

Internal Policies and Procedures of the Utah State Board of Education	
<b>Policy</b>	04-11
<b>Subject</b>	Leave Bank (Leave Assistance)
<b>Date</b>	April 1, 2022
<b>Policy Owner</b>	Director of Human Resources
<b>Policy Officer</b>	Deputy Superintendent of Operations
<b>References</b>	DHRM Administrative Rule <a href="#">R477-7-19, Leave Bank</a>

## **I. PURPOSE AND SCOPE:**

1. The purpose of this policy is to establish a process for granting leave hours from the USBE Leave Bank to qualifying USBE employees to take an extended leave of absence from work and whose leave benefits have been, or will be, exhausted. This policy is not intended to underwrite abusive use of sick leave.
2. This policy applies to all benefitted USBE employees who have worked for USBE
3. This policy relies on the following definitions:
  - a. *Qualifying Event:* An illness, physical condition, or accident producing a life threatening or incapacitating situation for a USBE employee or a member of the employee's immediate family, for which extensive medical treatment or prolonged absence from work is necessary.
    - i. Qualifying events include parental leave, including pregnancy and the post- partum time for the employee or the employee's immediate family member, or the adoption of a child.
  - b. *Immediate Family Members:* The employee's spouse, child, or parent.

## **II. POLICY:**

1. The USBE establishes and maintains a leave bank that may be used by eligible USBE employees. Use of the USBE Leave Bank is not an employee right and is authorized at the discretion of the Superintendency, on a case-by-case basis. The USBE Leave Bank may be used for sick leave assistance for a USBE employee who has a qualifying event requiring extended absence from work.
2. At the beginning of the calendar year, all annual leave hours in excess of 320 that are forfeited at the end of the year under DHRM Rule R477-3 (commonly referred to as "use or lose") are automatically captured into the USBE Leave Bank.
  - a. Other leave donations to USBE employees, outside of the annual use or lose, are not accepted for the leave bank.
3. All USBE benefitted employees are eligible to receive maximum sick donations from the USBE Leave Bank once they have worked for the agency for six months.
4. An employee who has worked for USBE for less than six months may only be compensated for half of the hours needed - up to 40 hours per pay period.

5. A USBE employee who has used sick leave inappropriately may not receive assistance from the USBE Leave Bank for one year from the inappropriate use of sick leave.
6. A USBE employee may not use USBE Leave Bank hours until all other forms of the employee's paid leave are exhausted.
7. Leave Bank hours may not be used at the same time as Workers Compensation salary benefits, or Long-Term Disability benefits.
8. The maximum number of Leave Bank hours that a full-time employee may use is 480 hours per calendar year, when the leave is used for the employee's qualifying event.
  - a. This maximum allowable number of hours may be pro-rated proportionally for a part-time employee.
9. The maximum number of Leave Bank hours that a full-time employee may use to care for an immediate family member with a qualifying event is 240 hours per calendar year.
  - a. This maximum allowable number of hours may be pro-rated proportionally for a part-time employee.
  - b. An employee may only be compensated for half of the hours needed to care for an immediate family member, up to 40 hours per pay period. For example, if the employee is away from work for 40 hours in a pay period, the employee could be compensated for 20 hours of the time from the USBE Leave Bank, and the remaining hours would be recorded as leave without pay.
10. A USBE employee receiving USBE Leave Bank hours may not work a second job without the written consent of the Superintendent.
11. An employee accrues all regular leave benefits while using hours from the Leave Bank.

### **III. PROCEDURES:**

#### *Request and Approval*

1. A USBE employee desiring to use hours from the USBE Leave Bank shall provide medical documentation indicating the estimated time an employee will be unable to work. FMLA certifications from the health care provider will be accepted as documentation.
2. To request hours from the USBE Leave Bank, an eligible USBE employee shall submit a Leave Bank application form to DHRM.
  - a. If possible, a USBE employee should submit an application prior to needing the leave.
  - b. The employee's supervisor may request the benefit on behalf of the employee if the employee is unable to do so themselves.

3. DHRM consults with the Superintendency for approval or disapproval in each case, which shall be recorded in writing.
4. When considering a request for use of Sick Leave Assistance, the Superintendency takes into account the availability of leave bank hours, need of the employee, previous history of leave use, and any previous or current performance improvement plans, disciplinary actions, or warning letters.
5. DHRM may collect information from the employee's health care provider.
  - a. The eligible employee shall submit any medical documentation required by DHRM to support the use of the USBE Leave Bank.
  - b. All medical records created for the purpose of a leave bank, shall be maintained in accordance with confidentiality requirements in Utah Administrative Code Section R477-2-5.
  - c. A supervisor, manager, or management team may not have access to or review a USBE employee's medical certification or physician statement. DHRM is the only entity at the USBE allowed to view an employee's medical certifications or physician statements.
6. A DHRM representative notifies the employee within 5 working days of the approval or disapproval, and the number of hours approved.
7. Exceptions to this policy may be granted by the Superintendent.

#### *End of Leave*

1. An employee's leave assistance from the Leave Bank shall end when:
  - a. The employee returns to work;
  - b. The employee's absence is no longer supported by a health care provider's written statement; or
  - c. The employee's absence extends beyond 480 Hours, unless the employee seeks and receives the Superintendent's, or the Superintendent's designee's written approval for an extension. Any extension is subject to the same, ongoing eligibility requirements as an initial approval.

#### *Donating Leave Outside of USBE*

1. Employees who donate leave to employees in other departments outside the USBE are subject to those department's policies and procedures.
  - a. The donation shall be approved by both the USBE and the agency receiving the donated hours.

#### IV. **HISTORY:**

This policy supersedes the previous Leave Bank policy that was established November 1, 2009 and updated March 11, 2013 and April 30, 2018.