1. GOVERNING REGULATIONS

The procedure is governed by the following regulations:

System Regulation 31.02.02 Group Insurance Programs
System Regulation 31.03.01 Vacation
System Regulation 31.03.02 Sick Leave
System Regulation 31.03.03 Leave of Absence With Pay
System Regulation 31.03.04 Leave of Absence Without Pay
System Regulation 31.03.05 Family and Medical Leave
System Regulation 31.04.01 System Holidays
System Regulation 31.06.01 Sick Leave Pool Administration
Administrative Procedure 01.03 Director’s Delegations – Human Resource Administration
Administrative Procedure 10.06 Family Medical Leave Act Documentation
Administrative Procedure 30.09 Overtime and Compensatory Time

2. GENERAL

This administrative procedure provides guidance for regular Texas A&M Forest Service (TFS) employees on the process for requesting leaves of absence and the method for documenting the absence. A regular employee is defined as one who is appointed at half-time or more for at least four and one-half months, excluding students holding positions for which student status is a requirement for employment.

3. VOLUNTEER FIREFIGHTER AND EMERGENCY MEDICAL SERVICES (EMS)

Volunteer fire departments are important TFS customers and partners. They are the primary responders and providers of emergency services across the state. As a state agency, and particularly as an emergency response agency, TFS is committed to supporting these entities, both directly and indirectly. This support includes providing eligible employees with access to leave with pay (without impacting earned leave) while balancing the agency’s commitment to provide indirect support (releasing personnel to participate) with direct support responsibilities (responding as TFS when needed).

3.1 TFS employees serving as volunteer firefighters and EMS volunteers adhere to the following provisions.

   a. Budgeted employees serving as volunteer firefighters or emergency medical services volunteers may be granted a leave of absence with pay when
responding to an emergency as a member of an established fire department or emergency response organization.

b. Seasonal employees are not eligible for leave with pay. These employees may be released from work, but will not receive pay.

c. Response to a call for emergency assistance during normal working hours requires prior approval from the employee’s immediate supervisor.

d. When responding to a call for emergency assistance from work, a TFS employee is expected to use a personal vehicle when possible. An employee may utilize a TFS vehicle after obtaining supervisor’s approval if transitioning to a personal vehicle would substantially affect response time during critical events.

e. When responding in a TFS uniform or vehicle or with any item that identifies an individual as a TFS employee, all agency standards of conduct and equipment use will apply, including adherence to all state and local ordinances and laws.

f. TFS employees serving as volunteer firefighters or emergency medical services volunteers are entitled to a paid leave of absence of up to five working days each fiscal year to attend training as it relates to their service as members of an established fire department or emergency response organization. Written verification of participation is required.

g. Injuries to an employee while serving as a volunteer under these guidelines will not qualify under TFS workers compensation insurance, unless the volunteer emergency response becomes a TFS response and the employee is working for TFS when an injury occurs.

h. An employee approved for this leave is expected to return to work promptly, rested and capable, or to take earned compensatory time or vacation (with supervisor’s approval), particularly following late- or all-night responses.

i. TFS emergency response takes priority over outside emergency response.

3.2 A request for volunteer firefighter or emergency medical services leave with pay must be entered and approved through Workday.

4. VACATION, SICK LEAVE, OTHER LEAVE OF ABSENCE WITH PAY AND COMPENSATORY LEAVE

4.1 System Regulation 31.03.01 Vacation and System Regulation 31.03.02 Sick Leave outline the accrual process and authorized uses of vacation and sick leave.

4.2 System Regulation 31.06.01 Sick Leave Pool Administration outlines the process and approval necessary for sick leave donation. The application forms associated
with a donation are the **Sick Leave Direct Donation - Donor Form** and the **Sick Leave Direct Donation - Recipient**.

There may be tax implications related to donating or receiving sick leave. To properly understand the effect of any tax implications, the employee should consult with his or her tax attorney.

4.3 **System Regulation 31.03.03 Leave of Absence With Pay** outlines several types of leave that may be requested that are not under emergency conditions.

a. Administrative leave  
b. Amateur Radio Operator  
c. American Red Cross disaster service  
d. Assistance dog training for employee with a disability  
e. Court-appointed special advocate  
f. Foster parent  
g. Jury service  
h. Organ bone marrow or blood donor  
i. Voting

4.4 Compensatory leave will accumulate in accordance with **Administrative Procedure 30.09 Overtime and Compensatory Time**.

4.5 These types of leave are requested, approved and documented using **Workday**.

5. **SICK LEAVE POOL**

System Regulation 31.06.01 **Sick Leave Pool Administration** outlines the authorized uses of sick leave pool time which is a type of leave of absence with pay. This time is requested by the employee using the **Sick Leave Pool Application to Withdraw Hours** form and supported by medical verification using the **FMLA Medical Certification Form for Employee** or the **FMLA Medical Certification Form for Family Member**. These forms must be routed through the employee’s chain of command to the Sick Leave Pool Administrator and must receive final approval prior to the day the leave is to begin. Sick leave pool time may not be retroactively granted. When final approval has been granted the Sick Leave Pool Administrator will enter the granted time into **Workday**. The use of this leave will then be documented using **Workday**.

6. **EMERGENCY LEAVE WITH PAY**

All emergency leave with pay must be approved by the Director. An emergency leave of absence with pay may be requested in the following circumstances:

6.1 **Death of a Family Member**

An employee is entitled to emergency leave because of the death of the employee’s spouse, or the employee’s or spouse’s child, stepchild, parent, stepparent, brother, stepbrother, sister, stepsister, grandparent, step grandparent, great grandparent, step great grandparent, grandchild, step grandchild, great
grandchild or step great grandchild. An emergency leave of up to three working days may be requested. These days are intended to provide for usual circumstances that occur due to death of these family members. Up to two additional days may be requested in unusual circumstances with additional documentation provided in advance through the applicable associate director. If additional time is needed, an employee may be permitted to use accrued vacation or, if available, compensatory time.

6.2 Death of a TFS Employee or Retiree

When a TFS employee or retiree dies, the Director may excuse TFS employees for an appropriate period in order that those who wish to attend the funeral in honor of that person may do so. This approval will normally be done by electronic message and will not require the filing of an individual Request for Personal Leave.

6.3 Unsafe Working or Travel Conditions

When an office or work site must close due to hazardous conditions or unsafe travel conditions for employees, the following will apply:

a. Emergency leave for a period of up to five working days may be granted to regular employees who do not work because an emergency has been declared;

b. Regular employees required to work during an emergency will be granted equivalent compensatory time;

c. In situations where employees already are on approved leave (sick, vacation, etc.) at the time an emergency is declared, their leave status will not be changed to emergency leave.

d. In the absence of a declared emergency, if an employee determines that driving conditions would be hazardous from his/her location, the employee may request emergency leave. Normally up to two working days may be granted. If additional time is required, an employee may be permitted to use vacation or, if available, compensatory time.

6.4 Emergency Evacuation Order

If an emergency evacuation order is issued by state or local government, employees scheduled to work receive their regular salary and benefits for the duration of the order.

6.5 Office Closures

When office closures occur for reasons other than those addressed in sections 6.3 and 6.4, the employees scheduled for work will be granted paid leave for the time the work site is closed. Employees who are required to work when an office is closed under this section may accrue compensatory time.
6.6 Other Circumstances

An employee may request emergency leave for a reason not listed above if the employee provides good cause for the leave and has exhausted all accumulated vacation and compensatory time.

6.7 Investigations

Emergency leave may be granted to an employee who is the subject of an investigation being conducted by TFS, or a victim of, or witness to, an act or event that is the subject of an investigation being conducted by TFS.

6.8 Medical and Mental Health Care for Certain Veterans

A veteran who served in the army, navy, air force, coast guard, or marine corps of the United States as defined by Government Code § 434.023(a) or the Texas National Guard as defined by § 431.001, and eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs, may be granted leave without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time to obtain medical or mental health care administered by the Veterans Health Administration including physical rehabilitation. Leave granted may not exceed 15 working days each fiscal year.

6.9 Requests for Emergency Leave with Pay

a. All individual requests for emergency leave with pay, except section 6.2, must be processed on a Request for Personal Leave form routed through the requesting employee’s chain of command. The associate director will make a final recommendation to the Director. Requests in excess of two working days may require additional justification to be submitted with the Request for Personal Leave form. This leave will then be documented using Workday.

b. Requests related to office closures or delayed openings do not require processing of a Request for Personal Leave form for each employee. Supervisors will provide to ED a list of employees along with the date(s) and number of hours of emergency leave for each employee. This should be submitted by e-mail within one business day following the office closure or delayed opening. ED will submit a group request to the Director for approval.

7. LEAVE OF ABSENCE WITHOUT PAY

Required approvals for leaves of absence without pay (LWOP) are listed in Administrative Procedure 01.03 Director’s Delegations – Human Resource Administration. For parental and family and medical leave procedures, refer to System Regulation 31.03.05 Family and Medical Leave and TFS Administrative Procedure 10.06 Family Medical Leave Act Documentation.
7.1 An employee may request LWOP, subject to the following provisions:

a. Before requesting LWOP, an employee should review the possible adverse impact on state service credit (section 2 of System Regulation 31.03.04) and on holiday pay (section 3 of System Regulation 31.04.01). Contact the payroll office if further clarification is needed.

b. Except for disciplinary suspensions, active military duty and workers compensation situations, an employee must exhaust accumulated paid sick leave, vacation, compensatory time and sick leave pool time before such leave will be granted. Sick leave and sick leave pool time must be exhausted only in those cases where the employee is eligible to take such leave.

c. Such leave will be limited to 12 months in duration and will be concurrent with unpaid parental leave and unpaid family and medical leave.

d. Subject to fiscal constraints, approval of such leave constitutes a guarantee of employment upon expiration of the approved leave so long as the employee is able to perform the duties of the same or similar position.

7.2 Requests

Requests for LWOP are processed on a Request for Personal Leave form routed through the requesting employee’s chain of command to the applicable approving authority (see Administrative Procedure 01.03). Additional written justification is submitted with the Request for Personal Leave form, as needed. A copy of approved LWOP requests must be provided to Employee Development and the payroll office. LWOP is then documented using Workday when it is taken.

7.3 Insurance Benefits

Employee insurance benefits while on LWOP are discussed in System Regulation 31.02.02 Group Insurance Programs.

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