrue during the 15-day period. After exhausting the fifteen (15) days' military leave, the employee may use accrued paid leave (sick leave can be used only in those cases where the employee is eligible to take sick leave) or be placed on LWOP (or a combination of the two) for the remainder of the active duty period.

Employees called to National Guard duty by the Governor because of a state emergency will be given emergency leave with full pay without loss of military leave or vacation leave.

If emergency leave is granted to state employees activated for military duty, those employees will accrue sick and vacation leave each month they receive pay from the state agency. The sick and vacation hours will be accrued but not posted until they return to full employment with the state agency.

An employee on unpaid leave during military duty will continue to accrue state service credit for longevity pay, vacation and sick leave. This time will be credited to the employee's balance once he/she returns from military duty.

### Returning from Military Service

The Attorney General has ruled that state employees returning to work following military service may include time on active duty with longevity of employment for purposes of vacation and sick leave entitlement. However, such employees may not accrue vacation or sick leave while on active duty.

Any person who is restored to a position on returning from federal or state military service will be considered as having been on "furlough" or "leave of absence" during such absence.

### Employee Responsibilities

Prior to taking military leave, an employee must:

- notify his/her supervisor in advance of the leave;
- provide his/her supervisor with a copy of the military orders or other official directives; and
- provide the supervisor with a copy of military orders to be kept in the supervisory file.

## **Volunteer Firefighter and Emergency Medical Services Leave**

State employees who are volunteer firefighters or emergency medical services volunteers will be granted a leave of absence with full pay to attend training schools conducted by state agencies or institutions of higher education, provided the leave does not exceed five (5) working days per fiscal year.

Also, the TAHC may grant leave without a deduction in salary to a volunteer firefighter or an emergency medical services volunteer for the purpose of allowing the firefighter or emergency medical services volunteer to respond to emergency fire or medical situations.

### Leave Accounting

The absence will not be charged against any of the employee's accumulated leaves.

### Employee Responsibilities

The employee is responsible for:

- notifying his/her supervisor in advance of the leave; and
- providing a copy of completion of firefighter or emergency training to his/her supervisor for the supervisory file.

## **Foster Parent Leave**

An employee who is a foster parent to a child under the conservatorship of the Texas Department of Family and Protective Services (DFPS) is entitled to a leave of absence with full pay to attend staffing meetings held by the DFPS regarding the employee's foster child. Paid leave is also granted to attend an Admission, Review, and Dismissal (ARD) meeting held by a school district regarding the foster child.

### Leave Accounting

Foster Parent Leave is not charged against the employee's vacation or sick leave balances.

### Employee Responsibilities

Employees are required to give advance notice to their supervisors of their intention to use foster parent leave.

## **Amateur Radio Operator Leave**

Any state employee with an amateur radio station license issued by the Federal Communications Commission may be granted leave not to exceed ten (10) days each fiscal year to participate in specialized disaster relief services.

### Leave Accounting

The TAHC will not charge the absence against any of the employee's accumulated leaves.

### Employee Responsibilities

The employee is responsible for:

- obtaining his/her supervisor's permission before taking leave;
- notifying his/her supervisor of when the employee is needed for relief or training; and

- providing a copy of the approval from the Governor’s Office to his/her supervisor to be kept in the supervisory file.

## **Other Leave Types**

### Leave for Blood Donation

The TAHC will allow employees up to two (2) hours 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/her supervisor before taking time off. Upon returning to work, the employee shall provide his/her supervisor with proof that the employee donated blood during the time off. If an employee fails to provide proof that he/she donated blood during the time off, the agency shall deduct the time off from the employee’s salary or accrued leave. An employee may not receive time off to donate blood more than four (4) times in a fiscal year.

### Leave for Bone Marrow and Organ Donation

A TAHC 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 provided by this section may not exceed five (5) working days in a fiscal year to serve as a bone marrow donor; or thirty (30) working days in a fiscal year to serve as an organ donor.

### Assistance Dog Training

For an employee with a disability as defined by Texas Human Resources Code, Section 121.002, TAHC will be granted paid leave not to exceed ten (10) days in a fiscal year to attend training necessary to provide the employee with an assistance dog to be used by the employee.

### Leave for Court-Appointed Special Advocates

Employees who attend mandatory training or perform volunteer services for Court Appointed Special Advocates will be granted up to five (5) hours per month of paid leave for this activity.

### Leave to Comply with a Subpoena

An employee testifying in an official capacity is considered to be on special assignment and is not required to use his/her personal leave.

### Time off to Vote

Employees will be given up to two hours off, with their Supervisor’s approval, 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 or during early voting.

## **Administrative Leave for Performance**

A department head or division director may grant administrative leave with pay as a reward for an employee’s overall outstanding job performance or for outstanding performance on special projects.

### Eligibility

For leave to be granted in the overall job performance category, the employee's overall performance evaluation rating must be "exceeds expectations" in at least one category.

For leave to be granted in the special projects' category, the employee's performance evaluation rating must be a "meets expectations" in the job element or standard area related to the special project or special accomplishments.

### Maximum Allowable Hours

The maximum amount of administrative leave granted to any one person in any fiscal year is 32 hours.

### Documentation

Hours granted and taken must be reflected on the employee's CAPPs timesheet and WFT.

## **Leave Without Pay (LWOP)**

The Executive Director or his/her designee may grant pre-approved LWOP for an employee if individual circumstances so merit. Approval of leave without pay is not automatic. The employee's position is guaranteed for the period of approval of LWOP unless affected by Legislative action. All approved LWOP is limited to twelve (12) months.

To be approved for LWOP, the employee must have at least a "meets expectations" evaluation rating. The employee must provide the reason for the requested LWOP in writing to his/her supervisor, who will concur or disagree. The supervisor will then submit a written request to the Human Resources Department. Written requests are not required for LWOP due to insufficient leave when the time is for eight (8) or less hours in any month.

**Employees who have insufficient leave balances that result in a LWOP status may be subject to disciplinary action.**

### Leave Accruals When In LWOP Status

Except in the case of unpaid military leave:

- Vacation and sick leave do not accrue when an employee is in any type of LWOP status for an entire calendar month.
- The time in an LWOP status is not counted toward the calculation of total state service for the purposes of longevity pay or vacation entitlement.

### Insurance Premiums When In LWOP Status

Employees in an LWOP status for an entire calendar month, or employees whose gross earnings are insufficient to cover their insurance premiums for any month, are responsible for payment of their full insurance premiums. Employees on FMLA leave are only required to pay their portion of insurance. The TAHC will pay the state's contribution when employees are using FMLA. An employee on LWOP may continue personal payment of insurance premiums for a period not to exceed twelve (12) months.

Adjustments to Payroll

Leave Without Pay (LWOP) due to an insufficient leave balance may cause the employee's monthly pay to be cancelled and then reissued on or before the 10th of the month.