

## **Legislative History—Human Resources Policies revisions of 2014**

Policy 5-001 Revision 11, Rule 5-001A Revision 1, Policy 5-300 Revision 9, Rule 5-300A Revision 0, Policy 5-301 Revision 13, Rule 5-301A Revision 0, Guideline 5-301A, Guideline 5-301B, Rule 5-200B (PTO) Revision 1.

Prepared for the Institutional Policy Committee, Fall 2014.

*The proposal for Rule 5-200B (PTO) Revision #1 was presented to the Academic Senate Executive Committee at its April 2014 meeting and determined to be not academically significant, and so was presented on the Information and Recommendations Calendar of the Academic Senate on May 5, 2014, and with no changes resulting from that discussion, it became effective on May 5, 2014.*

*The proposal for all other Regulations included in this set was presented to the Academic Senate Executive Committee April 2014, presented on the Debate Calendar of Academic Senate at its meeting of September 8, 2014, and debated and approved by the Senate on that date, and then finally approved by the Board of Trustees on October 14, 2014, and took effect on October 14, 2014.*

Contents (copied from the agenda materials for the Academic Senate Meetings of May 5, 2014 and September 8, 2014):

(i) Cover sheet. *Page 1.*

(ii) Explanatory Memorandum. *Page 2-10.*

*Final versions of the Policy/ Rule/ Guideline revisions, as finally approved.*

(iii) Policy 5-001 Empl Definitions. Revision 11. *Page 11-15.*

(iv) Rule 5-001A Personnel Categories. Revision 1. *Page 16-18.*

(v) Policy 5-300 Holidays. Revision 9. *Page 19-24.*

(vi) Rule 5-300A Holidays (non Hosp). Revision 0. *Page 25-30.*

(vii) Policy 5-301 Vacation. Revision 13. *Page 31-38.*

(viii) Rule 5-301A Vacation (non Hosp). Revision 0. *Page 39-53.*

(ix) Guideline 5-301A Vacation categories. *Page 54-55.*

(x) Guideline 5-301B Vacation Other Admin Officers. *Page 56.*

(xi) Rule 5-200B (PTO) Revision 1. *Page 57-65.*

## Memorandum

To: Ruth V. Watkins, Ph.D.  
Senior Vice President for Academic Affairs

Vivian S. Lee, M.B.A., M.D., Ph.D.  
Senior Vice President for Health Sciences

John E. Nixon  
Chief Business Officer

From: Jeff Herring  
Chief Human Resources Officer

Dale Spartz  
Chief Human Resources Officer

Date: \_\_\_\_\_

Subject: Executive Summary – Proposed Changes to:  
Policy 5-001 **Employee Definitions**,  
Rule 5-001A **Personnel Categories**,  
Policy 5-300 **Holidays and Holiday Premium Pay**,  
Rule 5-300A **Scope, Eligibility, and Limitations for Holidays – University Employees (Other than UUHC Staff)**,  
Policy 5-301 **Vacation Leave Policy**,  
Rule 5-301A **Scope, Eligibility, and Limitations for Vacation Leave – University Employees (Other than UUHC Staff)**,  
Guideline 5-301A **Vacation Leave Job Categories**,  
Guideline 5-301B **Vacation Leave Other Administrative Officers**,  
Rule 5-200B **Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members**

This memorandum summarizes the proposed amendments to the policies, rules, and guidelines referenced above.

### Policy 5-001, *Employee Definitions*

In section III.A.2., we are expanding the definition of Administrative Officers to include other administrative officers not appointed or approved by the Board of Trustees. This is meant to

Executive Summary – Proposed Changes to: Policy 5-001 **Employee Definitions**, Rule 5-001A **Personnel Categories**, Policy 5-300 **Holidays and Holiday Premium Pay**, Rule 5-300A **Scope, Eligibility, and Limitations for Holidays – University Employees (Other than UHC Staff)**, Policy 5-301 **Vacation Leave Policy**, Rule 5-301A **Scope, Eligibility, and Limitations for Vacation Leave – University Employees (Other than UHC Staff)**, Guideline 5-301A **Vacation Leave Job Categories**, Guideline 5-301B **Vacation Leave Other Administrative Officers**, Rule 5-200B **Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members**

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include officers in such positions as Chief Business Officer, Chief Information Officer, and employees in Director-level positions.

In section III.E., we are revising the definition of “Faculty Member” to conform to the major changes in nomenclature of categories of faculty made in the spring 2013 revision of Policy 6-300. Revisions include changing the name “Regular” Faculty to “Tenure-line” Faculty, and adopting the new name of Career-line Faculty for the Clinical, Lecturer, and Research categories of faculty (to replace the former term “Auxiliary” Faculty).

In section III.L. we are revising the definition of “Probationary Period for a Staff Employee” by removing “(UHC excepted).” With this change it will be clear that any extension of a probationary period for longer than six months must be cleared through the appropriate Human Resources office (which for Hospitals and Clinics staff employees is the UHC HR office).

In section III.O. we are revising the definition of “Temporary Position” by changing the statement regarding the maximum duration of such a position. It currently reads, “In general, have a maximum duration of six (6) months,” and will be changed to “Is not expected to exceed nine (9) months.” In almost all cases the maximum duration of a temporary position, and therefore the point after which the position becomes benefits-eligible, is nine (9) months. The fact that the policy has said six (6) months was an oversight we are now correcting. The nine (9) month duration has been consistently communicated as such from University HR to customers and is shown in Policy 5-308 Benefits Eligibility Chart (see: <https://www.hr.utah.edu/forms/lib/5-308.Matrix.pdf>). This revision simply clarifies the accurate definition.

The significant proposed changes to Rule 5-001A—Employee Definitions are to conform to the spring 2013 revising of Policy 6-300 regarding nomenclature of categories of faculty. These consist of replacing the former terminology “Regular” Faculty with the new terminology “Tenure-line” Faculty, eliminating use of the former terminology “Auxiliary” Faculty and using the new terminology and category of “Career-line” Faculty encompassing the subcategories of Clinical, Lecturer, and Research Faculty. These changes to the Rule (along with the revising of the definition of “Faculty Member” in the Policy), are part of the follow-up work needed to fully implement the nomenclature changes approved by the Academic Senate and Board of Trustees in the spring 2013 revising of Policy 6-300. (As explained in detail at [http://regulations.utah.edu/academics/appendices\\_6/Legis\\_History\\_Policies\\_6-002Rev29\\_6-300Rev16\\_Vol\\_1.docx](http://regulations.utah.edu/academics/appendices_6/Legis_History_Policies_6-002Rev29_6-300Rev16_Vol_1.docx).)

**Policy 5-300, *Holidays and Holiday Premium Pay***

It is proposed that the name of the policy be changed to “Holidays”.

**Executive Summary – Proposed Changes to: Policy 5-001 Employee Definitions, Rule 5-001A Personnel Categories, Policy 5-300 Holidays and Holiday Premium Pay, Rule 5-300A Scope, Eligibility, and Limitations for Holidays – University Employees (Other than UUHC Staff), Policy 5-301 Vacation Leave Policy, Rule 5-301A Scope, Eligibility, and Limitations for Vacation Leave – University Employees (Other than UUHC Staff), Guideline 5-301A Vacation Leave Job Categories, Guideline 5-301B Vacation Leave Other Administrative Officers, Rule 5-200B Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members**

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The policy has been revised into the University’s Policy/Rule format. Sections from the policy have been moved into a new Rule 5-300A for University employees. This Policy also references Rule 5-200B, PTO for University of Utah Hospitals and Clinics (“UUHC”) employees.

Designated holidays have been retained in the Policy, while rules regarding pay practices have been moved to Rules 5-200B (UUHC employees) and 5-300A (all other employees). The reference to Veteran’s Day has been removed (it was exchanged for a second personal preference holiday in 1998).

References to Personal Preference Holidays (“PPH”) have been retained in the Policy. Rules regarding pay practices for non-UUHC employees have been moved to Rule 5-300A. PPH for UUHC employees is incorporated and substituted in PTO (stated in PTO Rule 5-200B).

A reference to days of religious observance has been retained in the Holiday Policy, noting that University employees may use PPH and UUHC employees may use PTO. It is proposed that language in this section be amended to say supervisors are encouraged to make “reasonable efforts to grant these requests consistent with business necessity” in place of “every effort to grant these requests”.

The Policy Owners have been revised to reflect the Manager of Benefits for University (non-UUHC) employees and the Director of Employee Relations for UUHC employees.

**Rule 5-300A, Scope, Eligibility and Limitations for Holidays – University Employees (Other than UUHC Staff)**

**Purpose**

The purpose has been added to Rule 5-300A to reflect that it implements Policy 5-300, is applicable to University employees, and directs UUHC staff to refer to Rule 5-200B.

**Definitions**

Definitions defined in Policy 5-001 have been combined. The definition of Temporary refers to Policy 5-001; however, the eligibility rules for holidays have excluded positions expected to last less than nine months (not six months as Policy 5-001 currently states). Policy 5-001 is being submitted for amendment to change the definition of Temporary to nine months. The reference in this rule assumes that the amendment in Policy 5-001 to change “temporary” to nine months is approved.

**Executive Summary – Proposed Changes to: Policy 5-001 Employee Definitions, Rule 5-001A Personnel Categories, Policy 5-300 Holidays and Holiday Premium Pay, Rule 5-300A Scope, Eligibility, and Limitations for Holidays – University Employees (Other than UHC Staff), Policy 5-301 Vacation Leave Policy, Rule 5-301A Scope, Eligibility, and Limitations for Vacation Leave – University Employees (Other than UHC Staff), Guideline 5-301A Vacation Leave Job Categories, Guideline 5-301B Vacation Leave Other Administrative Officers, Rule 5-200B Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members**

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**Eligibility**

A sentence has been added to clarify that employees must be 50% FTE or greater to be eligible for Holiday and PPH pay. The current policy states they must be in a Benefits Eligible position and refers the individual to Policy 5-001 for the definition. This clarification is not a change.

**Day of Pay**

The following language has been added as a clarification: “Eligible Employees employed at 1.0 FTE receive 8 hours of pay for each Holiday (including each Personal Preference Holiday). If an eligible Employee is employed at less than 1.0 FTE, but at least .50 FTE, the Holiday hours are prorated by the Employee’s FTE.” The prior wording did not define a “day”.

**Holiday Premium Pay**

These sections have been revised to clarify that staff in non-exempt positions (full-time and part-time) are eligible for premium pay for holidays worked. Stating that the premium pay applies to staff in non-exempt (hourly) positions is meant to clarify that premium pay does not apply to employees in exempt positions. This is not a change to current practice.

**Equal Time Off**

Language has been added to clarify that employees in benefit-eligible positions who are required to and do work on a holiday will receive an alternate day off (non-exempt employees receive the alternate day off in addition to receiving premium pay for working the holiday). The alternate day off should be within the same pay period if possible or at least by the end of the fiscal year.

**Religious Holidays**

The current policy states that supervisors are encouraged to make every effort to grant requests for leave on a religious holiday. We propose changing this to state they “are encouraged to make reasonable efforts to grant these requests consistent with business necessity”.

**New Hires**

The limit that employees cannot use a personal preference holiday until completion of their probationary period has been removed. A section to define the number of days new hires receive during their first year has been added. This has been the practice since at least 1999, however it was never defined in policy/rule.

**Use of Personal Preference Holidays**

We are proposing a revision to the paragraph regarding use of personal preference to match the language as revised in the vacation policy. The proposed language will require that the use be arranged in advance and authorized by the responsible supervisor so that the efficiency of the organizational unit is not compromised.

Executive Summary – Proposed Changes to: Policy 5-001 **Employee Definitions**, Rule 5-001A **Personnel Categories**, Policy 5-300 **Holidays and Holiday Premium Pay**, Rule 5-300A **Scope, Eligibility, and Limitations for Holidays – University Employees (Other than UUHC Staff)**, Policy 5-301 **Vacation Leave Policy**, Rule 5-301A **Scope, Eligibility, and Limitations for Vacation Leave – University Employees (Other than UUHC Staff)**, Guideline 5-301A **Vacation Leave Job Categories**, Guideline 5-301B **Vacation Leave Other Administrative Officers**, Rule 5-200B **Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members**

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Hire and Termination Dates

The section stating that holidays and weekend days normally won't be reported as a hire or termination date has been removed. While it is always HR's advice, we recognize that some departments do not follow this rule.

Other Misc Changes

References to UUHC practices have been removed.

Policy 5-301, *Vacation Leave Policy*

There is one substantive addition included in this proposed amendment, outlining the events upon which unused vacation leave will be paid out to an employee upon transfer to and from a UUHC position. The proposed changes for each classification of employees, as well as other proposed changes are described below.

**Policy**

The policy has been revised into the University's Policy/Rule format. Sections from the policy have been moved into a new Rule 5-301A for University employees and the former Rule 5-301A (PTO for University of Utah Hospitals and Clinics ("UUHC") employees) has been renumbered to 5-200B to be consistent with the numbering of other policies and rules. See below for additional information on Rule 5-200B.

The Policy Owners have been revised to reflect the Manager of Benefits for University (non-UUHC) employees and the Director of Employee Relations for UUHC employees.

Deleted sections from the policy have been moved to Rule 5-301A.

**New Rule 5-301A, *Scope, Eligibility, and Limitations for Vacation Leave – University Employees (Other than UUHC Staff)***

Purpose

The purpose and scope have been added to reflect that it implements Policy 5-301, is applicable to University (non-UUHC) employees, and directs UUHC staff to refer to Rule 5-200B.

Definitions

Definitions defined in Policy 5-001 have been combined. The definition of Temporary refers to Policy 5-001; however, the eligibility rules for vacation have always excluded positions expected to last less than nine months (not six months as Policy 5-001 currently states). Policy 5-001 is being submitted for amendment to change the definition of Temporary to nine months. The reference in this rule assumes that the amendment in Policy 5-001 to nine months is approved.

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The term Leave Accrual Anniversary Date has been changed to Leave Accrual Effective Date to increase clarity throughout the rule.

Eligibility

The eligibility section has been revised to clarify eligibility rules for all University employees. No change to eligibility rules is proposed.

Calendar Year

A sentence stating that vacation benefits are accrued on the basis of the calendar year has been added for consistency. We are aware that some departments have been using a fiscal year.

Use of Vacation

We are proposing a revision to require that the use be arranged in advance and authorized by the responsible supervisor.

Reinstatement

With regard to having prior years of service reinstated, it is proposed that “upon application to the Benefits Department” be added, since the reinstatement is not automatically done—the employee must request it. Once the employee makes the request, the service is reinstated and any missed accruals are added retroactively.

Vacation Benefits

These sections have been revised to break out information for the different categories of employees who accrue vacation benefits at different rates and with different rules. Separate sections have been added and existing paragraphs have been organized into four groups of employees: (1) Faculty and Administrative Officers; (2) Postdoctoral Fellows, Postdoctoral Research Associates, and Medical Housestaff; (3) Academic Staff; and (4) Staff. The reference to Other Administrative Officers has been moved to a new Guideline. Each section now contains all information applicable to that employee group.

*Faculty and Administrative Officers:*

Language has been added to clarify that vacation is prorated for a fraction of a year.

Rules regarding transfers to and from UHC have been added. When transferring from the University to UHC, remaining vacation is lost and the employee begins accruing PTO monthly. When transferring from UHC to the University, all PTO is paid out and the employee receives prorated vacation for the remainder of the calendar year.

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A paragraph has been added to state vacation leave not used by December 31 is lost. This addition is meant to clarify and document the current practice.

*Postdoctoral Fellows, Postdoctoral Research Associates, and Medical Housestaff:*  
Language has been added to clarify that vacation is prorated for a fraction of a year.

A paragraph has been added stating that vacation is tracked in the employee's home department.

Rules regarding transfers to and from UUHC have been added. When transferring from the University to UUHC, remaining vacation is lost and the employee begins accruing PTO monthly. When transferring from UUHC to the University, all PTO is paid out and the employee receives prorated vacation for the remainder of the calendar year.

A bullet has been added to state vacation leave not used by December 31 is lost. This addition is meant to clarify and document the current practice.

*Other Administrative Officers:*

References to the accrual rate for "Other Administrative Officers" have been moved to a new Guideline 5-301B. There are a few employees who remain grandfathered at this vacation accrual rate; however, no new employees are eligible for this accrual rate.

*Academic Staff:*

Vacation benefits for academic staff has been annualized and the sections regarding increased accruals over years of service have been moved into a table for easier reference.

A paragraph has been added stating that vacation is tracked in the employee's home department.

Rules regarding transfers to and from UUHC have been added. When transferring from the University to UUHC, remaining vacation is lost and the employee begins accruing PTO monthly. When transferring from UUHC to the University, all PTO is paid out and the employee receives prorated vacation for the remainder of the calendar year.

A bullet has been added to state vacation leave not used by December 31 is lost. Currently, policy states that vacation rolls over for staff, but does not state that it rolls over for academic staff. It is believed that this omission means the intent of the policy is that vacation does not roll over for academic staff.



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*Staff:*

The sections regarding increased accruals over years of service have been moved into a table for easier reference.

A paragraph clarifying the date the accrual rate increases has been added.

A chart showing the maximum accrual balances for staff over the increasing time periods has been added in place of the calculation example.

Rules for transfers to and from UHC have been added. When a staff member transfers from the University to UHC, vacation up to 80 hours is transferred to PTO and any vacation over 80 hours is paid out. When transferring from UHC to a staff position with the University, PTO up to 80 hours is transferred to vacation and any PTO over 80 hours is paid out.

Language has been added in the payment for unused vacation section to clarify that employees who accrued vacation benefits as a staff member will have any remaining vacation benefits paid to them.

The current Policy provides that vacation leave is paid out upon Termination. Termination is defined as, “the end of the permanent/regular employment relationship between the University and the individual, as a result of resignation, full retirement, dismissal, nonretention, expiration of contract, or death.” In addition to these events, it has been the University’s practice to pay out unused vacation if the employee moves to a position or FTE that is not benefit-eligible. The amended language adds these two events.

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

Formerly Interim Rule R5-301, the rule has been renumbered to Rule 5-200B to be consistent with the numbering of other policies and rules. A sentence has been added to refer University employees to Rule 5-200A, Policy 5-201, Rule 5-300A, and Rule 5-301A. References to the rules in Rule 5-301A regarding transfer of employees between the University and UHC have been added.

In order to be competitive with other healthcare industry competitors, UHC decided to move to a PTO system. This enables the business, which is a 24/7 operation, the ability to enable staff to manage their time appropriately.

All sick time was “grandfathered” and converted to an ESL (Extended Sick Leave) bank when the PTO Rule went into effect on October 1, 2012. Employees are able to access this bank for

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qualified medical reasons defined under the FMLA. Employees must use a set amount of PTO before they are able to access the ESL for each qualifying event.

In the proposed amendments to the rule, UHC has separated Holiday time from PTO time. This will allow those employees whose departments are open during holiday hours, the ability to use that time for a later date. An updated table has been added to demonstrate the amount of PTO and Holiday accruals for the year. All unused holiday time will be cashed out at the end of the calendar year and will not roll over.

Employees are able to have a cash out option of their PTO yearly as long as a minimum balance of 120 hours is left after the cash out. Hours that exceed the maximum accrual will be paid out at the end of the calendar year.

Domestic Partner has been added as a family member for whom an employee may take paid funeral leave (this was erroneously left out of the Interim Rule.)

These changes have been presented to Staff Council by Dale Spartz, CHRO for UHC in January 2014. Previously, the PTO interim rule was presented to staff council, and the executive senate and signed by President Pershing.

**Other Misc Changes**

Other administrative clarifications, formatting changes, and grammatical revisions for greater clarity and consistency have been included in the proposed drafts of the policies, rules, and guidelines. None of these additional clarifications or changes alters the intent of the policies further.

In the attached drafts the proposed additions are double-underlined and deletions are marked with a strike-through. (Note there are places where a hyphen is being removed and therefore the strike-through doesn't display well).

With your approval and signature below, we will forward the proposal to President Pershing for execution and approval before it is submitted for approval of the Academic Senate and Board of Trustees.

It is recommended that the effective date of the amended versions of the Policies, Rules, and Guidelines be immediate upon final approvals.



## **Policy 5-001: Employee Definitions.** Revision 11. Effective date [upon final approval]

### **I. Purpose and Scope**

To define and clarify terminology used within all Human Resources Policies and related documents (Part 5 of Regulations Library). The definitions and terms in this Policy replace and override all other University ~~policy~~ Regulations language related to the term “Employee” and all related definitions, terms, and variations, unless otherwise specifically provided in a particular Regulation.

### **II. Definitions**

~~Pursuant to the Purpose & Scope in Section I, this Policy is meant to define and clarify terminology used in the University’s Human Resources function. Therefore, Section III grants policy status to these terms. {Drafting note: to achieve a more sensible internal structure for this Regulation, the above contents are moved down into Part III and then revised there. And then all of the defined terms below are placed within Part II-Definitions, rather than in Part III-Policy. Also some defined terms are reorganized into logical groupings (but most are not substantively changed), and a few of the defined terms are substantively changed as is clearly marked.}~~

### ~~III. Policy~~

#### A. Employee Categories defined:

~~1. F. Employee~~ – An individual who meets both of the following qualifications:

~~a. 1. An individual who R~~ receives compensation for work or services in which the University has the right (whether or not it exercises the right) to supervise and control the manner of performance as well as the result of the work or service; and

~~b. 2. An individual who R~~ receives compensation which has been appropriated from funds controlled by the University regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked.

~~2. A. Administrative Officers~~ – Comprising the University President, Vice Presidents, Deans, Other General Administrative Officers, Department Chairpersons, and Library Directors, as defined by [Policy 2-005](#). For purposes of Human Resources Policies, the term Administrative Officers also includes other administrative officers not appointed with the approval of the Board of Trustees.

~~3. E. Faculty or Faculty Member~~ – Comprising Regular Faculty, Library Faculty, and Auxiliary Faculty. An individual who is a member of the University Faculty in any of the categories of Tenure-line Faculty (Tenured or Tenure-track), Career-line Faculty (Clinical, Lecturer, or Research), or Adjunct, Visiting or Emeritus Faculty), as defined in [Policy 6-300](#).

~~4. I. Non-f~~ Faculty Academic Employees - An employee (as defined in this Policy) in any of the categories of ~~Comprising~~ Academic Staff, Educational Trainees, Postdoctoral Fellows, or and Medical Housestaff, as defined by [Policy 6-309](#).

~~5. N. Staff or Staff Member~~ – An ~~Non faculty~~ employees employed and paid through the University of Utah ~~excluding in a position which is not included in the~~

category of Faculty, Non-Faculty Academic Employees, and/or Administrative Officers, as defined in this Policy.

- B. ~~At-Will~~ Employment – As defined by the Utah Labor Commission.
- C. ~~Benefits-Eligible Position~~ – A Position in which the Employee is eligible to enroll in University benefits. See Policy **5-308**, Benefits Eligibility Chart, for eligibility based on benefit plan, position and FTE percentage.

~~D. Employee – An individual who meets both of the following qualifications:~~

- ~~1. An individual who Receives compensation for work or services in which the University has the right (whether or not it exercises the right) to supervise and control the manner of performance as well as the result of the work or service; and~~
- ~~2. An individual who receives compensation which has been appropriated from funds controlled by the University regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked.~~

~~Faculty – Comprising Regular Faculty, Library Faculty, and Auxiliary Faculty as defined in Policy **6-300**.~~

- D. ~~FTE or Full-time~~ Equivalent Percentage – The percentage of workload of a position relative to the normal and expected working time and effort for a full-time equivalent position. For ~~Staff Members~~ employees other than faculty members (as defined in this Policy), this is based on a normal full-time work week of 40 hours per week.
- E. Full-time or ~~Full-time~~ Position - A position in which the Employee is expected to consistently work 75 percent or a greater percentage (.75 FTE or greater) of the normal and expected working time and effort. For ~~Staff Members~~ employees other than faculty members (as defined in this Policy), this equates to 30 or more hours per week of a 40-hour work week.
- F. Hourly or ~~Non-exempt~~ Position – A position paid based on number of hours worked. Employees in these positions are eligible for overtime pay in accordance with the Fair Labor Standards Act (“FLSA”); classified non-exempt from the overtime provisions of the FLSA.
- G. Part-time or Part-time Position - A position in which the Employee is expected to consistently work 74 percent or less of full-time equivalent (.74 FTE or less). For ~~Staff Members~~ employees other than faculty member (as defined in this Policy), this equates to less than thirty (30) hours per week.
- H. Per Diem/ or Pro Re Nata (“PRN”) – Positions: A position which
  - 1. Is paid based on number of hours worked and classified as Non-~~e~~Exempt;
  - 2. in which the Employee may work Full-Time or Part-Time (1.0 to .01 FTE);
  - 3. is not Benefits-~~E~~ligible;
  - 4. is classified as At-~~w~~ill Employment; and
  - 5. has ~~Have~~ no maximum duration.

- I. Probationary Period for a Staff Member – ~~The six-month initial~~ time period ~~(unless extended) for a newly hired Staff Members holding in a Benefits-Eligible positions, during which the employee which is considered to have At-will Employment status. The duration of this period is ordinarily six months.~~ Extensions must be processed through Human Resources ~~(UJHC excepted).~~
- J. Salaried or Exempt Position – A position paid based on an annual rate of compensation; classified as exempt from the overtime provisions of the FLSA.
- K. Temporary – ~~A position which:~~ Positions:
  - 1. ~~Is C~~classified as Non-~~e~~Exempt or Exempt;
  - 2. ~~in~~ which the Employee may work Full-~~t~~Time or Part-~~t~~Time (1.0 to .01 FTE);
  - 3. ~~is N~~ot Benefits- ~~E~~ligible;
  - 4. is classified as At-will Employment; and
  - 5. ~~In general, have a maximum duration of six (6) months is not expected to exceed nine (9) months.~~
- L. Time and/or Fund Limited – ~~Positions:~~ An Staff employee positions which ~~are:~~
  - 1. ~~Is C~~classified as Non-~~e~~Exempt or Exempt;
  - 2. ~~in~~ which the Employee may work Full-~~t~~Time or Part-~~t~~Time (1.0 to .01 FTE);
  - 3. ~~m~~May be eligible for University benefits if the position meets the requirements to be Benefits-~~e~~Eligible;
  - 4. ~~is F~~illed through ~~C~~ompetitive ~~R~~ecruitment procedures (or Waiver) ~~as defined described in Policy 5-102; and~~
  - 5. ~~Have~~ has a projected duration specified in the job posting and/or offer letter.

### III. Policy.

The definitions stated in Part II of this Policy are hereby made the official definitions of those defined terms for purposes of University Regulations and practices regarding University employees and the University's Human Resources function.

*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

#### IV. Rules, Procedures, Guidelines, Forms and other related resources

##### A. Rules

**Rule 5-001A:** Personnel Categories from Previous Versions of Policy 5-001

##### B. Procedures

##### C. Guidelines

D. Forms

E. Other related resource materials

Fair Labor Standards Act (FLSA)

Utah Labor Commission

V. References

A. Policy **2-005**: Officers of the University

B. Policy **5-102**: Staff Employment Policy

C. Policy **5-308**: Benefits Eligibility Chart

D. Policy **6-300**: The University Faculty—Categories and Ranks

E. Policy **6-309**: Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff

VI. Contacts

The designated contact officials for this Policy are:

A. Policy Owners (primary contact person for questions and advice): Director of Employment Services.

B. Policy Officers: Chief Human Resources Officer, and the Senior Vice President for Health Sciences.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A "Policy Officer" will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

VII. History

Renumbering: Renumbered as Policy 5-~~00441~~ effective 9/15/2008, formerly known as PPM 2-0.

A. Current Version: Revision 11

Approved by the Academic Senate: \_\_\_\_\_

Approved by the Board of Trustees: \_\_\_\_\_

Background information for Revision 11 *{link to legislative history---proposal documents}*

B. Earlier Versions:

Revision 10: Effective dates: October 11, 2011 to [ \_\_\_\_\_Effective date for *Revision 11*]

**Revision 9:** Effective dates: February 10, 2003 to October 10, 2011

**Revision 8:** Effective dates: May 17, 1999 to February 9, 2003



## Rule 5-001A: Personnel Categories

### I. Purpose

To facilitate continuity for policies, other than Human Resource policies, which refer to personnel categories originally found in Policy 5-001 Personnel Definitions (Revision 9) but no longer used by Human Resources.

### II. Definitions

#### A. Faculty (was Category A)

Individuals formally appointed after notice to the Academic Senate and with the approval of the university's Board of Trustees to one of the following positions (as defined in Policy 6-300):

##### 1. Tenure-line Faculty Category (formerly known as Regular Faculty)

Ranks available are: Professor, Associate Professor, Assistant Professor, Instructor

##### 2. Tenure-line Library Faculty Category

Ranks available are: Librarian, Associate Librarian, Assistant Librarian,

##### 3. Career-line Faculty Category (formerly known as Auxiliary Faculty)

Subcategories of Research, Clinical, or Lecturer. Ranks available are:

a. Research Professor, Research Associate Professor, Research Assistant Professor, Research Instructor

b. Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor, Clinical Instructor

c. Lecturer Professor, Lecturer Associate Professor, Lecturer Assistant Professor, Lecturer Instructor

##### 4. Adjunct, Visiting, and Emeritus Faculty Categories (also formerly known as Auxiliary Faculty)

Ranks available are:

Ⓔ. Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, Adjunct Instructor, ~~Visiting Professor,~~

- e. Adjunct Librarian, Adjunct Associate Librarian, Adjunct Assistant Librarian,
- f. Visiting Professor, Visiting Associate Professor, Visiting Assistant Professor, Visiting Instructor

B. Officers of Administration (was Category B)

The President of the University, and other officers designated by the President.

C. Deans and Administrators with Faculty Appointments (was Category C)

Deans and other administrators holding appointments in the ranks of professor, associate professor, assistant professor, instructor, librarian, associate librarian, assistant librarian, and performing part-time instruction, research, or library functions on a yearly basis.

D. Other Administrators (was Category D)

1. Administrative personnel not included in Categories B and C but serving in positions involving major administrative responsibilities. Placement in Category D rests upon an individual assessment of each position by the personnel director, the recommendation of the personnel director, and the approval of the president.

2. NOTE: All appointments in categories A, B, and C (except the appointment of the president) require approval of the Board of Trustees.

E. Staff Members (was Category E)

All other personnel

III. Rule: (Reserved)

*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

IV. Policies, Procedures, Guidelines, Forms and other related resources

A. Policies

Policy 5-001: Employee Definitions

- B. Procedures
- C. Guidelines
- D. Forms
- E. Other related resource materials

V. References: (Reserved)

VI. Contacts

The designated contact officials for this Rule are:

A. Policy Owners (primary contact person for questions and advice): Director of Employment Services.

B. Policy Officer: Chief Human Resources Officer, and the Senior Vice President for Health Sciences.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A "Policy Officer" will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... .[and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

VII. History

A. Current version: Revision 1

Approved by \_\_[\_\_\_\_\_]\_\_\_\_\_ [date] \_\_. Effective date \_\_\_\_\_.

B. Previous versions

Revision 0. {link to outdated Revision 0}

Effective dates: October 11, 2011 to [effective date for Rev 1].

{Combined proposal for Revision 9 of Policy 5-300 and new Rule 5-300A}

## **Policy 5-300: ~~Holidays and Holiday Premium Pay.~~ Revision 98**

Effective date {upon final approval?}

### **I. Purpose and Scope**

To ~~prescribe~~ outline the University's policy with respect to ~~Holidays for~~ Employees, and related pay practices and eligibility standards.

This Policy is applicable for all categories of University Employees, and is intended to be implemented through associated University Regulations, including University Rules, which shall describe and govern specific aspects of the scope and manner of implementation separately for Employees of the University of Utah Hospitals and Clinics, and for all other University Employees.

### ~~II. References~~ *{Moved to V}*

~~Policy 5-001, Personnel Definitions~~

~~Policy 5-401, Staff Compensation~~

### **II. ~~III.~~ Definitions**

A. The definitions of the terms "Benefits-eligible ~~Eligible~~ Position" and "Employee" as provided is defined in Policy 5-001 apply for purposes of this Policy.

B. "Paid Time Off" or "PTO" is defined in Rule 5-200B, Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members.

~~C. "Employee" is defined in Policy 5-001.~~

~~D. "Exempt" is defined in Policy 5-001.~~

~~E. "Full-time" is defined in Policy 5-001.~~

~~F. "FTE" is defined in Policy 5-001.~~

~~G. "Non-Exempt" is defined in Policy 5-001.~~

~~H. "Probationary Period" is defined in Policy 5-001.~~

~~I. "Staff" is defined in Policy 5-001.~~

~~J. "Temporary" is defined in Policy 5-001.~~

### **III. ~~IV.~~ Policy**

A. ~~Standard~~ Holidays Schedule

Subject to the eligibility, use, and limitation provisions in University Rule 5-200B (Paid Time Off for UUHC Staff Members), and Rule 5-300A (Scope,

Eligibility, and Limitations for Holidays – University Employees [Other than UUHC Staff]), the University designates the following days as Holidays:  
~~paragraph B, all Employees in Benefits-Eligible positions are entitled to the following paid holidays each year.~~

New Year's Day	1st day in January
Martin Luther King <u>Day</u> / <del>Human Rights Day</del>	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	4th day in July
Pioneer Day	24th day in July
Labor Day	1st Monday in September
<del>*Veteran's Day</del>	<del>11th day in November</del>
Thanksgiving – <u>2 days</u>	4th Thursday in November <u>and the following Friday</u>
<del>Friday following Thanksgiving</del>	<del>Friday following Thanksgiving</del>
Christmas	25th day in December
* <u>One Two</u> Annual Personal Preference Holidays	* <u>One Two</u> individual-selected holidays for Employee's personal use during each calendar year, subject to <u>Rule 5-200B</u> (UUHC Staff Employees only), and <u>Rule 5-300A</u> (all other Employees) <del>paragraph D below.</del>

~~\*Veteran's Day will be removed and a second annual Personal Preference Holiday will be added effective 1998.~~

B. ~~Variations from Standard Holiday Schedule~~ *{Moved to new Rule 5-300A}*

- ~~1. Hospital Employees will observe their birthday as a holiday in lieu of Veterans Day~~
- ~~2. An additional holiday may be declared from time to time by the president of the university.~~
- ~~3. A holiday falling on Sunday will be observed the following Monday.~~
- ~~4. A holiday falling on Saturday will be observed the preceding Friday.~~

B. Days of Religious Observance

The University recognizes the existence of various days of religious observance or obligation. To be consistent with the University policy of nondiscrimination and to provide flexibility for personal choice, the University will allow (1) staff Employees in Benefits-eligible Positions with University of Utah Hospitals and Clinics to use PTO, subject to the provisions of Rule 5-200B, and (2) all other Employees in Benefits-eligible Positions with the University to use two annual Personal Preference Holidays, subject to the provisions of Rule 5-300A. ~~one personal preference holiday is provided annually for personal use for any purpose selected by the Employee. If an individual wishes to observe additional religious holidays, time off must be arranged in advance and will be deducted from the individual's accrued vacation. Supervisors are encouraged to make every effort to grant these requests consistent with business necessity.~~

C. Pay practices for observance of University Holidays are subject to the eligibility and limitation provisions in University Rule 5-200B (UUHC Staff), and Rule 5-300A (all other University Employees).

D. The University may provide other paid Holidays, as described in Rule 5-200B (UUHC Staff), and Rule 5-300A (all other University Employees).

~~NOTE: Beginning in 1998 all employees not employed by the Hospital will have two personal preference days. The rules stated below continued to be applicable to the two personal preference days.~~

E. ~~Rules Relating to Personal Preference Holiday~~ *{Drafting note: all contents below are moved to new Rule 5-300A, and then revised as shown within the accompanying draft of that Rule.}*

- ~~1. Use of the personal preference holiday is at the discretion of the Employee, provided that notice is given to the Employee's supervisor within a reasonable time, but not less than five work days before the scheduled date. The notice need not state any reasons why the specified date was selected as a personal preference holiday.~~

- ~~2. An Employee ordinarily shall have a right to take a personal preference holiday upon the date specified in the notice, unless the Employee's supervisor determines that emergency or other highly unusual circumstances require the Employee to work on that date in order to prevent serious interference with or substantial harm to University business, property, personnel, programs, or activities.~~
- ~~3. An Employee may take only one personal preference holiday during each calendar year. Failure to use the personal preference holiday in any calendar year constitutes a waiver of the personal preference holiday privilege for that year to the extent of such non-use, and an unused holiday does not accumulate into the following calendar year. No payment is made upon termination for unused personal preference holiday time. NOTE: Beginning in 1998 the maximum is two personal preference days.~~
- ~~4. A new Employee is not eligible to use a personal preference holiday until completion of the Probationary Period.~~
- ~~5. Actual use of personal preference holidays shall be reported, together with reporting of other data relating to time and attendance, in accordance with established University Procedures.~~

~~F. Hire and Termination Dates~~

~~A holiday or weekend day normally will not be reported as a hire or termination date unless the individual is in work status that day.~~

~~G. Holiday Premium Pay~~

- ~~1. Staff Full time positions who are required to work on designated holidays other than a personal preference holiday, will be paid, in addition to regular pay, a premium payment equal to one half of their base hourly rate for such hours worked on these days.~~
- ~~2. Employees in Benefits Eligible positions at less than 1.0 FTE are eligible for holiday premium pay on a pro-rated basis.~~
- ~~3. Employees in Temporary positions are not eligible for holiday premium pay.~~
- ~~4. Payment for a holiday which occurs during a period of leave of absence without pay will be made only when the individual works at least one full day during the workweek in which the holiday occurs or otherwise receives compensation for a portion of the work week by being on sick leave or paid vacation status.~~
- ~~5. Employees of University Hospital and Clinics will be eligible for Holiday Premium Pay on Thanksgiving Day, Christmas Day, and other holidays as determined annually by Hospital Administration during the budget process. Hospital Administration will regularly consult with management and staff in determining any other holidays for which premium pay will be paid.~~

~~H. Overtime~~

- ~~1. Holiday premium pay is paid in addition to any overtime payment due. Premium pay for holiday work will not be included in determining the regular hourly rate of pay for the purpose of calculating overtime payments.~~
- ~~2. Holiday hours are not considered as time worked in the computation of overtime.~~

~~I. Time Off for Holidays Worked~~

~~Equal time off (not to exceed 8 hours), at a mutual convenience of the Employee and the employing unit, shall be given if Employees in Benefits Eligible positions (exempt and Non-Exempt) are required to work on a holiday. The alternative holiday will be scheduled within the current fiscal year. Exception: If the Employee terminates or management is unable or~~

~~chooses not to reschedule the holiday time off, the eight hours will be paid as time at the base hourly rate.~~

*[Note: Parts IV–VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per [Policy 1–001](#) and [Rule 1–001](#).]*

#### IV. ~~✓~~ Rules, Procedures, Guidelines, Forms and other related resources

##### A. Rules

1. ~~Rule 5–200B~~ ~~Interim Rule 5–300~~: Paid Time Off for University of Utah Hospitals and Clinics Staff Members
2. [Rule 5–300A](#): Scope, Eligibility, and Limitations for Holidays – University Employees (other than UUHC Staff)

##### B. Procedures

##### C. Guidelines

~~See [Guideline 5–301](#) for a comparison of listed positions.~~

##### D. Forms

##### E. Other related resource materials

#### V. References

[Policy 5–001](#): Employment Definitions

#### VI. Contacts

Policy Owners (primary contact person for questions and advice): the University of Utah Hospitals and Clinics’ Director of Employee Relations is responsible for the application of this Policy to University of Utah Hospitals and Clinics Employees, and the University’s Manager of Benefits is responsible for the application of this Policy to all other University Employees (non-UUHC). ~~Questions about this Policy and any related Rules, Procedures and Guidelines should be directed to the Director of Employee Relations.~~

Policy Officers: the University’s Chief Human Resources Officer (non-UUHC Employees) and the Senior Vice President for Health Sciences. ~~Only the Vice President for Human Resources or his/her designee has the authority to grant exceptions to this Policy.~~

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1–001:

"A "Policy Officer" will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such



authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

## VI. History

Renumbering: Renumbered as Policy 5-300 effective 9/15/2008, formerly known as PPM 2-40.

### Revision History:

A. Current version: Revision 9. Effective date *{Upon final approval, or \_\_\_\_\_, 2013}*  
Approved: *{dates Senate \_\_\_\_\_, Trustees \_\_\_\_\_}*  
Legislative History of Revision 9 *{upload and link to history file for Revision 9.}*

### B. Earlier versions:

Revision 8: Effective dates September 5, 1997 to { ??? 2013 }

Editorially revised: October 11, 2011. Editorial changes were made within Revision 8 to reflect the changes in Employee definitions as set forth in **Policy 5-100**.

**Rule 5-300A: Scope, Eligibility, and Limitations for Holidays – University Employees (Other than UUHC Staff).** Revision 0. [Effective date: upon final approval.]

I. Purpose and Scope

To implement University **Policy 5-300** and provide the scope, eligibility, and limitations for paid Holidays available as a benefit for University Employees. This Rule applies to University Employees other than Employees of the University 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 categories (“Employee,” “Administrative Officer,” “Faculty,” “Non-Faculty Academic Employee,” and “Staff”), and of the terms “Benefits-eligible Eligible Position”, ~~“Employee”~~, “Exempt”, ~~“Faculty”~~, “Full-time”, “FTE”, “Non-exempt”, “Probationary Period”, ~~“Staff”~~, and “Temporary” are defined provided in **Policy 5-001**, Employee Definitions, apply for purposes of this Rule. *{Drafting Note: It is intended that the definition of “Temporary” be revised where it appears in Policy 5-001, simultaneously with these changes to Policy & Rule 5-300, so that the revised definition (nine months or less) becomes applicable for purposes of this Rule. }*

III. Rule

A. Eligibility

University Employees (including Administrative Officers, Faculty, Non-faculty Academic Employees, and Staff) are eligible for Holiday pay for those Holidays designated in **Policy 5-300** (including the two annual Personal Preference Holidays there described) if they hold a Benefits-eligible Position at .50 FTE or greater. *{Drafting Note: Policy IV.A. states “all Employees in Benefits Eligible positions are entitled to” the listed holidays each year}*

B. Hours of Pay

Eligible Employees employed at 1.0 FTE receive 8 hours of pay for each Holiday (including each Personal Preference Holiday). If an eligible Employee is employed at less than 1.0 FTE (but at least .50 FTE) the paid Holiday hours are prorated by the Employee’s percentage of FTE.

C. Holidays

~~1. Employees in Benefits-eligible Positions at less than 1.0 FTE are eligible for holiday premium pay on a pro-rated basis.~~

1. Variations from Standard Holiday Schedule

~~a. Hospital Employees will observe their birthday as a holiday in lieu of Veterans Day~~

a. An additional ~~h~~Holiday may be declared from time to time by the president of the ~~z~~University.

b. A ~~h~~Holiday falling on Saturday will be observed the preceding Friday.

c. A ~~h~~Holiday falling on Sunday will be observed the following Monday.

~~B. Holiday Premium Pay~~

2. Payment for a ~~h~~Holiday which occurs during a period of leave of absence without pay will be made only when the individual works at least one full day during the workweek in which the ~~h~~Holiday occurs or otherwise receives compensation for a portion of the work week by being on sick leave or paid vacation status. *{Moved from IV.F.4.}*

3. Holiday Premium Pay (and Overtime)

a. Staff in Non-exempt (hourly) Full-time positions who are eligible to receive Holiday pay and are required to and do work on a designated ~~h~~Holidays other than a ~~p~~Personal ~~p~~Preference ~~h~~Holiday, will be paid, in addition to regular pay, a premium payment equal to one-half of their base hourly rate for such hours worked on ~~these days~~ a Holiday.

b. Holiday premium pay is paid in addition to any overtime payment due. Premium pay for a h~~h~~Holiday worked will not be included in determining the regular hourly rate of pay for the purpose of calculating overtime payments. *{Moved from IV.G.1.}*

c. Employees in Temporary positions are not eligible for Holiday premium pay.

d. Holiday hours are only not considered ~~as time worked~~ in the computation of overtime if the hours were actually worked. *{Moved from IV.G.2.}*

4. Employees in Benefits-eligible Positions (both Exempt and Non-exempt) who are required to and do work on a Holiday (other than a Personal

~~Preference Holiday) shall receive Equal time off (not to exceed 8 hours), which shall be scheduled at a the mutual convenience of the Employee and the employing unit, shall be given if Employees in Benefits Eligible positions (exempt and Non-Exempt) are required to work on a holiday. The equal time off alternative HHoliday should be scheduled within the same pay period, if possible, or will be scheduled within the current fiscal year. Exception: If the equal time off is not taken because the Employee terminates or management is unable or chooses not to reschedule the HHoliday time off, the eight hours will be paid as time at the base hourly rate. For Staff in Non-exempt positions, the equal time off granted in this paragraph is in addition to the Holiday premium pay in paragraph 3 above. *{Moved from IV.H.}*~~

5. In the event a University of Utah Hospitals and Clinics Employee in a position governed by Rule 5-200B (PTO) transfers to a University position governed by this Rule 5-300A, all accrued Holiday Leave from the UUHC position will be paid to the Employee upon transfer.

~~2. Employees in Benefits Eligible positions at less than 1.0 FTE are eligible for holiday premium pay on a pro-rated basis. *{Included in III.B. above}*~~

~~3. employees in Temporary positions are not eligible for holiday premium pay. *{Moved to III.C.3.c above}*~~

~~5. Employees of University Hospital and Clinics will be eligible for Holiday Premium Pay on Thanksgiving Day, Christmas Day, and other holidays as determined annually by Hospital Administration during the budget process. Hospital Administration will regularly consult with management and staff in determining any other holidays for which premium pay will be paid.~~

#### ~~D. Days of Religious Observance~~

~~The University recognizes the existence of various days of religious observance or obligation. To be consistent with the University policy of nondiscrimination and to provide flexibility for personal choice, one personal preference holiday is provided annually for personal use for any purpose selected by the Employee. If an individual wishes to observe additional religious holidays, time off must be arranged in advance and will be deducted from the individual's accrued vacation. Supervisors are encouraged to make every effort to grant these requests.~~

~~*{Retained and revised in Policy 5-300 and this Rule III.D.4.}*~~

~~NOTE: Beginning in 1998 all employees not employed by the Hospital will have two personal preference days. The rules stated below continued to be applicable to the two personal preference days.~~

#### ~~D. Rules Relating to Personal Preference Holidays~~

1. The two Personal Preference Holidays (which eligible Employees receive under Policy 5-300) accrue annually on January 1.

2. A new Employee is eligible for Personal Preference Holidays based on his/her date of hire:

<u>Hire Date:</u>	<u>Personal Preference Holidays</u>
<u>January 1</u>	<u>2 days</u>
<u>January 2 through June 1</u>	<u>1 ½ days</u>
<u>June 2 through November 1</u>	<u>1 day</u>
<u>Employees hired November 2 or after are not eligible for Personal Preference Holidays until the following January 1.</u>	

3. ~~Scheduling of use of a the pPersonal pPreference hHoliday~~ is at the discretion of the Employee, provided that notice is given to the Employee's supervisor within a reasonable time, but not less than five work days before the scheduled date. The notice need not state any reasons why the specified date was selected as a pPersonal pPreference hHoliday. An Employee ordinarily shall have a right to take a pPersonal pPreference hHoliday upon the date specified in the notice, unless the Employee's supervisor determines that emergency or other highly unusual circumstances require the Employee to work on that date in order to prevent serious interference with or substantial harm to University business, property, personnel, programs, or activities.
4. If an ~~individual~~ Employee uses their Personal Preference Holidays for religious holidays and wishes to observe additional religious holidays, time off must be arranged in advance and will be deducted from the ~~individual~~ Employee's accrued vacation. Supervisors are encouraged to make every effort to grant these requests consistent with business necessity. *{Drafting Note: Moved from IV.C.}*
5. Use of Personal Preference Holidays should be arranged in advance and authorized by the responsible supervisor so that the efficiency of the organizational unit is not compromised. *{Drafting Note: Same language as revised in Vacation Rule.}* ~~An Employee ordinarily shall have a right to take a personal preference holiday upon the date specified in the notice, unless the Employee's supervisor determines that emergency or other highly unusual circumstances require the Employee to work on that date in order to prevent serious interference with or substantial harm to University business, property, personnel, programs, or activities.~~

6. An Employee may take ~~only a maximum of two~~ ~~one~~ ~~Personal~~ ~~Preference~~ ~~h~~ ~~Holidays~~ during each calendar year. Failure to use ~~a~~ ~~the~~ ~~Personal~~ ~~Preference~~ ~~h~~ ~~Holiday~~ in any calendar year constitutes a waiver of the ~~Personal~~ ~~Preference~~ ~~h~~ ~~Holiday~~ privilege for that year to the extent of such non-use, and an unused ~~holiday~~ Personal Preference Holiday does not accumulate into the following calendar year. No payment is made upon termination for unused ~~Personal~~ ~~Preference~~ ~~h~~ ~~Holiday~~ time. ~~NOTE: Beginning in 1998 the maximum is two personal preference days.~~
- ~~7. A new Employee is not eligible to use a personal preference holiday until completion of the Probationary Period.~~
7. Actual use of ~~Personal~~ ~~Preference~~ ~~h~~ ~~Holidays~~ shall be reported, together with reporting of other data relating to time and attendance, in accordance with established University Procedures.

~~D. Hire and Termination Dates~~

~~A holiday or weekend day normally will not be reported as a hire or termination date unless the individual is in work status that day.~~

~~E. Overtime~~

- ~~1. Holiday premium pay is paid in addition to any overtime payment due. Premium pay for holiday work will not be included in determining the regular hourly rate of pay for the purpose of calculating overtime payments. **{Moved to III.B.4.}**~~
- ~~2. Holiday hours are not considered as time worked in the computation of overtime. **{Moved to III.B.4.}**~~

~~F. Time Off for Holidays Worked~~

~~Equal time off (not to exceed 8 hours), at a mutual convenience of the Employee and the employing unit, shall be given if Employees in Benefits Eligible positions (exempt and Non-Exempt) are required to work on a holiday. The alternative holiday will be scheduled within the current fiscal year. Exception: If the Employee terminates or management is unable or chooses not to reschedule the holiday time off, the eight hours will be paid as time at the base hourly rate. **{Moved to III.B.5.}**~~

*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information - the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

**IV. Policies, Procedures, Guidelines, Forms and other related resources**

A. Policy

**Policy 5-300, Holidays**

**Interim Rule 5-300: Paid Time Off for University of Utah Hospitals and Clinics Staff Members **{Moved to Other Related Resource Materials - E below}****

- B. Procedures
- C. Guidelines
- D. Forms

E. Other related resource materials

~~Rule 5-200B~~~~Interim Rule 5-300~~: Paid Time Off for University of Utah Hospitals and Clinics Staff Members

V. References {reserved}

VI. Contacts

Policy Owner: the University's Manager of Benefits.

Policy Officers: the University's Chief Human Resources Officer.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A "Policy Officer" will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

VII. History

*{add the history info, for this new Rule}*

*{Combined proposal for Revision 13 of Policy 5-301, and proposed new Rule 5-301A.}*

## **Policy 5-301: Vacation Leave Policy**

**Revision 1312**, Effective date *{upon final approval?}*

### **I. Purpose and Scope**

To outline the University's vacation leave policy.

This Policy is applicable for all categories of University Employees, and is intended to be implemented through associated University Regulations, including University Rules, which shall describe and govern specific aspects of the scope and manner of implementation separately for Employees of the University of Utah Hospitals and Clinics, and for all other University Employees.

### ~~II. References~~ *{Drafting note: Moved to Part V.}*

~~Policy 2-005: Officers of the University~~

~~Policy 5-001: Employment Definitions~~

~~Policy 5-116: Reinstatement of Permanent Staff Employees~~

~~Policy 5-308: Benefits Eligibility Chart Policy~~

~~Policy 6-300: University Faculty~~

~~Policy 6-309: Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff~~

~~Policy 6-314: Leaves of Absence~~

### ~~II.~~ ~~III.~~ Definitions

The definitions of the Employee categories and Employee-related terms as provided ~~is defined~~ in **Policy 5-001**, apply for purposes of this Policy and any associated Rules and other Regulations. See **Policy 5-308**: Benefits Eligibility Chart, for a list of categories of positions.

*{Drafting Note: Contents below marked with strikethrough are being moved to new Rule 5-301A and then partially revised there, as shown on that accompanying draft.}*

~~A. "Academic Staff" includes associate instructors and research associates. See Policy 5-308, Benefits Eligibility Chart, for a list of positions.~~

~~B. "Adjusted Leave Accrual Anniversary Date" is the new anniversary date given to an Employee for prior service in accordance with the provisions of Policy 5-116, Reinstatement of Permanent Staff Employees.~~



- ~~C. "Benefits Eligible" is defined in Policy 5-001.~~
- ~~D. "Deans" are defined in Policy 2-005. See Policy 5-308: Benefits Eligibility Chart, for a list of positions.~~
- ~~E. "Employee" is defined in Policy 5-001.~~
- ~~F. "Educational Trainees" includes student workers. See Policy 5-308: Benefits Eligibility Chart, for a list of positions.~~
- ~~G. "Exempt" ("Salaried") is defined in Policy 5-001. See Policy 5-308: Benefits Eligibility Chart, for a list of positions.~~
- ~~H. "Faculty" is defined in Policy 5-001. See Policy 5-308: Benefits Eligibility Chart, for a list of positions.~~
- ~~I. "FTE" is defined in Policy 5-001.~~
- ~~J. "Full time" is defined in Policy 5-001.~~
- ~~K. "Leave Accrual Anniversary Date" means the month and year in which an Employee becomes eligible for paid leave benefits (i.e., holidays, vacation and sick leave). The anniversary date is the Employee's hire date in a Full time Benefits Eligible position, date of change from a Temporary position to a Full time Benefits Eligible position, or date of change from regularly working less than 30 hours per week to regularly working 30 or more hours per week (.75 FTE or greater). If the effective date of eligibility falls prior to the 16th day of the month, the first day of that month becomes the anniversary date. If the effective date of eligibility occurs on the 16th day of the month or later, the first day of the following month becomes the anniversary date.~~
- ~~L. "Non Exempt" ("Hourly") is defined in Policy 5-001. See Policy 5-308: Benefits Eligibility Chart, for a list of positions.~~
- ~~M. "Other Administrative Officers" includes administrative officers of the University. See Policy 5-308: Benefits Eligibility Chart, for a list of positions.~~
- ~~N. "Senior Administrative Officers" includes the University President, Vice Presidents, and other senior administrative officers of the University. See Policy 5-308: Benefits Eligibility Chart, for a list of positions.~~
- ~~O. "Staff" or "Staff Member" is defined in Policy 5-001.~~
- ~~P. "Temporary" is defined in Policy 5-001.~~
- ~~Q. "Termination" means the end of the permanent/regular employment relationship between the University and the individual, as a result of resignation, full retirement, dismissal, nonretention, expiration of contract, or death. In the event of termination because of death, the right to payment for unused vacation leave inures to the estate of the deceased Employee.~~
- ~~R. "Vacation leave benefits" include the right to accrual and use of vacation leave, and payment upon termination for unused vacation leave, in accordance with and subject to the limitations prescribed in this policy.~~

### III. ~~IV.~~ Policy

Subject to the eligibility and limitation provisions in University [Rule 5-200B](#), Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members, and [Rule 5-301A](#), Scope, Eligibility and Limitations for Vacation Leave - University Employees (Other Than UUHC Staff), Employees accrue paid leave time and ~~Eligible Staff Members~~ are encouraged to take vacations periodically pursuant to schedules arranged in advance to prevent disruption of departmental operations. *{Drafting note: Formerly in Part VI.A.}*

#### ~~A. Eligibility~~

- ~~1. Staff are eligible for vacation leave benefits if they hold Benefits Eligible positions at not less than 75% FTE. Staff in Temporary positions, or whose permanent assignment is for less than 75% of full time, are not eligible for vacation leave benefits.~~
- ~~2. Faculty and senior academic officers who hold twelve month appointments are eligible, but those who hold appointments of eleven months or less are not eligible for vacation leave benefits.~~

#### ~~B. Changes to Leave Accrual Anniversary Dates~~

~~Former Staff Employees who are re-employed into a Benefits Eligible position at not less than 75% FTE. shall have their prior service reinstated in accordance with the provisions of [Policy 5-116](#), Reinstatement of Permanent Staff Employees. Anniversary dates and vacation accrual rates shall be adjusted as appropriate.~~

#### ~~C. Vacation Accrual Rates~~

- ~~1. Eligible Faculty, Senior Administrative Officer and Deans are entitled to 25 days of vacation leave per year.~~
- ~~2. Other Administrative Officers are entitled to vacation leave as follows:~~
  - ~~a. For 0 through 5 years of service: 12 vacation hours per month (18 eight-hour days per year).~~
  - ~~b. For 6 through 10 years of service: 13.33 vacation hours per month (20 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifth Leave Accrual Anniversary Date.~~
  - ~~c. For 11 through 15 years of service: 15.33 vacation hours per month (23 eight-hour days per year). Increased vacation leave begins in the first month following an individual's tenth Leave Accrual Anniversary Date.~~
  - ~~d. For 16 or more years of service: 16.67 vacation hours per month (25 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifteenth Leave Accrual Anniversary Date.~~
- ~~3. Eligible Exempt Employees and Academic Staff are entitled to vacation leave as follows:~~

- a. ~~For 0 through 5 years of service: 10 vacation hours per month (15 eight-hour days per year).~~
  - b. ~~For 6 through 10 years of service: 12 vacation hours per month (18 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifth Leave Accrual Anniversary Date.~~
  - c. ~~For 11 through 15 years of service: 13.33 vacation hours per month (20 eight-hour days per year). Increased vacation leave begins in the first month following an individual's tenth Leave Accrual Anniversary Date.~~
  - d. ~~For 16 or more years of service: 14.67 vacation hours per month (22 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifteenth Leave Accrual Anniversary Date.~~
4. ~~Eligible Non-Exempt Employees are entitled to vacation leave as follows:~~
- a. ~~For 0 through 5 years of service: 8 vacation hours per month (12 eight-hour days per year).~~
  - b. ~~For 6 through 10 years of service: 10 vacation hours per month (15 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifth Leave Accrual Anniversary Date.~~
  - c. ~~For 11 through 15 years of service: 12 vacation hours per month (18 eight-hour days per year). Increased vacation leave begins in the first month following an individual's tenth Leave Accrual Anniversary Date.~~
  - d. ~~For 16 through 20 years of service: 13.33 vacation hours per month (20 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifteenth Leave Accrual Anniversary Date.~~
  - e. ~~For 21 or more years of service: 14.67 hours per month (22 eight-hour days per year). Increased vacation leave begins in the first month following the individual's twentieth Leave Accrual Anniversary Date.~~
5. ~~Postdoctoral Fellows, Postdoctoral Research Associates, and the Medical Housestaff are entitled to 15 days of vacation leave per year.~~
6. ~~Employees in Temporary positions and Educational Trainees do not receive vacation leave benefits.~~
7. ~~Accrual and use of vacation leave for eligible Faculty, Senior Administrative Officers, and Deans is recorded and filed in the employee's home department in accordance with Procedures established by the cognizant department/office head. Accrual (and use) of vacation leave for all other eligible Employees is recorded in the University's Human Resources Management System.~~

~~V. Vacation Accrual Policies~~

- D. ~~Vacation benefits continue to accrue during leaves of absence with pay, but not during a leave of absence without pay, or during the period when the appointment is not active.~~
- E. ~~The vacation accrual rates in Section IV.C. designate the vacation leave earned by Employees working 1.0 FTE. If an eligible Employee works less than full time, but at least 75% FTE, the vacation time specified in the appropriate schedule is factored by~~

~~that individual's percent of full time (FTE). Example: If an Employee holding a position that accrues vacation leave at the rate of 10.00 hours per month works only 80% time, the vacation accrued each month is: 10 hours x 80% = 8 hours.~~

~~F. Unless an exception is approved by the cognizant vice president, an Employee who holds two or more concurrent appointments with different vacation accrual rates shall accrue vacation leave at the rate applicable to the appointment with the larger allocation of working time and effort (FTE), multiplied by the Employee's total percent of full time for all appointments that accrue vacation leave; provided that if the multiple appointments have equal FTE allocations, the head of the Employee's home department shall designate which accrual rate shall be used.~~

~~G. Other Administrative Officers and Employees in Exempt, Non-Exempt positions, may accumulate and carry forward to each new calendar year unused vacation leave which does not exceed 240 hours plus the Employee's current annual vacation leave entitlement. During the subsequent calendar year an Employee may earn and accumulate additional vacation hours. However, if the additional vacation hours are not used by December 31 of the subsequent year, any accrued vacation leave in excess of that which may be carried forward will be eliminated from the Employee's accrued vacation leave balance.~~

~~Example: A Full-time Employee whose employment status provides for 120 hours of vacation leave per year may accumulate and carry forward to a new calendar year 360 hours of unused vacation leave (one year's entitlement plus 240 hours). In the new calendar year, the Employee will be allowed to accumulate as much as 120 hours of additional vacation leave, or a total of 480 hours. If, through usage, the accrued vacation leave is not reduced to 360 hours or less at the close of business on December 31, any balance in excess of 360 hours will be lost to the Employee. A maximum of 360 hours may be carried forward to the next calendar year. The unused vacation leave for which an Employee may be paid upon termination of employment cannot exceed one year's vacation leave entitlement plus 240 hours (see Section VI).~~

~~Use of accrued vacation must be arranged with the responsible supervisor so that the efficiency of the organizational unit is not compromised.~~

#### ~~VI. Using Accrued Vacation Leave~~

~~H. Eligible Staff Members are encouraged to take vacations periodically pursuant to schedules arranged in advance to prevent disruption of departmental operations.~~

~~I. Paid holidays that occur during a vacation period are not charged against accrued vacation leave.~~

~~J. Unauthorized vacation and usage in excess of accrued vacation leave will be treated as absences without pay.~~

~~K. Eligible Employees are expected to schedule vacation leave at reasonable intervals by arrangement with the cognizant department head or supervisor.~~

#### ~~VII. Payment for Unused Vacation Leave Upon Termination~~

- ~~L. Except as provided in paragraph F below, an eligible Staff Member is entitled upon termination to payment for vacation leave earned but not taken.~~
- ~~M. Payment for unused vacation leave is computed by multiplying the Employee's current hourly rate of pay by the actual number of accrued hours, not to exceed the maximum of 240 hours plus the Employee's current annual vacation leave entitlement.~~
- ~~N. Authorized compensation for unused vacation is normally included in the individual's final payroll check.~~
- ~~O. Payment for unused vacation leave, to the extent authorized by this policy, is a form of deferred compensation and as such, cannot be withheld from an eligible individual who has been terminated for any reason, but is subject to deductions and offsets authorized by University policy or by legal requirements.~~
- ~~P. Unless a different distribution schedule is approved by the cognizant vice president, payment for unused vacation leave at termination is proportionately distributed to those accounts from which the Employee was being paid on the effective date of termination. The University, however, reserves the right to establish different methods for funding the payment for unused vacation leave on termination, to the extent permitted by law, including the establishment of reserves derived from the charging of unused vacation leave to accounts from which the Employee was being paid during the period of accrual.~~
- ~~Q. Notwithstanding the provisions of paragraphs A through E, above,
 
  - ~~a. Faculty, Postdoctoral Fellows, Postdoctoral Research Associates, Medical Housestaff, and Academic Staff are not entitled to payment for unused vacation leave upon termination of employment or upon termination of funding, whichever occurs first.~~
  - ~~Senior Administrative Officers Deans are not entitled to payment upon termination for unused vacation leave earned after December 31, 1998.~~~~

*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information - the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per [Policy 1-001](#) and [Rule 1-001](#).]*

~~IV. VIII.~~ Rules, Procedures, Guidelines, Forms and other related resources

- A. Rules
  - [Rule 5-301A](#), Scope, Eligibility and Limitations for Vacation Leave - University Employees (Other Than UUHC Staff)
  - [Rule 5-200B](#): Paid Time Off for University of Utah Hospitals and Clinics Staff Members
- B. Procedures
- C. Guidelines
  - See [Guideline 5-301A](#) for a comparison of listed positions using category designations.

[Guideline 5-301B](#) – Other Administrative Officers vacation benefits for grandfathered Employees

- D. Forms
- E. Other related resource materials

V. References

[Policy 2-005](#): Officers of the University

[Policy 5-001](#): Employee Definitions

[Policy 5-116](#): Reinstatement of Permanent Staff Employees

[Policy 5-308](#): Benefits Eligibility Chart Policy

[Policy 6-300](#): The University Faculty – Categories and Ranks

[Policy 6-309](#): Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff

[Policy 6-314](#): Leaves of Absence

VI. ~~X~~ Contacts

The designated contact officials for this Policy are:

- A. Policy Owners (primary contact person for questions and advice): the University of Utah Hospitals and Clinics' Director of Employee Relations is responsible for the application of this Policy to University of Utah Hospitals and Clinics Employees, and the University's Manager of Benefits is responsible for the application of this Policy to all other University Employees (non-UUHC). Questions about this Policy and any related Rules, Procedures and Guidelines should be directed to the Director of Benefits.
- B. Policy Officers: the University's Chief Human Resources Officer (non-UUHC Employees) and the Senior Vice President for Health Sciences. Only the Vice President for Human Resources or his/her designee has the authority to grant exceptions to this Policy.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A "Policy Officer" will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "  
"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

VII. ~~X~~ History

Renumbering: Renumbered as Policy 5-301 effective 9/15/2008, formerly known as PPM 2-41.

Revision History:

- A. Current version: Revision 13. Effective date *{Upon final approval, or ???, 2013}*  
Approved: *{dates Senate \_\_?, Trustees \_\_? }*

Legislative History of Revision 13 {upload and link to history file for this Revision #.}

B. Earlier versions:

Revision 12: Effective dates April 12, 1999 to { ??? }

Editorially revised: October 11, 2011. Editorial changes were made to this document to reflect the changes in Employee definitions as set forth in **Policy 5-001 ~~5-100~~**.

{Drafting note: *Will eventually need to add some History explanation about the use of the Interim PTO Rule to make much of the content of Revision 12 not applicable for UUHC staff, before the permanent PTO Rule was approved.*}

[draft 2014-09-03]

**Rule 5-301A: Scope, Eligibility, and Limitations for Vacation Leave – University Employees (Other than UUHC Staff)** Revision 0.  
Effective date {upon final approval?}

*{Drafting Note: Contents of this new Rule are first being moved from Policy 5-301, and then revised as marked here.}*

**I. Purpose and Scope**

To implement University [Policy 5-301](#) and provide the scope, eligibility, and limitations for Vacation leave available as a benefit for University Employees. This Rule applies to all University Employees (including Administrative Officers, Faculty, Non-Faculty Academic Employees, and Staff ) other than Employees of the University of Utah Hospitals and Clinics. University of Utah Hospitals and Clinics Employees are instead governed by and 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 *categories* provided in [Policy 5-001](#) Employee Definitions, apply for purposes of this Rule, including:
1. Employee,
  2. Administrative Officers,
  3. Faculty or Faculty Members,
  4. Non-faculty Academic Employees (as further defined in [Policy 6-309](#)), which include
    - a. Academic Staff (including Associate Instructor, Research Associate, and Research Computer Scientist),
    - b. Educational Trainees (including Teaching Assistant, Teaching Fellow, Research Assistant, Research Fellow, and Graduate Assistant),



- c. Postdoctoral Fellow (including Postdoctoral Research Associate), and
  - d. Medical Housestaff (including Intern, Resident, and Clinical Fellow).
5. Staff or Staff Members
- B. The definitions of Employee-related terms provided in Policy 5-001 apply for purposes of this Rule, including the following:
- 1. Benefits-eligible Position,
  - 2. Exempt (or Salaried) and Non-Exempt (or Hourly),
  - 3. Full-time and Full-Time Equivalent ("FTE"), and
  - 4. Temporary.
- ~~C. "Academic Staff" includes associate instructors and research associates. See Policy 5-308, Benefits Eligibility Chart, for a list of positions. {Combined in A}~~
- C. "Adjusted Leave Accrual Effective Anniversary Date" is the new ~~anniversary date~~ Leave Accrual Effective Date given to an Employee for prior service in accordance with the provisions of **Policy 5-116**, Reinstatement of Permanent Staff Employees.
- ~~D. "Benefits-eligible" is defined in Policy 5-001. {Combined in B}~~
- ~~E. "Deans" are defined in Policy 2-005. See Policy 5-308: Benefits Eligibility Chart, for a list of positions. {Combined in A}~~
- ~~F. "Employee" is defined in Policy 5-001. {Combined in A}~~
- ~~E. "Educational Trainees" includes student workers. See Policy 5-308: Benefits Eligibility Chart, for a list of positions. {Combined in A}~~
- ~~F. "Exempt" ("Salaried") is defined in Policy 5-001. See Policy 5-308: Benefits Eligibility Chart, for a list of positions. {Combined in A}~~
- ~~G. "Faculty" is defined in Policy 5-001. See Policy 5-308: Benefits Eligibility Chart, for a list of positions. {Combined in A}~~
- ~~H. "FTE" is defined in Policy 5-001. {Combined in B}~~
- ~~I. "Full-time" is defined in Policy 5-001. {Combined in B}~~
- D. "Leave Accrual Effective Anniversary Date" means the month and year in which an Employee becomes eligible for paid leave benefits (i.e., holidays, vacation and sick leave). The Leave Accrual Effective Date

~~anniversary date~~ is the Employee's hire date in a Full-time Benefits Eligible position, date of change from a Temporary position to a Full-time Benefits Eligible position, or date of change from regularly working less than 30 hours per week to regularly working 30 or more hours per week (.75 FTE or greater). If the effective date of eligibility falls prior to the 16<sup>th</sup> day of the month, the first day of that month becomes the Leave Accrual Effective Anniversary Date. If the effective date of eligibility occurs on the 16<sup>th</sup> day of the month or later, the first day of the following month becomes the Leave Accrual Effective Anniversary Date.

- E. ~~"Non-Exempt" ("Hourly") is defined in Policy 5-001. See Policy 5-308: Benefits Eligibility Chart, for a list of positions. {Combined in B}~~
- H. ~~"Other Administrative Officers" includes administrative officers of the University. See Policy 5-308: Benefits Eligibility Chart, for a list of positions. {Combined in A}~~
- E. "Paid Time Off" or "PTO" is defined in Rule 5-200B, Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members.
- F. "Retirement" is defined in Policy 5-112, Retirement.
- G. ~~"Senior Administrative Officers" includes the University President, Vice Presidents, and other senior administrative officers of the University. See Policy 5-308: Benefits Eligibility Chart, for a list of positions. {Combined in A}~~
- H. ~~"Staff" or "Staff Member" is defined in Policy 5-001. {Combined in A}~~
- I. ~~"Temporary" is defined in Policy 5-001. {Combined in B}~~
- G. "Termination of Employment" means the end of the permanent/regular employment relationship between the University and the individual Employee, as a result of resignation, full retirement, dismissal, nonretention, expiration of contract, or death. In the event of Termination because of death, the right to payment for unused vacation leave inures to the estate of the deceased Employee. {Moved to III.E.8.b.}
- H. "Vacation Leave Benefits-leave benefits" include the right to accrual and use of paid vacation leave, and payment upon Termination of Employment for accrued unused vacation leave, in accordance with and subject to the limitations prescribed in this Rule policy.

### III. ~~Policy~~ Rule

#### A. ~~Eligibility~~ General Provisions Applicable for All Categories of University Employees

##### 1. Eligibility.

a. Staff Members, Administrative Officers, and Non-faculty Academic Employees (except in Educational Trainee positions) ~~Staff~~ are eligible for Vacation Leave Benefits ~~vacation leave benefits~~ if (i) they hold a Benefits-Eligible Position at not less than .75% FTE and (ii) the position is not Temporary.

b. Educational Trainee positions are not eligible for Vacation Leave Benefits.

c. Faculty members (including those serving in administrator positions) are eligible for Vacation Leave Benefits if (i) their appointments are for twelve months and (ii) at not less than .75FTE. Those with appointments of eleven months or less are not eligible. ~~Staff in Temporary positions, or whose permanent assignment is for less than 75% of full time, are not eligible for vacation leave benefits.~~

~~2. Faculty and senior academic officers who hold twelve month appointments are eligible, but those who hold appointments of eleven months or less are not eligible for vacation leave benefits.~~

~~2. Employees in Temporary positions and Educational Trainees do not receive vacation leave benefits.~~

2. Proration by percentage of FTE. The vacation accrual rates in ~~Section IV.C. this Rule~~ designate the vacation leave earned by Employees working 1.0 FTE. If an eligible Employee works less than full-time, but at least .75 FTE, the vacation time specified in the appropriate schedule is factored by that ~~individual's~~ Employee's percent of full-time (FTE). Example: If an Employee holding a position that accrues vacation leave at the rate of ~~10.00~~ hours per month works ~~only~~ .80 FTE time, the vacation accrued each month is calculated as follows: 10 hours x .80% = 8 hours.

3. Use of Vacation. ~~Using Accrued Vacation Leave~~ *{Drafting note: Moved from VI.}*

- ~~a. Eligible Staff Members are encouraged to take vacations periodically pursuant to schedules arranged in advance to prevent disruption of departmental operations. *{Drafting note: retained in Policy 5-301.}*~~
  - a. Paid holidays that occur during a vacation period are not charged against accrued vacation leave.
  - b. Unauthorized vacation and usage in excess of accrued vacation leave will be treated as absences without pay.
  - c. Eligible Employees are expected to schedule vacation leave at reasonable intervals by arrangement with the cognizant department head or supervisor. Use of accrued vacation leave should must be arranged in advance and authorized by ~~with~~ the responsible supervisor so that the efficiency of the organizational unit is not compromised. *{Drafting note: Last sentence moved from V.D.}*
- 4. ~~Former Staff~~ Reinstatement. Employees who are re-employed into a Benefits-eligible Position at not less than .75 FTE shall have their prior service reinstated upon application to the Benefits Department in accordance with the provisions of [Policy 5-116](#), Reinstatement of Benefits Eligible Permanent Staff Members Employees. Anniversary dates and vacation accrual rates shall be adjusted ~~as appropriate~~ in accordance with the Adjusted Leave Accrual Effective Anniversary Date. *{Drafting note: Moved from IV.B.}*
- 5. Leaves of Absence. Vacation Leave Benefits continue to accrue during leaves of absence with pay, but not during a leave of absence without pay, or during the period when the ~~appointment~~ position is not active.
- 6. Multiple positions. Unless an exception is approved by the cognizant vice president, an Employee who holds two or more concurrent ~~appointments~~ positions with different vacation accrual rates shall accrue Vacation Leave Benefits at the rate applicable to the ~~appointment~~ position with the larger allocation of working time

and effort (FTE), multiplied by the Employee's total percent of full-time for all ~~appointments~~positions that accrue Vacation Leave Benefits; provided that if the multiple ~~appointments~~positions have equal FTE allocations, the head of the Employee's home department shall designate which accrual rate shall be used. *{Drafting note: Moved from V.C.}*

~~B. Changes to Leave Accrual Anniversary Dates~~

~~Former Staff Employees who are re-employed into a Benefits Eligible position at not less than 75% FTE, shall have their prior service reinstated in accordance with the provisions of **Policy 5-116**, Reinstatement of Permanent Staff Employees. Anniversary dates and vacation accrual rates shall be adjusted as appropriate. *{Drafting note: Moved to III.D.4.}*~~

~~C. Vacation Accrual Rates~~

B. Specific provisions for Faculty and Administrative Officers

1. Eligible Faculty, ~~Senior~~ and Administrative Officers ~~and Deans~~ are entitled to 25 days of vacation leave per year (or prorated for any fraction of a year).
2. ~~Accrual and u~~Use of vacation leave ~~for by~~ eligible Faculty, ~~Senior~~ and Administrative Officers, ~~and Deans~~ is recorded and filed in the Employee's home department in accordance with ~~P~~rocedures established by the cognizant department/office head. ~~Accrual (and use) of vacation leave for all other eligible Employees is recorded in the University's Human Resources Management System. *{Drafting note: Moved from IV.C.7.}*~~
3. In the event an Employee eligible for Vacation Leave Benefits under this Part III.B., transfers from a University position governed by this **Rule 5-301A** to a position with the University of Utah Hospitals and Clinics which is governed by **Rule 5-200B** (PTO), any remaining unused vacation leave accrued pursuant to this Part III.B. will be lost at the time of the transfer.
4. In the event a University of Utah Hospitals and Clinics Employee in a position governed by **Rule 5-200B** (PTO) transfers to a University position governed by this **Rule 5-301A** and eligible for Vacation Leave Benefits under this Part III.B., all accrued Paid Time Off from the UUHC position will be paid to the Employee upon transfer and

the Employee will receive prorated Vacation Leave Benefits for the remainder of the year.

5. Upon Termination of Employment, Faculty, ~~Senior~~ and Administrative Officers and ~~Deans~~ are not entitled to payment for unused Vacation Leave Benefits earned after December 31, 1998. *{Drafting note: Moved from VII.F.a. and b.}*

C. Specific provisions for Postdoctoral Fellows, Postdoctoral Research Associates, and Medical Housestaff

1. Postdoctoral Fellows, Postdoctoral Research Associates, and ~~the~~ Medical Housestaff are entitled to 15 days of vacation leave per year (or prorated for any fraction of a year). *{Drafting note: Moved from IV.C.5.}*
2. Use of Vacation Leave Benefits by eligible Postdoctoral Fellows, Postdoctoral Research Associates, and Medical Housestaff is recorded and filed in the Employee's home department in accordance with procedures established by the cognizant department/office head.
3. In the event an Employee eligible for Vacation Leave Benefits under this Part III.C., transfers from a University position governed by this **Rule 5-301A** to a position with the University of Utah Hospitals and Clinics which is governed by **Rule 5-200B** (PTO), any remaining unused vacation leave accrued pursuant to this Part III.C. will be lost at the time of the transfer.
4. In the event a University of Utah Hospitals and Clinics Employee in a position governed by **Rule 5-200B** (PTO) transfers to a University position governed by this **Rule 5-301A** and eligible for Vacation Leave Benefits under this Part III.C., all accrued Paid Time Off from the UUHC position will be paid to the Employee upon transfer and the Employee will receive prorated vacation leave for the remainder of the year.
5. ~~Faculty, Postdoctoral Fellows, Postdoctoral Research Associates, and Medical Housestaff, and Academic Staff~~ are not entitled to payment for unused Vacation Leave Benefits upon Termination of

Employment or upon termination of funding, whichever occurs first. *{Drafting note: Moved from VII.F.a.}*

~~2. Other Administrative Officers are entitled to vacation leave as follows: *{Drafting note: This part moved to Guideline 5-301B - Other Administrative Officers Vacation Benefits For Grandfathered Employees}*~~

- ~~a. For 0 through 5 years of service: 12 vacation hours per month (18 eight-hour days per year).~~
- ~~b. For 6 through 10 years of service: 13.33 vacation hours per month (20 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifth Leave Accrual Anniversary Date.~~
- ~~c. For 11 through 15 years of service: 15.33 vacation hours per month (23 eight-hour days per year). Increased vacation leave begins in the first month following an individual's tenth Leave Accrual Anniversary Date.~~
- ~~d. For 16 or more years of service: 16.67 vacation hours per month (25 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifteenth Leave Accrual Anniversary Date.~~

D. Specific provisions for Academic Staff

1. ~~Eligible Exempt Employees and Academic Staff~~ are entitled to vacation leave (prorated for any fraction of a year and prorated by FTE), as follows:

*{Drafting note: Table 1 is new, but created from former contents of IV.C.3 - the monthly accrual rate has been annualized}*

Table 1

	<u>Days per Year by Years of Service</u>				
	<u>0 to 5 years</u>	<u>5+ to 10 years</u>	<u>10+ to 15 years</u>	<u>15+ to 20 years</u>	<u>20+ or more</u>
<u>Academic Staff (1.0 FTE)</u>	<u>15 days</u>	<u>18 days</u>	<u>20 days</u>	<u>22 days</u>	

2. Use of vacation leave by eligible Academic Staff is recorded and filed in the Employee's home department in accordance with procedures established by the cognizant department/office head.
3. In the event an Employee eligible for Vacation Leave Benefits under this Part III.D., transfers from a University position governed by this Rule 5-301A to a position with the University of Utah Hospitals and

Clinics which is governed by **Rule 5-200B** (PTO), any remaining unused vacation leave accrued pursuant to this Part III.D. will be lost at the time of the transfer.

4. In the event a University of Utah Hospitals and Clinics Employee in a position governed by **Rule 5-200B** (PTO) transfers to a University position governed by this **Rule 5-301A** and eligible for Vacation Leave Benefits under this Part III.D., all accrued Paid Time Off from the UUHC position will be paid to the Employee upon transfer and the Employee will receive prorated vacation leave for the remainder of the year.
5. ~~Faculty, Postdoctoral Fellows, Postdoctoral Research Associates, and Medical Housestaff, and Academic Staff~~ are not entitled to payment for unused Vacation Leave Benefits upon Termination of Employment or upon termination of funding, whichever occurs first. *{Drafting note: Moved from VII.F.a.}*

E. Specific provisions for Staff

1. Accrual rate. Eligible ~~Exempt Employees and Academic Staff~~ in Staff positions accrue Vacation Leave Benefits monthly at rates determined by years of service, ~~are entitled to vacation leave~~ as follows:

*{Drafting note: Table 2 is new, but created from former contents of IV.C.3 through IV.C.4}*

**Table 2**

<u>Category</u>	<u>Hours Accrued per Month by Years of Service</u>				
	<u>0 to 5 years</u>	<u>5+ to 10 years</u>	<u>10+ to 15 years</u>	<u>15+ to 20 years</u>	<u>20+ or more</u>
<u>Non-Exempt Staff (1.0 FTE)</u>	8 hours	10 hours	12 hours	13.33 hours	14.67 hours
<u>Exempt Staff (1.0 FTE)</u>	10 hours	12 hours	13.33 hours	14.67 hours	

~~a. For 0 through 5 years of service: 10 vacation hours per month (15 eight-hour days per year).~~



- ~~b. For 6 through 10 years of service: 12 vacation hours per month (18 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifth Leave Accrual Anniversary Date.~~
- ~~c. For 11 through 15 years of service: 13.33 vacation hours per month (20 eight-hour days per year). Increased vacation leave begins in the first month following an individual's tenth Leave Accrual Anniversary Date.~~
- ~~d. For 16 or more years of service: 14.67 vacation hours per month (22 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifteenth Leave Accrual Anniversary Date.~~
- ~~3. Eligible Non-Exempt Employees are entitled to vacation leave as follows:~~
  - ~~a. For 0 through 5 years of service: 8 vacation hours per month (12 eight-hour days per year).~~
  - ~~b. For 6 through 10 years of service: 10 vacation hours per month (15 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifth Leave Accrual Anniversary Date.~~
  - ~~c. For 11 through 15 years of service: 12 vacation hours per month (18 eight-hour days per year). Increased vacation leave begins in the first month following an individual's tenth Leave Accrual Anniversary Date.~~
  - ~~d. For 16 through 20 years of service: 13.33 vacation hours per month (20 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifteenth Leave Accrual Anniversary Date.~~
  - ~~e. For 21 or more years of service: 14.67 hours per month (22 eight-hour days per year). Increased vacation leave begins in the first month following the individual's twentieth Leave Accrual Anniversary Date.~~
- ~~4. Postdoctoral Fellows, Postdoctoral Research Associates, and the Medical Housestaff are entitled to 15 days of vacation leave per year.~~
- ~~5. Employees in Temporary positions and Educational Trainees do not receive vacation leave benefits.~~

~~Vacation Accrual Policies~~

- 2. Date of increased rate. For each five-year step, an increased rate for accrual of Vacation Leave Benefits becomes applicable in the first month following the Leave Accrual Effective Date. For example: if an Employee begins working on July 1, 2012, the Employee will accrue at the 0 to 5 years rate until July 1, 2017, when the Employee will begin accruing at the 5+ to 10 years rate.
- 3. Annual carry-forward. ~~Other Administrative Officers and Employees in Exempt, Non-Exempt positions,~~ Staff eligible to accrue vacation under this Part III.E. may accumulate and carry forward to each new calendar year accrued unused vacation leave which does not exceed 240 hours plus the Employee's current annual vacation leave entitlement. During the subsequent calendar year an

Employee may earn and accumulate additional vacation hours. However, if the additional vacation hours are not used by December 31 of the subsequent year, any accrued vacation leave in excess of that which may be carried forward will be eliminated from the Employee's accrued vacation leave balance.

Employee vacation hours lost shall be reinstated in the subsequent calendar year upon request from the employee and with confirmation from the employee’s department head if the following conditions are met:

- a. the employee has been approved by his/her supervisor for vacation leave use;
- b. after November 15 of the current year, management in the department requires the employee to cancel the approved, scheduled vacation;
- c. the employee is not allowed to reschedule the vacation leave in the same calendar year; and,
- d. the cancelled leave will result in a loss of unused vacation hours for the employee at the end of the year.

In no event will the reinstatement of lost hours increase the annual carry-forward amount for the subsequent calendar year, nor will it increase the amount that may be paid out under Part III.E.7.c.

*{Drafting note: Table 2 is new, but created from former contents of the second paragraph of V.D.}*

**Table 3.**

<u>Category</u>	<u>Maximum Accrual by Years of Service</u>				
	<u>0 to 5 years</u>	<u>5+ to 10 years</u>	<u>10+ to 15 years</u>	<u>15+ to 20 years</u>	<u>20+ or more</u>
<u>Non-Exempt Staff</u>	<u>336 hours</u>	<u>360 hours</u>	<u>384 hours</u>	<u>400 hours</u>	<u>416 hours</u>
<u>Exempt Staff</u>	<u>360 hours</u>	<u>384 hours</u>	<u>400 hours</u>	<u>416 hours</u>	

~~Example: A Full-time Employee whose employment status provides for 120 hours of vacation leave per year may accumulate and carry forward to a new calendar year 360 hours of unused vacation leave (one year's entitlement plus 240 hours). In the new calendar year, the Employee will be allowed to accumulate as much as 120 hours of~~

~~additional vacation leave, or a total of 480 hours. If, through usage, the accrued vacation leave is not reduced to 360 hours or less at the close of business on December 31, any balance in excess of 360 hours will be lost to the Employee. A maximum of 360 hours may be carried forward to the next calendar year. The unused vacation leave for which an Employee may be paid upon termination of employment cannot exceed one year's vacation leave entitlement plus 240 hours (see Section VI). Use of accrued vacation must be arranged with the responsible supervisor so that the efficiency of the organizational unit is not compromised.~~

#### ~~Using Accrued Vacation Leave~~

- ~~A. Eligible Staff Members are encouraged to take vacations periodically pursuant to schedules arranged in advance to prevent disruption of departmental operations.~~
- ~~B. Paid holidays that occur during a vacation period are not charged against accrued vacation leave.~~
- ~~C. Unauthorized vacation and usage in excess of accrued vacation leave will be treated as absences without pay.~~
- ~~D. Eligible Employees are expected to schedule vacation leave at reasonable intervals by arrangement with the cognizant department head or supervisor.~~

4. Transfer to UUHC. In the event a Staff Member who has accrued Vacation Leave Benefits pursuant to this Part III.E., transfers from a University position governed by this [Rule 5-301A](#) to a position with the University of Utah Hospitals and Clinics which is governed by [Rule 5-200B](#) (PTO), accrued vacation leave up to 80 hours will be transferred to Paid Time Off for the new position. Accrued vacation hours in excess of 80 hours will be paid to the Staff Member upon transfer.
5. Transfer from UUHC. In the event a University of Utah Hospitals and Clinics Employee in a position governed by [Rule 5-200B](#) (PTO) who has accrued Paid Time Off in that position transfers to a University position governed by this [Rule 5-301A](#) and eligible to accrue Vacation Leave Benefits pursuant to this Part III.E., accrued Paid Time Off up to 80 hours will be converted to vacation leave accruals for the new position and any PTO over 80 hours will be paid to the Employee upon transfer.
6. Records. Accrual (and use) of vacation leave for Staff ~~all other eligible Employees~~ is recorded in the University's Human Resources Management System.

#### ~~Payment for Unused Vacation Leave Upon Termination~~

## 7. Payment for Unused Vacation Leave Benefits

- a. ~~Except as provided in paragraph F~~ Subject to the provisions below, Employees who accrued Vacation Leave Benefits as an eligible Staff Members receive ~~is entitled upon termination to~~ payment for vacation leave earned but not taken in the following circumstances:
- i. Termination of Employment or Retirement;
  - ii. Transfer to a University position that is not a Benefits-eligible Position;
  - iii. Reduction in FTE to below .50, or
  - iv. Under the terms of Part III.E.5., upon transfer to a UUHC position.
- b. In the event of Termination of Employment because of the Employee's death, ~~the any~~ right to payment for unused vacation leave inures to the estate of the deceased Employee. *{Drafting note: Moved from III.Q.}*
- c. Payment for unused vacation leave is computed by multiplying the Employee's current hourly rate of pay by the actual number of accrued hours, not to exceed the maximum (as specified in Part III.E.3.) of 240 hours plus the Employee's current annual vacation leave entitlement.
- d. Authorized compensation for unused vacation is normally included in the individual's final payroll check.
- e. Payment for unused vacation leave, to the extent authorized by ~~this policy~~ Policy 5-301 and this Rule, is a form of deferred compensation and as such, cannot be withheld from an eligible individual who has been terminated from employment for any reason, but is subject to deductions and offsets authorized by University policy or by legal requirements.
- f. Unless a different distribution schedule is approved by the cognizant vice president, payment for unused vacation leave ~~at termination~~ upon one of the events listed in subsection a above

is proportionately distributed to those accounts from which the Employee was being paid on the ~~effective date of termination~~ day before the effective date of the event. The University, however, reserves the right to establish different methods for funding the payment for unused vacation leave ~~on termination~~, to the extent permitted by law, including the establishment of reserves derived from the charging of unused vacation leave to accounts from which the Employee was being paid during the period of accrual.

~~G. Notwithstanding the provisions of paragraphs A through E, above,~~

~~i. Faculty, Postdoctoral Fellows, Postdoctoral Research Associates, Medical Housestaff, and Academic Staff are not entitled to payment for unused vacation leave upon termination of employment or upon termination of funding, whichever occurs first.~~

~~ii. Senior Administrative Officers Deans are not entitled to payment upon termination for unused vacation leave earned after December 31, 1998.~~

~~A. Eligible Staff Members are encouraged to take vacations periodically pursuant to schedules arranged in advance to prevent disruption of departmental operations. **{Retained in Policy 5-301.}**~~

~~1. Paid holidays that occur during a vacation period are not charged against accrued vacation leave.~~

~~2. Unauthorized vacation and usage in excess of accrued vacation leave will be treated as absences without pay.~~

~~3. Eligible Employees are expected to schedule vacation leave at reasonable intervals by arrangement with the cognizant department head or supervisor. **{Moved to Part III.A.}**~~

*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information - the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per [Policy 1-001](#) and [Rule 1-001](#).]*

IV. Policies, Rules, Procedures, Guidelines, Forms and other related resources

A. Policies

**Policy 5-301**, Vacation Leave Policy

B. Rules

~~**Interim Rule 5-301**~~**Rule 5-200B**: Paid Time Off for University of Utah Hospitals and Clinics Staff Members

C. Procedures

D. Guidelines

~~See Guideline 5-301A for a~~ comparison of listed positions using category designations-  
Guideline 5-301B – Other Administrative Officers Vacation Benefits For Grandfathered  
Employees

- E. Forms
- F. Other related resource materials
- V. References
  - Policy 2-005**, Officers of the University
  - Policy 5-001**, ~~Employment~~ Employee Definitions
  - Policy 5-116**, Reinstatement of Permanent Staff Employees
  - Policy 5-308**, Benefits Eligibility Chart Policy
  - Policy 6-300**, The University Faculty – Categories and Ranks
  - Policy 6-309**, Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff
  - Policy 6-314**, Leaves of Absence
- VI. Contacts
  - A. Policy Owner (primary contact person for questions and advice): the University’s Manager of Benefits.
  - B. Policy Officer: the University’s Chief Human Resources Officer.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A "Policy Officer" will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... .[and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

- VII. History  
*{add the history info, for this new Rule, once the approval process is completed}*

**Guideline 5-301A: Vacation Leave Policy Job Categories**

**I. Purpose**

To compare job categories used in previous versions of this policy to the defined position names used in the current version of the policy.

Prior Category	Current Position Name
Category A - Faculty Members	Faculty
Category B - Senior Administrative Officers	Senior Administrative Officers and Deans
Category C - Senior Academic Officers	Senior Administrative Officers and Deans
Category D - Exempt Staff Administrators (Campus)	Other Administrative Officers
Category E - Exempt (Campus)	Exempt
Category F - Non-Exempt (Campus)	Non-Exempt
Category G - Student Workers	Educational Trainees
Category H - Temporary	Temporary
Category I - Student Workers	Educational Trainees
Category J - Postdoctoral Fellows	Post Doctoral Fellow and Post Doctoral Research Associate
Category K - Instructional and Research Staff	Academic Staff
Category L -	
Category M -	
Category N - Exempt Staff Administrators (Hospital)	Other Administrative Officers
Category O - Exempt (Hospital)	Exempt
Category P - Non-Exempt (Hospital)	Non-Exempt
Category Q - Temporary	Temporary
Category R - Student Workers	Educational Trainees
Category S - Medical Housestaff	Medical Housestaff

Category U - UUHN Exempt and Non-Exempt	Exempt or Non-Exempt
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## Guideline 5-301B: Other Administrative Officers

### I. Purpose

To outline the Vacation Leave Benefits for Employees grandfathered into the “Other Administrative Officers” category of vacation benefits.

#### A. Vacation Accrual Rates *{Formerly VI.A.}*

1. Employees grandfathered into the Other Administrative Officers vacation leave benefit ~~are entitled to receive~~ vacation leave as follows:
  - a. For 0 through 5 years of service: 12 vacation hours per month (18 eight-hour days per year).
  - b. For 6 through 10 years of service: 13.33 vacation hours per month (20 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifth Leave Accrual Anniversary Date.
  - c. For 11 through 15 years of service: 15.33 vacation hours per month (23 eight-hour days per year). Increased vacation leave begins in the first month following an individual's tenth Leave Accrual Anniversary Date.
  - d. For 16 or more years of service: 16.67 vacation hours per month (25 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifteenth Leave Accrual Anniversary Date.
- B. Employees grandfathered into the Other Administrative Officers vacation leave benefit ~~and Employees in Exempt, Non-Exempt positions,~~ may accumulate and carry forward to each new calendar year unused vacation leave which does not exceed 240 hours plus the Employee's current annual vacation leave entitlement. During the subsequent calendar year an Employee may earn and accumulate additional vacation hours. However, if the additional vacation hours are not used by December 31 of the subsequent year, any accrued vacation leave in excess of that which may be carried forward will be eliminated from the Employee's accrued vacation leave balance. *{Formerly V.D.}*
- C. Vacation leave accrued by Employees grandfathered into the Other Administrative Officers vacation leave benefit is paid out at termination in accordance with Rule 5-301A, III.D.12.

**Interim Rule R5-200B: Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members.** Revision 1. Effective date [upon final approval].

I. Purpose and Scope

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, and other paid leave practices for staff employees of the University of Utah Hospitals and Clinics (“UUHC”) 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. This Rule applies only to staff employees of the University of Utah 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 UUHC) are provided in Rule 5-200A (Scope, Eligibility and Limitations for Leaves of Absence - Health-Related); Policy 5-201 (Leaves of Absence - Non-Health-Related); Rule 5-300A (Scope, Eligibility and Limitations for Holidays - University Employees Other Than UUHC); and Rule 5-301A (Scope, Eligibility, and Limitations for Vacation Leave - University Employees Other Than UUHC).

II. Definitions

- 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 holidays, vacation, sick

leave or other health related absences. ~~PTO will also include holidays and provided under this Rule incorporates and substitutes for the paid vacation and sick leave provided to non-UUHC employees of the University under other Regulations, and incorporates and substitutes for the Annual Personal Preference Holidays (which for non-UUHC employees are included as paid Holidays under Policy 5-300), which will not be provided separately. (This Rule does not however, affect UUHC holiday pay practices.)~~

- 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 PTO Rule.
- D. Holiday (“HOL”): refers to the benefit of paid days provided to UUHC employees as designated paid holidays observed by the University of Utah, as described in Policy 5-300 (but for purposes of this Rule for UUHC employees *not* including Annual Personal Preference Holidays).

### III. Rule

#### A. Paid Time Off (PTO) Benefits.

- 1. *PTO Eligibility:* UUHC Employees are eligible for PTO benefits if they hold Benefits-eligible positions at not less than 0.75 FTE. UUHC Employees in Temporary positions, or whose permanent assignment is for less than .75% ~~FTE of full-time~~, 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. ~~The PTO accrual rates in the preceding section designate the PTO earned by employees working 1.0 FTE.~~

- c. Eligible employees working less than 1.0 FTE, but at least 0.75 FTE will accrue amounts pro-rated by their FTE.
  - d. Eligible employees working .50 to .74 FTE will accrue ~~amounts up to 96~~ 16 hours annually pro-rated by their FTE.
3. Annual PTO carry-over limits.
- a. The maximum PTO accrual that may be carried over to each new calendar year by UUHC Managers, Directors and Executive Directors is 600 hours (15 weeks for a full-time employee). Any hours that exceed 600 hours at the end of the calendar year will be cashed out and paid to the employee.
  - b. The maximum PTO accrual that may be carried over to each new calendar year by all other UUHC Staff Members is 520 hours (13 weeks for a Full-time Employee). Any hours that exceed 520 at the end of the calendar year will be cashed out and paid to the employee.
4. PTO during leaves. PTO benefits continue to accrue during leaves of absence with pay, but not during leaves of absence without pay.
5. ~~ESL Eligibility: UUHC staff members employed at the time this PTO rule is implemented are eligible for transfer of their sick leave balances to ESL. Employees hired after PTO implementation, including former UUHC employees rehired after PTO implementation and employees who transfer to UUHC after PTO implementation from non-UUHC positions with the University, will not be eligible for ESL. {Drafting note: this is being moved below to III-E along with all other information about ESL, and then revised as shown there.}~~

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 UUHC employees) are based on the University's approved list of ten designated holidays (governed by [Policy 5-300](#)), thereby accruing at the rate of ten days (80 hours) per year for positions of 1.0 FTE, and prorated accordingly for positions at a lower percentage of FTE (e.g., 40 hours annually for a .5 FTE position).

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

Table 1

<u>Exempt/Non-Exempt Staff (rates for 1.0 FTE)</u>						
<u>Service in Years</u>	<u>Service in Months</u>	<u>PTO Accrued per Year (in days @ 8 hrs each)</u>	<u>Holidays per Year (in days)</u>	<u>Total PTO &amp; Holidays per Year (in days)</u>	<u>Maximum end-of-year PTO Carryover (in hours)</u>	<u>PTO Monthly Payroll Accrual</u>
0 - 5	0 - 60	<u>20</u>	<u>10</u>	30	520	<u>13.333</u>
6 - 10	61 - 120	<u>25</u>	<u>10</u>	35	520	<u>16.667</u>
11 +	121 +	<u>30</u>	<u>10</u>	40	520	<u>20.000</u>
<u>Managers/ Directors (rates for 1.0 FTE)</u>						
<u>Service Years</u>	<u>Service in Months</u>	<u>PTO Accrued per Year (in days @ 8 hrs each)</u>	<u>Holidays per Year (in days)</u>	<u>Total PTO &amp; Holidays per Year (in days)</u>	<u>Maximum end-of-year PTO Carryover (in hours)</u>	<u>PTO Monthly Payroll Accrual</u>
0 - 5	0 - 60	<u>25</u>	<u>10</u>	35	600	<u>16.667</u>
6 - 10	61 - 120	<u>30</u>	<u>10</u>	40	600	<u>20.000</u>
11 +	121 +	<u>35</u>	<u>10</u>	45	600	<u>23.333</u>

<u>EXEMPT/NON-EXEMPT STAFF</u>					
<u>Service Years</u>	<u>Service in Months</u>	<u>Hours Earned per</u>	<u>Hours Earned per</u>	<u>Days Earned per</u>	<u>Maximum Accrual</u>

		Month	Year	Year	
<del>0-5</del>	<del>0-60</del>	<del>20</del>	<del>240</del>	<del>30</del>	<del>520</del>
<del>6-10</del>	<del>61-120</del>	<del>23.333</del>	<del>280</del>	<del>35</del>	<del>520</del>
<del>11+</del>	<del>121+</del>	<del>26.667</del>	<del>320</del>	<del>40</del>	<del>520</del>
MANAGER/DIRECTOR					
Service Years	Service in Months	Hours Earned per Month	Hours Earned per Year	Days Earned per Year	Maximum Accrual
<del>0-5</del>	<del>0-60</del>	<del>23.333</del>	<del>280</del>	<del>35</del>	<del>600</del>
<del>6-10</del>	<del>61-120</del>	<del>26.667</del>	<del>320</del>	<del>40</del>	<del>600</del>
<del>11+</del>	<del>121+</del>	<del>30</del>	<del>360</del>	<del>45</del>	<del>600</del>

*{Drafting note: the following contents are moved up into Part III-A, and then revised as is shown there.}*

**~~PTO Accrual:~~**

- ~~1. PTO benefits continue to accrue during leaves of absence with pay, but not during leaves of absence without pay.~~
- ~~2. The PTO accrual rates in the preceding section designate the PTO earned by employees working 1.0 FTE. Eligible employees working less than 1.0 FTE, but at least 0.75 FTE will accrue amounts pro-rated by their FTE.~~
- ~~3. Eligible employees working .50 to .74 FTE will accrue amounts up to 96 hours annually pro-rated by their FTE. The maximum PTO accrual that may be carried over to each new calendar year by exempt and nonexempt UHC staff is 520 hours (13 weeks for a full-time employee).~~
- ~~4. The maximum PTO accrual that may be carried over to each new calendar year by UHC Managers, Directors and Executive Directors is 600 hours (15 weeks for a full-time employee).~~

**D. PTO and, HOL, and ESL Use and Cash Out:**

1. Eligible ~~staff members~~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, including vacation or any purposes described in Rule R5-200A.~~
3. ~~An employee eligible for and requesting leave under the Family and Medical Leave Act ("FMLA") must substitute any accrued PTO~~ PTO must be substituted for unpaid leave taken under the Family and Medical Leave Act (FMLA) as described in Rule R5-200A 5-200B ~~for an equivalent period of unpaid FMLA leave according~~ 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 UUHC 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. ~~An employee with ESL may substitute ESL for unpaid FMLA leave after having used 40 hours of PTO (pro-rated by FTE) in connection with the FMLA leave occurrence. {Drafting note: moved below to III-E along with all other information about ESL.}~~
4. ~~Eligible staff members~~ Employees are entitled upon separation from Benefits-eligible employment to payment for accrued unused PTO and Holiday leave benefits.
5. ~~Eligible staff members~~ Employees will also be given an annual option to receive payment for ~~either 40~~ 20 up to a maximum of ~~or~~ 80 PTO hours, provided that they will have a PTO balance of at least 120 hours remaining (pro-rated by percentage of FTE) after the cash out remaining after the cash out per UUHC PTO Guidelines.

~~No payment will be made for unused ESL at any time. {Drafting note: moved below to III-E along with all other information about ESL.}~~

6. In the event a UUHC employee transfers to a non-UUHC position with the University, PTO will be paid and/or transferred in accordance with Rule 5-301A. In the event a Non-UUHC employee transfers to a position with UUHC, vacation will be paid, lost and/or transferred to PTO in accordance with relevant sections of Rule 5-301A.

F. Holidays

~~Employees in positions of 0.50 or greater (20 hours per week or more) are entitled to 80 hours of holiday time per year based on their FTE.~~

*{Drafting note: moved to above along with other information about Holidays}*

E. Extended Sick Leave (ESL).

1. ESL Eligibility. UUHC staff members employed at the time this PTO Rule ~~is~~ was initially implemented (October 1, 2012) are eligible for transfer into ESL of their sick leave balances ~~to ESL~~ which had accrued up to that date (but no further sick leave accrued from that date or later). Employees hired after on or after that date ~~of PTO implementation~~, including former UUHC employees rehired after PTO implementation and Employees who transfer to UUHC after PTO implementation from non-UUHC positions with the University, ~~will not be~~ are not eligible for ESL.
2. An Employee with ESL may substitute ESL for unpaid FMLA ~~FMLA~~ after having used ~~40 hours of PTO~~ 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. No payment will be made for unused ESL at any time.

F. Other Paid Leave:

1. Funeral Leave:

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



- b. Paid funeral leave up to three working days not counted against PTO bank.
  - c. 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. 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. ~~Staff members~~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 ~~Kronos time card~~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~~ 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.

[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per [Policy 1-001](#) and [Rule 1-001](#).]

- A. Policies
  - Policy 5-200**, Leaves of Absence (Health-Related)
  - Policy 5-201**, Leaves of Absence (Non Health-Related)
  - Policy 5-300**, Holidays
  - Policy 5-301**, Vacation Leave Policy
- B. Rules
  - Rule 5-301A**: Scope, Eligibility, and Limitations for Vacation Leave – University Employees (Other than UUHC Staff)
- C. Procedures
- D. Guidelines
- E. Forms
- F. Other related resource materials

V. References (~~Reserved~~)

- ~~Policy 5-200: Leaves of Absence (Health Related)~~
- ~~Policy 5-201: Leaves of Absence (Non Health Related)~~
- ~~Rule 5-200A: Scope, Eligibility and Limitations for Leaves of Absence (Health-Related)~~
- ~~Policy 5-300: Holidays and Holiday Premium Pay~~
- ~~Policy 5-301: Vacation Policy~~

VI. Contacts

The designated contact officials for this Policy 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.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A "Policy Officer" will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

VII. History:

This Rule was first put into effect by the University's President as Interim Rule R5-200B, (also R5-201, R5-300, R5-301) on September 10, 2012. It will be presented for consideration by the Academic Senate in due course. Background

*{Drafting note: will update the history after Revision 1—the permanent version of the Rule, is finally approved}.*