

## **Rule 5-201A: Scope, Eligibility and Limitations for Leaves of Absence (Non Health-Related) – University Employees (Other Than UUHC Staff) – Revision 0**

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

To implement University [Policy 5-201](#) and provide the scope, eligibility, and limitations for non health-related leaves of absence available as a benefit for University Employees. This Rule applies to University Employees other than Employees of the University of Utah Hospitals and Clinics (UUHC). Employees of UUHC should refer to [Rule 5-200B](#), Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members.

### **II. Definitions**

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

### **III. Rule**

- A. Leaves of Absence with Pay. The following leaves of absence with pay may be granted to University Employees.

1. Funeral Leave

An Employee in a Benefits-eligible Position at not less than 75% FTE, may request, in writing, funeral leave in the case of the death of an Immediate Family Member of such Employee. The Responsible Officer may grant funeral leave with pay to the extent he/she deems reasonable and necessary. In no event shall such paid funeral leave exceed three (3) working days.

2. Leave to Serve on Jury or as Witness

The Responsible Officer shall grant an Employee a leave of absence with pay for the period during which the Employee is required to be absent from work because of an official requirement to appear for jury service or a subpoena to appear as a witness at a trial, deposition, or other official proceeding provided the following conditions are met:

- a. Employees in Hourly positions must deliver to the University cashier, for deposit to the University's general funds, any fees received for compelled attendance as a juror or non-expert witness. This requirement may also apply to Employees in Salaried positions to the extent they are not responsible for accomplishing their duties despite their required absence.
- b. The leave of absence with pay covers only the time the Employee is actually engaged in jury service or in attendance as a witness, and reasonable travel to and from the place of such service of attendance.
- c. The Employee must report daily to work before and after jury service or attendance as a witness, whenever feasible, in order to give as much attention as possible to his/her regular duties.
- d. An Employee is not entitled to a leave of absence with pay when the Employee appears in court on his/her own behalf, e.g., to pay a traffic fine or as a party to a civil law suit.

### 3. Leave With Pay For Annual Military Training

An Employee who is a member of the National Guard or any organized reserve branch of the United States uniformed services is entitled to a leave of absence with pay not to exceed fifteen (15) working days per year for time spent on duty at annual encampments or rifle competitions or other duties in connection with the reserve training and instruction requirements of the United States uniformed services or National Guard.

### 4. Benefits During Leaves With Pay

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

## B. Leave of Absence Without Pay

### 1. Political Leave Without Pay

- a. An employees in a Benefits-eligible Position who is nominated for an elective public office may be placed upon full or partial leave of absence without pay to the extent that the University President, in consultation with the Responsible Officer, determines that such nomination or the anticipated activities of the Employee as a candidate for such office will make the continued service of the Employee to the University ineffective during the period of the candidacy or will compromise the impartial discharge of the Employee's University responsibilities.
- b. An Employee who is on political leave without pay for the purposes of candidacy, and who is defeated in the final election, will be restored to the position of employment held when the leave commenced or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

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

## 2. Special Leave Without Pay

- a. Under special and urgent circumstances, the University may permit an Employee in a Benefits-eligible Position to take a special leave without pay. These special circumstances may include, but are not limited to, personal rehabilitation, the serious health condition of a parent-in-law, or continued education. Faculty members, in appropriate cases, may be granted a leave in accordance with [Policy 6-314, Section 11](#).
- b. A request for special leave without pay must be submitted, in writing, to the Employee's Responsible Officer. The written request should state (a) the reason why the special leave without pay is being requested; (b) the proposed date on which the requested special leave is to commence; (c) the Employee's intent to return to work upon conclusion of the leave; and

(4) the estimated date on which the Employee reasonably expects to return to work.

- c. The Responsible Officer shall recommend the approval or the denial of the request after considering the relative need and urgency of the request, the Employee's length of service, and the overall effect the absence will have on University operations. The Responsible Officer shall forward the request for a special leave without pay and his/her recommendation to the cognizant vice president. The cognizant vice president shall approve or deny the request. The cognizant vice president may approve the request subject to any conditions he/she feels are appropriate. A special leave without pay may not be granted for more than (1) year unless approved by the President.
- d. Upon timely return from a special leave without pay, the University will make a good faith effort, subject to availability of funds and vacant positions, to restore the Employee to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. The University cannot, however, assure that an Employee returning to work after a special leave of absence will be reinstated.

### 3. Military Leave Without Pay

- a. An Employee who performs service in the Uniformed Services shall be granted a military leave without pay not to exceed five (5) years for such service (except as otherwise required by USERRA). "Service" means the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, inactive duty, and full-time National Guard duty.
- b. Short-term leaves with pay for annual military training by Employees who are members of the National Guard or any reserve branch of the United States uniformed services are governed by section III.A.3 above.

- c. Upon honorable completion of the period of service, an Employee on military leave shall be restored to the position of employment held when the leave commenced or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment, provided:
  - i. The Employee gave his/her Responsible Officer advance notice of such service;
  - ii. The cumulative length of such leave and all prior military leaves from the University does not exceed five (5) years (unless exceptions outlined in USERRA apply);
  - iii. The Employee submits a timely application for reemployment to his/her Responsible Officer;
  - iv. The Employee fulfills any other terms and conditions for reemployment required by law.

#### 4. Benefits During Leaves Without Pay

- a. Time-Related Benefits. Longevity for purposes of accruing vacation time is not lost during the preceding leaves without pay. Vacation and sick leave benefits do not accrue during such leaves.
- b. Retirement, Health Coverage, and Insurance Benefits. Retirement, health coverage, and insurance benefits are not paid by the University during the preceding leaves without pay. An Employee, however, may elect to continue his/her health coverage as provided by federal law. Retirement benefits will be paid for an Employee on Military Leave pursuant to USERRA.
- c. Other Benefits. Other benefits, including tuition reduction, ticket discounts, and parking privileges, continue during the preceding leaves without pay.

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*[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.]*

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

##### A. Rules

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

##### B. Procedures

##### C. Guidelines

##### D. Forms

##### E. Other related resource materials

#### **V. References**

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

[Policy 5-200](#), Leaves of Absence (Health-Related)

Utah Code Annotated, Sections 39-1-36 and 39-3-2, Militia and Armories

42 United States Code 4301 et seq., Uniformed Services Employment and Reemployment Act of 1994 ("USERRA")

## **VI. Contacts**

Policy Owner: (primary contact person for questions and advice): the University's Director of Benefits is responsible for the application of this Policy to all University Employees other than University of Utah Hospitals and Clinics Employees.

Policy Officer: the University's Chief Human Resources Officer (non-UUHC Employees). Only the Chief Human Resources Officer or his/her designee has the authority to grant exceptions to this Policy.

## **VII. History**

Current Version: Revision 0, effective date: December 6, 2016

Approved by Academic Senate: December 6, 2016