

Southwestern University
HR Policy Q & A: Vacation Leave
April, 2017

Well, it's summertime and summertime means vacation time for many employees. As supervisors, you have probably had to deal with scheduling vacations for employees in your department and may have even had to deny a request for a vacation from time to time. This is never easy to do since vacation is an "earned" benefit (unlike sick leave) and employees feel they have a "right" to take it when they want to. We actually do encourage employees to take their vacation time each year. But, what happens when an employee makes a request that isn't workable within the department or is outside of our vacation policy? Below are some frequently asked questions about vacation time that may help you to deal with those situations.

As always, please contact the Human Resources department if you have questions about any of our policies and practices.

Q: My employee has just requested a week of vacation right in the middle of a big special project that our department is working on. How can I tell her that I cannot approve that time off for her even though she has the vacation time accrued?

A: The University's vacation policy specifically states the following: "...encourages employees to plan ahead for scheduled vacation time in order for their department to function effectively...vacations must be approved in advance by the supervisor..." You should clearly communicate to your employees the times of the year when taking time off for vacation is not possible. If your department is assigned a special project at another time of the year, it is also important to let your employees know that vacation time will not be able to be taken during that time. [Reference: Vacation Leave at www.southwestern.edu/hr/vacation-leave-staff.php].

Q: I recently hired an employee who has requested two days of vacation time. He has only been with the University for 2 months. I know he has some vacation time accrued. Can he use it?

A: No. New employees cannot use vacation time until their initial evaluation period is completed (normally 90 days). This is true for hourly-paid (non-exempt) and monthly-paid (exempt) employees. [Reference: Vacation leave at www.southwestern.edu/hr/vacation-leave-staff.php].

Q: My employee has exhausted all of her vacation leave but wants to take some additional time off during the summer. Is it o.k. for her to take some time off without pay?

A: No. Unpaid leaves of absence are granted only in emergency circumstances when all other leave has been exhausted. At no time should an employee be allowed to take leave without pay in order to extend the employee's vacation time. [Reference: Personal/Unpaid Leave of Absence at www.southwestern.edu/hr/personalunpaid-leave-staff.php].

Q: This is a follow-up to the previous question. Now, wait a minute. Summer is actually a slow time for my department and it would not be terribly inconvenient for my employee to take additional time. Doesn't this save the University money and keep my employee happy?

A: Your employee, yes; other employees, no. It is an inconsistent application of the University's leave policies and has a negative effect to the overall morale of the staff. [Reference: Personal/Unpaid Leave of Absence at www.southwestern.edu/hr/personalunpaid-leave-staff.php]. Also, depending on the length of time the employee takes without pay, it may jeopardize their full-time status, which may also affect their eligibility for benefits. [Staff Handbook Reference, IV. Employment Procedures, B. Employment Categories]. Also, when employees are in a leave without pay status, they become responsible for the cost of their insurance benefits, which can be very expensive. [Reference: Personal/Unpaid Leave of Absence at www.southwestern.edu/hr/personalunpaid-leave-staff.php].

Q: This is another follow-up to the previous two questions. O.K., if my employee can't take leave without pay, can they "borrow" vacation leave time (i.e. have a negative balance)?

A: No. Accrual of time is calculated based on employment category (exempt/non-exempt), years of service, and is accrued each pay period. Employees can only use the time that they have already accrued. [Reference: Vacation leave at www.southwestern.edu/hr/vacation-leave-staff.php].

Q: We are in process of recruiting to fill a position in my department. Our final candidate has already finalized his vacation plans. The 2-week vacation will occur after he has started his job here, but before his 90-day evaluation period is completed and before he will have the two weeks of vacation time accrued. How is the best way to handle this?

A: The best solution is to delay his start date until after his vacation is completed. If this is not possible, then you need to determine if his absence would negatively affect the functioning of your department. [Reference: Vacation leave at www.southwestern.edu/hr/vacation-leave-staff.php]. If you agree to the vacation and the position is hourly-paid (non-exempt), you need to be very clear that the time he takes will be without pay. If you agree to the vacation and the position is monthly-paid (exempt), you should discuss the appropriate method for reflecting this time with the Human Resources department. This is an extraordinary situation which should be approved through the appropriate Vice President and reviewed with the Human Resources

department prior to making the agreement with the employee. [Reference: Personal/Unpaid Leave of Absence at www.southwestern.edu/hr/personalunpaid-leave-staff.php].

Q: My employee wants to take 5 days of vacation, but only has 4 days accrued. Can she use a day of sick leave accrual?

A: No. Sick leave cannot be used as a supplement to vacation leave. If, however, an employee is ill and exhausts all of their sick leave accrual, they are allowed to use their vacation time to extend their sick time. [Reference: Vacation leave at www.southwestern.edu/hr/vacation-leave-staff.php and Sick Leave at <http://www.southwestern.edu/hr/sick-leave.php>].