

Utah Tech University Policy

346: Staff Leave and Absences



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I. Purpose

- 1.1 This policy covers absences from work by all full-time (0.75 FTE and above) benefited Utah Tech University (“the University”) staff employees.
 - 1.1.1 Employees hired on a part-time (less than 0.75 FTE), emergency, seasonal, per diem, or short-term/temporary appointment lasting four months or less do not accrue or have rights to paid leave.
 - 1.1.2 Faculty members and all administrators who earn leave are considered to be part of exempt staff for the purposes of administering leave.

II. Scope

- 2.1 This policy applies to those full-time employees (0.75 FTE and above) who accrue leave due to the nature of their position; namely, executive staff, professional/exempt staff, classified/non-exempt staff, Athletic Administrative staff (non-coaching staff) as defined in University Policy 328 and 12-month faculty. Thus, the term “employee” used in this policy will define this specific audience.

III. Definitions

- 3.1 **Family:** A group of persons who share a common ancestry and/or have been legally joined through marriage. For the purposes of this policy, this definition is elaborated as follows for leave usage:
 - 3.1.1 *Sick Leave Usage:* Employee’s spouse, child (biological, step, adopted, or foster), parent (biological or step), grandparent, grandchild and equivalent in-law relations.
 - 3.1.2 *Funeral Leave Usage:* Employees’ spouse, child (biological, step,

adopted, or foster), parent (biological or step), sibling (biological or step), grandparent, grandchild, uncle, aunt, first cousin, niece, nephew, equivalent in-law relations, and/or any one listed as the employee's next of kin in University records.

- 3.2 **Leave of Absence:** An approved, unpaid absence from duties for a specified period of time.

IV. Policy

- 4.1 An employee must receive approval from their supervisor prior to taking leave.
 - 4.1.1 The employee is required to inform their supervisor of the need and reason for unplanned leave as soon as it is evident that the situation will prohibit the employee from working.
- 4.2 Leave accrued in a pay period cannot be used until the next pay period.
- 4.3 An employee who violates or abuses the leave program may be subject to disciplinary action according to University Policy 372, including termination.
- 4.4 An employee who believes this policy was unfairly implemented has the right to file a grievance in accordance with University Policy 151: Staff Grievances.
- 4.5 The University reserves the right to modify the leave and absence request and reporting requirements at any time to accommodate changes to institutional processes.
- 4.6 Lost work time due to work-related illness or injury is covered under Workers Compensation (see University Policy 343).
- 4.7 Vacation Leave
 - 4.7.1 Exempt staff employees accrue vacation leave at the following rate each year, which is prorated for an employee working between 0.75 – 0.99 FTE:

Service Year	Hours Earned per Pay Period	Maximum Rollover at Calendar Year End
Date of Hire forward	7.33	280.00

- 4.7.2 Non-exempt staff employees accrue vacation leave according to the

following schedule based on the period of time the employee has been employed in a full-time capacity at the University, which is prorated for employees working between 0.75 – 0.99 FTE:

Service Year	Hours Earned per Pay Period	Maximum Rollover at Calendar Year End
1 - 3	4.00	280.00
4 - 6	5.00	280.00
7 - 10	6.00	280.00
11+	7.33	280.00

4.7.3 An increase in the amount of vacation leave an employee earns due to an increase in service years will begin the first full pay period after the anniversary of the employee’s date of hire.

4.7.3.1 Employees actively working part-time at the University that transition to full-time leave-eligible employment will receive a starting vacation balance of up to 40 hours, calculated as: the total number of part-time hours worked at the University over the last five years (excluding seasonal/temporary assignments), divided by 200 = starting vacation time balance (in hours), rounded to the nearest whole number.

4.7.4 An employee who is hired after a break in service will be credited with the prior years of University service in calculating vacation leave accrual. The most recent hire date will be used to implement future increases in vacation leave accrual.

4.7.5 A maximum of 280 hours (35 days) of accrued vacation leave may be carried forward from one calendar year to the next.

4.7.6 An employee in a position funded 50% or more by non-state funds, including grant and auxiliary funding, may carry forward accrued vacation as detailed above with the understanding that if funding is unavailable in future fiscal years or grant cycles, the employee’s accumulated vacation time may be lost without compensation.

4.8 Personal Preference Day

4.8.1 Employees earn a personal preference day each fiscal year to be

used in the same manner as vacation leave, with its use subject to supervisor's approval.

- 4.8.2 The Personal Preference Day expires on June 30 each year. It cannot be carried forward into the new fiscal year, and it will not be paid out upon termination.

4.9 University Holidays

- 4.9.1 In addition to a Personal Preference Day, the University offers 12 paid holidays per year. The University typically observes the following holidays, for which staff receive 8 hours of holiday leave:

Holiday	When Celebrated
New Year's Day	1 st day of January
Dr. Martin Luther King, Jr. Day	3 rd Monday of January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Juneteenth National Freedom Day	3 rd Monday in June
Independence Day	4 th day of July
Pioneer Day	24 th day of July
Labor Day	1 st Monday of September
Thanksgiving (2 days)	4 th Thursday in November and the following Friday
Christmas (2 days)	24 th and 25 th days of December

- 4.9.2 If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

- 4.9.3 The University President can designate additional full day or partial day holidays at any time as they see fit. The President can alter the holiday schedule for a fiscal year at any time.

- 4.9.4 A newly hired employee must be in paid status at least one full day (8 hours) before the holiday in order to receive holiday pay. A separating employee must be in paid status at least one full day (8 hours) after the holiday in order to receive holiday pay.
- 4.9.5 Payment for a holiday which occurs during a period of leave of absence without pay will be made only when the individual returns to work at least one full day (8 hours) before the day in which the holiday occurs.
- 4.9.6 If a non-exempt employee is required to work on an official University holiday, the supervisor will schedule another day off for that employee during the same workweek. If that is not possible, then the employee is entitled to holiday premium pay (see University Policy 352: Staff Compensation).

4.10 Sick Leave

- 4.10.1 Employees accrue sick leave at the rate of four (4) hours per pay period, which is prorated for employees working between 0.75 – 0.99 FTE.
- 4.10.2 Sick leave is not paid out upon termination. An employee who is rehired after terminating, resigning, or retiring does not have accrued sick leave reinstated.
- 4.10.3 Sick leave can be used for personal illness, injury, or incapacity, or for the illness, injury or incapacity of family members as defined in Section 3.1.1 of this policy.
 - 4.10.3.1 Sick leave can be used for medical, dental, psychological, or preventative care appointments for the employee or for the employee assisting a family member as defined in Section 3.1.1.
 - 4.10.3.2 Sick leave cannot be used for vacation and cannot be taken in conjunction with vacation leave.
 - 4.10.3.3 Any use of sick leave beyond the amount the employee has accrued will automatically be applied to vacation leave and other available leave (personal preference, compensatory time, etc.); once all available leave has been exhausted, it will then be treated as an unpaid leave of absence.
- 4.10.4 Sick leave must be authorized by the employee's immediate supervisor. The employee has the responsibility to contact the

supervisor as soon as possible when an event qualifying for sick leave occurs.

- 4.10.5 Employees hired directly from another Utah Board of Higher Education (UBHE) Institution or from the UBHE System Office will be able to transfer their unused sick leave balance to Utah Tech University.
- 4.10.6 Employees who miss three (3) or more consecutive work days due to illness or injury must, upon the request of a supervisor or Human Resources, provide the Human Resources Office with an appropriate medical certification form used in conjunction with the Family Medical Leave Act (see Policy 349 for requirements).
- 4.10.7 An employee cannot use sick leave for longer than 75 consecutive workdays (or 600 sick leave hours) without applying for long-term disability and Social Security Disability.

4.11 Funeral Leave

- 4.11.1 Funeral leave requires the approval of the employee's immediate supervisor, who will make every effort to accommodate a reasonable request.
- 4.11.2 Funeral leave is available for an employee upon the death of a member of the employee's immediate family, as defined in section 3.1.2 of this policy.
- 4.11.3 Funeral leave consists of up to five (5) days (total of 40 hours) of paid leave per instance, which will not be charged to the employee's accrued vacation or sick leave or the Personal Preference Day.
- 4.11.4 An employee's accrued vacation leave may be taken in conjunction with funeral leave. Emergency/personal leave cannot be used in conjunction with funeral leave.

4.12 Jury or Witness Duty Leave

- 4.12.1 An employee will receive regular compensation when serving jury duty or when subpoenaed or directed by the proper authority to appear as a witness in state or federal court, or at state or federal administrative hearings. To receive pay in such circumstances, any pay the employee receives as juror or witness fees must be reimbursed to the University on a prorated basis according to the employee's regular daily schedule.

- 4.12.1.1 Reimbursement must be made to the University no more than 30 days after the compensated service ends.
- 4.12.1.2 Per diem or other compensation for travel or lodging expenses associated with jury or witness duty does not need to be reimbursed.
- 4.12.1.3 If an employee chooses not to reimburse such pay or fees to the University, the employee must take vacation leave or apply for and be granted an unpaid leave of absence for the period of time the employee is absent from work.
- 4.12.2 Jury or witness duty leave covers only days or partial days spent in such service and reasonable travel time to fulfill the obligation.
- 4.12.3 When feasible and as required, an employee may be required by their supervisor to check in or report to work daily before and/or after jury or witness duty to handle essential tasks.
- 4.12.4 Jury or witness duty leave does not cover an employee's appearance in court on their own behalf in any criminal or civil legal matter.

4.13 Military Training Leave

- 4.13.1 An employee who is a member of the National Guard or any organized branch of the United States uniformed services is entitled to a paid leave of absence, prorated for employees working between 0.75 – 0.99 FTE, of not more than 15 days (120 hours) per fiscal year, for time spent on duty in connection with training and instruction requirements of the relevant branch of military service.
- 4.13.2 Days spent in such activities are not charged to the employee's accrued leave. An employee's benefits and leave accruals continue uninterrupted during military training leave.
- 4.13.3 Employees wanting to utilize military leave must provide documentation of duty orders and days requested to the Human Resources Office as well as their immediate supervisor.

4.14 Unpaid Military Leave of Absence

- 4.14.1 The University implements military leave of absence in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). An employee who enters active service in any branch of the armed forces of the State of Utah or of the United States will be, upon request, granted a leave of absence

during that service, not to exceed a cumulative total of five (5) years.

- 4.14.1.1 A military leave of absence is unpaid except as the employee chooses to use accrued vacation leave and their personal preference day during the leave.
- 4.14.2 The employee does not receive employee benefits while on military leave, except:
 - 4.14.2.1 The University continues to fund retirement benefits pursuant to USERRA;
 - 4.14.2.2 If the employee chooses to continue insurance coverage as provided by federal laws;
 - 4.14.2.3 Tuition waiver benefits and ticket discounts continue during a military leave of absence.
- 4.14.3 Vacation and sick leave do not accrue during a military leave of absence and the Personal Preference Day is not awarded. Accrued leave is not lost and is reinstated when the employee applies for reemployment. If the employee elects not to submit a written request for reemployment or accept the offer of reemployment, accrued vacation leave will be paid out within 20 days of written notification up to the limits specified in this policy.

4.15 Unpaid Leave of Absence

- 4.15.1 A leave of absence may be granted to an employee upon the recommendation of their immediate supervisor, Vice President, and the President, with final approval of the Board of Trustees. The President and the Board may deny such a request for any reason.
- 4.15.2 An unpaid leave of absence is not available to an employee who accepts full-time employment elsewhere, except at the request of the University President or the President's designee.
- 4.15.3 An employee may be granted a political leave of absence if they accept a nomination for elective public office if the University President determines that such candidacy will make the employee ineffective during the candidacy or will compromise the fulfillment of the employee's University responsibilities in an impartial manner.
 - 4.15.3.1 An employee on political leave of absence will be restored to the position of employment held prior to the leave or an equivalent position after the election, unless the employee is

elected and requests extended political leave of absence.

4.15.3.2 An employee may become a candidate for elected office as a representative or senator in the Utah State legislature without resigning from University employment and without securing a formal leave of absence, except as prohibited by the Hatch Act for federally-funded positions and unless campaign activities prohibit fulfillment of required duties. If elected, the employee will be granted an unpaid leave of absence during all periods when the legislature of which the employee is a member is in regular or special session.

4.15.3.3 An employee on political leave of absence may use accrued vacation leave and the Personal Preference Day but is otherwise unpaid.

4.15.4 Each leave of absence is individually negotiated between the University and the employee. The approval of an employee's leave of absence and the terms and conditions with the employee's agreement do not set a precedent or obligate the University in future negotiations.

4.15.5 Full-time faculty employees desiring an unpaid leave of absence may use the above policy (and subsequent procedures listed below) for such a request.

4.16 Voting Leave

4.16.1 In accordance with Utah State Code, employees are allowed up to two hours of voting leave on general election day between the time the polls open and close. This leave does not apply to an employee who has three or more hours between the time polls open and close during which the employee is not scheduled to be on the job.

V. References

5.1 University Policy 310: Part-Time Employment

5.2 University Policy 328: Athletic Staffing

5.3 University Policy 343: Benefits, Payroll Deductions, and Workers Compensation

5.4 University Policy 349: Family and Medical Leave

5.5 University Policy 352: Staff Compensation

- 5.6 University Policy 373: Termination and Reduction of Workforce
- 5.7 Payroll Due Date Calendar: <https://employees.utahtech.edu/business-services/payroll/>
- 5.8 Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and U.C.A. 39-3-1 Governmental Employees in Military Service
- 5.9 Utah State Code 20A-3-103: Employee's right to time off for election
- 5.10 Hatch Act of 1939, officially an Act to Prevent Pernicious Political Activities

VI. Procedures

- 6.1 Supervisors are responsible for approving their employees leave time reporting in compliance with the Payroll Due Date Calendar.
- 6.2 Use of Accrued Vacation Leave: vacation leave must be approved by an employee's supervisor. Supervisors may establish parameters for vacation schedules within their units to ensure efficient operation and service.
 - 6.2.1 Vacation leave taken by employees must be reported as taken according to the procedures of Human Resources and Payroll.
 - 6.2.2 The supervisor retains final approval of an employee's vacation leave request.
 - 6.2.3 The supervisor has the right to impose vacation leave scheduling restrictions directly related to unit functions.
 - 6.2.4 A request to use vacation leave is made using the electronic leave reporting system. An employee's supervisor is responsible for overseeing the use of employee vacation leave, approving that use, and ensuring compliance with this policy.
- 6.3 Accrued Vacation Leave Payout at Resignation/Termination/Retirement: upon resignation, termination, or retirement, an employee will be paid their accrued vacation leave balance up to a maximum of 240 hours, plus accrual levels for the current calendar year.
 - 6.3.1 Upon resignation, termination, or retirement, an employee in a position funded 50% or more by non-state funds, including grant and auxiliary funding, may receive compensation up to 240 hours of accrued vacation plus the current year's unused accrued vacation leave, contingent upon available funding.

- 6.3.2 When an employee moves from a status that allows the accrual of vacation leave to one that does not (i.e., from a leave-eligible staff position to a nine-month faculty position), they may utilize unused leave in the new position if possible, or be paid for a maximum of 240 hours of accrued vacation plus the current year's unused vacation leave.
- 6.4 The request to use a Personal Preference Day is made using the electronic leave reporting system. An employee's supervisor is responsible for overseeing the use of the employee's personal preference day, approving that use, and ensuring compliance with this policy.
- 6.5 Sick leave is requested and/or documented using the electronic leave reporting system. Each employee's supervisor is responsible for overseeing the use of employee sick leave, approving that use, and ensuring compliance with this policy.
- 6.6 Sick Leave Conversion Program: an employee who has accrued 144 hours (18 days) of sick leave at the end of the calendar year is eligible to participate in sick leave conversion. An eligible employee must have been employed by the University on January 1 of the previous year to receive sick leave conversion.
- 6.6.1 Sick leave conversion allows up to 32 hours (4 days) of sick leave accrued during that calendar year to be converted into 32 hours (4 days) of vacation leave. The converted hours are then managed under the provisions of the vacation leave portion of this policy, including being subject to accrual limits at the end of the calendar year and being paid out in the event of termination.
- 6.6.2 The conversion takes place in January each year and is automatic for eligible employees. If an employee does not want to participate in sick leave conversion in a given year, written notification must be received at Human Resources by December 15 of the prior year (e.g., employee opt-out notification to Human Resources must occur by December 15, 2019, in order for sick leave conversion not to occur for that employee in January 2020, etc.).
- 6.7 Extended Sick Leave: after all accrued sick leave and earned vacation have been exhausted, extended sick leave may be granted through an approval process and the recommendation of the Human Resources Director.
- 6.7.1 It shall be the responsibility of the employee to request extended sick leave by submitting a formal written application to Human Resources wherein both the term of the requested extension and

the reasons for the request are explained in detail. The request will be reviewed prior to being submitted to the President's Cabinet for final approval.

6.7.2 The use of extended sick leave is limited to serious or catastrophic, non-work-related illnesses or injuries.

6.7.3 The use of extended sick leave will be reported as Family Medical Leave under the University's Family Medical Leave policy.

6.8 Emergency/Personal Leave: staff employees may take emergency/personal leave when scheduling essential or emergency personal matters that are beyond the control of the employee. Permissible purposes for taking emergency/personal leave include scheduled legal or business matters or a serious personal, family, or household emergency.

6.8.1 The employee must inform the supervisor of the need and request the time off, giving the supervisor as much advance notice as possible.

6.8.2 Such an absence is charged to sick leave and will not exceed three (3) days in each calendar year.

6.8.3 A request for documentation of the use of sick leave for emergency/personal matters is submitted using the electronic leave reporting system. An employee's supervisor is responsible for overseeing the use of employee emergency/personal leave, approving that use, and ensuring compliance with this policy.

6.9 A request for funeral leave is submitted using the electronic leave reporting system. An employee's supervisor is responsible for overseeing the use of employee funeral leave, approving that use, and ensuring compliance with this policy.

6.10 A request for jury or witness leave is submitted using the electronic leave reporting system. An employee's supervisor is responsible for overseeing the use of employee jury/witness duty leave, approving that use, and ensuring compliance with this policy.

6.11 A request for military training leave is submitted using the electronic leave reporting system. An employee's supervisor is responsible for overseeing the use of military training leave, approving that use, and ensuring compliance with this policy.

6.12 Upon completion of the period of service, an employee on military leave of absence will be restored to the position held at the time the leave began or

an equivalent position based upon these conditions:

- 6.12.1 The employee provided advance notice to the University of the service;
 - 6.12.2 The employee submits an application for reemployment within 40 days after release from active service;
 - 6.12.3 The employee fulfills any other terms and conditions of reemployment required by state law or federal regulation; and
 - 6.12.4 The employee is discharged or released from duty under honorable conditions.
- 6.13 Reemployment from military leave will be made within 20 days after submission of the written request to the University.
- 6.13.1 An employee reemployed after active military service may not, without cause, be discharged or subjected to a reduction of compensation for a period of one year following a return to employment after military leave of absence.
 - 6.13.2 Military leave does not extend a period of term employment beyond that to which the employee was originally appointed.
- 6.14 Requests for an unpaid leave of absence are submitted in writing, stating the purpose and expected period of absence. The appropriate supervisors and Human Resources will create a memorandum of understanding detailing the conditions and parameters of the leave, which will be signed by the employee and the President.
- 6.14.1 Payroll will be notified immediately upon the award of an unpaid leave of absence to avoid payment of salary in advance of service rendered.
- 6.15 Conditions of unpaid leave of absence are as follows:
- 6.15.1 The employee commits to return to work at the University at the end of the approved leave of absence;
 - 6.15.2 If an employee's position must be filled in their absence, a position of comparable pay and status will be offered to the employee as soon as possible following the return from leave. Returning employees receive a priority in hiring. If no position is available, the employee will be placed on "laid off" status for the purposes of unemployment compensation;

- 6.15.3 Accrued vacation and sick leave will not be lost during a leave of absence. However, vacation and sick leave does not accrue during an unpaid leave of absence.
- 6.15.4 Participation in the University's insurance and other benefits is not continued during an unpaid leave of absence. Subject to legal and insurance policy restrictions, the employee may continue participation during the leave of absence by payment of insurance premiums directly to the insurance company. Retirement contributions and years of service credit do not accrue during the leave of absence, but contributions and years of service credit will be resumed upon the employee's return to active employment status at the University.
- 6.15.5 An employee who does not return to active employment status from a leave of absence as specified in the memorandum of understanding may be terminated.
- 6.16 Unauthorized Absence: in the unusual event that an employee is absent from work without notifying the supervisor, the employee cannot be contacted and the reason for the absence is unknown, the department must contact Human Resources to discuss management of the issue, normally within 72 hours (including three (3) days during which the employee is schedule to work). Advice will be given on how the absence should be handled and each case will be dealt with in light of individual circumstances.
- 6.16.1 An employee who does not appear for work and does not contact their supervisor is subject to disciplinary action except in situations where it is reasonable that such contact would be very difficult or impossible. Multiple violations may lead to termination.
- 6.16.2 An employee who does not present to work for three (3) work days, does not contact their supervisor, is non-responsive to the attempts of University officials to contact them, and is not in a situation where such contact would be very difficult or impossible, is subject to immediate termination per University Policy 373.
- 6.17 A request for voting leave must be made to the supervisor before general election day. The employer may specify the hours during which the employee may be absent; requests for leave at the very beginning or very end of the work shift is permitted. Voting leave, if approved, must be recorded using the electronic leave reporting system.

VII. Addenda – N/A

Policy Owner: Vice President of Administrative Affairs
Policy Steward: Human Resources, Payroll Office

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