



CANCER PREVENTION & RESEARCH
INSTITUTE OF TEXAS

LEAVE BENEFITS

September 1, 2017

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GENERAL LEAVE BENEFITS

INTRODUCTION

Employees of the Cancer Prevention and Research Institute of Texas (CPRIT) are required to report hours worked and leave taken accurately and to follow agency leave procedures.

It is the responsibility of the employee to ensure that hours worked, and leave taken are accurately reported in the Centralized Accounting and Payroll/Personnel System (CAPPS). Employee's should manage leave in accordance with agency procedures and ensure that supervisor approval is received prior to using leave.

Employees are responsible for submitting time sheets in CAPPS prior to taking leave. If the employee is unable to enter leave, the supervisor or designee may complete and submit leave.

It is the supervisor or designee's responsibility to review time sheets to ensure accurate reporting of time worked and leave taken. Supervisors must coordinate employee time off to ensure adequate staffing to conduct agency business. Supervisors are also responsible for assisting employees with proper management of their leave.

Unauthorized Use of Leave

Unless noted, employee's must obtain prior approval from the supervisor to use leave. An employee who takes leave without receiving prior approval, or is absent and fails to notify the supervisor, is considered on unauthorized leave.

In the event of an emergency, such as illness or injury in which the employee is unable to contact the supervisor, it is the employee's responsibility to notify or cause notice to his or her supervisor concerning the absence as soon as possible.

Mismanagement of Leave

Mismanagement of leave will lead to counseling, disciplinary action, including termination.

Abandonment of Position

An employee who is absent from work without authorization and who does not notify his or her supervisor within three working days will be considered to have abandoned his or her position. Abandonment is cause for immediate termination without notice and the opportunity to appeal.

Authority

Texas Government Code, Chapter 661

Revised Date

September 1, 2017

ANNUAL LEAVE

Agency employees are entitled to accrue annual leave with pay each month based on length of state employment.

Annual leave may be used when the employee has had six months of continuous employment with an eligible state agency or institution of higher education. Leave will be accrued and held in suspense until this requirement has been met.

Annual leave may not be used before it is accrued. An employee who is on leave status on the first work day of a month may not use the annual leave accrued for that month until the employee returns to duty.

An employee who is on leave without pay for a full calendar month will not accrue annual leave for that month.

Requesting Annual Leave

To the extent possible, employees will be permitted to take annual leave when they request it, if it does not disrupt necessary agency activities. Annual leave requests must be submitted in advance of the date the leave is scheduled to begin and must be authorized by their supervisor.

If an employee's request to take annual leave is not approved, the supervisor will explain the reason to the employee and work with the employee to determine alternative date(s) to use annual leave.

Leave Accrual and Carry-Forward

An employee will accrue annual leave beginning on the first day of employment and ending on the last day of actual work. Credit for one month's accrual will be given for each month, or fraction of a month, of paid employment. Annual leave will be posted to the employee's leave record on the first day of employment and on the first work day of each month of employment thereafter. 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.

An employee's total length of state employment determines the number of annual leave hours the employee may accrue each month and carry forward each fiscal year.

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.

All hours that exceed the maximum allowable carryover left at the end of a fiscal year shall be credited to the employee's sick leave balance effective the first day of the next fiscal year.

Accrued annual leave hours accrued and the maximum number of hours which may be carried forward from one fiscal year to the next for full-time employees are shown in the table below.

Length of Service	Hours Accrued per Month	Days Accrued per Year	Allowable Carryover (Hours)
Less than 2 years	8	12	180
At least 2 but less than 5 years	9	13.5	244
At least 5 but less than 10 years	10	15	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	21	31.5	532

A new employee who separates from state employment for any reason during the first six-month period is not eligible for any accruals earned during that period. The six-month eligibility requirement must be met

only once. Should an employee who separates from state employment be re-employed by the state, the employee is eligible to use vacation leave as it is earned or to be paid for it upon termination.

A terminating employee may with the approval of the Chief Executive Officer or designee, remain on the payroll after separation to use accrued annual leave rather than receive a lump-sum payment. No additional accruals can be earned during this period. The employee may not use sick leave while exhausting annual time.

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.

Holiday While on Annual Leave

If a holiday occurs while an employee is on annual leave, the holiday should be recorded as holiday leave

Transfer of Leave Time

An employee who is re-employed with another state agency within 30 days of separation will have his or her accrued annual leave transferred to the receiving agency.

An employee who transfers to another state agency without a break in service will have his or her accrued annual leave balance transferred to the receiving agency.

Return-to-Work Retirees

Employees returning to state employment who retired from state employment on or after June 1, 2005, and who receive a state retirement annuity, accrue annual leave based only on the employee's length of service after the employee's retirement date. Return-to-work retirees are not required to re-establish the six months continuous service in order to take annual leave with pay.

Retirement

At the time of retirement, accrued annual leave can be converted to additional retirement service credit at the rate of one additional month for each 160 hours of accrued annual leave. Any remaining annual leave, less than 160 hours, will convert to one additional month. In addition, employees will be paid for this leave.

Death of an employee

In the event of an employee's death, the employee's estate is entitled to payment by the state for (1) all accumulated vacation leave and (2) one-half of accumulated sick leave or 336 hours, whichever is less. The payment is calculated by multiplying the employee's hourly rate at the time of death by the total number of leave hours applicable. The calculation does not include longevity or hazardous duty pay. The estates of employees who normally work at least 900 hours per year and who have accrued six months of continuous state employment are eligible for this benefit.

However, a deceased employee's estate is not entitled to payment for earned but unused state compensatory time. In addition, for an employee who at the time of death was working at least 40 hours a week, the agency should allocate the deceased employee's accrued sick and vacation leave over the workdays following the employee's death. Eight hours will be added to the employee's accrued sick and vacation leave for each state or national holiday scheduled to occur during the time period to which the accrued leave was allocated. The estate of an employee who works fewer than 40 hours a week would receive a proportionate payment.

Authority

Texas Government Code, Chapter 661

Revised Date

September 1, 2017

HOLIDAYS

CPRIT grants all employees time off with pay on days designated or authorized and considered official holidays.

If a holiday falls on a day when the legislature is in session, sufficient staff must be available to conduct agency business, as determined by the Chief Executive Officer.

If a state holiday and a national holiday fall on the same day, the national holiday will be observed.

Holidays falling within a vacation period are not charged to annual time. An individual must be a state employee on the workday before and after a state or national holiday to be paid for that holiday, unless the holiday falls on the employee's first or last workday of the month. Holidays falling on a weekend are not observed. Employees working on a holiday are credited with compensatory time.

The following are the holidays on which the office is usually closed:

- Labor Day, the first Monday in September
- Veteran's Day, November 11th
- Thanksgiving Day, the fourth Thursday in November
- Friday after Thanksgiving
- Christmas Eve Day
- Christmas Day
- Day after Christmas
- New Year's Day
- Martin Luther King, Jr., Day, the third Monday in January
- Presidents' Day, the third Monday in February
- Memorial Day, the last Monday in May
- Independence Day, July 4th

In addition to the above holidays, the following are "Optional Holidays". The agency must have sufficient staff on duty on optional holidays. If an employee chooses to take an Optional Holiday, the employee must work on another state holiday during the same fiscal year for each of these optional holidays observed by the employee.

- Confederate Heroes Day, January 19th
- Texas Independence Day, March 2nd
- San Jacinto Day, April 21st
- Emancipation Day, June 19th
- LBJ's Birthday, August 27th

All full-time employees, part-time employees and hourly employees are entitled to all designated state holidays with pay.

Employees Required to Work on A Holiday:

Employees required to work on any of the designated holidays will receive compensatory time for the hours worked. The holiday leave must be used within the 12-month period following the holiday, or it will expire.

If a state holiday falls between the periods an employee transfers from CPRIT to another state agency without a break in service, the receiving agency must pay for the holiday regardless of whether or not the agency recognizes that particular holiday.

Authority

Texas Government Code, Chapter 662

SICK LEAVE

- An employee accrues sick leave beginning on the first day of state employment and ending on the last duty day of state employment.
- An employee who will be absent from work must notify the supervisor and if not available, leave a voice message and/or email.
- An absence of greater than three days requires the employee to provide the supervisor a doctor's certification or a written statement of the facts surrounding the absence and the nature of the illness.
- Grounds for dismissal or disciplinary action may occur if the employee repeatedly fails to notify his or her supervisor promptly of intended absence due to illness, doctor's appointments or abuse of sick leave.
- An employee may use sick leave while he or she is on vacation.

Accrual

- Employees accrue sick leave on the first day of state employment and on the first work day of each month of employment thereafter.
- An employee accrues sick leave at a rate of eight hours per month.
- 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 who is on unpaid leave for a full calendar month will not accrue sick leave for that month.
- There is no limit to the amount of sick leave an employee may accrue.

Allowable Uses

- 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 taken 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 the child lives in the same household. Sick leave may be used to care for immediate family members who do not reside in the same household only because of a documented medical condition. In this instance, "immediate family" is interpreted as a spouse, parent or child.
- Sick leave may be taken for the adoption of a child under the age of three.
- Employees may use up to eight hours of sick leave each calendar year to attend parent-teacher conferences for the employee's children who attend a grade from pre-kindergarten through 12th grade.
- If a holiday occurs while the employee is on sick leave, the holiday should be recorded as holiday leave.
- An employee who is a legal guardian of a child by court appointment may take sick leave to care for the child.

Separation from Employment

Separated employees are entitled to have their sick leave balances restored if they are re-employed by the State within 12 months.

Employees separated for reasons other than a formal reduction in force and re-employed by the same state agency may have their sick leave balances restored only if they have a break in service of 30 or more calendar days.

An employee who is restored to state employment following military service is entitled to have his or her sick leave balance restored.

Retirees who return to state employment will not have their sick leave balances restored.

Employees employed by multiple agencies cannot accrue sick leave at a rate that exceeds that of a full-time, 40-hour-per-week employee.

Death of an employee

The estate of a deceased employee is entitled to receive payment for one-half of the employee's sick leave balance or 336 hours, whichever is less, provided the employee had six months of continuous service at the time of death. The amount paid to the estate will be based on the employee's compensation rate at the time of death and will not include longevity or hazardous duty pay.

Authority

Texas Government Code, Chapter 661

Revised Date

September 1, 2017

SICK LEAVE POOL

A sick leave pool is established to allow employees to voluntarily transfer earned sick leave time to a sick leave pool. The sick leave pool is intended to provide for the alleviation of hardship caused by a catastrophic illness or injury to an employee or a member of the employee's family that may force the employee to exhaust all leave time earned and to lose compensation from the state.

Definitions

Catastrophic Injury or Illness is defined 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 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 who is practicing within the scope of his or her license.

Texas Government Code §661.202 (d) defines immediate family as:

- 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.
- A minor child of the employee, regardless of whether the child lives in the same household.

The Chief Operating Officer is the sick leave pool administrator.

Procedures to Contribute

To contribute time to the sick leave pool, an employee must submit a contribution form to the pool administrator, or designee. Contributions of sick leave must be in increments of eight hours except for a retiring state employee who may contribute accrued sick leave in increments of less than eight hours.

An employee may transfer to the pool not less than one day per fiscal year of the accrued sick leave time earned by that employee, provided their sick leave balances will be at least 80 hours after the transfer of leave to the pool.

Eligibility

An employee is eligible to use the time contributed to the sick leave pool if, because of a catastrophic injury or illness, the employee has exhausted all the sick leave time to which that employee is otherwise entitled.

An eligible employee may withdraw from the pool only with the approval of the pool administrator. An eligible employee may not draw time from the pool in an amount that exceeds the lesser of: one-third of the total amount of time in the pool or 90 days. The pool administrator shall determine the exact amount of time that an eligible employee may draw from the pool. An employee must receive this information or a denial of their request before he or she may request Extended Sick Leave.

Holidays that occur during the use of sick leave pool time are counted just like regular sick leave time; if a person is sick on a holiday, the person receives "holiday pay" for that day, not "sick leave pay."

Procedures to use time from the Sick Leave Pool

An eligible employee must submit an application form to the pool administrator. If an employee is seeking to withdraw time because of a catastrophic illness or injury, the employee must provide the pool administrator with a written statement from a licensed practitioner who is treating the employee or the employee's immediate family member. The statement must provide sufficient information regarding the illness or injury to enable the pool administrator to evaluate the employee's eligibility.

Authority

Texas Government Code, Chapter 661

Revised Date

September 1, 2017

SICK LEAVE - EXTENDED

Extended sick leave is an additional paid leave that may be granted for an employee's personal illness or injury. Extended sick leave is granted at the discretion of the Chief Operating Officer or designee, based on fiscal constraints and the situation in question.

Extended sick leave may not be used intermittently.

Extended sick leave granted to an employee will be counted against the employee's 12-week FMLA leave entitlement, if eligible.

Extended sick leave is granted after sick leave pool amounts are exhausted.

Accrual

The sick and annual leave accruals of an employee who is on extended sick leave on the first working day of a month will be held in suspense until the employee returns to duty.

Any unused extended sick leave hours granted will be removed from the employee's timekeeping record upon the employee's return to work or separation of employment.

Eligibility:

Before requesting extended sick leave, an employee must use all accrued sick, banked overtime, compensatory, and vacation leave. In the case of an on-the-job injury, the employee is required to use only all accrued sick leave.

Extended sick leave will not be granted for employees who have not performed their duties in a satisfactory manner, who have abused sick leave privileges in the past or who do not intend to return to work with the agency.

Maximum Amounts of Extended Sick Leave

A maximum of thirty (30) working days or an amount equal to accrued sick leave balance at the onset of the illness or injury, whichever is less.

Procedures

To be considered for Extended Sick Leave, an employee must provide:

1. A "Request for Extended Sick Leave Request Form" including a written statement requesting a specific period of time for the extended sick leave.
2. A certificate from a physician stating the specific date of the onset and the nature, type and extent of the illness or injury. This should include a diagnosis and prognosis. An updated physician's statement may be required to accompany additional requests for the same illness or injury when the status of the employee's condition warrants it.
3. A written statement from the employee indicating the employee's intent to return to work following the illness or injury

Return to Work

The employee must obtain a return to work certification for the health care provider stating that the employee is able to resume work and the date the employee will be able physically to return to work. An employee who fails to provide this certification will not be permitted to return to work.

If a licensed health-care practitioner releases an employee to return to work or does not extend the duration of the absence, the employee shall return to work as provided in the medical documentation. Otherwise, the employee may be considered to have abandoned his/her position. Separation from the agency may follow.

Failure to Return to Work

An employee who voluntarily elects not to return to work with the agency following a period of extended sick leave will be required to reimburse CPRIT for the dollar amount of extended sick leave granted.

Authority

Texas Government Code, Chapter 661

Revised Date

September 1, 2017

SICK LEAVE DONATIONS TO A SPECIFIC EMPLOYEE

An employee may donate any amount of the employee's accrued sick leave (donor employee), in whole hour increments, to another employee who is employed at CPRIT and has no current balance of sick leave (recipient employee), extended sick leave or leave from the sick leave pool. To be eligible to receive donated sick leave, the recipient employee does not have to apply for or be awarded extended sick leave or leave from the sick leave pool.

A recipient employee may only use this leave for sick leave purposes on or after the date the donor employee submits form CPRIT0515, Employee Donated Sick Leave.

If a recipient employee retires from the state and has a remaining balance of donated leave, the recipient employee may not use this donated leave towards receiving additional service credit in the Employees Retirement System of Texas (ERS). The donated sick leave balance is not paid to the estate of a deceased recipient employee.

Once a donor employee donates time to an eligible recipient employee, the time is taken out of the donor employee's sick leave balance and transferred to the recipient employee. It cannot be reinstated to the donor employee. **Note:** An employee who is planning to use a portion of his or her sick leave balance to satisfy requirements for retirement should consider this restriction when deciding on a donation amount.

Hours donated to a recipient employee at the time of separation from state employment are considered used and are not restored if the person is subsequently re-employed by a state agency.

To donate sick leave to another employee, the donor employee must complete the CPRIT0515 form. An employee requesting to use donated sick leave submits the hours in the CAPPS timesheet using the time report code, EDSLTL.

Donations of sick leave are strictly voluntary. Any attempt to coerce or otherwise persuade an employee to donate sick leave is prohibited. Employees must not provide or receive any compensation, gift, or other benefit in exchange for a sick leave donation.

Authority

Texas Government Code, Chapter 661

Revised Date

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PARENTAL LEAVE

Employees who do not qualify for Family and Medical Leave (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 FML [12 months (1,250 hours) or more of state service], an employee can meet requirements for only one of these entitlements.

Employees with fewer than 12 months of state service or less than 1,250 hours in the 12 months immediately preceding the start of leave are entitled to a parental leave of absence, not to exceed 12 weeks, for the birth of a natural child or the adoption or placement in foster care of a child under three years of age. This period begins with the date of birth, or the first day the adoptive child is formally placed in the home. The employee must use all available paid annual and sick leave before going on leave without pay while taking the parental leave.

Employees anticipating using parental leave should notify their supervisor to allow ample time to plan for covering duties for the duration of the absence. Any additional time off must be requested in accordance with the leave without pay policy and approved by the supervisor and Chief Executive Officer.

Authority

Texas Government Code, Chapter 661

FOSTER PARENT LEAVE

An employee, who is a foster parent to a child under the conservatorship of the Department of Family and Protective Services (DFPS), is entitled to a leave of absence with full pay for attending staff meetings held by the DFPS regarding the foster child. In addition, the employee may use this entitlement to attend admission, review and dismissal meetings held by a school district regarding the child under the foster child.

Authority

Texas Government Code, Chapter 661

EMERGENCY LEAVE

The Texas Government Code, Chapter 661, authorizes the Agency Head to grant emergency leave for a death in the family or for other reasons when good cause exists.

REASONS FOR EMERGENCY LEAVE

The Chief Executive Officer or designee may grant the emergency leave to an employee for any of the following reasons:

- a death in the family of an employee;
- inclement weather and natural disasters situations (see Inclement Weather Closing);
- an employee who is a member of the National Guard is called to active duty by the Governor because of an emergency (see Military Leave);
- an employee is required to appear in court if subpoenaed as a witness or during an agency investigation (see Compliance with a Subpoena and Leave during Agency Investigation); or
- For other reasons when good cause exists.

FAMILY DEATH/BEREAVEMENT LEAVE

An employee may be granted 24 hours of emergency leave with pay in the event of a death in the employee's family.

"Family" is defined as the employee's spouse and the employee's or spouse's parents, siblings, grandparents, children and grandchildren.

The employee may request to use other accrued leave, as appropriate, to attend the funeral services of other relatives or friends not listed above.

REQUESTING LEAVE

Before taking emergency leave, an employee must notify the Chief Executive Officer, designee, or supervisor of the request and provide basic information related to the request.

The agency may request that employees submit an obituary or some other form of documentation to the supervisor or human resources.

Sick leave and vacation leave continue to accrue when an employee is on emergency leave, but are not credited to the employee's leave balances until the date that the employee returns to duty.

GOOD CAUSE

In addition to granting employees emergency leave for death of a family member, the Chief Executive Officer or designee may grant Emergency leave for other reasons if the employee requests the leave and the Chief Executive Officer or designee determines that the employee has shown good cause for taking the leave, and believes the employee intends to return to his or her position upon expiration of the emergency leave. Employees are not required to request emergency leave if the Chief Executive Officer grants the leave because the agency is closed due to weather conditions or in observance of a holiday.

The agency must report annually specific information for employees granted more than 32 hours of emergency leave during the prior fiscal year. The annual report is due to the Comptroller's office no later than October 1st.

Authority

Texas Government Code, Chapter 661

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MISCELLANEOUS LEAVE

JURY DUTY

A summons for jury duty or performance of jury duty service is different from a subpoena to appear or giving testimony in a court proceeding. An employee is entitled to serve on a jury without any deduction from wages. Employees called for jury service will not be required to use accrued leave nor account for any fees received for jury service. Employees will notify their supervisor in advance of the date they have been requested to appear for possible jury duty service. A copy of the jury duty summons must be attached to employee's monthly time report. The number of hours indicated daily for jury duty cannot exceed the number of hours the employee was scheduled to work at the time jury duty was served.

VOTING TIME

Early voting enables an employee to vote (before or after work, including the weekends) prior to an election. Employees are allowed sufficient time off, 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.

VOLUNTEER FIREFIGHTERS/EMERGENCY MEDICAL SERVICES TRAINING LEAVE

Volunteer fire fighters will be granted up to five days of leave each fiscal year for attending training schools conducted by state agencies. Such leave will not be charged against an employee's annual or sick leave privileges.

ASSISTANCE DOG TRAINING FOR EMPLOYEES WITH A DISABILITY

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

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 the Chief Executive Officer or designee 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, annual time, sick leave, earned overtime, and/or compensatory time during this leave.

COMPLIANCE WITH A SUBPOENA

An employee testifying in an official capacity is on "special assignment," and no leave will be charged against the absence. An employee testifying as an expert witness is authorized to use emergency leave for the absence. CPRIT shall determine, for unofficial testimony, whether such an absence is considered good cause for emergency leave.

An employee who appears in any judicial or legislative proceeding will be granted emergency leave if the employee is acting as a witness pursuant to a subpoena and is not acting in any official capacity as a CPRIT employee. Otherwise, the employee must use annual leave or compensatory time.

LEAVE FOR ORGAN OR BONE MARROW DONORS

A state 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 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.

BLOOD DONATIONS

CPRIT employees are allowed sufficient time off, without a deduction in salary or accrued leave, to donate blood. The supervisor must grant approval before taking time off. Upon returning to work, the employee must provide proof that he or she donated blood during the time off. If the employee fails to provide proof, the employee shall deduct the time from accrued leave. An employee may receive time off to donate blood not more than four times in a fiscal year.

SICK LEAVE FOR EDUCATIONAL ACTIVITIES

An employee may use up to eight hours of sick leave each fiscal year to attend educational activities of the employee's children who are in pre-kindergarten through twelfth grade. The employee must give reasonable notice of his or her intention to use this leave. Educational activities are school-sponsored activities, including parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs.

LEAVE DURING AN AGENCY INVESTIGATION

The Chief Executive Officer or designee may grant leave without a deduction in salary to an employee who is the subject of an investigation being conducted by the agency, or a victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency.

No later than the last day of each state fiscal year quarter, an agency must submit a report to the State Auditor's Office and the Legislative Budget Board that includes the name of each agency employee who is the subject of an investigation being conducted by the agency and who has been granted 168 hours or more of leave for that reason during that fiscal year quarter. The report must include, for each employee, a brief statement as to the reason that the employee was granted the leave.

Authority

Texas Government Code, Chapter 661

Revised Date

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EMPLOYEE WELLNESS

CPRIT employees are allowed up to 30 minutes, during normal working hours, for exercise three times each week. The conditions that apply to this benefit are: 1) The time cannot be used to start or end the day. The employee must be at work before and after the exercise time. The time can be added to the morning and/or afternoon breaks or lunch break; 2) The time cannot be accumulated. It can only be used for exercise in daily increments up to 30 minutes (maximum of 3 days per week). It is not saved for or combined for future use during the week. No additional leave time is earned if this benefit is not used each day; 3) No recording of the benefit is required on CPRIT time records; 4) The Chief Executive Officer or Chief Operating Officer can deny the use of the benefit if workloads require individuals to be available for work, or for any other reason; 5) Staff must keep their supervisor advised when this time is being utilized. This time is allowed for exercise only and use of this time is on the honor system.

Authority

Texas Government Code, Chapter 664.061

MILITARY LEAVE

Employees who are members of the National Guard or Reserve Components of the Armed Forces of the United States shall be entitled to fifteen days of military leave for authorized training or duty, with no loss in pay, loss of time, efficiency rating, personal time, sick leave or vacation time in any one calendar year. It is not necessary that the fifteen days of military leave be taken on consecutive days if the employee is ordered to active duty for non-consecutive training days. After exhausting the 15 days of military leave, the employee may use accrued vacation leave to the extent available or be placed in a leave without pay status (or a combination of the two) for the remainder of the active duty period, as approved by the Chief Executive Officer.

A state employee who is a member of the National Guard called to active duty by the Governor because of an emergency is entitled to receive and shall be granted emergency leave with full pay without loss of military or annual leave. Such leave shall be provided with full pay.

An employee called to active duty during a national emergency by a reserve branch of the United States Armed Forces shall have a leave of absence without pay. The employee shall accrue state service credit while on such leave but does not accrue annual or sick leave. However, the employee retains any accrued sick or annual leave and will be credited with these leave balances upon return.

Procedure:

Employees must notify the Chief Executive Officer or designee of a request for military leave and indicate the time and dates they are to be absent from duty. The employee must attach a copy of competent military orders that call the employee to active duty. Such requests must be made in advance.

The number of hours indicated daily for military leave cannot exceed the number of hours the employee was scheduled to work during the period the leave was taken.

Authority

Texas Government Code, Chapter 437.202

MEDICAL AND MENTAL HEALTH CARE LEAVE FOR CERTAIN VETERANS

An employee who is a veteran, as defined by Texas Government Code, Section 434.023 (a), and who is eligible for health benefits under a program administered by the Veterans Health Administration of the U.S. Department of Veterans Affairs, may be granted leave without a deduction in salary or loss of vacation and sick leave, earned overtime, or state compensatory time, to obtain medical or mental health care administered by the Veterans Health Administration of the U.S. Department of Veterans Affairs. Leave granted for this reason may not exceed 15 days each fiscal year unless the Chief Executive Officer determines that additional days of this leave are appropriate for the employee. Management may request documentation to ensure leave used qualifies for this benefit.

Authority

Texas Government Code, Chapter 661.924

Revised Date

September 1, 2017

ADMINISTRATIVE LEAVE FOR OUTSTANDING PERFORMANCE

The Chief Executive Officer may grant administrative leave without a deduction in salary to an employee for a single act of outstanding performance or as a reward for outstanding performance as documented during performance evaluation. The total amount of leave granted may not exceed 32 hours during a fiscal year.

To award administrative leave, the supervisor must submit a request in writing to the Chief Executive Officer for approval.

Authority

Texas Government Code, Chapter 661

LEAVE WITHOUT PAY (LWOP)

Leave without pay occurs when an employee is absent, with or without authorization, and has exhausted all accrued leave balances. CPRIT strongly discourages Leave Without Pay. Employees may take leave without pay provided the Chief Executive Officer or designee approves the leave in advance and the leave does not exceed 12 months. An employee's longevity date and other service dates are not adjusted for the time spent on leave without pay.

Leave without pay taken on the first working day of a month will cancel an employee's longevity pay. The employee's status on the first day of each month determines the employee's entitlement to longevity payment for that month.

Except for disciplinary and worker's compensation situations, leave without pay will not be approved until the employee has used all paid leave entitlements.

An employee on leave without pay will not be paid for the working hours absent from duty, nor any holiday hours that fall within the period of leave without pay. The employee will be paid for the holiday only when the employee is in pay status on the day before or the day after the holiday.

An employee does not accrue vacation or sick leave for a full calendar month during which the employee is on leave without pay.

Authority

Texas Government Code, Chapter 661

FAMILY AND MEDICAL LEAVE (FML)

Eligibility for Family and Medical Leave (FML) 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. For purposes of FML, the state is considered a single employer. The agency will credit time worked for other state employers when considering FML eligibility. Eligible employees must use all appropriate paid leave while taking FML.

Sick leave may be used in conjunction with FML when a child under the age of three is adopted, regardless of whether the child is ill at the time of adoption. A state employee 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.

Employees on workers' compensation or receiving temporary disability benefits cannot be required to use, but may elect to use, paid leave prior to taking FML.

FMLA provides all eligible employees a total of 12 weeks of unpaid leave during any 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 makes the employee unable to work

Additionally:

- An employee who takes FML must be returned to the same job or a job with equivalent status and pay.
- The agency will continue the employee's health benefits during the absence.
- The agency can require the employee to provide a doctor's certification.
- FML may be used intermittently if required by a physician to care for 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.
- If FML is used in one continuous block, an agency closure will count against the employee's entitlement. The exception to this would be the closure of the agency for a week or more.
- Holidays, ice days, and shutdowns do not count against employees who are on intermittent FML or a reduced work schedule.

If an employee elects to use FLSA compensatory time while out on FML, that time is not counted toward the 12-week entitlement. State compensatory time, holiday time, and administrative leave that are benefits of the state may be counted toward the entitlement.

CPRIT will continue to pay its portion of the employee's group health plan coverage during FML. The employee is responsible for paying his or her portion of the premium.

An employee does not earn state service credit, annual leave, or sick leave for any full calendar months of leave without pay while on FML. This time is also not included in the calculation of the number of continuous months of employment for purposes of merit increases and leave.

If an employee is unable to return to work due to the employee's own serious health condition after exhausting the 12-week FML entitlement, the employee may exhaust any remaining paid leave accrued prior to taking FML; the CEO may grant leave without pay for up to a total of 12 months including the 12 weeks of FML; or the employee may be dismissed.

Authority

Texas Government Code, Chapter 661