

R929-1. Purpose: To outline the Commissioner's Office policy on leave of absence (except health-related leaves of absence) with or without pay, including funeral leave, military leave, jury duty, political leave, and special leave. Any questions regarding this policy should be referred to the Human Resources Office.

R929-2. References

- 2.1. Utah Code [Title 39, Chapter 3](#) (Governmental Employees in Military Service)
- 2.2. 42 United States Code 4301 et seq., Uniformed Services Employment and Reemployment Act of 1994
- 2.3. Policy and Procedures [R928](#), Leaves of Absence (Health-Related)
- 2.4. Policy and Procedures [R931](#), Vacations

R929-3. Definitions

- 3.1. **"Benefits eligible employee"** means an employee holding a permanent position at not less than 75% of full time.
- 3.2. **"Immediate Family Member"** means a parent, spouse or child, sibling, parent-in-law, brother-in-law, sister-in-law, grandparent, grandparent-in-law or grandchild.
- 3.3. **"Responsible officer"** means the cognizant associate commissioner or designee.

R929-4. Leaves of Absence with Pay: The following leaves of absence with pay may be granted to OCHE employees.

- 4.1. **Funeral Leave:** A benefits eligible employee may request, in writing, funeral leave in the case of the death of an immediate family member of such employee. The responsible officer may grant funeral leave with pay to the extent he/she deems reasonable and necessary. In no event shall such paid funeral leave exceed three (3) working days.
- 4.2. **Leave to Serve on Jury or as a Witness:** 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:
 - 4.2.1. The employee must deliver to an OCHE finance officer, for deposit to OCHE's general funds, any fees received for compelled attendance as a juror or non-expert witness.
 - 4.2.2. 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 or attendance.

¹ Adopted July 19, 1983. Replaced March 18, 2005.

4.2.3. 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 his/her regular duties.

4.2.4. An employee is not entitled to a leave of absence with pay when the employee appears in court on his/her own behalf, e.g., to pay a traffic fine or as a party to a civil law suit.

4.3. **Leave with Pay for Annual Military Training:** 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.

4.4. **Benefits During Leaves with Pay:** During the preceding leaves with pay, vacation and sick leave continue to accrue. Retirement and insurance benefits continue to be paid by OCHE during such leaves.

R929-5. Leaves of Absence without Pay

5.1. **Political Leave without Pay:** A benefits eligible employee who is nominated for an elective public office may be placed upon full or partial leave of absence without pay to the extent that the Commissioner, 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 OCHE ineffective during the period of the candidacy or will compromise the impartial discharge of the employee's OCHE responsibilities.

5.1.1. 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.

5.1.2. 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 Commissioner, in consultation with the responsible officer, shall approve or deny the request.

5.1.3. An employee may become a candidate for elective office as a representative or senator in the Utah State Legislature without resigning from OCHE and without securing a leave of absence. If elected, the employee shall be granted a leave of absence without pay for the period of time between the commencement and final adjournment of any regular or special session of the legislature of which the employee is a member.

5.1.4. In lieu of leave without pay under the preceding paragraphs, the employee may use accrued vacation.

5.2. **Special Leave without Pay:** Under special and urgent circumstances, OCHE may permit a benefits eligible employee 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.

5.2.1. A request for special leave without pay must be submitted, in writing, to the employee's responsible officer. The written request should state (a) the reason why the special leave without pay is being requested; (b) the proposed date on which the requested special leave is to

commence; (c) the employee's intent to return to work upon conclusion of the leave; and (4) the estimated date on which the employee reasonably expects to return to work.

5.2.2. 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 OCHE operations. The responsible officer shall forward the request for a special leave without pay and his/her recommendation to the cognizant associate commissioner. The cognizant associate commissioner shall approve or deny the request. The cognizant associate commissioner may approve the request subject to any conditions he/she feels are appropriate. A special leave without pay may not be granted for more than one (1) year unless approved by the Commissioner.

5.2.3. Upon timely return from a special leave without pay, OCHE 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. OCHE cannot, however, assure that an employee returning to work after a special leave of absence will be reinstated.

5.3. **Military Leave without Pay:** An employee who performs service in the Uniform Services shall be granted a military leave without pay not to exceed five (5) years for such service. "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.

5.3.1. **Group Health Coverage:** All employees called up to military active duty have the opportunity to continue group health coverage (for themselves and spouses and dependents) for up to 24 months.

5.3.1. 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:

5.3.1.1. The employee gave OCHE advance notice of such service;

5.3.1.2. The cumulative length of such leave and all prior military leaves from OCHE does not exceed five (5) years;

5.3.1.3. The employee submits a timely application for reemployment to OCHE;

5.3.1.4. The employee fulfills any other terms and conditions for reemployment required by the law.

5.4. **Benefits During Leaves without Pay**

5.4.1. **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.

5.4.2. **Retirement and Insurance Benefits:** Retirement and insurance benefits are not paid by OCHE during the preceding leaves without pay. An employee, however, may elect to continue his/her health insurance coverage as provided by federal law.

5.4.3. Other Benefits: Other benefits, including tuition reductions, ticket discounts and parking privileges, continue during the preceding leaves without pay.