

March 20, 2019

MEMORANDUM

TO: State Board of Regents
FROM: David L. Buhler
SUBJECT: General Consent Calendar

The Commissioner recommends approval of the following items on the Regents' General Consent Calendar:

A. Minutes

1. Minutes of the Board Meeting Jan 11, 2019, Snow College, Ephraim, Utah (Attachment), January 25, 2019, Utah Valley University, Orem, Utah (Attachment).

B. Grant Proposals

1. University of Utah – US Department of Energy; “Solarstarts”; \$4,411,297. Masood Parvania, Principal Investigator.
2. University of Utah – DOE Solar Energy Technologies Office: “PSA-DERMS”; \$4,298,125. Mingxi Liu, Principal Investigator.
3. University of Utah – NIH Natl Inst Arthrit Muscoskel Skin Dis; “Bowles A01 Sequence-Specific”; \$2,237,867. Robert Daniel Bowles, Principal Investigator.
4. University of Utah – DHHS National Institutes of Health; “Magneto Electric Magnetometer”; \$1,864,263. Massood Tabib-Azar, Principal Investigator.
5. University of Utah – US Department of Energy; “Water Treatment PSHP”; \$1,117,554. Mostafa Sahraei-Ardakani, Principal Investigator.
6. University of Utah – National Science Foundation; “Synbiohub Design Repository”; \$1,020,324. Chris J Myers, Principal Investigator.
7. University of Utah – NIH National Institute Environl Hlth Sci; “Reilly R01 Renewal”; \$3,615,960. Christopher A Reilly, Principal Investigator.
8. University of Utah – NIH National Cancer Institute; “McMahon P50 05.25.18”; \$11,568,082. Martin McMahon, Principal Investigator.

9. University of Utah – NIH National Cancer Institute; “Racial/Ethnic disparities”; \$7,754,287. Jennifer Anne Doherty, Principal Investigator.
10. University of Utah – DHHS National Institutes of Health; “Tantin-CHOU R01 12/2018”; \$2,285,131. Dean R Tantin, Principal Investigator.
11. University of Utah – US Department of Defense; “Spike_Welm_DOD_11.2018”; \$1,504,311. Benjamin T Spike, Principal Investigator.
12. University of Utah – NIH Natl Ctr for Advncing Translt Scnces; “Fair”; \$3,870,795. Julio Cesar Facelli, Principal Investigator.
13. University of Utah – DHHS National Institutes of Health; “R01 New CD8”; \$2,989,830. Brian D Evavold, Principal Investigator.
14. University of Utah – DHHS national Institutes of Health; “R01 MOG CD8 Grant 2018”; \$2,773,352. Brian D Evavold, Principal Investigator.
15. University of Utah – Biogen; “Biogen 221AD302”; \$1,706,250. Norman Foster, Principal Investigator.
16. University of Utah – University of Washington; “Dorval-UW Cortical STIM R01”; \$1,109,669. Alan Dale Dorval II, Principal Investigator.
17. University of Utah – Oregon State University; “OPICS”; \$1,089,205. Tucker Hermans, Principal Investigator.
18. University of Utah – NIH National Institute on Aging; “Multisensory Processing”; \$1,906,250. Andrew Mark Williams, Principal Investigator.
19. University of Utah – University of southern California; “Lunarprime”; \$1,518,024. Jan D Miller, Principal Investigator.
20. University of Utah – DHHS Health Resources & Services Admn; “ANEW 2018”; \$2,800,000. Gwen A Latendresse, Principal Investigator.
21. University of Utah – NIH National Cancer Institutes; “Combinatorial Chemimmotherapy”; \$1,906,250. Jiyuan Yang, Principal Investigator.
22. University of Utah – DHHS National institutes of Health; “Stapled CC for CML”; \$1,906,250. Carol Lim, Principal Investigator.

23. University of Utah – NIH National inst of General Medcial Sci; “NIH PTPS 2019”; \$1,525,000. Amy M Barrios, Principal Investigator.
24. University of Utah – Office of Naval Research; “Arctic Sea Ice Dynamics”; \$3,000,000. Kenneth M Golden, Principal Investigator.
25. University of Utah – DHHS National Institutes of Health; “DNA and RNA Structural Motifs”; \$2,847,740. Cynthia Burrows, Principal Investigator.
26. University of Utah – National Science Foundation; “Virulence Consequences”; \$1,320,588. Wayne K Potts, Principal Investigator.
27. University of Utah – DOE Office of Science; “EBOSS and DESI”; \$1,013,817. Kyle Dawson, Principal Investigator.
28. University of Utah – Air Force of Scientific Research; “Metal-HF Fuel Interactions”; \$1,000,000. Scott L Anderson, Principal Investigator.
29. University of Utah – Women and Infants Hosp of Rhode Island; “Neonatal Opioid Withdrawal”; \$1,706,873. Elisabeth Conrad, Principal Investigator.
30. University of Utah – DHHS National Institutes of Health; “Rural Cancer Survivors Cohort”; \$2,261,620. Mia Hashibe, Principal Investigator.
31. University of Utah – NIH National heart Lung & Blood Inst; “J Warren R01 Feb 2019”; \$2,205,355. Junko Shibayama Warren, Principal Investigator.
32. University of Utah – NIH National Heart Lung & Blood Inst; “J Warren R01 Feb 2019”; \$1,997,009. Junko Shibayama Warren, Principal Investigator.
33. University of Utah – NIH National heart Lung & Blood Inst; “Franklin R01 Feb 2019”; \$1,906,250. Sarah Franklin, Principal Investigator.
34. University of Utah – Cedars Sinai Medical Center; “ULRICH Cedars-Sinai”; \$1,359,904. Cornelia Ulrich, Principal Investigator.
35. University of Utah – NIH National Eye Institute; “Retinal Circuitry”; \$3,751,499. Bryan W Jones, Principal Investigator.

36. University of Utah – DHHS National Institutes of Health; “R01 Resub April2019”; \$3,703,880. Juentlie M Barkmeier-Kraemer, Principal Investigator.
37. University of Utah – DHHS National Institutes of Health; “Elde Mira”; \$3,431,250. Nels Christian Elde, Principal Investigator.
38. University of Utah – DHHS Centers for Disease Control & Prev; “Bakian/Bilder CDC Proposal”; \$3,100,000. Amanda Virginie Bakian, Principal Investigator.
39. University of Utah – NIH Natl Inst Allergy & Infectious Dis; “HIV-1 Latency”; \$3,083,204. Adam Mitchell Spivak, Principal Investigator.
40. University of Utah – NIH Inst Deaf & Other Comm Disorder; “JBK R01 Renewal”; \$3,024,040. Juentlie M Barkmeier-Kraemer, Principal Investigator.
41. University of Utah – DHHS National Institutes of Health; “R01 Antifungal Drugs”; \$2,624,260. Jessica C S Brown, Principal Investigator.
42. University of Utah – Baylor College of Medicine; “Vanburen Baylor Sub Jan 2019”; \$2,419,309. John Matthew Vanburen, Principal Investigator.
43. University of Utah – US Department of Defense; “TDCS”; \$2,000,000. David Tate, Principal Investigator.
44. University of Utah – Merck Sharp & Dohme Corp; “AMPOFO MERCK RSV Dec 2018”; \$1,952,159. Kwabena Krow Ampofo, Principal Investigator.
45. University of Utah – NIH National Institute of Mental Health; “Working Memory and Oscillation”; \$1,906,250. Behrad Noudoost, Principal Investigator.
46. University of Utah – NIH Natl Inst Neurolog Disorders Stroke; “Neuropathic Pan After Sci”; \$1,895,570. Lonnie Schneider, Principal Investigator.
47. University of Utah 0 DHHS Centers for Disease Control & Prev; “Feldkamp CDC U01 (A) Feb 2019”; \$1,874,995. Marcia L Feldkamp, Principal Investigator.
48. University of Utah – DHHS National Institutes of Health; “Subtyping of Colon Organoids”; \$1,824,936. Don a Delker, Principal Investigator.
49. University of Utah – DHHS National Institutes of Health; “Chime Collab R01 Hotaling”; \$1,685,679. James Morris Hotaling, Principal Investigator.

50. University of Utah – DHS Federal Emergency Management Agency; “Jenkins FEMA FP&S Dec 2018”; \$1,499,957. Timothy Gerald Jenkins, Principal Investigator.
51. University of Utah – HRS Bureau of health Professions; PA Rural; \$1,490,325. Virginia Valentin, Principal Investigator.
52. University of Utah – George Washington University; “R01 Pa-19-056 GWU Sub Bray”; \$1,308,613. Bruce Earl Bray, Principal Investigator.
53. University of Utah – NIH National Institute on Drug Abuse; “Addiction Treatment”; \$1,155,940. Megan Vanneman, Principal Investigator.
54. University of Utah – Weill Cornell Medical College; “R01 Sub (Cornell) Jacob Kean”; \$1,044,933. Jacob Kean, Principal Investigator.
55. University of Utah – National Science Foundation; “Reproducible Visual Analysis”; \$2,319,681. Alexander Lex, Principal Investigator.
56. University of Utah – National Science Foundation; “Reproducible Visual Analysis”; \$1,899,691. Miriah Dawn Meyer, Principal Investigator.
57. University of Utah – NIH Natl inst Deaf & Other Comm Disorder; “Vocal Ligament”; \$3,040,000. Ingo R Titze PhD, Principal Investigator.
58. Utah State University – US National Science Foundation; “Collaborative Research: Impacts of hard/Soft Skills on STEM Workforce Trajectories”; \$1,462,866. David Frank Feldon, Principal Investigator.
59. Utah State University – National Institutes of Health; “The Gray Matters Intervention: Using Mobile Technology to Reduce Risk Factors for Alzheimer’s Disease in Midlife”; \$3,570,557. Joann T Schanz, Principal Investigator.
60. Utah State University – National Institutes of Health; “Mathematical modeling of gut microbial interactions, trimethylamine production and cardiovascular disease risk”; \$1,236,068. Clara Euna Cho, Principal Investigator.
61. Utah State University – US Dept of Htlh and Hum Svcs – Health Resources and Services Administration; “National Technical Resource Center for Newborn Hearing Screening and Intervention”; \$1,190,435. Karl R White, Principal Investigator, Will D Eiserman & Karen F Munoz, Co-investigators.

62. Utah State University – US National Science Foundation; “ILUMINATES, and Integrated Luminescence Instrumentation Network for Advancement & Training in Earth Science”; \$2,395,043. Tammy m Rittenour, Principal Investigator.
63. Utah State University – US National Science Foundation; “CNHS-L: The Long-term Stability of Agroecological Systems: Implications for Sustainable Agriculture”; \$1,589,641. Jacob C Freeman, Principal Investigator, Noelle Gabriele Beckman, Co-investigator.

C. Awards

1. University of Utah – NIH National Inst Child Hlth & Human Dev; “Dean U01 CPCCRN Renewal 2014”; \$2,500,000. J Michael Dean, Principal Investigator.
2. University of Utah – DHHS Centers For Disease Control & Prev; “Shepherd: Urgent Care”; \$1,200,000. Matthew H Samore, Principal Investigator
3. University of Utah – Army Medical Research Acquisition Actvty; “Early Sacral Nerve Stimulation”; \$1,755,796. Jeremy B Myers, Principal Investigator.
4. University of Utah – National Science Foundation; “Reproducible Visual Analysis”; \$1,899,692. Miriah Dawn Meyer, Principal Investigator.
5. University of Utah – Army Research Office; “Alliance for Multiscale Modeling of Electronic Materials”; \$1,995,000. Robert Michael Kirby II, Principal Investigator.
6. Utah State University – US Department of Health; “National Resource Center for Early Hearing Detection and Intervention Programs”; \$1,190,400. Karl R White, Principal Investigator.

D. Academic and Student Affairs Items

Action Items:

7 Year Review

- University of Utah – Department of Psychology
- University of Utah – Department of Geology & Geophysics

Information items:

- Utah State University – Associate of Applied Science in Surgical Technology
- Weber State University – Bachelor of Science in Economics and Legal Studies
- Weber State University – Bachelor of Science in International Economics
- Weber State University – Bachelor of Science in Quantitative Economics

- Southern Utah University – Associate of Applied Science in Aviation Maintenance Technician
- Utah Valley University – Associate of Applied Science in Web Design and Development
- Dixie State University – Bachelor of Arts/Science in Marketing
- Dixie State University – Master of Athletic Training
- Dixie State University – Master of Arts in Technical Writing and Digital Rhetoric

Notification Items:

New Program

- University of Utah – Emphasis in Accounting within the BS in Quantitative Analysis of Markets & Organization
- University of Utah – Emphasis in Communication Studies within the BA/BS in Communication
- University of Utah – Emphasis in Cultural Anthropology within the BA/BS in Anthropology
- University of Utah – Emphasis in Journalism within the BA/BS in Communication
- University of Utah – Emphasis in Strategic Communication within the BA/BS in Communication
- University of Utah – Minor in Special Education
- Utah State University – Certificate of Completion in Ranch Horse Science
- Utah State University – Emphasis in Applied Mathematics within the BS in Mathematics
- Utah State University – Emphasis in Community-Based Family and Consumer Sciences Education within the BS in Family and Consumer Sciences Education
- Utah State University – Emphasis in Farm and Ranch Operations within the Agricultural Systems Technology degree
- Utah State University – Emphasis in Human Resource Management within the BA/BS in Business Administration
- Utah State University – Emphasis in Operations Management within the BA/BS in Business Administration
- Utah State University – Emphasis in School-Based Family and Consumer Sciences Education within the BS in Family and Consumer Sciences Education
- Utah State University – Emphasis in Social Media within the BA/BS in Journalism
- Utah State University – Minor in Electrical Engineering
- Utah State University – Post-Baccalaureate Certificate in Elementary Mathematics Specialist
- Weber State University – Certificate of Proficiency in Forensic Science Fundamentals
- Weber State University – Certificate of Proficiency in Web Essentials
- Weber State University – Emphasis in Educational Leadership within the Master of Education
- Weber State University – Emphasis in Family Life Education within the Master of Education
- Weber State University – Emphasis in Higher Education Leadership within the Master of Education
- Weber State University – Emphasis in Outdoor Recreation Entrepreneurship within the BS in Outdoor and Community Recreation Education
- Weber State University – Minor in Localization
- Southern Utah University – Emphasis in Event Planning and Management within the BA/BS in Hotel, Resort and Hospitality Management

- Southern Utah University – Emphasis in Special Education within the Master of Education
- Southern Utah University – Minor in Event Planning and Management
- Dixie State University – Certificate of Proficiency in Biotechnology
- Dixie State University – Minor in Non-Profit Management
- Utah Valley University – Emphasis in Full-Stack Web Development within the BS in Computer Science
- Utah Valley University – Emphasis in Higher Education Leadership within the Master of Education
- Utah Valley University – Emphasis in Technology Management within the Master of Business Administration

Name Change

- Utah State University – BA/BS in Business Administration to BA/BS in Management
- Utah State University – BA/BS in Land, Plant, & Climate Systems to BA/BS in Soils and Sustainable Land Systems
- Utah State University – BS in Agricultural Communication and Journalism to BS in Agricultural Communication
- Utah State University – MS in International Food and Agribusiness to MS in Agribusiness
- Weber State University – Department of Athletic Training and Nutrition to Department of Exercise and Nutrition Sciences
- Weber State University – Department of Construction Management Technology to Department of Construction & Building Sciences
- Weber State University – Department of Engineering to Department of Electrical and Computer Engineering
- Weber State University – Department of Health Promotion and Human Performance to the Department of Health, Physical Education and Recreation
- Weber State University – Master of Education in Curriculum and Instruction to Master of Education with an emphasis in Curriculum and Instruction
- Utah Valley University – Certificate of Proficiency in Civil Design to Certificate of Proficiency in Civil Design and Surveying Technology
- Utah Valley University – Department of Automotive Technology to Department of Transportation Technologies
- Utah Valley University – Emphasis in Journalism to Emphasis in Journalism and Media Studies within the BA/BS in Communication
- Utah Valley University – Emphasis in Cinema to Emphasis in Cinema and Media Studies within BA/BS in Integrated Studies
- Utah Valley University – Minor in Cinema Studies to Minor in Cinema and Media Studies
- Salt Lake Community College – Division of Health and Lifetime Activities to Division of Exercise Science

Name Change/Program Restructure

- Utah State University – MA/MS in American Studies to MA/MS in Folklore and American Studies

Administrative Unit Restructure/Name Change

- Weber State University – Engineering Technology Department will be split into two departments:
 1. Manufacturing and Systems Engineering Department with the following programs: AAS in Controls Technology, AAS in General Technology, Certificate in Solar Photovoltaic Systems, AAS/BS in Manufacturing Engineering Technology, BS in Manufacturing Systems Engineering, and AAS/BS in Product Design and Development
 2. Mechanical Engineering Department with the following programs: AAS/BS I Mechanical Engineering Technology; APE in Pre-Engineering; and BS in Mechanical Engineering
- Weber State University – Engineering Department will be renamed Electrical & Computer Engineering Department with the following programs: AAS/BS and Minor in Electronics Engineering Technology; MS/MS in Electrical Engineering; BS/MS in Compute Engineering
- Southern Utah University – Department of Teacher Education and Family Development divided into Department of Teacher Education and Department of Family Life and Human Development

Program Restructure/Program Transfer

- Utah Valley University –Minor in Environmental Studies moving from Department of Interdisciplinary Studies to Department of Philosophy and Humanities

Program Restructure/Name Change

- Dixie State University – Emphasis in Digital Forensics to Emphasis in Digital Defense and Security within the BA/BS in Criminal Justice

Program Restructure/Discontinuation/New Program/Name Change

- University of Utah – BS in Mechanical Engineering
 - Discontinuation of Emphasis in Modeling
 - New Emphasis in Sustainable Energy Engineering
 - New Emphasis in Industrial Engineering
 - Name change of Emphasis in Fluid Mechanics to Emphasis in Fluid Systems Engineering
 - Name change of Emphasis in Thermal Science and Energy to Emphasis in Thermal Systems Engineering

Program Restructure

- University of Utah – BS in Health Promotion and Education and BS in Kinesiology combined into a single BS in Health and Kinesiology with Emphases in Community Health Education, Emergency Medical Services, Nuclear Medicine Technology, Health and Physical Education Teaching, and Kinesiology
- University of Utah – MS in Health Promotion and Education and MS in Kinesiology combined into a single MS in Health and Kinesiology
- University of Utah – PhD in Health Promotion and Education and PhD in Kinesiology combined into a single PhD in Health and Kinesiology

Program Transfer

- Weber State University – AAS, BS, and Minor in Electronics Engineering will move to the Electrical and Computer Engineering Department
- Weber State University – AAS and BS in Mechanical Engineering Technology will move to the new Mechanical Engineering Department
- Weber State University – BS in Athletic Therapy moved from the Department of Health Promotion & Human Performance to the Department of Athletic Training
- Weber State University – BS in Athletic Training moved from the Department of Health Promotion & Human Performance to the Department of Athletic Training
- Weber State University – BS in Exercise and Sport Science with Emphases in Exercise Science and Fitness Professional moved from the Department of Health Promotion & Human Performance to the Department of Exercise and Nutrition Sciences
- Weber State University – Emphasis in Exercise Science within the Bachelor of Integrated Studies moved from the Department of Health Promotion & Human Performance to the Department of Exercise and Nutrition Sciences
- Weber State University – Mechanical Engineering program will move to the new Mechanical Engineering Department
- Weber State University – MS in Athletic Training moved from the Department of Health Promotion & Human Performance to the Department of Athletic Training
- Weber State University – Pre-Engineering program will move to the new Mechanical Engineering Department

New Administrative Unit

- Weber State University – Department of Athletic Training

Program Discontinuation

- Weber State University – Emphasis in Criminal Justice within the BS in Forensic Science
- Weber State University – Emphasis in Economics and Legal Studies within the BS in Economics
- Weber State University – Emphasis in International Economics within the BS in Economics
- Weber State University – Emphasis in Quantitative Economics within the BS in Economics

New Institute

- Utah State University – I-System Institute for Transdisciplinary Studies

New Center

- Utah State University – Center for Student Analytics
- Weber State University – Matthew S. Browning Center for Design
- Weber State University – Wadman Center for Excellence in Construction & Building Sciences

Pursuant to authority granted the Commissioner by the Utah State Board of Regents, the following Strategic Workforce Investment proposals for FY2020 received a letter from the Commissioner indicating support of the Board.

USHE Institution	Lead Applicant	Educational Partners	Proposed Project	Brief Description of Proposed Project	Funding Request
UU	UU	None identified	Stackable software development post-baccalaureate certificates	Project will develop and implement four stackable post-baccalaureate certificates in software development that when completed will fulfill all requirements for the UU's Master of Software Development degree. Students with a bachelor's degree in any discipline may enroll.	Three year request: First year \$193,204.74; Second year \$203,732.43; Third year \$244,190.90
USU	Joint application-USU and Bridgerland Technical College	USU, Bridgerland Technical College, Ogden-Weber Technical College, Davis Technical College, Mountainland Technical College,	Core IT	By vertically aligning curriculum from tech colleges to USU this project will develop stackable credential pathways (certificates through master's degree) to serve software development and information technology workforce needs in Box Elder, Cache, Rich, Weber, Davis, and Utah counties.	\$370,000 on-going
USU	Joint application-USU and Uintah Basin Technical College	USU, Uintah Basin Technical College	Geoscience Technology Workforce Pathways	Project will develop a stackable credential pathway that leads to a baccalaureate degree with a new emphasis in geoscience technology.	\$197,775 on-going; \$92,800 one-time
USU	Bridgerland Technical College	USU, Uintah Technical College	Life Sciences Pathway for Veterinary Technology	Project will develop of a stackable credential pathway in veterinary technology that will lead to a new AS degree and can culminate in a doctorate degree.	\$341,500

USU	Davis Technical College	USU, Morgan School District	Outdoor Product Design & Development Pathway	Project will develop two multi-functional labs at Morgan High School to support courses linked to outdoor product curriculum. Courses link to certificate program at Davis Technical College which will stack into a bachelor degree at USU and associate degrees at other institutions.	\$140,000 on-going; 300,000, one-time
USU- Moab	Utah State University-Moab	USU-Moab, Grand County School District	Welding Career Pathway	Project will develop a welding career pathway with focus on the outdoor products industry ranging from certificates to baccalaureate degrees.	\$187,815
WSU	WSU	Davis School District, Granite School District, Weber School District	Automotive Technology-Electric and Hybrid Vehicles	Project will expand electric and hybrid vehicle training into high schools and will develop stackable credentials through the baccalaureate level.	\$275,000 on-going
WSU	WSU	Davis Technical College, Davis School District, Morgan County School District, Ogden-Weber Technical College, Ogden School District, Weber School District	Building Design and Construction	Project will develop and implement a stackable credential pathway that incorporates work based learning for the construction and design industries. Courses can be taken in high school or the technical colleges and will count toward completion of credentials through the master's degree level at WSU.	\$260,000 on-going
WSU	WSU	Davis Technical College, Davis School District, Morgan County School District, NUAMES Charter School, Ogden-Weber Technical College, Ogden School District, Weber School	Cybersecurity	Project will develop and implement a stackable credential pathway in Cybersecurity. Pathway consists of a certificate in cybersecurity that leads to AAS and BS degrees. Includes partnership with SLCC to deliver BS program at the SLCC Taylorsville Campus as	\$295,000 on-going, \$70,000 one-time

		District, Salt Lake Community College		well as at the WSU campus in Ogden.	
DSU	Dixie Technical College	DSU, Washington School District	Nursing	Project will develop and implement a stackable credential pathway in nursing that begins in high school and continues through the technical college and DSU.	\$220,000, ongoing
SLCC	SLCC	Granite School District	Automation and Robotics Pathway	Project will develop and implement stackable a credential pathway that begins in high school and leads to certificates and associate and baccalaureate degrees in areas related to automation, robotics, and advanced manufacturing.	\$249,686 annually for three years

E. Pursuant to Regent Policy R853 and R854, the Board of Regents grants the position of Regents Professor to Commissioner David L. Buhler, effective January 1, 2020 through December 31, 2023.

F. Revision to Policy R602, Bylaws of the Utah Higher Education Assistance Authority Board of Directors (Attachments)

These minor revisions update the UHEAA Board of Directors bylaws. Changes include expanded options for membership of the Board of Directors, minor changes to the makeup of the executive committee, and the elimination of a standing committee that the Board of Directors has not used in practice for several years.

G. Revision to Policy R928, Leaves of Absence (Health-Related) (Attachments)

The Commissioner has revised R928 to include an option for paid parental leave. This new addition is modeled after the University of Utah's recently adopted parental leave policy.

David L. Buhler
 Commissioner of Higher Education

STATE BOARD OF REGENTS
SNOW COLLEGE, EPHRAIM, UTAH
FOUNDER HALL, NOYES BUILDING
JANUARY 11, 2019

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STATE BOARD OF REGENTS
SNOW COLLEGE, EPHRAIM, UTAH
FOUNDERS HALL, NOYES BUILDING
JANUARY 11, 2019

COMMITTEE OF THE WHOLE
MINUTES

Regents Present

Harris H. Simmons, Chair
Nina R. Barnes, Vice Chair
Jessellie B. Anderson
Dan W. Campbell
Sanchaita Datta
Marlin K. Jensen
Ron Jibson
Patricia Jones
JaKell Larson
Steven Lund
Robert W. Prince
Mark R. Stoddard
Teresa Theurer
Thomas E. Wright

Regents Absent

Wilford W. Clyde
Robert S. Marquardt
Cristina Ortega

Office of the Commissioner

David L. Buhler, Commissioner of Higher Education

Snow College Trustees

Rick Robinson
Erma Kaye
Leslie Kiesel
Scott Bushnell

Chair Simmons called the meeting to order at 8:05 a.m.

It was moved by Regent Stoddard and seconded by Regent Jibson to meet in Executive Session for the sole purpose of discussing the character and professional competence of the applicants for the Snow College Presidential Search. The motion carried.

Chair Simmons called the Committee of the Whole to order again at 5:40 p.m.

Acknowledgements

Chair Simmons began by recognizing President Carlston's service to Snow College, saying he has led the institution for over five years, focusing on high-quality teaching, student engagement, and affordability. The Board of Regents is grateful for his service, and that of his wife Janet. He recognized the efforts of the search committee, chaired by Regent Mark Stoddard and Trustee Chair Scott Bushnell.

He then turned the time over to Regent Stoddard and Trustee Bushnell. Regent Stoddard thanked the committee for their work. Trustee Bushnell thanked President Carlston for his work at Snow College. He

said attending Snow College changed his life and thanked all those involved in making Snow College successful.

Snow College Presidential Appointment

Regent Stoddard moved to appoint Dr. Bradley J Cook as the 17th president of Snow College; it was seconded by Regent Theurer and the motion carried unanimously (Regent Anderson left prior to the evening session of Committee of the Whole).

Chair Simmons introduced President Cook and said he is a dynamic and proven leader who has a commitment to student engagement and high-quality academic opportunities. He currently serves as Provost at Southern Utah University, and is an alum of Snow College. He has worked to establish SUU as a national leader in student-centric, highly applied learning environments, and has advanced an agenda of internationalizing the university. Under his leadership, SUU has achieved record high student success rates, created over 25 new academic programs and centers, and elevated SUU's academic reputation as one of the premier public regional universities in the western United States. Prior to his current position, he served as President of the Abu Dhabi Women's College in the United Arab Emirates, and eight years at then-Utah Valley State College as Vice president of College Relations and later as Vice President of Academic Affairs. His accomplishment thought his career show President Cook will ensure Snow College continues on its upward trajectory.

President Cook said he is excited for this opportunity and what we can accomplish together on this campus. He feels honored to be selected for this position, at this amazing institution that gave him his start and believed in him. He said he owes a lot to Snow College and commits to giving back. He thanked the Board of Regents, Chair Harris, and Commissioner Buhler for their confidence in him, and looks forward to working together within the USHE as we advance the well-being of our amazing state. He looks forward to working with the Board of Trustees, faculty, students, and staff. We will work together to build upon Snow's rich history and the tradition of Snow. He thanked President and Janet Carlston for their service. He is committed to working closely with the communities, maintaining the special bond the college has with the many communities they serve. He said most of all he is proud of the students who elevate the work of the college as they pose questions that challenge our assumptions and push us. We must prepare this generation for a world that is changing, and changing in ways that we do not yet always see clearly ourselves. He went on to say he commits his dedication and energy, and above all his passion for the task ahead and welcomes the opportunity to be a part of the Snow College family and to contribute to the progress of Utah. He closed saying "Let's be bold, let's be imaginative, let's be creative and innovative, let's be smart, let's work hard, and most of all let us continue to keep students and their successes at the very heart of our enterprise."

Commissioner Buhler congratulated President Cook and said we are excited for his leadership at Snow College.

On a motion from Regent Theurer and seconded by Regent Larson, the Committee of the Whole adjourned at 5:58 p.m.

Loreen Olney, Executive Secretary

STATE BOARD OF REGENTS
UTAH VALLEY UNIVERSITY, OREM, UTAH
STUDENT CENTER
JANUARY 25, 2019

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STATE BOARD OF REGENTS
UTAH VALLEY UNIVERSITY
STUDENT CENTER
FRIDAY, JANUARY 25, 2019

COMMITTEE OF THE WHOLE
MINUTES

Regents Present

Harris Simmons, Chair
Nina R. Barnes, Vice Chair
Jesselie B. Anderson
Wilford W. Clyde
Sanchaiti Datta
Marlin K. Jensen
Patricia Jones
JaKell Larson
Steve Lund
Robert S. Marquardt
Cristina Ortega
Robert W. Prince
Teresa L. Theurer

Regents Absent

Daniel W. Campbell
Ron Jibson
Mark Stoddard
Thomas E. Wright

Office of the Commissioner

David L. Buhler, Commissioner of Higher Education
Elizabeth Hitch, Associate Commissioner of Academic Affairs
Kimberly L. Henrie, Associate Commissioner for Planning, Finance and Facilities

Institutional Presidents Present

Ruth Watkins, University of Utah
Noelle Cockett, Utah State University
Scott L Wyatt, Southern Utah University
Astrid S. Tuminez, Utah Valley University
Richard B. Williams, Dixie State University
Deneece G. Huftalin, Salt Lake Community College
Brad Mortensen, Weber State University
Gary Carlston, Snow College

Other Commissioner's Office and institutional personnel were also present. The signed role is on file in the Commissioner's Office.

Discussion – Legislative issues

This was a discussion about the upcoming legislative session. Regent Jones began by saying she, along with the communication committee, feels like the best use of their time is to focus on building relationships and credibility. The top four items Regents will be focusing on this year are Statewide College Advisors, College Access Scholarship, Capitol Facilities, and Prior Learning and Transfer. She feels most

Legislators understand the importance of higher education. She also noted the College Access Scholarship is something that is very important to Regents and the committee whole-heartedly endorses. Regent Larson expressed the importance of the Statewide College Advisors and feels this goes hand in hand with the College Access Scholarship. Regent Jones turned the time over to Representative Owens to share information and ideas on the College Access Scholarship.

Representative Owens said he would like to work with Regents on this scholarship. The idea is to help disadvantaged students that are being left behind. He believes the Regents' Scholarship has become an entitlement instead of helping those in need. He would like to discontinue the Regents' and New Century Scholarship programs and implement the College Access Scholarship. This scholarship would be limited to public institutions and would be granted for up to four semesters. He said this would change financial aid across the state.

Regent Theurer applauded Representative Owens, Regent Marquardt agreed. President Watkins said this is the right thing to do and supports it. Representative Owens said the institutions and not Regents should handle the distribution and service of the scholarship. Regent Jones ask Tami Pyfer what the Governor thought of this program. Tami Pyfer said they are excited about the direction. The Governor has set aside 50 million dollars in one time money to put into an endowment for this very purpose. They have not seen the bill yet, so she cannot say they will be supporting it; however she can say this concept is exactly what the Governor had in mind. She said they also have 6 million for the Regents' Statewide College Advisors and 30 million for school counseling, which would include mental health, school nurses, social workers, and anything that supports mental health for K-12 in the budget.

Commissioner Buhler thanked Representative Owens for his leadership and said this is a great direction. He clarified that students already awarded the Regents' and New Century Scholarship would continue to receive the scholarship as they phased out the programs.

President Mortensen gave a brief description of Weber's Dream Weber program. This program comes at a cost of 1 million annually for Weber. He noted students complete at a higher rate and faster because they know they only have eight semesters in the program. President Mortensen said, "It changes lives".

President Huftalin spoke about SLCC's Promise program. This comes at a cost of just under \$900,000 annually. She noted students are reluctant to complete FASA, however when they know money is on the line, they complete the FASA. The Promise program requires students to be full time and this changes behavior. SLCC is seeing GPA and retention gains for Promise students as well as an increased number of underserved students.

Regent Jones moved to a bill Senator Millner is working on for capital facilities, which establishes ongoing funding. Associate Commissioner Kimberly Henrie noted this would be an ongoing source of funding of about 100 million dollars. Capital Facilities would still require the Board of Regents approval. This would not change the process, but it is a change in philosophy. This takes the conversation from how to get money; to how do we use the money. Institutions will be more keen on identifying buildings that fit within their budget. Chair Simmons said the current program incentivizes institutions to bring forth marquee projects, when the real need may be more renovation projects. This allows that to happen.

There was conversation about how the new bill will affect the process of asking for buildings and the use of on-going funding; what will the criteria be etc. Chair Simmons said this allows for flexibility and planning. The change would allow institutions to ask for their share of money to build smaller buildings, make renovations, and become more efficient. Commissioner Buhler will continue to work with Senator Millner and share concerns. Regent Jones asked that Presidents give input in writing to Commissioner Buhler.

Regent Jones said the last item she wanted to talk about is Representative Val Peterson's bill for Prior Learning and Transfer. Representative Peterson said this asks Regents to establish a statewide plan and policies that will allow credit to be awarded for prior learning and the transfer of credit. It also asks each institution to report annually to Regents. President Huftalin said this seems to focus on prior learning, but believes it should strengthen language on seamless transfer. Chair Simmons said this is an important priority and something we need to focus on.

Chair Simmons thanked Regent Jones and the committee for their time and work on this. He encouraged everyone to be active during the legislative session.

Chair Simmons called the meeting to order at 1:22 p.m.

President's Report

President Tuminez said she would be reporting on a few of UVU's highlights, beginning with the Annual Scholarship Ball, which raised \$248,855. During this event, she announced a new initiative called First Generation Student. Other highlights include Talk with Tuminez, a broadcast streamed on YouTube. Students ask questions at the end of the broadcast; this is a way to encourage engagement and bring the community together. She also highlighted various student groups. She went on to talk about additional achievements including: UVU celebrating its 10 year anniversary at Capitol Reef and indicated a new building is near completion; the Museum of Art and Learning Center will open in 2020; the Noorda Center for the Performing Arts is now open; the recently changed maternity policy that includes six weeks of paid leave; and UVU is continuing to strengthen an improve leadership.

The leadership team has established a digital transformation taskforce. The mandate to this taskforce is to come up with the principles that will guide digital transformation. The importance of this is simplicity, enhance productivity, and improve security.

President Tuminez said the core of UVU is the Dual Mission, and this represents what UVU is trying to do, which is diversity and opportunity in a very real way. This is relevant education for the 21st century; a non-prejudicial approach, emphasis on access and affordability, no linear degree completion, a gamut of options delivered well with a focus on student success. Retention rates are improving and UVU has made a commitment to raise graduation rates to 45% by 2025. Graduates of color have increased by 362 percent. The committee for completion is looking at re-envisioning a holistic undergraduate experience as well as high impact practices.

President Tuminez asked "What values will we build our culture on: Exceptional Care, Exceptional Accountability, and Exceptional Results." She touched on mental health and said at UVU the ratio of care is 1 to 3000, and while that is not great, the story is more than just ratios. It is also about the culture of

care, holistic approach, and mixed modalities. The action commitments of UVU are Include, Engage, and Achieve.

Consent Calendar (TAB M)

On a motion by Regent Theurer and seconded by Regent Prince the following items were approved on the Regents' General Consent Calendar

- A. Minutes – Minutes of the Board meeting November 15 & 16, 2018, Dixie State University, St George, Utah; December 6, 2018, Weber State University, Ogden, Utah.
- B. Grant Proposals
- C. Awards
- D. Academic and Student Affairs Items

Statewide College Advisors Update (TAB N)

Regent Jones said many different entities are wrapping their arms around this initiative and turned time over to the Commissioner. Commissioner Buhler briefly reviewed the program. The Commissioner's office has reprioritized one million dollars and will take the program from the current 12 high schools to 33 high schools. The additional schools were selected based on the high schools with the greatest need. By summer of 2020, advisors and regional coordinators will be hired. The expected impact is an increase in college enrollments, increase in completing, and a 16 percent increase in wages. He shared a video about the program.

Superintendent Todd McKee spoke about the need for this program and noted there is always a group of students who are unsure of where to go and what to do with their life. He believes this is an opportunity to help students without the knowledge and background on how to make the transition from high school to college. Commissioner Buhler said the timeline for this program is to include 33 high schools for 2019, 50% of Utah high schools by 2020 and 100% of Utah high schools in 2021. He said this program is supported by the Salt Lake Chamber of Commerce, Governor's Education Excellence Commission, Utah State Board of Education, Utah Valley Chamber of Commerce and many others, and we are continuing to gain support. Regent Theurer asked what the plan is to find counselors. Spencer Jenkins said we are looking for recent graduates with bachelor degrees. This is a good starting point for getting into the workforce and is confident we will find qualified counselors. Regent Ortega said she feels like everything is aligning for this program and said it is like we are rolling out the red carpet for students. Regent Barnes said she is thrilled with the opportunity to tap into federal money that Utah students are currently leaving on the table. This is an information item only; no action was taken.

Approval of Amendments to 2019-20 Operating Budget Request (TAB O)

Commissioner Buhler noted that since the operating budget request was approved in September, both Snow College and Weber State University have changed their priorities. **Regent Clyde made a motion to approve as outlined in TAB O; the motion was seconded by Regent Lund and the motion passed.**

Approval of Legislative Priorities for 2019 (TAB P)

Commissioner Buhler noted the major policy areas, as previously discussed earlier in the day are: Statewide College Advisors, College Access Scholarship, Capitol Facilities, and Prior Learning and Transfer. He also noted the Communications Committee has been working on an advocacy strategy, will

be holding weekly calls, and will advise the Regents' Executive Committee if needed. This action is to reaffirm the budget and legislative priorities and directs the Regents, Commissioner, Presidents, and staff to work as a united front with the legislature, and authorizes the Commissioner to act on behalf of the Board of Regents in consultation with the strategic communications committee and Board leadership on issues as they emerge during the session. **Regent Jones made a motion to approve as outlined in TAB P; the motion was seconded by Regent Datta and the motion passed.**

System Metrics and Institutional Goals (TAB Q)

Commissioner Buhler noted at the November meeting, the Board adopted seven metrics. Working with the Presidents it was determined that institutional goals are appropriate for five of the metrics; the other two metrics should be system metrics. Commissioner Buhler is recommending refining the goal for the affordability metric to better align with mission specific goals of the institution. It will delineate by type of institution: research universities, regional universities and community colleges. He is also recommending adding access by gender and ethnicity, timely completion using the national standard measure, which is IPEDS, and workforce will add elementary and secondary education and mental health professions. If approved, we will come back in March with institutional goals to go along with the new system goals. Institutions have suggested and he is recommending four institution specific metrics: 1) SLCC transfer conversion rate, as a pilot, and if works well will likely extend to Snow College; 2) University of Utah and Utah State University, a research metric; 3) University of Utah Hospital and Clinics, a quality metric; 4) Utah State University, an extension service metric. If adopted, these will be finalized for Board approval in March. **Regent Barnes made a motion to approve as outlined in TAB Q; the motion was seconded by Regent Theurer and the motion passed.**

2018 Annual Report (TAB R)

Commissioner Buhler noted this provides a summary of major issues and accomplishments over the last calendar year. Commissioner said his recommendation is to adopt the annual report with any adjustments the Regents deem necessary. This will include suspend activities related to staff working on the Utah College Acceptance Letter until we have the Statewide College Advisors fully implemented; direct the Commissioner to bring a work plan for the Commissioner's office for fiscal 2020 to the Regents; and begin development of an updated strategic plan based on the research efforts of the Gardner Policy Institute. **Regent Anderson made a motion to approve as outlined in TAB R; the motion was seconded by Regent Barnes and the motion passed.**

Academic and Student Affairs

Revision of Policy R165, *Concurrent Enrollment* (TAB A)

Regent Theurer noted these policy changes address legislative changes from last year.

Regent Theurer made a motion to approve as outlined in TAB A; the motion was seconded by Regent Ortega and the motion passed.

Revised Regent Mental Health Recommendations (TAB B)

Regent Theurer recommends approving the changes with the addition of bringing back the mental health committee, possibly adding additional Regents, and moving forward with discussion on mental health issues with our USHE institutions. **Regent Theurer made a motion to approve as outlined in TAB B; the motion was seconded by Regent Jensen and the motion passed.**

Engineering and Computer Technology Initiative Annual Report (TAB C)

This is an information item only; no action was taken.

Update on Utah College Acceptance Letter

Regent Theurer noted this has been put on hold while we work on other items.

This is an information item only; no action was taken.

Career and Technical Education Annual Report (TAB D)

Regent Theurer noted USHE institutions provide 75% of the Career and Technical Education in the state.

This is an information item only; no action was taken.

Transfer and Articulation Discussion Continuation and Next Steps

Regent Theurer noted there was a lot of discussion on this and there will be continued discussion.

This is a discussion item only; no action was taken.

Finance and Facilities

USHE – Operating Expenditures and Revenues Report (TAB E)

Regent Anderson noted this was a discussion highlighting the revenues and expenditures over the last four years for the system and by each institution. The committee will continue to examine this issue over the next several meetings and look to identify ways in which the system can assist in developing cost effective solutions to managing the costs of higher education within the state.

This is an information item only; no action was taken.

Utah Valley University – Campus Master Plan Amendment (TAB F)

Regent Anderson noted UVU is requesting approval of their updated Master Plan that was last approved on November 18, 2016 and includes two revisions from the prior plan: the gift of Lakemount Manor and the future expansion opportunities north of campus. **Regent Anderson made a motion to approve as outlined in TAB F; the motion was seconded by Regent Clyde and the motion passed.**

University of Utah – Golf Training Facility Non-State Funded Project (TAB G)

Regent Anderson noted the U is requesting authorization to proceed with a non-state funded project to construct a new 6,000 square-foot golf training facility for the Men's Golf athletic program south of campus on Guardsman Way using \$2,497,293 of donations and institutional funds.

Regent Anderson made a motion to approve as outlined in TAB G, with the expectation that the Women's Golf program, if approved, consider future accommodations and report to the Regents if necessary; the motion was seconded by Regent Datta and the motion passed.

University of Utah – Trustee Property Disposal (TAB H)

Regent Anderson noted the U is required by policy to notify the Board of Regents that its Board of Trustees approved the disposal of a condominium gifted to the University for the appraised value of \$185,000 in the November 2018 meeting. This is an information item only; no action was taken.

USHE – Space Utilization Report 2017-18 (TAB I)

Regent Anderson noted the committee received the first annual USHE space utilization report required by the Regent policy adopted in March 2018 that included institutional classroom and laboratory utilization information as well as institutional reporting of goals and accomplishments in meeting Regent-adopted utilization standards. Assistant Commissioner Amon provided a brief presentation highlighting the content of the report. This is an information item only; no action was taken.

Report of Auxiliary Enterprise Operations (TAB J)

Regent Anderson noted this is an annual analysis report on the financial health of the institution's auxiliary enterprises including housing, campus stores, food service, and student centers at each USHE institution. Overall, USHE institution auxiliary services are operating in a positive financial position and is expected to continue to be positive into FY2019. This is information item only; no action was taken.

USHE – Annual Report on Institutional and Revenue Bond Indebtedness (TAB K)

Regent Anderson noted this annual report highlights key information related to the \$1.3 billion of USHE revenue bonds that were outstanding as of June 30, 2018. The Commissioner's staff reaffirmed all bonds are being retired on schedule with debt service requirements being met or exceeded in every case. This is an information item only; no action was taken.

USHE – 2019 Data Book Update (TAB L)

Regent Anderson reported that the annual USHE data book has been updated for the 2019 calendar year and is posted on the USHE website along with all previous versions of the data book. The data book highlights key education data statistics regarding student enrollment, degrees and certificates awarded, financial aid and tuition rates, financial information and comparison, annual costs reports, staffing reports and facilities inventories for the system and each USHE institution. This is an information item only; no action was taken.

Regent Larson motioned to move into executive session for the sole purpose of discussing the character, professional competence, or physical or mental health of individuals. The motion was seconded by Regent Barnes and the motion carried. Regent Anderson made a motion to close executive session; the motion was seconded by Regent Larson and the motion carried.

The meeting adjourned at 4:28 p.m.

Loreen Olney, Executive Secretary

Date Approved: March 29, 2019

R602, Bylaws of the Utah Higher Education Assistance Authority Board of Directors¹

R602-1. Purpose: To provide bylaws for the Utah Higher Education Assistance Authority Board of Directors.

R602-2. References

- 2.1. Utah Code Title 53B, Chapter 12 (Higher Education Assistance Authority)
- 2.2. Policy and Procedures R601, Board of Directors of the Utah Higher Education Assistance Authority
- 2.3. Policy and Procedures R565, Audit Review Subcommittee
- 2.4. Policy and Procedures R567, Internal Audit Program

R602-3. Policy

3.1. Article I: Objectives and Purposes

3.1.1. Separation of functions: In order to carry out the obligation of separation of functions required by Section 53B-12-102 of the 1953 Utah Code Annotated, the Utah State Board of Regents (SBR) has adopted its Policy R601, herein incorporated by reference. Policy R601 establishes the Board of Directors for the Utah Higher Education Assistance Authority (UHEAA), the members of which are appointed by and serve at the pleasure of the Board of Regents, to exercise delegated responsibility for oversight and governance of the student financial aid programs on behalf of the Board of Regents.

3.1.2. Name of the Board: The name of the Board shall be the Utah Higher Education Assistance Authority (UHEAA) Board of Directors (the Board).

3.2. Article II: Meetings and Procedures

3.2.1. Meetings: The Board shall annually establish a published schedule of regular meetings for the following fiscal year, to include at least one meeting in each quarter of the year. The Board shall meet as needed at additional times, at the call of the Chair or at the request of a majority of the Board members. Meeting times and locations shall be published, and meetings shall be conducted, in accordance with notification and open meetings provisions of Utah law. The Board may meet in executive session under the conditions and for the purposes authorized by the Utah Open and Public Meetings Act (Utah Code Title 52, Chapter 4), provided that all resolutions, rules, regulations, contract approvals, appropriations, and other actions taken shall be taken in open session.

3.2.2. Quorum: A majority of the membership of the Board or any standing committee of the Board shall constitute a quorum. A quorum of the Board or any standing committee shall be present at any meeting at which official actions are taken. Official actions shall be determined by a majority vote of the members present. Members may participate in a meeting of the Board or a

¹ Adopted April 3, 2003, amended January 13, 2004, March 28, 2019.

committee or subcommittee of the Board by means of telecommunications. Members who participate by telecommunications may be counted in the quorum necessary to conduct and transact Board or committee/subcommittee business. Such participation does not alter the requirements of notice, open and public meetings, and other applicable rules of the Board. To hold an electronic meeting, the Board must establish one or more "anchor locations," at least one of which is in the building and city where the Board normally would meet, and where there is adequate space and facilities for interested persons and the public to attend and monitor the open portions of the meeting.

3.2.3. Proxy Voting: Members of the Board may not vote by proxy.

3.2.4. Conduct of Meetings: The order of business and the conduct of meetings of the Board and of standing committees shall be in accord with normal parliamentary procedure.

3.3. Article III: Officers

3.3.1. Officers: The officers of the Board consist of the Chair, the Vice Chair, the Executive Director, the Secretary, and the Treasurer.

3.3.2. Chair: The Chair shall be designated by the Chair of the SBR, shall preside at all meetings of the Board, and shall determine or approve the agenda for such meetings. The Chair may establish special committees as needed to achieve the Board's objectives. In the event the Chair and Vice Chair are unable to attend a meeting, the Chair shall designate a member of the Board to conduct the meeting.

3.3.3. Vice Chair: The Vice Chair shall be designated by the Chair, and shall perform the functions of the Chair in the Chair's absence and perform other functions as requested by the Chair.

3.3.4. Executive Director: The Executive Director shall be the Associate Commissioner for Student Financial Aid appointed by the Utah Commissioner of Higher Education. The Executive Director shall be the Chief Executive Officer of the staff division of the Office of the Commissioner of Higher Education designated as UHEAA, and shall perform in that capacity subject to general direction by the Commissioner and any specific decisions and instructions from the UHEAA Board within its powers delegated from the SBR in Section 3.6 of Policy R601. The Executive Director, in consultation with the Commissioner of Higher Education, shall appoint, organize, direct, and supervise UHEAA staff.

3.3.5. Secretary: The Secretary shall be a UHEAA executive designated by the Executive Director. The Secretary shall be responsible for ensuring that a record of all proceedings of the Board is kept, and that adequate notice of all meetings is provided.

3.3.6. Treasurer: The Treasurer shall be a UHEAA executive designated by the Executive Director and shall be the Chief Financial Officer for all funds managed by UHEAA. The Treasurer shall maintain accounts, process receipts and disbursements, and prepare financial statements and other appropriate financial reports for such funds, and shall serve as the Public Treasurer for the Funds pursuant to the Utah Money Management Act, and SBR Policy R541, Management and Reporting of Institutional Investments.

3.4. Article IV: Fiscal Year: The fiscal year of the Board shall begin on July 1 of each year and shall end on June 30 of each year.

3.5. Article V: Standing Committees and Subcommittee

3.5.1. Student Finance Subcommittee of the SBR Finance, Facilities, and Accountability Committee: Pursuant to Section 3.6.4 of SBR Policy R601, the Board shall elect from its membership a Student Finance Subcommittee and shall designate a Chair from the Subcommittee membership. The Committee shall constitute the Student Finance Subcommittee of the SBR Finance, Facilities, and Accountability Committee and shall be directly responsible, reporting directly to the Board of Regents through its Finance, Facilities, and Accountability Committee, for oversight and advice regarding bond issues and other financing arrangements for the State Board of Regents Loan Purchase Program. (LPP).

3.5.2. Audit Committee

3.5.2.1. Membership: The Board Chair shall appoint at least three members of the Board who are not employees of the Office of the Commissioner of Higher Education (OCHE) to constitute the UHEAA Audit Committee, and shall designate one of the Committee members to serve as its Chair. Members of the Committee shall serve at the pleasure of the Board Chair. At least one member of the Committee shall be a person with substantial chief financial officer or partner-level public auditing experience. However, if no such person is a member of the Board, the Board Chair may appoint as one of the Audit Committee members an individual who is not a member of the Board but possesses such qualification.

3.5.2.2. Meetings: The Committee shall convene at the call of its Chair, with sufficient frequency to carry out effectively its assigned responsibilities.

3.5.2.3. Proactive Oversight: The Committee shall be responsible to seek and review appropriate information as necessary to provide oversight to the financial and accounting transactions of UHEAA and my529; to monitor, assess, and analyze organizational and financial risks and controls; and to confirm compliance with applicable laws, regulations, policies, and procedures.

3.5.2.4. Review Audits: The Committee shall receive and review annual audited financial statements and management letters, internal and external audits, and program reviews applicable to UHEAA and my529 programs and Funds, and may request additional information and reports from the Executive Director or Treasurer or the performance of specific internal or external audits.

3.5.2.5. Review Standards: In reviewing such statements, audits, and other reports, the Committee is charged to pay particular attention to adequacy of internal controls, to any issues regarding appropriate classification of financial transactions in accounting reports, to any findings regarding compliance with applicable legal and regulatory requirements, to any findings requiring specific corrective actions, and to financial trends or issues with implications for the longer-range solvency and health of the funds.

3.5.2.6. Conflicts of Interest: The Committee shall pay specific attention to prevention of conflicts of interest or actions by officers or staff members of UHEAA to obtain personal benefit or advantage from information or authority related to their positions (other than compensation authorized from the budgets of the organization).

3.5.2.7. SBR Guidelines: Absent applicable law or policy to the contrary, the Audit Committee may be guided in its powers and responsibilities by comparable provisions of State Board of Regents Policies, including, but not limited to, R565, Audit Review Subcommittee; and R567, Internal Audit Program.

3.5.2.8. Report to Board of Directors: The Committee shall report regularly to the Board regarding its activities, findings, and any concerns.

3.5.2.9. Committee Relationship to UHEAA Internal Auditor: The UHEAA Internal Auditor reports to the Director of Central Services, but the Audit Committee Chair may consult directly with the Internal Auditor at any time, and the Committee may meet in executive session with the Internal Auditor as provided for in Section 3.5.2. The Chair of the Audit Committee, after appropriate consultations with Committee members, shall participate with staff in periodic performance evaluations of the Internal Auditor, and in any recruitment activities for Internal Audit staff members.

3.5.3. Executive Committee

3.5.3.1. Composition: The Executive Committee shall be composed of the Board Chair and Vice Chair, the immediate past Chair of the Board if still serving on the Board, the chair of the Audit Committee, and one Committee Member at Large appointed by the Board Chair.

3.5.3.2. Authority: The Executive Committee shall have the full authority of the UHEAA Board of Directors to act upon routine matters during the interim between Board meetings, but shall act upon non-routine matters only under extraordinary and emergency circumstances. Actions of the Executive Committee shall be reported to the Board of Directors at its next regular meeting following such actions.

3.5.4. Annual Operating Budgets: The Board will convene as a Committee of the Whole to consider and act on annual (fiscal year) operating budgets.

3.5.5. Definition of Committee Roles: The Board Chair may, from time to time, define or redefine the role and responsibilities of, and may make specific assignments to, a standing committee of the Board.

R602, Bylaws of the Utah Higher Education Assistance Authority Board of Directors¹

R602-1. **Purpose:** To provide bylaws for the Utah Higher Education Assistance Authority Board of Directors.

R602-2. References

- 2.1. Utah Code Title 53B, Chapter 12 (Higher Education Assistance Authority)
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3.1.2. **Name of the Board:** The name of the Board shall be the Utah Higher Education Assistance Authority (UHEAA) Board of Directors (the Board).

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3.2.2. **Quorum:** A majority of the membership of the Board or any standing committee of the Board shall constitute a quorum. A quorum of the Board or any standing committee shall be present at any meeting at which official actions are taken. Official actions shall be determined by a majority vote of the members present. Members may participate in a meeting of the Board or a

¹ Adopted April 3, 2003, amended January 13, 2004, [March 28, 2019](#).

committee or subcommittee of the Board by means of telecommunications. Members who participate by telecommunications may be counted in the quorum necessary to conduct and transact Board or committee/subcommittee business. Such participation does not alter the requirements of notice, open and public meetings, and other applicable rules of the Board. To hold an electronic meeting, the Board must establish one or more "anchor locations," at least one of which is in the building and city where the Board normally would meet, and where there is adequate space and facilities for interested persons and the public to attend and monitor the open portions of the meeting.

3.2.3. Proxy Voting: Members of the Board may not vote by proxy.

3.2.4. Conduct of Meetings: The order of business and the conduct of meetings of the Board and of standing committees shall be in accord with normal parliamentary procedure.

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3.3.3. Vice Chair: The Vice Chair shall be designated by the Chair, and shall perform the functions of the Chair in the Chair's absence and perform other functions as requested by the Chair.

3.3.4. Executive Director: The Executive Director shall be the Associate Commissioner for Student Financial Aid appointed by the Utah Commissioner of Higher Education. The Executive Director shall be the Chief Executive Officer of the staff division of the Office of the Commissioner of Higher Education designated as UHEAA, and shall perform in that capacity subject to general direction by the Commissioner and any specific decisions and instructions from the UHEAA Board within its powers delegated from the SBR in Section 3.6 of Policy R601. The Executive Director, in consultation with the Commissioner of Higher Education, shall appoint, organize, direct, and supervise UHEAA staff.

3.3.5. Secretary: The Secretary shall be a UHEAA executive designated by the Executive Director. The Secretary shall be responsible for ensuring that a record of all proceedings of the Board is kept, and that adequate notice of all meetings is provided.

3.3.6. Treasurer: The Treasurer shall be a UHEAA executive designated by the Executive Director and shall be the Chief Financial Officer for all Funds managed by UHEAA. The Treasurer shall maintain accounts, process receipts and disbursements, and prepare financial statements and other appropriate financial reports for such Funds, and shall serve as the Public Treasurer for the Funds pursuant to the Utah Money Management Act, and SBR Policy R541, Management and Reporting of Institutional Investments.

3.4. Article IV: Fiscal Year: The fiscal year of the Board shall begin on July 1 of each year and shall end on June 30 of each year.

3.5. Article V: Standing Committees and Subcommittee

3.5.1. Student Finance Subcommittee of the SBR Finance, Facilities, and Accountability Committee: Pursuant to Section 3.6.~~f31~~⁴ of SBR Policy R601, the Board shall elect from its membership a Student Finance Subcommittee and shall designate a Chair ~~and Vice Chair~~ from the Subcommittee membership. The Committee shall constitute the Student Finance Subcommittee of the SBR Finance, Facilities, and Accountability Committee and shall be directly responsible, reporting directly to the Board of Regents through its Finance, Facilities, and Accountability Committee, for oversight and advice regarding bond issues and other financing arrangements for the State Board of Regents Loan Purchase Program. (LPP).

3.5.2. Audit Committee

3.5.2.1. Membership: The Board Chair shall appoint ~~five~~ at least three members of the Board who are not employees of ~~UHEAA or~~ the Office of the Commissioner of Higher Education (OCHE) to constitute the UHEAA Audit Committee, and shall designate one of the Committee members to serve as its Chair. Members of the Committee shall serve at the pleasure of the Board Chair. At least one member of the Committee shall be a person with substantial chief financial officer or partner-level public auditing experience. However, if no such person is a member of the Board, the Board Chair may appoint as one of the ~~five~~ four Audit Committee members an individual who is not a member of the Board but possesses such qualification.

3.5.2.2. Meetings: The Committee shall convene at the call of its Chair, with sufficient frequency to carry out effectively its assigned responsibilities.

3.5.2.3. Proactive Oversight: The Committee shall be responsible to seek and review appropriate information as necessary to provide oversight to the financial and accounting transactions of UHEAA and my529; to monitor, assess, and analyze organizational and financial risks and controls; and to confirm compliance with applicable laws, regulations, policies, and procedures.

3.5.2.4. Review Audits: The Committee shall receive and review annual audited financial statements and management letters, internal and external audits, and program reviews applicable to UHEAA and my529 programs and Funds, and may request additional information and reports from the Executive Director or Treasurer or the performance of specific internal or external audits.

3.5.2.5. Review Standards: In reviewing such statements, audits, and other reports, the Committee is charged to pay particular attention to adequacy of internal controls, to any issues regarding appropriate classification of financial transactions in accounting reports, to any findings regarding compliance with applicable legal and regulatory requirements, to any findings requiring specific corrective actions, and to financial trends or issues with implications for the longer-range solvency and health of the ~~F~~unds.

3.5.2.6. Conflicts of Interest: The Committee shall pay specific attention to prevention of conflicts of interest or actions by officers or staff members of UHEAA to obtain personal benefit or advantage from information or authority related to their positions (other than compensation authorized from the budgets of the organization).

3.5.2.7. SBR Guidelines: Absent applicable law or policy to the contrary, the Audit Committee may be guided in its powers and responsibilities by comparable provisions of State Board of Regents Policies, including, but not limited to, R565, Audit Review Subcommittee; and R567, Internal Audit Program.

3.5.2.8. Report to Board of Directors: The Committee shall report regularly to the Board regarding its activities, findings, and any concerns.

3.5.2.9. Committee Relationship to UHEAA Internal Auditor: The UHEAA Internal Auditor reports to the ~~Executive Director~~ [Director of Central Services](#), but the Audit Committee Chair may consult directly with the Internal Auditor at any time, and the Committee may meet in executive session with the Internal Auditor as provided for in Section 3.5.2. The Chair of the Audit Committee, after appropriate consultations with Committee members, shall participate with ~~the Executive Director~~ [staff](#) in periodic performance evaluations of the Internal Auditor, and in any recruitment activities for Internal Audit staff members.

~~3.5.3. Finance Committee and Policy and Program Committee~~

~~3.4.3.1. Membership and Designation of Chairs and Vice Chairs:~~ The Board Chair annually shall appoint each Board member, except the Board Chair, the Commissioner of Higher Education, and the Associate Commissioner for Student Financial Aid (Executive Director of UHEAA), to either the Finance Committee or the Policy and Program Committee, and shall designate a Chair and Vice Chair of each Committee. The Board Chair, the Commissioner of Higher Education, and the Associate Commissioner for Student Financial Aid shall be ex officio members of both committees with vote, and may attend either committee as needed depending on the agenda. Provided, that in determining whether a committee has a quorum present, the ex officio members shall not be counted.

~~3.5.3.2. Finance Committee:~~ The Finance Committee shall meet during each regular meeting of the Board, reviewing and taking action as appropriate on financial and other reports scheduled for its attention in the meeting Agenda, and shall report its deliberations and recommended actions to the full Board.

~~3.5.3.3. Policy and Program Committee:~~ The Policy and Program Committee shall meet during each regular meeting of the Board, reviewing and taking action as appropriate on proposed administrative rulemaking actions, strategy and other program reports scheduled for its attention in the meeting Agenda, and shall report its deliberations and recommended actions to the full Board.

3.5. ~~4~~3. Executive Committee

3.5. ~~4~~3.1. Composition: The Executive Committee shall be composed of the Board Chair and Vice Chair, the immediate past Chair of the Board if still serving on the Board, the chair~~s~~ of the ~~standing committees of the Board (Finance Committee, Audit Committee, and Policy and Program Committee),~~ and one Committee Member at Large appointed by the Board Chair.

3.5. ~~4~~3.2. Authority: The Executive Committee shall have the full authority of the UHEAA Board of Directors to act upon routine matters during the interim between Board meetings, but shall act upon non-routine matters only under extraordinary and emergency

circumstances. Actions of the Executive Committee shall be reported to the Board of Directors at its next regular meeting following such actions.

| 3.5.~~15~~¹⁴. **Annual Operating Budgets:** The Board will convene as a Committee of the Whole to consider and act on annual (fiscal year) operating budgets.

| 3.5.~~16~~¹⁵. **Definition of Committee Roles:** The Board Chair may, from time to time, define or redefine the role and responsibilities of, and may make specific assignments to, a standing committee of the Board.

R928-1. Purpose: To establish a policy on health-related leaves of absence—with or without pay, including sick leave, long-term medical leave and Family Medical Leave Act leave.

R928-2. References

- 2.1. Policy and Procedures [R929](#), Leaves of Absence (Non Health-Related)
- 2.2. Policy and Procedures [R931](#), Vacations
- 2.3. [29 Code of Federal Regulations 825.100 et seq.](#), (Family and Medical Leave Act of 1993 Regulations)

R928-3. Definitions

- 3.1. **"Benefits eligible employee"** means an employee holding a permanent position at not less than 75% of full time.
- 3.2. **"Child"** means a biological, adopted or foster child, stepchild, legal ward or a child of a person standing in loco parentis, who is either under the age of eighteen, or over the age of eighteen and incapable of self care on a daily basis because of a mental or physical disability that substantially limits one or more major life activities.
- 3.3. **"Eligible Caregiver"** means an employee who provides the majority of child contact hours during the employee's regular working hours.
- 3.4. **"Health Care Provider"** means (1) a state authorized doctor of medicine or osteopathy; (2) a state authorized podiatrist, dentist, clinical psychologist, optometrist, or chiropractor performing within the scope of his/her practice; (3) a state authorized nurse practitioner, nurse-midwife or clinical social worker performing within the scope of his/her practice; (4) a Christian Science practitioner who is registered with the First Church of Christ Science in Boston, Massachusetts.
- 3.5. **"Incapacity"** means the inability to work, attend school or perform other regular daily activities due to a serious health condition, treatment therefore or recovery therefrom.
- 3.6. **"Parent"** means a biological parent or an individual who performed all parental duties in lieu of a biological parent.
- 3.7. **"Parent-in-Law"** means the biological parent of the employee's spouse or an individual who performed all parental duties to the employee's spouse in lieu of a biological parent.

¹ Adopted July 19, 1983, amended November 5, 1993. Replaced March 18, 2005.

3.8. "Responsible Officer" means the cognizant associate commissioner or OCHE officer with a direct supervisory reporting relationship to the employee.

3.9. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e. an overnight stay); (2) a period of incapacity of more than three consecutive calendar days that requires continuing treatment by a health care provider; (3) any period of incapacity due to pregnancy or for prenatal care; (4) any period of incapacity or treatment for such incapacity due to a chronic serious health condition (e.g., asthma, diabetes); (5) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective but which requires the continuing supervision of a health care provider (e.g., Alzheimer, severe stroke); or (6) any period of absence to receive multiple treatments by a health care provider (e.g., chemotherapy, dialysis).

3.10. "Spouse" means a husband or wife as defined or recognized under Utah law for purposes of marriage in Utah.

R928-4. Sick Leave (Leave with Pay) Policy

4.1. General: Sick leave is a benefit which provides payments in lieu of compensation to benefits eligible employees who are unable to perform the functions of their position because of an illness or serious health condition or because they are needed to care for a spouse, child, parent or parent-in-law with an illness or serious health condition.

4.1.1. In general, employees should arrange routine health care appointments during non working hours; however, in cases where these appointments must take place during regular working hours, employees may charge the time used for these appointments to sick leave. Whenever possible, supervisors should be notified of such appointments at least 48 hours in advance.

4.1.2. Eligible employees may use hourly increments of sick leave for an intermittent Family Medical Leave Act (FMLA) leave under section R928-5 below.

4.1.3. In order to minimize disruption of OCHE's operations, an employee shall notify his or her supervisor, in a timely manner, of an unexpected absence due to illness.

4.2. Eligibility and Accrual: Benefits eligible employees holding positions at 1.0 FTE accumulate sick leave at the rate of eight hours (one day) for each month of continuous service to a maximum accrual of 1040 hours (130 days). Benefits eligible employees holding positions at .75 FTE or more but less than 1.0 FTE accumulate sick leave on a prorated basis.

4.3. Use of Sick Leave

4.3.1. Sick leave accrual and usage for staff will be recorded through the Payroll/Benefits System.

4.3.2. Sick leave may not be used for vacation purposes, but after all sick leave has been exhausted, additional absences due to an illness or a serious health condition of the employee or the employee's spouse or child may be charged to earned vacation time with approval from the cognizant associate commissioner or designee.

4.3.3. OCHE may require certification of all absences charged to sick leave. If an employee is on sick leave for a period of more than three consecutive days, such leave may be designated as Family Medical Leave Act (FMLA) leave in accordance with the Family Medical Leave Act (FMLA). HR will notify the employee, in writing, that such leave is being designated provisionally as FMLA leave within five business days of becoming aware that such sick leave may qualify as FMLA leave. All of the conditions of FMLA leave, including certification and notice of intent to return to work, may apply to such leave. Under certain circumstances, OCHE may retroactively designate sick leave as FMLA leave.

4.4. Extended Sick Leave (With Pay): In exceptional cases after all accrued sick leave and earned vacation time has been exhausted, extended sick leave, with pay, may be authorized by the cognizant associate commissioner upon recommendation of the Human Resources Director subject to the following limitations:

4.4.1. Extended sick leave is not available for the care of a child, spouse, parent or parent-in-law with an illness or serious health condition.

4.4.2. Extended sick leave may not exceed thirty (30) days unless authorized by

the

Commissioner, upon recommendation of the Human Resources Director and cognizant associate commissioner.

4.4.3. In no event shall extended sick leave be granted for a period extending beyond the earliest day on which benefits under either OCHE's disability insurance program or the Social Security Act are expected to become payable to the employee or, if the employee is not covered thereunder, would become payable if coverage existed.

4.4.4. If the employee returns to work before the expiration of authorized extended sick leave, the unused portion of the leave will be canceled. The employing division is responsible for notifying HR of the date of the employee's actual return to work.

4.5. Conversion of Sick Leave to Vacation: Benefits eligible employees may convert up to four days (32 hours) of accrued sick leave to vacation annually provided the following conditions are met:

4.5.1. The employee has accumulated 48 days (384 hours) of sick leave by January 1, and during the following calendar year the employee uses fewer than four days of sick leave (32 hours).

4.5.2. The conversion will be calculated based on the number of sick leave days used during the calendar year:

4.5.2.1. If 0 days of sick leave are used, four days may be converted to vacation with the remaining 8 days accrued as sick leave.

4.5.2.2. If 1 day of sick leave is used, 3 days will be converted to vacation with the remaining 8 days accrued as sick leave.

4.5.2.3. If 2 days of sick leave are used, 2 days will be converted to vacation with the remaining 8 days accrued as sick leave.

4.5.2.4. If 3 days of sick leave are used, 1 day will be converted to vacation with the remaining 8 days accrued as sick leave.

4.5.2.5. If 4 or more days of sick leave are used, the employee is not eligible for the sick leave conversion.

4.5.3. Employees who have reached the maximum sick leave accrual of 130 days at the beginning of the year will be able to convert up to four days of unused sick leave to vacation days annually as long as they use 8 or fewer days of sick leave days throughout the year.

4.5.4. Conversion of eligible sick leave will occur automatically unless HR is directed to do otherwise by the employee.

4.5.5. Conversion of sick leave will not increase the maximum allowable limits on vacation accrual. (See R932, Vacation).

R928-5. Family Medical Leave Act Leave

5.1. Eligibility

5.1.1. An employee is eligible to request Family Medical Leave Act (FMLA) leave if he/she has been an employee of OCHE for at least twelve (12) months and has worked at least 1250 hours during the twelve month period immediately preceding the leave.

5.1.2. Subject to the requirements described in this policy, an eligible employee may request and will be granted up to twelve (12) workweeks of unpaid FMLA during any twelve (12) month period for one or more of the following events:

5.1.2.1. the birth and first year care of a child;

5.1.2.2. the placement of a child for adoption or foster care in the employee's home;

5.1.2.3. the care of the employee's spouse, child, parent or parent-in-law with a serious health condition; or

5.1.2.4. the employee's own serious health condition which renders him/her unable to perform the essential functions of the employee's position.

5.1.3. For purposes of calculating the amount of FMLA leave an eligible employee may request, the term "during any twelve (12) month period" means a rolling twelve (12) month period measured backward from the date the requested leave will begin.

5.1.4. If both spouses are employed by OCHE, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period for purposes described in subparagraphs 5.1.2.1 or 5.1.2.2. However, each employee may use up to twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is for purposes described in subparagraphs 5.1.2.3 and 5.1.2.4.

5.1.5. FMLA leave for the birth/care of a child or for the placement of a child for adoption or foster care must be taken within the twelve (12) month period after the date of such birth or placement. Regardless of when such leave begins, it will end no later than the end of the twelve (12) month period. Unless specifically permitted by the responsible officer, FMLA leave for these purposes cannot be taken on an intermittent or reduced leave schedule.

5.2. Notification and Certification of Need for FMLA Leave

5.2.1. An eligible employee who foresees the need for a FMLA leave must notify HR and the responsible officer in writing not less than thirty (30) calendar days in advance of the start date of the leave. If not foreseeable, the employee must provide written notice as soon as practicable, ordinarily within two (2) working days of learning of the need for leave.

5.2.2. An eligible employee who foresees the need for a leave due to planned medical treatment for herself/himself or for her/his spouse, child, or parent, must notify HR and the responsible officer in writing not less than thirty (30) calendar days in advance of the start date of the leave so the leave can be scheduled at a time least disruptive to OCHE's operations. If not foreseeable, the employee must provide written notice as soon as practicable, ordinarily within two (2) working days of learning of the need for leave.

5.2.3. If the requested leave is to care for a spouse, child or parent who has a serious health condition, the employee will be required to file with HR, in a timely manner, a health care provider's statement that the employee is needed to care for the child, spouse, or parent and the estimated duration of the leave. For purposes of confirmation of family relationship, the employee may be required to provide reasonable documentation or statement of family relationship.

5.2.4. If the requested leave is because of a serious health condition of the employee which renders her/him unable to perform the essential functions of the

employee's position, the employee is required to file with HR a health care provider's statement as allowed by FMLA.

5.2.5. An employee on an approved FMLA leave must inform HR every thirty (30) days regarding her/his status and intent to return to work upon conclusion of the leave. An employee may also be required to submit a fitness for -duty certification before returning to work.

5.2.6. In any case where there is reason to doubt the validity of the health care provider's statement or certification for leave taken under subparagraphs 5.1.2.3 or 5.1.2.4 above, OCHE may, at its own expense, require second and third opinions, as specified by FMLA, to resolve the issue.

5.2.7. Failure to comply with the above notification and certification requirements may result in a delay in the start of FMLA leave or a delay in the restoration of the employee to his/her position.

5.3. Substitution: An employee must substitute any accrued paid leave (i.e. sick leave, personal preference, and vacation) for any unpaid FMLA leave except that an employee, by written request, may retain up to ten (10) days of already accrued vacation. Upon exhaustion of any accrued paid leave, the remainder of any FMLA leave will be unpaid. In no case will the combination of paid and unpaid leave used for an FMLA purpose exceed twelve (12) workweeks in any twelve (12) month period.

5.4. Intermittent FMLA Leave: Leave may be taken intermittently or on a reduced leave schedule when medically necessary for medical treatment of a serious health condition by or under the supervision of a health care provider, or for recovery from such treatment or for recovery from a serious health condition. The employee may be required to file with HR certification from a health care provider why the intermittent/reduced leave schedule is medically necessary and the expected schedule and duration of such leave. The employee may be required to transfer temporarily to an available alternative position for which the employee is qualified. The alternative position must have equivalent pay and benefits and better accommodate recurring periods of leave than the employee's regular position.

5.5. Benefits and Return from Leave

5.5.1. At the election of the eligible employee, his/her insurance plans (health, dental, life, disability) will be maintained for the duration of an FMLA leave at the level and under the conditions coverage would have been provided if the employee had continued in employment for the duration of the leave. The employee will be responsible for paying his/her share of the premiums. These premiums will be deducted from the first paycheck after the employee returns to work.

5.5.2. While on unpaid FMLA leave, OCHE may recover its share of the premiums for maintaining coverage for the employee under such insurance plans during the period of an FMLA leave if the employee fails to return to work (or returns but fails to stay thirty (30) calendar days) for reasons other than the

continuation or onset of a serious health condition entitling the employee to leave under subparagraphs 5.1.2.3 or 5.1.2.4, or other circumstances beyond the employee's control. Certification of the employee's inability to return to work as specified by FMLA may be required.

5.5.3. Unless the employee is terminated as a result of a reduction in force, an employee who takes an FMLA leave for the intended purpose of the leave shall be entitled, on timely return from the leave and completion of all required documentation, to be restored to the position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

R928-6. Long-Term Medical Leave (Leave without Pay): Under certain circumstances, OCHE may permit an employee who has exhausted all of his/her accrued sick leave and FMLA leave or an employee who is not eligible for sick leave or FMLA leave to take long-term medical leave without pay for the employee's own serious health condition. In general, long-term medical leave is not available to employees holding positions that are temporary in nature (i.e. with a duration of less than four consecutive months), or to employees who are employed on an intermittent, or as-needed basis.

6.1. Request for Long-Term Medical Leave

6.1.1. A request for long-term medical leave without pay shall, whenever possible, be submitted in writing to the employee's responsible officer prior to the date upon which the requested leave is to commence. If unusual circumstances make it impossible in the exercise of reasonable diligence for the employee to submit the request in advance of the date upon which the requested leave is to commence, approval may be given to a retroactive commencement of the leave.

6.1.2. The written request should state (1) the reason why the long-term medical leave is being requested; (2) the proposed date on which the requested long-term medical leave is to commence; (3) 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.

6.1.3. The employee shall provide a health care provider's statement supporting the need for a long-term medical leave.

6.1.4. The cognizant associate commissioner, upon recommendation of the responsible officer and the Human Resources Director, shall approve or deny the request for a long-term medical leave. If the cognizant associate commissioner concludes that the requested leave should be approved, but has reasonable grounds to believe that in order to assure satisfactory discharge of the duties of the position, consistent with the present or anticipated physical or mental condition of the employee, the leave should commence at a different date than requested by the employee, the approval of the request may be subject to the condition that the leave will begin at a specified date other than the requested date.

6.1.5. Prior to the commencement of an approved long-term medical leave, the employee must arrange for a counseling interview with HR.

6.2. Length of Long-Term Medical Leave

6.2.1. It is recognized that the duration of a serious health condition cannot be precisely known in advance. Accordingly, long-term medical leaves may be granted for an estimated or indefinite period of time, not to exceed one year.

6.2.2. Unless the Commissioner approves an extension of the long-term medical leave beyond one year, applicable procedures for termination of the employment status of the individual at the end of the one year's long-term medical leave shall be initiated by the responsible officer.

6.2.3. All long-term medical leaves are subject to the provision of Section 6.3, below, specifying the obligations of OCHE and related procedures, governing reinstatement.

6.3. Reinstatement

6.3.1. Notice of Intent. An employee on long-term medical leave must give the responsible officer and HR written notice not less than thirty (30) working days in advance of the date on which the employee wishes to terminate the long-term medical leave and return to work. An employee may be required to submit a fitness-for-duty certification by a health-care provider before returning to work. If appropriate, HR, in consultation with the division, may require a second, independent certification from a health care provider at the division's expense.

6.3.2. Six-month rule. An employee who has been on leave because of his/her own serious health condition, including any time credited to sick leave, FMLA leave or accrued vacation, for six months or less during any twelve month period prior to the date of return to work shall be restored to the position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. In order to facilitate discharge of OCHE's obligation of reinstatement under this "six-month" rule, unless otherwise authorized by the cognizant associate commissioner, the responsible officer shall not fill the position with a permanent employee during the six-month period specified in the preceding paragraph.

6.3.3. One-year rule. If an employee has been on leave because of his/her own serious health condition, including any time credited to sick leave, FMLA leave or accrued vacation, for more than six months but less than one year during any twelve month period prior to returning to work, 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 or to another position for which the employee is qualified. The responsible officer is responsible for arranging such reinstatement. OCHE cannot, however, assure that an employee returning to work after a leave of more than six months duration will be reinstated.

6.3.4. OCHE has no obligation to reinstate, or to make any effort to reinstate, an employee who has been on leave, including any sick leave, FMLA leave, or accrued vacation, because of his/her serious health condition for more than one year. An application for reinstatement in such cases shall be treated as an application for initial employment.

6.3.5. If an employee on long-term medical leave accepts other employment during such leave or fails to return to work within three (3) business days after the expiration of the long-term medical leave, OCHE may treat such action as a voluntary termination of employment and a waiver of any right to reinstatement.

R928-7. Employee Benefits During Health-Related Leaves of Absence

7.1. Time Related Benefits: Longevity for purposes of accruing vacation time is not lost during the preceding leaves without pay. However, vacation and sick leave benefits do not accrue during such leaves.

7.2. Retirement and Insurance Benefits

7.2.1. Sick Leave & Extended Sick Leave: During sick leave and extended sick leave, retirement and insurance benefits continue to be paid by OCHE.

7.2.2. Family Medical Leave Act Leave: To the extent FMLA leave is paid, retirement and insurance benefits continue to be paid by OCHE on the same basis as if the employee had continued in employment for the duration of the leave. To the extent FMLA leave is unpaid, retirement benefits will not be paid by OCHE during the leave. Insurance benefits will continue on the same basis as if the employee had continued in employment for the duration of the leave provided the employee pays his/her share of the premium and returns to work at the end of the leave (see 5.5, above).

7.2.3. Long-Term Medical Leave: Retirement and insurance benefits are not paid by OCHE during a long-term medical leave. An employee on long-term medical leave, however, may elect to continue his/her health insurance coverage as provided by federal law.

7.3. Other Benefits: Other benefits, including tuition reductions, ticket discounts and parking privileges continue during health-related leaves of absence.

R928-8. Parental Leave Benefits

8.1 Eligibility A benefits-eligible employee is eligible for the parental leave benefit provided the following conditions are satisfied:

8.1.1. The employee must be employed in the capacity of a benefits-eligible employee continuously for a period of 12 months prior to the commencement of the leave period.

8.1.2. During the leave period, the employee must serve as an eligible caregiver of the employee's child.

8.1.3. The child needing care must be a newborn child and must have been born or adopted on or after January 1, 2019.

8.1.4. The employee must notify the Human Resource Director and the employee's supervisor in writing not less than ninety (90) calendar days in advance of the intended start date of the leave. If not foreseeable, the employee must provide written notice as soon as practicable, ordinarily within five (5) working days of learning of the need for leave.

8.2. Parental Leave Benefit

8.2.1. Upon approval of an application for parental leave, the employee will be granted a leave of absence without being required to perform the duties of the employee's position during the leave period and will receive pay for fifty percent (50%) of the employee's regular work hours for a period of up to six weeks.

8.2.2. The employee must use any accrued paid leave (i.e. sick leave, personal preference, and vacation) for the unpaid portion of the parental leave, except that the employee, by written request, may retain up to ten (10) days of previously accrued vacation.

8.3. Period of Leave The parental leave shall begin no sooner than the date of birth of the child (unless the employee's health care provider certifies that an earlier begin date is medically necessary) or the date of adoption. The parental leave of up to six weeks shall be taken continuously and shall be completed within the 12 months following the birth or adoption.

8.4. Parental Benefit Leave and the Family Medical Leave Act (FMLA) The parental leave must run concurrently with the employee's FMLA leave. In no event will the employee's parental leave benefit extend the amount of leave provided under the FMLA.

8.5. End of Leave

8.5.1. Unless the employee is terminated as a result of a reduction in force, an employee who takes parental leave shall, on timely return from the leave and completion of all required documentation, be entitled to be restored to the position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

8.5.2. In the event employee terminates employment either before returning to work or within six (6) months of returning to work, the amount of the parental leave benefit shall be repaid and may be deducted from the employee's vacation payout, if any.

R928-1. Purpose: To ~~outline the Commissioner's Office's~~ [establish a](#) policy on health-related leaves of absence— with or without pay, including sick leave, long-term medical leave and Family Medical Leave Act leave. ~~Any questions regarding this policy should be referred to the Human Resources Office (HR).~~

R928-2. References

- 2.1. Policy and Procedures [R929](#), Leaves of Absence (Non Health-Related)
- 2.2. Policy and Procedures [R931](#), Vacations
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R928-3. Definitions

3.1. "Benefits eligible employee" means an employee holding a permanent position at not less than 75% of full time.

3.2. "Child" means a biological, adopted or foster child, stepchild, legal ward or a child of a person standing in loco parentis, who is either under the age of eighteen, or over the age of eighteen and incapable of self care on a daily basis because of a mental or physical disability that substantially limits one or more major life activities.

3.3. ["Eligible Caregiver"](#) means [an employee who provides the majority of child contact hours during the employee's regular working hours.](#)

3.3.4. "Health Care Provider" means (1) a state authorized doctor of medicine or osteopathy; (2) a state authorized podiatrist, dentist, clinical psychologist, optometrist, or chiropractor performing within the scope of his/her practice; (3) a state authorized nurse practitioner, nurse-midwife or clinical social worker performing within the scope of his/her practice; (4) a Christian Science practitioner who is registered with the First Church of Christ Science in Boston, Massachusetts.

3.45. "Incapacity" means the inability to work, attend school or perform other regular daily activities due to a serious health condition, treatment therefore or recovery therefrom.

3.56. "Parent" means a biological parent or an individual who performed all parental duties in lieu of a biological parent.

¹ Adopted July 19, 1983, amended November 5, 1993. Replaced March 18, 2005.

3.67. "Parent-in-Law" means the biological parent of the employee's spouse or an individual who performed all parental duties to the employee's spouse in lieu of a biological parent.

3.78. "Responsible Officer" means the cognizant associate commissioner or OCHE officer with a direct supervisory reporting relationship to the employee.

3.89. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e. an overnight stay); (2) a period of incapacity of more than three consecutive calendar days that requires continuing treatment by a health care provider; (3) any period of incapacity due to pregnancy or for prenatal care; (4) any period of incapacity or treatment for such incapacity due to a chronic serious health condition (e.g., asthma, diabetes); (5) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective but which requires the continuing supervision of a health care provider (e.g., Alzheimer, severe stroke); or (6) any period of absence to receive multiple treatments by a health care provider (e.g., chemotherapy, dialysis).

3.910. "Spouse" means a husband or wife as defined or recognized under Utah law for purposes of marriage in Utah.

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4.1. General: Sick leave is a benefit which provides payments in lieu of compensation to benefits eligible employees who are unable to perform the functions of their position because of an illness or serious health condition or because they are needed to care for a spouse, child, parent or parent-in-law with an illness or serious health condition.

4.1.1. In general, employees should arrange routine health care appointments during non working hours; however, in cases where these appointments must take place during regular working hours, employees may charge the time used for these appointments to sick leave. Whenever possible, supervisors should be notified of such appointments at least 48 hours in advance.

4.1.2. Eligible employees may use hourly increments of sick leave for an intermittent Family Medical Leave Act (FMLA) leave under section R928-5 below.

4.1.3. In order to minimize disruption of OCHE's operations, an employee shall notify his or her supervisor, in a timely manner, of an unexpected absence due to illness.

4.2. Eligibility and Accrual: Benefits eligible employees holding positions at 1.0 FTE accumulate sick leave at the rate of eight hours (one day) for each month of continuous service to a maximum accrual of 1040 hours (130 days). Benefits eligible employees holding positions at .75 FTE or more but less than 1.0 FTE accumulate sick leave on a prorated basis.

4.3. Use of Sick Leave

4.3.1. Sick leave accrual and usage for staff will be recorded through the Payroll/Benefits System.

4.3.2. Sick leave may not be used for vacation purposes, but after all sick leave has been exhausted, additional absences due to an illness or a serious health condition of the employee or the employee's spouse or child may be charged to earned vacation time with approval from the cognizant associate commissioner or designee.

4.3.3. OCHE may require certification of all absences charged to sick leave. If an employee is on sick leave for a period of more than three consecutive days, such leave may be designated as Family Medical Leave Act (FMLA) leave in accordance with the Family Medical Leave Act (FMLA). HR will notify the employee, in writing, that such leave is being designated provisionally as FMLA leave within five business days of becoming aware that such sick leave may qualify as FMLA leave. All of the conditions of FMLA leave, including certification and notice of intent to return to work, may apply to such leave. Under certain circumstances, OCHE may retroactively designate sick leave as FMLA leave.

4.4. Extended Sick Leave (With Pay): In exceptional cases after all accrued sick leave and earned vacation time has been exhausted, extended sick leave, with pay, may be authorized by the cognizant associate commissioner upon recommendation of the Human Resources Director subject to the following limitations:

4.4.1. Extended sick leave is not available for the care of a child, spouse, parent or parent-in-law with an illness or serious health condition.

4.4.2. Extended sick leave may not exceed thirty (30) days unless authorized by

the

Commissioner, upon recommendation of the Human Resources Director and cognizant associate commissioner.

4.4.3. In no event shall extended sick leave be granted for a period extending beyond the earliest day on which benefits under either OCHE's disability insurance program or the Social Security Act are expected to become payable to the employee or, if the employee is not covered thereunder, would become payable if coverage existed.

4.4.4. If the employee returns to work before the expiration of authorized extended sick leave, the unused portion of the leave will be canceled. The employing division is responsible for notifying HR of the date of the employee's actual return to work.

4.5. Conversion of Sick Leave to Vacation: Benefits eligible employees may convert up to four days (32 hours) of accrued sick leave to vacation annually provided the following conditions are met:

4.5.1. The employee has accumulated 48 days (384 hours) of sick leave by January 1, and during the following calendar year the employee uses fewer than four days of sick leave (32 hours).

4.5.2. The conversion will be calculated based on the number of sick leave days used during the calendar year:

4.5.2.1. If 0 days of sick leave are used, four days may be converted to vacation with the remaining 8 days accrued as sick leave.

4.5.2.2. If 1 day of sick leave is used, 3 days will be converted to vacation with the remaining 8 days accrued as sick leave.

4.5.2.3. If 2 days of sick leave are used, 2 days will be converted to vacation with the remaining 8 days accrued as sick leave.

4.5.2.4. If 3 days of sick leave are used, 1 day will be converted to vacation with the remaining 8 days accrued as sick leave.

4.5.2.5. If 4 or more days of sick leave are used, the employee is not eligible for the sick leave conversion.

4.5.3. Employees who have reached the maximum sick leave accrual of 130 days at the beginning of the year will be able to convert up to four days of unused sick leave to vacation days annually as long as they use 8 or fewer days of sick leave days throughout the year.

4.5.4. Conversion of eligible sick leave will occur automatically unless HR is directed to do otherwise by the employee.

4.5.5. Conversion of sick leave will not increase the maximum allowable limits on vacation accrual. (See R932, Vacation).

R928-5. Family Medical Leave Act Leave

5.1. Eligibility

5.1.1. An employee is eligible to request Family Medical Leave Act (FMLA) leave if he/she has been an employee of OCHE for at least twelve (12) months and has worked at least 1250 hours during the twelve month period immediately preceding the leave.

5.1.2. Subject to the requirements described in this policy, an eligible employee may request and will be granted up to twelve (12) workweeks of unpaid FMLA during any twelve (12) month period for one or more of the following events:

5.1.2.1. the birth and first year care of a child;

5.1.2.2. the placement of a child for adoption or foster care in the employee's home;

5.1.2.3. the care of the employee's spouse, child, parent or parent-in-law with a serious health condition; or

5.1.2.4. the employee's own serious health condition which renders him/her unable to perform the essential functions of the employee's position.

5.1.3. For purposes of calculating the amount of FMLA leave an eligible employee may request, the term "during any twelve (12) month period" means a rolling twelve (12) month period measured backward from the date the requested leave will begin.

5.1.4. If both spouses are employed by OCHE, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period for purposes described in subparagraphs 5.1.2.1 or 5.1.2.2. However, each employee may use up to twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is for purposes described in subparagraphs 5.1.2.3 and 5.1.2.4.

5.1.5. FMLA leave for the birth/care of a child or for the placement of a child for adoption or foster care must be taken within the twelve (12) month period after the date of such birth or placement. Regardless of when such leave begins, it will end no later than the end of the twelve (12) month period. Unless specifically permitted by the responsible officer, FMLA leave for these purposes cannot be taken on an intermittent or reduced leave schedule.

5.2. Notification and Certification of Need for FMLA Leave

5.2.1. An eligible employee who foresees the need for a FMLA leave must notify HR and the responsible officer in writing not less than thirty (30) calendar days in advance of the start date of the leave. If not foreseeable, the employee must provide written notice as soon as practicable, ordinarily within two (2) working days of learning of the need for leave.

5.2.2. An eligible employee who foresees the need for a leave due to planned medical treatment for herself/himself or for her/his spouse, child, or parent, must notify HR and the responsible officer in writing not less than thirty (30) calendar days in advance of the start date of the leave so the leave can be scheduled at a time least disruptive to OCHE's operations. If not foreseeable, the employee must provide written notice as soon as practicable, ordinarily within two (2) working days of learning of the need for leave.

5.2.3. If the requested leave is to care for a spouse, child or parent who has a serious health condition, the employee will be required to file with HR, in a timely manner, a health care provider's statement that the employee is needed to care for the child, spouse, or parent and the estimated duration of the leave. For

purposes of confirmation of family relationship, the employee may be required to provide reasonable documentation or statement of family relationship.

5.2.4. If the requested leave is because of a serious health condition of the employee which renders her/him unable to perform the essential functions of the employee's position, the employee is required to file with HR a health care provider's statement as allowed by FMLA.

5.2.5. An employee on an approved FMLA leave must inform HR every thirty (30) days regarding her/his status and intent to return to work upon conclusion of the leave. An employee may also be required to submit a fitness for -duty certification before returning to work.

5.2.6. In any case where there is reason to doubt the validity of the health care provider's statement or certification for leave taken under subparagraphs 5.1.2.3 or 5.1.2.4 above, OCHE may, at its own expense, require second and third opinions, as specified by FMLA, to resolve the issue.

5.2.7. Failure to comply with the above notification and certification requirements may result in a delay in the start of FMLA leave or a delay in the restoration of the employee to his/her position.

5.3. Substitution: An employee must substitute any accrued paid leave (i.e. sick leave, personal preference, and vacation) for any unpaid FMLA leave except that an employee, by written request, may retain up to ten (10) days of already accrued vacation. Upon exhaustion of any accrued paid leave, the remainder of any FMLA leave will be unpaid. In no case will the combination of paid and unpaid leave used for an FMLA purpose exceed twelve (12) workweeks in any twelve (12) month period.

5.4. Intermittent FMLA Leave: Leave may be taken intermittently or on a reduced leave schedule when medically necessary for medical treatment of a serious health condition by or under the supervision of a health care provider, or for recovery from such treatment or for recovery from a serious health condition. The employee may be required to file with HR certification from a health care provider why the intermittent/reduced leave schedule is medically necessary and the expected schedule and duration of such leave. The employee may be required to transfer temporarily to an available alternative position for which the employee is qualified. The alternative position must have equivalent pay and benefits and better accommodate recurring periods of leave than the employee's regular position.

5.5. Benefits and Return from Leave

5.5.1. At the election of the eligible employee, his/her insurance plans (health, dental, life, disability) will be maintained for the duration of an FMLA leave at the level and under the conditions coverage would have been provided if the employee had continued in employment for the duration of the leave. The employee will be responsible for paying his/her share of the premiums. These premiums will be deducted from the first paycheck after the employee returns to work.

5.5.2. While on unpaid FMLA leave, OCHE may recover its share of the premiums for maintaining coverage for the employee under such insurance plans during the period of an FMLA leave if the employee fails to return to work (or returns but fails to stay thirty (30) calendar days) for reasons other than the continuation or onset of a serious health condition entitling the employee to leave under subparagraphs 5.1.2.3 or 5.1.2.4, or other circumstances beyond the employee's control. Certification of the employee's inability to return to work as specified by FMLA may be required.

5.5.3. Unless the employee is terminated as a result of a reduction in force, an employee who takes an FMLA leave for the intended purpose of the leave shall be entitled, on timely return from the leave and completion of all required documentation, to be restored to the position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

R928-6. Long-Term Medical Leave (Leave without Pay): Under certain circumstances, OCHE may permit an employee who has exhausted all of his/her accrued sick leave and FMLA leave or an employee who is not eligible for sick leave or FMLA leave to take long-term medical leave without pay for the employee's own serious health condition. In general, long-term medical leave is not available to employees holding positions that are temporary in nature (i.e. with a duration of less than four consecutive months), or to employees who are employed on an intermittent, or as-needed basis.

6.1. Request for Long-Term Medical Leave

6.1.1. A request for long-term medical leave without pay shall, whenever possible, be submitted in writing to the employee's responsible officer prior to the date upon which the requested leave is to commence. If unusual circumstances make it impossible in the exercise of reasonable diligence for the employee to submit the request in advance of the date upon which the requested leave is to commence, approval may be given to a retroactive commencement of the leave.

6.1.2. The written request should state (1) the reason why the long-term medical leave is being requested; (2) the proposed date on which the requested long-term medical leave is to commence; (3) 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.

6.1.3. The employee shall provide a health care provider's statement supporting the need for a long-term medical leave.

6.1.4. The cognizant associate commissioner, upon recommendation of the responsible officer and the Human Resources Director, shall approve or deny the request for a long-term medical leave. If the cognizant associate commissioner concludes that the requested leave should be approved, but has reasonable grounds to believe that in order to assure satisfactory discharge of the duties of the position, consistent with the present or anticipated physical or mental condition

of the employee, the leave should commence at a different date than requested by the employee, the approval of the request may be subject to the condition that the leave will begin at a specified date other than the requested date.

6.1.5. Prior to the commencement of an approved long-term medical leave, the employee must arrange for a counseling interview with HR.

6.2. Length of Long-Term Medical Leave

6.2.1. It is recognized that the duration of a serious health condition cannot be precisely known in advance. Accordingly, long-term medical leaves may be granted for an estimated or indefinite period of time, not to exceed one year.

6.2.2. Unless the Commissioner approves an extension of the long-term medical leave beyond one year, applicable procedures for termination of the employment status of the individual at the end of the one year's long-term medical leave shall be initiated by the responsible officer.

6.2.3. All long-term medical leaves are subject to the provision of Section 6.3, below, specifying the obligations of OCHE and related procedures, governing reinstatement.

6.3. Reinstatement

6.3.1. Notice of Intent. An employee on long-term medical leave must give the responsible officer and HR written notice not less than thirty (30) working days in advance of the date on which the employee wishes to terminate the long-term medical leave and return to work. An employee may be required to submit a fitness-for-duty certification by a health-care provider before returning to work. If appropriate, HR, in consultation with the division, may require a second, independent certification from a health care provider at the division's expense.

6.3.2. Six-month rule. An employee who has been on leave because of his/her own serious health condition, including any time credited to sick leave, FMLA leave or accrued vacation, for six months or less during any twelve month period prior to the date of return to work shall be restored to the position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. In order to facilitate discharge of OCHE's obligation of reinstatement under this "six-month" rule, unless otherwise authorized by the cognizant associate commissioner, the responsible officer shall not fill the position with a permanent employee during the six-month period specified in the preceding paragraph.

6.3.3. One-year rule. If an employee has been on leave because of his/her own serious health condition, including any time credited to sick leave, FMLA leave or accrued vacation, for more than six months but less than one year during any twelve month period prior to returning to work, 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 or to another position for which the employee is qualified. The responsible officer is responsible for arranging such reinstatement. OCHE cannot, however, assure that an employee returning to work after a leave of more than six months duration will be reinstated.

6.3.4. OCHE has no obligation to reinstate, or to make any effort to reinstate, an employee who has been on leave, including any sick leave, FMLA leave, or accrued vacation, because of his/her serious health condition for more than one year. An application for reinstatement in such cases shall be treated as an application for initial employment.

6.3.5. If an employee on long-term medical leave accepts other employment during such leave or fails to return to work within three (3) business days after the expiration of the long-term medical leave, OCHE may treat such action as a voluntary termination of employment and a waiver of any right to reinstatement.

R928-7. Employee Benefits During Health-Related Leaves of Absence

7.1. Time Related Benefits: Longevity for purposes of accruing vacation time is not lost during the preceding leaves without pay. However, vacation and sick leave benefits do not accrue during such leaves.

7.2. Retirement and Insurance Benefits

7.2.1. Sick Leave & Extended Sick Leave: During sick leave and extended sick leave, retirement and insurance benefits continue to be paid by OCHE.

7.2.2. Family Medical Leave Act Leave: To the extent FMLA leave is paid, retirement and insurance benefits continue to be paid by OCHE on the same basis as if the employee had continued in employment for the duration of the leave. To the extent FMLA leave is unpaid, retirement benefits will not be paid by OCHE during the leave. Insurance benefits will continue on the same basis as if the employee had continued in employment for the duration of the leave provided the employee pays his/her share of the premium and returns to work at the end of the leave (see 5.5, above).

7.2.3. Long-Term Medical Leave: Retirement and insurance benefits are not paid by OCHE during a long-term medical leave. An employee on long-term medical leave, however, may elect to continue his/her health insurance coverage as provided by federal law.

7.3. Other Benefits: Other benefits, including tuition reductions, ticket discounts and parking privileges continue during health-related leaves of absence.

R928-8. Parental Leave Benefits

8.1 Eligibility A benefits-eligible employee is eligible for the parental leave benefit provided the following conditions are satisfied:

8.1.1. The employee must be employed in the capacity of a benefits-eligible employee continuously for a period of 12 months prior to the commencement of the leave period.

8.1.2. During the leave period, the employee must serve as an eligible caregiver of the employee's child.

8.1.3. The child needing care must be a newborn child and must have been born or adopted on or after January 1, 2019.

8.1.4 The employee must notify the Human Resource Director and the employee's supervisor in writing not less than ninety (90) calendar days in advance of the intended start date of the leave. If not foreseeable, the employee must provide written notice as soon as practicable, ordinarily within five (5) working days of learning of the need for leave.

8.2. Parental Leave Benefit

8.2.1. Upon approval of an application for parental leave, the employee will be granted a leave of absence without being required to perform the duties of the employee's position during the leave period and will receive pay for fifty percent (50%) of the employee's regular work hours for a period of up to six weeks.

8.2.2. The employee must use any accrued paid leave (i.e. sick leave, personal preference, and vacation) for the unpaid portion of the parental leave, except that the employee, by written request, may retain up to ten (10) days of previously accrued vacation.

8.3. **Period of Leave** The parental leave shall begin no sooner than the date of birth of the child (unless the employee's health care provider certifies that an earlier begin date is medically necessary) or the date of adoption. The parental leave of up to six weeks shall be taken continuously and shall be completed within the 12 months following the birth or adoption.

8.4. **Parental Benefit Leave and the Family Medical Leave Act (FMLA)** The parental leave must run concurrently with the employee's FMLA leave. In no event will the employee's parental leave benefit extend the amount of leave provided under the FMLA.

8.5. End of Leave

8.5.1. Unless the employee is terminated as a result of a reduction in force, an employee who takes parental leave shall, on timely return from the leave and completion of all required documentation, be entitled to be restored to the position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

8.5.2. In the event employee terminates employment either before returning to work or within six (6) months of returning to work, the amount of the parental leave benefit shall be repaid and may be deducted from the employee's vacation payout, if any.

