

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

Revision 2. Effective date: April 9, 2024

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**I. Purpose and Scope**

A. Purpose.

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

B. Scope.

This Rule applies to University Employees other than Employees of the University of Utah Hospitals and Clinics (UUHC). Employees of UUHC should refer to Rule R5-200B, Paid Time Off (PTO), Holidays,

and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members.

## II. Definitions

The definitions provided in Policy 5-001 apply for this rule. In addition, the terms below apply for the limited purpose of this rule.

- 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. “Authorized Legislative Day” means an authorized legislative day as defined in Utah Code Section 53B-2-114, including a day during the annual general session, an interim day, and other authorized days.
- C. “Immediate Family Member” means a Parent, Spouse, Domestic Partner, or Child (as these terms are defined in Rule R5-200A), 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 R5-200A).
- D. “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. Bereavement Leave

- a. An Employee in a Benefits-eligible Position at least 75% FTE, may take up to three work days of bereavement leave:
    - i. following the death of the Employee's Immediate Family Member; or
    - ii. following the end of pregnancy, by way of miscarriage or stillbirth, of the Employee, Employee's Spouse or Domestic Partner, or other individual if the Employee would have been the biological or adoptive parent, in accordance with Utah Board of Higher Education Policy R821.
  - b. An Employee shall notify the Employee's Responsible Officer of the Employee's intent to take bereavement leave as soon as reasonably possible following a death, miscarriage, or stillbirth.
  - c. The Responsible Officer may grant bereavement leave with pay to the extent reasonable and necessary and as required by Utah Board of Higher Education Policy R821. Bereavement leave may not exceed three working days.
2. Leave to Serve on Jury or as Witness
- a. 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:
    - i. 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.

- ii. 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.
- iii. The Employee must report daily to work before and after jury service or attendance as a witness, whenever feasible, in order to give as much attention as possible to the Employee's regular duties.
- iv. An Employee is not entitled to a leave of absence with pay when the Employee appears in court on the Employee's own behalf, e.g., to pay a traffic fine or as a party to a civil law suit.

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

- a. 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

- a. 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. Leaves of Absence without Pay

### 1. Political Leave Without Pay

- a. An Employee in a Benefits-eligible Position who is nominated for an elective public office may be placed on full or partial leave of absence without pay to the extent that the University President or cognitive vice 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 or cognitive vice 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 number of hours requested by the Employee for each Authorized Legislative Day during which the Employee is a member of the Legislature or has been elected to the Legislature but has not yet begun the Employee's term in office.
  - i. The University may not interfere with or otherwise restrain an Employee for taking a leave of absence for an Authorized Legislative Day.
  - ii. The University may not take any of the following actions against an employee due to the employee taking leave of absence for an Authorized Legislative Day:
    - 1. dismiss the employee;

2. reduce the employee's compensation;
  3. fail to increase the employee's compensation by an amount the employee is otherwise entitled to or was promised;
  4. fail to promote the employee if the employee would have otherwise been promoted; or
  5. threaten to take an action described above.
- 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.
- b. For faculty members, in appropriate cases, an unpaid or partially paid leave may be requested and granted in accordance with Rule R6-314C.
- c. For Staff and Non-Faculty Employees
  - i. A request for special leave without pay must be submitted, in writing, to the Employee's Responsible Officer. The written request should state (i) the reason why the special leave without pay is being requested; (ii) the proposed date on which the requested special leave is to commence; (iii) the Employee's intent to return to work upon conclusion of the leave; and (iv) the estimated date on which the Employee reasonably expects to return to work.
  - ii. The Responsible Officer shall recommend the approval or the denial of the request after considering the relative need and urgency of the

request, the Employee's length of service, and the overall effect the absence will have on University operations. The Responsible Officer shall forward the request for a special leave without pay and the Responsible Officer's recommendation to the cognizant vice president. The cognizant vice president shall approve or deny the request. The cognizant vice president may approve the request subject to any conditions the cognizant vice president feels are appropriate. A special leave without pay may not be granted for more than (1) year unless approved by the President.

- iii. Upon timely return from a special leave without pay, the University will make a good faith effort, subject to availability of funds and vacant positions, to restore the Employee to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. The University cannot, however, assure that an Employee returning to work after a special leave of absence will be reinstated.

### 3. Military Leave Without Pay

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

employment benefits, pay, and other terms and conditions of employment, provided:

- i. The Employee gave the Employee's Responsible Officer advance notice of such service;
- ii. The cumulative length of such leave and all prior military leaves from the University does not exceed five (5) years (unless exceptions outlined in USERRA apply);
- iii. The Employee submits a timely application for reemployment to the Employee's Responsible Officer;
- iv. The Employee fulfills any other terms and conditions for reemployment required by law.

#### 4. Benefits During Leaves Without Pay

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

#### C. Temporary Release from Duty

1. A temporary release from regular duty may be granted by the President of the University to any University Employee upon such conditions as the President determines are in the best interest of the University.

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

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

##### A. Policies/ Rules.

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

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

##### C. Other Related Resources. [ *reserved* ]

#### **V. References**

- A. Policy 5-001: Employee Definitions
- B. Utah Code Sections 39-1-36 and 39-3-2
- C. Utah Code Section 53B-2-114
- D. 42 United States Code 4301 et seq., Uniformed Services Employment and Reemployment Act of 1994 ("USERRA")
- E. Utah Code Section 53B-1-402
- F. Utah Board of Higher Education Policy R821

#### **VI. Contacts**

The designated contact officials for this Regulation are

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

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

## **VII. History**

Revision History.

- A. Current version. Revision 2.
  - 1. Approved by -- Academic Senate April 1, 2024, and Board of Trustees April 9, 2024, with effective date of April 9, 2024.
  - 2. Legislative History
  - 3. Editorial Revisions
- B. Previous versions.
  - 1. Revision 1. Effective Date. November 8, 2022
    - a. Legislative History for Revision 1.
  - 2. Revision 0. Effective Date. December 6, 2016
- C. Renumbering
  - 1. Not applicable