

To: Legislative History

Policy Owner(s): University of Utah Hospitals and Clinics Director of Employee Relations

Date: November 4, 2022

Re: Rule 5-200B: Paid Time Off (PTO), Holidays, Paid Parental Leave, and Other Paid Leave for University of Utah Health, Hospitals and Clinics Staff Members.

This rule revision makes several changes to PTO benefits for University of Utah Hospitals and Clinic staff members. These changes include:

- Increasing the number of holidays per year to reflect the addition of Juneteenth National Freedom day to the list of University holidays described in Policy 5-300: Holidays. 2022 Legislative General Session H.B. 238 added Juneteenth National Freedom Day to the statutory list of State Holidays. The Utah Board of Higher Education added Juneteenth National Freedom Day to the list of holidays for state institutions of higher education (See UBHE Policy R821).
- Increasing the number of paid leave hours for a parental leave from 120 hours to 240 hours for a child born or placed for adoption on or after January 1, 2023.
- Adding stillbirth or miscarriage to the circumstances under which an employee is entitled to up to 24 hours of bereavement leave. Statutory changes enacted in the 2022 General Session of the Utah legislature required the Utah Board of Higher Education to require that institutions of higher education provide three days of bereavement leave in the event of miscarriage or stillbirth. The Utah Board of Higher Education enacted this policy in UBHE Policy R821.

This rule was revised in coordination with University regulations for other University employees that address these same leave categories.

The specific changes are shown in context below.

Proposed University of Utah Regulation Revision

General Regulation Information	
Regulation proposed for enactment/revision	R5-200B: Paid Time Off (PTO), Holidays, Paid Parental Leave, and Other Paid Leave for University of Utah Health, Hospitals and Clinics Staff Members.
Policy owner(s)	University of Utah Hospitals and Clinics Director of Employee Relations
Policy officer(s)	Senior Vice President for Health Sciences
Contact person(s)	Rosemary Norton
Other related regulations with proposed revisions	<p>Policy 5-300: Holidays</p> <p>R5-300A: Scope Eligibility, and Limitations for Holidays – University Employees (Other than UUHC Staff)</p> <p>R5-201A: Scope, Eligibility, and Limitations for Leaves of Absence (Non Health Related) – University Employees (Other than UUHC Staff)</p>
Planned effective date of revisions	November 8, 2022
Brief (1-2 sentence) description of revisions and reason for revision	This rule revision is part of a package of changes to revise employee leave policies due to statutory changes enacted in the 2022 General Session and Utah Board of Higher Education Policy changes. This rule revision adds an additional paid holiday due to the addition of Juneteenth National Freedom Day as a University holiday. This rule revision also adds three days of bereavement leave for a miscarriage or still birth in accordance with Utah Code Section 53B-1-401 and USHE Policy R821. In addition, Hospitals and Clinics is increasing the amount of paid parental leave offered to qualified employees from 3 weeks to 6 weeks.

Consultation and Approval	
Groups and Stakeholders Consulted	
Senate Committee on Academic Policy	
Required Approval Steps and Date (if applicable)	
Council of Academic Deans (if applicable)	Not Applicable
Institutional Policy Committee	September 9, 2022
Academic Senate Executive Committee	October 17, 2022

Vice President or Designee	September 9, 2022
Academic Senate (if applicable)	November 7, 2022 (information calendar)
Board of Trustees (if applicable)	Not required

Rule 5-200B: Paid Time Off (PTO), Holidays, Paid Parental Leave, and Other Paid Leave for University of Utah Health, Hospitals and Clinics Staff Members.

Revision ~~45~~. Effective Date: ~~July 1, 2019~~ November 8, 2022.

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I. Purpose and Scope

A. Purpose

The purpose of this rule is to implement Policies 5-200 (Leaves of Absence – Health Related), 5-201 (Leaves of Absence – Non-Health Related), 5-300 (Holidays), and 5-301 (Vacation Leave), and align the paid time off, holidays, parental leave, and other paid leave practices for staff employees of the University of Utah Health, Hospitals and Clinics with the practices of peer health care institutions and the needs of hospital and clinic operations while creating flexibility for a diverse workforce, allowing employees to own all of their accrued time and reducing unscheduled absences.

B. Scope

This Rule applies only to staff employees of the University of Utah Health, Hospitals and Clinics. Regulations governing all other University employees (including all University Faculty, all non-faculty academic employees, and Staff employees of all units other than Hospitals & Clinics) are provided in other Regulations, including Rule 5-200A (Scope, Eligibility and Limitations for Leaves of Absence – Health-Related – University Employees (Other than Hospitals and Clinics staff); Policy 5-201 (Leaves of Absence – Non-Health-Related); Rule 5-300A (Scope, Eligibility and Limitations for Holidays – University Employees Other Than Hospitals and Clinics Staff); and Rule 5-301A (Scope, Eligibility, and Limitations for Vacation Leave – University Employees (Other than Hospitals and Clinics Staff)).

II. Definitions

The following definitions apply for the limited purposes of this rule.

- A. The definitions provided in Policy 5-001, Employee Definitions, apply for purposes of this Rule, including these defined terms: Employee, Benefits-eligible Position, Full-time Equivalent (FTE), Staff Member, Exempt (Salaried) Position, Non-exempt (Hourly) Position, and Temporary.

B. Paid Time Off (PTO): PTO refers to accrued time, not including paid Holidays, that may be used by employees for any personal reason, including but not limited to observance of vacation, sick leave or other health related absences. PTO provided under this Rule incorporates and substitutes for the paid vacation and sick leave provided to non-Hospitals & Clinics employees of the University under other Regulations, and incorporates and substitutes for the Annual Personal Preference Holidays, which will not be provided separately.

C. Eligible Caregiver: for the limited purpose of determining eligibility for Parental Leave benefits means an Employee who provides the majority of child contact hours during the Employee's regular working hours.

D. ~~C.~~ Extended Sick Leave ("ESL"): ESL refers to sick leave accruals earned during UUHC employment prior to the October 1, 2012 date of initial implementation of this Rule.

E. ~~D.~~ Holiday ("HOL"): refers to the benefit of paid days provided to University of Utah Health, Hospitals & Clinics employees as designated paid holidays observed by the University of Utah, as described in Policy 5-300 (but for purposes of this Rule for Hospitals and Clinics employees not including Annual Personal Preference Holidays).

F. ~~E.~~ Paid Parental Leave (PPL): refers to a paid leave benefit provided to University of Utah Health, Hospitals & Clinics employees that is to be used by the parent(s) in regards to a birth or adoption.

III. Rule

A. Paid Time Off (PTO) Benefits.

1. *PTO Eligibility:* Hospitals and Clinics staff members are eligible for PTO benefits if they hold Benefits Eligible positions at not less than 0.50 FTE. Hospitals and Clinics staff in temporary positions, or whose permanent assignment is for less than 50% FTE, are not eligible for PTO benefits.
2. *PTO accrual rates:*

- a. Eligible Employees accrue PTO benefits monthly, at rates determined by the Employee's position, years of service (rates increase in five-year steps), and FTE of the employee position.
 - b. The applicable rates for 1.0 FTE positions are shown in Table 1 below.
 - c. Eligible employees working less than 1.0 FTE, but at least .75 FTE will accrue amounts pro-rated by their FTE.
 - d. Eligible employees working .50 to .74 FTE will accrue at 50% of the full time benefited rate, pro-rated by their FTE.
3. *Annual PTO carry-over limits.*
- a. The maximum PTO accrual for Hospitals & Clinics Managers, Directors and Executive Directors is 600 hours. PTO will stop accruing when the maximum is reached and will begin accruing again when hours drop below the maximum.
 - b. The maximum PTO accrual for all other Hospitals & Clinics staff is 520 hours. PTO will stop accruing when the maximum is reached and will begin accruing again when hours drop below the maximum.
4. *PTO during leaves.* PTO benefits continue to accrue during leaves of absence with pay, but not during leaves of absence without pay.
- B. Holiday (HOL) Benefits.
1. HOL Eligibility: Employees in positions of .50 FTE or greater (20 hours per week or more) are eligible for paid Holiday benefits.
 2. HOL Accrual Rates: Holiday benefits (for all categories of eligible Hospitals and Clinics employees) are based on the University's approved list of ~~ten~~eleven designated holidays (governed by Policy 5-300), thereby accruing at the rate of ~~ten~~eleven days (~~80~~88 hours) per year for positions of 1.0 FTE, and prorated accordingly for positions at a lower percentage of FTE (e.g., ~~40~~44 hours annually for a .5 FTE position).

C. Table of PTO Accrual Rates, PTO Accrual Limits, and annual Holidays:

Table 1

Exempt/Non-Exempt Staff (rates for 1.0 FTE)

Service in Years	Service in Months	PTO Accrued per Year (in days @ 8 hrs. each)	Holidays per Year (in days)	Total PTO & Holiday per Year (in days)	Maximum end-of-year PTO Carryover (in hours)	PTO Monthly Payroll Accrual
0-5	0-60	20	10 <u>11</u>	30 <u>31</u>	520	13.333
6-10	61-120	25	10 <u>11</u>	35 <u>36</u>	520	16.667
11+	121+	30	10 <u>11</u>	40 <u>41</u>	520	20.000

Manager/Director (rates for 1.0 FTE)

Service in Years	Service in Months	PTO Accrued per Year (in days @ 8 hrs. each)	Holidays per Year (in days)	Total PTO & Holiday per Year (in days)	Maximum end-of-year PTO Carryover (in hours)	PTO Monthly Payroll Accrual
0-5	0-60	25	10 <u>11</u>	35 <u>36</u>	600	16.667
6-10	61-120	30	10 <u>11</u>	40 <u>41</u>	600	20.000
11+	121+	35	10 <u>11</u>	45 <u>46</u>	600	23.333

D. PTO and HOL Use and Cash Out:

1. Eligible Employees are encouraged to take time off and are expected to arrange absences in advance with their supervisors according to approved departmental standards in order to prevent disruption of departmental operations.
2. As more fully described in definition II.D above, PTO may be used for any personal reason.
3. An Employee eligible for Holiday pay who works on any designated Holiday shall receive equal time off which shall be scheduled at the mutual convenience of the employee and the Hospitals and Clinics unit, which should be scheduled within the same pay period, if possible, and if not then within the same calendar year. And if such rescheduling is not completed within that year, then that time will be cashed out and paid to the employee at the end of the calendar year.
4. Eligible Employees are entitled upon separation from benefits eligible employment to payment for accrued unused PTO and Holiday leave benefits.
5. Eligible Employees will also be given an option once in the Spring and once in the Fall to elect to receive payment for a cash out of PTO from 20 to 100 hours, provided that they will have a PTO balance of at least 120 hours (pro-rated by percentage of FTE) remaining after the cash out per Hospitals and Clinics PTO Guidelines.
6. In the event a Hospitals & Clinics employee transfers to a non-Hospitals and Clinics position with the University, PTO will be paid and/or transferred in accordance with Rule 5-301A. In the event a Non-Hospitals and Clinics employee transfers to a position with the Hospitals and Clinics, vacation will be paid, lost and/or transferred to PTO in accordance with relevant sections of Rule 5-301A.

E. Extended Sick Leave (ESL)

1. ESL Eligibility: Hospitals and Clinics staff members employed at the time this PTO rule was initially implemented (October 1, 2012) are eligible for transfer into ESL of their sick leave balances which had accrued up to that date (but no further sick leave accrued from that date or later). Employees hired on or after that date, including former Hospitals and Clinics employees rehired after PTO implementation and Employees who transfer to Hospitals and Clinics after PTO implementation from non-Hospitals and Clinics positions with the University, are not eligible for ESL.
2. An Employee with ESL may substitute ESL for unpaid FMLA after having used the allotted time requirement set by the University of Utah Hospital and Clinics (pro-rated by FTE) in connection with the FMLA leave occurrence.
3. [Effective January 1, 2023, there will no longer be a required amount of allotted time that needs to be used prior to accessing an employee's available ESL accruals. ESL is available for use in connection with an approved FMLA leave occurrence, or other approved medical leave occurrence as defined by Hospitals and Clinics Human Resources.](#)
4. ~~3.~~ No payment will be made for unused ESL at any time.

F. Family and Medical Leave Act ("FMLA") Leave (Leave Without Pay)

1. Eligibility
 - a. An employee may request leave under the FMLA if the employee meets the eligibility requirements of the FMLA.
 - b. An eligible Employee may request and will be granted unpaid leave for one or more eligible reasons specifically defined in the FMLA regulations.
 - c. An eligible Employee may take leave under the FMLA to care for a Parent, Spouse, Child, and/or the Employee's Domestic Partner. For purposes of this Section F only, the term "Child" means the biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is either under the age of eighteen or over the age of

eighteen and incapable of self-care on a daily basis because of a mental or physical disability that substantially limits one or more major life activities.

2. Notification and Certification of Need for FMLA leave

- a. An eligible Employee must notify the Hospitals and Clinics of the need for FMLA in the manner and within the time periods stated in the FMLA.
- b. Upon proper notification by the Employee, the Hospitals and Clinics will provide the Employee with information regarding the Employee's rights under FMLA. The Employee shall be required to submit certification in the manner prescribed by the FMLA to confirm that the reason meets the specifications of the FMLA.

3. Substitution (Concurrent Use of Paid Leave and FMLA leave)

- a. An Employee eligible for and requesting leave under the Family and Medical Leave Act ("FMLA") must substitute any accrued PTO/ESL to fulfill the designated eligibility period of the current disability benefit for self, and then after that time period, may substitute any accrued PTO for an equivalent of unpaid FMLA leave. All other FMLA leaves (not eligible for current disability benefit) must substitute any accrued PTO/ESL for an equivalent period of unpaid FMLA leave.

4. Benefits and Return from Leave

- a. An Employee may maintain current benefits during the FMLA leave as if the employee were actively at work in accordance with the FMLA. The Employee will be responsible for paying the employee's share of the premiums for such coverage.
- b. Unless the Employee is separated as a result of a reduction in force, an Employee who takes an FMLA leave for the intended purpose of the leave shall be entitled, on timely return from the leave and completion of all

required documentation, to be restored to the position of employment in accordance with the requirements of the FMLA.

G. Paid Parental Leave of Absence:

1. General Eligibility for a Paid Parental Leave of Absence

- a. An Employee is eligible for Paid Parental Leave benefits under this section III G if the Employee currently holds a benefitted position of a .50 FTE or greater with the Hospitals and Clinics and has been continuously employed in any position within the University at .50 FTE or greater for at least the preceding twelve consecutive months and is otherwise eligible for a leave from work (such as FMLA) to care for a child in connection with the birth or placement for adoption of a child in connection with the birth or placement of a child.
- b. A Paid Parental Leave benefit is available to an eligible Employee who serves as an Eligible Caregiver ~~(as defined for this purpose) of her or his~~ of their own newborn child, or a partner's newborn child, or of a newly adopted child.
- ~~c. The child must have been born or adopted on or after July 1, 2019.~~
- c. ~~d.~~ The Paid Parental Leave benefit provided under this Rule does not apply to a birth parent who does not anticipate becoming the legal parent of the child following birth. In such cases, the birth parent may be covered by current FMLA leave policies.
- d. ~~e.~~ Only one Employee may qualify for the value of a Paid Parental Leave benefit under this rule for a given instance of childbirth or adoption. In the event that both parents are Employees of the Hospitals and Clinics and are otherwise eligible for the benefit, either (i) one ~~e~~ for the other may use the full value of the Paid Parental Leave benefit, or (ii) they may choose to divide the value of the Paid Parental leave benefit between them (with each taking a fraction of the overall available number of paid leave hours).

~~e. f.~~ An Employee on Paid Parental Leave of Absence is still subject to a reduction in force (RIF) if applicable.

2. g. Paid Parental Leave Benefits

a. The Paid Parental Leave benefit does not entitle an employee to any leave time, but rather provides the benefit of pay in conjunction with a qualified employee's approved leave of absence to care for a child in connection with the birth or placement for adoption of a child (FMLA, MLOA, etc.).

b. ~~h.~~ An Employee wishing to ~~apply for a~~ access Paid Parental Leave must ~~simultaneously~~ apply for an FMLA leave. If an employee has exhausted all prior FMLA time for the eligible period, but qualifies for another type of leave and is otherwise eligible for the Paid Parental Leave, the Employee will be entitled to ~~the 120 hours (or prorated equivalent) paid time. At the conclusion of the 120-hour benefit period, the Employee will return to the same position held at the time the leave began or to an equivalent position with equivalent pay, benefits, and working conditions, provided the Employee meets the minimum qualifications and can perform the essential functions of the position.~~ Paid Parental Leave in conjunction with the appropriate and approved leave as follows:

i. For a child born or placed for adoption before January 1, 2023, the Employee is entitled to pay for 120 hours (or prorated equivalent) to be used in connection with an approved leave to care for the child, which will be determined to be used either (i) at 100% of pay for a period of three weeks, or (ii) at 50% pay for a period of six weeks.

~~i.~~ ~~approval of the FMLA leave and the Paid Parental Leave benefit, an eligible Employee will receive as a Paid Parental Leave of Absence benefit 120 hours for an Employee at 1.0 FTE~~ For a child born or placed for adoption on or after January 1, 2023, the Employee is entitled to pay for 240 hours (or prorated equivalent for an eligible Employee between .50 and 1.0 FTE) to be used in

connection with an approved leave to care for the child, which will be determined to be used either (i) at 100% of pay for a ~~leave~~period of ~~threesix~~ weeks, or (ii) at 50% pay for a ~~leave~~-period of ~~six~~12 weeks.

c. If two eligible Employees (as co-parents) are sharing the benefit as allowed under Section III.G.1.~~E~~d., then the number of paid leave hours will be divided between them accordingly.

d. At the conclusion of the paid leave benefit period, the Employee will return to the same position held at the time the leave began or to an equivalent position with equivalent pay, benefits, and working conditions, provided the Employee meets the minimum qualifications and can perform the essential functions of the position.

e. j-The Paid Parental Leave ~~benefits shall begin~~ in connection with an approved leave may be used no sooner than the date of birth or adoption and shall be completed no more than twelve months following the birth or adoption.

f. k-An Employee is only eligible for the Paid Parental leave one time in any rolling twelve_-month period.

H. Americans with Disabilities Act (“ADA”) Reasonable Accommodation

1. An Employee who is a qualified individual with a disability (as defined under the ADA) and who is not eligible for leave under the FMLA or who is unable to return to work at the end of the FMLA leave, may apply for a reasonable accommodation under the ADA. Additional leave, a job reassignment, or other more appropriate accommodations may be approved, unless the accommodation would be an undue hardship for the Hospitals and Clinics.

I. Other Paid Leave:

1. Bereavement Leave:

a. Employees in position at 0.75 FTE or greater (30 hours per week or more).

- b. Paid bereavement leave up to 24 hours not counted against PTO bank.
 - c. Available in the event of:
 - ~~i. 1. Available in the event of~~ death of a parent, spouse, domestic partner (as defined in Rule 5-200A) child, sibling, parent-in-law, brother-in-law, sister-in-law, grandparent, or grandchild;
 - ~~2.~~
 - ~~3.~~
 - ii. the end of the Employee's pregnancy by way of miscarriage or stillbirth; or
 - iii. the end of another individual's pregnancy by way of a miscarriage or stillbirth in the following circumstances:
 - A. the Employee is the spouse or partner of the individual whose pregnancy ends by way of a miscarriage or stillbirth;
 - B. the Employee would have been the biological parent of the child born as a result of the individual's pregnancy;
 - C. the Employee provides documentation showing that the individual who had the miscarriage or stillbirth intended for the Employee to be an adoptive parent of the child; or
 - d. the Employee would have been a parent of a child born as a result of the pregnancy under a valid gestational agreement.
2. Jury or Witness Duty:
- a. Available to employees required to be absent from work because of an official requirement to appear for jury service or a subpoena to appear as a witness at a trial, deposition, or other official proceedings.
 - b. Employees who are requested to report for jury or witness duty will be paid for the FTE of their normal workday. To receive this pay, the

employee must turn the jury or witness duty payment received into the employee's manager who will then send the check directly to the appropriate cashier or cash custodian. The payroll reporter will then add the jury duty hours into the employee time records to cover the time the employee was on jury or witness duty.

3. Annual Military Training:
 - a. Available to employees who are members of the National Guard or any organized reserve branch of the United States uniformed services.
 - b. Paid leave for up to fifteen (15) working days per year for time spent for annual training at annual encampments or rifle competitions or other duties in connection with the reserve training and instruction requirements of the United States uniformed services or National Guard.
 - c. Does not include active military duty, which is unpaid.

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies/ Rules

1. Policy 5-200: Leaves of Absence (Health Related)
2. Policy 5-201: Leaves of Absence (Non Health Related)
3. Policy 5-300: Holidays and Holiday Premium Pay
4. Policy 5-301: Vacation Policy
5. Rule 5-200A: Scope, Eligibility and Limitations for Vacation Leave - University Employees (Other than UUHC Staff))

B. Procedures, Guidelines, and Forms. [*reserved*]

C. Other Related Resources. [reserved]

V. References

A. [reserved]

VI. Contacts

The designated contact officials for this Rule are:

- A. Policy Owner (primary contact person for questions and advice): the University of Utah Hospitals and Clinics Director of Employee Relations.
- B. Policy Officers: the Senior Vice President for Health Sciences

See University Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History

A. Current version. Revision 5.

- 1. Presented for Information of the Academic Senate November 7, 2022 and Approved by University of Utah Chief Human Resources Officer, with effective date of November 8, 2022.
- 2. Legislative History for current version.
- 3. Editorial Revisions: [reserved]

B. Previous versions.

- 1. Revision 4. Effective July 1, 2019
- 2. Revisions 2 and 3. Effective July 1, 2016
- 3. Revision 1. Effective May 5, 2014
 - a. Legislative History Revision 1
- 4. Revision 0. Effective September 10, 2012.

a. Legislative History Revision 0

C. Renumbering

1. Not applicable

