

**To:** Legislative History

**Policy Owner(s):** Director Benefits, Human Resources, and University of Utah Hospitals and Clinics Director of Employee Relations

**Date:** November 1, 2022

**Re:** Policy 5-300: Holidays Revision 10. and Rule R5-300A: Scope, Eligibility, and Limitations for Holidays – University Employees (Other than UUHC Staff) Revision 1.

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This revised policy adds Juneteenth National Freedom day to the list of University holidays and specifies the date the holiday is observed if it falls on a weekend. In addition, this change moves the date that other holidays that fall on weekends are observed from Rule R5-300A to Policy 5-300. 2022 Legislative General Session [H.B. 238](#) added Juneteenth National Freedom Day to the statutory list of State Holidays. The Utah Board of Higher Education added Juneteenth National Freedom Day to the list of holidays for state institutions of higher education (See [UBHE Policy R821](#)). See below for the changes to this policy and rule in context.

## Proposed University of Utah Regulation Revision

General Regulation Information	
<b>Regulation proposed for enactment/revision</b>	Policy 5-300: Holidays
<b>Policy owner(s)</b>	University of Utah Director of Benefits and University of Utah Hospitals and Clinics Director of Employee Relations
<b>Policy officer(s)</b>	Chief Human Resources Officer and Senior Vice President for Health Sciences
<b>Contact person(s)</b>	Wendy Poppleton and Rosemary Norton
<b>Other related regulations with proposed revisions</b>	<p>R5-300A: Scope Eligibility, and Limitations for Holidays – University Employees (Other than UUHC Staff)</p> <p>R5-200B: Paid Time Off (PTO), Holidays, Paid Parental Leave, and Other Paid Leave for University of Utah Health, Hospitals and Clinics Staff Members.</p> <p>R5-201A: Scope, Eligibility, and Limitations for Leaves of Absence (Non Health Related) – University Employees (Other than UUHC Staff)</p>
<b>Planned effective date of revisions</b>	November 8, 2022
<b>Brief (1-2 sentence) description of revisions and reason for revision</b>	This policy revision is part of a package of changes to revise employee leave policies including changes to comply with statutory changes enacted in the 2022 General Session and Utah Board of Higher Education Policy changes. This policy revision adds Juneteenth National Freedom Day to the list of University Holidays. The Utah Board of Higher Education amended USHE Policy R821 to add Juneteenth National Freedom Day as a holiday for all Utah institutions of higher education.

Consultation and Approval	
<b>Groups and Stakeholders Consulted</b>	
Senate Advisory Committee on Academic Policy	
Staff Council	
<b>Required Approval Steps and Date (if applicable)</b>	
Council of Academic Deans (if applicable)	Not Applicable
Institutional Policy Committee	September 9, 2022
Academic Senate Executive Committee	October 17, 2022

Vice President or Designee	September 9, 2022
Academic Senate (if applicable)	November 7, 2022 (information calendar)
Board of Trustees (if applicable)	November 8, 2022

# Policy 5-300: Holidays

Revision #~~9~~10. Effective date: ~~October 14, 2014~~ November 8, 2022

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## I. Purpose and Scope

### A. Purpose.

To outline the University's policy with respect to Holidays for Employees and related pay practices and eligibility standards.

## B. Scope.

This Policy is applicable for all categories of University Employees, and is intended to be implemented through associated University Regulations, including University Rules, which shall describe and govern specific aspects of the scope and manner of implementation separately for Employees of the University of Utah Hospitals and Clinics, and for all other University Employees.

## II. Definitions

The following definitions apply for the limited purposes of this policy and any associated regulations.

- A. The definitions of the terms "Benefits-eligible Position" and "Employee" as provided in Policy 5-001 apply for purposes of this Policy.
- B. "Paid Time Off" or "PTO" is defined in Rule 5-200B, Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members.

## III. Policy

### A. Holidays

- 1. Subject to the eligibility, use, and limitation provisions in University Rule 5-200B (Paid Time Off for UUHC Staff Members), and Rule 5-300A (Scope, Eligibility, and Limitations for Holidays - University Employees [Other than UUHC Staff]), the University designates the following days as Holidays:

- a. New Year's Day, 1<sup>st</sup> day in January
- b. Martin Luther King Day, 3<sup>rd</sup> Monday in January
- c. President's Day, 3<sup>rd</sup> Monday in February

d. ~~i.~~ Memorial Day, last Monday in May

e. Juneteenth National Freedom Day, 19<sup>th</sup> day in June

f. ~~d.~~ Independence Day, 4<sup>th</sup> day in July

- g. ~~e.~~ Pioneer Day, 24<sup>th</sup> day in July
- h. ~~f.~~ Labor Day, 1<sup>st</sup> Monday in September
- i. ~~g.~~ Thanksgiving – 2 days, 4<sup>th</sup> Thursday in November and the following Friday
- j. ~~h.~~ Christmas, 25<sup>th</sup> day in December
- k. ~~i.~~ Two annual personal preference holidays, two individual-selected holidays for Employee's personal use during each calendar year, subject to [Rule 5-200B](#) (UUHC Staff Employees only), and Rule 5-300A (all other Employees)

B. Variations from Standard Holiday Schedule

1. Except Juneteenth National Freedom Day:

- a. the University shall observe a holiday falling on a Saturday on the immediately preceding Friday; and
- b. the University shall observe a holiday falling on a Sunday on the immediately following Monday.

2. The University shall observe Juneteenth National Freedom Day:

- a. on June 19 if June 19 is on a Monday;
- b. on the immediately preceding Monday if June 19 is on a Tuesday, Wednesday, Thursday, or Friday; and
- c. on the immediately following Monday if June 19 is on a Saturday or Sunday.

C. ~~B.~~ Days of Religious Observance

1. The University recognizes the existence of various days of religious observance or obligation. To be consistent with the University policy of nondiscrimination and to provide flexibility for personal choice, the University will allow (1) staff Employees in Benefits-eligible Positions with University of

Utah Hospitals and Clinics to use PTO, subject to the provisions of Rule 5-200B, and (2) all other Employees in Benefits-eligible Positions with the University to use [their](#) two annual Personal Preference Holidays [and/or vacation time](#), subject to the provisions of Rule 5-300A. Supervisors are encouraged to make every effort to grant these requests consistent with business necessity.

D. ~~G.~~ Pay Practices

1. Pay practices for observance of University Holidays are subject to the eligibility and limitation provisions in University Rule 5-200B (UUHC Staff), and Rule 5-300A (all other University Employees).

E. ~~D.~~ Other Holidays

1. The University may provide other paid Holidays, as described in Rule 5-200B (UUHC Staff), and Rule 5-300A (all other University Employees).

*Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.*

#### **IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources**

A. Policies/ Rules.

1. Rule 5-200B: Paid Time Off for University of Utah Hospitals and Clinics Staff Members
2. Rule 5-300A: Scope, Eligibility, and Limitations for Holidays – University of Utah Employees (other than UUHC Staff)

B. Procedures, Guidelines, and Forms. [ *reserved* ]

C. Other Related Resources. [ *reserved* ]

#### **V. References**

- A. Policy 5-001: Employee Definitions

## **VI. Contacts**

- A. Policy Owners (primary contact person for questions and advice): the University of Utah Hospitals and Clinics' Director of Employee Relations is responsible for the application of this Policy to University of Utah Hospitals and Clinics Employees, and the University's Director of Benefits is responsible for the application of this Policy to all other University Employees (non-UUHC).
- B. Policy Officers: the University's Chief Human Resources Officer (non-UUHC Employees) and the Senior Vice President for Health Sciences.

See University Rule 1-001 for information about the roles and authority of policy owners and policy officers.

## **VII. History**

Revision History.

- A. Current version. Revision 10.
  - 1. Approved by Chief Human Resources Officer with effective date of November 8, 2022.
  - 2. Legislative History for current version.
  - 3. Editorial Revisions: *[reserved]*
- B. Past versions.
  - 1. Revision 9. Effective October 14, 2014.
    - a. Legislative History for Revision 9.
  - 2. Revision 8. Effective September 5, 1997
    - a. Legislative History for Revision 8.
- C. Previous Versions
  - 1. Renumbered from Policy and Procedures Manual 2-40

## Proposed University of Utah Regulation Revision

General Regulation Information	
<b>Regulation proposed for enactment/revision</b>	R5-300A: Scope Eligibility, and Limitations for Holidays – University Employees (Other than UUHC Staff)
<b>Policy owner(s)</b>	University of Utah Director of Benefits
<b>Policy officer(s)</b>	Chief Human Resources Officer
<b>Contact person(s)</b>	Wendy Poppleton
<b>Other related regulations with proposed revisions</b>	<p>Policy 5-300: Holidays</p> <p>R5-200B: Paid Time Off (PTO), Holidays, Paid Parental Leave, and Other Paid Leave for University of Utah Health, Hospitals and Clinics Staff Members.</p> <p>R5-201A: Scope, Eligibility, and Limitations for Leaves of Absence (Non Health Related) – University Employees (Other than UUHC Staff)</p>
<b>Planned effective date of revisions</b>	November 8, 2022
<b>Brief (1-2 sentence) description of revisions and reason for revision</b>	This rule revision is part of a package of changes to revise employee leave policies due to statutory changes enacted in the 2022 General Session and Utah Board of Higher Education Policy changes. This rule revision deletes the observance days for holidays that fall on weekends because those dates are being moved into Policy 5-300.

Consultation and Approval	
<b>Groups and Stakeholders Consulted</b>	
Senate Advisory Committee on Academic Policy	
Staff Council	
<b>Required Approval Steps and Date (if applicable)</b>	
Council of Academic Deans (if applicable)	Not Applicable
Institutional Policy Committee	September 9, 2022
Academic Senate Executive Committee	October 17, 2022
Vice President or Designee	October 31, 2022
Academic Senate (if applicable)	November 7, 2022 (information calendar)

Board of Trustees (if applicable)	Not required
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**Rule 5-300A: Scope, Eligibility, and Limitations for Holidays – University Employees (Other than UUHC Staff).**

Revision #01. Effective date: ~~October 14, 2014~~ November 8, 2022

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**I. Purpose and Scope**

A. Purpose.

To implement University Policy 5-300 and provide the scope, eligibility, and limitations for paid Holidays available as a benefit for University Employees.

B. Scope.

This Rule applies to University Employees other than Employees of the University Hospitals and Clinics (UUHC). Employees of UUHC should refer to

Rule 5-200B, Paid Time Off (PTO), Holidays, and Other Paid Leave for University of Utah Hospitals and Clinics Staff Members.

## II. Definitions

The definitions provided in [Policy 5-300](#) apply for this rule. In addition, the terms below apply for the limited purpose of this rule.

A. The definitions of Employee categories ("Employee," "Administrative Officer," "Faculty," "Non-Faculty Academic Employee," and "Staff"), and of the terms "Benefits-eligible Position", "Exempt", "Full-time", "FTE", "Non-exempt", "Probationary Period", and "Temporary" provided in [Policy 5-001](#), Employee Definitions, apply for purposes of this Rule.

B. "Holiday" means a holiday described in Policy 5-300 or a Holiday declared by the president.

## III. Rule

### A. Eligibility

1. University Employees (including Administrative Officers, Faculty, Non-faculty Academic Employees, and Staff) are eligible for Holiday pay for those Holidays designated in [Policy 5-300](#) (including the two annual Personal Preference Holidays ~~there~~-described [below](#)) if they hold a Benefits-eligible Position at .50 FTE or greater.

### B. Hours of Pay

1. Eligible Employees employed at 1.0 FTE receive 8 hours of pay for each Holiday (including each Personal Preference Holiday). If an eligible Employee is employed at less than 1.0 FTE (but at least .50 FTE) the paid Holiday hours are prorated by the Employee's percentage of FTE.

### C. Holidays

~~1. Variations from Standard Holiday Schedule~~

1. ~~2.~~ An additional Holiday may be declared from time to time by the president of the University.

~~i. A Holiday falling on Saturday will be observed the preceding Friday.~~

2. ~~3.~~ A Holiday falling on Sunday will be observed the following Monday.

Payment for a Holiday which occurs during a period of leave of absence without pay will be made only when the individual works at least one full day during the workweek in which the Holiday occurs or otherwise receives compensation for a portion of the work week by being on sick leave or paid vacation status.

3. ~~4.~~ Holiday Premium Pay (and Overtime)

- a. Staff in Non-exempt (hourly) positions who are eligible to receive Holiday pay and are required to and do work on a designated Holiday other than a Personal Preference Holiday, will be paid, in addition to regular pay, a premium payment equal to one-half of their base hourly rate for such hours worked on a Holiday.
- b. Holiday premium pay is paid in addition to any overtime payment due. Premium pay for a Holiday worked will not be included in determining the regular hourly rate of pay for the purpose of calculating overtime payments.
- c. Employees in Temporary positions are not eligible for Holiday premium pay.
- d. Holiday hours are only considered in the computation of overtime if the hours were actually worked.

4. ~~5.~~ Employees in Benefits-eligible Positions (both Exempt and Non-exempt) who are required to and do work on a Holiday (other than a Personal Preference Holiday) shall receive equal time off (not to exceed 8 hours), which shall be scheduled at the mutual convenience of the Employee and the employing unit. The equal time off alternative Holiday should be scheduled

within the same pay period, if possible, or will be scheduled within the current fiscal year. Exception: If the equal time off is not taken because the Employee terminates or management is unable or chooses not to reschedule the Holiday time off, the eight hours will be paid as time at the base hourly rate. For Staff in Non-exempt positions, the equal time off granted in this paragraph is in addition to the Holiday premium pay in paragraph 3 above.

- 5. ~~6.~~ In the event a University of Utah Hospitals and Clinics Employee in a position governed by Rule 5-200B (PTO) transfers to a University position governed by this Rule 5-300A, all accrued Holiday Leave from the UUHC position will be paid to the Employee upon transfer.

D. Personal Preference Holidays

- 1. The two Personal Preference Holidays (which eligible Employees receive under Policy 5-300) accrue annually on January 1.
- 2. A new Employee is eligible for Personal Preference Holidays based on ~~his/her~~the Employee's date of hire:

Hire Date	Personal Preference Holidays
January 1	2 days
January 2 through June 1	1 ½ days
June 2 through November 1	1 day
Employees hired November 2 or after are not eligible for Personal Preference Holidays until the following January 1.	

- 3. Scheduling of use of a Personal Preference Holiday is at the discretion of the Employee, provided that notice is given to the Employee's supervisor within a reasonable time, but not less than five work days before the scheduled date. The notice need not state any reasons why the specified date was selected as a Personal Preference Holiday. An Employee ordinarily shall have a right to take a Personal Preference Holiday upon the date specified in the notice,

unless the Employee's supervisor determines that emergency or other highly unusual circumstances require the Employee to work on that date in order to prevent serious interference with or substantial harm to University business, property, personnel, programs, or activities.

4. If an Employee uses their Personal Preference Holidays for religious holidays and wishes to observe additional religious holidays, time off must be arranged in advance and will be deducted from the Employee's accrued vacation. Supervisors are encouraged to make every effort to grant these requests consistent with business necessity.
5. Use of Personal Preference Holidays should be arranged in advance and authorized by the responsible supervisor so that the efficiency of the organizational unit is not compromised.
6. An Employee may take a maximum of two Personal Preference Holidays during each calendar year. Failure to use a Personal Preference Holiday in any calendar year constitutes a waiver of the Personal Preference Holiday privilege for that year to the extent of such non-use, and an unused Personal Preference Holiday does not accumulate into the following calendar year. No payment is made upon termination for unused Personal Preference Holiday time.
7. Actual use of Personal Preference Holidays shall be reported, together with reporting of other data relating to time and attendance, in accordance with established University Procedures.

*Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.*

#### **IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources**

##### **A. Policies/ Rules.**

1. Policy 5-300: Holidays

- B. Procedures, Guidelines, and Forms. [ *reserved* ]
- C. Other Related Resources. [ *reserved* ]

## V. References

- A. [ *reserved* ]

## VI. Contacts

- A. Policy Owners (primary contact person for questions and advice): the University's Director of Benefits
- B. Policy Officers: the University's Chief Human Resources Officer

See University Rule 1-001 for information about the roles and authority of policy owners and policy officers.

## VII. History

Revision History.

- A. Current version. Revision ~~0~~1.

- 1. [Approved by Chief Human Resources Officer with effective date of November 8, 2022.](#)

- 2. [Legislative History for current version.](#)

### B. [Past versions.](#)

- 1. [Revision 0.](#) Effective October 14, 2014.

- a. [Legislative History for Revision 0.](#)

### C. ~~B.~~ Renumbering

- 1. Not applicable