2022 Division of Human Resource Management Rules

State of Utah Department of Government Operations, Division of Human Resource Management

Effective July 1, 2022
Pursuant to 63A-17-106 Utah Code Annotated, as Amended

DHRM Rules may also be accessed at https://adminrules.utah.gov/public/search//Current%20Rules or on the Employee Gateway

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R477-1. DEFINITIONS.

R477-1-1. Definitions.
The following definitions apply to Title R477 unless otherwise indicated within the text of each rule.

(1) "Abandonment of Position" means an act of resignation resulting when an employee is absent from work for three consecutive working days without approval.

(2) "Actual FTE" means the total number of full time equivalents based on actual hours paid in the state payroll system.

(3) "Actual Hours Worked" means time spent performing duties and responsibilities associated with the employee's job assignments.

(4) "Actual Wage" means the employee's assigned wage rate in the central personnel record maintained by the Division of Human Resource Management.

(5) "ADA" means the Americans With Disabilities Act, 42 U.S.C. 12102.

(6) "Administrative Leave" means leave with pay granted to an employee at management discretion that is not charged against the employee's leave accounts.

(7) "Administrative Adjustment" means a DHRM approved adjustment to a job or salary range that is not a Market Comparability Adjustment, a Structure Adjustment, or a Reclassification. It is for administrative purposes only. An Administrative Adjustment will result in an increase to incumbent pay only when necessary to bring salaries to the minimum of the salary range.

(8) "Administrative Salary Decrease" means a decrease in an employee's current actual wage based on non-disciplinary administrative reasons determined by an agency head.

(9) "Administrative Salary Increase" means an increase in an employee's current actual wage based on special circumstances determined by an agency head.

(10) "Agency" means an entity of state government that is:
(a) directed by an executive director, elected official or commissioner defined in Title 67, Chapter 22, State Officer Compensation, or in other sections of the code;
(b) authorized to employ personnel; and
(c) subject to Title 63A, Chapter 17, Utah State Personnel Management Act.

(11) "Agency Head" means the executive director or commissioner of each agency or a designated appointee.

(12) "Agency Human Resource Field Office" means an office of the Division of Human Resource Management located at another agency's facility.

(13) "Alternative State Application Program (ASAP)" means a program designed to appoint a qualified person with a disability through an on the job examination period.

(14) "Appeal" means a formal request to a higher level for reconsideration of a grievance decision.

(15) "Appointing Authority" means the officer, board, commission, person, or group of persons authorized to make appointments in their agencies.

(16) "Break in Service" means a point at which an individual has an official separation date and is no longer an employee of the State of Utah.

(17) "Budgeted FTE" means the total number of full time equivalents budgeted by the Legislature and approved by the Governor.

(18) "Career Mobility" means a temporary assignment of an employee to a different position for professional development or to fulfill specific organizational needs.
(19) "Career Service Employee" means an employee who has successfully completed a probationary period in a career service position.

(20) "Career Service Exempt Employee" means an employee who serves at the pleasure of the appointing authority and may be separated from state employment at any time for any reason or for no reason.

(21) "Career Service Exempt Position" means a position in state service that is exempt from career service provisions under Section 63A-17-301.

(22) "Career Service Status" means status granted to an employee who successfully completes a probationary period following appointment to a career service position.

(23) "Category of Work" means a job series an agency head designates as having positions to be eliminated agency wide through a reduction in force. Category of work may be further reduced as follows:
   (a) a unit smaller than the agency upon providing justification and rationale for approval, including:
      (i) unit number;
      (ii) cost centers;
      (iii) geographic locations; or
      (iv) agency programs.
   (b) positions identified by a set of essential functions, including:
      (i) position analysis data;
      (ii) certificates;
      (iii) licenses;
      (iv) special qualifications; or
      (v) degrees that are required or directly related to the position.

(24) "Change of Workload" means a change in position responsibilities and duties or a need to eliminate or create particular positions in an agency caused by legislative action, financial circumstances, or administrative reorganization.

(25) "Classification Grievance" means the approved procedure by which an agency or a career service employee may grieve a formal classification decision regarding the classification of a position.

(26) "Classified Service" means positions that are subject to the classification and compensation provisions stipulated in Section 63A-17-307.

(27) "Classification Study" means a classification review conducted by DHRM under Section R477-3-4. A study may include single or multiple job or position reviews.

(28) "Compensatory Time" means time off that is provided to an employee in lieu of monetary overtime compensation.

(29) "Contractor" means an individual who is contracted for service, is not supervised by a state supervisor, but is responsible for providing a specified service for a designated fee within a specified time. The contractor shall be responsible for paying any taxes and FICA payments, and may not accrue benefits.

(30) "Critical Incident Drug or Alcohol Test" means a drug or alcohol test conducted on an employee as a result of the behavior, action, or inaction of an employee that is of such seriousness it requires an immediate intervention by management.

(31) "Demotion" means a disciplinary action resulting in a reduction of an employee's current actual wage.

(32) "Position Management Report" means a document that lists an agency's authorized positions, incumbent's name and hourly rate, job identification number, salary range, and schedule.

(33) "DHRM" means the Division of Human Resource Management.

(34) "DHRM Approved Recruitment and Selection System" means the state's recruitment and selection system, which is a centralized and automated computer system administered by the Division of Human Resource Management.

(35) "Direct Supervisor" means an employee's primary supervisor who normally directs day to day job activity such as assigning work, approving time records, and considering leave requests.

(37) "Disciplinary Action" means action taken by management under Rule R477-11.

(38) "Dismissal" means a separation from state employment for cause under Section R477-11-2.

(39) "Dual State Employment" means an employee works for more than one agency and meets the employee criteria which is located in the Division of Finance accounting policy 11-18.00.

(40) "Drug-Free Workplace Act" means a congressional act, 41 U.S.C. Section 8101, et seq., requiring a drug-free workplace certification by state agencies that receive federal grants or contracts.

(41) "Employee Personnel Files" means the files or records maintained by DHRM and agencies as required by Section R477-2-5 for purposes of Title 67, Chapter 18, Employees' Personnel Files and Title 63A, Chapter 17, Utah State Personnel Management Act. This does not include employee information maintained by supervisors.


(43) "Escalator Principle" means returning veterans are entitled to return back onto their seniority escalator at the point they would have occupied had they not left state employment under the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301, et seq. (USERRA).

(44) "Excess Hours" means a category of compensable hours separate and apart from compensatory or overtime hours that accrue at straight time only when an employee's actual hours worked, plus additional hours paid, exceed an employee's normal work period.

(45) "Employee's Family Member" means an employee's relative or household member as defined in Section 52-3-1 but also including, stepsiblings, stepparents, and stepchildren.

(46) "Fitness For Duty Evaluation" means evaluation, assessment, or study by a licensed professional to determine if an individual can meet the performance or conduct standards required by the position held, or is a direct threat to the safety of self or others.

(47) "FLSA Exempt" means employees who are exempt from the overtime and minimum wage provisions of the Fair Labor Standards Act.

(48) "FLSA Non-Exempt" means employees who are not exempt from the overtime and minimum wage provisions of the Fair Labor Standards Act.

(49) "Follow Up Drug or Alcohol Test" means unannounced drug or alcohol tests conducted for up to five years on an employee who has previously tested positive or who has successfully completed a voluntary or required substance abuse treatment program.

(50) "Furlough" means a temporary leave of absence from duty without pay for budgetary reasons or lack of work.

(51) "GOPB" means Governor's Office of Planning and Budget.

(52) "Grievance" means a career service employee's claim or charge of the existence of injustice or oppression, including dismissal from employment resulting from an act, occurrence, omission, condition, discriminatory practice or unfair employment practice not including position classification or schedule assignment, or a complaint by a reporting employee as defined in Section 67-19a-101.

(53) "Grievance Procedures" means the statutory process of grievances and appeals as set forth in Title 67, Chapter 19a, Grievance Procedures, and the rules promulgated by the Career Service Review Office.

(54) "Gross Compensation" means an employee's total earnings, taxable and nontaxable, as shown on the employee's pay statement.
(55) "Highly Sensitive Position" means a position approved by DHRM that includes the performance of:
   (a) safety-sensitive functions:
      (i) requiring an employee to operate a commercial motor vehicle under 49 CFR 383;
      (ii) directly related to law enforcement;
      (iii) involving direct access or having control over direct access to controlled substances;
      (iv) directly impacting the safety or welfare of the general public; or
      (v) requiring an employee to carry or have access to firearms; or
   (b) data sensitive functions permitting or requiring an employee to access an individual's highly sensitive, personally identifiable, private information, including:
      (i) financial assets, liabilities, and account information;
      (ii) social security numbers;
      (iii) wage information;
      (iv) medical history;
      (v) public assistance benefits; or
      (vi) driver license.

(56) "Hiring List" means a list of qualified and interested applicants who are eligible to be considered for appointment or conditional appointment to a specific position created in the DHRM approved recruitment and selection system.

(57) "Incompetence" means inadequacy or unsuitability in performance of assigned duties and responsibilities.

(58) "Inefficiency" means wastefulness of government resources including time, energy, money, or staff resources or failure to maintain the required level of performance.

(59) "Intern" means an individual in a college degree or certification program assigned to work in an activity where on the job training or community service experience is accepted.

(60) "Job" means a group of positions similar in duties performed, in degree of supervision exercised or required, in requirements of training, experience, or skill and other characteristics. The same salary range is applied to each position in the group.

(61) "Job Description" means a document containing the duties, distinguishing characteristics, knowledge, skills, and other requirements for a job.

(62) "Job Family" means a group of jobs that have related or common work content, that share common skills, responsibilities, and requirements, and that normally represents a general occupation area.

(63) "Job Requirements" means skill requirements defined at the job level.

(64) "Job Series" means two or more jobs in the same functional area having the same job title, but distinguished and defined by increasingly difficult levels of skills, responsibilities, knowledge, and requirements; or two or more jobs with different titles working in the same functional area that have licensure, certification or other requirements with increasingly difficult levels of skills, responsibilities, knowledge, and requirements.

(65) "Leave Benefit" means a benefit provided to an employee that includes: Annual leave, sick leave, converted sick leave, and holiday leave. These benefits are not provided to non-benefited employees.

(66) "Legislative Salary Adjustment" means a legislatively approved salary increase for a specific category of employees based on criteria determined by the Legislature.

(67) "Malfeasance" means intentional wrongdoing, deliberate violation of law or standard, or mismanagement of responsibilities.

(68) "Management" means the agency head and any other officers or employees who have responsibility and authority to establish, implement, and manage agency policies and programs.

(69) "Market Based Bonus" means a one-time lump sum monies given to a new hire or a current employee to encourage employment with the state.
(70) "Market Comparability Adjustment" means a legislatively approved adjustment to a salary range that is based upon salary data and other relevant information from comparable jobs in the market that is collected by DHRM or from DHRM approved justifiable sources. The Market Comparability Adjustment may also change incumbent pay resulting in a budgetary impact for an agency.

(71) "Misconduct" means wrongful, improper, unacceptable, or unlawful conduct or behavior that is inconsistent with prevailing agency practices or the best interest of the agency.

(72) "Misfeasance" means the improper or unlawful performance of an act that is lawful or proper.

(73) "Nonfeasance" means failure to perform either an official duty or legal requirement.

(74) "Pay for Performance Award" means a type of cash incentive award where an employee or group of employees may receive a cash award for meeting or exceeding well-defined annual production or performance standards, targets, and measurements.

(75) "Pay for Performance" means a plan for incentivizing employees for meeting or exceeding production or performance goals, in which the plan is well-defined before work begins, eligible work groups are defined, specific goals and targets are determined, measurement procedures are in place, and specific incentives are provided when goals and targets are met.

(76) "Performance Evaluation" means a formal, periodic evaluation of an employee's work performance.

(77) "Performance Improvement Plan" means a documented administrative action to address substandard performance of an employee under Section R477-10-2.

(78) "Performance Management" means the ongoing process of communication between the direct supervisor and the employee which defines work standards and expectations, and assesses performance leading to a formal annual performance evaluation.

(79) "Performance Plan" means a written summary of the standards and expectations required for the successful performance of each job duty or task. These standards normally include completion dates and qualitative and quantitative levels of performance expectations.

(80) "Performance Standard" means specific, measurable, observable and attainable objectives that represent the level of performance to which an employee and direct supervisor are committed during an evaluation period.

(81) "Personnel Adjudicatory Proceedings" means the informal appeals procedure contained in Title 63G, Chapter 4, Administrative Procedures Act for human resource policies and practices not covered by the state employee's grievance procedure promulgated by the Career Service Review Office, or the classification appeals procedure.

(82) "Phased Retirement" means employment on a half-time basis of a retiree with the same participating employer immediately following the retiree's retirement date where the retiree will receive a reduced retirement allowance.

(83) "Position" means a unique set of duties and responsibilities identified by DHRM authorized job and position management numbers.

(84) "Position Description" means a document that describes the detailed tasks performed, as well as the knowledge, skills, abilities, and other requirements of a specific position.

(85) "Position Identification Number" means a unique number assigned to a position for FTE management.

(86) "Post Accident Drug or Alcohol Test" means a drug or alcohol test conducted on an employee who is involved in a vehicle accident while on duty or driving a state vehicle:
(a) the employee was performing safety-sensitive functions with respect to the vehicle the employee was operating and the accident involves the loss of human life;
(b) the driver receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involved:
   (i) the loss of human life or bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
   (ii) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other vehicle; or
(c) where there is reasonable suspicion that the employee had been driving while under the influence of alcohol or a controlled substance.

(87) "Pre-employment Drug Test" means a drug test conducted on:
(a) final applicants who are not current employees;
(b) final candidates for a highly sensitive position;
(c) employees who are final candidates for transfer or promotion from a non-highly sensitive position to a highly sensitive position; or
(d) employees who transfer or are promoted from one highly sensitive position to another highly sensitive position.

(88) "Probationary Employee" means an employee hired into a career service position who has not completed the required probationary period for that position.

(89) "Probationary Period" means a period of time for management to evaluate an employee's ability to perform assigned duties and responsibilities and to determine if career service status should be granted to the employee. The length of the period is identified at the job level and the period is considered part of the selection process.

(90) "Proficiency" means an employee's overall quality of work, productivity, skills demonstrated through work performance and other factors that relate to employee performance or conduct.

(91) "Promotion" means an action moving an employee from a position in one job to a position in another job having a higher salary range maximum.

(92) "Protected Activity" means opposition to discrimination or participation in proceedings covered by the antidiscrimination statutes or the Utah State Grievance and Appeal Procedure. Harassment based on protected activity can constitute unlawful retaliation.

(93) "Random Drug or Alcohol Test" means unannounced drug or alcohol testing of a sample of an employee in a highly sensitive position done in accordance with federal regulations or state rules, policies, and procedures, and conducted in a manner such that each highly sensitive employee has an equal chance of being selected for testing.

(94) "Reappointment" means return to work of an individual from the reappointment register after separation from employment.

(95) "Reappointment Register" means a register of individuals who have, before March 2, 2009:
(a) held career service status and been separated in a reduction in force;
(b) held career service status and accepted career service exempt positions without a break in service and were not retained, unless discharged for cause; or
(c) by Career Service Review Board decision, been placed on the reappointment register.

(96) "Reasonable Suspicion Drug or Alcohol Test" means a drug or alcohol test conducted on an employee based on specific, contemporaneous, articulated observations concerning the appearance, behavior, speech, or body odors of the employee.

(97) "Reassignment" means an action mandated by management moving an employee from one job or position to a different job or position with an equal or lesser salary range maximum for administrative reasons. A reassignment may not include a decrease in actual wage except as provided in federal or state law.

(98) "Reclassification" means a DHRM reallocation of a single position or multiple positions from one job to another job to reflect management initiated changes in duties and responsibilities.

(99) "Reduction in Force (RIF)" means abolishment of positions resulting in the termination of career service employment. RIFs can occur due to inadequate funds, a change of workload, or a lack of work.

(100) "Reemployment" means return to work of an employee who resigned or took military leave of absence from state employment to serve in the uniformed services covered under USERRA.

(101) "Salary Range" means established minimum and maximum wage rates assigned to a job.

(102) "Schedule" means the designation of a position as career service (schedule B) or career service exempt (schedule A) under Title 63A, Chapter 17, Utah State Personnel Management Act.
"Separation" means an employee's voluntary or involuntary departure from state employment.

"Settling Period" means a sufficient amount of time, determined by agency management, for an employee to fully assume new or higher level duties required of a position.

"Structure Adjustment" means a DHRM approved adjustment to a salary range that is based upon salary data and other relevant information from comparable jobs in the market that is collected by DHRM or from DHRM approved justifiable sources.

"Tangible Employment Action" means a significant change in employment status, such as dismissal, demotion, failure to promote, work reassignment, or a decision which changes benefits.

"Transfer" means an action not mandated by management moving an employee from one job or position to another job or position with an equal or lesser salary range maximum for which the employee qualifies. A transfer may include a decrease in actual wage.

"Uniformed Services" means the United States Army, Navy, Marine Corps, Air Force, Coast Guard; Reserve units of the Army, Navy, Marine Corps, Air Force, or Coast Guard; Army National Guard or Air National Guard; Commissioned Corps of Public Health Service, National Oceanic and Atmospheric Administration (NOAA), National Disaster Medical Systems (NDMS) and any other category of persons designated by the President in time of war or emergency.Service in Uniformed Services includes: voluntary or involuntary duty, including active duty; active duty for training; initial active duty for training; inactive duty training; full time National Guard duty; or absence from work for an examination to determine fitness for any of the types of duty listed in this subsection.

"Unlawful Discrimination" means an action against an employee or applicant based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, protected activity under the antidiscrimination statutes, political affiliation, military status or affiliation, or any other factor, as prohibited by law.

"USERRA" means the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301, et seq. requires state governments to re-employ eligible veterans who resigned or took a military leave of absence from state employment to serve in the uniformed services and who return to work within a specified time period after military discharge.

"Veteran" means an individual who has separated or retired under honorable conditions following service:
(a) on active duty in the armed forces for more than 180 consecutive days; or
(b) as a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized.

"Veteran Employment Opportunity Program (VEOP)" means a program designed to appoint a qualified veteran through an on the job examination period.

"Volunteer" means any person who donates services to the state or its subdivisions without pay or other compensation except actual and reasonable expenses incurred, as approved by the supervising agency.

"Wage" means the fixed hourly rate paid to an employee.

"Work Period" means the maximum number of hours an employee may work before accruing overtime or compensatory hours based on variable payroll cycles outlined in Section 63A-17-502 and 29 CFR 553.230.

KEY: personnel management, rules and procedures, definitions
Date of Last Change: July 1, 2022
Notice of Continuation: March 9, 2022
Authorizing, and Implemented or Interpreted Law: 63A-17-106; 63A-17-301; 63A-17-306
R477-2. ADMINISTRATION.

R477-2-1. Rules Applicability.
Title R477 applies to the executive branch of Utah State Government and its career service and career service exempt employees. Other entities may be covered in specific sections as determined by statute. Any inclusions or exceptions to Title R477 are specifically noted in applicable sections. Entities which are not bound by mandatory compliance with Title R477 include:

1. members of the Legislature and legislative employees;
2. members of the judiciary and judicial employees;
3. officers, faculty, and other employees of state institutions of higher education;
4. officers, faculty, and other employees of the public education system, other than those directly employed by the State Board of Education;
5. employees of the Office of the Attorney General;
6. elected members of the executive branch and their Schedule A employees;
7. employees of independent entities, quasi-governmental agencies and special service districts; and
8. employees in any position that is designated by statute to be exempt from Title R477.

Management shall comply with Title R477.

1. Except where prohibited by statute, the Division Director, DHRM, may authorize exceptions to Title R477 when:
   a. applying the rule prevents the achievement of legitimate government objectives; or
   b. applying the rule infringes on the legal rights of an employee.

2. Agency personnel records, practices, policies and procedures, employment, and actions shall comply with Title R477, and are subject to compliance audits by DHRM.

State personnel actions shall provide equal employment opportunity for individuals.

1. Employment actions including appointment, tenure or term, condition, or privilege of employment shall be based on the ability to perform the essential duties, functions, and responsibilities assigned to a particular position.

2. Employment actions may not be based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, or protected activity under the antidiscrimination statutes, political affiliation, military status or affiliation, or any other non-job related factor, except under Subsection 63A-17-301(2)(b)(ii).

3. An employee who alleges unlawful discrimination may:
   a. submit a complaint to the agency head; and
   b. file a charge with the Utah Labor Commission Antidiscrimination and Labor Division within 180 days of the alleged harm, or directly with the EEOC within 300 days of the alleged harm.

4. A state official may not impede any employee from timely filing a discrimination complaint in accordance with state or federal requirements.

(1) The Governor's Office of Planning and Budget, the Division of Human Resource Management, and the Division of Finance share responsibility for the statewide control of personal service expenditures.

(2) The Division Director, DHRM or designee shall approve changes in job identification numbers, salary ranges, or number of positions listed in the position management report.
(3) No person shall be placed or retained on an agency payroll unless that person occupies a position listed in an agency’s approved position management report.

**R477-2-5. Records.**

Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA) and applicable federal laws govern access to and privacy of personnel records maintained by DHRM. DHRM shall designate and classify any records and record series it maintains under the GRAMA statute.

1. DHRM shall maintain an electronic record for each employee that contains the following, as appropriate:
   - Social Security number, date of birth, home address, and private phone number;
   - Performance records; and
   - Records of actions affecting employee salary history, classification history, title and salary range, employment status, and other personal data.

2. Personally identifiable information in Subsection (1)(a) is classified as private under GRAMA. An agency may have access to this information and shall maintain the privacy of the information.

3. DHRM shall maintain, on behalf of agencies, personnel files.

4. DHRM shall maintain, on behalf of agencies, a confidential medical file. Confidentiality shall be maintained in accordance with applicable regulations. Information in the medical file is private, controlled, or exempt in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

5. An employee has the right to review the employee's personnel file, upon request, in the presence of a DHRM representative. An employee may request corrections, amendments to, or challenge any information in the employee's electronic or hard copy personnel record by sending a written request to management.

6. Management shall remove from the employee's personnel file all forms, documents, and records pertaining to a disciplinary action when that action is rescinded or otherwise vacated by proper authority.

7. DHRM shall retain records according to the applicable record retention schedule.

8. The former agency shall transfer the employee's personnel file, medical, and I-9 records to the new agency when an employee transfers from one agency to another.

9. An employee who violates confidentiality is subject to disciplinary action and may be personally liable.

10. Records related to conduct for which an employee may be disciplined under Subsection R477-11-1(1) are classified as private records under Subsection 63G-2-302(2)(a).

11. If disciplinary action under Subsection R477-11-1(4) has been sustained and all time periods for administrative appeal have expired, the documents issued in the disciplinary process are classified as public records under Subsection 63G-2-301(3)(o).

**R477-2-6. Release of Information in a Reference Inquiry.**

Reference checks or inquiries made regarding current or former public employees, volunteers, independent contractors, and members of advisory boards or commissions can be released if the information is classified as public, or if the subject of the record has signed and provided a current reference release form for information authorized under Title 63G, Chapter 2, Government Records Access and Management Act.

1. The employment record is the property of Utah State Government with all rights reserved to utilize, disseminate, or dispose of in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

2. Additional information may be provided if authorized by law.


Employees newly hired, rehired, or placed through reciprocity with or assimilation from another career service jurisdiction shall provide verifiable documentation of their identity and eligibility for employment in the United States by completing all sections of the Employment Eligibility Verification Form I-9 as required under the Immigration Reform and Control Act of 1986, Pub. L. No. 99 603.
R477-2-8. Public Officers Supervising a Relative or Household Member.

(1) A public officer may not appoint, directly supervise, or make salary, performance, disciplinary, or other employment matter decisions regarding a family member, including a household member.

(2) A public officer supervising a family member, including a household member, shall make a complete written disclosure of any such relationship to the agency head and be recused from any employment matter discussions or decisions relating to the family member, including a household member.


An employee who becomes aware of any occurrence which may give rise to a lawsuit, who receives notice of claim, or is sued because of an incident related to state employment, shall give immediate notice to management and to the Department of Government Operations, Division of Risk Management.

(1) In most cases, under Title 63G, Chapter 7, Governmental Immunity Act, an employee shall receive defense and indemnification unless the case involves fraud, malice, or the use of alcohol or drugs by the employee.

(2) Before an agency may defend its employee against a claim, the employee shall make a written request for a defense to the agency head under Subsection 63G-7-902(2).

R477-2-10. Alternative Dispute Resolution.

Management may establish a voluntary alternative dispute resolution program under Title 63G, Chapter 5, Governmental Dispute Resolution Act.

KEY: administrative responsibility, confidentiality of information, fair employment practices, public information

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R477-3. CLASSIFICATION.

R477-3-1. Job Classification Applicability.

(1) The Division Director, DHRM, shall prescribe the procedures and methods for classifying positions except for the following positions, which include:

(a) employees already exempted from DHRM rules in Section R477-2-1;
(b) employees in:
   (i) the office and residence of the governor;
   (ii) the Public Lands Policy Coordinating Council;
   (iii) the Office of the Utah State Auditor; and
   (iv) the Utah State Treasurer's Office;
(c) employees of the State Board of Education;
(d) employees in any position that is determined by statute to be exempt from classified service;
(e) employees whose agency has authority to make rules regarding performance, compensation, and bonuses for its employees;
(f) other persons appointed by the governor under statute;
(g) temporary employees who work part time indefinite or work on a time limited basis;
(h) patients and inmates designated as schedule AU;
(i) members of state and local boards and councils and other employees designated as schedule AQ; and
(j) educational interpreters and educators as defined by Section 53E-8-102 who are employed by the Utah Schools for the Deaf and the Blind.

(2) The Division Director, DHRM, may designate specific job titles, job and position identification numbers, schedule codes, and other administrative information for employees exempted in Sections R477-2-1 and R477-3-1 for identification and reporting purposes only. These employees are not considered classified employees.

(3) Employees in schedule codes AD and AR are not considered classified employees but are subject to Sections R477-3-2 and R477-3-3.

R477-3-2. Job Description.

(1) DHRM shall maintain job descriptions, as appropriate.

(2) Job descriptions shall contain:
   (a) job title;
   (b) distinguishing characteristics;
   (c) a description of tasks commonly associated with most positions in the job;
   (d) statements of required knowledge, skills, and other requirements; and
   (e) FLSA status and other administrative information as approved by DHRM.

R477-3-3. Assignment of Duties.

(1) Management may assign, modify, or remove any position, task, or responsibility to accomplish reorganization, improve business practices or processes, or for any other reason deemed appropriate by agency management.

(2) Significant changes in the assigned duties may require a position classification review as described in Section R477-3-4.

R477-3-4. Position Classification Review.

(1) DHRM may conduct a formal classification review:
   (a) as part of a classification study;
   (b) at the request of agency management, with the approval of the Division Director, DHRM, or designee; or
   (c) as part of a classification grievance review.

(2) DHRM shall determine if there have been sufficient significant changes in the duties of a position to warrant a formal review.

(3) DHRM may not conduct a classification review until after an appropriate settling period following reorganization of an agency or position redesign.

(4) The Division Director, DHRM, or designee shall make final classification decisions unless overturned by a hearing officer or court.
R477-3-5. Position Classification Grievances.

1. Under Section 63A-17-602, an agency or a career service employee may grieve formal classification decisions regarding the classification of a position.
   (a) This rule refers to grievances concerning the assignment of individual positions to appropriate jobs based on duties and responsibilities. The assignment of salary ranges is not included in this rule.
   (b) An employee may only grieve a formal classification decision regarding the employee's own position.

2. DHRM shall send formal notification to grievants under this subsection by:
   (a) certified mail to the employee's address of record; and
   (b) email to the employee's state email account.

KEY: administrative procedures, grievances, job descriptions, position classifications
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Notice of Continuation: March 9, 2022
Authorizing, and Implemented or Interpreted Law: 63A-17-106; 63A-17-307; 63A-17-602
R477-4. FILLING POSITIONS.

R477-4-1. Authorized Recruitment System.
(1) Management shall use the DHRM approved recruitment and selection system unless an alternate system has been pre-approved by DHRM.

(2) Management shall notify DHRM of filling any position at least three working days before the employee's start date.

R477-4-2. Career Service Exempt Positions.
(1) The Division Director, DHRM, may approve the creation and filling of career service exempt positions, as defined in Section 63A-17-301.

(2) Management may use any pre-approved process to select an employee for a career service exempt position. Management may make appointments without competitive examination, provided job requirements are met.

(3) Appointments to fill an employee's position who is on approved leave may not be permanent.

(4) Appointments made on a temporary basis shall be career service exempt and:
   (a) be Schedule IN, in which the employee is hired to work part time indefinitely and may not work 1560 hours or more per fiscal year; or
   (b) be Schedule TL, in which the employee is hired to work on a time limited basis.

(5) Management may offer benefits to an employee appointed under Subsection (4) if the employee works a minimum of 40 hours per pay period.

(6) Agency management shall consult with DHRM to review possible alternative options if the required work hours of the position meet or exceed 1,560 hours per fiscal year for Schedule IN or if the position exceeds anticipated time limits for Schedule TL.

(7) Only career service exempt appointments made from a hiring list under Section R477-4-8 may be considered for conversion to career service.

(8) Management shall ensure that new hire appointees in Schedules AB, AC, AD, AR, and AS submit a disclosure statement under Section 67-16-7 and submit to a background check.

R477-4-3. Career Service Positions.
(1) Management shall select career service employees according to the following:
   (a) DHRM standard operating procedures;
   (b) career service principles as outlined in Section 63A-17-305, Rule R477-5, and Section R477-2-3;
   (c) equal employment opportunity principles;
   (d) Section 52-3-1; and
   (e) the Americans With Disabilities Act, 42 U.S.C. 12102.

R477-4-4. Recruitment and Selection for Career Service Positions.
(1) Before initiating a recruitment, management may administer any of the following personnel actions:
   (a) reemployment of a veteran eligible under USERRA;
   (b) reassignment within an agency initiated by an employee's reasonable accommodation request under the ADA;
   (c) fill a position with an employee who is returning to work from long term disability or workers compensation at the same or lesser salary range;
   (d) reassignment or transfer made to avoid a reduction in force, or for reorganization purposes;
   (e) reassignment, transfer, or career mobility of qualified employees to better utilize skills or assist management in meeting the organization's mission;
   (f) reclassification; or
   (g) conversion from schedule A to schedule B as authorized by Subsection R477-5-1(3).

(2) Management shall use the DHRM approved recruitment and selection system for any career service position vacancy. This includes recruitments open within an agency, across agency lines, or to the general public. Recruitments shall comply with federal and state laws and DHRM rules and procedures.
   (a) Recruitment announcements shall include:
      (i) information about the DHRM approved recruitment and selection system; and
(ii) opening and closing dates.

(b) Recruitments for career service positions shall be posted for a minimum of three business days, excluding state holidays.

(3) An agency may carry out the steps for recruitment and selection of vacant career service positions concurrently. Management shall appoint a qualified applicant who meets minimum qualifications from the reappointment register created before March 2, 2009, before making an appointment from a hiring list of qualified applicants for the position, or from another process pre-approved by the Division Director, DHRM.

R477-4-5. Transfer and Reassignment.

(1) Positions may be filled through a transfer or reassignment.

(a) The receiving agency shall verify the employee's career service status and that the employee meets the job requirements for the position.

(b) Management receiving a transfer or reassignment of an employee shall accept that employee's previously accrued sick, annual, and converted sick leave on the official leave records.

(c) A transfer may not include an increase but may include a decrease in actual wage.

(d) A reassignment may not include a decrease in actual wage except as provided in federal or state law.

(e) An employee who is transferred or reassigned to a position where the employee's current actual wage is above the salary range maximum of the new position, is considered to be above maximum and may not immediately be eligible for a longevity increase. Employees shall be eligible for a longevity increase only after they have been above the salary range maximum for 12 months and other longevity criteria are met.

(f) An employee with a wage that is above the salary range maximum because of a longevity increase who is transferred or reassigned and remains at or above the salary range maximum, shall receive their next longevity increase three years from the date they received the most recent increase when all other longevity criteria are met.

(2) A reassignment or transfer may include assignment to:

(a) a different job or position with an equal or lesser salary range maximum;

(b) a different work location; or

(c) a different organizational unit.

R477-4-6. Rehire.

(1) A former employee shall compete for career service positions through the DHRM approved recruitment and selection system and shall serve a new probationary period, as designated in the official job description.

(2) Employees rehired under the Phased Retirement Program under Section 49-11-13 shall be:

(a) classified as time limited (Schedule TL) during a phased retirement employment period; and

(b) placed at or below the employee's wage when the employee retired. Employees cannot be placed below the minimum of the established salary range of the job.

R477-4-7. Examinations.

(1) Examinations shall be designed to measure and predict applicant job performance.

(2) Examinations shall be based on documented job related criteria and include the following:

(a) an initial, impartial screening of the individual's qualifications;

(b) an impartial evaluation and results; and

(c) reasonable accommodation for qualified individuals with disabilities.

(3) Examinations and ratings shall remain confidential and secure.

R477-4-8. Hiring Lists.

(1) The hiring list shall include the names of applicants to be considered for appointment or conditional appointment to a specific job, job series, or position.

(a) An individual shall be considered an applicant when the individual applies for a particular position identified through a specific recruitment.

(b) Hiring lists shall be constructed using a DHRM approved recruitment and selection system.

(c) Applicants for career service positions shall be evaluated and placed on a hiring list based on job, job series, or position related criteria.

(d) Applicants included on a hiring list shall be examined with the same examination or examinations.
(2) An individual who falsifies any information in the job application, examination or evaluation processes may be disqualified from further consideration before hire, or disciplined if already hired.

(3) The appointing authority shall demonstrate and document that equal consideration was given to applicants on a hiring list whose final score or rating is equal to or greater than that of the applicant hired.

(4) The appointing authority shall ensure that any employee hired meets the job requirements as outlined in the official job description.

Management may establish a job sharing program as a means of increasing opportunities for part time employment. In the absence of an agency program, individual employees may request approval for job sharing status through management.

R477-4-10. Internships.
Interns or students in a practicum program may be appointed with or without competitive selection. Intern appointments shall be to temporary, career service exempt positions.

R477-4-11. Volunteer Experience Credit.
Documented job related volunteer experience shall be given the same consideration as similar paid employment in satisfying the job requirements for career service positions.

(1) Volunteer experience may not be substituted for required licensure, POST certification, or other criteria for which there is no substitution in the job requirements in the job description.

(2) Court ordered community service experience may not be considered.

R477-4-12. Reorganization.
When an agency is reorganized, but an employee's position does not change substantially, management may not require the employee to compete for the employee's current position.

R477-4-13. Career Mobility Programs.
(1) A career mobility is a temporary assignment of an employee to a different position for purposes of professional growth or fulfillment of specific organizational needs. Career mobility assignments may be to any salary range.

(2) Management may provide career mobility assignments inside or outside state government in any position for which the employee qualifies.

(3) An employee or management may initiate a career mobility.
   (a) Career mobility assignments may be made without going through the competitive process but shall remain temporary.
   (b) Career mobility assignments shall only become permanent if:
      (i) the position was originally filled through a competitive recruitment process; or
      (ii) a competitive recruitment process is used at the time management determines a need for the assignment to become permanent.

(4) Management shall use a written career mobility agreement with the employee outline any program provisions and requirements. The career mobility shall be both voluntary and mutually acceptable.

(5) A participating employee shall retain any rights, privileges, entitlements, career service status subject to Section R477-5-2, and benefits from the previous position while on career mobility.
   (a) If a reduction in force affects a position vacated by a participating employee, the participating employee shall be treated the same as other RIF employees.
   (b) If a career mobility assignment does not become permanent at its conclusion, the employee shall return to the previous position or a similar position at a salary rate described in Subsection R477-6-6(10).

(6) An employee who has not attained career service status before a career mobility assignment cannot permanently fill a career service position until the employee obtains career service status through a competitive process.
An employee assimilated by the state from another government career service system to fill a schedule B position shall receive career service status after completing a probationary period if originally selected through a competitive examination process judged by the Division Director, DHRM, to be equivalent to the process prescribed in DHRM Rule.

(1) Assimilation agreements shall specify whether there are employees eligible for reemployment under USERRA in positions affected by the agreement.

(2) An assimilated employee accrues leave based on years of assimilated service plus benefits-eligible state service under Subsection R477-7-3(1).

(1) Section 63A-17-704 applies to hiring Administrative Law Judges. Section 63A-17-704 does not apply to:
   (a) an administrative law judge who is appointed by the governor; or
   (b) procurement of administrative law judge service under Section 63G-6a-116.

(2) The hiring panel shall consist of:
   (a) the head or designee of the hiring agency;
   (b) the Division Director, DHRM, or designee; and
   (c) the head or designee of another agency, as appointed by the Division Director, DHRM.

(3) Only the agency heads described in Subsection (2) may designate another individual to serve on the hiring panel on the agency head's behalf in consultation with the designee of the Division Director, DHRM.

(4) The hiring agency may select one or more additional subject matter experts to serve on the panel, in consultation with DHRM, in addition to the panel members established in Subsection (2).

KEY: employment, fair employment practices, hiring practices
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Authorizing, and Implemented or Interpreted Law: 63A-17-106; 67-20-8
R477-5. EMPLOYEE STATUS AND PROBATION.

(1) Only an employee who is hired through a pre-approved process shall be eligible for appointment to a career service position.

(2) An employee shall complete a probationary period before receiving career service status.

(3) Management may convert a career service exempt employee to career service status, in a position with an equal or lower salary range, when:
   (a) the employee previously held career service status with no break in service between the last career service position held and career service exempt status;
   (b) the employee was hired from a public hiring list to a career service exempt position, in the same job title to which they would convert, as prescribed by Section R477-4-8; or
   (c) the employee was hired through the Alternative State Application Program (ASAP) or Veterans Employment Opportunity Program (VEOP) and successfully completed a six month on the job examination period.


The probationary period allows management to evaluate an employee's ability to perform the duties, responsibilities, skills, and other related requirements of the assigned career service position. The probationary period shall be considered part of the selection process.

(1) Management shall provide each employee an opportunity to demonstrate competence in a career service position by establishing a performance plan and giving the employee feedback on performance in relation to that plan.
   (a) During the probationary period, management may separate an employee from state employment in accordance with Subsection R477-11-2(1).
   (b) At the end of each employee's probationary period, management shall evaluate the employee's performance. DHHRM shall enter the evaluations into the human resource information system as the performance evaluation that reflects successful or unsuccessful completion of probation.

(2) DHHRM shall assign a probationary period to each career service position consistent with its job.
   (a) The probationary period may be extended for periods of leave including leave without pay, long-term disability, workers compensation leave, temporary transitional assignment, FMLA, postpartum recovery leave, or donated leave from an approved leave bank. The probationary period may not be extended for any absence covered by USERRA.
   (b) The designated probationary period may not be reduced after an employee is appointed to the position.
   (c) An employee who has completed a probationary period and obtained career service status may not be required to serve a new probationary period, including when changing agencies, unless there is a break in service.

(3) An employee in a career service position who works at least 50% of the regular work schedule or more shall acquire career service status after working the same amount of elapsed time in hours as a full time employee would work with the same probationary period.

(4) An employee serving probation in a career service position may accept a transfer, reassignment, promotion, or career mobility to another career service position. Each new appointment to a career service position shall include a new probationary period unless management determines that the required duties or knowledge, skills, and abilities of the old and new position are similar enough not to warrant a new probationary period. The probationary period shall be the full probationary period defined in the job description of the new position.

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R477-6. COMPENSATION.

R477-6-1. Pay Plans.
With approval of the Governor, the Division Director, DHRM, shall develop salary ranges for pay plans for each job.

(1) DHRM shall include a salary range in each job description.

(2) Management may increase an employee's wage up to the salary range maximum. A wage increase shall be at least 1/2% of the current wage unless the difference between the current wage and the salary range maximum is less than 1/2%.

(3) Management may not increase an employee's wage above the salary range maximum except for longevity increases under Subsection R477-6-6(3).

(4) Management may decrease an employee's wage down to the salary range minimum. A wage decrease shall be at least 1/2% of the current wage unless the difference between the current wage and the salary range minimum is less than 1/2%.

(5) Management may not decrease an employee's wage below the salary range minimum.

R477-6-2. Allocation to the Pay Plans for Classified Employees.
(1) For each job in classified service, DHRM shall:
   (a) assign the job to a salary range and job family;
   (b) survey the job in the market in accordance with the benchmark jobs; and
   (c) include the job in a market comparability adjustment recommendation if warranted.

(2) DHRM may adjust salary ranges by:
   (a) an administrative adjustment determined appropriate by DHRM for administrative purposes that is not based on a change of duties and responsibilities, nor based on a comparison to salary data in the market;
   (b) a structure adjustment when any agency involved agrees to resolve budgetary impacts before implementation; or
   (c) a market comparability adjustment to a job's salary range based upon salary data and other relevant information for similar jobs in the market through an annual compensation benchmark survey or other sources.
      (i) DHRM shall include market comparability adjustment recommendations in the annual compensation plan and are submitted to the Governor.
      (ii) If a market comparability adjustment would cause a budgetary impact, DHRM may not make the adjustment unless the Legislature has approved funding for the adjustment.
      (iii) If market comparability adjustments are funded and approved for benchmark jobs, DHRM shall adjust salary ranges for other jobs in the same job family by relative ranking with the benchmark job.

(3) DHRM may not adjust salary ranges more frequently than on an annual basis unless approved by the Division Director, DHRM.

R477-6-3. Pay Plans for Unclassified Employees Designated as Schedule AD and AR.
(1) DHRM shall assign each job in an AD or AR pay plan to a salary range that is no more than 40% above and below the salary range midpoint.

(2) DHRM may adjust salary ranges through:
   (a) an administrative adjustment determined appropriate by DHRM for administrative purposes; or
   (b) a structure adjustment.
      (i) DHRM shall consult with the Governor's Office of Planning and Budget (GOPB) before making structure adjustments that require legislative funding. Adjustments that impact deputy directors or issues addressed in state code require GOPB approval.
      (ii) If a structure adjustment would cause a budgetary impact, DHRM may not approve the adjustment unless the Legislature has approved funding for the adjustment or any agency involved agrees to resolve budgetary impacts before implementation.
      (iii) DHRM may include structure adjustment recommendations that require funding in the annual compensation plan.
      (iv) DHRM may not implement a structure adjustment more frequently than on an annual basis unless approved by the DHRM Division Director to address a critical need.
R477-6-4. Pay Plans for Unclassified Employees Designated As Schedule AC, AG, AH, AS, AN, AO, AP, IN, TL, AU, AQ, and Employees of the State Board of Education.

(1) For each job exempted from classified service that is identified in positions under Subsection R477-3-1(1), the affected agency's management shall determine a salary range with a beginning and ending salary.

R477-6-5. Appointments.

(1) Management shall assign a newly appointed employee a salary within the DHRM approved salary range for the job.

(2) Management shall place qualifying military service members returning to work under USERRA in their previous position or a similar position. Reemployment shall include the same seniority status, wage, including any cost of living adjustments, general increase, reclassification of the service member preservice position, or market comparability adjustments that would have affected the service member's preservice position during the time spent by the affected service member in the uniformed services. Performance related salary increases are not included.


(1) Promotions.

(a) Management may increase an employee's wage when the employee is promoted.
(b) Management may promote an employee when the employee meets the requirements and skills specified in the job description and position specific criteria as determined by management for the position.
(c) Any wage increase granted under this subsection shall be at least 1/2% or up to the salary range maximum.

(2) Reclassifications.

(a) Management may grant an employee a wage increase of at least 1/2% or up to the salary range maximum when the employee is reclassified to a job with a salary range maximum exceeding the employee's current salary range maximum. Management shall place the employee within the new salary range. An employee's eligibility for a longevity salary increase shall be consistent with Subsection (3).
(b) Management may not decrease the wage of an employee whose job is reclassified to a job with a lower salary range.

(3) Longevity Salary Increase.

(a) Management shall grant an employee an initial longevity salary increase of 2.75% when:
   (i) the employee has been in state service for eight years or more, including service in more than one agency;
   (ii) the employee has been at or above the maximum of the current salary range for at least one year; and
   (iii) the employee received a passing performance appraisal rating within the 12-month period preceding the longevity increase.

(b) A change in salary range the employee does not choose, such as a reassignment or legislative action, does not reset the one year period under Subsection (3)(a)(ii). Any change in salary range the employee seeks or voluntarily accepts resets the one year period.

(c) Management shall grant an employee who meets the conditions of Subsection (3)(a) and has received the initial longevity increase an additional 2.75% wage increase every three years. To be eligible for these additional increases, an employee shall receive a passing performance appraisal rating within the 12-month period preceding each longevity increase.

(d) For an employee with a wage that is above the salary range maximum because of a longevity salary increase:
   (i) management may not change the employee's current actual wage when the employee receives an administrative adjustment, is reassigned, or is reclassified to a job with a lower salary range maximum; and
   (ii) management may increase an employee's current actual wage when the employee is reclassified to a job with a higher salary range maximum if the current actual wage is less than the salary range maximum of the new job.

(A) Any such salary increase shall be at least 1/2% or up to the salary range maximum of the new job.
(B) If the employee is placed at the maximum of the new salary range, this action does not interrupt continued eligibility for longevity under Subsection (3)(a)(ii).

(iii) management may increase the current actual wage of an employee who is promoted only if the current actual wage is less than the salary range maximum of the new job.

(A) The wage increase may be up to the salary range maximum of the new job.
(B) If the employee is placed at the maximum of the new salary range, this action does not interrupt continued eligibility for longevity under Subsection (3)(a)(ii).

(iv) if the employee is promoted, reclassified, transferred, reassigned, or receives an administrative adjustment and remains at or above the salary range maximum, management shall grant a longevity salary increase three years from the date the employee received the most recent increase under Subsection (3)(a).

(e) An employee with a wage that is not at or above the salary range maximum who is reclassified, transferred, reassigned, or receives an administrative adjustment, and has a current actual wage that is above the salary range maximum of the new job is not eligible for a longevity salary increase until the employee meets the requirements of Subsection (3)(a).

(f) Management may not grant a longevity increase to an employee in Schedules AB, AN, IN, or TL.

(4) Administrative Adjustment.
Management may not adjust the current actual wage of an employee whose position has been allocated by DHRM from one job to another job or salary range for administrative purposes unless the employee's wage is below the minimum of the new salary range.

(5) Reassignment.
Management may not decrease an employee's current actual wage except as provided in federal or state law.

(6) Transfer.
(a) Management may decrease the current actual wage of an employee who transfers to another job with the same or lower salary range maximum.
(b) An employee who applies for a job with a lower salary range maximum shall be placed within the salary range of the new job.

(7) Demotion.
Management may reduce the current actual wage of an employee demoted under Section R477-11-2 by at least 1/2%, or down to the salary range minimum as determined by the agency head or designee.

(8) Administrative Salary Increase.
The agency head authorizes and approves administrative salary increases under the following parameters.
(a) Any increase shall be at least 1/2% or up to the employee's salary range maximum.
(b) Management may not grant an administrative salary increase unless the agency has sufficient funding within their annualized base budgets for the fiscal year in which the adjustment is given.
(c) Justification for an administrative salary increase shall be:
   (i) in writing;
   (ii) approved by the agency head or designee; and
   (iii) supported by unique situations or considerations in the agency.
(d) The agency head or designee shall answer any challenge or grievance resulting from an administrative salary increase.
(e) Management may grant an administrative salary increase to an employee during the probationary period. Wage increases shall be at least 1/2% or up to the salary range maximum.
(f) Management may not grant an administrative salary increase to an employee whose wage is at or above the salary range maximum.
(g) DHRM shall process an administrative salary increase separately from any other action.

(9) Administrative Salary Decrease.
The agency head authorizes and approves administrative salary decreases for nondisciplinary reasons according to the following:
(a) management may not decrease the final wage below the salary range minimum;
(b) management shall decrease the employee's wage by at least 1/2% or down to the salary range minimum;
(c) justification for an administrative salary decrease shall be:
   (i) in writing;
   (ii) approved by the agency head; and
   (iii) supported by issues such as previous written agreements between management and the employee to include career mobility, reasonable accommodation, or other unique situations or considerations in the agency; and
(d) the agency head or designee shall answer any challenge or grievance resulting from an administrative salary decrease;
(10) Career Mobility.
(a) When commencing a career mobility assignment, management shall determine the new wage by following the rules governing the appropriate underlying action such as:
   (i) promotion;
   (ii) reassignment; or
   (iii) transfer.
(b) If a career mobility assignment does not become permanent at its conclusion, management shall return the employee to the employee’s previous position or a similar position and grant, at a minimum, the same wage and the same or higher salary range that the employee would have received had the career mobility assignment not occurred.

R477-6-7. Incentive Awards.
(1) Management shall write and publish incentive award and bonus policies before rewarding any employee with incentive awards or bonuses. Incentive awards and bonuses are discretionary, not an entitlement, and are subject to the availability of funds in the agency.
   (a) DHRM shall review agency incentive award policies to ensure that they are consistent with standards established in these rules and the Department of Government Operations, Division of Finance, rules, and procedures.
   (b) Management may not grant individual awards greater than $4,000 per pay period and $8,000 in a fiscal year, except when approved by DHRM and the governor.
      (i) Management shall include documentation of the work units affected and any cost savings in a request for an exception to Subsection (b) for a retirement incentive award.
      (ii) A single payment of up to $8,000 may be granted as a retirement incentive.
   (c) Any cash and cash equivalent incentive awards and bonuses shall be subject to payroll taxes.

(2) Performance Based Incentive Awards.
(a) Cash Incentive Awards.
   (i) Management may grant a cash incentive award to an employee or group of employees that demonstrates exceptional effort or accomplishment beyond what is normally expected on the job for a unique event or over a sustained period of time.
   (ii) To implement a Pay for Performance cash incentive awards program, management shall include the program in the agency's incentive awards policy.
      (A) The policy shall include information supporting the following:
         (1) sustainability of the funding for the cash incentive program;
         (2) the positions eligible to participate in the Pay for Performance program;
         (3) goals of the program;
         (4) type of work to be incentivized; and
         (5) ability to track the effectiveness of the program.
   (iii) The agency head or designee shall approve any cash awards and ensure that documentation relating to the award is maintained.
(b) Noncash Incentive Awards.
   (i) Management may recognize an employee or group of employees with noncash incentive awards.
   (ii) Individual noncash incentive awards may not exceed a value of $50 per occurrence and $200 for each fiscal year.
   (iii) Noncash incentive awards may include cash equivalents such as gift certificates or tickets for admission. Cash equivalent incentive awards shall be subject to payroll taxes and shall follow standards and procedures established by the Department of Government Operations, Division of Finance.

(3) Cost Savings Bonus.
   (a) Management may establish a bonus policy to increase productivity, generate savings within the agency, or reward an employee who submits a cost savings proposal.
      (i) Management shall document the cost savings involved.

(4) Market Based Bonuses.
Management may award a cash bonus as an incentive to acquire or retain an employee with job skills that are critical to the state and difficult to recruit in the market. Any market based bonuses shall be approved by the DHRM Division Director or designee.
   (a) When requesting market based awards, management shall submit documentation specifying how the agency will benefit by granting the bonus based on:
(i) budget;
(ii) recruitment difficulties;
(iii) a mission critical need to attract or retain unique or hard to find skills in the market; or
(iv) other market based reasons.

(b) Eligible reason types for market based bonuses include:
   (i) Retention Bonus.
       Management may award a bonus to an employee who has unusually high or unique qualifications that are essential for the agency to retain.
   (ii) Recruitment or Signing Bonus.
       Management may award a bonus to a qualified job candidate to incentivize the candidate to work for the state.
   (iii) Scarce Skills Bonus.
       Management may award a bonus to a qualified job candidate that has the scarce skills required for the job.
   (iv) Relocation Bonus.
       Management may award a bonus to a current employee who is required to relocate to accept a position in a different commuting area.
   (v) Referral Bonus.
       Management may award a bonus to a current employee who refers a job applicant who is subsequently selected.
   (vi) Geographic Job Market Bonus.
       Management may award a bonus to incentivize an employee to accept or continue an assignment in a specific geographic area.

R477-6-8. Employee Benefits.
(1) An employee shall be eligible for benefits when:
   (a) in a position designated by management as eligible for benefits; and
   (b) in a position which normally requires working a minimum of 40 hours per pay period.

(2) An eligible employee shall enroll in or decline one of the traditional medical insurance plans within 30 days of the hire date and enroll in or decline one of the HSA-qualified medical insurance plans or other tax-advantaged arrangement offered by PEHP and authorized under the Internal Revenue Code for the benefit of the employee within 60 days of the hire date.
   (a) An employee may change medical plans only during the annual open enrollment period for state employees or following a qualifying life event.

(3) An eligible employee may enroll in dental, vision, and a flexible spending account within 60 days of the hire date.

(4) An employee shall enroll in guaranteed issue life insurance within 60 days of the hire date to avoid having to provide proof of insurability. An employee may enroll in additional life insurance and accidental death and dismemberment insurance at any time and may be required to provide proof of insurability.

(5) Utah Retirement Systems (URS) administers retirement benefits for eligible employees according to Title 49, Utah State Retirement and Insurance Benefit Act.
   (a) DHRM shall provide eligible employees with information regarding available options for URS retirement programs.
   (b) An employee shall communicate directly with URS through their website regarding retirement system options, changes in employee contributions, beneficiaries, and investment strategies.

(6) A reemployed veteran under USERRA is entitled to the same employee benefits given to other continuously employed eligible employees to include seniority based increased pension and leave accrual.

(7) Any insurance coverage, excluding COBRA, shall end:
   (a) at midnight on the last day of the pay period in which the employee receives a paycheck for employees hired before February 15, 2003; or
   (b) at midnight on the last day of the pay period in which the employment termination date became effective for employees hired on February 15, 2003, or later.

(8) An employee who is not eligible for benefits under Subsection R477-6-8(1) but does meet the minimum qualifications under the Affordable Care Act shall be eligible for medical insurance only.
(1) When management changes an occupied schedule B position to schedule AC, AD, AR, or AS, management shall offer the career service employee in that position the opportunity to convert to the new schedule code. The employee may, within 60 days from the date of offer, elect to convert from career service to career service exempt.
(a) If the employee chooses to convert, management shall offer the employee:
   (i) an administrative salary increase of at least 1/2% or up to the current salary range maximum; and
   (ii) state paid term life insurance coverage if determined eligible by the Group Insurance Office to participate in the Term Life Program, Public Employees Health Plan, as provided in Section R477-6-10.
(b) For an employee at or above the current salary range maximum at the time of conversation, management shall grant, in lieu of the salary adjustment from Subsection (1)(a)(i), a one time bonus, as determined by the agency head or designee, not to exceed limits in Subsection R477-6-7(1)(b).
(c) For an employee electing to convert to career service exempt after the 60 day election period, management may not grant the wage increase, but shall permit the employee to apply for the insurance coverage through the Group Insurance Office.
(d) An employee electing not to convert to career service exempt status retains career service status even though the employee's position shall be designated as schedule AC, AD, AR, or AS. When these career service employees vacate these positions, any subsequent incumbent is career service exempt.
(e) Management shall communicate the conditions and limitations of this incentive program to any employees currently or imminently affected by the program.
(2) An agency head may reorganize so that a current career service exempt position no longer meets the criteria for exemption.
(a) An affected employee:
   (i) shall resume career service status if the employee previously earned career service status and had no break in service;
   (ii) is no longer eligible for severance pay under Section R477-6-10;
   (iii) shall accrue annual leave based on service time under Subsection R477-7-3(1); and
   (iv) shall work with management and the Group Insurance Office to discontinue exempt life insurance coverage.
(b) Management may not convert a career service exempt employee to career service status unless:
   (i) the employee had prior career service status with no break in service; or
   (ii) the employee was hired from a hiring list under Subsection R477-4-2(7).

R477-6-10. State Paid Life Insurance.
(1) Management shall pay the premiums for term life insurance coverage for a benefits eligible career service exempt employee on schedule AA, AB, AD, AR, AT, or AX if the employee is determined eligible by the Group Insurance Office and approved through underwriting to participate in the Term Life Program Public Employees Health Plan at the following levels:
   (a) hourly wage $24.03 or less shall receive $125,000 of term life insurance;
   (b) hourly wage between $24.04 and $28.84 shall receive $150,000 of term life insurance; and
   (c) hourly wage $28.85 or higher shall receive $200,000 of term life insurance.
(2) The appointing authority may provide these benefits to an employee on schedule AC, AE, or AS.

R477-6-11. Severance Benefit.
(1) For a career service exempt employee on schedule AB, AC, AD, AE, AR, AS, AT, or AX who is separated from state service through an action initiated by management, to include resignation in lieu of termination, management may offer a severance benefit equal to:
   (a) one week of salary, up to a maximum of 12 weeks, for each year of consecutive exempt service in the executive branch for schedule AB, AC, AD, AE, AR, AS, AT, or AX employees; and
   (b) if the employee is eligible for COBRA, medical insurance coverage at the rate of two pay periods for each year of consecutive exempt service, up to a maximum of 13 pay periods.
(2) Management shall offer the severance benefit when the employee is separated from employment.
(3) Insurance provided under Subsection (1)(b) is medical coverage only and shall be the same plan the employee had at the time of severance.

The Division Director, DHRM, shall publicize procedures for processing payroll and human resource transactions and documents.

KEY: wages, employee benefit plans, insurance, personnel management
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R477-7. LEAVE.

R477-7-1. Conditions of Leave.
(1) An employee is eligible for a leave benefit when:
   (a) in a position designated by management as eligible for benefits; and
   (b) in a position which normally requires working a minimum of 40 hours per pay period.

(2) An eligible employee accrues annual, sick, and holiday leave in proportion to the time paid as determined by DHRM.

(3) An employee shall use leave in no less than quarter hour increments.

(4) An employee may not use annual or sick leave before it is accrued. Leave accrued during a pay period may not be used until the following pay period.

(5) An employee may not use annual leave, converted sick leave used as annual leave, or use excess or compensatory hours without advance approval by management.

(6) Management may not require employees to maintain a minimum balance of accrued leave.

(7) An employee may not use any type of leave except military and jury leave to accrue excess hours.

(8) Any leave used for purposes described in Subsection R477-7-4(2) is subject to the requirements of Subsections R477-7-4(6) and (7).

(9) An employee transferring from one agency to another retains any accrued annual, sick, and converted sick leave at the new agency.

(10) Management shall make a lump sum payment to an employee separating from state service for:
   (a) annual leave hours;
   (b) excess leave hours;
   (c) compensatory hours earned by a FLSA non-exempt employee; and
   (d) converted sick leave if the employee is not retiring under Title 49, Utah State Retirement and Insurance Benefit Act.

(11) Management may not approve the use of leave after an employee's last day worked except for:
   (a) leave without pay;
   (b) administrative leave;
   (c) leave granted under the FMLA; or
   (d) leave granted for other medical or pregnancy related reasons that management approved before the commencement of the leave period.

(12) Management may separate an employee from employment after 18 workweeks cumulative leave in a 24 month period regardless of paid leave status unless prohibited by state or federal law. This rule incorporates by reference 29 CFR 825.205 (March 21, 2021) for purposes of calculating workweeks. The agency head shall make the decision to separate the employee in consultation with DHRM.

(13) Management may not pay contributions to benefits on cashed out leave, other than FICA tax, except as it applies to converted sick leave in Subsection R477-7-5(2) and the retirement benefit in Section R477-7-6.

R477-7-2. Holiday Leave.
(1) The following dates are paid holidays for eligible employees:
   (a) New Year's Day -- January 1;
   (b) Dr. Martin Luther King Jr. Day -- third Monday of January;
   (c) Washington and Lincoln Day -- third Monday of February;
   (d) Memorial Day -- last Monday of May;
   (e) Juneteenth -- observed as follows:
      (i) June 19 if that day is on a Monday;
      (ii) If June 19 is on a Tuesday, Wednesday, Thursday, or Friday, the holiday is observed on the immediately preceding Monday; or
(iii) If June 19 is on a Saturday or Sunday, the holiday is observed on the immediately following Monday.

(f) Independence Day -- July 4;
(g) Pioneer Day -- July 24;
(h) Labor Day -- first Monday of September;
(i) Columbus Day -- second Monday of October;
(j) Veterans’ Day -- November 11;
(k) Thanksgiving Day -- fourth Thursday of November;
(l) Christmas Day -- December 25; and
(m) any other day designated as a paid holiday by the Governor.

(2) If a holiday falls or is observed on a regularly scheduled day off, management shall grant an eligible employee equivalent time off or excess hours, not to exceed eight hours.
   (a) Except as described in Subsection (1)(e), if a holiday falls on a Sunday, the following Monday shall be observed as a holiday.
   (b) Except as described in Subsection (1)(e), if a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

(3) If an employee is required to work on an observed holiday, management shall grant the employee appropriate holiday leave or excess hours.

(4) Management may not grant holiday pay to a new hire before the employee is in a paid status.

(5) Management may not grant holiday pay to a separating employee unless the employee is in a paid status on or after the holiday.

R477-7-3. Annual Leave.
(1) An eligible employee shall accrue leave based on the following years of benefits eligible state service:
   (a) less than five years -- four hours per pay period;
   (b) at least five and less than ten years -- five hours per pay period;
   (c) at least ten and less than 20 years -- six hours per pay period; or
   (d) 20 years or more -- seven hours per pay period.

(2) The following employees shall accrue seven hours of annual leave per pay period, effective from the day the employee is appointed through the duration of the appointment:
   (a) schedule AB employees;
   (b) agency deputy directors;
   (c) division directors appointed to career service exempt positions; and
   (d) an employee who is schedule A, FLSA exempt, and who has a direct reporting relationship to an executive director, deputy director, commissioner, or board.

(3) The accrual rate for an employee rehired to a position which receives leave benefits shall be based on any eligible employment in which the employee accrued leave.

(4) The first eight hours of annual leave used by an employee in the calendar leave year shall be the employee's personal preference day.

(5) Management may not restrict the use of annual leave used in a calendar year to less than the amount the employee accrues in the year.

(6) An employee forfeits unused accrued annual leave time exceeding 320 hours during year end processing for each calendar year.

R477-7-4. Sick Leave.
(1) An eligible employee accrues sick leave, not to exceed four hours per pay period. Sick leave accrues without limit.

(2) Management may approve the use of sick leave for:
   (a) preventive health and dental care;
   (b) maternity;
   (c) paternity;
   (d) adoption care; or
(e) absence from duty because of illness, injury, or disability of:
   (i) the employee;
   (ii) a spouse;
   (iii) children;
   (iv) parents;
   (v) an individual for whom the employee is a legal guardian; or
   (vi) a qualifying FMLA purpose.

(3) Agency management may approve the use of sick leave for other unique medical situations.

(4) When management approves the use of sick leave, an employee may use any combination of Program I, Program II, and Program III sick leave.

(5) An employee shall contact management before the beginning of the scheduled workday the employee is absent due to illness or injury.

(6) Management shall require an employee to produce administratively acceptable evidence to support any request for leave to cover an absence that exceeds three consecutive working days.

(7) Management may require an employee to produce administratively acceptable evidence regardless of the number of leave hours used for the reasons in Subsection (2) or (3) if there is reason to believe that an employee is using the leave for reasons not listed in Subsection (2) or (3).

(8) An employee separating from state employment forfeits any unused sick leave without compensation unless the leave is utilized for the sick leave retirement benefit under Section R477-7-6.
   (a) Management shall reinstate forfeited sick leave when an employee is rehired into a benefited position within one year of separation due to a reduction in force. Sick leave shall be reinstated as Program I, Program II, and Program III as accrued before the reduction in force.
   (b) Management shall reinstate forfeited sick leave when an employee is appointed to a benefits eligible position within one year of leaving a benefits eligible position for reasons other than a reduction in force. Reinstated sick leave shall be Program III sick leave.
   (c) Management may not reinstate forfeited sick leave when an employee retires from state service under Title 49, Utah State Retirement and Insurance Benefit Act and is rehired.

R477-7-5. Converted Sick Leave.

(1) An employee may not accrue converted sick leave hours on or after January 3, 2014. Converted sick leave hours accrued before January 3, 2014 may be used for retirement under Subsection R477-7-5(6) or cashed out if the employee leaves employment.
   (a) Converted sick leave hours accrued before January 1, 2006 shall remain Program I converted sick leave hours.
   (b) Converted sick leave hours accrued after January 1, 2006 shall remain Program II converted sick leave hours.

(2) An employee may use converted sick leave as annual leave or as regular sick leave.

(3) When management approves the use of converted sick leave, an employee may use any combination of Program I and Program II converted sick leave.

(4) Employees retiring from LTD who have converted sick leave balances still intact may use these hours for the unused converted sick leave retirement program when they become eligible for retirement.

(5) Upon retirement under Title 49, Utah State Retirement and Insurance Benefit Act, management shall place 25% of the value of an employee's unused converted sick leave, but not to exceed Internal Revenue Service limitations, in the employee's 401(k) account as an employer contribution.
   (a) Management shall place converted sick leave hours from Program II in the 401(k) account before hours from Program I.
   (b) The employee may use any remaining converted sick leave for:
      (i) the purchase of health care insurance and life insurance under Subsection R477-7-6(3)(a) if the converted sick leave was accrued in Program I; or
      (ii) a contribution into the employee's PEHP health reimbursement account under Subsection R477-7-6(6)(b) if the converted sick leave was accrued in Program II.
(6) Upon retirement under Title 49, Utah State Retirement and Insurance Benefit Act, an employee may not suspend or defer for future use any Program I converted sick leave hours. This includes retired employees who reemploy with the state and choose to suspend their defined benefit payments and employees participating in phased retirement.

R477-7-6. Sick Leave Retirement Benefit.

Upon retirement from active employment or LTD under Title 49, Utah State Retirement and Insurance Benefit Act, including when a retirement eligible employee passes away, management shall grant an employee or surviving spouse an unused sick leave retirement benefit under Sections 63A-17-507 and 63A-17-508.

(1) An employee in the Tier I retirement system or the Tier II hybrid retirement system becomes eligible for this benefit when actively retiring under Title 49, Utah State Retirement and Insurance Benefit Act.

(2) An employee in the Tier II defined contribution system becomes eligible when terminating employment on or after the retirement date established by the Utah Retirement Systems. This date reflects service time accrued by the employee as if the employee were in the Tier II hybrid retirement system.

(3) (a) Sick leave hours accrued before January 1, 2006 shall be Program I sick leave hours.
(b) Sick leave hours accrued on or after January 1, 2006, but before January 4, 2014, shall be Program II sick leave hours.
(c) Sick leave hours accrued on or after January 4, 2014, shall be Program III sick leave hours, which shall have no benefit upon retirement.

(4) Management may offer the Unused Sick Leave Retirement Option Program I to an employee who is eligible to receive retirement benefits. Any decision whether or not to participate in this program shall be agency wide and shall be consistent through an entire fiscal year. If management decides to withdraw for the next fiscal year after initially deciding to participate, management shall notify its employees at least 60 days before the new fiscal year begins.

(5) The Unused Sick Leave Retirement Options Program I provides an employee in a participating agency the following benefit.

(a) Management shall place 25% of the value of the unused sick leave and converted sick leave, but not to exceed Internal Revenue Service limitations, in the employee's 401(k) account as an employer contribution.
(b) Management shall place sick leave hours from Program II in the employee's 401(k) account before hours from Program I.
(c) After the 401(k) contribution, management shall use the remaining Program I sick leave hours and converted sick leave hours from Subsection R477-7-5(5)(b)(i) to provide the following benefit:
   (i) The purchase of PEHP health insurance, or a state approved program, and life insurance coverage for the employee until the employee reaches the age eligible for Medicare.
      (A) Health insurance is the same or lower level than the level the employee has when they retire pursuant to Section 63A-17-507.
      (B) The purchase rate is eight hours of sick leave or converted sick leave for the state paid portion of one month's premium.
      (C) The employee shall pay the same percentage of the premium as a current employee on the same plan. The premium amount shall be determined from the approved PEHP retiree rate and not the active employee rates.
      (D) The life insurance provided is the minimum authorized coverage provided for state employees when the employee retires.
   (ii) When the employee becomes eligible for Medicare, the employee may purchase a Medicare supplement policy provided by PEHP at the rate of eight hours of sick leave or converted sick leave for one month's premium.
   (iii) When the employee becomes eligible for Medicare, the employee may purchase a PEHP health insurance policy, or another state approved policy, for a spouse until the spouse is eligible for Medicare.
      (A) The purchase rate is eight hours of sick leave or converted sick leave for one month's premium.
      (B) The employee shall pay the same percentage of the premium as a current employee on the same plan. The premium amount shall be determined from the approved PEHP retiree rate and not the active employee rates.
   (iv) When the spouse reaches the age eligible for Medicare, the employee may purchase a Medicare supplement policy provided by PEHP for the spouse at the rate of eight hours of sick leave or converted sick leave for one month's premium.
(v) In the event an employee is killed in the line of duty, the employee's spouse is eligible to use the employee's available sick leave hours for the purchase of additional medical coverage under Section 63A-17-804.

(d) Employees retiring from LTD who have sick leave balances still intact may use these hours for the unused sick leave retirement program when they become eligible for retirement.

(e) Upon retirement under Title 49, Utah State Retirement and Insurance Benefit Act, an employee may not suspend or defer for future use any Program I sick leave hours. This includes retired employees who reemploy with the state and choose to suspend their defined benefit payments and employees participating in phased retirement.

(6) The Unused Sick Leave Retirement Option Program II provides an employee the following benefit:

(a) Management shall place 25% of the value of the unused sick leave and converted sick leave, but not to exceed Internal Revenue Service limitations, in the employee's 401(k) account as an employer contribution.

(b) After the 401(k) contribution, management shall deposit the remaining sick leave hours and the converted sick leave hours from Subsection R477-7-5(5)(b)(ii) in the employee's PEHP health reimbursement account at the greater of:
   (i) the employee's rate of pay at retirement; or
   (ii) the average rate of pay of state employees who retired in the same retirement system in the previous calendar year.

(c) A retired employee who is reemployed in a benefited position with the state is not eligible for a benefit calculated on any Program II sick leave hours unless:
   (i) the employee voluntarily suspends their pension;
   (ii) the employee was separated for one year or more;
   (iii) the employee was reemployed before January 2, 2014; and
   (iv) the employee works for two years or more after reemployment to receive this benefit.

(7) A retired employee who is reemployed in a benefited position with the state after January 3, 2014 accrues Program III sick leave, which has no benefit upon subsequent retirement.

R477-7-7. Administrative Leave.

(1) Management may grant administrative leave to any employee consistent with agency policy for the following reasons:

   (a) administrative;
      (i) governor approved holiday leave;
      (ii) during management decisions that benefit the organization;
      (iii) when no work is available due to unavoidable conditions or influences; or
      (iv) other reasons consistent with agency policy;

   (b) protected;
      (i) suspension with pay pending hearing results;
      (ii) personnel decision-making before discipline;
      (iii) removal from adverse or hostile work environment situations;
      (iv) fitness for duty or employee assistance; or
      (v) other reasons consistent with agency policy;

   (c) reward in lieu of cash;
      (i) the agency head or designee may grant paid administrative leave up to one day per occurrence;
      (ii) management may not grant administrative leave exceeding one day without written approval from the agency head;
      (iii) management may not grant more than 40 hours of administrative leave as a reward in lieu of cash;
      (iv) management may grant administrative leave as a reward in lieu of cash to employees of another agency if both agency heads agree in advance; or

   (d) employee education assistance.

(2) Management shall grant an employee 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 24 hours in advance. Management may specify the hours when the employee may be absent.

(3) Management shall include employees who are on leave under the FMLA or military leave under USERRA in a grant of administrative leave for non-performance based purposes if the leave would have been given had the employee been in a working status.
(4) With the exception of administrative leave used as a reward under Subsection R477-7-7(1)(c), only the agency head or designee may grant paid administrative leave.

(5) Administrative leave taken shall be documented in the employee's leave record.

(6) Administrative leave is not an employee right and management may grant it disparately within its workforce depending on agency needs.

R477-7-8. Witness and Jury Leave.

(1) An employee is entitled to a leave of absence from a regularly scheduled work day with full pay when, in obedience to a subpoena or direction by proper authority, the employee shall:
   (a) appear as a witness as part of the employee's position for the federal government, the State of Utah, or a political subdivision of the state;
   (b) serve as a witness in a grievance hearing under Section 63A-17-602 and Title 67, Chapter 19a, Grievance Procedures; or
   (c) serve on a jury.

(2) An employee on jury leave may accrue excess hours in the same pay period during which the jury leave is used.

(3) An employee choosing to use accrued leave while on jury duty may keep juror's fees;

(4) An employee who chooses to take a leave of absence from a regularly scheduled work day with full pay while on jury duty shall return any juror's fee to agency finance or agency payroll staff for deposit with the State Treasurer.

(5) An employee may not use work time or witness and jury leave when absent to litigate matters unrelated to state employment.


Management may grant at least three work days of bereavement leave per occurrence with pay following the death of a member of the employee's immediate family. Management may not charge bereavement leave against an employee's accrued sick or annual leave.

(1) "Immediate Family" means relatives of the employee or spouse including in-laws, step-relatives, or equivalent relationship as follows:
   (a) spouse;
   (b) parents;
   (c) siblings;
   (d) children;
   (e) any level of grandparents; or
   (f) any level of grandchildren.

(2) Management may grant bereavement leave for other unique family relationships.

(3) Management shall grant at least three work days of bereavement leave to an employee when a pregnancy ends in stillbirth or miscarriage under the conditions set forth in Section 63A-17-106.

R477-7-10. Military Leave.

Under Section 39-3-2, management shall grant up to 120 hours of paid military leave each calendar year to a benefited or non-benefited employee who is a member of the National Guard or Military Reserves and is on official military orders. Military leave for part-time employees is prorated to be no more than the average hours worked in the last 12 months, or if employed less than 12 months, the average hours worked since the date of hire.

(1) An eligible employee may use any combination of military leave, accrued leave, or leave without pay under Section R477-7-13.

(2) An eligible employee may only use accrued sick leave if the reason for leave meets the conditions in Section R477-7-4.

(3) An employee on military leave is eligible for any service awards or non-performance administrative leave the employee would otherwise be eligible to receive.
(4) An employee shall notify management of official military orders as soon as possible.

(5) Upon an employee's release from official military orders under honorable conditions, management shall place the employee in a position in the following order of priority.

(a) If the period of service was for less than 91 days, management shall place the employee:
   (i) in the same position the employee held on the date of the commencement of the service in the uniformed services; or
   (ii) in the same position the employee would have held if the continuous employment of the employee had not been interrupted by the service.

(b) If the period of service was for more than 90 days, management shall place the employee:
   (i) 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
   (ii) 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.

(c) When a disability is incurred or aggravated while on official military orders, the employing agency shall adhere to the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301, et seq.

(d) An employee is entitled to reemployment rights and benefits including increased pension and leave accrual to which the employee would have been entitled had the employee not been absent due to military service. An employee entering military leave may elect to have payment for annual leave deferred.

(6) To be reemployed, an employee shall present evidence of military service, and:

(a) for service less than 31 days, return at the beginning of the next regularly scheduled work period on the first full day after release from service unless impossible or unreasonable through no fault of the employee;
(b) for service of more than 30 days but less than 181 days, submit a request for reemployment within 14 days of release from service, unless impossible or unreasonable through no fault of the employee; or
(c) for service of more than 180 days, submit a request for reemployment within 90 days of release from service.

R477-7-11. Disaster Relief Volunteer Leave.

(1) An agency head or designee may grant an employee leave from work with pay for an aggregate of 15 working days in any 12-month period to participate in disaster relief services for a non-governmental disaster relief organization. An employee is not eligible for disaster relief volunteer leave unless they are certified as a disaster relief volunteer and file a written request with the employing agency. The request shall include:

(a) a copy of a written request for the employee's services from an official of the disaster relief organization;
(b) the anticipated duration of the absence;
(c) the type of service the employee is to provide; and
(d) the nature and location of the disaster where the employee's services will be provided.

(2) Management may not dismiss an employee who is absent from or late to work if the absence or tardiness was a result of the employee acting as an emergency services volunteer as defined in Section 34-55-102.

(a) Management may request a written statement to verify the employee's status as an emergency services volunteer.
(b) An emergency services volunteer is not entitled to paid leave except as provided in Subsection (1), but may use their own accrued leave or leave without pay.

R477-7-12. Organ Donor Leave.

Management shall grant an employee who serves as a bone marrow or human organ donor paid leave for the donation and recovery as follows:

(1) up to seven days of paid leave for donation of bone marrow; and
(2) up to 30 days of paid leave for donation of a human organ.


(1) An employee shall apply in writing to management and receive management's approval before taking leave without pay.

(2) Management may not grant leave without pay unless the employee is expected to return to work.
(3) Management may deny a request for leave without pay when documentation from one or more qualified healthcare providers clearly establishes that the employee has a permanent condition preventing the employee from returning to the last held regular position unless by state or federal law requires the leave to be granted.

(4) An employee who receives no compensation for a complete pay period shall be responsible for payment of the full premium of state provided benefits.

(5) Management shall place an employee who returns to work on or before the expiration of leave without pay in a position with comparable pay and seniority to the previously held position.

(6) Upon request, an employee who is granted this leave shall provide a monthly return to work status update to the employee's supervisor.

R477-7-14. Furlough.
Management may furlough employees as a means of saving salary costs in lieu of or in addition to a reduction in force. The agency head shall approve furlough plans subject to the following conditions:

(1) Furlough hours count for purposes of annual, sick, and holiday leave accrual.

(2) Management pays for any state paid benefits:
   (a) at the full rate for benefits with fixed costs, regardless of how many days an employee is furloughed; and
   (b) as a percentage of actual wages for benefits paid as a percentage of actual wages, including a pay period with no actual wages.

(3) An employee who is furloughed is responsible to pay the employee portion of any benefits. Voluntary benefits remain entirely at the employee's expense.

(4) An employee shall return to the current position.

(5) Management shall apply the furlough equitably to any person in a given class, program staff, or organization.

R477-7-15. Family and Medical Leave.
(1) An eligible employee may take up to 12 workweeks of family and medical leave each calendar year for any of the following qualifying reasons:
   (a) birth of a child;
   (b) adoption of a child;
   (c) placement of a foster child;
   (d) a serious health condition of the employee;
   (e) care of a spouse, child, or parent with a serious medical condition; or
   (f) a qualifying exigency arising as a result of a 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.

(2) An eligible employee may take up to 26 workweeks of family and medical leave during a 12-month period to care for a spouse, son, daughter, parent, or next of kin who is a covered servicemember as defined by the National Defense Authorization Act.

(3) An employee on FMLA leave continues to receive the same health insurance benefits the employee was receiving before the commencement of FMLA leave provided the employee pays the employee share of the health insurance premium.

(4) An employee on FMLA leave receives any administrative leave given for non-performance based reasons if the leave would have been given had the employee been in a working status.

(5) An employee is eligible for family and medical leave when the employee:
   (a) has been employed by the state for at least 12 months; and
   (b) has worked 1,250 hours or more, as determined under FMLA, during the 12-month period immediately preceding the commencement of leave.

(6) To request FMLA leave, the employee or an appropriate spokesperson shall notify management of the need for leave:
   (a) thirty days in advance for foreseeable needs; or
   (b) as soon as practicable in emergencies.
(7) An employee may use accrued annual leave, sick leave, converted sick leave, excess hours and compensatory time before going into leave without pay status for the designated period of family and medical leave.

(a) An employee who chooses to use accrued annual leave, sick leave, converted sick leave, excess hours, and compensatory time before going into leave without pay status for the family and medical leave period shall notify the direct supervisor.

(b) If an employee fails to notify the direct supervisor under this subsection, accrued leave will be used to pay the employee's payroll deductions in the following order:

(i) first, Program III sick leave;
(ii) second, compensatory time, excess leave, or annual leave; and
(iii) third, converted sick leave, Program II sick leave, or Program I sick leave.

(8) When an employee chooses to use FMLA leave, management shall designate as FMLA leave any absences related to that qualifying event which occurred when the employee was eligible for FMLA.

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

(10) If an employee has gone into leave without pay status and fails to return to work after FMLA leave has ended, management may recover, with certain exceptions under 29 CFR 825.213, the health insurance premiums paid by management on the employee's behalf. An employee is considered to have returned to work if the employee returns for at least 30 calendar days.

(11) When leave is taken after childbirth or placement of a healthy child for adoption or foster care, an employee may not take leave intermittently or on a reduced leave schedule unless the employer agrees.

(12) Medical records created for purposes of FMLA and the Americans with Disabilities Act, 42 U.S.C. 12102 are subject to the confidentiality requirements set forth in Section R477-2-5.

R477-7-16. Workers' Compensation Leave.

(1) An employee may use accrued leave benefits to supplement the workers' compensation benefit.

(a) The combination of leave benefit, wages, and workers compensation benefit may not exceed the employee's gross salary.

(b) An employee may not use accrued leave to supplement the workers' compensation benefit when:

(i) the employee is declared medically stable by a licensed medical authority;
(ii) the workers compensation fund terminates the benefit;
(iii) the employee refuses to accept appropriate employment offered by the state; or
(iv) the employee is notified of approval for Long Term Disability or Social Security Disability benefits.

(c) An employee shall refund to the state any accrued leave paid which exceeds the employee's gross salary for the period for which the benefit was received.

(2) Workers' compensation hours count 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.

(3) Health insurance benefits continue for an employee on leave without pay while receiving workers' compensation benefits. The employee is responsible for the payment of the employee share of the premium.

(4) If an employee can return to work in the employee's regular position, management shall place the employee in the previously held position or a similar position at a comparable salary range.

(5) If an employee cannot return to work in the regular position, or if documentation from one or more qualified health care providers clearly establishes that the employee has a permanent condition preventing the employee from returning to the last held regular position, management may separate the employee from state employment unless prohibited by state or federal law. Exceptions may be granted by the agency head in consultation with DHRM.

(6) Management shall take disciplinary action under Rule R477-11 when an employee files a fraudulent workers compensation claim.
R477-7-17. Long Term Disability Leave.
(1) Upon approval of an LTD claim:
   (a) Management shall stop biweekly salary payments to the employee.
   (b) Management shall pay the employee for any remaining balances of annual leave, excess hours, and compensatory hours earned by FLSA non-exempt employees in a lump sum payment unless the employee requests in writing to receive it upon separation from state employment. Upon return to work from an approved leave of absence, the employee may buy back annual leave at the current hourly rate.
   (c) An employee with a converted sick leave balance when they are approved for LTD may choose to receive a lump sum payout of any part of the balance or to keep the balance intact to pay for health and life insurance upon retirement. The payout shall be at the employee's wage rate when they are approved for LTD.
   (d) An employee who has been separated from state employment but retires under Title 49, Utah State Retirement and Insurance Benefit Act while receiving LTD may utilize unused sick leave for health and life insurance under Section R477-7-6 when the employee is otherwise eligible for the sick leave retirement benefit.

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

(3) An employee who was not separated from employment may return to work following long term disability when they provide an administratively acceptable medical release allowing a return to work.

(4) Long term disability benefits are provided to eligible employees under Title 49, Chapter 21, Public Employees' Long-Term Disability Act.

R477-7-18. Disabled Law Enforcement Officer Amendments.
(1) When a law enforcement officer or state correctional officer, as defined in Section 63A-17-512, is injured in the course of employment, as defined in Section 63A-17-512, management shall approve a leave of absence with 100% of the officer's regular monthly salary and benefits:
   (a) during the period the employee has a temporary disability; or
   (b) in the case of a total disability, until the employee is eligible for an unreduced retirement under Title 49, Utah State Retirement and Insurance Benefit Act or reaches the retirement age of 62 years, whichever occurs first.

(2) The eligible employee shall disclose to management any time-loss benefit amounts received by, or payable to, the employee, from outside sources, as soon as the employee is made aware. These amounts do not include benefits received from sources in which the employee pays the full premium.

(3) Management shall apply Section R477-7-16, workers compensation leave, and Section R477-7-17, long term disability leave rules first. Management then adds any benefit amounts received under Subsection (2). If the total of these benefits is less than 100% of the employee's monthly salary and benefits, management shall make arrangements through payroll to pay the employee the difference.

(4) DHRM shall work with the Division of Risk Management, Workers' Compensation, and the Public Employee's Health Program on a periodic and case-by-case basis to assure that eligible employees receive full benefits. If at any time it is discovered that the employee is receiving less than 100% of their regular monthly salary and benefits, management shall make up the difference to the employee.

(5) If an employee discloses other time-loss benefits received under Subsection (2) after these additional payments by the agency have been made, the employee shall reimburse the agency for salary and benefits paid in overage.

An agency head may approve the establishment of a leave bank program.

(1) A leave bank program shall include an agency policy with the following provisions.
   (a) A statement that access to the leave bank is not an employee right and shall be authorized at management's discretion.
   (b) A requirement that any application for leave from the leave bank be supported by administratively acceptable medical documentation.
   (c) A provision prohibiting leave donors, supervisors, managers, or management teams from reviewing any employee's medical certifications or physician statements.
(d) A requirement that an employee may not receive donated leave until any individually accrued leave is exhausted.
(e) A statement that leave is accrued if an employee receives sick leave donated from an approved leave bank program.
(f) A requirement that employees using donated leave request and receive written consent from the agency head to work a second job.
(g) A statement that only compensatory time earned by an FLSA non-exempt employee, annual leave, excess hours, and converted sick leave hours may be donated to a leave bank.
(h) A statement that only employees of agencies with approved leave bank programs may donate leave hours to another agency with a leave bank program and only if both agencies agree to allow the donation.

(2) Any medical records created for leave bank program purposes are subject to the confidentiality requirements of Section R477-2-5.

R477-7-20. Parental and Postpartum Recovery Leave.
(1) An employee is eligible for parental or postpartum recovery leave when the employee:
(a) is eligible for benefits under Subsections R477-6-8(1) and R477-7-1(1);
(b) is not reemployed post retirement as defined in Section 49-11-1202; and
(c) is not an employee of:
   (i) the State Board of Education; or
   (ii) an independent entity as defined in Section 63E-1-102.

(2) An employee or a spokesperson shall notify management of their plan to use parental or postpartum recovery leave:
   (a) thirty days in advance; or
   (b) as soon as practicable in emergencies.

(3) Management may not charge parental or postpartum recovery leave against any accrued leave balance on the employee's record.

(4) No person may interfere with an employee's intent to use parental or postpartum recovery leave or retaliate against an employee who receives parental or postpartum recovery leave.

(5) Parental leave is administered as follows:
   (a) An employee is qualified for parental leave when the employee:
      (i) is a birth parent as defined in Section 78B-6-103;
      (ii) legally adopts a minor child, unless the employee is the spouse of the pre-existing parent;
      (iii) is the intended parent of a child born under a validated gestational agreement; or
      (iv) is appointed the legal guardian of a minor child or incapacitated adult.
   (b) Management shall grant up to three weeks of paid parental leave to an employee who gives notice that they intend to use paid parental leave.
   (c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken parental leave.
   (d) An employee may use parental leave within the six months immediately following the qualifying event from Subsection (5)(a).
   (e) An employee may use parental leave intermittently when:
      (i) the employee and management have written mutual consent for intermittent use; or
      (ii) a health care provider certifies the need for intermittent leave due to the child's serious health condition.
   (f) Parental leave:
      (i) runs concurrently with leave under the FMLA;
      (ii) runs consecutively with postpartum recovery leave pursuant to Subsection (6)(f)(ii);
      (iii) is limited to three weeks within any 12-month period;
      (iv) does not increase when:
         (A) more than one child is born from the same pregnancy;
         (B) more than one child is adopted;
         (C) the employee is appointed legal guardian of more than one minor child or incapacitated adult.

(6) Postpartum recovery leave is administered as follows:
   (a) An employee is qualified for postpartum recovery leave when the employee gives birth.

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(b) Management shall grant up to three weeks of paid postpartum recovery leave to an employee who gives notice that they intend to use paid postpartum recovery leave.

(c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken postpartum recovery leave.

(d) Postpartum recovery leave begins on the date the employee gives birth unless a health care provider certifies the medical necessity of an earlier start date.

(e) An employee shall use postpartum recovery leave in a single continuous period.

(f) Postpartum recovery leave:

- (i) runs concurrently with leave under the FMLA;
- (ii) runs consecutively with parental leave under Subsection (5) with postpartum recovery leave used first pursuant to restrictions in Subsection (d); and
- (iii) does not increase when more than one child is born from the same pregnancy.

KEY: holidays, leave benefits, vacations

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R477-8. WORKING CONDITIONS.

R477-8-1. Workweek.
(1) The state's standard workweek begins Saturday at midnight and ends the following Friday at 11:59 p.m. FLSA non-exempt employees may not deviate from this workweek.

(2) State offices are typically open Monday through Friday from 8 a.m. to 5 p.m. Management may adopt alternative business hours under Section 67-25-201.

(3) Management shall establish work schedules and may approve a flexible starting and ending time for an employee as long as scheduling is consistent with Section R477-8-4.

(4) An employee shall work the assigned schedule and be at work on time. When an employee is late, regardless of the reason, including inclement weather, management may require the employee to use accrued leave, leave without pay, or adjust their work schedule to account for the lost time.

(5) An employee's time worked is calculated in increments of 15 minutes. This rule incorporates by reference 29 CFR 785.48 (2012) for rounding practices when calculating time worked.

R477-8-2. Telework.
Telework is a management option, not a universal employee benefit. Management utilizing a telework program shall:

(1) establish a written policy governing telework;

(2) enter into a written agreement with each participating employee to specify conditions, such as use of state or personal equipment, protecting confidential information, and results such as identifiable benefits to the state and how customer needs are being met;

(3) require participating employees to comply with overtime rules;

(4) prohibit compensation for normal commute time; and

(5) document telework authorization.

(1) Management may require each full time work day to include a minimum of 30 minutes non-compensated lunch period. An employee's lunch period may not be at the beginning or end of their work day.

(2) An employee may take a 15 minute compensated break period for every four hours worked. Break periods may not be accumulated to accommodate a shorter work day or longer lunch period.

(3) Management may allow compensated exercise release time up to three days per week for 30 minutes.

(a) Management in participating agencies shall have a written policy regarding exercise release time.

(b) Work time exercise that is a bona fide job requirement is not subject to this section.

(4) Management shall document authorization for exercise time in writing.

(5) As requested and after consultation with an employee, management shall grant reasonable, daily break periods for the first year following the birth of a child to allow an employee to express breast milk for her child. Management shall provide:

(a) a private location, other than a restroom; and

(b) appropriate temporary storage for expressed milk.

R477-8-4. Overtime Standards.

(1) Management may direct an employee to work overtime. Management in each agency shall develop internal policies and procedures to ensure overtime usage is efficient and economical. These policies and procedures shall include:

(a) prior supervisory approval for any overtime worked;

(b) recordkeeping guidelines for any overtime worked; and

(c) verification of sufficient funding in the budget to compensate employees for overtime worked.
(2) Overtime compensation designations are identified for each job title in the human resource information system as either FLSA non-exempt or FLSA exempt. An employee may appeal the FLSA designation to the agency human resource field office. Further appeals may be filed directly with the United States Department of Labor, Wage and Hour Division. Sections 63A-17-602, 67-19a-301, and Title 63G, Chapter 4, Administrative Procedures Act may not be applied for FLSA appeals purposes.

(3) An FLSA non-exempt employee may not work more than 40 hours a week without management approval. Overtime accrues when the employee actually works more than 40 hours a week. Leave and holiday time taken within the work period are not hours worked when calculating overtime accrual. Hours worked over two or more weeks may not be averaged with the exception of certain types of law enforcement, fire protection, and correctional employees.

(4) Management shall arrange for an employee's use of compensatory time as soon as possible without unduly disrupting agency operations or endangering public health, safety, or property.

R477-8-5. Compensatory Time for FLSA Non-Exempt Employees.

(1) An FLSA non-exempt employee shall sign a prior overtime agreement authorizing management to compensate the employee for overtime worked by actual payment or accrual of compensatory time at time and one-half.

(a) An FLSA non-exempt employee may receive compensatory time for overtime up to a maximum of 80 hours. Only with prior approval of the Division Director, DHRM, may compensatory time accrue up to 240 hours for regular employees or up to 480 hours for peace or correctional officers, emergency, or seasonal employees. Once an employee reaches the maximum, management shall pay any additional overtime on the payday for the period in which it was earned.

(b) Management shall pay compensatory time balances for an FLSA non-exempt employee down to zero at the rate of pay in the old position in the same pay period that the employee is:

(i) transferred from one agency to a different agency; or

(ii) promoted, reclassified, reassigned, or transferred to an FLSA exempt position.

R477-8-6. Compensatory Time for FLSA Exempt Employees.

(1) An FLSA exempt employee may not work more than 80 hours in a pay period without management approval. Compensatory time accrues when the employee actually works more than 80 hours in a work period. Leave and holiday time taken within the work period are not hours worked when calculating compensatory time. Management shall compensate an FLSA exempt employee who works overtime by granting time off. For each hour of overtime worked, an FLSA exempt employee accrues an hour of compensatory time.

(a) Management shall establish in written policy a uniform overtime year either for the agency as a whole or by unit number and communicate it to employees. Overtime years shall be set at one of the following pay periods: Five, Ten, Fifteen, Twenty, or the last pay period of the calendar year. If management fails to establish a uniform overtime year, the Division Director, DHRM, and the Director of Finance, Department of Government Operations, will establish the date for the agency as the last pay period of the calendar year. Management may change the established overtime year only after the current overtime year has lapsed, unless justifiable reasons exist and the Division Director, DHRM, has granted a written exception.

(b) The limit on compensatory time accrued by an FLSA exempt employee may not be less than 80 hours.

(i) Any compensatory time earned by an FLSA exempt employee over the limit shall be paid out in the pay period it is earned.

(c) Any compensatory time earned by an FLSA exempt employee is not an entitlement, a benefit, nor a vested right.

(d) Any compensatory time earned by an FLSA exempt employee shall lapse upon occurrence of any one of the following events:

(i) at the end of the employee's established overtime year;

(ii) upon assignment to another agency;

(iii) change in FLSA status to non-exempt; or

(iv) when an employee terminates, retires, or otherwise does not return to work before the end of the overtime year.


(1) To be considered for overtime compensation under this rule, a law enforcement or correctional officer shall:

(a) be a uniformed or plain clothes sworn officer;

(b) be empowered by statute or local ordinance to enforce laws designed to maintain public peace and order, to protect life and property from accidental or willful injury, and to prevent and detect crimes;

(c) have the power to arrest;

(d) be POST certified or scheduled for POST training; and
(e) perform over 80% law enforcement duties.

(2) Management shall select one of the following maximum work hour thresholds to determine when overtime compensation is granted to law enforcement or correctional officers designated FLSA non-exempt and covered under this rule:
   (a) 171 hours in a work period of 28 consecutive days; or
   (b) 86 hours in a work period of 14 consecutive days.

(3) Management shall select one of the following maximum work hour thresholds to determine when overtime compensation is granted to fire protection employees:
   (a) 212 hours in a work period of 28 consecutive days; or
   (b) 106 hours in a work period of 14 consecutive days.

(4) Management may designate a lesser threshold in a 14 day or 28 day consecutive work period as long as it conforms to the following:
   (a) Section 207(k), Fair Labor Standards Act;
   (b) 29 CFR 553.230;
   (c) the state's payroll period; and
   (d) the approval of the Division Director, DHRM.

R477-8-8. Time Reporting.
   (1) Employees shall complete and submit a state approved biweekly time record that accurately reflects the hours actually worked, including:
      (a) approved and unapproved overtime;
      (b) on-call time;
      (c) stand-by time;
      (d) meal periods of public safety and correctional officers who are on duty more than 24 consecutive hours; and
      (e) approved leave time.

   (2) Management may discipline an employee who fails to accurately record time.

   (3) Management may not develop or use time records unless the records have the same elements of the state approved time record and are approved by the Department of Government Operations, Division of Finance.

   (4) Management may discipline a supervisor who directs an employee to submit an inaccurate time record or knowingly approves an inaccurate time record.

   (5) A Non-exempt employee who believes FLSA rights have been violated may submit a complaint directly to the Division Director, DHRM, or designee.

R477-8-9. Hours Worked.
   (1) An FLSA non-exempt employee shall be compensated for any hours worked. Management may discipline an employee who works unauthorized overtime.
      (a) Any time that an FLSA non-exempt employee waits for an assignment while on duty, before reporting to duty, or before performing activities counts as hours worked.
      (b) Time spent waiting after being relieved from duty is not hours worked if one or more of the following conditions apply:
         (i) the employee arrives voluntarily before their scheduled shift and waits before starting duties;
         (ii) the employee is completely relieved from duty and allowed to leave the job;
         (iii) the employee is relieved until a definite specified time; or
         (iv) the relief period is long enough for the employee to use as the employee sees fit.

R477-8-10. On-call Time.
   (1) Management may direct an employee to be available for on-call work.
      (a) Management shall compensate an FLSA non-exempt employee for on-call time at a rate of one hour for every 12 hours the employee is on-call.
      (b) Management may compensate an FLSA exempt employee at a rate equal to or less than one hour for every 12 hours the employee is on-call.
(2) Time is considered on-call time when the employee has freedom of movement in personal matters as long as the employee is available for a call to duty. An employee may not be in on-call status while using leave or while otherwise unable to respond to a call to duty.

(3) Management may not enter into on-call agreements with employees unless the agency has a policy consistent with this rule and finance policy.

(4) On-call status shall be designated by management in writing on an annual basis. Carrying a pager or cell phone does not constitute on-call time without this written agreement.

(5) The employee shall record the hours spent in on-call status, and any actual hours worked, on the official time record for the specific date the hours were incurred to be paid.

(6) An employee may not record on-call hours and actual hours worked for the same period of time. On-call hours, actual hours worked, and leave hours cannot exceed 24 hours in a day.

(7) An employee shall round on-call hours to the nearest two decimal places. Hours of on-call pay are calculated by subtracting the number of hours worked in the on-call period from the number of hours in the on-call period then dividing the result by 12.

(8) Management may not compensate on-call employees less than outlined in Subsections (1) through (7) but may provide additional compensation as permitted by budgets and consistent applications of rules, policies, and discretion.

R477-8-11. Stand-by Time.
(1) Management shall pay an employee restricted to stand-by at a specified location ready for work full time or overtime, as appropriate. Management shall pay an employee for stand-by time if required to stand-by the post ready for duty, even during lunch periods, equipment breakdowns, or other temporary work shutdowns.

(2) The meal periods of police, and other public safety or correctional officers and firefighters who are on duty more than 24 consecutive hours are counted as working time, unless an express agreement excludes the time.

R477-8-12. Commuting and Travel Time.
(1) Normal commuting time from home to work and back is not hours worked.

(2) Time an employee spends traveling from one job site to another during the normal work schedule is hours worked.

(3) Time an employee spends traveling on a special one-day assignment is hours worked except meal time and ordinary home to work travel.

(4) Travel that keeps an employee away from home overnight is not hours worked if it is time spent outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

(5) Travel as a passenger is hours worked if it is time spent during regular working hours. This applies to non-working days, as well as regular working days. However, regular meal period time is not counted.

(6) Management may compensate employees for travel and meal periods not required by federal law as implemented in Subsections (4) and (5).

R477-8-13. Excess Hours.
An employee may use excess hours the same way as annual leave.

(1) An employee may not work hours which would lead to the accrual of excess hours without prior management approval.

(2) An employee may not use any leave time, other than holiday, military, and jury leave, that results in the accrual of excess hours.

(3) An employee may not accumulate more than 80 excess hours.

(4) Management shall pay out excess hours:
   (a) for any hours accrued above the limit set by DHRM;
(b) when an employee is assigned from one agency to another; and
(c) upon separation.

(5) Management may pay out excess hours:
   (a) automatically in the same pay period accrued;
   (b) at any time during the year as determined appropriate by a state agency or division; or
   (c) upon request of the employee and approval by the agency head or designee.

An employee who has more than one position within state government, regardless of schedule, is considered to be in a
dual employment situation. The following conditions apply to dual employment status.

(1) An employee may work in up to four different positions in state government.

(2) An employee's benefit status for any secondary positions, regardless of schedule of any of the positions, shall be
the same as the primary position.

(3) An employee's FLSA status for any non-primary position shall be the same as the primary position.

(4) Leave accrual shall be based on the total number of hours the employee works during a pay period and may not
exceed the maximum amount allowed in the primary position.

(5) As a condition of dual employment, an employee in dual employment status may not accrue excess hours in either
the primary or secondary positions. Management shall pay out any excess hours earned at straight time in the pay period in
which the excess hours are earned.

(6) As a condition of dual employment, an employee in dual employment status may not accrue compensatory hours
and the employee's overtime or comp selection shall be paid as overtime regardless of FLSA status.

(7) Overtime is calculated at straight time or time and one-half, depending on the FLSA status of the primary position.
Time and a half overtime rates shall be calculated based on the weighted average rate of the multiple positions. Refer to Division
of Finance's payroll policies, dual employment section.

(8) The employee and direct supervisors shall complete and sign the Accepting Terms of Dual Employment form and
place it in the employee's personnel file with a copy sent to the Division of Finance.

(9) Secondary positions may not interfere with the efficient performance of the employee's primary position or create a
conflict of interest. An employee in dual employment status shall comply with Subsection R477-9-2(1).

The agency ADA coordinator shall evaluate each request for reasonable accommodation from employees and
applicants under state and federal law.

R477-8-16. Fitness for Duty Evaluations.
Management may require a fitness for duty medical evaluation under any of the following circumstances:

(1) return to work from injury or illness except as prohibited by federal law;

(2) when management determines that there is a direct threat to the health or safety of self or others;

(3) in conjunction with corrective action, performance or conduct issues, or discipline; or

(4) when a fitness for duty evaluation is a bona fide occupational qualification for selection, retention, or promotion.

R477-8-17. Temporary Transitional Assignment.
(1) Management may place an employee in a temporary transitional assignment when an employee cannot perform
essential job functions due to temporary health restrictions including:
   (a) when management determines that there is a direct threat to the health or safety of self or others;
   (b) in conjunction with an internal investigation, corrective action, performance or conduct issues, or
discipline;
   (c) where there is a bona fide occupational qualification for retention in a position; or
(d) while an employee is being evaluated to determine if reasonable accommodation is appropriate.

(2) Time spent in a temporary transitional assignment may be counted as leave for purposes of Subsection R477-7-1(11).

R477-8-18. Change in Work Location.
Management may not change an employee's work location if the change requires the employee to commute or relocate 50 miles or more, one-way, beyond the current one-way commute, unless:

(1) the employee agrees to the change;

(2) the change in work location is communicated to the employee at appointment to the position requiring the change in location;

(3) management pays to move the employee consistent with Section R25-6-8 and Finance Policy FIACCT 05-03.03; or

(4) management reimburses commuting expenses up to the cost of a move.

Management may write agency policies for work schedules, overtime, leave usage, and other working conditions consistent with these rules.

R477-8-20. Background Checks.
To protect the citizens of Utah and state resources, and with the approval of the agency head, management may establish background check policies requiring specific employees to submit to a criminal background check through the Department of Public Safety, Bureau of Criminal Identification.

(1) Management at agencies that have statewide responsibility for confidential information, sensitive financial information, or handle state funds may require employees to submit to a background check, including employees who work in other state agencies.

(2) The employing agency bears the cost of the background check.

(1) Management may not interfere with an employee's effort to make a claim for workers' compensation.

(2) Management may not retaliate against an employee who makes or attempts to make a claim for workers' compensation, reports an employer's non-compliance with Title 34A, Chapter 2, Workers' Compensation Act or Title 34A, Chapter 3, Utah Occupational Disease Act, or testifies or intends to testify in a workers' compensation proceeding.

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R477-9. EMPLOYEE CONDUCT.

An employee shall comply with the standards of conduct established in Title R477 and the policies and rules established by management.

(1) Employees shall apply themselves to and shall fulfill their assigned duties during the full time for which they are compensated. An employee shall:
   (a) comply with the standards established in the individual performance plans;
   (b) maintain an acceptable level of performance and conduct on any other verbal and written job expectations;
   (c) report conditions and circumstances, including impairment caused by an employee's use of illicit drugs, controlled substances, alcohol, or other intoxicant, that may prevent the employee from performing their job effectively and safely; and
   (d) inform their direct supervisor of any unclear instructions or procedures.

(2) An employee shall make prudent and frugal use of state funds, equipment, buildings, time, and supplies.

(3) Management shall take administrative action in accordance with Section R477-10-2, Rule R477-11, and Rule R477-14 when an employee reports for duty, attempts to perform the duties of the position, or drives a state vehicle while under the influence of alcohol or another intoxicant, including use of illicit drugs, non-prescribed controlled substances, and misuse of volatile substances.

(4) Management may decline to defend and indemnify an employee found violating this rule, under Title 63G, Chapter 7, Utah Governmental Immunity Act.

(5) An employee shall provide management with a current personal mailing address.
   (a) The employee shall notify management in writing of any change in address.
   (b) Mail sent to the current address on record is considered to be delivered for purposes of these rules.

(1) An employee shall notify management in writing of outside employment. Failure to notify the employer and to gain approval for outside employment is grounds for disciplinary action.

(2) State employment is considered the principal vocation for a full time employee governed by these rules. An employee may engage in outside employment under the following conditions.
   (a) Outside employment may not interfere with an employee's performance.
   (b) Outside employment may not conflict with the interests of the agency nor the state.
   (c) Outside employment may not give reason for criticism nor suspicion of conflicting interests or duties.

(3) Management may deny an employee permission to engage in outside employment, or to receive payment, if the outside activity is determined to cause a real or potential conflict of interest.

(4) This section does not apply when two or more government positions are held by the same individual, unless the personal interest of the individual is not shared by the general public.

(1) An employee may receive honoraria or paid expenses for activities outside of state employment under the following conditions.
   (a) Outside activities may not interfere with an employee's performance, the interests of the agency nor the state.
   (b) Outside activities may not give reasons for criticism nor suspicion of conflicting interests or duties.

(2) An employee may not use state time, equipment, property, supplies, or any influence, power, authority, or confidential information received in a state position for private gain.

(3) An employee may not accept economic benefit tantamount to a gift under Section 67-16-5 and the Governor's Executive Order, 6/2/2014, nor accept other compensation that might be intended to influence or reward the employee in the performance of official business.
(4) An employee shall declare a potential conflict of interest when required to do or decide something that could be interpreted as a conflict of interest. Management shall then excuse the employee from making decisions or taking actions that may cause a conflict of interest.

R477-9-4. Political Activity.
A state employee may voluntarily participate in political activity, except as restricted by this section or the Hatch Act of 1939, 5 U.S.C. 1501 et seq.

(1) As modified by Section 1502(a)(3), Hatch Modernization Act of 2012, a state employee whose salary is 100% funded by federal loans or grants may be restricted in political activity.
   (a) State employees in positions covered by the Hatch Act may run for public office in non-partisan elections, campaign for and hold office in political clubs and organizations, actively campaign for candidates for public office in partisan and non-partisan elections, contribute money to political organizations, and attend political fundraising functions.
   (b) State employees in positions covered by the federal Hatch Act may not be candidates for public office in a partisan election, use official authority or influence to interfere with or affect the results of an election or nomination, or directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

(2) Before filing for candidacy, a state employee who is considering running for a partisan office shall submit a statement of intent to become a candidate to the agency head.
   (a) The agency head shall consult with DHRM.
   (b) DHRM shall determine whether the employee's intent to become a candidate is covered under the Hatch Act.
   (c) Management may discipline an employee who violates Subsection R477-9-4(1)(b) up to dismissal.

(3) An employee may not run for partisan political office if an agency head determines that the employee's position is covered by the Hatch Act.

(4) If an employee's position is covered by the Hatch Act and the employee files for candidacy, the agency head shall dismiss the employee.

(5) Management shall grant a leave of absence without pay to any career service employee elected to any partisan or full time non-partisan political office for times when monetary compensation is received for service in political office.

(6) During work time, no employee may engage in any political activity. No person shall solicit political contributions from employees of the executive branch during hours of employment. However, a state employee may voluntarily contribute to any party or any candidate.

(7) Decisions regarding employment, promotion, demotion, dismissal, or any other human resource actions may not be based on partisan political activity.

R477-9-5. Employee Reporting Protections.
Under Section 67-21-3, management may not adversely affect the employment conditions of an employee who communicates in good faith, and in accordance with statute:

(1) the waste or misuse of public property, manpower, or funds;

(2) gross mismanagement;

(3) unethical conduct;

(4) abuse of authority; or

(5) violation of law, rule, or regulations.

R477-9-6. Employee Indebtedness to the State.
(1) The state may withhold non-overtime salary over the minimum federal wage from an employee indebted to the state because of an action or performance in official duties.
   (a) The state may withhold salary after:
(i) validating the debt and specifying a legitimately owed amount through physical documentation or other evidence;  
(ii) notifying the employee of the debt;  
(iii) providing the employee with an opportunity to:  
   (A) acknowledge the debt; and  
   (B) provide written authorization to withhold salary;  
(iv) notifying the employee of this rule. 

(b) The state may withhold salary from the last paycheck of an employee separating from state service.  
(c) The state may withhold salary from an employee's last paycheck preceding a period of leave without pay for more than two pay periods.

(d) The state may withhold an employee's salary to satisfy the following specific obligations: 
   (i) travel advances where travel and reimbursement for the travel has already occurred; 
   (ii) state credit card obligations where the state's share of the obligation has been reimbursed to the employee but not paid to the credit card company by the employee; 
   (iii) evidence that the employee negligently caused loss or damage of state property; 
   (iv) payroll advance obligations that are signed by the employee and that the Division of Finance authorizes; 
   (v) misappropriation of state assets for unauthorized personal use or for personal financial gain, including reparation for employee theft of state property or use of state property for personal financial gain or benefit; 
   (vi) overpayment of salary determined by evidence that an employee did not work the hours for which they received salary or was not eligible for the benefits received and paid for by the state; 
   (vii) excessive reimbursement of funds from flexible reimbursement accounts; and 
   (viii) other obligations that satisfy the requirements of Subsection R477-9-5(1). 

(2) This rule does not apply to state employee obligations to other state agencies where the obligation was not caused by their actions or performance as an employee.

Information technology resources are provided to a state employee to assist in the performance of assigned tasks and in the efficient day to day operations of state government. 

(1) An employee shall use assigned information technology resources in compliance with Rule R895-7, Acceptable Use of Information Technology Resources. 

(2) Management may discipline an employee who violates the Acceptable Use of Information Technology Resources policy under Rule R477-11.

(1) An employee who participates in blogs and social networking sites for personal purposes may not: 
   (a) claim to represent the position of the state or an agency; 
   (b) post the seal of the state, or trademark or logo of an agency; 
   (c) post protected or confidential information, including copyrighted information, confidential information received from agency customers, or agency issued documents without permission from the agency head; or 
   (d) unlawfully discriminate against, harass, or otherwise threaten a state employee or a person doing business with the state. 

(2) Management may establish agency policies to supplement this section. 

(3) Management may discipline an employee according to Rule R477-11 for violations of this section or agency policy. 

KEY: conflict of interest, government ethics, Hatch Act, personnel management 
Date of Last Change: July 1, 2022 
Notice of Continuation: March 9, 2022 
Authorizing, and Implemented or Interpreted Law: 63G-7-2; 63A-17-106; 63A-17-904; 5 U.S.C. 1502(a)(3)
R477-10. EMPLOYEE DEVELOPMENT.

Management shall utilize the Utah Performance Management (UPM) system for employee performance plans and evaluations.

1. Performance management systems shall satisfy the following criteria.
   a. Management selects an overall performance rating scale.
   b. Management writes performance standards and expectations for each employee in a performance plan.
   c. Management notifies employees when their performance plans are implemented or modified.
   d. Management provides employees with regular verbal and written feedback based on the standards of performance and behavior outlined in their performance plans.

2. Management shall evaluate an employee's performance in writing each fiscal year.
   a. An employee may include written comments pertaining to the employee's performance evaluation.
   b. Management may issue a written performance evaluation to a probationary employee at the end of the probationary period.

When an employee's performance does not meet established standards due to failure to maintain skills, incompetence, or inefficiency, and after consulting with DHRM, management may place an employee on an appropriate and documented performance improvement plan in accordance with the following rules.

1. Management shall discuss the substandard performance with the employee and determine appropriate action.
2. Performance improvement plans shall identify or provide for:
   a. a designated period of time for improvement;
   b. an opportunity for remediation;
   c. performance expectations;
   d. closer supervision to include regular feedback of the employee's progress;
   e. notice of disciplinary action for failure to improve; and
   f. a written performance evaluation at the conclusion of the performance improvement plan.

3. An employee may submit written comment to accompany the performance improvement plan.
4. Performance improvement plans may also identify or provide for the following based on the nature of the performance issue:
   a. training;
   b. reassignment; or
   c. use of appropriate leave.

5. Following successful completion of a performance improvement plan, management shall notify the employee of disciplinary consequences for a recurrence of the deficient work performance.

R477-10-3. Written Warnings.
Management may use written warnings to address performance or conduct problems.

(1) Management may establish programs for training and staff development that shall be agency specific or designed for highly specialized or technical jobs and tasks.

(2) Management shall consult with the Division Director, DHRM, when proposed training and development activities may have statewide impact or may be offered more cost effectively on a statewide basis. The Division Director, DHRM, shall determine whether DHRM will be responsible for the training standards.

(3) The Division Director, DHRM, shall work with management to establish standards to guide the development of statewide activities and to facilitate sharing of resources statewide.

(4) When an management directs an employee to participate in an educational program, management shall pay full costs.
(5) Management shall provide refresher training and make reasonable efforts to requalify veterans reemployed under USERRA, as long as it does not cause an undue hardship to the employing agency.

(6) Management shall ensure that training is presented or made available online unless there is a physical or interactive component, the training takes place over consecutive, full-day sessions, or no attendee travels more than 50 miles from their primary residence or place of employment, whichever is closer to the training site, to attend the training.

R477-10-5. Education Assistance.
Management may assist an employee in the pursuit of educational goals by granting administrative leave to attend classes, a subsidy of educational expenses, or both.

(1) Management may grant educational assistance when:
   (a) the agency has a written policy governing educational assistance;
   (b) the employee discloses any scholarships, subsidies, and grant monies received for the educational program; and
   (c) the employee's educational program will provide a benefit to the state.

(2) Management shall require the employee to repay educational assistance when:
   (a) the employee fails to successfully complete the required course work or educational requirements of a program; or
   (b) the employee leaves the agency within one year of completing the educational work.

(3) Education assistance may not exceed $5,250 per employee in any one calendar year unless approved in advance by the agency head.

(4) Management shall reduce the educational assistance provided by the amount of funding disclosed under Subsection (1)(b) except for funding that the employee is expected to repay.

(5) Management shall be responsible for determining the taxable or non-taxable status of educational assistance reimbursements.

KEY: educational tuition, employee performance evaluations, employee productivity, training programs
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Authorizing, and Implemented or Interpreted Law: 63A-17-106
R477-11. DISCIPLINE.

R477-11-1. Disciplinary Action.

(1) Management may discipline any employee for any of the following causes or reasons:
   
   (a) noncompliance with these rules, agency or other applicable policies, including safety policies, agency
       professional standards, standards of conduct, and workplace policies;
   (b) work performance that is inefficient or incompetent;
   (c) failure to maintain skills and adequate performance levels;
   (d) insubordination or disloyalty to the orders of a superior;
   (e) misfeasance, malfeasance, or nonfeasance;
   (f) any incident involving intimidation, physical harm, or threats of physical harm against coworkers,
       management, or the public;
   (g) the employee no longer meets the requirements of the position;
   (h) conduct, on or off duty, which creates a conflict of interest with the employee's public responsibilities or
       impacts that employee's ability to perform job assignments;
   (i) failure to advance the good of the public service, including conduct on or off duty which demeans or
       harms the effectiveness or ability of the agency to fulfill its mission;
   (j) dishonesty; or
   (k) misconduct.

(2) Management shall consult with DHRM before disciplining an employee.

(3) Disciplinary actions for career service employees are governed by principles of due process and Section 63A-17-
     306. When administering a disciplinary action, management shall:
     
     (a) notify the employee in writing of the proposed discipline, the reasons supporting the proposed action, and
         the right to reply within five working days;
     (b) grant the employee at least five working days to reply;
     (c) consider any timely reply before imposing discipline; and
     (d) impose any discipline in accordance with these rules.

(4) After complying with Subsection (3) for a career service employee or for any career service exempt employee not
     subject to the same procedural rights, management may impose:
     
     (a) a written reprimand;
     (b) a suspension without pay up to 30 calendar days per incident requiring discipline;
     (c) a demotion as defined in Rule R477-1 and in accordance with Section R477-11-2; or
     (d) a dismissal in accordance with Section R477-11-2.

(5) Management shall notify the employee in writing of the discipline, the reasons for the discipline, the effective date,
     and length of the discipline when the discipline is imposed.

(6) Management shall notify any career service employee that the imposed disciplinary action is subject to the
     grievance procedures, except under Section 67-19a-402.5.

R477-11-2. Dismissal or Demotion.

Management may dismiss or demote an employee for cause under Subsection R477-10-2(2)(e) and Section R477-11-1,
and through the process outlined in this rule.

(1) Management may dismiss or demote a probationary employee or career service exempt employee for any or for no
     reason without right of appeal, except under Sections 67-21-3.5 and 67-19a-402.5.

(2) An agency head may not dismiss or demote a career service employee from a career service position unless:
     
     (a) the agency head or designee notifies the employee in writing of the specific reasons for the proposed
         dismissal or demotion;
     (b) the agency head or designee grants the employee up to five working days to reply;
     (c) the agency head considers any reply submitted by the employee before imposing discipline; and
     (d) the agency head provides the employee an opportunity to be heard by the agency head or designee;

        (i) This meeting is limited to the specific reasons raised in the notice of intent to demote or
            dismiss.
        (ii) At the meeting, the employee may present, either in person, in writing, or with a representative,
            comments or reasons as to why the proposed disciplinary action should not be taken. The agency
            head or designee is not required to receive or allow other witnesses on behalf of the employee.
(iii) The employee may present documents, affidavits, or other written materials at the meeting. However, the employee is not entitled to present or discover documents within the possession or control of the department or agency that are private, protected, or controlled under Section 63G-2-3.

(3) After complying with Subsection (2), the agency head may dismiss or demote the employee upon a finding of adequate cause or reason. The agency head notifies the employee in writing of the decision and the reasons for the decision.

When deciding the specific type and severity of agency action, the agency head or representative may consider the following factors:

(1) consistent application of rules and standards;
   (a) the agency head or representative need only consider those cases decided under the administration of the current agency head because decisions in cases before the administration of the current agency head are not binding upon the current agency head and are not relevant in determining consistent application of rules and standards;
   (b) in determining consistent application of rules and standards, the disciplinary actions imposed by one agency may not be binding upon any other agency and may not be used for comparison purposes in hearings wherein the consistent application of rules and standards is at issue;

(2) prior knowledge of rules and standards;

(3) the severity of the infraction;

(4) the repeated nature of violations;

(5) prior disciplinary actions or performance improvement efforts;

(6) previous oral warnings, written warnings, and discussions;

(7) the employee's past work record;

(8) the potential of the violations for causing damage to persons or property;

(9) the strength of the evidence of conduct;

(10) dishonesty or failing to disclose relevant information;

(11) the effect on agency operations, including:
    (a) how the wrongdoing relates to the employee's job duties;
    (b) the potential of the conduct to adversely affect public confidence in the agency;
    (c) the potential of the conduct to adversely affect morale and effectiveness of the agency;

(12) willful or intentional conduct; or

(13) likelihood of recurrence.

KEY: discipline of employees, dismissal of employees, grievances, government hearings
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Authorizing, and Implemented or Interpreted Law: 63A-17-106; 63A-17-306; 63G-2-3
R477-12. SEPARATIONS.

R477-12-1. Resignation.
A career service employee may resign or retire by giving written or verbal notice to the direct supervisor or an appropriate representative of management.

(1) After giving notice, an employee may not withdraw the resignation or retirement unless the agency head or designee consents to the withdrawal.

Management may consider an employee who is absent from work for three consecutive working days without approval to have abandoned the employee's position and resigned from the employing agency.

(1) Management may process appropriate actions to formally separate an employee who has abandoned their position from state employment.
   (a) Management shall send the employee notice that the employee's resignation has been accepted to the employee's last known address.
   (b) The notice shall grant the employee five working days from receipt, delivery, or attempted delivery of the notice to request that the agency head reconsider accepting the resignation.

R477-12-3. Reduction in Force.
Reductions in force (RIF) are governed by DHRM rules and standard operating procedures.

(1) When management intends to reduce staff in one or more categories of work, management shall develop a work force adjustment plan (WFAP). Management may only give formal, written notification to a career service employee after a WFAP has been reviewed by the Division Director, DHRM, or designee and approved by the agency head or designee. The following items shall be addressed in the WFAP:
   (a) the categories of work to be eliminated;
   (b) specific measures taken, if any, to facilitate the placement of affected employees through reassignment or transfer to vacant positions the employee is qualified to fill;
   (c) job-related criteria as identified in Subsection R477-12-3(3)(a) used for determining retention points; and
   (d) when more than one employee is affected, employees shall be listed in order of retention points.

(2) Management may RIF a career service employee, including an employee covered by USERRA, only when the employee has been identified in a WFAP and notified of the RIF in accordance with Subsection (5).

(3) Management shall calculate retention points when more than one employee is affected within a category of work by giving appropriate consideration for proficiency and seniority with proficiency being the primary factor.
   (a) Management may consider performance evaluations and performance information for the past three years when assessing job proficiency.
   (b) Management shall calculate seniority as the length of the most recent continuous career service which commenced in a career service position for which the probationary period was successfully completed. Exempt service time after attaining career service status with no break in service shall be counted for purposes of seniority.
   (c) In each WFAP, management shall specify the criteria they will use for determining retention points.
      (i) Management shall consult with the Division Director, DHRM, or designee.
      (ii) WFAPs shall comply with current DHRM standard operating procedures.

(4) Management shall separate employees in the following order:
   (a) first, temporary employees in schedule IN or TL positions;
   (b) second, probationary employees; and
   (c) third, career service employees with the lowest retention points.

(5) When an employee, including one covered under USERRA, is identified for separation due to a RIF, management shall provide the employee written notification of:
   (a) the pending RIF; and
   (b) final written notification of separation due to a RIF on the day of separation.

(6) Management shall notify a career service employee separated due to a RIF that they may appeal to the agency head by submitting a written notice of appeal within 20 working days after the date of separation. When an employee submits such an
appeal, the agency head shall notify the employee that they may appeal the agency head's decision according to the grievance procedures of the Career Service Review Office.

(7) A career service employee who is separated in a RIF is governed by the rules in place at the time of separation.

(8) When a career service employee who is separated in a RIF applies for a career service position, management shall give preferential consideration to the individual's application score when developing the hiring list as outlined in DHRM standard operating procedures until the individual accepts a career service position.

(9) Management may allow an individual rehired to a career service position to buy back any accumulated annual and converted sick leave that was cashed out when the individual was separated from employment through a RIF.

KEY: administrative procedures, employees' rights, grievances, retirement
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Authorizing, and Implemented or Interpreted Law: 63A-17-106; 63A-17-306
R477-13. VOLUNTEER PROGRAMS.

R477-13-1. Volunteer Programs.
(1) Management may establish a volunteer program.
   (a) A volunteer program shall include:
      (i) documented agreement of the type of work and duration for which the volunteer services will
          be provided;
      (ii) orientation to the conditions of state service and the volunteer's specific assignments;
      (iii) adequate supervision of the volunteer; and
      (iv) documented hours worked by a volunteer.

   (2) A volunteer may not donate any service to an agency unless the volunteer's services are approved by the agency
       head or designee, and by DHRM.
      (a) Volunteers may not serve the state or any agency or subdivisions of the state until management approves
          work programs for volunteers.

   (3) A volunteer is considered a government employee for purposes of workers' compensation, operation of motor
       vehicles or equipment if properly licensed and authorized to do so, and liability protection and indemnification.

   (4) State employees who volunteer for any state agency may only perform services that are distinctly different from
       their primary work activities.

   (5) The Division Director, DHRM, may authorize exceptions to this rule consistent with Subsection R477-2-2(1).

KEY: personnel management, administrative rules, rules and procedures, volunteers
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Authorizing, and Implemented or Interpreted Law: 63A-17-106; 67-20-3; 67-20-4; 67-20-8
R477-14. SUBSTANCE ABUSE AND DRUG-FREE WORKPLACE.

R477-14-1. Rules Governing a Drug-Free Workplace.
(1) Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, this rule implements the federal Drug-Free Workplace Act of 1988, 41 USC 8101, et seq., the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. 5331, et seq., and Section 63A-17-1004 authorizing drug and alcohol testing, to:
   (a) provide a safe, productive work environment that is free from the effects of drug and alcohol abuse;
   (b) identify, correct and remove the effects of drug and alcohol abuse on job performance; and
   (c) assure the protection and safety of employees, the public, and property.

(2) State employees should report to work fit for duty and able to safely and effectively perform job functions.
   (a) State employees are not prohibited from lawful use and possession of prescribed or over-the-counter medications unless the medication adversely affects their ability to safely or effectively perform their job duties. Any employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or pharmacist to ascertain whether the medication may interfere with safe performance of job functions. If the use of a medication could compromise the safety of employees, the public, or property it is the employee's responsibility to avoid unsafe workplace practices by using appropriate personnel procedures such as calling in sick, using leave, requesting a change of duty, notifying a supervisor, or notifying DHRM.
   (b) The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this rule to intentionally misuse or abuse prescription medication. Management may take appropriate personnel action, up to and including dismissal from employment, if job performance deteriorates or other accidents occur.

(3) Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, state employees may not unlawfully manufacture, dispense, possess, distribute, use or be under the influence of any controlled substance or alcohol during working hours, on state property, or while operating a state vehicle at any time, or other vehicle while on duty.

(4) Employees shall follow Subsection R477-14-1(2) outside of work if the activity:
   (a) directly affects the eligibility of state agencies to receive federal grants or to qualify for federal contracts of $25,000 or more; or
   (b) prevents the employee from performing job duties safely or effectively.

(5) Management shall conduct any drug or alcohol testing in compliance with applicable federal and state regulations and policies.

(6) Management shall ensure that any drug or alcohol testing is conducted by a federally certified or licensed physician or clinic, or testing service approved by DHRM.

(7) Drug or alcohol tests with positive results or a possible false positive result shall require a confirmation test.

(8) Management may require final applicants who are not current employees to submit to pre-employment drug testing.

(9) Management may conduct drug or alcohol tests for the following reasons:
   (a) reasonable suspicion;
   (b) critical incident;
   (c) post accident;
   (d) return to duty; and
   (e) follow up.

(10) Management may require final candidates for transfer or promotion to a highly sensitive position to submit to pre-employment drug testing.

(11) Management may not require an employee who is reassigned to a highly sensitive position or assigned the duties of a highly sensitive position to submit to pre-employment drug testing.

(12) Management may require employees in highly sensitive positions, as designated by DHRM, to submit to random drug or alcohol testing without justification of reasonable suspicion or critical incident. Except when required by federal regulation or state policy, random drug or alcohol testing of employees in highly sensitive positions is conducted at the discretion of the employing agency.
(13) This rule incorporates by reference the requirements of 49 CFR 40.87.

(14) The state will use a blood alcohol concentration level of .04 for safety sensitive positions and .05 for any other positions as the cut off for a positive alcohol test except where designated otherwise by federal regulations.

(15) Management with employees in federally regulated positions shall administer testing and prohibition requirements and conduct training on these requirements as outlined in the current federal regulation.

(16) When an employee in a federally regulated position has a confirmation test for alcohol results at or in excess of the applicable federal cut off level when tested before, during, or after performing safety sensitive duties, management:
   (a) shall remove the employee from duty according to the applicable federal regulations; and
   (b) may discipline the employee which may include dismissal.

(1) Under Rules R477-10, R477-11, and Section R477-14-2, supervisors and managers who receive notice of a workplace violation of this rule shall take immediate action.

(2) Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, management may take disciplinary action which may include dismissal if:
   (a) there is a verified positive test for controlled substances;
   (b) results of a confirmation test for alcohol meet or exceed the established alcohol concentration cutoff level;
   (c) management determines an employee cannot perform assigned job tasks, even when the result of a chemical test is reported negative;
   (d) an employee refuses a request to submit to testing under this policy;
   (e) an employee substitutes, adulterates, or otherwise tampers with a drug or alcohol testing sample, or attempts to do so; or
   (f) an employee violates any other portion of this rule.

(3) When an employee has a verified positive test for use of a controlled substance or alcohol in violation of these rules, management may require the employee to agree to participate, at the employee's expense, in a rehabilitation program, under Subsection 63A-17-1006(3). If this is required, the following shall apply.
   (a) Management shall grant a leave of absence using accrued leave or leave without pay to an employee participating in a rehabilitation program for inpatient treatment.
   (b) The employee shall sign a release to allow the transmittal of verbal or written compliance reports between the state agency and the inpatient or outpatient rehabilitation program provider.
   (c) Any communication is classified as private in accordance with Section 63G-2-302.
   (d) Management may require an employee to continue participation in an outpatient rehabilitation program prescribed by a licensed practitioner on the employee's own time and expense.
   (e) Management shall reinstate an employee who successfully completes a rehabilitation program to work in the previously held position, or a position with a comparable or lower salary range.
   (f) Management shall discipline an employee who fails to complete the prescribed treatment without a valid reason.

(4) Management may require an employee who has a verified positive test for use of a controlled substance or alcohol to submit to follow up testing.

(5) An employee who is convicted of manufacturing, distributing, dispensing, possessing, selling or using a controlled substance, under federal or state criminal law, shall notify the agency head of the conviction no later than five calendar days after the conviction.

(6) The agency head shall notify the federal grantor or agency for which a contract is being performed within ten calendar days of receiving notice of a conviction under Subsection (5) from:
   (a) the judicial system;
   (b) other sources; or
   (c) an employee performing work under the grant or contract who has been convicted of a controlled substance violation in the workplace.
R477-14-3. Drug and Alcohol Test Records.

(1) DHRM shall maintain and store a separate confidential file of drug and alcohol test results and documents related rehabilitation in the agency human resource field office.

(2) DHRM shall retain test results in accordance with the retention schedule.

KEY: personnel management, drug/alcohol education, drug abuse, discipline of employees
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R477-15. WORKPLACE HARASSMENT PREVENTION.


It is the policy of this state to provide a work environment free from discrimination and harassment based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, or protected activity or class under state or federal law. This policy seeks to regulate behaviors that are harassing, discriminatory, or retaliatory regardless of whether the behavior would constitute a violation of applicable state or federal laws.

(1) Workplace harassment includes the following subtypes:
   (a) conduct in violation of Section R477-15-1 that is unwelcome, pervasive, demeaning, ridiculing, derisive, or coercive, and results in a hostile, offensive, or intimidating work environment; or
   (b) conduct in violation of Section R477-15-1 that results in a tangible employment action against the harassed employee.

(2) Management may discipline an employee for violating workplace policies, even if:
   (a) the conduct occurs outside of scheduled work time or work location; or
   (b) the conduct is not sufficiently severe to constitute a violation of law.

(3) Once a complaint has been filed, the accused may not communicate with the complainant regarding allegations of harassment.


No person may retaliate against any employee who opposes a practice forbidden under this policy, or has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing, or is otherwise engaged in protected activity.


Management shall permit employees who allege workplace harassment or retaliation to file complaints and engage in a review process free from bias, collusion, intimidation, or retaliation. Complainants shall be provided a reasonable amount of work time to prepare for and participate in internal complaint processes.

(1) An employee who feels they are being subjected to workplace harassment or retaliation should do the following:
   (a) document the occurrence;
   (b) continue to report to work; and
   (c) identify witnesses, if applicable.

(2) An employee may file an oral or written complaint of workplace harassment or retaliation with their direct supervisor, any other supervisor within their direct chain of command, or the Division of Human Resource Management, including the agency human resource field office.

   (a) Any employee, witness, volunteer, or other individual may submit a complaint.
   (b) A complaint may be made through either oral or written notification and shall be handled in compliance with investigative procedures and records requirements in Sections R477-15-4 and R477-15-5.
   (c) Any supervisor who has knowledge of workplace harassment or retaliation shall take immediate, appropriate action in consultation with DHRM and document the action.

(3) Management shall act on any complaints of workplace harassment or retaliation following receipt of the complaint.

(4) Management shall notify the complainant if investigation is unwarranted.


(1) When warranted, investigations shall be conducted based on DHRM standards.

(2) Results of Investigation.
   (a) If the investigation finds the allegations to be sustained, management shall take appropriate administrative action.
   (b) If an investigation reveals evidence of criminal conduct in workplace harassment or retaliation allegations, the agency head or Division Director, DHRM, may refer the matter to the appropriate law enforcement agency.
   (c) At the conclusion of the investigation, the appropriate parties shall be notified.
(1) DHRM shall maintain and store a separate, confidential file of any workplace harassment and retaliation complaints in the agency human resource field office, or in the possession of an authorized official.
(a) Files shall be retained in accordance with the retention schedule after the active case ends.
(b) Any information contained in the complaint file shall be classified as protected under Section 63G-2-305.
(c) No person may release information contained in the workplace harassment and retaliation file unless the agency head or Division Director, DHRM, determines the release is required by law.

(2) A supervisor may not keep separate files related to complaints of workplace harassment or retaliation.

(3) Any participant in any workplace harassment or retaliation proceeding shall treat any information pertaining to the case as confidential.

(1) DHRM shall provide employees training, including additional training for supervisors, on the prevention of workplace harassment.
(a) The curriculum shall be approved by the Division of Risk Management.
(b) Management shall ensure employees complete workplace harassment prevention training upon hire and at least every two years thereafter.
(c) Management shall submit training records to DHRM including who provided the training, who attended the training, and when they attended it.

KEY: administrative procedures, hostile work environment
Date of Last Change: July 1, 2022
Notice of Continuation: March 9, 2022
R477-16. ABUSIVE CONDUCT PREVENTION.

R477-16-1. Policy.
It is the policy of this state to provide a work environment free from abusive conduct.

(1) Abusive conduct includes physical, verbal or nonverbal conduct, such as derogatory remarks, insults, or epithets made by an employee that a reasonable person would determine:
   (a) was intended to cause intimidation, humiliation, or unwarranted distress;
   (b) exploits a known physical or psychological disability; or
   (c) results in substantial physical or psychological harm caused by intimidation, humiliation, or unwarranted distress.

(2) The following actions do not constitute abusive conduct unless they are especially severe and egregious:
   (a) a single act;
   (b) appropriate disciplinary or administrative actions;
   (c) appropriate coaching or work-related feedback;
   (d) reasonable work assignments or job reassignments; or
   (e) reasonable differences in styles of management, communication, expression, or opinion.

(3) Management may discipline an employee under this rule even if the conduct occurs outside of scheduled work time or work location.

(4) Once a complaint of abusive conduct has been filed, the accused may not communicate with the complainant regarding allegations in the complaint.

Management shall permit employees who allege abusive conduct to file complaints and engage in a review process free from bias, collusion, intimidation, or retaliation.

(1) An employee who feels they are being subjected to abusive conduct should do the following:
   (a) document the occurrence;
   (b) continue to report to work; and
   (c) identify witnesses, if applicable.

(2) An employee shall file a written complaint of abusive conduct with their direct supervisor, any other supervisor in their direct chain of command, or the Division of Human Resource Management, including the agency human resource field office.
   (a) Any employee, witness, volunteer, or other individual may submit a complaint.
   (b) Any supervisor who has knowledge of abusive conduct shall take immediate, appropriate action in consultation with DHRM and document the action.

(1) When warranted, investigations shall be conducted based on DHRM standards.

(2) Results of Investigation.
   (a) If an investigation finds the allegations of abusive conduct to be sustained, management shall take appropriate administrative action.
   (b) If an investigation reveals evidence of criminal conduct in abusive conduct allegations, the agency head or Division Director, DHRM, may refer the matter to the appropriate law enforcement agency.
   (c) At the conclusion of the investigation, management shall ensure that the appropriate parties are notified of investigative findings and the procedure to request an administrative review of findings pursuant to Section 67-19a-501.

(3) Participants in any abusive conduct investigation shall treat any information pertaining to the case as confidential.
R477-16-4. Abusive Conduct Training.
(1) DHRM shall provide employees and supervisors training on the prevention of abusive conduct.
   (a) Training shall include information regarding what constitutes abusive conduct, how to prevent it, options
       available under this rule, and procedures under Title 67, Chapter 19a, Grievance Procedures.
   (b) Management shall ensure employees complete training within a reasonable time after hire and at least
       every two years thereafter.
   (c) Management shall submit training records to DHRM including who provided the training, who attended
       the training and when they attended it.

KEY: abusive conduct, administrative procedures, hostile work environment
Date of Last Change: July 1, 2022
Notice of Continuation: March 9, 2022
Authorizing, and Implemented or Interpreted Law: 63A-17-106; 67-26-101
R477-101. ADMINISTRATIVE LAW JUDGE CONDUCT COMMITTEE.

R477-101-1. Authority and Purpose.
This rule is enacted pursuant to Section 63A-17-703, requiring the DHRM to establish rules governing minimum performance standards for administrative law judges, procedures for addressing and reviewing complaints against administrative law judges, standards for complaints, and standards of conduct for administrative law judges.

In addition to the terms defined in Section 63A-17-701:

(1) "Administrative Law Judge" (ALJ) includes hearing officers employed or contracted by a state agency that meet the criteria described in Subsection 63A-17-701(1)(a).

(2) "Chair" means the Division Director, Division of Human Resource Management, or designee.


(4) "Committee" means the Administrative Law Judge Committee created in Section 67-19e-108.

(5) "Committee meeting" means a proceeding at which a complaint is presented to the committee by the investigator. Respondent ALJ shall also have the opportunity to appear and speak regarding the complaint and its allegations.

(6) "Complaint" means a written document filed with the Department under Section R477-101-8 alleging misconduct by an ALJ.

(7) "Division" means the Division of Human Resource Management.

(8) "Final agency action" occurs when the substantive rights or obligations of litigants in an administrative proceeding have been determined or legal consequences flow from a determination and when the agency decision is not preliminary, preparatory, procedural, or intermediate.

(9) "Full investigation" means an investigation where the respondent ALJ may respond, in writing, to specific allegations identified in a complaint. A full investigation may also include: examination by the investigator of documents, correspondence, hearing records, transcripts or tapes; interviews of the complainant, counsel, hearing staff, respondent ALJ, interested parties, and other witnesses.

(10) "Good cause" means a cause or reason in law, equity, or justice that provides a responsible basis for action or a decision.

(11) "Interested party" means an individual or entity who participated in an event or proceeding giving rise to a complaint against the respondent ALJ.

(12) "Investigator" means a person employed by the division to perform investigations mandated under Section 63A-17-707 and present information at the committee meeting.

(13) "Misconduct" means a violation of the code of conduct or Sections 67-19e-101 and 63A-17-701 through 63A-17-710.

(14) "Preliminary investigation" means that portion of an investigation conducted by the division upon receipt of a complaint. A preliminary investigation may include:
   (a) examination of documents or correspondence; and
   (b) interviews of the complainant, counsel, hearing staff, and other witnesses.

(15) "Respondent ALJ" means an ALJ against whom a complaint is filed.

(1) Administrative Law Judges. The committee has jurisdiction over ALJs to investigate, review, hear, and make recommendations regarding complaints filed against ALJs.

(2) Former ALJs. The committee has continuing jurisdiction over former ALJs regarding allegations that misconduct occurred during service as an ALJ if a complaint is received before the ALJ's appointment concludes.


(1) Records prepared by and for the committee, including any complaints, investigative reports, recommendations, and votes on recommended action against an ALJ are classified as protected under Section 63G-2-305.

(2) The division shall maintain committee records for a period of three years following the conclusion of any committee activity.


(1) The Division Director or designee shall serve as chair of the committee, and appoint four executive directors or their designees to serve on the committee.

(2) Only executive directors of agencies that employ or contract with ALJs may serve on the committee.

(3) If a division investigation establishes a complaint requires further action, the chair shall convene the committee.

(4) An executive director of the agency that employs or contracts with the respondent ALJ may not participate in a committee proceeding involving the respondent ALJ.

(5) After convening the committee, the division shall provide a copy of the complaint and its investigative results to the committee and the respondent ALJ.

(6) Within 30 days of the date the committee is convened on a complaint the committee shall schedule a committee meeting. At the committee meeting the respondent ALJ shall be given the opportunity to appear, speak, and present documents in response to a complaint.

(7) Committee members may attend committee meetings in person, by telephone, by videoconference, or by other means approved in advance by the chair.

(8) After consideration of any information provided at the committee meeting, the committee shall dispose of the complaint by issuing a decision or report with a recommendation to the agency containing:

   (a) a brief description of the complaint and the investigative results;
   (b) findings, and;
   (c) recommendations.

(9) Committee members may not, individually or collectively, engage in ex parte communications about proceedings with complainants, witnesses, or ALJs.


(1) The chair shall:

   (a) receive, acknowledge receipt of and review complaints;
   (b) notify complainants about the status and disposition of their complaints;
   (c) make recommendations to the committee regarding further proceedings or the disposition of a complaint;
   (d) stay investigations or committee proceedings pending final agency action of the matter giving rise to the complaint against the respondent ALJ;
   (e) maintain records of the committee's operations and actions;
   (f) compile data to aid in the administration of the committee's operations and actions;
   (g) prepare and distribute an annual report of the committee's operations and actions;
   (h) direct the operations of the committee's office, and supervise other members of the committee's staff;
   (i) make available to the public the laws, rules, and procedures of the committee and its operations; and
   (j) consider requests for extension of time periods and, upon a showing of good cause, grant such requests for a period not to exceed 20 days for each request.

(2) Subject to the duty to direct and supervise, the chair may delegate any of the foregoing duties to other members of the committee's staff.

(2) To suit a specific agency need, management may make an addendum or modification to the code of conduct. Any such addendum or modification is specific to that agency. In addition, management may not make any addendum or modification to the code of conduct unless the committee reviews and approves the changes before implementation. The chair may convene the committee to review any proposed addendum or modification.

(1) Management at each agency shall include a copy of DHRM Rule R477-101 in the administrative rule materials that they provide to parties, or shall otherwise make them readily available to parties, at the commencement of administrative proceedings.

(2) An individual who alleges a violation of the code of conduct or otherwise has a complaint against an ALJ may file a timely written complaint with the division. An interested party shall file a written complaint with the division within 20 working days of final administrative action in the matter in which the individual is an interested party. Any complaint filed after the 20th working day of the final administrative action is untimely.

(3) The filing date is the date the division actually receives the complaint. The division shall date-stamp any complaints on the date received. Any filing and other time periods are based upon the division's working days.

(4) The person filing a complaint or that person's authorized representative shall:
   (a) specify facts and allegations of misconduct;
   (b) sign the complaint; and
   (c) include the name, address, and telephone number of the complainant, and the name, business address, and telephone number of the representative, if applicable.

(1) Preliminary investigation.
   (a) The division shall review any timely filed complaints and shall, regardless of whether the allegations contained therein would constitute misconduct if true, conduct a preliminary investigation.
   (b) If the preliminary investigation determines that the complaint is untimely, frivolous, without merit, or if the complaint merely indicates disagreement with the respondent ALJ’s decision, without further alleged misconduct, the complaint may be dismissed without further action.
   (c) If, after a preliminary investigation is completed, there is a reasonable basis to find misconduct occurred, the investigator shall initiate a full investigation.

(2) Full investigation.
Within ten days after a determination to conduct a full investigation is made, the investigator shall notify the respondent ALJ that a full investigation is being conducted. The notice shall:
   (a) inform the respondent ALJ of the specific facts and allegations being investigated and the canons or statutory provisions allegedly violated;
   (b) inform the respondent ALJ that the investigation may be expanded if appropriate;
   (c) invite the respondent ALJ to respond to the complaint in writing within ten working days;
   (d) include a copy of the complaint, any preliminary investigation reports, and any other documentation reviewed in determining whether to authorize a full investigation; and
   (e) inform the respondent ALG that a full investigation shall be completed within three months of the determination to conduct a full investigation unless continued by the chair.

The investigator shall provide the results of the investigation to the chair, who shall determine whether to convene a committee meeting.

(1) If after review of the full investigative result and findings the chair determines the complaint is factually or legally insufficient to establish misconduct, the chair shall dismiss the complaint and take no further action.

(2) If after review of the full investigative result and findings the chair determines the complaint requires further action, the chair shall convene the committee and order a committee meeting be scheduled.
(3) After convening the committee the chair shall provide respondent ALJ written notice of the ALJ's right to appear, speak, and present documents at the committee meeting. The chair shall also provide the respondent ALJ with a copy of the complaint and the results of the division's investigation.

(4) The chair shall deliver notice that a committee has been convened and a committee meeting ordered by personal service or certified mail upon the respondent ALJ or the respondent ALJ's representative. Service of any other notices or papers may be regular mail.

(5) Within 20 days after receiving written notice from the chair that a committee has been convened the respondent ALJ may provide the committee a written response to the complaint.

(6) After receipt of the respondent ALJ's response or after expiration of the time to respond the committee shall, in consultation with the ALJ, schedule a committee meeting. The committee shall notify the ALJ in writing of the date, time, and place of the committee meeting. Unless continued for good cause, committee meeting shall be held within four months of the date a committee is convened on a complaint.

(7) No later than 20 days before the scheduled committee meeting the chair shall provide the respondent ALJ with copies of any documents proposed for use at the committee meeting or to be relied upon in making its report and recommendation.

(8) respondent ALJ is entitled to representation at every stage of the committee proceedings or the committee meeting.

(9) Neither the Utah Rules of Evidence nor the Utah Rules of Civil Procedure apply in committee proceedings.

R477-101-12. Effect of Respondent ALJ's Resignation or Retirement During Proceeding. If the respondent ALJ resigns or retires during the proceedings, the committee shall determine whether to proceed or dismiss the proceedings.


(1) The chair shall rule on any motions or objections raised during a committee meeting, set reasonable limits on the statements or documents presented, including any statements from the complainant. The chair may limit the time allowed for the presentation of information, may bifurcate any issues to be considered, and may make any other rulings regarding any committee proceeding or committee meeting.

(2) A committee meeting may not be held unless at least three members of the committee present.

(3) The respondent ALJ may present information to, make statements, and produce witnesses for the committee's consideration.

(4) Committee members may ask questions of any witness including the respondent ALJ.

(5) Immediately following the conclusion of the committee meeting, the committee shall deliberate and decide whether there is sufficient evidence the respondent ALJ violated the code of conduct or otherwise engaged in misconduct. Any such decision shall require a majority vote of the participating committee members.

(6) The committee shall use the preponderance of the evidence standard when making decisions.

(7) Within 30 days of the conclusion of the committee meeting, the chair shall prepare a memorandum decision or report, with a recommendation for any proposed personnel action, and shall forward the decision and recommendation to the respondent ALJ and the agency head of the respondent ALJ.

(8) After deliberation, if the committee finds insufficient evidence or reason to determine misconduct occurred, the complaint shall be dismissed.


(1) At any time after the commencement of a full investigation and before any committee action, the ALJ may admit to any of the allegations in exchange for a stated sanction. The committee shall make a recommendation based on the admission.

(2) Management at an employing agency shall comply with applicable division or state rule governing discipline when taking any corrective action or disciplinary action against a career service employee.

(1) Reinstatement upon request by complainant.
   (a) If a complaint is dismissed, the complainant may, within 20 days of the date of the letter notifying the
       complainant of the dismissal, file a written request that the committee reinstate the complaint. The
       complainant shall specify the grounds upon which reinstatement is sought in the written request.
   (b) The committee shall consider the written request and determine whether to reinstate the complaint at the
       next available meeting of the committee.
   (c) A determination not to reinstate the complaint is not reviewable.

(2) Reinstatement by the chair.
   (a) If the committee dismisses a complaint, the chair may, at any time upon the receipt of newly discovered
       evidence, request that the committee reinstate the complaint. The chair shall specify the grounds upon which
       the reinstatement is sought in the request.
   (b) The committee shall consider the request and determine whether to reinstate the complaint at the next
       available meeting of the committee.


(1) The following minimum performance standards apply to each ALJ:
   (a) an ALJ may not have more than one agency disciplinary action or one committee recommendation for
       disciplinary action during the ALJ's four-year evaluation cycle; and
   (b) an ALJ shall receive a satisfactory rating on the survey. A satisfactory rating is achieved when an
       average of at least 65% of collected responses to survey questions for an ALJ is "Agree." Any survey
       question with a response of "Not enough information to respond" will not be used when calculating the
       rating.

(2) For any open-ended response option, the committee shall establish the minimum performance standard. Any
    established performance standard shall be substantially equivalent to the standard required by Section 63A-17-705.


(1) The division shall establish and follow a schedule to survey the performance of each ALJ every four years in a
    staggered schedule to survey the performance of about one-quarter of ALJ's each calendar year.

(2) Survey respondents shall include:
   (a) an attorney who has appeared before the administrative law judge as counsel in the proceeding; and
   (b) staff who have worked with the administrative law judge.

(3) Additional respondents may include any other persons who have appeared on record before the administrative law
    judge, including pro se parties and witnesses.

(4) The division shall maintain survey results separate from the ALJ's personnel file.

(5) The division shall make survey results available to the ALJ's direct supervisor for consideration in completing
    annual performance evaluations.


(1) The division shall provide an annual webcast on the topic of procedural fairness for administrative law judges. The
    content of the webcast shall comply with the provisions and requirements set forth in Section 63A-17-710.

(2) Each year that an administrative law judge receives a performance evaluation conducted by the division under this
    section, the administrative law judge shall complete the procedural fairness training program established by the division.


(1) Hiring of administrative law judges is governed by Sections 63A-17-704 and R477-4-15.

KEY: administrative law judges, conduct committee
Date of Last Change: July 1, 2022
Notice of Continuation: March 9, 2022
Authorizing, and Implemented or Interpreted Law: 63A-17-701 through 63A-17-710
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Appendix A

Annual, Holiday, and Sick Leave Accrual Table

The following tables provide leave and position schedule information. Annual, holiday, and sick leave shall be accrued at a pro-rated basis in whole hour increments pursuant to DHRM Rule R477-7-1(2). Annual leave is accrued based on the total number of hours paid in the pay period. Sick leave accrues based on the number of hours paid in the pay period and accrues at a maximum of four (4) hours per pay period for all eligible employees regardless of their years of service. Holiday leave is accrued according to the number of hours paid in the pay period, excluding the holiday hours, and the number of holidays within that pay period. Example: A less than full-time employee is paid 40 hours in the pay period, excluding the holiday hours. He/she will accrue 4 hours if there is one holiday in the pay period. If two holidays fall in the pay period, that same employee will accrue 5 hours for each holiday. Holiday leave is accrued at a maximum of (8) hours per holiday.

Annual leave is accrued based on eligible years of state service.

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<th>Years of State Service</th>
<th>Annual Leave Accrual</th>
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<tr>
<td>Less than 5 years</td>
<td>4 hours accrual per pay period</td>
</tr>
<tr>
<td>At least 5 and less than 10 years</td>
<td>5 hours accrual per pay period</td>
</tr>
<tr>
<td>At least 10 and less than 20 years</td>
<td>6 hours accrual per pay period</td>
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<tr>
<td>20 years or more</td>
<td>7 hours accrual per pay period</td>
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<th>Total Hours Paid in the Pay Period</th>
<th>Annual Leave Accrual</th>
<th>Sick Leave Accrual</th>
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<td></td>
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<td>5 Hours</td>
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</tr>
<tr>
<td>40</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>44</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>48</td>
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<td>3</td>
</tr>
<tr>
<td>52</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>56</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>60</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>64</td>
<td>3</td>
<td>4</td>
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<tr>
<td>68</td>
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<td>4</td>
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<tr>
<td>72</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>76</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>80</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
Appendix A

Table A2

Holiday Accrual Tables

<table>
<thead>
<tr>
<th>Total Hours Paid in the Pay Period</th>
<th>Hours Paid in the Pay Period (Excluding Holiday Hours)</th>
<th>Holiday Accrual (1 Holiday Per Pay Period)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-8</td>
<td>4-7</td>
<td>0</td>
</tr>
<tr>
<td>9-12</td>
<td>8-11</td>
<td>1</td>
</tr>
<tr>
<td>13-17</td>
<td>12-15</td>
<td>1</td>
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<tr>
<td>18-21</td>
<td>16-19</td>
<td>2</td>
</tr>
<tr>
<td>22-26</td>
<td>20-23</td>
<td>2</td>
</tr>
<tr>
<td>27-30</td>
<td>24-27</td>
<td>3</td>
</tr>
<tr>
<td>31-35</td>
<td>28-31</td>
<td>3</td>
</tr>
<tr>
<td>36-39</td>
<td>32-35</td>
<td>4</td>
</tr>
<tr>
<td>40-43</td>
<td>36-39</td>
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<tr>
<td>44-48</td>
<td>40-43</td>
<td>4</td>
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<tr>
<td>49-52</td>
<td>44-47</td>
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<td>53-57</td>
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<td>58-61</td>
<td>52-55</td>
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<td>62-66</td>
<td>56-59</td>
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<tr>
<td>67-70</td>
<td>60-63</td>
<td>7</td>
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<tr>
<td>71-75</td>
<td>64-67</td>
<td>7</td>
</tr>
<tr>
<td>76-79</td>
<td>68-71</td>
<td>8</td>
</tr>
<tr>
<td>80-83 (Full-Time)</td>
<td>72-75</td>
<td>8</td>
</tr>
<tr>
<td>84-87</td>
<td>76-79</td>
<td>8</td>
</tr>
<tr>
<td>88</td>
<td>80</td>
<td>8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Hours Paid in the Pay Period</th>
<th>Hours Paid in the Pay Period (Excluding Holiday Hours)</th>
<th>Holiday Accrual (2 Holiday's Per Pay Period)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-9</td>
<td>4-7</td>
<td>0</td>
</tr>
<tr>
<td>10-13</td>
<td>8-11</td>
<td>1</td>
</tr>
<tr>
<td>14-19</td>
<td>12-15</td>
<td>1</td>
</tr>
<tr>
<td>20-23</td>
<td>16-19</td>
<td>2</td>
</tr>
<tr>
<td>24-29</td>
<td>20-23</td>
<td>2</td>
</tr>
<tr>
<td>30-33</td>
<td>24-27</td>
<td>3</td>
</tr>
<tr>
<td>34-39</td>
<td>28-31</td>
<td>3</td>
</tr>
<tr>
<td>40-43</td>
<td>32-35</td>
<td>4</td>
</tr>
<tr>
<td>44-49</td>
<td>36-39</td>
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<td>50-53</td>
<td>40-43</td>
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<td>54-59</td>
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<td>60-63</td>
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<td>64-69</td>
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<td>70-73</td>
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<td>74-79</td>
<td>60-63</td>
<td>7</td>
</tr>
<tr>
<td>80-83 (Full-Time)</td>
<td>64-67</td>
<td>8</td>
</tr>
<tr>
<td>84-87</td>
<td>68-71</td>
<td>8</td>
</tr>
<tr>
<td>88-91</td>
<td>72-75</td>
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<td>92-95</td>
<td>76-79</td>
<td>8</td>
</tr>
<tr>
<td>96</td>
<td>80</td>
<td>8</td>
</tr>
</tbody>
</table>
## Appendix A

### Table A3

Annual and Sick Leave Accrual Table for Employees Working 96/120 Hour Pay Periods

(Effective 9/04/2021)

<table>
<thead>
<tr>
<th>Regular Hours Worked Per Pay Period</th>
<th>6.50 Hours</th>
<th>8 Hours</th>
<th>9.5 Hours</th>
<th>11 Hours</th>
<th>Sick Leave Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>0.5</td>
<td>0.75</td>
<td>1.0</td>
<td>1.0</td>
<td>0.5</td>
</tr>
<tr>
<td>20</td>
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<td>1.75</td>
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<td>30</td>
<td>1.75</td>
<td>2.0</td>
<td>2.5</td>
<td>2.75</td>
<td>1.75</td>
</tr>
<tr>
<td>40</td>
<td>2.25</td>
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<td>4.75</td>
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<tr>
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</tr>
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<td>80</td>
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<td>6.5</td>
<td>7.5</td>
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</tr>
<tr>
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<td>96</td>
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<td>8.0</td>
<td>9.25</td>
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<tr>
<td>110</td>
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<tr>
<td>120</td>
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<td>8.0</td>
<td>9.5</td>
<td>11.0</td>
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<tr>
<td>96/120 PP Total</td>
<td>11.75</td>
<td>14.5</td>
<td>17.0</td>
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<tr>
<td>13 PP Total</td>
<td>152.75</td>
<td>188.5</td>
<td>221.0</td>
<td>260.0</td>
<td>152.75</td>
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## Appendix B

### Position Schedules Benefit Eligibility Table

The executive director, after consultation with agencies, shall allocate positions to the appropriate position schedule as follows:

<table>
<thead>
<tr>
<th>Schedule of Position</th>
<th>Holidays, Paid Leave</th>
<th>Health, Life, Dental</th>
<th>Retirement</th>
<th>Severance Eligible</th>
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<tbody>
<tr>
<td>B</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>AA</td>
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<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>AB</td>
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<tr>
<td>AC</td>
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<td>Optional</td>
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<tr>
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<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>AG</td>
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<td>Optional</td>
<td>Optional</td>
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<td>Optional</td>
<td>Optional</td>
<td>Optional</td>
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<tr>
<td>AO</td>
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<td>Yes</td>
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<tr>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
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<td>Optional</td>
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</tr>
<tr>
<td>TL</td>
<td>Optional</td>
<td>Optional</td>
<td>Optional</td>
<td>No</td>
</tr>
</tbody>
</table>

- Separate System
- May adopt State’s benefits
- Benefits must be all or none
- See rule R477-6-11 for more eligibility criteria
- Employees in the office/residence of the Gov, USTAR, Public Lands Policy Coord Council, and Auditor’s and Treasurer’s Offices.

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Employee in the Office/residence of the Gov, USTAR, Public Lands Policy Coord Council, and Auditor’s and Treasurer’s Offices.

Employee in the office/residence of the Gov, USTAR, Public Lands Policy Coord Council, and Auditor’s and Treasurer’s Offices.
Veterans Preference Calculation

Five percent of the total possible score shall be added to the exam score or an appropriate adjustment shall be made when examination results are other than a numeric score for any applicant claiming veterans preference who:

(a) has served more than 180 consecutive days of active duty in and honorably discharged or released from the armed forces of the United States; or

(b) is the spouse, unmarried widow or widower of any veteran.

Ten percent of the total possible score shall be added to the exam score or an appropriate adjustment shall be made when examination results are other than a numeric score for any applicant claiming veterans preference who:

(a) was honorably discharged or released from active duty with a disability incurred in the line of duty or is a recipient of a Purple Heart, whether or not that person completed 180 days of active duty; or

(b) is the spouse, unmarried widow or widower of any disabled veteran.
Appendix D

Employment Discrimination Protection

Employees are protected from employment discrimination under the following laws:

- The Age Discrimination in Employment Act of 1967, 29 USC 621, as implemented by 29 CFR 1625(1999). This act prohibits discrimination on the basis of age for individuals forty years and over.

- The Vocational Rehabilitation Act of 1973, 29 USC 701, as implemented by 34 CFR 361(1999). This act prohibits discrimination on the basis of disability status under any program or activity that receives federal financial assistance. Employers with federal contracts or subcontracts greater than $10,000.00 must have an affirmative action plan to accommodate qualified individuals with disabilities for employment and advancement. All of an employer's operations and facilities must comply with Section 503 as long as any of the operations or facilities are included in federal contract work. Section 504 incorporates the employment provisions of Title I of the Americans With Disabilities Act of 1990.

- Title VII of the Civil Rights Act of 1964 as amended, 42 USC 2000e. This act prohibits discrimination on the basis of sex, race, color, national origin, religion, or disability.

- The Americans with Disabilities Act of 1990, 42 USC 12201. This act prohibits discrimination against qualified individuals with disabilities in recruitment, selection, benefits and all other aspects of employment.

- The Utah Antidiscrimination Act, Utah Code Title 34A, Chapter 5. This act is the state law prohibiting discrimination on all bases listed above. This act also adds sexual orientation and gender identity to the list of prohibited bases for discrimination.

- Uniformed Services Employment and Reemployment Act of 1994, 38 USC 4301 (USERRA). This act requires a state to reemploy eligible veterans who left state employment for military service and return to work within specified time periods defined by USERRA.

- The Equal Pay Act of 1963, 29 USC 206(d), as implemented by 29 CFR 1620(1999). This act prohibits discrimination on the basis of sex.
## Employee Benefits During Leave of Absence
### June 2013

<table>
<thead>
<tr>
<th>Leave Type</th>
<th>Payroll LWOP</th>
<th>Leave Used</th>
<th>Health/Dental/Life* LWOP</th>
<th>Leave Used</th>
<th>Retirement LWOP</th>
<th>Leave Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>FMLA</td>
<td>Deductions that the employee is responsible for won't be paid. See ** below .</td>
<td>If sufficient leave is used, there is no effect. If not, all back premiums and other deductions the employee is responsible for may be paid in arrears in the next check(s) employee receives.</td>
<td>Benefits will continue. See *** below .</td>
<td>No effect as long as enough leave is used to cover the employee portion of the premium. Otherwise, PEHP will bill the employee for his/her portion.</td>
<td>No service credit is given. Employee's retirement eligibility dates will be delayed by the amount of time employee is on LWOP.</td>
<td>If 40 hours for the pay period are used, employee will receive full credit. If less than 40 hours, employee may get service credit only for those hours. This loss of time may result in lower retirement benefits.</td>
</tr>
<tr>
<td>Military Leave - called into active duty by state or federal government to serve during times of crisis and/or conflict.</td>
<td>Deductions that the employee is responsible for won't be paid. See ** below .</td>
<td>If sufficient leave is used, there is no effect. If not, all back premiums and other deductions the employee is responsible for may be paid in arrears in the next check(s) employee receives.</td>
<td>Benefits will continue. See *** below .</td>
<td>No effect as long as enough leave is used to cover the employee portion of the premium. Otherwise, PEHP will bill the employee for his/her portion.</td>
<td>Employee will receive full service credit for the length of the leave. Agency will be billed for past contributions plus interest owed when the employee returns.</td>
<td>Employee will receive full service credit for the length of the leave. The paycheck will trigger the agency's payment of contributions owed.</td>
</tr>
<tr>
<td>Military Leave - Active Duty during peace times.</td>
<td>Deductions that the employee is responsible for won't be paid. See ** below .</td>
<td>If sufficient leave is used, there is no effect. If not, all back premiums and other deductions the employee is responsible for may be paid in arrears in the next check(s) employee receives.</td>
<td>Employee receives health/dental coverage for first 30 days. After, benefits may continue if employee uses leave balances or pays 100% of the group rate premium. Life ins. continues during the leave. See **** below .</td>
<td>No effect as long as enough leave is used to cover the employee portion of the premium. Otherwise, PEHP will bill the employee for his/her portion.</td>
<td>Employee will receive full service credit for the length of the leave. Agency will be billed for past contributions plus interest owed when the employee returns.</td>
<td>Employee will receive full service credit for the length of the leave. The paycheck will trigger the agency's payment of contributions owed.</td>
</tr>
<tr>
<td>Worker's Compensation</td>
<td>Deductions that the employee is responsible for won't be paid. See ** below .</td>
<td>If sufficient leave is used, there is no effect. If not, all back premiums and other deductions the employee is responsible for may be paid in arrears in the next check(s) employee receives.</td>
<td>Benefits will continue. See *** below .</td>
<td>No effect as long as enough leave is used to cover the employee portion of the premium. Otherwise, PEHP will bill the employee for his/her portion.</td>
<td>Employee will receive full service credit for the length of the leave. Agency will be billed for past contributions plus interest owed when the employee returns.</td>
<td>Employee will receive full service credit for the length of the leave. The paycheck will trigger the agency's payment of contributions owed.</td>
</tr>
<tr>
<td>Other Approved Leave</td>
<td>Deductions that the employee is responsible for won't be paid. See ** below .</td>
<td>If sufficient leave is used, there is no effect. If not, all back premiums and other deductions the employee is responsible for may be paid in arrears in the next check(s) employee receives.</td>
<td>Employee not eligible for health/dental coverage after the first 30 days unless employee elects to continue benefits by paying 100% of the group rate premium.</td>
<td>No effect as long as enough leave is used to cover the employee portion of the premium. Otherwise, PEHP will bill the employee for his/her portion.</td>
<td>No service credit is given. Employee's retirement eligibility dates will be delayed by the amount of time employee is on LWOP.</td>
<td>If 40 hours for the pay period are used, employee will receive full credit. If less than 40 hours, employee may get service credit only for those hours. This loss of time may result in lower retirement benefits.</td>
</tr>
<tr>
<td>Long-term Disability (After approval)</td>
<td>No payroll is processed for employees on LTD.</td>
<td>Use of leave is not available.</td>
<td>A stipend for benefits may be provided. Contact PEHP for eligibility.</td>
<td>Use of leave is not available.</td>
<td>An employee hired before July 1, 2011 will receive full service credit until employee is terminated from LTD. Employees hired on or after July 1, 2011 do not receive service credit while on LTD.</td>
<td>Use of leave is not available.</td>
</tr>
</tbody>
</table>

*Life refers to the $25,000 minimum coverage ** HRE Business Practice indicates that LWOP should be entered into HRE if the leave without pay is more than one pay period so that the employment record is accurate. When LWOP is entered into HRE, employee is billed by the provider for deductions and premiums owed. These would include contributions towards a contributory retirement plan, health and dental premiums, and premiums for voluntary plans such as Metlife Home and Auto and Hyatt Legal. When payroll codes of N, NA, NF or NM are used, employee's premiums and other deductions are put into arrears then deducted in the next check(s) employee receives. *** When LWOP is entered into HRE, both employer and employee are billed by PEHP for their respective portions of the premium. When payroll codes of N, NA, NF or NM are used, state-paid health, dental and life are paid automatically and the employee is billed by PEHP for the employee portion. HRE Business Practice indicates that LWOP should be entered into HRE if the leave without pay is more than one pay period, so that the employment record is accurate. ****Allowing employee to use leave balances in order to continue insurance benefits is at the agency's discretion.
Appendix F

Public Information concerning current or former state employees

Utah is an open records state, according to Chapter 2, Title 63, the Government Records Access and Management Act. The following information concerning current or former state employees, volunteers, independent contractors, and members of advisory boards or commissions is given to the public upon request where appropriate with the exception of employees whose records are private or protected:

(a) the employee's name;
(b) gross compensation;
(c) salary range;
(d) contract fees;
(e) the nature of employer paid benefits;
(f) the basis for and the amount of any compensation in addition to salary, including expense reimbursement;
(g) job title;
(h) performance plan;
(i) education and training background as it relates to qualifying the individual for the position;
(j) previous work experience as it relates to qualifying the individual for the position;
(k) date of first and last employment in state government;
(l) the final disposition of any decision by the Career Service Review Office;
(m) the final disposition of any disciplinary action;
(n) work location;
(o) a work telephone number;
(p) city and county of residence, excluding street address;
(q) honors and awards as they relate to state government employment;
(r) number of hours worked per pay period;
(s) gender;
(t) other records as approved by the State Records Committee.
Appendix G

Calculating On-Call Time

On-call pay is calculated at a rate of one hour for every 12 hours that an employee is on-call (maximum of 24 hours), rounded to the nearest two decimal points. If an employee works during the on-call period, then the hours that the employee works is deducted from the on-call hours for which the employee is on-call. Therefore, the following formula should be used to determine on-call.

On-Call Formula:

\[(\text{# of Hours in the On-Call Period} - \text{# of Hours Worked in the On-Call Period}) / (12)\]

On-Call Example:

David is scheduled to be on-call for 24 hours on a Saturday from 12:00am to 11:59pm. David is called to come into work for 5.25 hours to take care of an issue that has come up. Because David worked for 5.25 hours during his on-call period he should deduct those hours from his on-call hours \((24 - 5.25 = 18.75 \text{ hours of on-call})\). To figure out the amount that David should be paid he would divide the number of actual hours of on-call by 12 \((18.75/12.00 = 1.56)\).

For his on-call period, David will be compensated for 5.25 hours of regular work time and 1.56 hours for the time that he was actually on-call.

\[(24 - 5.25) / (12) = 1.56\]

Note: DHRM rule R477-8-10(a) states that, “An employee may not be in on-call status while using leave or while otherwise unable to respond to a call to duty”. Therefore, this formula doesn’t allow for leave hours to be used and should be deducted from on-call hours. Additionally, this on-call formula adheres to the rounding limits set in the payroll system. If an amount is entered that exceeds the daily limit, an error message will display with the daily limit.