

## UTAH TRANSIT AUTHORITY POLICY

### No. UTA.05.02

#### **PAID TIME OFF - ADMINISTRATIVE EMPLOYEES**

1) Purpose.

Utah Transit Authority offers several types of Paid Time Off for administrative employees, including Sick Leave, Vacation time, Floating Holidays, Holidays, Bereavement Leave, Court Attendance/Jury Duty Leave, Military and Parental Leave.

2) Definitions.

For purposes of this policy and the associated Standard Operating Procedures, the following terms shall have the definitions and meanings set forth below:

*“Administrative Employee”* means an employee who is not subject to the Collective Bargaining Agreement.

*“Authority”* means the Utah Transit Authority.

*“Dependent”* means a spouse, a child under 19, or other legal dependent as defined by Internal Revenue Code § 152.

*“Exempt Employee”* means an employee who is exempt from the overtime provisions of the Fair Labor Standards Act.

*“Floating Holiday”* means up to two days per payroll year, in addition to the nine Holidays recognized by UTA, for the employee’s use.

*“FML”* means family medical leave as defined by the Family and Medical Leave Act (FMLA) of 1993.

*“Full-Time Employee”* means an employee who is regularly scheduled to work thirty (30) hours or more per week.

*“Holiday”* means one of the nine recognized Holidays listed in this policy.

*“Incidental Illness”* means an illness other than a serious illness as defined under the Family and Medical Leave Act of 1993.

*“Introductory Period”* means the first 90 calendar days of employment with Utah Transit Authority.

*“Non-Exempt Employee”* means an employee who is not exempt from the overtime provisions of the Fair Labor Standards Act.

*“Other Medical Leave”* means a leave of absence for an employee who does not qualify for FML for the employee's or dependent's illness as defined in this Policy.

*“Part-Time Employee”* means an employee who is regularly scheduled to work less than thirty hours per week.

*“Safety-Sensitive Job”* means a job which includes one or more of the following duties:

- a. operating a revenue service vehicle, including when not in revenue service.
- b. operating a non-revenue service vehicle, when required to be operated by a holder of Commercial Driver's License.
- c. controlling dispatch or movement of a revenue service vehicle; and
- d. maintaining (including repairs, overhaul, and rebuilding) a Revenue Service Vehicle or equipment used in revenue service; and
- e. carrying a firearm for security purposes.

*“Serious Health Condition”* means an illness, injury impairment, or physical or mental condition that involves an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualifying family member from participating in school or other daily activities.

*“Sick Leave”* means an Administrative Employee time-off benefit for use in the event of an employee’s or dependent's illness, injury, or medical appointment.

*“Scheduled Sick Leave”* means leave scheduled at least 48 hours in advance for an illness or injury of the employee or the employee's dependent.

*“Vacation”* means paid time accrued by the employee for their use.

3) Policy.

UTA provides various types of paid time-off for employee’s absence from work for personal reasons. These leaves are detailed below:

**A. Sick Leave.**

1. Sick leave is provided for employees as insurance against loss of income when an employee is unable to perform assigned duties because of illness or injury. Sick Leave may be used for the employee's own, or their Dependent's, illness, injury, or medical appointment. Regular full- and part-time Administrative Employees who have completed their Introductory Period and have accrued Sick Leave may use sick leave. Employees using Sick Leave must directly notify their supervisor, providing as much notice as practicable.
2. Sick Leave is accrued at a rate of nine days per year (2.769 hours biweekly). Regular part-time Administrative Employees will accrue Sick Leave on a pro-rated basis based on the number of hours worked in each pay period.
3. All exempt-employees Sick Leave deductions will be charged against full day increments only in accordance with the Fair Labor Standards Act. No partial days will be deducted except as allowed under FMLA.
4. The Authority may request written medical certification of an illness or injury necessitating Sick Leave.
5. After five consecutive days of Sick Leave, employees must submit a medical note.

6. While on FMLA, employees must use all available sick leave. Sick pay will not accrue during an unpaid leave of absence, while receiving worker's compensation, short- or long-term disability payments, or other insurance payments.

**B. Vacation.**

1. Accrued vacation time is provided to Regular full and part-time Administrative Employees. Employees who have completed their Introductory Period, have accrued Vacation time, and have received approval from their immediate supervisor may take Vacation. Employees who have an emergency need or pre-authorized reason to take vacation prior to the conclusion of the Introductory Period may seek prior approval with management.
2. Vacation time accrues according to an employee's date of hire and length of service with the Authority (except as outlined in section B.10):

<b>Length of Service</b>	<b>Vacation Days Accrued</b>
Date of Hire up to 3 years	13 days per year (104 hours)
3 up to 7 years	15 days per year (120 hours)
7 up to 9 years	17 days per year (136 hours)
9 up to 12 years	19 days per year (152 hours)
12 up to 16 years	21 days per year (168 hours)
16 up to 23 years	23 days per year (184 hours)
23 years or more	25 days per year (200 hours)

\*The maximum accrual is 360 hours.

4. All exempt-employees vacation deductions will be charged against full day increments only in accordance with the Fair Labor Standards Act. No partial days will be deducted except as allowed under FMLA. All non-exempt employees vacation deductions must be used in one-hour increments.
5. Vacation pay is calculated based on using an employee's base rate of pay and is paid on regular paydays. Vacation pay is not considered hours worked for overtime calculation.
6. While on FMLA, employees must use available vacation after exhausting sick leave. However, employees may save 40 hours of vacation, provided they have not used 40 hours of vacation in the last rolling calendar year.
7. Vacation pay will not accrue during an unpaid leave of absence, while receiving worker's compensation, short- or long-term disability payments, or other insurance payments.
8. Employees who accrue 168 hours or more per year may elect to sell back up to 40 hours of vacation per year.
9. Providing an employee does not owe the Authority any money, an employee that terminates or retires from employment will be paid for all accrued, unused vacation time. The accrual amount paid cannot exceed 360 hours.
10. Executive Schedule: Board Trustees, the Executive Director, and department Chief Officers will receive an additional 7 days (56 hours) of allotted vacation days per year, not to exceed 30 days in total of vacation per year. This allotment will be deposited into the executive's vacation bank with the first paycheck of each year. Executives with a start date on or before July 1st will receive seven (7) allotted vacation days, an executive with a starts date after July 1<sup>st</sup> they will receive 3.5 allotted vacation days.

**C. Holidays.** The following are paid Holidays:

New Year's Day	Labor Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Christmas Day	Independence Day
Two Floating Holidays	Pioneer Day

Full-Time Administrative Employees will be paid eight (8) hours pay at their regular hourly rate for the holiday. Regular Part-Time Administrative Employees who are regularly scheduled to work 20 hours a week or less will receive (4) hours of holiday pay. Regular Part-Time Administrative Employees who are regularly scheduled to work more than 20 hours per week will receive (5) hours of holiday pay. Temporary Part-Time Employees and Interns are not eligible for holiday pay.

When a holiday falls within an employee's scheduled vacation, the employee will receive Holiday pay rather than vacation pay for that day.

Employees must work their assigned shift on the last scheduled day before and the first scheduled day after the holiday, except when the employee is on vacation or using a Floating Holiday.

Employees who are requested to work on a holiday or have a business need to work will be paid as a normal day worked and in addition, will receive another day off with pay for holiday worked or will be paid for hours worked as approved by management. The day off in lieu of a holiday worked may be taken during the period 10 days prior to the holiday, but in no case later than 30 days after the holiday. Days off in lieu taken prior to the holiday will not be paid until the day has been worked. Full-time employees who work on a holiday and are unable to take a day off in lieu of the holiday must receive manager approval to receive both pay for hours worked and eight hours of holiday pay.

**D. Floating Holidays.** Eligible Full-Time and Part-Time Administrative Employees will be allowed two (2) Floating Holidays each payroll year. Full-Time Employees will receive two (2) eight-hour Floating Holidays, Part-Time Employees will receive two (2) four-hour Floating Holidays. Employees will choose the days they wish to use the Floating Holidays and provide at least twenty-four (24) hour notice. The use of a Floating Holiday will be subject to approval by the employee's supervisor. If the Floating Holidays are not used during the payroll year, they cannot be carried over into the next year. Eligible employees hired on or after January 1st but before July 1st will be entitled to two (2) Floating Holidays during the payroll year. Eligible employees with a start date on or after July 1st but before October 1st will be entitled to one (1) Floating Holiday during that payroll year. Eligible employees with a start date after October 1st will not be entitled to Floating Holidays during that payroll year.

**E. Bereavement Leave.**

1. Administrative Full- and Part- time employees may use Bereavement Leave associated with the death of an immediate family member without the loss of pay for a maximum of three (3) working days per instance of death.

2. For the purposes of Bereavement Leave “immediate family member” means a spouse, child (including step and foster), parent (including step and in-law), grandparent, sibling (including step and in-law), grandchild, and a child’s spouse.

- F. Court Attendance Leave.** Administrative Employees are entitled to paid leave when required by a subpoena or at the request of the Authority to provide testimony at a trial or deposition as to matters relating to their employment at the Authority. While on Court Attendance Leave, employees will be paid at their regular rate of pay, less any reimbursement received for such appearance.
- G. Jury-Duty Leave.** Full- and part-time Administrative Employees will be granted leave as needed to perform Jury-duty services in any municipal, county, state, or federal court, or before an administrative tribunal. Employees will be paid at their regular rate of pay, less any reimbursement received by the employee for Jury Duty service.
- H. Military Leave.** A Military Leave of Absence will be granted if an employee is absent to serve in the Uniformed Service of the United States for a period of up to five years (not including certain involuntary extensions of service). Employees will be reimbursed for the difference between the military rate of pay and their regular rate of pay up to a maximum period of six months each time the employee is called to active duty or required military training but no more than the actual number of days on active duty.
- I. Parental Leave.** Parental leave will be provided to Full-Time Administrative Employees who have completed 12 months of employment prior to the birth of a child or adoption of a child to care for and bond with a newborn or a newly adopted or newly placed child. Four (4) weeks of approved paid Parental Leave may be taken within the six-month period immediately following the birth, adoption, or placement of a child with the employee. Parental Leave shall run concurrently with any Family and Medical Leave (FML) the employee has available.
- J. Critical Incident Debriefing.** Any employee who, while working, observes or is involved in an incident which involves serious injury or death will be required to go through critical incident debriefing. The employee will remain off work during the critical incident debriefing and will be paid at their regular rate of pay. Pay received for critical incident debriefing is not considered hours worked for overtime calculation.
- K. Exceptions.** Any exceptions or deviations from this policy require a written business case to be evaluated and approved by both the Chief People Officer as well as the department’s Chief Officer. The Board of Trustees will be notified of the exception, along with a summary of the business case, within five business days of the exception decision. Exception or deviations applying to the Executive Director will be approved by the Board of Trustees.
- L. Policy Review.** This policy will be reviewed annually as required in Utah Code Section 17B-1-802.

**4) Cross-References.**

- Corporate Policy 6.1.12 Leave of Absence
- Corporate Policy 6.7.1.2 Administrative Employee Work Week and Schedule
- Corporate Policy 6.5.4 Retirement
- Uniformed Services Employment and Reemployment Rights Act (USERRA) (38 U.S.C. 4301-4335)
- Review of personnel policies (UCA 17B-1-802)
- The Public District Transit Act (UCA 17B-2a-808.1)

This UTA Policy was reviewed by UTA’s Chief Officers on March 3, 2021, consented by the Board of Trustees on \_\_\_\_\_ and approved by the Executive Director on \_\_\_\_\_. This policy takes effect on the latter date.

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 Kim Shanklin, Chief People Officer  
 Accountable Executive

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 Carolyn M. Gonot  
 Executive Director

Approved as to form:

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 Counsel for the Authority

**History**

Date	Action	Owner
12/6/2005	Revised – 1.030 Sick Leave Policy	Chief People Officer
12/20/2005	Approved – Corporate Policy 6.7.74 Sick Leave Supersedes – 1.030 Sick Leave Policy	Chief People Officer
1/11/2007	Revised – Corporate Policy 6.7.74 Sick Leave	Chief People Officer
4/26/2011	Revised – Corporate Policy 6.7.7.4 Sick Leave – Administrative Employees	Chief People Officer
8/23/2011	Revised – Corporate Policy 6.7.7.4 Sick Leave – Administrative Employees	Chief People Officer
8/2/2016	Revised – Corporate Policy 6.7.7.4 Sick Leave – Administrative Employees	Chief People Officer
	Rescinded – Corporate Policy 6.7.7.2 Administrative Employee Holidays;	Chief People Officer

	Corporate Policy 6.7.7.3 Vacation - Administrative Employees; Corporate Policy 6.7.7.4 Sick Leave - Administrative Employees	
	Consented by Board	
	Adopted – UTA Policy UTA.05.02 Paid Time Off – Administrative Employees	Chief People Officer