



UTAH VALLEY UNIVERSITY

Policies and Procedures

POLICY TITLE	Leave of Absence	Policy Number	361
Section	Human Resources	Approval Date	December 5, 2019
Subsection	Compensation and Benefits	Effective Date	December 5, 2019
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

1.1

2.0 REFERENCES

2.1 Utah State Code Sections 39-1-35, 39-1-36, 39-3-1, 39-3-2, and 49-11-402.

2.2 UVU Policy 360 *Family and Medical Leave (FMLA)*

2.3 UVU Policy 640 *Faculty Sabbatical Leave*

3.0 DEFINITIONS

3.1 **FMLA leave:** Leave taken pursuant to the *Family Medical Leave Act (FMLA)*.

4.0 POLICY

4.1 Vacation (Executive, Exempt, and Non-exempt Staff)

4.1.1 General Information

4.1.1.1 The vacation year is defined as the period beginning on January 1 and ending December 31. Maximum accrued vacation as later defined is calculated as of January 1. Vacation accrual covers each pay period (semi-monthly). Employees must be hired on or before the 10th of the month to receive vacation for the first half of the month and on or before the 25th of the month to receive vacation for the second half of the month. Terminating employees must work through the 10th of the month to receive vacation for the first half of the month and through the 25th of the month to receive vacation for the second half of the month.



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4.1.2 Eligibility for Vacation Leave

4.1.2.1 Salaried staff employees are eligible for vacation leave. Employees hired on an emergency, hourly, seasonal, temporary, or per diem basis are not eligible for vacation leave.

4.1.3 Standard Vacation Policy

4.1.3.1 Executives accrue vacation at the rate of two days per month (16 hours), 24 days per 12 months (192 hours).

4.1.3.2 Exempt staff accrue vacation on a monthly basis as follows:

Years of Service	Rate at Which Vacation Is Accrued
0–3	15 days per 12 months (120 hours) 1.25 days per month (10 hours)
4–6	18 days per 12 months (144 hours) 1.5 days per month (12 hours)
7–9	21 days per 12 months (168 hours) 1.75 days per month (14 hours)
10+	24 days per 12 months (192 hours) 2 days per month (16 hours)

4.1.3.2.1 Professional/administrative staff on less than 12-month appointments earn vacation at the appropriate monthly rate for the years of service over the number of months they are employed. Increased vacation rates for professional/administrative employees begin in the first month of the 4th, 7th, and 10th years of service as calculated from their individual date of employment.



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4.1.3.3 All full-time classified staff accrue vacation on a monthly basis as follows:

Years of Service	Rate at Which Vacation Is Accrued
0–3	12 days per 12 months (96 hours) 1 day per month (8 hours)
4–6	15 days per 12 months (120 hours) 1.25 days per month (10 hours)
7–9	18 days per 12 months (144 hours) 1.5 days per month (12 hours)
10–13	21 days per 12 months (168 hours) 1.75 days per month (14 hours)
14+	24 days per 12 months (192 hours) 2 days per month (16 hours)

4.1.3.3.1 Non-exempt staff on less than 12-month appointments earn vacation at the appropriate rate for the months employed. Increased vacation rates for these employees begin in the first month of the 4th, 7th, and 10th years of service as calculated from their individual date of employment.

4.1.3.4 Vacation leave may be used at the convenience of the department and with the approval of the supervisor upon completion of two full semi-monthly periods of satisfactory employment. Employees are encouraged to use rather than accumulate vacation time. A maximum of 30 days may be carried forward from one vacation year to the next. Upon permanent termination an employee may be paid for up to 30 days (240 hours) of accrued leave, plus any days/hours accrued during the current vacation year.

4.1.3.5 Approved vacation leave slips must be submitted to Human Resources in a timely manner to provide employees with the correct leave balances on their check stub.

4.2 Sick Leave

4.2.1 General Information

4.2.1.1 The sick leave year is defined as the period beginning on January 1 and ending December 31.



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4.2.2 Eligibility for Sick Leave

4.2.2.1 Salaried employees are eligible for sick leave. Employees hired on an emergency, hourly, seasonal, temporary, or per diem basis are not eligible for personal leave.

4.2.3 Definition

4.2.3.1 *Immediate family*: For the purpose of this section, immediate family is defined as: spouse and children (including stepchildren), and parents of either spouse.

4.2.4 Accrual of Sick Leave

4.2.4.1 All salaried full-time employees accrue sick leave at the rate of one day (faculty 7 hours, staff 8 hours) for each full calendar month served.

4.2.4.2 All salaried employees working less than full-time accrue sick leave in proportion to time worked.

4.2.4.3 Sick leave may be used after completion of two full semi-monthly periods of satisfactory employment.

4.2.4.4 All unused days may be carried forward from one year to the next. Accrued sick leave is forfeited upon termination.

4.2.4.5 An employee may not use their sick leave longer than five months without applying for Long-Term Disability and Social Security Disability. Approval or denial of disability benefits will not affect an employee's use of accrued sick leave.

4.2.4.6 Sick leave may be used for the illness or preventive care of the employee or for the illness or preventive care of immediate family members.

4.2.4.7 Sick leave taken in excess of the amount accrued shall be charged to personal leave, vacation leave, or leave without pay.

4.2.4.8 The University reserves the right to require medical documentation for absences due to illness or injury.

4.2.5 Sick Leave Incentive Program

4.2.5.1 After an executive, exempt staff, or non-exempt staff has accumulated 18 unused sick leave days (144 hours), that employee is eligible for the sick leave incentive program in the next calendar year. Employees who qualify shall be given an opportunity to convert unused sick leave days accumulated during the previous calendar year on a two-to-one basis for a maximum of four vacation leave days (32 hours). Employees' elected conversion of sick leave days to vacation leave days shall be effective on March 1 of the current calendar year; eligible



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employees must be employed by the University on the effective date to receive their elected conversions.

4.3 Personal Leave

4.3.1 General Information

4.3.1.1 Personal leave year is defined, for all employees except faculty, as the period beginning January 1 and ending December 31. Personal leave year for faculty is defined as the period starting July 1 and ending June 30.

4.3.2 Eligibility for Personal Leave

4.3.2.1 Salaried employees are eligible for personal leave. Employees hired on an emergency, hourly, seasonal, temporary, or per diem basis are not eligible for personal leave.

4.3.3 Accrual of Personal Leave

4.3.3.1 Full-time Executive, Exempt Staff, and Non-exempt Staff

4.3.3.1.1 Full-time salaried executive, professional/administrative, and classified employees have available two days (16 hours) of personal leave per calendar year.

4.3.3.2 Full-time Faculty

4.3.3.2.1 Full-time salaried faculty members have available 1.5 days of personal leave for each full academic semester worked (21 hours) per fiscal year and a proportional allocation for summer term.

4.3.3.3 Less than Full-time Employees

4.3.3.3.1 Salaried employees, less than full-time, have available personal leave in proportion to the time worked on an annual basis as appropriate for their particular job category.

4.3.4 Use of Personal Leave

4.3.4.1 Personal leave may be used for personal business and emergencies that require the employee's absence during regular working hours. The assumption of personal leave is that the faculty member should arrange but not pay for appropriate coverage of classes missed as a result of taking personal leave. The total number of personal leave days available in the fiscal year may be utilized at any time during that fiscal year with the following provisions:

1) Personal leave may be used after completion of two full semi-monthly periods of satisfactory employment.



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- 2) Personal leave may be used upon notification to the appropriate supervisor and completion of appropriate arrangements for affected classes.
- 3) Personal leave taken in excess of the available amount per calendar year shall be charged to vacation leave or leave without pay.
- 4) Unused personal leave may not be carried forward from one fiscal year to the next. Upon termination, an employee is not compensated for and forfeits all unused personal leave.

4.4 Parental Leave

4.4.1 General Information

4.4.1.1 For the purpose of bonding with or caring for a newborn or newly adopted child, the eligible employee, regardless of employee gender, shall receive 10 workdays (faculty 70 hours, staff 80 hours) of paid leave upon the adoption or birth of the employee's child.

4.4.2 Eligibility for Parental Leave

4.4.2.1 Full-time, benefits-eligible employees are eligible for parental leave, regardless of the employee's eligibility for FMLA leave.

4.4.3 Use of Parental Leave

4.4.3.1 When the need for parental leave is foreseeable, the employee shall notify their supervisor at least 30 days before the employee intends to take parental leave. Failure to provide 30 days' notice may result in the employee's request for parental leave being denied.

4.4.3.2 Parental leave must be used within six months of the adoption or birth of the child. Parental leave may be used intermittently or in a block of 10 consecutive workdays. Upon termination, an employee will not be compensated for unused parental leave.

4.4.4 Parental leave will run concurrently with job-protected leave such as leave pursuant to FMLA leave. FMLA-eligible employees may take a total of up to 12 weeks of job-protected medical leave in a rolling calendar year for pregnancy-related conditions, birth, and/or baby bonding. Employees who have medical maternity leave or accrued sick, personal, and/or vacation leave must apply such leave to any remaining FMLA leave taken beyond the 10-workday parental leave.

4.4.5 While on parental leave, the employee shall perform no work for UVU.

4.5 Medical Maternity Leave

4.5.1 Full-time, benefits-eligible employees who give birth and provide medical certification are eligible for up to six weeks of paid medical maternity leave due to the medical necessity of



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recovering from childbirth. Medical maternity leave may be used only in a single block of up to six consecutive weeks, not intermittently. Upon termination, an employee will not be compensated for any unused medical maternity leave.

4.5.2 This paid leave begins immediately upon the birth of the child, regardless of the employee's eligibility for FMLA leave. Medical maternity leave will run concurrently with job-protected FMLA leave. FMLA-eligible employees may take a total of up to 12 weeks of job-protected medical leave in a rolling calendar year for pregnancy-related conditions, birth, and/or baby bonding. If an FMLA-eligible employee requires more than six weeks for medical recovery from childbirth, the additional leave shall be charged to any remaining FMLA leave in the following order:

- 1) Parental leave (paid)
- 2) Accrued sick leave (paid)
- 3) Personal leave (paid)
- 4) Accrued vacation leave (paid)
- 5) Any remaining FMLA leave (unpaid)

4.5.3 While on medical maternity leave, the employee shall perform no work for UVU.

4.5.4 Medical maternity leave is separate from parental leave. An employee may take parental leave after taking medical maternity leave to recover from childbirth provided that the use of parental leave complies with section 4.4 of this policy.

4.6 Family Leave

4.6.1 See UVU Policy 360 *Family and Medical Leave (FMLA)*.

4.7 Funeral Leave

4.7.1 Definition

4.7.1.1 Immediate family: For the purpose of this section, immediate family is defined as: employee's spouse and in-laws, grandparent, parent, brother, sister, child, and grandchild and their immediate families (step-relatives in these categories are included).



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4.7.2 Policy

4.7.2.1 General Information

4.7.2.1.1 Three days' time off with pay is authorized to all salaried employees in the case of a death in the immediate family as defined above if considered reasonable and necessary by the department head. Salaried employees may receive such leave for each occurrence.

4.7.2.1.2 Additional days as determined necessary by the department head may be charged to vacation leave, personal leave, or leave without pay.

4.7.2.1.3 Salaried employees working less than 100 percent may receive this leave on a prorated basis.

4.8 Military Leave

4.8.1 Purpose

4.8.1.1 This policy provides guidelines for the call to active duty of university faculty and staff who are members of any reserve branch of the United States Armed Forces or the National Guard of Utah. It also applies to any faculty and staff who are not reserve or guard members who may be called to active duty by the United States Armed Forces through any other means. This policy complies with and is governed by Utah State Code Section 39-1-35, 39-1-36, 39-3-1, 39-3-2, and 49-11-402.

4.8.2 Annual Encampment

4.8.2.1 University employees that are members of the organized reserve of the United States Armed Forces, including the National Guard of Utah, are entitled to leave of absence with full pay not to exceed 15 working days per year for active duty at annual encampments or other required active duty training. This leave shall be paid in addition to any annual vacation leave the employee may have accrued.

4.8.2.2 An eligible employee's accrued vacation and personal leave may be used for military leave in excess of 15 working days.

4.8.2.3 A copy of the orders requiring the attendance of an eligible employee for military leave shall be attached to the request for leave with pay.



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4.8.3 Active Duty beyond Annual Encampments

4.8.3.1 Active Duty

4.8.3.1.1 University employees that are members of the organized reserve of the United States Armed Forces, including the National Guard of Utah, who pursuant to military orders enter active duty, shall upon request be granted a leave of absence from employment, but for no more than five years.

4.8.3.1.2 An eligible employee may elect to use paid leave consisting of annual encampment leave, not already used for the current calendar year, and accrued vacation and personal leave. At the exhaustion of all paid leave, employees shall be granted the remainder of their active duty leave as unpaid leave. If active duty continues into additional calendar years, annual encampment leave shall not be granted for those additional years.

4.8.3.1.3 A copy of the orders requiring the attendance of an eligible employee for active duty shall be attached to the request for leave.

4.8.3.2 Re-employment

4.8.3.2.1 Upon satisfactory release from active duty, an eligible employee who meets the following requirements shall be permitted to return to employment with the University with seniority, status, pay, and leave the employee would have had if he or she had not been absent due to active duty. Requirements:

- 1) Requested and was granted leave due to active military duty.
- 2) Position left was a continuous position and was not limited in duration.
- 3) Time off due to active duty was for five years or less.
- 4) Must be discharged or released from active duty under honorable conditions.
- 5) Applied for re-employment with the University within 40 days after official separation from active duty.

4.8.3.2.2 For employees that meet the above requirements, re-employment shall be made within 20 days after submission of application for re-employment. University employees that were on active military leave for 30 days or less shall be reinstated to their previous job with the University immediately upon return.

4.8.3.2.3 An employee returning from active military service may not, without cause, be discharged or subjected to reduction of compensation for a period following a return to employment depending on the length of their leave not to exceed one year. Reasonable



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accommodations for disabilities incurred while in military service shall be provided unless an undue hardship to the University can be demonstrated. Tenure track faculty called to active duty shall have the tenure clock stopped with no penalty incurring for the period of absence. A re-adaptation period of up to two years, as negotiated with the department head and dean, and approved by the Vice President of Academic Affairs, shall be granted to returning tenure track faculty prior to the reinstatement of the tenure clock. The University shall not be prejudiced as to employment, appointment, reappointment, re-employment, or probation by reason of an employee's active military service.

4.8.4 Retirement Benefits

4.8.4.1 According to federal law, under a defined benefit or defined contribution pension plan, individuals whose employment is interrupted by military service must be given benefit accruals for the period of military leave. Employees who are enrolled in Utah Retirement Systems or other university-sponsored retirement plans, through their employment with the University, that is absent from employment with the University by reason of an official call to full-time United States military services, is eligible to receive service credit/contributions for that military service as follows:

- 1) The employee, the University, or the employee and the University jointly shall make the required payments, as determined by Utah Retirement Systems or other university-sponsored retirement plans, to the retirement plan in which the member participated at the time of the official call, according to the law governing that particular plan.
- 2) Required payments shall be made during the period of full-time United States military service or after the military service, but within a period not to exceed three times the period of military service, prior to the member's retirement date, and up to a maximum of five years. Payments made to an employee's retirement system after he or she returns to work will include interest/investment earnings.
- 3) Required payments shall be based on the member's compensation at the time of the official military call.

4.8.4.2 The member shall return to employment with the University upon receiving an honorable discharge from military service and there may not be intervening employment outside of the employment with the participating employer.

4.8.5 Leave Benefits

4.8.5.1 Tuition Waiver Benefits

4.8.5.1.1 Tuition waiver benefits for dependents shall continue while the employee is on active duty.



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4.8.5.2 Other Benefits

4.8.5.2.1 In the case of a call to active duty, the University shall continue medical, dental, and life insurance, and long-term disability benefits at the same level that was provided immediately prior to the call to active service, for 30 days beyond the date the employee begins active duty. Beyond this 30-day benefit continuation period, other basic employee benefits shall be handled as they are for any other employee taking a leave of absence or using annual leave: A "leave with pay" using annual leave allows for the continuation of all benefits as if the employee were still working. A "leave without pay" does not allow for the continuation of benefits paid by the University, but does allow the employee to continue insurance benefits by paying the premiums for such benefits under the COBRA continuation provisions of federal law.

4.8.5.2.2 The method of reinstatement of university benefits offered to full-time benefits-eligible employees is as follows:

- 1) Health, life, and long-term disability insurance coverage begin the 1st day of the month for employees rehired on the 1st working day of that month.
- 2) Health benefits for employees reinstated after the first working day of the month begin the first of the month after rehire.
- 3) Retirement and leave benefits begin immediately upon rehire.

4.9 Jury and Witness Duty

4.9.1 Employees necessarily absent from work in compliance with an official requirement to appear for jury service or respond to a subpoena to appear as a witness at a trial, deposition, or other official proceeding will continue to receive the equivalent of full pay. This allowance covers only time lost while actually engaged in jury service or attendance as a witness, and in reasonable travel to and from the place of such service.

4.9.2 State compensation received for jury service should be turned over to Human Resources to be deposited into the account from which the employee's salary is paid.

4.9.3 This policy does not apply when an individual appears in court in their own behalf.

4.10 Sabbatical Leave

4.10.1 See UVU Policy 640 *Faculty Sabbatical Leave*.



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4.11 Administrative Leave

4.11.1 Purposes and Nature of Administrative Leave

4.11.1.1 Administrative leave is granted for a maximum of 12 calendar months to executive and exempt staff who wish to pursue full-time programs of study, training, or experience related to their position at the University. Administrative leave is not considered a reward for outstanding service but is a part of a professional development plan designed to improve the employee's service to the University. The granting of administrative leave is at the discretion of the President with approval of the Board of Trustees.

4.11.2 Eligibility for Administrative Leave

4.11.2.1 Full-time salaried executive and exempt staff are eligible to apply for administrative leave after three full years of continuous service at the University, provided no other administrative or sabbatical leave with pay or partial pay has been taken during this three-year period.

4.11.3 Application for Administrative Leave

4.11.3.1 Administrative leave is granted by the Board of Trustees upon recommendation by the President. Signatures of other appropriate administrative officers must also be obtained as a part of the application process.

4.11.3.2 Applicants for administrative leave must file an application at least three calendar months prior to the requested beginning date. The application should contain a statement of the applicant's educational, training, or experience plan; the reason for requesting the leave; the benefit to the University should the leave be approved; the length of time applied for; and other essential data to adequately justify granting the leave. Application forms are available in the offices of Human Resources, dean, and vice president.

4.11.4 Remuneration during Administrative Leave

Salary payments by the University to individuals on administrative leave are calculated on the basis of the salary for the period during which the leave takes place as follows:

- 1) Three consecutive years of service—30 percent of regular salary
- 2) Four consecutive years of service—40 percent of regular salary
- 3) Five consecutive years of service—50 percent of regular salary
- 4) Six or more consecutive years of service—60 percent of regular salary



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4.11.5 In addition, payment for accrued annual leave may be paid to employees on administrative leave providing that the total remuneration per month does not exceed 100 percent of the regular monthly salary.

4.11.6 When an employee is not granted leave at a time when he or she becomes eligible and makes formal application, the individual may be granted an additional 10 percent of salary for each year of service beyond six years to a maximum of 10 years. Such remuneration shall be granted only when, in the judgment of the President and the Board of Trustees, the applicant's service to the University has been required for the proper operation of the University and the requested leave is clearly to the direct benefit of the University.

4.11.7 Benefits during Administrative Leave

4.11.7.1 To the extent permitted by law, employees on administrative leave are considered employees of the University and receive full benefits during the period of the leave with the exception of the accrual of sick leave.

4.11.8 Intention to Return

4.11.8.1 Acceptance of administrative leave by the applicant certifies the employee's agreement to return to the University following the expiration of the leave and to complete at least one full year of service under the penalty of refunding the salary received during the leave period except for that received in payment for accrued annual leave.

4.11.9 Status upon Return

4.11.9.1 Upon return from administrative leave, an employee is entitled to a position in the same rank, at the same seniority, and to the amount of sick leave accrued up to the commencement of the leave.

4.12 Community Service Leave

4.12.1 General Information

4.12.1.1 Upon return from administrative leave, an employee is entitled to a position in the same rank, at the same seniority, and to the amount of sick leave accrued up to the commencement of the leave.

4.12.2 Procedure

4.12.2.1 Employees must schedule the time off with their supervisor.

4.12.2.2 Employees must receive approval of the community service project from the PACE Service Committee.



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4.13 Leave without Pay

4.13.1 Eligibility for Leave without Pay

4.13.1.1 Full-time salaried employees who have provided at least six consecutive months of service may be granted continuous leave of absence without pay upon approval of their written application by the appropriate administrator, Human Resources, and the President.

4.13.2 Intention to Return

4.13.2.1 Leave without pay shall not be granted unless the employee fully expects to return to active service at the expiration of the leave. For leave of nine months or longer duration, the employee is expected to notify the University of their intention to return not later than 60 days prior to the expiration of the leave.

4.13.3 Status upon Return

4.13.3.1 An employee granted a leave of absence without pay who returns to active service on or before the expiration of the leave is entitled to a position in the same classification or status, at the same seniority, and to the amount of sick and/or annual leave accrued at the commencement of the leave.

4.13.4 Categories of Leave without Pay

4.13.4.1 *Medical Leave:* For a period not to exceed 12 months for temporary illness or disability, provided that the necessity for the leave is verified by written certification from a registered medical practitioner. Illness due to pregnancy is treated as any other illness.

4.13.4.2 *Educational/Professional Leave:* For a period not to exceed 12 months to pursue a formal course of study or other professional/technical activity that will increase the value of the employee's service to the University upon return.

4.13.4.3 *Emergency Service Leave:* For a period not to exceed 12 months to perform technical or specialized service for the State of Utah or the United States government during a period of emergency.

4.13.4.4 *Special Leave without Pay:* For an approved absence from duty for which another category of leave with pay or leave without pay does not apply. Such leave is granted at the discretion of the President upon recommendation and approval of the appropriate supervisor and administrator.



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4.14 Official Records

4.14.1 All official leave records are maintained in Human Resources. Supervisors are responsible for reporting as soon as possible to Human Resources any employee absence to be recorded on individual leave records. Human Resources shall round annual, sick, and personal leave to the nearest 1/4 hour.

5.0 PROCEDURES

POLICY HISTORY		
January 17, 2019	Approved for Policy Manual as a temporary emergency policy.	UVU Board of Trustees
March 6, 2003	Approved for Policy Manual.	UVU Board of Trustees
January 17, 2019	Approved for Policy Manual as a temporary emergency policy.	UVU Board of Trustees
December 5, 2019	Temporary Emergency policy renewed.	UVU Board of Trustees
March 25, 2020	Under a newly approved section of Policy 101 and due to the COVID-19 situation, all currently established Temporary Emergency policies have been extended six months beyond their original expiration date. This policy will now expire June 5, 2021	UVU Board of Trustees