

HARRIS HEALTH SYSTEM

POLICY AND REGULATION MANUAL

Policy No: 6.03
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Effective Date: 12/07/2006
Board Motion No. 06.12-625

Last Review Date: 03/10/2020
Due For Review: 03/10/2023

TITLE: USE AND SCHEDULING OF PAID TIME-OFF (PTO)

PURPOSE: To define and establish guidelines for the use and scheduling of Harris Health System's Paid Time-Off program.

POLICY STATEMENT:

Harris Health System (Harris Health) has established this Paid Time-Off (PTO) policy to allow employees the flexibility of scheduling time away from work while still meeting the needs of the organization. Employees must follow this policy and any applicable departmental procedures that are implemented.

ELABORATIONS:

I. DEFINITIONS:

- A. **CORRECTIVE SUSPENSION:** Unpaid leave resulting from corrective action against an employee.
- B. **FAMILY AND MEDICAL LEAVE ACT (FMLA):** A federal statute that provides eligible employees with up to twelve (12) workweeks of unpaid, job-protected leave, during a rolling twelve (12) month period.
- C. **INTRODUCTORY PERIOD:** The period (either at hiring or after reassignment or transfer) during which an employee's suitability for the position is determined by reviewing job related factors and the employee's performance.
- D. **PATIENT PROTECTION AND AFFORDABLE CARE ACT (PPACA) SUPPLEMENTAL EMPLOYEE:** A supplemental, registry, or other employee of Harris Health who is not a benefit eligible employee under Harris Health Policy and Procedures 6.12 Employment, but who, during an applicable "measurement period" works an average of thirty (30) hours or more per week, an average of one hundred and thirty (130) hours as measured by Harris Health, and thus qualifies as a "full-time employee" for purposes of the PPACA guidelines.
- E. **PAID TIME OFF (PTO):** A program used in place of traditional vacation, holiday, and sick pay plans where an employee can take time off from work.

- F. **SHORT-TERM DISABILITY:** A temporary, non-work-related injury, or illness that impairs an employee's ability to perform the essential functions of the employee's job for more than thirty (30) consecutive calendar days.

II. ELIGIBILITY AND ACCRUAL RATES

- A. Full-time employees accrue PTO hours, which may be used after completion of the initial ninety (90)-day Introductory Period. Accrual rates are determined by employment status, job classification, and length of service as outlined in Attachment A.
- B. Certain non-exempt job classifications may accrue at the exempt-rate subject to the approval of the President and Chief Executive Officer (CEO).
- C. Part-time, benefits-eligible employees will earn PTO at the rate of 0.05 hours for each hour worked per pay period.
- D. Employees who are part-time without benefits, supplemental, PPACA supplemental, float pool, temporary, or registry do not accrue PTO.
- E. Employees on unpaid leave will not accrue PTO hours when the employee has exhausted PTO for an entire pay period.
- F. An employee's PTO balance may not exceed four hundred and eighty (480) hours at any given time. An employee whose balance reaches four hundred and eighty (480) hours will not accrue additional PTO hours until the PTO balance drops below four hundred and eighty (480) hours. The employee may reduce the PTO balance by:
1. Taking PTO;
 2. Selling back employee PTO to Harris Health; or
 3. Donating PTO hours to the Catastrophic Leave Bank.

III. PTO SELL-BACK AND DONATIONS:

- A. Any accrued PTO hours in excess of two hundred and forty (240) hours may be sold back at a value of fifty percent (50%) of the employee's current base rate exclusive of any pay differentials. A minimum of sixteen (16) hours at a time may be sold back in this manner. A Request to Sell PTO (Harris Health System Form 283540) must be submitted to the Harris Health Payroll Department and payment will be included in a regular paycheck within four (4) weeks of receipt by the Payroll Department.
- B. Any accrued PTO hours in excess of two hundred and forty (240) hours may be donated to the Catastrophic Illness PTO Pool for the benefit of other Harris Health employees. (See Harris Health System Policy and Procedures 6.06 Catastrophic Illness PTO Pool).

IV. PTO USAGE AND TIMEKEEPING:

- A. Harris Health has a responsibility to maintain adequate staffing levels to provide expected services. Employees have a responsibility to their employer, patients, and co-workers to work scheduled shifts and plan absences when feasible. Therefore, the following guidelines have been established:
1. Subject to the following exceptions, employees with available PTO must use such PTO when absent from work:
 - a. PTO may be used to offset the loss of normal income when an employee is on Workers' Compensation or Short-Term Disability.
 - b. Employees placed on a Corrective Suspension without pay may not use PTO during the period of suspension.
 2. An employee must use PTO, if available, while out on FMLA or ADA leave.
 3. Unless a designated Harris Health holiday falls on an employee's regularly scheduled day off, the employee must use available PTO if the employee's Department is closed for the holiday or if the employee is scheduled off due to limited holiday staffing.

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4. Harris Health recognizes the following holidays for administrative and outpatient clinic closures:
 - a. New Year's Day;
 - b. Martin Luther King Day;
 - c. Memorial Day;
 - d. Independence Day;
 - e. Labor Day;
 - f. Thanksgiving Day;
 - g. Friday after Thanksgiving; and
 - h. Christmas Day.
 5. Subject to the following exception, PTO shall accrue but may not be used by an employee during the initial Introductory Period. Unless a designated Harris Health holiday falls on the employee's regularly scheduled day off, available PTO must be used by an employee during the initial Introductory Period if the employee's Department is closed for a Harris Health observed holiday or if the employee is scheduled off due to limited holiday staffing.
 6. PTO may not be used by employees:
 - a. On regularly scheduled days off;
 - b. For hours during which the employee is actively at work anywhere in Harris Health; or
 - c. For the purpose of providing extra pay above and beyond an employee's authorized level.
 7. PTO will be paid through the regular Harris Health payroll process at the employee's base hourly rate, less withholdings.
- B. Departments may develop more specific requirements for PTO scheduling including guidelines relating to the following:
1. The minimum time period required for an employee to submit a request before time off (in the absence of a departmental guideline, a department may not request a PTO request more than thirty (30) days in advance);

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2. The specific PTO request procedure including the person to whom requests must be submitted;
 3. The method of determining priority of who is granted time off in an equitable manner;
 4. The time period in which the requesting employee shall expect a response to their request;
 5. The person(s) with authority to approve or deny PTO requests.
- C. Harris Health reserves the right to withdraw the approval of PTO previously granted in an emergency or when necessary to care for patients or business necessity. Withdrawal of previously approved PTO must be approved at the applicable SVP/EVP level.
- D. Harris Health reserves the right to require employees to use or schedule PTO as permitted by law.
- E. Harris Health Administrators and Directors responsible for providing services may determine the need to close the service. Staff unable to work because of these closures may use available PTO or take time off without pay or penalty.
- F. Scheduled PTO Usage:
- When PTO is to be used, the employee should make a request via the Kronos timekeeping system for scheduled PTO. Excluding extenuating circumstances, the request must be made in advance of the department's notice requirements. The timecard Approver will make every effort to grant Scheduled PTO, however the timecard Approver may deny the PTO request based on the business needs of the department.
- G. Unscheduled PTO Usage:
- In the event of the employee's own illness or the illness of the employee's parent, spouse, or child for whom the employee must provide care, or for other verifiable emergencies, the employee may take Unscheduled PTO. The employee should notify their Supervisor in accordance with the departmental guidelines of the intent to miss scheduled work-time. Upon return to work, the employee shall record the Unscheduled PTO usage in the Kronos timekeeping system.

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Unscheduled absences are recorded as attendance infractions unless protected by statute (e.g., FMLA) or excused by their Supervisor as a verifiable emergency. Attendance requirements are detailed in Harris Health System Policy and Procedures 6.13 Attendance.

H. Non-Exempt Employees:

PTO will be utilized in the following order: Primary PTO Bank, and then Secondary PTO Bank, if applicable. If an employee on leave has any PTO balances, then the employee is required to take PTO unless another type of paid leave applies. A non-exempt employee may, but is not required to use PTO during times of low census, facility closure and where the employee has already met their weekly scheduled hours. A non-exempt employee may not use PTO time to exceed the normal hours in a workweek in the timekeeping system.

I. Exempt Employees:

Exempt employees are expected to work at least forty (40) hours per week. For absences greater than four (4) hours per scheduled workday, the exempt employee shall use PTO for the remainder of the workday. When an exempt employee does not work at least forty (40) hours per week, the exempt employee shall use PTO to bring the workweek up to forty (40) hours. PTO will be utilized in the following order: Primary PTO Bank, and then Secondary PTO Bank, if applicable. If an exempt employee on leave has any PTO balances, the employee is required to utilize PTO unless another type of leave applies. If the employee has no PTO balances, no other leave type applies, and the absence is for one or more full days, then the exempt employee shall be docked for each full-day of work missed.

V. PTO PAY-OUT:

- A. An employee is considered terminated the day after the employee's final day of actual work for Harris Health. An employee who terminates after completion of the initial ninety (90)-day Introductory Period will have their PTO paid out at seventy-five percent (75%) of employee's PTO balance at the final base rate of pay exclusive of any pay differentials. Employees who are terminated during the initial ninety (90)-day Introductory Period will not be eligible for the any PTO pay out.

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- B. If a terminated employee receives a seventy-five percent (75%) pay-out, but is reinstated by a grievance committee, the value of the unpaid twenty-five percent (25%) will be credited to employee PTO balance in hours at the reinstated rate of pay.
- C. An employee who transfers to any non-benefit eligible position, (supplemental, float pool, registry, etc.), will have their PTO paid out at seventy-five percent (75%) of employee PTO balance at the final rate of base pay in the benefit-eligible position, exclusive of any pay differentials.
- D. **SECONDARY PAID TIME OFF;** The Secondary PTO was established for each employee who had greater than four hundred and forty (440) hours on May 2, 2015.
- E. An employee may utilize Secondary PTO for leave at one hundred percent (100%) of the base rate; sell Secondary PTO at fifty percent (50%) of the base rate; donate Secondary PTO at one hundred percent (100%) to the Catastrophic Leave Pool; or be paid out Secondary PTO at seventy-five percent (75%) of the value of the base rate upon separation from Harris Health System.
- F. An employee's Secondary PTO Bank must be zero (0) prior to the employee receiving Short-Term Disability benefits through the Harris Health Group Disability Plan.

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REFERENCES/BIBLIOGRAPHY:

Uniformed Services Employment and Reemployment Rights Act. (USERRA)

Texas Workers' Compensation Act, Tex. Lab. Code Ann. § 401.001 et seq. (1989 Act).

The Family and Medical Leave Act of 1993 (Pub.L. 103-3; 29 U.S.C. sec. 2601; 29 CFR 825), as amended by Section 585 of the National Defense Authorization Act for FY 2008, Public Law [110-181] enacted January 28, 2008; as amended by Section 565 of the National Defense Authorization Act for Fiscal Year 2010, Public Law [111-84] enacted October 28, 2009; and as amended by the Airline Flight Crew Technical Corrections Act, Public Law [111-119] enacted December 21, 2009.

Harris Health System Policy and Procedures 6.29 Family and Medical Leave of Absence

Harris System Health Policy and Procedures 6.03 Paid Time Off (PTO).

Harris Health System Policy and Procedures 6.24 Termination of Employment

Harris Health System Policy and Procedures 6.32 Short Term Disability

Harris Health System Policy and Procedures 6.34 Workers Compensation.

Harris Health System Policy and Procedures 6.09 Probationary Period.

Harris Health System Policy and Procedures 6.13 Attendance

Harris Health System Policy and Procedures 6.06 Catastrophic Illness PTO Pool

Harris Health System Policy and Procedures 6.12 Employment

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OFFICE OF PRIMARY RESPONSIBILITY:

Harris Health System Senior Vice President Human Resources

REVISION HISTORY:

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**ATTACHMENT A
PTO ACCRUAL RATES**

Full-time Non-Exempt Employees

Years of Service	Employed before April 22, 2001	Employed on or after April 22, 2001
During the 1 st -2 nd year		8.00
During the 3 rd year		8.40
During the 4 th year		8.70
During the 5 th year		9.00
During the 6 th year		9.30
During the 7 th year		9.60
During the 8 th year		9.90
During the 9 th year		10.20
During the 10 th year		10.50
During the 11 th -19 th year	11.70	11.10
All years thereafter	12.40	11.70

Full-time Exempt Employees

Years of Service	Employed before April 22, 2001	Employed on or after April 22, 2001
During the 1 st -2 nd year		9.60
During the 3 rd year		9.90
During the 4 th year		10.20
During the 5 th year		10.50
During the 6 th -19 th year	11.70	11.10
All years thereafter	12.40	11.70

Part-Time Employees with a Benefits Status

Accrual PTO Rate of 0.05 per hour worked