

**ARTICLE 44
VACATION**

A. The University provides vacation for rest, relaxation, and renewal to employees, who hold career, limited and floater appointments and who are appointed at 50 percent or more of full time for six or more months. Although vacation is provided for rest, a supervisor may grant an employee's request to use vacation for illness, disability, and or personal reasons. Disputes arising from this paragraph shall not be subject to Article 7 - Grievance Procedure or Article 3 - Arbitration Procedure.

B. VACATION ACCRUALS/CREDIT

1. An eligible employee shall earn vacation credit each month or quadri-weekly cycle based on the number of hours on pay status for that month or quadri-weekly cycle at the following rates:

Years of Qualifying Service	Per Hour on Pay Status*	Approximate Yearly Earning**	Maximum Accumulated Balance
Less than 10	.057692	15 days	240 hours
10 but less than 15	.069231	18 days	288 hours
15 but less than 20	.080769	21 days	336 hours
20 or more	.092308	24 days	384 hours

*Hours on pay status, including paid holidays, but excluding all paid overtime hours.

**Full time rate.

2. Earned vacation for each month or quadri-weekly cycle is credited on the first day of the following month or quadri-weekly cycle, except that proportionate vacation credit for an eligible employee who is separating from employment shall be credited at the completion of the last day on pay status.

C. ELIGIBILITY

1. An employee is eligible to earn vacation credit from the date of hire, prorated in accordance with Section A., above, if appointed at 50 percent or more of full-time for a period of six months or more. An employee who is not eligible to earn vacation because of a part-time or short term appointment becomes eligible to earn vacation after six continuous months or quadri-weekly cycles on pay status at 50 percent time or more. For the purposes of this Article, a month of qualifying service is a month of service at one-half time or more and a quadri-weekly cycle is defined as two bi-weekly pay periods designated by the University.

2. An employee does not earn vacation credit for time on pay status in excess of a full-time work schedule.

D. VACATION SCHEDULING

1. An employee may request vacation.

2. The University has the sole discretion to approve or disapprove vacation requests. Vacation requests shall not be unreasonably denied. An approved vacation request shall not be unreasonably canceled.
3. Vacation leave requested by an employee will be scheduled in accordance with the University's operational needs and departmental procedures. Departmental procedures which restrict an employee's ability to schedule vacation shall be based on operational needs. The University will endeavor to respond to an employee's additional vacation request(s) within 10 calendar days of his/her request for use of vacation.
4. When during the review of simultaneous requests for vacation submitted by more than one employee, operational needs do not permit the granting of requests for vacation at the same time for the employees who have requested that specific time period, preference in granting the request shall be based on the respective seniority of the employees. Where a practice of rotation of vacation periods exists, such practices shall continue, and only operational needs will be used in assigning such vacation.

E. VACATION CREDIT USE

Vacation credit is accumulated from the date of hire. An employee may use vacation from the date of accrual; however, no vacation shall be used prior to the time it has accrued.

F. VACATION MAXIMUMS

1. A full-time employee shall not accrue vacation in excess of the maximum of two times the employee's annual accumulation. A part-time employee shall accrue vacation to a pro-rated maximum number of hours as a full-time employee with comparable years of service.
2. Sixty days prior to an employee accruing the maximum amount of vacation, the employee shall be given notice that the maximum accrual will be reached. The employee must request the scheduling of vacation prior to the employee reaching the maximum accrual. If the employee's request to use such accrued vacation is denied due to operational considerations, that employee shall have an additional four months within which the employee must take the vacation to bring his or her vacation accruals below the maximum. Normal vacation shall continue to accrue during the additional four-month period.

G. VACATION PAY

1. Pay for accumulated vacation shall be at the employee's straight-time rate, including any shift differential paid to employees permanently assigned to a shift which provides a differential.
2. An employee who separates from employment or who is granted extended military leave shall be paid for any accumulated vacation through the employee's

last day of work, except that an employee who is retiring may use accumulated vacation up to the effective date of retirement.

3. An employee released during his or her probationary period shall be paid for accrued vacation time.

H. TRANSFER OF VACATION CREDIT

An employee who is transferred, promoted, or demoted to another position at a University campus in which vacation credit can be accumulated shall have any accumulated vacation credit transferred, unless such transfer is in conflict with the terms covering the new position. An employee who is transferred, promoted, or demoted to a position at a campus in which vacation credit does not accumulate shall be paid for any accumulated vacation at the time of transfer. An employee who is transferred, promoted, or demoted to or from a Lawrence Berkeley National Laboratory position shall be paid for any accumulated vacation at the time of transfer.

I. DONATIONS FOR CATASTROPHIC LEAVE

Any CX-Unit employee may participate in a campus/hospital/ Laboratory's Catastrophic Illness/Injury Leave program, in accordance with the provisions of that location's program and Article 4 - Compassionate/Catastrophic Leave/14 - Leaves of Absence.

J. CURTAILMENT PERIOD

1. Consistent with the University's management rights, including its right to determine the orderly, effective and efficient operation of the University, the University may elect at one or more of its locations including the Laboratory, to curtail or shut down some or all of its activities, on a location-by-location basis, for periods of specific duration. By way of example and not limitation, such periods may represent opportunities for energy/cost savings and/or adjustments to reduce levels of work activity due to transition periods in the academic calendar and/or "seasonal" or "holiday" influences on scheduled work activities and/or the occurrence at or on University facilities of major public events and/or the occurrence of emergency or "forces of nature" situations adversely affecting normal University operations.
2. In the event of such total or partial closure or curtailment of operations, whether or not the University is able to anticipate such event, employees affected shall select one or a combination of the following options to cover their status during such period of time:
 - a. Employees may use accumulated vacation leave during the period. Newly employed unit members would be allowed to use accrued vacation even if the required six continuous months or quadri-weekly cycles on pay status have not been completed. Employees without sufficient accumulated vacation would be allowed to use up to three days' vacation leave prior to actual accrual.

- b. Employees with accrued compensatory time may elect to use it to cover the scheduled time off or to offset the use of vacation time.
- c. Employees who do not wish to use vacation or compensatory time off may elect to take a leave without pay during the closure. Notwithstanding the provisions of B. above, if an employee is in leave-without-pay status due to a location closure which is three consecutive days or less in duration, such a full-time or part-time employee shall not lose hourly vacation accruals.
- d. Employees who do not select from a., b. or c. above or who do not qualify for a., b. or c. above shall, for the period of time necessary, be placed in a leave-without-pay status. The hourly accrual provisions in Section J.2.c. above related to location closure(s) shall also apply to employees who are placed in leave-without-pay status.