

# Rule 5-301A: Scope, Eligibility, and Limitations for Vacation Leave- University Employees (Other than UUHC Staff).

## I. Purpose and Scope

To implement University [Policy 5-301 \(/human-resources/5-301.php\)](/human-resources/5-301.php) and provide the scope, eligibility, and limitations for Vacation leave available as a benefit for University Employees. This Rule applies to University Employees (including Administrative Officers, Faculty, Non-Faculty Academic Employees, and Staff) other than Employees of the University 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 \(/human-resources/5-001.php\)](/human-resources/5-001.php) 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), and
  5. Staff or Staff Members.
- B. The definitions of Employee-related terms provided in [Policy 5-001 \(/human-resources/5-001.php\)](/human-resources/5-001.php) apply for purposes of this Rule, including the following:
- a. Benefits-eligible Position,

- b. Exempt (or Salaried) and Non-Exempt (or Hourly),
  - c. Full-time and Full-Time Equivalent ("FTE"), and
  - d. Temporary.
- C. "Adjusted Leave Accrual Effective Date" is the new Leave Accrual Effective Date given to an employee for prior service in accordance with the provisions of [Policy 5-116 \(/human-resources/5-116.php\)](#), Reinstatement of Permanent Staff Employees.
- D. "Leave Accrual Effective 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 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 Leave Accrual Effective 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 Leave Accrual Effective Date.
- E. "Paid Time Off" or "PTO" is defined in [Rule 5-200B \(/human-resources/rules/rule\\_5-200B.php\)](#), 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 \(/human-resources/5-112.php\)](#), Retirement.
- G. "Termination of Employment" means the end of the permanent/regular employment relationship between the University and the Employee, as a result of resignation, full retirement, dismissal, nonretention, expiration of contract, or death.
- H. "Vacation 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.

### III. Rule

#### A. 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) are eligible for 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 .75 FTE. Those with appointments of eleven months or less are not eligible.
2. Proration by percentage of FTE. The vacation accrual rates in 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 Employee's percent of full-time (FTE). Example: if an Employee holding a position that accrues vacation leave at the rate of 10 hours per month works .80 FTE, the vacation accrued each month is calculated as follows: 10 hours x .80= 8 hours.
3. Use of Vacation.
  - 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 be arranged in advance and authorized by the responsible supervisor so that the efficiency of the organizational unit is not compromised.
4. 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 \(/human-resources/5-116.php\)](#), Reinstatement of Benefits Eligible Staff Members. Anniversary dates and vacation accrual rates shall be adjusted in accordance with the Adjusted Leave Accrual Effective Date.
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 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 positions with different vacation accrual rates shall accrue Vacation Leave Benefits at the rate applicable to the position with the larger allocation of working time and effort (FTE), multiplied by the Employee's total percent of full-time for all positions that accrue Vacation Leave Benefits; provided that if

the multiple positions have equal FTE allocations, the head of the Employee's home department shall designate which accrual rate shall be used.

#### B. Specific provisions for Faculty and Administrative Officers

1. Eligible Faculty and Administrative Officers are entitled to 25 days of vacation leave per year (or prorated for any fraction of a year).
2. Use of vacation leave by eligible Faculty and Administrative Officers 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.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 \(/human-resources/rules/rule\\_5-200B.php\)](#) (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 \(/human-resources/rules/rule\\_5-200B.php\)](#) (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 and Administrative Officers are not entitled to payment for unused Vacation Leave Benefits earned after December 31, 1998.

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

1. Postdoctoral Fellows, Postdoctoral Research Associates, and Medical Housestaff are entitled to 15 days of vacation leave per year (or prorated for any fraction of a year).
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 \(/human-](#)

[resources/rules/rule\\_5-200B.php](#)) (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 \(/human-resources/rules/rule\\_5-200B.php\)](#) (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. Postdoctoral Fellows, Postdoctoral Research Associates, and Medical Housestaff are not entitled to payment for unused Vacation Leave Benefits upon Termination of Employment or upon termination of funding, whichever occurs first.

#### D. Specific provisions for Academic Staff

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

Table 1  
Days per Year by Years of Service

	0 to 5 years	5+ to 10 years	10+ to 15 years	15+ to 20 years	20+ or more
Academic Staff (1.0 FTE)	15 days	18 days	20 days	22 days	

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 \(/human-resources/rules/rule\\_5-200B.php\)](#) (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 \(/human-resources/rules/rule\\_5-200B.php\)](#) (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.

- Academic Staff are not entitled to payment for unused Vacation Leave Benefits upon Termination of Employment or upon termination of funding, whichever occurs first.

E. Specific provisions for Staff

- Accrual rate. Eligible Employees in Staff positions accrue Vacation Leave Benefits monthly at rates determined by years of service, as follows:

Table 2

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

- 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.
- Annual carry-forward. 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.

Table 3

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

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 \(/human-resources/rules/rule\\_5-200B.php\)](/human-resources/rules/rule_5-200B.php) (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 \(/human-resources/rules/rule\\_5-200B.php\)](/human-resources/rules/rule_5-200B.php) (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 is recorded in the University's Human Resources Management System.
7. Payment for Unused Vacation Leave Benefits
  - a. Subject to the provisions below, Employees who accrued Vacation Leave Benefits as eligible Staff Members receive 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.4., upon transfer to a UUHC position.
  - b. In the event of Termination of Employment because of the Employee's death, any right to payment for unused vacation leave inures to the estate of the deceased Employee.
  - 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 [Policy 5-301 \(/human-resources/5-301.php\)](/human-resources/5-301.php) 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 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 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, 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.

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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.]

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

##### A. Policies

[Policy 5-301 \(/human-resources/5-301.php\)](/human-resources/5-301.php) : Vacation Leave Policy

##### B. Rules

Rule 5-200B: Paid Time Off for University of Utah Hospitals and Clinics

##### C. Procedures

[Procedure 5-130A \(/human-resources/procedure/HR%20Exclusions%20Memo.pdf\)](/human-resources/procedure/HR%20Exclusions%20Memo.pdf) -  
Verifying Exclusion Status of Employees

##### D. Guidelines

[Guideline 5-301A \(/human-resources/guidelines/guideline\\_5-301A.php\)](/human-resources/guidelines/guideline_5-301A.php) - comparison of  
listed positions using category designations

[Guideline 5-301B \(/human-resources/guidelines/guideline\\_5-301B.php\)](/human-resources/guidelines/guideline_5-301B.php) - Other  
Administrative Officers Vacation Benefits for Grandfathered Employees

##### E. Forms

##### F. Other related resource materials

#### **V. References**

[Policy 2-005 \(/u-organizations/2-005.php\)](/u-organizations/2-005.php) , Officers of the University

[Policy 5-001 \(/human-resources/5-001.php\)](/human-resources/5-001.php) , Employment Employee Definitions

[Policy 5-116 \(/human-resources/5-116.php\)](/human-resources/5-116.php) , Reinstatement of Permanent Staff Employees

[Policy 5-308 \(/human-resources/5-308.php\)](/human-resources/5-308.php) , Benefits Eligibility Chart Policy

[Policy 6-300 \(/academics/6-300.php\)](/academics/6-300.php) , The University Faculty – Categories and Ranks

[Policy 6-309 \(/academics/6-309.php\)](/academics/6-309.php) , Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff

[Policy 6-314 \(/academics/6-314.php\)](/academics/6-314.php) , Leaves of Absence

## VI. Contacts

The designated contact officials for this Policy are:

- A. Policy Owner (primary contact person for questions and advice): the University's Director of Benefits
- B. 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: \(/general/rules/R1-001.php\)](/general/rules/R1-001.php)

*"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:

Current Version:

Rule 5-301A: Rev.0

Approved by the Academic Senate on September 8, 2014

Approved by the Board of Trustees on October 14, 2014

[Legislative History \(/human-resources/visions\\_5/LegHist%20HR%20Regs%202014.pdf\)](#)- Revision 0

OUTDATED