

To: Legislative History

Policy Owner(s): Director of Benefits, Human Resources

Date: November 1, 2022

Re: Rule R5-201A: Scope, Eligibility and Limitations for Leaves of Absence (Non Health-Related) – University Employees (Other Than UUHC Staff)

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. This rule revision changes the term “Funeral Leave” to “Bereavement Leave” and add the ability of an employee to take three days of bereavement leave in the event of miscarriage or stillbirth in accordance with statute (although the policy still says “up to three days”, the policy references USHE Policy R821, which states 3 days in the case of a miscarriage or stillbirth and the University’s Absence Management Team has been advised that departments cannot require less than 3 days of leave in this situation). Similar changes were made to Rule R5-200B for University of Utah Hospitals and Clinics staff. See below for the specific changes to the rule in context.

Proposed University of Utah Regulation Revision

General Regulation Information	
Regulation proposed for enactment/revision	R5-201A: Scope, Eligibility, and Limitations for Leaves of Absence (Non Health Related) – University Employees (Other than UUHC Staff)
Policy owner(s)	University of Utah Director of Benefits
Policy officer(s)	Chief Human Resources Officer
Contact person(s)	Wendy Poppleton
Other related regulations with proposed revisions	<p>Policy 5-300: Holidays</p> <p>R5-200B: Paid Time Off (PTO), Holidays, Paid Parental Leave, and Other Paid Leave for University of Utah Health, Hospitals and Clinics Staff Members.</p> <p>R5-300A: Scope Eligibility, and Limitations for Holidays – 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 establishes that an Employee is entitled to three days of bereavement leave in the case of a miscarriage or stillbirth. This rule revision also clarifies other bereavement leave for Employees.

Consultation and Approval	
Groups and Stakeholders Consulted	
Senate Committee on Academic Policy	
Staff Council	
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	October 31, 2022
Academic Senate (if applicable)	November 7, 2022 (information calendar)
Board of Trustees (if applicable)	Not applicable

Rule 5-201A: Scope, Eligibility and Limitations for Leaves of Absence (Non Health-Related) – University Employees (Other Than UUHC Staff)

Revision ~~0~~1. [November 8, 2022](#)

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I. Purpose and Scope

A. Purpose

To implement University Policy 5-201 and provide the scope, eligibility, and limitations for non health-related leaves of absence available as a benefit for University Employees.

B. Scope

This Rule applies to University Employees other than Employees of the University of Utah Hospitals and Clinics (UUHC). Employees of UUHC should refer to Rule 5-200B, Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members.

II. Definitions

- A. The definitions of Employee-related terms provided in Policy 5-001 apply for purposes of this Rule, including the following: “Benefits-eligible Position”, “Employee”, “FTE”, “Hourly” and “Salaried”.
- B. “Immediate Family Member” means a Parent, Spouse, Domestic Partner, or Child (as these terms are defined in Rule 5-200A), sibling, grandparent or grandchild. In-laws, foster or step relatives in the relationships listed, including relatives of an ~~employee's~~Employee's Spouse or Domestic Partner, are also included. Immediate Family Member also includes someone for whom the Employee is Next of Kin (as defined in Rule 5-200A).
- C. “Responsible Officer” means the cognizant department chairperson, principal investigator, director, dean or university officer with a direct supervisory reporting relationship to the Employee.

III. Rule

- A. Leaves of Absence with Pay.

The following leaves of absence with pay may be granted to University Employees.

1. ~~Funeral~~Bereavement Leave

- a. An Employee in a Benefits-eligible Position at ~~not less than~~least 75% FTE, may ~~request, in writing, funeral leave in the case of the death of an Immediate Family Member of such Employee;~~take up to three work days of bereavement leave:
 - i. following the death of the Employee's Immediate Family Member; or
 - ii. following the end of pregnancy, by way of miscarriage or stillbirth, of the Employee, Employee's Spouse or Domestic Partner, or other individual if the Employee would have been the biological or adoptive parent, in accordance with Utah Board of Higher Education Policy R821.
- b. An Employee shall notify the Employee's Responsible Officer of the Employee's intent to take bereavement leave as soon as reasonably possible following a death, miscarriage, or stillbirth.
- c. ~~b.~~The Responsible Officer may grant ~~funeral~~bereavement leave with pay to the extent ~~he/she deems~~ reasonable and necessary. ~~In no event shall such paid funeral~~ and as required by Utah Board of Higher Education Policy R821. Bereavement leave may not exceed three ~~(3)~~ working days.

2. Leave to Serve on Jury or as Witness

The Responsible Officer shall grant an Employee a leave of absence with pay for the period during which the Employee is 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 proceeding provided the following conditions are met:

- a. Employees in Hourly positions must deliver to the University cashier, for deposit to the University's general funds, any fees received for compelled attendance as a juror or non-expert witness. This requirement may also apply to Employees in Salaried positions to the extent they are not responsible for accomplishing their duties despite their required absence.

- b. The leave of absence with pay covers only the time the Employee is actually engaged in jury service or in attendance as a witness, and reasonable travel to and from the place of such service of attendance.
- c. The Employee must report daily to work before and after jury service or attendance as a witness, whenever feasible, in order to give as much attention as possible to the Employee's regular duties.
- d. An Employee is not entitled to a leave of absence with pay when the Employee appears in court on the Employee's own behalf, e.g., to pay a traffic fine or as a party to a civil law suit.

3. Leave With Pay For Annual Military Training

An Employee who is a member of the National Guard or any organized reserve branch of the United States uniformed services is entitled to a leave of absence with pay not to exceed fifteen (15) working days per year for time spent on duty 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.

4. Benefits During Leaves With Pay

During the preceding leaves with pay, vacation and sick leave continue to accrue. Retirement, health coverage, and insurance benefits continue to be paid by the University during such leaves.

B. Leave of Absence Without Pay

1. Political Leave Without Pay

- a. An ~~employees~~Employee in a Benefits-eligible Position who is nominated for an elective public office may be placed ~~upon~~on full or partial leave of absence without pay to the extent that the University President, in consultation with the Responsible Officer, determines that such nomination or the anticipated activities of the Employee as a candidate for such office will make the continued service of the Employee to the

University ineffective during the period of the candidacy or will compromise the impartial discharge of the Employee's University responsibilities.

- b. An Employee who is on political leave without pay for the purposes of candidacy, and who is defeated in the final election, will be restored to the position of employment held when the leave commenced or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.
- c. An Employee who is on political leave without pay for the purposes of candidacy, and who is elected in the final election, may request, in writing, an extended political leave without pay. The University President, in consultation with the Responsible Officer, shall approve or deny the request.
- d. An Employee may become a candidate for elective office as a representative or senator in the Utah State Legislature without resigning from the University and without securing a leave of absence. If elected, the Employee shall be granted a leave of absence without pay for the period of time between the commencement and final adjournment of any regular or special session of the legislature of which the Employee is a member.
- e. In lieu of leave without pay under the preceding paragraphs, the Employee may use accrued vacation. Faculty members, in appropriate cases, may be granted a leave in accordance with Policy 6-314.

2. Special Leave Without Pay

- a. Under special and urgent circumstances, the University may permit an Employee in a Benefits-eligible Position to take a special leave without pay. These special circumstances may include, but are not limited to, personal rehabilitation, the serious health condition of a parent-in-law, or

continued education. Faculty members, in appropriate cases, may be granted a leave in accordance with Policy 6-314, Section 11.

- b. A request for special leave without pay must be submitted, in writing, to the Employee's Responsible Officer. The written request should state (a*i*) the reason why the special leave without pay is being requested; (b*ii*) the proposed date on which the requested special leave is to commence; (c*iii*) the Employee's intent to return to work upon conclusion of the leave; and (4*iv*) the estimated date on which the Employee reasonably expects to return to work.
 - c. The Responsible Officer shall recommend the approval or the denial of the request after considering the relative need and urgency of the request, the Employee's length of service, and the overall effect the absence will have on University operations. The Responsible Officer shall forward the request for a special leave without pay and the Responsible Officer's recommendation to the cognizant vice president. The cognizant vice president shall approve or deny the request. The cognizant vice president may approve the request subject to any conditions the cognizant vice president feels are appropriate. A special leave without pay may not be granted for more than (1) year unless approved by the President.
 - d. Upon timely return from a special leave without pay, the University will make a good faith effort, subject to availability of funds and vacant positions, to restore the Employee to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. The University cannot, however, assure that an Employee returning to work after a special leave of absence will be reinstated.
3. Military Leave Without Pay
- a. An Employee who performs service in the Uniformed Services shall be granted a military leave without pay not to exceed five (5) years for such

service (except as otherwise required by USERRA). "Service" means the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, inactive duty, and full-time National Guard duty.

- b. Short-term leaves with pay for annual military training by Employees who are members of the National Guard or any reserve branch of the United States uniformed services are governed by section III.A.3 above.
- c. Upon honorable completion of the period of service, an Employee on military leave shall be restored to the position of employment held when the leave commenced or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment, provided:
 - i. The Employee gave the Employee's Responsible Officer advance notice of such service;
 - ii. The cumulative length of such leave and all prior military leaves from the University does not exceed five (5) years (unless exceptions outlined in USERRA apply);
 - iii. The Employee submits a timely application for reemployment to the Employee's Responsible Officer;
 - iv. The Employee fulfills any other terms and conditions for reemployment required by law.

4. Benefits During Leaves Without Pay

- a. Time-Related Benefits. Longevity for purposes of accruing vacation time is not lost during the preceding leaves without pay. Vacation and sick leave benefits do not accrue during such leaves.
- b. Retirement, Health Coverage, and Insurance Benefits. Retirement, health coverage, and insurance benefits are not paid by the University during the preceding leaves without pay. An Employee, however, may elect to

continue the Employee's health coverage as provided by federal law. Retirement benefits will be paid for an Employee on Military Leave pursuant to USERRA.

- c. Other Benefits. Other benefits, including tuition reduction, ticket discounts, and parking privileges, continue during the preceding leaves without pay.

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

A. Policies/Rules

1. Policy 5-201: Leaves of Absence (Non Health-Related)
2. Rule 5-200B: Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members

B. Procedures

C. Guidelines

D. Forms

E. Other related resource materials

V. References

- A. Policy 5-001, Employee Definitions
- B. Utah Code ~~Annotated~~, Sections 39-1-36 and 39-3-2, ~~Militia and Armories~~
- C. 42 United States Code 4301 et seq., Uniformed Services Employment and Reemployment Act of 1994 ("USERRA")

[D. Utah Code Section 53B-1-402](#)

[E. Utah Board of Higher Education Policy R821](#)

VI. Contacts

The designated contact officials for this Regulation are

A. Policy Owner(s) (primary contact person for questions and advice): Director of Benefits Human Resources

B. Policy Officer(s): Chief Human Resources Officer

VII. History

A. Current Version: [Revision 1](#)

[1. Approved by Chief Human Resources Officer with effective date of November 8, 2022.](#)

[2. Legislative History Revision 1](#)

[B. Previous Versions](#)

1. Revision 0. ~~Approved by Academic Senate, effective date:~~ December 6, 2016 ~~with effective date December 6, 2016.~~

~~B. Previous Versions~~

~~1. [reserved]~~