
State of Oregon LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 14: Vacation Leave

APPLICABILITY: This rule applies to all employees of the Legislative Branch, except for temporary status employees, and where not in conflict with an applicable collective bargaining agreement or law. ~~Subsection (8) of this rule does not apply to personal staff.~~ This rule does not apply to members of the Legislative Assembly.

(1) Monthly accrual.

(a) Full-time employees. An employee with a full-time schedule shall accrue vacation leave at a rate based on each full calendar month for which the employee has been employed in accordance with the following schedule and based on the employee's recognized service date:

Duration of employment	Vacation leave accrued per month	Total annual vacation leave accrual
First month through 60th month	10.00 hours	120 hours (15 days)
61st month through 120th month	11.34 hours	136 hours (17 days)
121st month through 180th month	13.34 hours	160 hours (20 days)
181st month through 240th month	15.34 hours	184 hours (23 days)
241st month through 300th month	17.34 hours	208 hours (26 days)
After 300th month	19.34 hours	232 hours (29 days)

(b) Part-time employees. An employee with a part-time schedule shall earn vacation leave on a prorated basis. If the employee is paid on an hourly basis, vacation leave shall be prorated using the number of available work hours, based on the employee's schedule, in that month. If the employee is paid on a salaried basis, vacation leave shall be prorated on the basis of the percentage of work days in the month that the employee worked.

(c) Introductory period. An employee is able to use vacation leave upon accrual during the introductory period

(d) Crediting of vacation. Vacation leave shall be credited to an employee on the first day of the calendar month following the calendar month in which it was earned.

(e) Partial month accrual. Vacation leave accrual for an employee working less than a full calendar month in a pay period due to hire, termination or leave without pay shall be computed on a prorated basis. If the employee is paid on an hourly basis, vacation leave shall be prorated using the number of available work hours, based on the employee's schedule, in that month. If the employee is paid on a salaried basis, vacation leave shall be prorated on the basis of the percentage of work days in the month that the employee worked.

(f) Restoration of vacation accrual rate upon rehire. An employee who separates from and

returns to legislative service within two years of the employee's separation date may be given credit toward additional vacation accrual rates for service prior to separation. Vacation leave hours accrued in the Legislative Branch shall be restored in accordance with ORS 173.005.

(2) **Maximum accumulation.** An employee may accrue a maximum of 350 hours of vacation leave. An employee who accrues 350 hours must take vacation leave by the end of the month during which the employee's vacation leave accrual exceeds 350 hours or forfeit payment for, or use of, additional hours earned that would cause the employee's vacation leave balance to exceed 350 hours.

(3) **Scheduling of vacation leave.** Unless otherwise protected by law, collective bargaining agreement, rule or Legislative Branch policy, an employee may use accrued vacation leave with prior approval from the employee's supervisor. The supervisor may deny a vacation request based on the needs of the Legislative Branch.

(4) **Illness during vacation leave.** When an employee is on vacation and circumstances arise that would qualify the employee to use accrued sick leave, the employee may use, with supervisory approval and in accordance with LBPR 16 (5)(b), accrued sick leave instead of vacation leave.

(5) **Effect of movement between legislative agencies or offices.**

(a) When an employee transfers, promotes or demotes from one employer to another within the Legislative Branch, all the employee's accrued vacation leave shall be transferred.

(b) Notwithstanding paragraph (a) of this subsection, when an employee transfers, promotes or demotes from an employer within the Legislative Branch to a leadership office or a caucus office, a maximum of 100 hours of accrued vacation leave shall transfer. More hours may transfer at the discretion of the appointing authority in the leadership office or caucus office receiving the employee.

(6) **Employees hired from a State of Oregon agency.** When an employee from another branch of state government is employed by the Legislative Branch without a break in service, a maximum of 100 hours of accrued vacation leave shall transfer. More hours may transfer at the discretion of the appointing authority in the Legislative Branch. The employee's recognized service date shall be used to determine the monthly vacation accrual rate.

(7) **Vacation pay upon termination.**

(a) Upon termination an employee, or, in the case of the death of the employee, an employee's beneficiary or estate, shall be compensated for up to 300 hours of unused vacation leave.

(b) If the employee leaves to accept another position in another branch of state government, the employee can request transfer of all, or a portion of the employee's accrued vacation leave with the approval of the new agency. Any vacation leave liability shall be deducted from the maximum hours available for compensation, as set forth in paragraph (a) of this subsection.

(c) The rate of pay for vacation leave shall be the employee's current rate of pay at the time of termination, including all differentials the employee is being paid under LBPR 4 (289),

except shift differential. If, at the time of termination, the employee holds more than one position, each with a different rate of pay, the distribution between rates shall be as determined by the appointing authority(ies).

(8) Payment for vacation leave in lieu of time off.

(a) Eligibility. An employee with either a full-time or part-time schedule may request to be paid for up to a maximum of 120 hours vacation leave in lieu of time off once per fiscal year provided the employee maintains a balance of at least 40 hours of accrued vacation leave after the payout. The approval to pay vacation leave is:

(A) In the case of the person receiving payment being an agency head, at the discretion of both presiding officers.

(B) In the case of the person receiving payment being a parliamentarian, leadership office staff member or caucus office staff member, at the discretion of the presiding officer of the chamber in which the person receiving payment serves.

(C) In all other instances, including unrepresented personal staff in a member's office, at the discretion of the appointing authority.

(b) Available funds. A decision to approve the payment of vacation leave is subject to available funds in the appropriate Legislative Branch budget.

(c) Request and approval. To request payment for vacation leave in lieu of time off, an employee shall submit a *Request for Payment for Vacation Leave in Lieu of Time Off* form, (available in Employee Services), to the appointing authority. The decision of the appointing authority to grant or deny the request is final and may not be appealed. Within 15 calendar days of receipt of a request for payment for vacation leave in lieu of time off, the appointing authority shall:

(A) Return the request to the employee noting whether the request has been approved, denied or approved with modifications; and

(B) Provide a copy of the request, if approved, to Employee Services.

(d) Rate of compensation. The rate of compensation for payment for vacation leave in lieu of time off shall be at the employee's current rate of pay at the time the request is submitted to the appointing authority, including all differentials the employee is being paid under LBPR 4 (28), except shift differential.

(9) Donation of vacation leave for sick leave purposes.

(a) A Legislative Branch employee may voluntarily donate accrued vacation leave in full hour increments to another non-temporary Legislative Branch employee, provided the employee to whom the leave is to be donated:

(A) Is absent due to their own serious health condition;

(B) Is absent due to parental leave; or

(C) Is absent due to a family member's serious health condition; and

(D) Has exhausted all available paid leave, including benefits paid by Paid Leave Oregon or safe leave paid under ORS 659A.283; and

(E) Is not eligible for or receiving workers' compensation benefits.

(b) Unused donated leave shall be retained-returned to by the employee who receives donated the leave.

(c) All requests from the receiving employee and the donating employee must be in writing.

(d) No transfer of funds may occur between ~~agency budgets~~branches of government unless otherwise authorized by the Legislative Administrator when vacation leave is donated under this subsection. See Exceptions to LBPRs under LBPR 1(10).

(e) Under this subsection, “serious health condition,” “parental leave” and “family member” have the meaning as defined in LBPR 15, Family Medical Leave.

(10) Donation of vacation leave for military leave purposes.

(a) A Legislative Branch employee may voluntarily donate accrued vacation leave in full hour increments to another Legislative Branch employee, provided the employee to whom the leave is to be donated:

(A) Is not in a limited duration status or temporary status;

(B) Is on leave without pay to perform active military duty, whether voluntarily or involuntarily ordered;

(C) Has exhausted all accrued vacation leave;

(D) Provides a copy of the military orders;

(E) Receives less total gross military compensation, including allowances or special pay, while on active duty status than the gross pay (including differentials and annual average overtime pay, if any, for the employee’s classification) received as a Legislative Branch employee at the time the military leave without pay began;

(F) Provides a copy of the employee’s monthly Leave and Earning Statement for verification of all military compensation received for the month in which donated leave is to be used; and

(G) Has the approval of the appointing authority to receive donated leave.

(b) A Legislative Branch employee is ineligible to receive donated leave under this rule if the employee is on paid military training duty or has been released from active duty but has not yet reported back to work.

(c) A Legislative Branch employee may receive donated leave under this rule in an amount that does not exceed the positive amount determined when the employee’s military compensation for a month is subtracted from the compensation received as a Legislative Branch employee for the last full month of Legislative Branch employment performed prior to the beginning of the employee’s military service.

(d) Donated vacation leave shall be transferred to the receiving employee’s vacation leave and treated as taken in the month of receipt, to the extent that the amount taken does not exceed the limit established under paragraph (c) of this subsection.

(e) Unused donated leave shall be ~~retained~~returned toby the ~~receiving~~donating employee.

(f) No transfer of funds shall occur between budgets when vacation leave is donated under this subsection.

(11) Use of vacation leave and Paid Leave Oregon benefits.

(a) The Paid Leave Oregon program benefits began September 3, 2023.

(b) Employees may use any amount of accrued leave to supplement Paid Leave Oregon benefits. An employee cannot record more accrued leave than they would work but for being on leave. Example: An employee scheduled to work eight hours per day is able to record a maximum of 8 hours of accrued leave per day of leave regardless of Paid Leave Oregon benefit amount.

Approved: ~~11-22-2021~~ DRAFT