

R908-1. Purpose: To outline OCHE's policy regarding the reinstatement of permanent staff employees after a break in service.

R908-2. References

- 2.1. Utah Code §53B-1-106 (Appointment of Commissioner's Staff)
- 2.2. Policy and Procedures R141, Duties of the Commissioner of Higher Education
- 2.3. Policy and Procedures R901, Personnel Definitions
- 2.4. Policy and Procedures R906, Staff Employment
- 2.5. Policy and Procedures R928, Leaves of Absence (Health Related)
- 2.6. Policy and Procedures R932, Vacation Leave
- 2.7. Policy and Procedures R934, Reduced Tuition Programs

R901-3. Definitions

- 3.1. **Reinstatement:** the re-employment into a permanent staff position of a former permanent employee with a break in service with OCHE.
- 3.2. **Break in Service:** A break in service with OCHE occurs when a permanent employee is in a non-pay status for more than thirty-one calendar days. (An employee is in pay status when working, when on paid leave, or when on Workers' Compensation Leave. An employee is not in pay status after the last day of work because of resignation, dismissal, death, retirement, or reduction-in-force.) Periods of leave without pay do not constitute a break in service.

R901-4. Policy

- 4.1. **Probation:** Reinstated employees are required to meet all of the probationary requirements of a new employee.
- 4.2. **Military Personnel:** Permanent employees who resigned or were granted leave without pay to serve in the Armed Forces of the United States are eligible for reinstatement to the same position or one of like status and pay regardless of the length of previous service. If, during military service, an employee is disabled to the extent that the duties of the original position cannot be performed, the employee shall be reinstated to a position with duties commensurate with the disability, provided such a position is available.
- 4.3. **Salary Rate upon Reinstatement:** When a staff employee is reinstated within one year from the separation date to a position at the same grade level, the salary is determined by adjusting the previous salary of that individual by any "legislative increase" or other general adjustment in level which has occurred

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since the reinstated employee was separated. If reinstatement is to a higher or lower grade, the adjusted previous salary becomes the basis for determining the new starting salary in accordance with policies on promotion or demotion as appropriate. A higher salary may not be paid unless it is justified by intervening employment.

4.3.1. When a staff employee is reinstated after one year or more from the separation date, the new salary may be determined as above or as a new appointment.

4.3.2. Upon reinstatement from military leave, an employee's salary shall be based on the last salary plus the general salary increase due while on leave.

4.4. **Benefits upon Reinstatement:** Upon completion of the required probationary employment period reinstated employees will have their benefits reinstated and receive credit for all previous service in a permanent position with OCHE.

4.4.1. Sick leave hours, unused from previous OCHE service will be reinstated and credited to the employee's sick leave balance.

4.4.2. Service Anniversary dates will be adjusted and previous service will be counted toward tuition reduction eligibility, vacation accrual rate, and service awards.