



OCHE Staff Policies

Staff Resources Language

Except for the following policies that outline distinctions specific to the Office of the Commissioner of Higher Education (“OCHE”), OCHE follows [University of Utah Human Resources Policies](#).

Policies

OCHE Policy 001, Hiring Preferences

For a hiring process within the Office of the Commissioner of Higher Education (“OCHE”), a University of Utah policy that states a hiring preference for a University of Utah staff member will be interpreted to state a hiring preference for an OCHE staff member, as relevant. *See, e.g., University Policy 5-110: Reduction in Force and Severance Pay.*

Effective Date: May 1, 2022

OCHE Policy 002, Employee Grievances

For a grievance by an Office of the Commissioner of Higher Education (“OCHE”) employee, a University of Utah policy that references a Staff Grievance Committee will be interpreted to mean a committee of three or more individuals within OCHE and/or my529. *See, e.g., Policy 5-203: University Staff Employee Grievances.*

Effective Date: May 1, 2022

OCHE Policy 003, Leave Accrual Transfer

For employees transferring into and out of the Office of the Commissioner of Higher Education (“OCHE”), the following leave accrual transfer rules apply.

- I. For an employee transferring from the University of Utah (“U”) or University of Utah Health Center (“UUHC”) to a staff position with OCHE:

- a. The employee may retain up to 80 hours of vacation and all remaining vacation will be paid out by the U or UUHC; and
 - b. All the employee's sick leave hours will transfer with the employee to OCHE.
- II. For an employee transferring from the U or UUHC to a director-level or above position with OCHE:
 - a. All vacation will be paid out by the U or UUHC; and
 - b. All the employee's sick leave hours will transfer with the employee to OCHE.
- III. For an employee transferring from a Utah higher education institution (not the U) to a staff position with OCHE:
 - a. All prior years of service transfer with the employee to OCHE;
 - b. The employee may purchase up to 80 hours of vacation at their OCHE salary;
 - c. All the employee's sick leave hours transfer with the employee to OCHE; and
 - d. OCHE will complete a Bridge in Service form including the years of service and sick leave balance. The Bridge in Service will be completed upon hire and a 6-month waiting period is not required.
- IV. For an employee transferring from a higher education institution in Utah (not the U) to a director-level or above position with OCHE:
 - a. All prior years of service transfer with the employee to OCHE;
 - b. The employee cannot purchase vacation;
 - c. All sick leave hours transfer with the employee to OCHE; and
 - d. OCHE will complete a Bridge in Service form including the years of service and sick leave balance. The Bridge in Service will be completed upon hire and a 6-month waiting period is not required.
- V. For an employee transferring from OCHE to a U or UUHC staff position:
 - a. The employee may retain up to 80 hours of vacation and all remaining vacation will be paid out by OCHE; and
 - b. All sick leave hours transfer with the employee to U or UUHC.
- VI. For an employee transferring from OCHE to a U or UUHC director-level or above position:
 - a. All vacation will be paid out by OCHE; and
 - b. All sick leave hours will transfer with the employee to the U or UUHC.

Effective Date: May 1, 2022

OCHE Policy 004, Employee Lawful Permanent Resident (LPR) Sponsorship

I. LPR Sponsorship Qualifications

- a. The Office of the Commissioner of Higher Education (“OCHE”) may act as a sponsor for EB-1, EB-2, or EB-3 pathways to permanent resident status on behalf of any full-time employee if OCHE has determined it has the budget and business need to sponsor the employee.
- b. To be eligible for LPR sponsorship, the employee and their OCHE position must meet the requirements for the EB-1, EB-2, or EB-3 path to permanent residency and the employee must: (1) be a full-time OCHE employee; (2) have completed their probationary period and have been employed at OCHE for at least one year; (3) have no active OCHE disciplinary actions at the time of the request; and (4) be in good performance standing at OCHE.
- c. OCHE shall not provide legal advice to an employee regarding the LPR sponsorship process and does not have control over the timing or outcome of the LPR sponsorship process.

II. Request Process

- a. OCHE staff shall comply with the following request process:
 1. The employee shall submit a request for OCHE LPR sponsorship;
 2. The employee’s supervisor shall assess whether the employee meets the qualifications for sponsorship under this policy;
 3. If the supervisor determines the employee meets the requirements, the supervisor shall forward the request to OCHE’s General Counsel;
 4. The General Counsel or their designee shall review the request and inform the supervisor if they can proceed with the LPR sponsorship process;
 5. Upon approval of the General Counsel, the supervisor shall send the employee’s request to the Chief Financial Officer;
 6. The Chief Financial Officer shall determine if OCHE has the budget to pay the legally required filing and processing fees and will notify the supervisor of their determination; and
 7. Upon approval of the Chief Financial Officer, the supervisor shall notify the requesting employee in writing of the approval of the LPR sponsorship. Additionally, the supervisor shall document the reason(s) for the approval and shall notify the employee that the employee shall sign a contract agreeing to comply with the employee requirements in this policy.
- b. If the supervisor, the General Counsel, or the Chief Financial Officer determines that the employee is either not eligible or there is no budget to cover the sponsorship, the supervisor shall be responsible to document the reasons for the denial and shall inform the requesting employee, in writing, of the reason(s) for the denial.
- c. The decision to grant or deny the employee’s request shall be based on this policy and shall not be based on the employee’s membership in any class(es) protected by state or federal law.

III. Processing and Cost of the LPR Sponsorship

- a. Upon approval under subsection II.a.7., OCHE will select and retain an attorney to jointly represent OCHE and the employee in the LPR sponsorship process. The employee is required to use the attorney selected by OCHE for the entirety of the LPR process.
- b. OCHE will pay all fees related to the permanent labor certification process as required under federal law. The employee is required to pay all fees that are not legally required to be paid by the employer. This includes, at a minimum, all processing, attorney fees, and filing fees related to the USCIS I-140 and I-485 petitions. OCHE will not cover any premium processing fees.
- c. OCHE will only sponsor one pathway for LPR status for an employee. The employee is free to pursue other LPR pathways that do not involve OCHE-sponsorship.
- d. OCHE complies with all federal laws and regulations governing U.S. Citizenship and Immigration.

Effective Date: December 18, 2023

OCHE Policy 005, Student Employees and Internship Positions

I. Job Posting and Vice President Waiver Not Required

- a. The Office of the Commissioner of Higher Education (“OCHE”) complies with the University of Utah Human Resources hiring requirements. However, a student who are enrolled at an institution in the Utah System of Higher Education may be hired by the OCHE as an employee or intern without either a competitive recruitment (e.g., job posting) or a waiver by the Vice President if the job position:
 - i. Is temporary (less than nine months); or
 - ii. An FTE less than .50.

II. Job Code

- a. OCHE shall use job code “OCHE 8515” when OCHE does not engage in a competitive recruitment or receive a Vice President waiver when hiring a student employee or intern.

III. Pre-Employment Checks

- a. All applicants, whether hired with or without a competitive recruitment, are subject to pre-employment checks, which may include, but are not limited to, criminal background checks ([please see here](#) for pre-employment policies, guidelines, and tools).

IV. Additional Compliance Obligations

- a. OCHE shall follow all applicable hiring laws, regulations, policies, and guidelines.

Effective Date: April 16, 2024

OCHE Policy 006, Standards and Protocol for New or Revised Board Policies

The purpose of this policy is to set standards for the type of policies appropriate for adoption by the Utah Board of Higher Education (“Board”) and to outline the protocol and format that is required for development or revision of Board policies by the Office of the Commissioner of Higher Education (“OCHE”).

- I. Development of Board Policies: OCHE may develop and recommend that the Board adopt a Board policy when a policy: is required by federal law, state law, or regulations; is aligned with the Board’s duty and authority to govern USHE institutions and control, oversee, and regulate the Utah System of Higher Education; relates to system-level issues; addresses system-level risks or operational efficiency; or promotes compliance with applicable laws and regulations while avoiding dictating policies and procedures that are better implemented by USHE institutions individually.
- II. Review of Board Policies: Existing Board policies shall be reviewed on a regular basis by the Office of the Commissioner of Higher Education (“OCHE”) to determine their continued applicability. As a result of a review, OCHE may recommend that the Board approve updates to the content or format of an existing policy; rescind a policy; or maintain an existing policy.
- III. Protocol: The typical protocol for developing or reviewing a Board policy includes:
 - a. Request for Development or Review: Board members, the Commissioner of Higher Education, or OCHE staff, with the Commissioner’s approval or their designee, may develop or review a Board policy.
 - b. Development or Review Process: OCHE shall conduct research to determine best practices, compliance requirements, and market standards when drafting or revising a Board policy and shall draft the policy to align with the Board’s strategic goals.
 - c. Policy Review: OCHE staff shall request a Word version of the existing Board policy or the policy template Word document for a new Board policy from the associate General Counsel, or their designee. OCHE staff shall share a new or revised Board policy with the associate General Counsel and shall provide a reasonable amount of time for legal to conduct a review prior to sharing the policy with stakeholders. If there are additional edits after seeking feedback from stakeholders, the associate General Counsel will conduct a final legal review.
 - d. Stakeholder Feedback: OCHE shall share the draft policy with applicable Utah System of Higher Education consortia groups and USHE institution subject matter experts for feedback. At a minimum, OCHE staff shall share the draft policy internally for feedback

with the Chief Economist, Commissioner and/or Deputy Commissioners, and Executive Committee for feedback and allow adequate time for review prior to submitting the policy to the Committee of the Whole.

1. Modifications: It is not necessary to send the policy back to stakeholders if there are substantive changes, however OCHE staff may share these changes if they choose.
 2. Non-Substantive Edits: OCHE is not required to seek stakeholder feedback for policy edits that result from recently passed legislation or that are non-substantive. This includes edits that do not materially change the intent or directive of the Board policy.
- e. Timelines: Absent good cause and approval of the Board's Secretary, all requirements in this policy, except requirements in sections III.f., III.g., and III.h., shall be completed no later than one month prior to the deadline for OCHE staff to submit Board materials. Board policies not submitted by the deadline for Board materials will be added to a subsequent Board meeting agenda.
 - f. Board Approval: New and/or revised Board policies will be recommended for approval by the Board during a Committee of the Whole.
 - g. Rulemaking Process: Board policies shall go through the rulemaking process when required under the Utah Administrative Rulemaking Act.
 - h. Website: Board policies shall be published on the Utah System of Higher Education website after they are approved by the Board.

IV. Format: Proposed Board policies shall conform to the prescribed format outlined below.

- a. Sections: Board policies shall include, at a minimum, the following sections: purpose, references, definitions, requirements, and history (in footnote).
- b. Format: New or revised Board policies shall follow the policy style guide provided by General Counsel and shall be developed or revised in the policy template Word document.
- c. Revisions: All Board policy revisions shall be represented via track changes in the policy template Word document.

Effective Date: August 27, 2024

OCHE Policy 007, OCHE Property Management

- I. OCHE Property
 - a. Property is defined as any item acquired by the Office of the Commissioner of Higher Education ("OCHE") to support its activities.
 - b. Any property provided to OCHE employees remains the sole and exclusive property of OCHE.

- c. All OCHE property shall only be used for its intended function for work-related activities. Property may not be used for personal use, for-profit activities, or illegal purposes.
- d. All employees shall safeguard OCHE property and exercise reasonable care to prevent damage, loss, or misuse. OCHE employees shall secure OCHE property when not in use and protect confidential information and intellectual property.
- e. OCHE assumes no responsibility for the maintenance or safekeeping of items which are the personal property of OCHE employees.
- f. The University of Utah's regulations, policies, and procedures cover property management for any requirements not covered in this policy.

II. Property Inventory

- a. OCHE property shall be inventoried annually by the OCHE Office Manager, Facilities Manager, and IT Systems Administrator.

III. Property Damage or Theft

- a. OCHE employees shall notify OCHE's Facilities Manager and the employee's supervisor as soon as possible, but no later than one business day, in the event of any damage, theft, or loss of OCHE property.

IV. Replacement of OCHE Property

- a. OCHE employees shall notify OCHE's Facilities Manager to replace OCHE property.
- b. Subsections V. and VI.a. govern when an OCHE employee shall reimburse OCHE for the replacement of property.

V. Key, Access-Credentialed Devices, and Parking FOB Responsibilities

- a. Employee responsibilities and duties for OCHE issued keys, access-credential devices, or parking fobs.
 - 1. OCHE owns all keys, access-credentialed devices (including access cards), and parking fobs issued to employees.
 - 2. Employees must request keys, access-cards, or parking fobs from OCHE's Office Manager.
 - 3. Employees are accountable for the care, custody, and control of the keys, access-cards, and parking fobs that are issued to them.
 - 4. Keys, access-cards, or parking fobs shall only be used by the employee who was assigned those items. Employees shall not loan or give keys, access-cards, or parking fobs to anyone else.
 - 5. Keys, access-cards, or parking fobs must be returned to OCHE's Office Manager within five business days after the employee no longer has an office-related need for the key, access-card, or parking fob.

6. Lost keys, access-cards, or parking fobs must be reported immediately to the Facilities Manager so the item(s) can be deactivated. Additionally, lost keys, access-cards, or parking fobs must be reported as soon as possible, but no later than one business day, to the employee's immediate supervisor.
7. Employees who have been issued a key, access-card, or parking fob to access OCHE's building are accountable to not knowingly allow someone to enter the building with their access-card.
8. Employees are responsible to ensure that an area in OCHE's building that the employee exits is locked before exiting the area/building. Employees must report to OCHE's Facilities Manager any exterior doors that are unlocked unless they are not unlocked for a business purpose (e.g., Board meeting).
9. Employees who lose or require replacement of keys, access-cards, or parking fobs, are required to pay a fee for replacement of the key, access-card, or parking fob. The fees are as follows:
 - A. Key - \$5.00
 - B. Access-card - \$5.00
 - C. Parking fob - \$40.00

VI. Payment for OCHE Property

- a. Except as outlined in V.a.9., employees shall reimburse OCHE for the cost of repairing or replacing OCHE property, whether assigned to them or another OCHE employee based on the property's fair market value in the event of intentional misconduct, negligence, or illegal activity by the employee, or failure of the assigned employee to return the equipment (e.g., computer, iPad, monitor, etc.) at the end of their employment.

VII. Disciplinary Action

- a. OCHE employees may receive disciplinary action according to OCHE policies and University of Utah regulations, policies, and procedures in the event of the employee engaging in intentional misconduct, negligence, or illegal activity of OCHE property.

Effective Date: May 7, 2025