

**Article 40
 VACATION LEAVE**

A. VACATION CREDIT

1. Until a location converts to the hourly factors set forth in A.2 below, the existing location practices will remain in effect.
2. For locations which will implement the Factor Accrual System set forth below, an eligible employee shall earn vacation credit each month or quadri-weekly cycle (i.e., two consecutive bi-weekly pay periods) 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

* Full-time rate.

3. For locations retaining the monthly banded Accrual System, an eligible employee shall earn vacation credit (Appendix C) each month based on the number of hours on pay status for that month at the following rates:
 - a. ten hours per month for a full-time employee with less than ten years of qualifying service;
 - b. twelve hours per month for a full-time employee with at least ten but less than fifteen years of qualifying service;
 - c. fourteen hours per month for a full-time employee with at least fifteen but less than twenty years of qualifying service; and
 - d. sixteen hours per month for a full-time employee with twenty years or more of qualifying service.
4. A month of service at one-half time or more is a month of qualifying service.
5. Eligibility
 - a. An employee must be on pay status for at least one-half of the working hours of a month or a quadri-weekly cycle to earn vacation credit for that month. Vacation credit is earned proportionately for hours on pay status over one-half (1/2) of the full-time working hours of the month or quadri-weekly cycle but less than full-time. Time on pay status in excess of an employee's full-time work schedule does not earn vacation credit.
 - b. Lawrence Berkeley Laboratory

Policies, procedures, definitions and qualifications relative to vacation credit earning by employees shall remain in effect for employees at the Laboratory and shall supersede the provisions of A.3.a. above where in conflict.
6. 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.
7. Vacation Maximums

A full-time employee may earn vacation credit to a maximum of two times the employee's annual accumulation rate. A part-time employee may earn vacation

credit to the same maximum number of hours as a full-time employee with comparable years of service. 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 then shall request vacation to bring his/her accrual below the maximum. If an employee cannot schedule vacation due to operational considerations, that employee shall have an additional four months within which to take vacation to bring his/her accruals below the maximum.

B. VACATION CREDIT USE

1. Vacation leave is scheduled at the convenience of the University. An employee appointed at 50% or more of full-time for a period of six months or more is eligible to earn vacation credit from the date of hire; however, an employee may not use vacation credit until after six continuous months or quadri-weekly cycles on pay status. No vacation shall be used prior to the time it is credited.
2. 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.
3. Lawrence Berkeley Laboratory

Policies, procedures, definitions and qualifications relative to the eligibility for accrual of vacation credit by employees serving a probationary period and the eligibility of a probationary employee to use accrued vacation shall remain in effect for employees at the Laboratory and shall supersede the provisions of B.1. and B.2. above where in conflict.

C. VACATION PAY

1. Pay for vacation shall be at the employee's straight-time rate including any shift differential, provided that the employee would have been expected to work that shift or shifts if not on vacation.
2. An employee who separates from employment shall be paid for any earned vacation through the employee's last day of work, except that an employee who is retiring may use vacation up to the effective date of retirement. An employee granted extended military leave is eligible for accrued vacation pay according to the provisions of Article 14 – Leave of Absence, Section L.

D. TRANSFER OF VACATION CREDIT

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

E. 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 A.5. 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 E.2.c. above related to location closure(s) shall also apply to employees who are placed in leave-without-pay status.