

University of Utah

Legislative History of

Interim Rule 3-010B Revision 0 -- Unlawful Personal Use Expenditures: Repayment Obligation and Appeal Process.

As presented to the Senate Executive Committee 2019-06-17, and presented for the Information and Recommendations of the Academic Senate 2019-08-26.

Date of Enactment by the University President, and effective date: July 1, 2019

History prepared by Bob Flores, Senate Policy Liaison, for the Institutional Policy Committee.

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1. Note regarding History. This Regulation was enacted as an Interim Rule July 1, 2019, by the President of the University, without action by the Academic Senate, under the authority for Interim Regulations as described in Policy 1-001. A draft of the Interim Regulation was presented to the Academic Senate Executive Committee for consultation June 17, 2019 prior to the President's enactment, and after enactment the Interim Regulation was also presented for the Information and Recommendations of the Senate, August 26, 2019.

For further information regarding the interim status, and the anticipated schedule for replacing the Interim Regulation with a permanent Regulation—contact the office of the *Policy Owner or Policy Officer*.

Policy Owner: Senior Human Resources Director for Employee Relations (tel. 801-581-5469)

Policy Officer: Chief Human Resources Officer.

[DRAFT 2019-05-07 For discussion purposes only. For Senate Executive Committee June 17 meeting. Seeking input on contents and on plan for obtaining further faculty perspective consultation to refine further, before implementing as either Interim or permanent version.]

Interim Rule R3-010B: Unlawful Personal Use Expenditures: Repayment Obligation and Appeal Process

I. Purpose and Scope

To provide for repayments related to unlawful personal use expenditures by employees of the University of Utah and to identify a relevant appeals process, pursuant to Utah Code § 53B-7-106 “Personal use expenditures for officers and employees of institutions of higher education.”

II. Interim Rule

- A. An “unlawful personal use expenditure” is an expenditure of University funds: (1) for a purpose unrelated to the individual’s University employment activities; and (2) that primarily furthers a personal interest of the employee or the employee’s family, friend or associate. A de minimis or incidental expenditure or an expenditure of an authorized vehicle allowance does not constitute an unlawful personal use expenditure.
- B. Unlawful personal use expenditures are prohibited.
- C. If the University finds that an employee has intentionally engaged in an unlawful personal use expenditure, the employee is required to pay the amount of the unlawful personal use expenditure to the University plus an administrative penalty in an amount equal to 50% of the unlawful personal use expenditure.
- D. The University may withhold from the employee’s wages the amount of the unlawful personal use expenditure plus the administrative penalty.
- E. The University finding of an unlawful personal use expenditure should be reported to Human Resources, Internal Audit and the applicable Department Head.
- F. A University finding that an employee must repay an unlawful personal use expenditure may be appealed.
 - i. To appeal, employee shall submit a written statement to the Chief Human Resource Officer within five (5) business days of the University’s finding. The statement shall include specific information relevant to the appeal including circumstances related to the expenditure, including dates, times, locations, and individual(s) involved. When appropriate the Chief Human Resource Officer may designate another person to consider the appeal.
 - ii. If an appeal is timely submitted, the withholding of wages in section D shall not occur until after the appeal process has confirmed the violation.
 - iii. Upon completion of review the Chief Human Resource Officer or designee will issue a memorandum to the employee regarding the decision on the appeal.

- G. This interim rule governs repayment and appeal of repayment findings only. Nothing in this interim rule, including proper financial reimbursement being made, shall exempt employees from appropriate corrective/disciplinary measures. This policy does not affect an employee's grievance rights under Policy 5-203 or the Faculty Code, as applicable.
- H. This interim rule may be modified at any time.
- I. Questions regarding this policy may be directed to Human Resources, Employee Relations: 801-581-5469.

III. Contacts

- A. Rule Owner: Human Resources Director for Employee Relations
- B. Rule Officer: Chief Human Resources Officer