

R932-1. Purpose: To outline the Commissioner's Office vacation policy.

R932-2. 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

R932-3. Definitions

- 3.1. **"Anniversary Date"**: the month and year in which the employee becomes eligible for time benefits (i.e., holidays, vacation and sick leave). The anniversary date is the employee's hire date as a permanent staff employee regularly scheduled to work 30 or more hours per week (.75 FTE or greater), date of change from a temporary position to a permanent 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 on the 2nd day of the month or later, the first day of the following month becomes the anniversary date.
- 3.2. **"Adjusted Leave Accrual Anniversary Date"**: the new anniversary date given to a permanent staff employee for prior service in accordance with the provisions of R908, Reinstatement of Permanent Staff Employees and R912, Transfer of System Institution Employees to the Office of the Commissioner.
- 3.3. **"Employee Categories"**: are defined in R901, Personnel Definitions.
- 3.4. **"Vacation Leave Benefits"**: include the right to accrual and use of vacation leave, and payment upon termination for unused vacation time, in accordance with and subject to the limitations prescribed in this Vacation Policy.
- 3.5. **"Termination"**: the end of the permanent/regular employment relationship between OCHE and the individual, as a result of resignation, full retirement, dismissal, non-retention, expiration of contract, or death. In the event of termination because of death, the right to payment for unused vacation leave inures to the estate of the deceased employee.

R932-4. Policy

- 4.1. **Eligibility**: Commissioner's Office employees are eligible for vacation benefits if they hold permanent (longer than eight months) positions at not less than 75% of full time. Staff personnel in temporary positions, or whose assignment is for less than 75% of full-time, are not eligible for vacation benefits.
- 4.2. **Changes to Leave Accrual Anniversary Dates**: Former permanent staff employees who are re-employed into a permanent staff position shall have their prior service reinstated in accordance with the provisions of R908, Reinstatement of Permanent Staff Employees. Permanent staff employees who are

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transferred to OCHE from USHE institutions shall have their prior service applied in accordance with the provisions of R912, Transfer of System Institution Employees to the Office of the Commissioner. Anniversary dates and vacation accrual rates shall be adjusted as appropriate.

4.3. Vacation Accrual Rates

4.3.1. Administrative officers (Category B) are entitled to 16.67 vacation hours per month (25 eight-hour days per year)

4.3.2. Other Administrators (Category D) are entitled to vacation benefits on the following scheduled basis:

4.3.2.1. For 0 through 5 years of service: 12 vacation hours per month (18 eight-hour days per year).

4.3.2.2. For 6 through 10 years of service: 13.33 vacation hours per month (20 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifth anniversary.

4.3.2.3. For 11 through 15 years of service: 15.33 vacation hours per month (23 eight-hour days per year). Increased vacation leave begins in the first month following an individual's tenth anniversary.

4.3.2.4. For 16 or more years of service: 16.67 vacation hours per month (25 eight-hour days per year). Increased vacation leave begins in the first month following an individual's fifteenth anniversary.

4.3.3. Exempt staff members (Category E) are entitled to vacation benefits on the following scheduled basis:

4.3.3.1. For 0 through 5 years of service: 10.00 vacation hours per month (15 eight-hour days per year).

4.3.3.2. For 6 through 10 years of service: 12.00 vacation hours per month (18 eight-hour days per year). Increased vacation credits begin in the first month following an individual's fifth anniversary.

4.3.3.3. For 11 through 15 years of service: 13.33 vacation hours per month (20 eight-hour days per year). Increased vacation credits begin in the first month following an individual's tenth anniversary.

4.3.3.4. For 16 or more years of service: 14.67 vacation hours per month (22 eight-hour days per year). Increased vacation credits begin in the first month following an individual's fifteenth anniversary.

4.3.4. Non-exempt staff members (Category F) and non-exempt professionals (Category T) are entitled to vacation benefits on the following scheduled basis:

4.3.4.1. For 0 through 5 years of service: 8.00 vacation hours per month (12 eight-hour days per year).

4.3.4.2. For 6 through 10 years of service: 10.00 vacation hours per month (15 eight-hour days per year). Increased vacation credits begin in the first month following an individual's fifth anniversary.

4.3.4.3. For 11 through 15 years of service: 12.00 vacation hours per month (18 eight-hour days per year). Increased vacation credits begin in the first month following an individual's tenth anniversary.

4.3.4.4. For 16 through 20 years of service: 13.33 vacation hours per month (20 eight-hour days per year). Increased vacation credits begin in the first month following an individual's fifteenth anniversary.

4.3.4.5. For 21 or more years of service: 14.67 hours per month (22 eight-hour days per year). Increased vacation credits begin in the first month following the individual's twentieth anniversary.

4.3.5. Accrual and use of vacation leave for eligible employees is recorded in OCHE's Human Resource Management System.

4.4. Vacation Accrual Policies

4.4.1. Vacation benefits continue to accrue during leaves of absence with pay, but do not accrue during a leave of absence without pay, or during the period when the appointment is not active.

4.4.2. Eligible personnel accrue vacation benefits in the first pay period of the month following the month in which the time is earned.

4.4.3. The vacation accrual schedules in Section 4.2, above, designate the amount of vacation time earned by employees working 100% time. If an eligible employee works less than 100% time, but 75% time or more, the vacation time specified in the appropriate schedule is factored by that individual's percent of full-time. Example: If an employee holding a position that accrues vacation at the rate of 10.00 hours per month works only 80% time, the vacation accrued each month is $10.00 \text{ hours} \times 80\% = 8.00 \text{ hours}$.

4.4.4. An employee may accumulate and carry forward to each new calendar year 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. Example: A full-time employee whose employment status provides for 120 hours of vacation leave per year may accumulate and carry forward to a new calendar year 360 hours of unused vacation leave (one year's entitlement plus 240 hours). In the new calendar year, the employee will be allowed to accumulate as much as 120 hours of additional vacation leave, or a total of 480 hours. If, through usage, the accrued vacation leave is not reduced to 360 hours or less at the close of business on December 31, any balance in excess of 360 hours will be lost to the employee. A maximum of 360 hours may be carried forward to the next calendar year.

The unused vacation leave for which an employee may be paid upon termination of employment cannot exceed one year's vacation leave entitlement plus 240 hours (see paragraph 4.6.).

4.5. Using Accrued Vacation

4.5.1. Eligible staff members are encouraged to take vacations periodically pursuant to schedules arranged in advance to prevent disruption of departmental operations.

4.5.2. Paid holidays that occur during a vacation period are not charged against accrued vacation.

4.5.3. Eligible OCHE personnel are expected to schedule vacation leave at reasonable intervals by arrangement with the cognizant department head or supervisor.

4.5.4. Unauthorized vacations, and vacation usage in excess of accrued vacation time, are treated as absences without pay.

4.6. Payment for Unused Vacation Leave upon Termination

4.6.1. An eligible staff member is entitled upon termination to payment for vacation leave earned but not taken.

4.6.2. 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 of 240 hours plus the employee's current annual vacation leave entitlement.

4.6.3. Authorized compensation for unused vacation time is included normally in the individual's final payroll check.

4.6.4. Payment for unused vacation leave, to the extent authorized by this vacation policy, is a form of deferred compensation and as such, cannot be withheld from an eligible individual who has been terminated for any reason, but is subject to deductions and offsets authorized by the Commissioner's Office policy or by legal requirements.

4.6.5. Unless a different distribution schedule is approved by the cognizant associate commissioner, vacation pay at termination is proportionately distributed to those accounts from which the employee was being paid on the effective date of termination. The Commissioner's Office, however, reserves the right to establish different methods for funding vacation pay on termination, to the extent permitted by law, including the establishment of reserves derived from the charging of unused vacation time to accounts from which the employee was being paid during the period of accrual.

4.6.6. The word "termination," as used in this Section 4.6, means the end of the active employment relationship between the Commissioner's Office and the individual, as a result of resignation, full retirement, dismissal, non-retention, non-renewal of employment, or death. In the event of termination by reason of death, the right, if any, of the employee to payment for unused vacation time inures to the estate of the deceased employee.

4.7. **Transferability of Vacation Benefits:** It is the policy of the Utah System of Higher Education that employees in the System who transfer from one employing unit to another within the System should be deemed to retain their accumulative service credits for the purpose of calculating their accumulating vacation benefits earned while in the new employment situation.