

<b>SUBJECT:</b> Vacation Leave	<b>NUMBER:</b> 60.000.05
<b>DIVISION:</b> Human Resource Services Division	<b>EFFECTIVE DATE:</b> 11/19/07
<b>APPROVED:</b> <a href="#">Signature on file with Human Resource Services Division</a>	

**POLICY STATEMENT:** Vacation leave is an accrued benefit that is granted to eligible employees to provide approved paid time off from work for employee determined reasons.

**AUTHORITY:** ORS 240.145(3); 240.250; 240.551

**APPLICABILITY:** Classified unrepresented, management service, unclassified executive service, and unclassified unrepresented employees

**ATTACHMENTS:** None

**DEFINITIONS:** See HRSD State Policy 10.000.01, Definitions; and OAR 105-010-0000

**POLICY:**

(1) Vacation leave is an accrued benefit that is granted to eligible employees to provide approved paid time off from work for employee determined reasons.

(a) Vacation Leave Accrual

(A) Vacation leave shall accrue as follows:

(i) Classified and unclassified unrepresented employees

<u>Months Worked</u>	<u>Accrual Rate</u>
First month through 60th month	8 hours per month
61st month through 120th month	10 hours per month
121st month through 180th month	12 hours per month
181st month through 240th month	14 hours per month
241st month through 300th month	16 hours per month
After 300th month	18 hours per month

(ii) Unclassified executive service, unclassified excluded **and** management service employees

<u>Months Worked</u>	<u>Accrual Rate</u>
First month through 60th month	10.00 hours per month
61st month through 120th month	11.34 hours per month
121st month through 180th month	13.34 hours per month
181st month through 240th month	15.34 hours per month
241st month through 300th month	17.34 hours per month
After 300th month	19.34 hours per month

(iii) **Unclassified Excluded and Unclassified Unrepresented Attorneys at the Department of Justice**

<u>Months Worked</u>	<u>Accrual Rate</u>
<b>First month through 60th month</b>	<b>10.00 hours per month</b>
<b>61st month through 120th month</b>	<b>11.34 hours per month</b>
<b>121st month through 180th month</b>	<b>13.34 hours per month</b>
<b>181st month through 240th month</b>	<b>15.34 hours per month</b>
<b>241st month through 300th month</b>	<b>17.34 hours per month</b>
<b>After 300th month</b>	<b>18.00 hours per month</b>

(B) An employee, after six months state service, may take accrued vacation leave on or after the first of the month following the month in which it is accrued. Exceptions are stated in HRSD State Policy 60.000.20, Alternative Leave Provisions. In accumulating the initial six months of state service, a seasonal employee shall be given credit for prior seasonal service provided there is not a break of more than two seasons.

(C) A part-time employee, a full-time employee on leave without pay, or an employee beginning work after the first working day of the month shall accrue vacation leave on a pro rata basis.

(D) An employee who works an academic year may take vacation leave during the academic year. One year of credit toward the vacation accrual rate shall be received for each academic year completed. Vacation leave shall not accrue during time off between academic years.

(E) With the approval of the Director of the Department of Administrative Services, an agency head may be granted any accrual rate listed in Section (1)(a)(A)(ii) of this policy, not to exceed 19.34 hours per month, in order to accomplish recruitment objectives or reward outstanding performance.

## (b) Vacation Leave Application

An employee shall be eligible to use accrued vacation leave for any period of absence from employment qualifying as family or medical leave under HRSD Policy 60.000.15, Family and Medical Leave.

## (c) Determination of Service for Pro Rata Accrual

Actual time worked and all leave with pay, except for educational leave, shall be included in determining the pro rata accrual of vacation leave each month.

## (d) Determination of Service for Recognized Service Date

(A) Each employee shall be assigned a recognized service date representing length of service for vacation accrual rate adjusted for breaks in service longer than 15 calendar days.

(B) Time spent in the exempt, unclassified, academic unclassified, classified, and management service and time spent on paid leave or on Peace Corps, military, educational, mobility, or job incurred time loss or other qualifying family and medical leaves covered by Policy 60.000.15 without pay shall be considered as time in the state service in determining the recognized service date.

## (e) Restoration of Vacation Accrual Rate Upon Rehire

(A) An employee who separates from state service and returns within two years shall be given credit toward additional vacation accrual rates for service prior to separation.

(B) Unused vacation leave hours accrued in an exempt (other than legislative) or academic unclassified position, in a manner comparable to this policy, may be restored upon immediate appointment to a classified unrepresented, management service or unclassified position. Vacation leave hours accrued in an exempt position in the legislative branch shall be restored in accordance with ORS 173.005.

## (f) Accumulation of Vacation Leave

(A) Classified and unclassified unrepresented employees shall not accumulate vacation leave in excess of 300 hours. Unclassified executive service, unclassified excluded, management service employees, and unclassified **excluded and unclassified** unrepresented attorneys at the Department of Justice shall not accumulate vacation leave in excess of 350 hours.

(B) An employee who has accrued no less than 260 or 310 hours, respectively per subsection (A), may request use of vacation leave to prevent its loss. The appointing authority, upon determining that granting of vacation leave is not appropriate, shall authorize cash payment for 40 hours. The supervisor must document that the request for vacation leave has been denied. Cash payout for accrued leave shall be granted no more than once in each fiscal year.

(C) Employees who are in danger of losing vacation leave time shall receive notice of impending loss with their first of the month paycheck. The first notice will occur two months prior to the month of loss and continue the following month. Hours shall not be accrued over the 300 or 350 hour maximum. Hours earned over that amount shall be immediately lost to the employee if the equivalent of those hours are not used prior to the month of maximum accrual.

(g) Use of Leave

Vacation leave may be utilized with prior approval of the designated supervisor except as otherwise provided by the Family and Medical Leave Act.

(h) Cancellation of Leave

(A) The supervisor may cancel approved time off as determined by workload needs. If necessary, management shall direct the return of employees from vacation leave if an emergent need arises.

(B) In the event that the supervisor must revoke previously granted vacation leave, the agency head may approve reimbursement to the employee for non-refundable or non-exchangeable travel expenses. Non-refundable and non-exchangeable travel expenses include, but are not limited to, deposits and/or purchases such as airline tickets; vacation packages; and hotel or rental deposits. Reimbursements will be based solely on documented non-refundable or non-exchangeable out of pocket costs for the employee only. Any expenditure incurred prior to the date of approval or after revocation of the vacation leave will not be reimbursable.

(i) Retention of Vacation Leave Hours

Whenever an employee accepts an appointment to a position in another agency to which this policy applies during the initial six months' of employment, or when an employee separates during the initial trial service period and is later reemployed, the employee's accrued vacation leave hours in the losing agency shall be assumed by the gaining agency. After six months of employment, any employee who is transferred to or employed in another agency may elect to have a maximum of 80 hours of unused vacation leave hours transferred to the gaining agency, except the gaining agency may agree to accept a greater amount. The employee shall receive cash compensation from the losing agency for unused vacation leave hours not transferred to the gaining agency to a maximum of 250 hours.

(j) Vacation Pay Upon Separation or Movement from Management or Unclassified Executive to Classified Service

An employee who separates after six months of state service shall be paid for not more than 250 unused vacation leave hours. Employees who move from management, unclassified unrepresented or unclassified executive service to classified service, for any reason, shall only retain a maximum of 250 hours of vacation leave upon landing in the classified service. Any hours beyond the 250 hour cap not paid under section (1)(f)(B) of this policy shall be lost. Any employee on a military leave of absence without pay may, at the option of the employee, either be paid for unused vacation leave hours or retain them on the agency leave records.

(k) Donation of Vacation Leave

An employee, having a minimum of six months of state service, may voluntarily donate vacation leave, in increments of one hour or more, to an individual employee for whom a donated leave bank has been established, in accordance with HRSD State Policy 60.000.01, Sick Leave with Pay, or applicable collective bargaining agreement.

**Vacation Leave**

**Statewide Policy**

**60.000.05**

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- (1) **Performance Measure:** Percentage of vacation leave granted that does not exceed the amount of leave accrued.

**Performance Standard:** 100%

- (2) **Performance Measure:** Percentage of vacation leave granted and used consistent with policy provisions.

**Performance Standard:** 100%