

Office of the Commissioner Staff 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