



PERSONNEL POLICY - SECTION 300

NUMBER: **346**

SUBJECT: **LEAVE POLICY**

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346.1 DEFINITIONS

1.1 **Immediate Family**-The employee's spouse, in-laws, all levels of grandparents, parents, brother, sister, child, and all levels of grandchildren (step-relatives in these categories are included).

1.2 Serious Health Condition-

1.2.1 A condition which requires an overnight stay in a hospital, hospice, or residential medical facility; or

1.2.2 A condition requiring absence from work, school, or other regular daily activities for more than three calendar days, and which requires continuing treatment by, or under the supervision of, a health care provider; or

1.2.3 A condition requiring continuing treatment for a chronic or long-term health condition which, if not treated, would result in an absence of more than three days.

1.3 **In loco parentis**- The legal responsibility of a person or organization to take on some of the functions and responsibilities of a parent.

346.2 REFERENCES

2.1 Family Medical Leave Act of 1993-Pub.L. 103-3

2.2 National Defense Authorization Act- see the most updated law on congress.gov.

2.3 Tier 1 Retirement System- see urs.org/members/PensionTier1

2.4 MTECH Policy 300.301 "Employee Categories and Definitions"

346.3 LEAVE POLICY

MTECH provides benefits-eligible employees with paid leave. As a general rule, leave is calculated based on full time employment (2,080-hour work year). Employees who work less than full time but at least 80 percent of full time (1,664 hours or more) and are eligible for this benefit will have their benefit prorated. For example, an 80% full time employee would accrue 80% of the full benefit.

3.1 Eligibility for Leave Benefits

Except as otherwise noted in this policy, Mountainland Technical College (MTECH) employees hired into full time positions are eligible for the benefits listed in this policy. (See MTECH Policy 300.301.1.4 Employee Categories and Definitions.) With appropriate administrative authority (any two College Vice Presidents or the College President) and ratified by the MTECH Board of Trustees, non-benefits eligible employees may be granted access to all or part of these benefits in situations where their employment duties closely simulate or approximate the duties of a similarly situated benefits eligible employee and when the appropriate authority(s) (listed above) determines that this benefit would be in the best interest of MTECH for purposes of recruitment or retention of a properly or exceptionally qualified employee. An employee may not use annual, sick, or holiday leave before it has accrued. Leave accrued during a pay period may not be used until the following pay period.

3.2 General Information

The leave year is defined as the period beginning on January 1 and ending December 31. Leave is accrued and posted each pay period. Terminating employees must work through the end of the pay period to receive leave hours for the pay period.

346.4 TYPES OF LEAVE

4.1 Bereavement

Three days' time off with pay is authorized to all benefits eligible employees in the case of a death in the immediate family as defined below. Benefits eligible employees may receive such leave for each occurrence.

For the purpose of this section, *immediate family* is defined as the employee's spouse or domestic partner, in-laws, all levels of grandparents, parent, brother, sister, child, and all levels of grandchildren. (Step-relatives in these categories are included).

4.2 Holiday Leave

Mountainland Technical College provides benefits eligible employees with fifteen (15) paid holidays during the calendar year.

Paid holidays are:

New Year's Day

Martin Luther King Jr. Day
Presidents Day
Spring Break Day
Memorial Day
Juneteenth
Independence Day
Pioneer Day
Labor Day
Thanksgiving Day
Friday following Thanksgiving Day
Working day before Christmas
Christmas Day
Working day following Christmas
Working day before New Year's Day

Holidays falling on Saturday are generally observed on the *preceding* Friday and holidays falling on Sunday are generally observed on the *following* Monday.

Holidays may be substituted by a decision of the College President.

Should one of the College holidays fall during your vacation period, it counts as a holiday and not as a vacation day. However, if a paid holiday falls during any unpaid leave of absence, including family leave, you will not receive pay for that holiday.

If an employee is required to work on a scheduled holiday, the employee shall be compensated at time and a half their normal rate. All holiday hours must be approved prior to the hours being worked by the Vice President of Administrative Services. A new hire shall be in a paid status on or before the holiday in order to receive holiday leave. A separating employee shall be in a paid status on or after the holiday in order to receive holiday leave.

4.3 Jury & Witness Service

Benefits eligible employees necessarily absent from work in compliance with an official requirement to appear for jury service or a subpoena to appear as a witness at a trial, deposition, or other official proceeding will continue to receive the equivalent of full pay. The employee is expected to deliver to the College cashier for deposit to the College accounts, any fees received in accordance with law for compelled attendance as a juror or non-expert witness, unless the employee chooses to use their accrued leave time, in which case they may keep the jurors fees. This allowance covers only time lost while actually engaged in jury service or attendance as a

witness and in reasonable travel to and from the place of such service. This policy does not apply when an individual appears in court on his or her own behalf.

4.4 Parental Leave

For the purpose of bonding with or caring for a newborn or newly adopted child, the eligible employee, regardless of employee gender, shall receive 10 workdays of paid leave upon the adoption or birth of the employee's child.

4.4.1 Eligibility for Parental Leave

Full-time, benefits-eligible employees are eligible for parental leave, regardless of the employee's eligibility for FMLA leave.

4.4.2 Use of Parental Leave

When the need for parental leave is foreseeable, the employee shall notify their supervisor at least 14 days before the employee intends to take parental leave. Failure to provide 14 days' notice may result in the employee's request for parental leave being denied. Parental leave must be used within six months of the adoption or birth of the child. Parental leave may be used intermittently or in a block of 10 consecutive workdays. Upon termination, an employee will not be compensated for unused parental leave. Parental leave will run concurrently with job-protected leave such as leave pursuant to FMLA leave.

FMLA-eligible employees may take a total of up to 12 weeks of job-protected medical leave in a rolling calendar year for pregnancy-related conditions, birth, and/or baby bonding. Employees who have medical maternity leave or accrued sick, personal, and/or vacation leave must apply such leave to any remaining FMLA leave taken beyond the 10- workday parental leave. While on parental leave, the employee shall perform no work for MTECH.

4.5 Medical Maternity Leave

Full-time, benefits-eligible employees who give birth are eligible for six weeks of paid medical maternity leave due to the medical necessity of recovering from childbirth. Medical maternity leave may be used only in a single block of six consecutive weeks, not intermittently. Upon termination, an employee will not be compensated for any unused medical maternity leave.

This paid leave begins immediately upon the birth of the child, regardless of the employee's eligibility for FMLA leave. Medical maternity leave will run concurrently with job-protected FMLA leave. FMLA-eligible employees may take a total of up to 12 weeks of job-protected medical leave in a rolling calendar year for pregnancy-related conditions, birth, and/or baby bonding. If an FMLA-eligible employee requires more than six weeks for medical recovery from childbirth, the additional leave shall be charged to any remaining FMLA leave in the following order:

1. Parental leave (paid)

2. Accrued sick leave (paid)
3. Personal leave (paid)
4. Accrued vacation leave (paid)
5. Any remaining FMLA leave (unpaid)

While on medical maternity leave, the employee shall perform no work for MTECH. Medical maternity leave is separate from parental leave. An employee may take parental leave after taking medical maternity leave.

4.6 Military Leave

4.6.1 Full time salaried or hourly benefited personnel who are members of any reserve branch of the United States Armed Forces are entitled to a leave of absence with full pay for time not in excess of 15 working days per year spent on duty at annual encampments or other required active duty training. This leave shall be in addition to annual vacation leave with pay. Salaried employees who work less than 40 hours per week will receive this benefit on a prorated basis. Military leave for part-time employees shall be based on a prorated basis that is no more than the average hours worked in the last 12 months, or if employed less than 12 months, the average hours worked since date of hire. A copy of the orders requiring the attendance of an eligible employee for military leave shall be attached to the request for leave with pay. An employee may not claim salary for non-working days spent in military training or for traditional weekend training.

4.6.2 Upon release from official military orders under honorable conditions, an employee shall be placed in a position in the following order of priority:

1. If the period of service was for less than 90 days, the employee shall be placed
 - a. in the same position the employee held on the date of the commencement of the service in the uniformed services; or
 - b. in the same position the employee would have held if the continuous employment of the employee had not been interrupted by the service.
2. If the period of service was for more than 90 days, the employee shall be placed
 - a. in a position of like seniority, status and salary, of the position the employee held on the date of the commencement of the service in the uniformed services; or
 - b. in a position of like seniority, status, and salary the employee would have held if the continuous employment of the employee had not been interrupted by the service.

4.7 Personal Leave

Benefits eligible employees will receive sixteen (16) hours of personal leave at the first of each calendar year and are used as needed with approval from the employee's supervisor. Personal

hours do not accumulate and unused hours will be forfeited at the conclusion of each calendar year. Employees must obtain verbal or written approval from their supervisor based on the facts and circumstances of the leave request.

4.8 Sick Leave Accrual

4.8.1 Benefits eligible employees accrue one (1) day per month of sick leave. Sick leave may accrue without limit. Unused sick leave is forfeited upon termination.

4.8.2 MTECH abides by the rules and regulations of the Family Medical Leave Act (FMLA). Sick leave will be charged against both the sick leave accrual and the FMLA allowance concurrently as they occur.

4.8.3 If the length of the illness is longer than the employee's accrued sick leave, the employee may use accumulated vacation leave or leave without pay as approved by the College and in accordance with the Family and Medical Leave Policy.

4.8.4 **Sick Leave Coordinated with Family Medical Leave Act (FMLA) Of 1993-** Eligible employees will use accrued paid leave (Sick, Vacation, or Personal) concurrent with the 12 weeks of Family Medical Leave. Only accrued leave balances may be used. If there is no accrued leave, the leave is unpaid.

4.8.5 Management may require an employee to produce administratively acceptable evidence to support any request for leave to cover an absence that exceeds three consecutive working days. Management may require an employee to produce administratively acceptable evidence regardless of the number of leave hours if there is reason to question the legitimacy of the employee's absence.

4.8.6 Sick leave may not be used when requesting time off for a vacation.

4.9 Vacation Leave Accrual

Employees are encouraged to use, rather than accrue, vacation leave. A maximum of 240 hours of accrued vacation may be carried forward from one calendar year to the next. Hours that exceed 240 will be forfeited at the conclusion of each calendar year.

Vacation leave accrues according to the following schedules:

4.9.1 **Full Time Benefits Eligible Personnel** accrue vacation as follows:

<i>Years of Service</i>	<i>Rate at Which Vacation is Accrued</i>
0 to 4	15 day per 12 months (1.25 days per month)
4 to 6	18 days per 12 months (1.5 days per month)

6 to 8	21 days per 12 months (1.75 days per month)
8+	24 days per 12 months (two days per month)

4.9.2 Vacation Leave Accrual for Benefits Eligible, adjusted schedule:

80% Full Time Benefits Eligible Personnel accrue vacation as follows:

<i>Years of Service</i>	<i>Rate at Which Vacation is accrued</i>
0 to 4	15 days per 12 months (1.25 day per month=8 hours)
4 to 6	18 days per 12 months (1.5 days per month=9.6 hours)
6 to 8	21 days per 12 months (1.75 days per month=11.2 hours)
8+	24 days per 12 months (2 days per month=12.8 hours)

85% Full Time Benefits Eligible Personnel accrue vacation as follows:

<i>Years of Service</i>	<i>Rate at Which Vacation is Accrued</i>
0 to 4	15 days per 12 months (1.25 days per month = 8.5 hours)
4 to 6	18 days per 12 months (1.5 days per month = 10.2 hours)
6 to 8	21 days per 12 months (1.75 days per month = 11.9 hours)
8+	24 days per 12 months (two days per month = 13.6 hours)

Service increases begin the first day of the month as calculated from their individual date of full-time employment (i.e. full-time employment date of 5/10 would increase 5/1.) The Director of Human Resources, at the instruction of the College President, may advance a full-time employee further along the years of service scale if it is deemed in the best interest of the College.

4.9.5 Vacation Leave Accrual at Termination

Upon termination, the cash value of the accumulated unused vacation leave is calculated by multiplying the employee’s current hourly rate with the number of accrued hours of vacation leave. This amount will be paid as one lump-sum payment, subject to applicable taxes. This may be included with the final paycheck or as a separate check or deposit at the discretion of the Human Resource Department and Payroll Department.

4.9 Family and Medical Leave

4.10.1 An employee who meets eligibility requirements (see section 4.10.5 below) is allowed up to 12 workweeks of family and medical leave each calendar year for any of the following reasons:

1. birth of a child;
2. adoption of a child;
3. placement of a foster child;
4. a serious health condition of the employee; or
5. care of a legal spouse, child, or parent with a serious health condition.
6. A qualifying exigency arising as a result of a legal spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces.

The Department of Labor's definition of "child" includes individuals for whom the employee stands as "in loco parentis", and their definition of parent includes individuals who stand "in loco parentis" to the employee.

MTECH may require the employee to provide medical certification of the serious health condition of either the employee or the family member.

4.10.2 An employee is allowed up to 26 work weeks of family and medical leave during a 12-month period to care for a legal spouse, son, daughter, parent or next of kin who is a recovering service member as defined by the National Defense Authorization Act.

4.10.3 An employee on FMLA leave shall continue to receive the same health insurance benefits the employee was receiving prior to the commencement of FMLA leave provided the employee pays the employee share of the health insurance premium.

4.10.4 An employee on FMLA leave shall receive any administrative leave given for non-performance-based reasons if the leave would have been given had the employee been in a working status.

4.10.5 To be eligible for family and medical leave, the employee shall

1. be employed by MTECH for at least 12 months;
2. be employed by MTECH for a minimum of 1250 hours worked, as determined under FMLA, during the 12-month period immediately preceding the commencement of leave.

4.10.6 To request FMLA leave, the employee or an appropriate spokesperson, shall apply in writing for the initial leave and when the reason for requesting family medical leave changes

1. thirty days in advance for foreseeable needs; or
2. as soon as practicable in emergencies.

4.10.7 An employee with a serious health condition must use accrued annual leave, sick leave, excess hours and compensatory time prior to going into leave without pay status for the family and medical leave period.

1. If any employee fails to notify MTECH under this subsection, accrued leave will be used to pay the employee's payroll deductions in the following order: Accrued sick leave, personal leave, and then vacation leave.

4.10.8 An employee who chooses to use FMLA leave shall use FMLA leave for all absences related to that qualifying event.

4.10.9 Any period of leave for an employee with a serious health condition who is determined by a healthcare provider to be incapable of applying for Family and Medical Leave and has no agent or designee shall be designated as FMLA leave.

4.10.10 An employee with a serious health condition covered under workers' compensation may use FMLA leave concurrently with the workers' compensation benefit.

4.10.11 If any employee has gone into leave without pay status and fails to return to work after FMLA leave has ended, MTECH may recover, with certain exceptions, the health insurance premiums paid by MTECH on the employee's behalf. An employee is considered to have returned to work if the employee returns for at least 30 calendar days.

- 4.10.11.1** Exceptions to this provision include an employee whose circumstances change unexpectedly beyond the employee's control during the leave period, preventing the return to work at the end of 12 weeks.

4.10.12 Leave taken after childbirth or placement of a healthy child for adoption or foster care may not be taken intermittently or on a reduced leave schedule unless the employee and employer mutually agree.

4.10.13 Medical records created for purposes of FMLA and the Americans with Disabilities Act shall be maintained in accordance with applicable confidentiality requirements.

4.11 Administrative Leave

4.11.1 Administrative leave may be granted consistent with MTECH's policy for the following reasons:

1. During management decisions that benefit the organization;
2. When no work is available due to unavoidable conditions or influences;

3. Personnel decision-making prior to discipline;
4. Removal from adverse or hostile work environment situations;
5. Fitness for duty or employee assistance
6. Reward in lieu of cash. One day per occurrence may be granted by the College President or designee. More than one day may be granted with written approval from the College President, not to exceed 40 hours in a fiscal year.
7. Other reasons consistent with MTECH policy.

4.11.2 Voting: A benefits eligible employee shall be granted up to two hours of administrative leave to vote in an official election if the employee has fewer than three total hours off the job between the time the polls open and close, and the employee applies for the leave at least 48 hours in advance. Management may specify the hours when the employee may be absent, for the benefit of the College.

4.11.3 Administrative leave taken shall be documented in the employee's personnel file and/or payroll records.

4.11.4 Weather related campus closure

Campus closures due to weather are rare. However, in the event severe weather forces the closure of one or more campus locations, all affected full-time employees will be paid for such time off. Affected part-time employees will be paid if scheduled to work that day and only for those hours which the employee would normally work. Employees should communicate with their department supervisor to determine work from home options for completing assignments.

If campus is open, all employees will be expected to make reasonable efforts to get to work. Employees unable to arrive for work due to inclement weather will use vacation or personal time to make up hours missed. All employees who are unable to report to work should call their department supervisor and report their absence 30 minutes prior to the start of their work day.

4.12 Leave of Absence Without Pay

4.12.1 An employee shall submit a written request to their manager and be approved before taking leave of absence without pay. The leave may be granted only when there is an expectation that the employee will return to work. It may not be granted when documentation from one or more qualified healthcare providers clearly establishes that the employee has a permanent condition preventing them from returning to the last held regular position, unless prohibited by law.

4.12.2 An employee who receives no compensation for a complete pay period shall be responsible for payment of the full premium of state provided benefits. If the employee returns to work on or before the expiration of leave without pay, they shall be placed in a position with comparable pay and seniority to the previously held position. Upon request, an employee who is granted this leave shall provide a monthly return to work status update to the employee's supervisor.

4.13 Workers Compensation Leave

4.13.1 An employee may use accrued leave benefits to supplement the workers' compensation benefit.

4.13.1.1 The combination of leave benefit, wages and workers' compensation benefit may not exceed the employee's gross salary. Leave benefits shall only be used in increments of one hour in making up any difference.

4.13.1.2 The use of accrued leave to supplement the workers' compensation benefit shall be terminated if the

1. employee is declared medically stable by a licensed medical authority;
2. workers' compensation fund terminates the benefit;
3. employee refuses to accept appropriate employment offered by MTECH; or
4. employee is notified of approval for Long Term Disability (LTD) or Social Security Disability benefits.

4.13.1.3 The employee shall refund to MTECH any accrued leave paid which exceeds the employee's gross salary for the period for which the benefit was received.

4.13.2 Workers' compensation hours shall be counted for purposes of annual, sick and holiday leave accrual while the employee is receiving a workers' compensation time loss benefit for up to six months from the last day worked in the regular position.

4.13.3 Health insurance benefits shall continue for an employee on leave without pay while receiving workers' compensation benefits. The employee is responsible for the payment of the employee's share of the program.

4.13.4 If the employee is able to return to work in their regular position, MTECH shall place the employee in the previously held position or a similar position at a comparable salary range.

4.13.5 If the employee is unable to return to the regular position, or if documentation from one or more qualified health care providers clearly establishes that the employee has a

permanent condition preventing them from returning to the last held regular position, the employee may be separated from MTECH employment unless prohibited by law.

4.13.6 An employee who files a fraudulent workers' compensation claim may be subject to dismissal.

4.14 Long Term Disability Leave

4.14.1 Upon arrival of an LTD claim:

1. Biweekly salary payments the employee may be receiving shall cease. If the employee received any salary payments after the three-month waiting period, the LTD benefit shall be offset by the amount received.
2. The employee shall be paid for remaining balances of annual leave, excess hours and compensatory hours earned by FLSA non-exempt employees in a lump sum payment. This payment shall be made at the same time LTD is approved, unless the employee requests in writing to receive it upon separation from state employment. No reduction of the LTD payment shall be made to offset this payment. Upon return to work from an approved leave of absence, the employee has the option of buying back annual leave at the current hourly rate.
3. An employee who retires from the state government directly from LTD may be eligible for health and life insurance under Subsection 67-19-14.
4. Unused sick leave balance shall remain intact until the employee retires. At retirement, the employee shall be eligible for the 401(k) contribution and the purchase of health and life insurance under subsection 67-19-14.2.

4.14.2 An employee in the Tier I retirement system shall continue to accrue service credit for retirement purposes while receiving long term disability benefits.

4.14.3 Conditions for return from long term disability include:

1. If an employee provides an administratively acceptable medical release allowing a return to work prior to termination under this section, the agency shall place the employee in the previously held position or similar position in a comparable salary range provided the employee is able to perform the essential functions of the job with or without a reasonable accommodation.

4.14.4 Long term disability benefits are provided to eligible employees in accordance with Utah Code 49-21-403.

4.15 Organ Donor Leave

A benefits eligible employee who donates bone marrow shall be granted up to seven days of paid leave. An employee who donates a human organ shall be granted up to 30 days of paid leave.

4.16 Furlough

Agency management may furlough employees as a means of saving salary costs in lieu of or in addition to a reduction in force. Furlough plans are subject to the approval of the Board of Trustees and College President and the following conditions:

4.16.1 Furlough hours shall be counted for purposes of annual, sick and holiday leave accrual.

4.16.2 Payment of all employer paid benefits shall continue at MTECH's expense.

4.16.2.1 Benefits that have fixed costs shall be paid at the full rate, regardless of how many days an employee is furloughed.

4.16.2.2 Benefits that are paid as a percentage of actual wages shall continue to be paid as percentage of actual wages if the furlough is less than one pay period. Employees who are furloughed for a full pay period shall have no percentage-based benefits paid.

4.16.3 An employee who is furloughed shall continue to pay the employee portion of all benefits. Voluntary benefits shall remain entirely at the employee's expense.

4.16.4 An employee shall return to the current position.

346.5 LEAVE PROCEDURE

Employee Responsibilities:

5.1 Request leave at least two (2) weeks prior to the leave being taken, except for emergencies, bereavement, or sick leave.

5.2 Request to the applicable supervisor in writing or by e-mail all leave, including vacation, sick, personal, military, jury duty, bereavement, leave without pay, and compensation time earned or used. Personal, sick, and vacation leave should be requested through TimeForce.

5.3 Record hours worked and leave hours taken on their individual electronic timesheet.

5.4 Supervisor Responsibilities: Supervisors should assess the leave request and the length of time requested to determine if the request is reasonable in relation to the impact the absence will have on the College. The leave may be paid or unpaid, depending on full or part time status and number of hours available.

While it is the responsibility of the employee to request leave, MTECH supervisors and administrators reserve the right to request leave when they have failed to do so because of an

emergency situation, an oversight, or an approved leave request that has not been recorded properly.

Supervisors are required to review and approve their employee time cards every pay period to verify accuracy and adherence to this policy.

346.6 LEAVE RESPONSIBILITY

6.1 Employees are responsible for requesting leave in advance so schedules can be arranged to accommodate the needs of MTECH and the employee and recording accurate hours on their electronic timesheet.

6.2 Department Directors and Supervisors are responsible for approving, coordinating, and recording the leave of employees within their departments.

6.3 The Payroll Officer/Human Resource Director is responsible to manage and maintain leave accrual records and approve of the payout option elected by a terminating employee.