

PROCEDURE LIT.5.09.04
VACATION LEAVE

SCOPE: Faculty and Staff

1. **Eligibility:** Regular staff members and faculty who work the staff work schedule of Lamar Institute of Technology (LIT) are entitled to a vacation leave allowance within the standards of the Texas Government Code. The purpose of vacation leave is to provide income protection to the employee while allowing for a period of recreational leave or other absences from work not covered by other leaves. Employees are encouraged to use the majority of their earned vacation leave each year. It is important that employees have time to rest and relax each year in order to maintain maximum productivity. Vacation leave also allows employees to take care of a variety of personal matters when it is not possible to do so outside normal working hours.
2. **Rate of Accrual and Accrual Computations:** Vacation entitlement accrues as follows:
 - 2.1. Vacation leave entitlement accrues from the first day of employment and terminates on the last day of employment.
 - 2.2. Vacation with pay may not be taken until the staff member has been continuously employed with the state for six months.
 - 2.2.1. Continuous employment means that no leave without pay (i.e., for a full calendar month which does not count as state service credit) has been taken.
 - 2.2.2. The six-month eligibility requirement means that once an employee has completed six months or more of continuous state employment and then leaves state employment, that person is eligible to take vacation leave as it is earned upon reemployment, or be paid for it on termination following such reemployment.
 - 2.2.3. An employee who separates from one state agency will not be paid for his or her unused vacation time if they are reemployed by another state agency that grants vacation time within 30 days of leaving his or her previous job.
 - 2.3. Full time employees will accrue vacation leave in accordance with the following schedule:

Length of State Employment	Hours Accrued Per Month	Max Hours to Carry Forward Year to Year
Less than 2 years	8	180
2 but less than 5 years	9	244
5 but less than 10 years	10	268
10 but less than 15 years	11	292
15 but less than 20 years	13	340
20 but less than 25 years	15	388
25 but less than 30 years	17	436

30 but less than 35 years	19	484
35 years or more	21	532

- 2.4. Part-time employees accrue vacation leave on a proportionate basis. For example; a fifty (50) percent staff member with less than two (2) years of total State employment will earn four hours monthly ($.50 \times 8 = 4$).
- 2.5. Vacation leave entitlement will continue to accrue during periods when the employee is on an approved leave with pay; however, this leave accrual will not be credited until the date of the employee's return to duty. Vacation leave entitlement will be credited to an individual for time in a leave without pay status if he/she has any fraction of paid employment in that month.
- 2.6. State service is defined to include all eligible service to the State of Texas including part-time, faculty, or legislative service. Time need not be continuous. All previous State service must be verified by Human Resources. Credit for the higher rate of accrual as shown on the chart shall be given if the anniversary date falls on the first calendar day of the month; otherwise the increase will occur on the first calendar day of the following month. If an employee begins working in a position that accrues vacation leave on the first work day of the month, the employee is deemed to have begun working on the first calendar day of the month for the purpose of this subsection.
- 2.6.1. Service in a public independent school system of Texas or a Community College is not considered State service.⁷⁷
- 2.6.2. Employees who return to State employment following an extended military leave of absence without pay are entitled to have their time on active duty credited toward total State employment for vacation leave earning purposes.
3. **Vacation Leave Utilized:** Vacation leave taken must be recorded in hours. When charging for time less than an hour, vacation leave taken must be rounded off to quarter hours, i.e., fifteen (15) minutes = 0.25 hrs., thirty (30) minutes = 0.5 hrs., forty-five (45) minutes = .75 hrs., etc.
- 3.1. In computing vacation time taken, holidays falling during an individual's vacation period will not be charged against vacation leave.
- 3.2. Illness occurring during a vacation period will be charged against sick leave and will not be charged against vacation leave if the staff member presents a physician's statement or other acceptable verification.
4. **Maximum Accrual:** Normally, supervisors should encourage staff members to take vacation leave during the fiscal year in which it is earned.
- 4.1. An employee may carry forward from one fiscal year to the next fiscal year an amount not to exceed the applicable maximum rate as cited in Section 2.3 of this procedure.

- 4.1.1. The maximum carry-over for part-time employees will be proportional to the number of hours of their regular schedule. For example, a fifty percent staff member could carry over half the amount that a full-time employee can carry over.
 - 4.2. Any vacation leave balance which exceeds the maximum carryover will be rolled into the employee's sick leave. Maximum allowable carry-over is indicated in the accrual chart.
5. Scheduling of Leave: Supervisors shall approve vacations in accordance with department needs and to insure the presence of an effective work force at all times. Employee preferences should be given as much consideration as possible.
6. Vacation Leave Approval: Vacation leave must be requested in advance and approved by the designated department official.
 - 6.1. Prior to taking vacation leave, the employee must complete a Request for Leave and submit it to the department official with the designated authority to approve leave. The department official who has the authority to approve leave will be the head of the department unless otherwise directed by the President.
 - 6.2. The employee is responsible for recording all vacation leave taken by the employee during the month on the Leave Report and submit the report for approval.
7. Transfers: An employee who transfers to LIT from another agency of the State of Texas will be given credit for any unused balance of accumulated vacation leave, provided there is no interruption in service, i.e., the individual is placed on the payroll of LIT on the first working day succeeding the day separated from the previous agency or department. This provision also applies to individuals transferring to and from grant accounts. Request for verification of past employment shall be presented to the Office of Human Resources immediately upon employment.
8. Vacation Leave on Separation: An employee who resigns, is dismissed, or is separated from LIT after six (6) months of continuous state employment, is entitled to be paid for all vacation time. However, when an employee is a direct transfer to another state agency or institution without a break in service, vacation leave transfers to the new employer.
 - 8.1. Payment for all vacation time duly accrued as of the separation will be made by a "lump sum payment". Any questions concerning "lump sum payment" procedures should be directed to Payroll Services. A lump sum payment to an individual for accrued vacation time constitutes wages and is subject to Social Security and Federal Withholding Tax.
 - 8.1.1. A terminating or retiring employee is not entitled to receive longevity or hazardous duty pay when he/she is compensated for his accrued vacation leave in a lump sum.

8.2. Upon the recommendation of the department and approval of the Human Resources, the terminating employee may be paid for accrued vacation leave by allowing the employee to remain on the payroll while drawing the terminal vacation time.

8.2.1. Sick leave may not be used when the employee has been allowed to use vacation time in this manner, but the employee may continue to receive longevity and/or hazardous duty pay while remaining on the payroll.

8.2.2. The employee on terminal leave will not accrue further vacation or sick leave.

8.3. Employees separated during their first six (6) months of state service will not be paid for any accrued vacation time.

9. **Status Change:** An eligible employee whose status changes to a position not eligible for vacation leave entitlement shall expend accrued vacation entitlement or receive payment for that leave prior to changing status, or the President may grant an individual permission to freeze the accrued balance at the time of status change. For example, such an exception might be made if the change of status is expected to be temporary and it is planned that the individual will return to an eligible status within a reasonable period of time. However, if the individual separates from LIT instead of returning to an eligible status, the lump sum payment will be based on the rate of pay the individual was earning at the time of freezing.

9.1. Vacation leave time which is not expended prior to the assumption of the non-vacation accruing position will be frozen for the duration of the employment in the non-accruing position. Lump sum payment for the frozen leave will only be made at the time of separation from LIT, provided that the employee is not transferring to a vacation accruing position in another State agency or institution. Should the employee return to a vacation accruing position within LIT, the employee will be eligible to use the accrued vacation as well as accrue in the future.

9.2. Advanced Vacation: Advanced vacation leave in excess of an employee's actual total accrued (unused) vacation balance is not permissible. For example, an individual cannot take a week (40 hours) off for vacation until he/she has actually accrued 40 hours of vacation leave entitlement. Exceptions shall be made only by the President.

Related Policies: LIT.5.09 Employee Leave

Relevant Forms/Documents:

Relevant TSUS Policies/Forms/Documents:

10. **Relevant Statutes:** Texas Government Code §661.062, §661.067, §661.152, §661.153; State Auditor's Office Leave Interpretations No.91-05 (5/8/91); Attorney General Opinion No. WW1443

Relevant SACSOC Standards:

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