



CREDIT UNION DEPARTMENT POLICY

POLICY #222

June 1, 2017

HOLIDAYS; EMERGENCY, ADMINISTRATIVE, AND OTHER PAID LEAVE

POLICY

The Department provides holidays, annual, sick leave and other leave benefits granted by the State of Texas to staff. This policy outlines the holiday and leave benefits provided by the Department to its staff. Eligible staff are entitled to request and be considered for leave as described in this policy. Accountability for this paid time off is the responsibility of the staff member and the supervisor.

HOLIDAY LEAVE

Department holidays are established by the Texas Legislature. The State of Texas authorizes certain holidays for state employees, but stipulates that state agencies can only observe holidays that fall on a weekday. If a holiday falls on a Saturday or a Sunday, state agencies cannot observe it on a different day such as the previous Friday or the following Monday.

A full-time staff member will receive eight hours of holiday leave time for each recognized holiday; part-time staff will receive a proportionate amount of leave time. Example: a staff member who works 20 hours per week will receive four hours of holiday leave time. In addition, a full-time staff member who is on FMLA and is working a reduced schedule will receive a proportionate amount of holiday leave time.

Flex-time staff who normally work varied hours (e.g. eight nine-hour days, one eight hour day) will receive eight hours of leave time, even though they normally work a 9-hour day. Example: a full-time staff member who normally works 9-hour days Monday through Thursday is scheduled to be off on Thursday, a recognized holiday. The staff member takes off as allowed on Thursday. Eight holiday leave hours are allowed to be charged on Thursday and the staff member will have to use one hour of annual leave (or other appropriate leave) to account for 40 hours that week; or, with supervisor permission, work a different schedule so that the staff member will not have to use leave time.

Full-time staff members who work on a recognized holiday will be compensated for working on that day with eight hours of holiday comp time; part-time staff will receive a proportionate amount of leave time. Supervisors and staff members will work together to allow staff members to use earned holiday comp time within 12 months from the week when it was earned.

Staff members may use appropriate leave (annual, compensatory time, etc.) to observe Rosh Hashanah, Yom Kippur, Good Friday, or any other religious holy days not recognized as a Department holiday. Time off for religious observance of any of these days must be requested and approved in advance.

An individual must be a state employee in paid status on the workday before and after a recognized holiday to be paid for that holiday, unless the holiday falls on the staff member's first or last workday of the month.

ANNUAL LEAVE

The State of Texas set the monthly annual leave accrual rate and the maximum number of annual leave hours that a staff member may roll into the next fiscal year, based on that staff member's years of service. Staff members receive a monthly statement via an email link that shows time used and annual/sick leave balances. Staff members that do not receive an email may cut and paste this link <https://mycpa.cpa.state.tx.us/securityivportal/dispatcher.do?apptype=EMPINFO>. Any annual leave hours above the established limit at fiscal year-end will transfer to the staff member's sick leave balance.

A staff member may use annual leave after he/she has been employed by the State of Texas for six continuous months. An individual only needs to meet this requirement once during their state service. This means that if you satisfy the six-month-eligibility requirement, leave state employment and are later rehired, the staff member will not have to wait six months again to begin using their leave. Also, if a staff member is on any type of paid leave on the first day of the month, the accrual will be credited for that month, but it won't be available to use until the staff member has returned to work.

A staff member must have supervisor prior approval to take annual leave. Vacation leave taken must be recorded in hours. When charging for time less than an hour, annual leave taken must be rounded off to quarters of an hour, i.e., fifteen (15) minutes = 0.25 hours, thirty (30) minutes = 0.50 hours, or forty five (45) minutes = 0.75 hours.

In computing annual leave time taken, a recognized holiday falling during a staff member's vacation period will not be charged against annual leave (eight hours of holiday leave time). Illness occurring during a vacation period may be charged against sick leave and will not be charged against annual leave if the staff member presents a physician's statement or other acceptable verification.

When a staff member leaves the Department, if they have been employed for at least six continuous months at the Department or any State of Texas agency, the staff member will receive a lump-sum payment for any annual leave not used. After the Department has processed the paperwork, the staff member will receive his/her payment via direct deposit to an account previously designated by the staff member. Staff members that transfer directly from the Department to another state agency will carry forward their balance of annual leave.

SICK LEAVE

The State of Texas provides eligible staff with paid time off in the event of a personal illness or injury of the staff member or an immediate family member, and to allow the staff member to attend appointments with his or her health care provider or that of an immediate family member.

A staff member receives sick leave accrual on their first day of employment and on the first day of every month after. A full-time staff member will receive eight hours of sick leave for each month or fraction of a month; part-time staff will receive a proportionate amount of sick leave. Example: a staff member who works 20 hours per week will receive four hours of sick leave.

A staff member is eligible to use sick leave after their first day of employment. To request sick leave, follow the Department's time off procedures. When an absence from work is caused by a staff member's medical condition, a physician's statement is required and should be submitted to a staff member's supervisor when a staff member is out for three or more consecutive days. The physician's statement should be submitted either before or on the staff member's return to work date.

NOTE: Texas law provides that a staff member may choose to use all or any number of hours of accrued annual leave after the staff member's accrued sick leave is exhausted

Sick leave is paid out only in the event of a staff member's death. If a staff member has at least six months of continuous state service, upon their death their estate will receive payment for half of the staff member's sick leave balance up to 336 hours.

A staff member may donate sick leave to another leave eligible employee working at the Department if the recipient has exhausted their own sick leave accrual, including any time the recipient may be eligible to withdraw from the Sick Leave Pool program. Unlike accrued sick leave, donated sick leave is not eligible for transfer to another state agency or for payment to an estate upon death of the recipient.

EMERGENCY LEAVE

The Texas Legislature has provided the Department with authority to grant emergency leave under certain conditions. There are four types of emergency leave: funeral, jury duty, court subpoenas, and other emergency leave.

Funeral

The Department shall grant leave with pay for a death in the staff member's family. A general guideline for funeral leave is a period not to exceed three (3) consecutive working days. The Commissioner may grant two (2) additional days of leave if the staff member must travel out-of-state for the funeral. If additional leave is needed, the employee must use annual or compensatory leave accruals. For the purposes of this policy, "family" has the meaning assigned by TEX. GOV'T. CODE §661.902(a) and includes the employee's spouse, the employee's and the spouse's parents, children, brothers, sisters, grandparents and grandchildren.

Jury Duty

Staff members are entitled to serve on a jury without any deduction in pay. Staff members who receive a notice to report for jury duty should inform their supervisor as soon as possible to allow the Department to make necessary adjustments for the anticipated absence. Staff member will receive paid leave for the time they cannot work to fulfill their jury duty obligation. Unless excused by their supervisor, staff members are expected to report to work as soon as they are excused from jury duty to complete the time remaining in their workday. Staff members may keep any fee or compensation received for jury duty without any offset to their department earnings and are not required to account to the state for any such fee or compensation received. An official statement by a court official is required for documentation.

Court Subpoena

The Department shall grant paid leave when a staff member is subpoenaed to appear in a civil, legislative, or administrative proceeding in an official capacity for the department or as an expert witness. The staff member subpoenaed must provide their supervisor with advance notice and a copy of the subpoena is required for documentation.

A staff member must use annual, compensatory time, etc. to appear in court for personal reasons.

Other Good Cause

Under TEX. GOV'T CODE § Section 661.902 (b), the Commissioner may also grant emergency leave during a state of emergency declared by the Governor, or in other emergency situations when, in his/her determination, good cause is shown for such leave. The commissioner, however, may not grant emergency leave to any staff member unless the staff member intends to return to the agency, as a staff member, upon expiration of the emergency leave.

Inclement Weather

Weather-related emergencies may impact the availability of the main office to support business operations. Depending on the severity of the weather conditions, the Department may grant emergency leave when the agency closes or curtails its operations because of inclement weather.

In the event of severe weather, the main office will follow the closure or late start schedule of Austin ISD. If a main office employee's home is located in a different school district which has a different closure or late start from AISD, the employee will be granted paid leave based on whichever closure or late start is longer. Field examiner paid leave for inclement weather will be based on either the closure/late start of the credit union or the school district from which the examiner departs to conduct the examination. Inclement weather paid leave will only apply to staff members actually scheduled to work (or depart from) an area affected by a weather-related school closure; staff members who had scheduled other leave time for a workday in which inclement weather paid leave is granted will not receive additional leave for inclement weather.

Staff members are urged to use discretion in deciding whether they can safely commute to and from work. If personal health or safety is an issue in that decision, responsible judgment should be used. Staff members will be allowed to use annual or compensatory leave when they reasonably believe that travel will be dangerous because of the hazardous road conditions and the applicable school district did not declare a late start or closure for the day.

General

Under TEX. GOV'T CODE § 661.151, there is no limit on the number of occurrences that emergency leave can be used for as long as it is for a qualified situation.

Under TEX. GOV'T CODE § 662.010, employees who are on emergency leave are considered to be in a paid leave status. Therefore, they are eligible for holiday pay if a holiday occurs during the time they are on emergency leave.

The use of Emergency Leave, Administrative Leave or other mechanisms to continue paying state employees who have ceased to work is prohibited. Emergency or Other Leave is not allowed for the purposes of severance or settlement with departing or departed state employees.

ADMINISTRATIVE LEAVE WITH PAY

Administrative leave with pay is a non-monetary reward given to recognize outstanding performance that consistently exceeds expected or required productivity or exceptional contributions by employees performing special projects of significant importance.

Generally, Texas law provides that:

- Up to 32 hours of administrative leave may be granted to an staff member per fiscal year;
- Administrative leave may be granted only in four or eight-hour increments; and
- Administrative leave should be taken within 12 months of the grant of the award.

A staff member may request to use earned administrative leave through normal departmental procedures. Administrative leave may not be converted to any other type of leave, may not be transferred or paid should the staff member end his/her employment relationship with the Department, and may not be paid to the estate of a deceased staff member.

MILITARY LEAVE

Military leave provides employment protection, income protection and a means for staff members to secure time off when called to uniformed U.S. military service. A staff member may receive full pay for up to 15 work days in any federal fiscal year (October 1—September 30) for authorized training or duty in the National Guard or armed forces reserves. The days need not be consecutive. The Uniformed Services Employment and Reemployment Rights Act of 1994 requires all staff members to provide the Department with advance notice of military service and this policy requires a copy of the orders be provided to the supervisor.

After exhausting the fifteen (15) business days of paid military leave, eligible staff members are entitled to unpaid extended military leave under the following conditions:

- As members of the United States Armed Forces reserve components called to active duty during a national emergency or
- As members of the state military forces, the United States Armed Forces reserve components, or the United States Armed Forces leaving a department position to enter active military service.

VOTING LEAVE

Staff members may be allowed sufficient time off to vote in national, state, and local elections. Staff members should notify their supervisor prior to the election day if they do not have sufficient time to vote on their own time. Supervisors may schedule voting leave by allowing the staff member to:

- arrive to work later than normally scheduled in order to allow sufficient time to vote before the workday;
- leave work early without the expectation to return in order to allow sufficient time to vote; or
- take a longer lunch than is normally scheduled in order to vote.

Paid voting leave should be used by staff members in instances where the staff member actually missed work to vote without making up the time. The time off should be reasonable and as agreed to in advance upon consultation with the staff member's supervisor. This leave type is not intended to use for early voting. Early voting enables a staff member to vote before or after work (including weekends) prior to an election. If a staff member has been unable to vote during the early voting period, time off to vote on Election Day will be allowed.

STATE COMPENSATORY TIME (LEAVE)

The State of Texas provides that staff members earn state compensatory time when the total number of hours recorded on the weekly timesheet as worked plus the total number of hours of paid leave or paid holidays exceeds 40 hours in one workweek. State compensatory time is earned after the time for the entire workweek is recorded. State compensatory time is earned on a straight time, hour for hour, basis. State compensatory time can be earned by both exempt and non-exempt staff members.

A staff member may earn state compensatory time for work performed only at his or her regular or temporarily assigned work site. A staff member's personal residence may be considered the regular or temporarily assigned work site and he or she may earn state compensatory time for work performed at such residence, subject to normal departmental procedures.

With prior supervisory approval, staff members who are assigned projects that exceed normal expectations and have specific due dates may earn state compensatory time for time spent working on the project in order to meet the due date.

Loss of Unused State Compensatory Time Balances

Under state law, an employee must use state compensatory time, including holiday compensatory time, within the 12 months following the end of the workweek in which it was earned, or it lapses.

Reporting

Not later than October 1 of each year, the agency shall report to the comptroller the name and position for each employee granted more than 32 hours of emergency leave during the previous fiscal year. The report will include the reason for the emergency leave, the total number of emergency leave hours granted to the employee.

This policy supersedes the policy dated June 1, 2016 titled Emergency Administrative Leave.