

**UTAH TRANSIT AUTHORITY
CORPORATE POLICY**

No. 6.1.12

LEAVES OF ABSENCE

- I. **Purpose.** To establish and clarify the various types of leaves available to employees.
- II. **Definitions.** For purposes of this policy, the following terms shall have the definitions and meanings set forth below:

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

“Approved Leave of Absence” means a Family Medical, Medical Leave, Non-Renewable Leave, ADA Medical Leave, Court Attendance Leave, Jury Duty Leave, Military Leave, Bereavement Leave or Union Business Leave that the employee has received notification of approval from the Human Resources Benefits Administrator, Business Partner, or by the employee’s Manager that the leave was approved.

“ADA Medical Leave of Absence” means a leave of absence for an employee who does not qualify for leave under the FMLA and are unable to work because of a qualifying disability under the Americans with Disability Act (ADA).

“AWOL” means absent without authorized leave.

“Bargaining Unit Employee” means an employee who is subject to the Collective Bargaining Agreement.

“Child” means a biological, adopted, foster, or legal ward of the employee or employee’s spouse.

“COBRA” means Consolidated Omnibus Budget Reconciliation Act.

“Collective Bargaining Agreement (CBA)” means an agreement between the Utah Transit Authority and the Amalgamated Transit Union, Local 382.

“Dependent” means a legal dependent as defined by Internal Revenue Code § 152.

“Flexible Spending Account” means an account governed by the IRS in which an employee may elect to contribute a designated tax-free dollar amount for a defined period of time to use for qualified medical or dependent daycare expenses.

“FML” means Family/Medical Leave as governed by the Family Medical Leave Act of 1993.

“FMLA” means the Family Medical Leave Act of 1993.

“Full-time Employee” means an employee that is regularly scheduled to work thirty or more hours per week.

“Health Reimbursement Account” means an account governed by the IRS which is a tax free account funded by the Authority for qualified medical expenses.

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

“Introductory Period” means ninety (90) calendar days for Administrative employees. Bargaining Unit employee’s probation period is defined in the CBA.

“Non-Renewable Medical Leave” means a medical leave of absence that is non-renewable and is not governed by the FMLA and is in accordance with the Physical Examination section of the CBA.

“Paid Leave of Absence” means an employee who is on an Approved Leave of Absence and is receiving compensation from the Authority through the use of accrued Personal Time, Vacation, Sick time, Serious Illness Account, Parental Leave, Workers’ Compensation, Short-Term or Long-Term Disability.

“Parent” means a biological, foster, adoptive, parent-in-law, stepparent or legal guardian of the employee or employee’s spouse.

“Parental Leave” means up to four (4) weeks of paid time off that can be taken within six (6) months of the birth of a Full-Time Administrative Employee’s child or the placement of a child with Full-Time Administrative Employee for adoption or foster care.

“Personal Time” means a Bargaining Unit Employee time off benefit as defined by the Collective Bargaining Agreement.

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

“Responsible Party” means an employee who has been designated by their manager as the FML expert in a department or business unit for time keeping, monitoring and assisting employees in applying for FML.

“Safety-Sensitive Position” means a job which includes one or more of the following duties: (1) operating a revenue service vehicle, including when not in revenue service; (2) operating a non-revenue service vehicle, when required to be operated by a holder of Commercial Driver’s License; (3) controlling dispatch or movement of a revenue service vehicle; and (4) carrying a firearm for security purposes.

“Serious Health Condition” as defined by the Family and Medical Leave Act of 1993 means an illness, injury, impairment, or physical or mental condition that involves an overnight stay in medical care facility, or continuing treatment by a health care provider for a condition that

either prevents the employee from performing the functions of the employees job, or prevents the qualifying family member from participating in school or other daily activities.

“Serious Illness Account” means a Bargaining Unit Employee benefit for use as defined by the Collective Bargaining Agreement in the event of a Family Medical Leave qualifying event for the employee’s own illness.

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

“Union Business Leave” means leave granted for an elected bargaining unit employee to become a full-time employee of the Amalgamated Transit Union Local 382.

“Unpaid Leave of Absence” means an employee is on an Approved Leave of Absence and is not receiving any compensation from the Authority in the form of vacation, personal time, sick, workers’ compensation or disability benefits.

“Vacation” means an Administrative and Bargaining Unit Employee time-off benefit that may be used for time away from work.

- III. **Policy.** The Authority will grant employees leaves of absence under certain circumstances. Except as otherwise stated below, employees will not be compensated during a leave of absence. An employee on an Approved Leave of Absence, other than a Military Leave, may not accept or continue any form of self-employment or perform work for any other employer without the prior written approval from the Senior Human Resources Officer. The following types of leaves will be considered for employees:

A. Types of Leave

1. ADA Medical Leave. Employees who are not eligible for leave under the FMLA or have exhausted their available FML and are unable to work because of a qualifying disability may request a reasonable accommodation under the Americans with Disabilities Act (ADA), which may include additional leave or other type of reasonable accommodation. Requests for an accommodation typically require medical certification and should be directed to Human Resources. UTA’s Civil Rights Office and Human Resources, in consultation with UTA’s legal counsel and the employee’s manager, may jointly approve reasonable accommodation requests.

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

a. Extra Time. If more than three (3) days is needed due to travel time or extenuating circumstances, an employee may use accrued Vacation,

Personal Time, or unpaid time off, if approved. Accrued Sick or Serious Illness leave may not be used for additional Bereavement Leave.

b. Immediate Family. For the purposes of Bereavement Leave “immediate family member” means a spouse, child, stepchild, foster child, mother, step-mother, mother-in-law, father, step-father, father-in-law, grandmother, grandfather, grandchild, sister, step-sister, sister-in-law, brother, step-brother, brother-in-law, son-in-law, daughter-in-law.

c. Bargaining Unit Employees should refer to the CBA under Funeral Leave.

3. Court Attendance Leave.

a. Administrative Employees are entitled to paid leave when required by a subpoena or at the request of the Authority to provide testimony at a trial or deposition as to matters relating to their employment at the Authority. While on Court Attendance Leave, employees will be paid at their regular rate of pay, less any reimbursement received for such appearance.

b. Bargaining Unit Employees should refer to the CBA under Court Attendance.

4. Critical Incident Debriefing Leave. An employee who during the course of performing work for the Authority, observes or is involved in an accident or incident which involves, 1) serious human injury or death, 2) who is subject to serious human injury or death, 3) is subject to imminent threat of serious human injury or death, or 4) any TPSO who uses deadly force, will be required to undergo a critical incident debriefing. The employee will remain on Critical Incident Debriefing Leave until the completion of the debriefing. Employees will be paid at their regular rate of pay while waiting for and during the Critical Incident Debriefing.

5. Family Medical Leave. Employees may qualify for up to 12 weeks of FML for a serious health condition of the employee, a parent, child or spouse or for the birth or adoption of a child or a qualifying military exigency. Appendix A to this policy outlines the FMLA guidelines, qualifying events, rights and obligations of the employee.

a. Notice Requirements. Employees should apply for leave thirty (30) days in advance. If the leave is not foreseeable employees must give as much notice as possible before the leave begins. If an employee fails to give notice that is adequate to inform the Authority that the leave is a qualifying FML, or if the employee fails to respond to the Authority’s reasonable inquiries regarding the leave request, the leave request may be delayed or denied. Fraudulent use of FML could result in disciplinary action.

b. Certification Requirements. The Authority requires certification for any leave taken for a Serious Health Condition. Employees must provide

sufficient information for UTA to determine if the leave may qualify for FML protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. UTA reserves the right to treat qualifying serious health conditions as FML even if no medical certification is provided by the employee or their treating physician.

c. Calculation Method. The Authority calculates FML entitlement on a “rolling 12-month” basis. If an employee is approved for Family Medical Leave, the employee’s paid leave will run concurrently with the employee’s accrued personal time, sick, serious illness, vacation, workers’ comp, or other paid time; however, the employee may elect to withhold forty (40) hours of Vacation if they have not used 40 hours of vacation in the last 12 months. UTA reserves the right to designate any absence from work including an absence covered under Workers Compensation that qualifies under the provisions of the FMLA as FML.

d. Rules for Employees Whose Spouses Work for UTA. If a husband and wife are both employed by the Authority they are entitled to a combined total of 12 weeks of unpaid FML for the same reason (e.g., the birth of a child, the placement of a child for adoption or foster care, or to care for a parent or child).

6. Jury-Duty Leave.

a. Full- and part-time Administrative Employees will be granted leave as needed to perform Jury-duty services in any municipal, county, state, or federal court, or before an administrative tribunal. Employees will be paid at their regular rate of pay, less any reimbursement received by the employee for Jury-Duty service.

b. Bargaining Unit Employees should refer to the CBA under Jury Duty Leave.

7. Military Leave. A Military Leave of Absence will be granted if an employee is absent in order to serve in the Uniformed Service of the United States for a period of up to five years (not including certain involuntary extensions of service). An employee is eligible for Military Leave beginning the first day of employment. Employees who perform and return from Military Service will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service promotions and length of service pay increases, as required by applicable Federal or State law. Employees will not be discriminated against in any area of employment because of past, current or prospective military service. Appendix B to this policy outlines the rights and obligations of employees, notification requirements and the Authority’s obligations.

8. Non-Renewable Medical Leave. Bargaining Unit Employees will be notified by the Benefits Administrator when they have qualified for a Non-Renewable Medical Leave. While on leave the employee's use of Personal Time, Serious Illness and Vacation will run concurrently with the Non-Renewable Medical Leave. Bargaining Unit Employees should refer to the CBA.

9. Parental Leave. Parental leave will be provided to Full-Time Administrative Employees who have completed 12 months of employment prior to the birth of a child or adoption of a child in order to care for and bond with a newborn or a newly adopted or newly placed child. Parental Leave shall run concurrently with any Family and Medical Leave (FML) the employee has available.

This policy will be in effect for births, adoptions, or placements of foster children occurring on or after July 1, 2018.

- a. Four (4) weeks of approved paid Parental Leave may be taken within the six-month period immediately following the birth, adoption, or placement of a child with the employee.
- b. In no case will an employee receive more than 4 weeks of Parental Leave in a rolling 12-month period regardless of whether more than one birth, adoption or foster care placement occurs.
- c. If a husband and wife are both employed by the Authority, they are entitled to a combined four (4) weeks of Parental Leave.
- d. Employees must take Parental Leave in one continuous period.
- e. Employees will not be paid for any unused Parental Leave at the time they leave employment at UTA.
- f. UTA will maintain all benefits for employees on Parental Leave.
- g. If a UTA holiday occurs while an employee is on Parental Leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total length of paid Parental Leave.

10. Personal Leave.

a. The Authority may grant a Personal Leave for up to thirty (30) days to Full-Time Administrative Employees who require time off from work to fulfill personal obligations. Requests for leaves of absence for personal reasons will be considered on a case-by-case basis and are subject to management approval which is conditioned upon the employee's work record, the reason for the request, and the employer's needs.

b. Personal Leave may be granted at the discretion of the employee's manager. Bargaining Unit Employees should refer to the CBA.

10. Union Business Leave. Bargaining Unit Employees should refer to the CBA.

B. Requesting A Leave

1. Requests or extensions for any type of leave of absence should be submitted at least thirty (30) days before the start of the leave. When leave is not foreseeable employees should give as much notice as possible before the leave begins.
2. An employee on an approved FML, ADA or Non-Renewable leave are expected to report any change of status in their need for a leave or their intention to return to work to UTA's Human Resources Benefits Administrator or Business Partner.
3. Requests for FML ADA, Military, Non-Renewable or Personal Leave must be made by submitting an on-line leave request at UTA's Human Resources portal on the intranet. Employees can apply on-line directly or by contacting their supervisor, office administrator or the department's Responsible Party who will help the employee complete the request process. Once the online request is complete the employee must return any required documentation to the Human Resources Benefits Administrator or Business Partner by the due date.
4. Employees are responsible to follow the instructions provided when applying for their leave in the document titled, "Important Information from Utah Transit Authority Relating to your Leave of Absence Request."

C. Benefits While on a Leave of Absence

1. Except when an employee is on an approved FML or Parental Leave, group insurance coverage terminates on the last day of the month in which the employee is compensated for accrued Personal Time, Serious Illness Account, Sick leave and Vacation time.
2. Once FML and all UTA paid leave is exhausted, the employee may elect to continue insurance coverage for himself or herself and any eligible dependents under the provisions of COBRA. If the employee chooses not to return to work for a minimum of thirty (30) days following an unpaid approved FML, the Authority may recover or require the employee to repay all health insurance premiums paid by the Authority.
3. Benefits will be reinstated once an employee returns to work after a leave whether or not the employee elected to continue coverage through COBRA. Administrative Employee insurance will be reinstated the first of the month following their return to work. Bargaining Employees insurance will be reinstated in accordance with article 15 of the CBA.
4. FML. Employees covered under FMLA are eligible for up to twelve (12) weeks of continued coverage on the "group health plan." The employee will continue to be responsible for the bi-weekly payment of his or her contribution for insurance coverage. If the employee is unable to pay for his or her portion of insurance, the Authority will pay the employee's premium while the employee is out on FML. The

employee must reimburse the Authority for any employee portions of insurance premiums paid by UTA upon their return to work.

5. Extended Military Leave. Employees on an Extended Military Leave may continue their health insurance through the provisions of COBRA. If the employee elects COBRA, the employee is responsible to pay the amount normally deducted from the employee's paycheck. The Authority will pay the employer's portion for a period of up to six months.

6. Retirement Credit. Credit toward an employee's retirement benefit is subject to the terms and conditions of the pension plan document.

7. Long-Term Disability – Administrative Employees. UTA will make the employer contribution for COBRA for an Administrative Employee who elects COBRA within the election period and who becomes eligible to receive long-term disability through the Authority's sponsored disability plan in accordance with Corporate Policy 6.7.6.1, Employee Group Health and Disability Benefits.

8. Long-Term Disability – Bargaining Unit Employees. Employees may choose to elect COBRA within the election period. Employees returning from long-term disability will be reinstated in accordance with Article 15 of the CBA.

9. Union Business Leave. Employees on approved Union Business Leave who continue to be covered under the Bargaining Unit medical plan are eligible for all benefits under the UTA Employee Health and Wellness Center. The Amalgamated Transit Union Local 382 must reimburse the full insurance premium cost for the employee to the Joint Insurance Trust Account in order to continue the employee's coverage for medical, dental, vision, disability, basic life, EAP and participation in the Flexible Spending Account.

D. Communicating with the Authority Regarding Leave of Absence.

1. Requests or extensions for any type of leave of absence should be submitted at least thirty (30) days before the start of the leave.
2. When leave is not foreseeable employees should give as much notice as possible.
3. With the exception of employees on an approved Military Leave, an employee on an Approved Leave of Absence is required to maintain communication at least every 30 days with the Authority (his or her Supervisor and UTA's Benefits Administrator), and provide notice of any changes in plans or intention to return to work while on a continuous leave of absence.
4. An employee on an intermittent leave of absence is required to follow call-in procedures defined within their Business Unit or corporate office and UTA Policy.

E. Return from a Leave of Absence. Employees returning from an Approved Leave of Absence will be reinstated to their same job or to an equivalent job with equivalent status and

pay to the extent required by law. Except for a return from Military Leave, employees are required to provide a minimum of two days advance notice of their intent to return to work and to confirm their return to work date.

F. Failure to Return from a Leave of Absence. If an employee does not return to work on the first regularly scheduled day or shift following the end of the leave, the employee will be deemed AWOL. The employee may then be subject to disciplinary action up to and including termination. Employees who do not return from leaves of absence and have not requested or secured approval for additional leave will be considered to have voluntarily resigned from the Authority.

G. Unable to Report to Work. Employees who are unable to report to work may be eligible for a Leave of Absence in accordance with this Policy and the Collective Bargaining Agreement. If the employee is incarcerated and unable to report to work or incarcerated and then freed on bail, the employee's Executive, Legal Counsel and the Human Resources Business Partner will determine whether active employment is appropriate pending final disposition of the charges in accordance with UTA Criminal Conviction Policy, 6.1.11.

IV. Cross-References. Board of Trustees Executive Limitations Policy 2.5.2., Criminal Convictions Policy 6.1.11, Critical Incident Debriefing Policy, 4.5.1, Administrative Sick Leave Policy 6.7.7.4, Group Health and Disability Benefits 6.7.6.1, Administrative Vacation Policy 6.7.7.3 and the Collective Bargaining Agreement.

This UTA Corporate Policy was reviewed by UTA's Vice-Presidents and Chiefs on _____, 2018 and approved by the President/CEO on this 7th day of May, 2018 and takes effect on the latter date.



Jerry Benson
President/CEO

Approved as to form:



Counsel for UTA

Revision History

Leaves of Absence Policy Adopted	9/26/06
Superseded	1.030, 1.030, 1.040, 1.080
Revised	07.16.07
2008 FMLA amendment	2.17.09
Revised	11/21/09
Revised	11/5/2015
Revised	08/30/2016
Revised	

UTAH TRANSIT AUTHORITY CORPORATE POLICY
No. 6.1.12 LEAVE OF ABSENCE
Appendix A – FMLA Guidelines

In compliance with the Family and Medical Leave Act of 1993 (FMLA) and its subsequent amendments, UTA’s Family and Medical Leave Policy allows eligible employees to take up to twelve (12) weeks of unpaid leave for various family and medical reasons and up to twenty-six (26) weeks for qualifying events connected to the Military Caregiver provisions of the law.

Eligibility Requirements

An employee is eligible for leave under FMLA if the employee: (1) has been employed by the Authority for at least 12 months (not necessarily consecutive), (2) has worked at least 1,250 hours during the 12 months preceding the leave, and (3) if the Authority employs at least 50 employees within a 75 mile radius.

Basic Leave Entitlement

FMLA provides up to 12 weeks of unpaid, job protected leave to eligible employees for the following reasons:

- a. For incapacity due to pregnancy, prenatal medical care or child birth;
- b. To care for the employee’s child after birth, or placement of a child with the employee for adoption or foster care;
- c. To care for spouse, child (under 18 years old unless deemed disabled), or parent (does not include the employee’s parent-in-law), with a serious health condition; or
- d. For a serious health condition that makes the employee unable to perform the functions of his or her own job.

Military Leave Entitlements and FMLA

Employees with a spouse, son, daughter, or parent of a military service member on active duty, or on notice of an impending call to active duty to a foreign country, are eligible for up to 12-weeks of unpaid leave in a 12 month period based on “any qualifying exigency”. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

If the employee is the spouse, son, daughter, parent or “next of kin” of a military service member who is injured in the line of duty, or who develops a serious medical condition within 5 years from his/her date of discharge, the Authority will grant up to 26-weeks of unpaid leave in a rolling 12 month period to care for the injured family member.

In order to qualify for leave pursuant to the new amendments, an employee still must comply with other provisions of the FMLA. If an employee requests FMLA to care for an injured service member and that employee has already taken FMLA leave in the past 12 months, the 26-week leave period will be reduced by the amount of leave previously taken.

Employee's Responsibility in Applying for a Leave

Requests or extensions for any type of leave of absence should be submitted at least thirty (30) days before the start of the leave. When leave is not foreseeable employees should give as much notice as possible. All employees on approved leave are expected to report any change of status in their need for a leave or their intention to return to work to the Benefits Administrator in Human Resources.

All employees are required to submit a Leave of Absence Request through one of the options noted below.

1. Employee completes the Leave of Absence Request form online at UTA's Human Resources portal on the intranet and returns required documentation to the Benefits Administrator by the due date.
2. Employee contacts supervisor, office administrator, department's responsible party or Benefits Administrator to request the Leave of Absence. Employee returns required documentation to Benefits Administrator by required date.

Certification for Medical Leaves

A certification by a health care provider is required within fifteen (15) calendar days from the date of the requested FML leave to care for a spouse, child, parent, or due to his/her own serious health condition. If necessary, a health care provider representing the Authority or a representative from UTA may contact the employee's health care provider to clarify the medical certification, or require the employee to provide further information from their physician. Additionally, the Authority may require the employee to obtain a second or third (and binding) medical opinion at the Authority's expense for the employee's own Serious Health Condition. The Authority may temporarily designate leave as FML while awaiting medical certification. If additional information is needed to clarify the medical certification, the information must be provided within seven (7) calendar days of the request.

- a. During the leave, the employee may be required to provide recertification as allowed by the law to support the need for the leave.
- b. Failure to provide requested certification or recertification may result in denial of FML and possible termination of employment.

Benefits and Protections

Employees covered under FMLA are eligible for up to twelve (12) weeks of continued coverage on the "group health plan." The employee will continue to be responsible for the bi-weekly payment of his or her contribution for insurance coverage. If the employee is unable to pay for his or her portion of insurance, the Authority will pay the employee's premium while the employee is out on FML. Once FML and all UTA paid leave is exhausted, the employee may elect to continue insurance coverage for himself or herself and any eligible dependents under the provisions of COBRA.

Intermittent or Reduced Schedule Family Medical Leave

Intermittent or reduced scheduled leave will be granted when medically necessary for a Serious Health Condition of the employee or for the employee to care for a child, parent or spouse. If the need for intermittent or reduced leave is foreseeable, the employee must make reasonable efforts to schedule

medical appointments and treatments so as not to unduly disrupt the Authority's operations or the employee's normal work schedule. Leave due to qualifying exigencies may also be taken on an intermittent basis. Employees must comply with the usual and customary call-in-procedures.

- a. When intermittent or reduced leave is necessary, the Authority may temporarily transfer the employee to an alternate position for which the employee is qualified that has equivalent pay and benefits that better facilitates recurring periods of leave than the regular position of the employee.
- b. Intermittent or reduced schedule leave will only be granted if there is a business need that would require the employee to work on an intermittent basis.

Use of Paid Leave

Employees on Intermittent FML must record their time used for FML and use paid sick, personal time, vacation or hours in a serious illness account for hours not worked. Employees on leaves must use accumulated paid leave as outlined below. Any paid leave will be charged against the employee's FML availability. Once accrued paid leave is exhausted, the remainder of the employee's leave will be unpaid.

Accrued time should be used in the following order.

Administrative Employee – Serious Health Condition of the Employee

1. Accrued sick time, then
2. Accrued vacation, then
3. Unpaid after all available accrued time is exhausted. Once an employee is on unpaid leave of absence, no additional sick and/or vacation will be accrued.

Employees who are near or at their vacation leave maximum rate, will be allowed to use vacation time prior to using any sick time.

Bargaining Employee - Serious Health Condition of the Employee

1. Accrued personal time for the first 40 hours
 - a. If an employee has hours in a serious illness account but has no personal time available the employee may use 40 hours of vacation for the first 40 hours of leave.
2. Accrued Serious Illness
3. Remaining accrued personal time, then
4. Accrued vacation time
5. Unpaid after all available accrued time is exhausted. Once an employee is on unpaid leave of absence, no additional personal time and/or vacation will be accrued.
6. Employees who are at their vacation leave maximum rate, will be allowed to use vacation time to keep from losing any vacation hours, prior to using any personal time.

Administrative Employee – Parent, Child, Spouse Serious Health Condition

1. Accrued sick time to care for a Child or Spouse, then
 - a. Vacation time can only be used to care for a Parent.
2. Accrued vacation, then

3. Unpaid after all available accrued time is exhausted. Once an employee is on unpaid leave of absence, no additional sick and/or vacation will be accrued.
4. Employees who are near or at their vacation leave maximum rate, will be allowed to use vacation time prior to using any sick time.

Bargaining Unit Employee – Parent, Child, Spouse Serious Health Condition

1. Accrued personal time, then
2. Accrued vacation time, then
3. Unpaid after all available accrued time is exhausted. Once an employee is on unpaid leave of absence, no additional personal time and/or vacation will be accrued.
4. Employees who are at their vacation leave maximum rate, will be allowed to use vacation time prior to using any personal time.

Employees may elect to withhold forty (40) hours of available vacation while on FML by notifying their department timekeeper and Human Resources Benefits Administrator. Employees may not withhold forty (40) hours of available vacation if they have used forty (40) hours of vacation within the previous twelve (12) months of their FML request.

Return to Work

Upon returning from FMLA due to an employee's own Serious Health Condition, the employee is required to notify the Human Resources Benefits Administrator two (2) work days prior to returning to work and provide a statement from his or her physician releasing them to return to work. An employee in a safety sensitive position who has been on FML for more than two (2) weeks, must pass a return- to- work examination by UTA's occupational medical provider.

Return to Work Exam for Safety Sensitive Employees

1. If an employee is out less than 2 weeks and is released with no restrictions, no Return-to-Work Examination from UTA's Occupational Medical provider is required.
2. If an employee is out less than 2 weeks and is released with restrictions or if the employee has been out more than two (2) weeks, a Return-to-Work Examination from UTA's Occupational Medical provider is required.
 - a. The employee in a safety sensitive position must take the medical release from their personal physician with them to the Return-to-Work examination. Failure to provide a proper release will prohibit the employee from returning to work and the Return-to-Work Examination will be cancelled.
 - b. If an employee is unable to make their appointment time, the employee must notify Human Resources to reschedule within 24 hours.

- c. If the employee is an operator and has been out on leave for more than two (2) weeks due to the employees own serious health condition, a Check Ride and/or other training is required.
- d. Bargaining employees will be compensated for time spent at the Return-to-Work examination in accordance with the CBA.

Return to Work for Non-Safety Sensitive Employees:

- 1. If an employee is released without restrictions, no return to work examination is required.
- 2. If an employee is released with restrictions, a Return-to-Work Examination through UTA's Occupational Medical provider is required.
- 3. If an ADA accommodation is needed to perform the essential job functions, the Human Resources Business Partner assigned to the business unit or corporate office must be contacted.

UTAH TRANSIT AUTHORITY CORPORATE POLICY
No. 6.1.12 LEAVE OF ABSENCE
Appendix B – ADA Leaves

In compliance with the Americans with Disability Act (“ADA”), employees who want to continue employment but are unable to perform the essential functions of their jobs and are not eligible for FML may apply for an accommodation, including leave. Employees should complete the following process to request leave under the ADA.

1. The employee, the employee’s manager or supervisor or the Benefits Administrator will notify the Human Resources Business Partner of a request.
2. Employee completes the Leave of Absence Request form online at UTA’s Human Resources portal on the intranet and returns required documentation to the Human Resources Business Partner.
3. The employee will receive the following forms: “ADA ACCOMMODATION REQUEST FORM” “ADA MEDICAL INFORMATION QUESTIONNAIRE FORM” and “AUTHORIZATION TO RELEASE MEDICAL INFORMATIONS TO UTA FORM” along with a letter explaining the process to seek a reasonable accommodation under the Americans with Disabilities Act (ADA).
4. After receiving an employee’s request for an ADA accommodation, the Human Resources Business Partner will follow the steps outlined in Human Resources SOP 110 Reasonable Accommodation request handling.
5. An employee holding a DOT medical card or works in a Safety-Sensitive Job who has been off work for more than two weeks, should refer to the steps outlined in UTA Corporate Policy 6.2.2 Medical Examinations and Testing Appendix A Return to Work Examinations for appropriate Department and Business Unit.

UTAH TRANSIT AUTHORITY CORPORATE POLICY
No. 6.1.12 LEAVE OF ABSENCE
Appendix C – Military Leave

Eligibility.

All full- and part-time employees are eligible for Military Leave and are protected by Uniform Services Employment and Reemployment Rights Act.

Insurance.

Employees on a Military Leave may continue their health insurance through the provisions of COBRA. If the employee elects COBRA, the employee is responsible to pay the amount normally deducted from the employee's paycheck. The Authority will pay the employer's portion for a period of up to six months.

Notice.

Employees are required to provide advance notice and a copy of their military orders to the Authority, unless such notice is impossible or prevented by military necessity. Employees are required to submit a Leave Request application for Military Leave when possible.

Pay.

Employees will be reimbursed for the difference between the military rate of pay and his or her regular rate of pay up to a maximum period of six months each time the employee is called to active duty or required military training but no more than the actual number of days on active duty.

Return to Work.

Employees returning from military service, shall be entitled to reemployment rights provided:

- a. The employee has given advance written or verbal notice of the uniformed service to the Authority when possible, i.e. non-emergency deployments.
- b. The cumulative length of the individual's Military Leave of Absence does not exceed five years,
- c. The employee's separation from Military service was under honorable conditions, and
- d. Re-employment will not create an undue hardship for the employer.

- e. The Authority may request documentation relating to the employee's length of service and terms of release from service to establish that the employee has not exceeded the five-year limit and that the employee was released from service under honorable conditions.

Timeframe for Requesting Returning to Work or Returning to Work.

An employee may notify the Authority of his or her desire to return to work orally or in writing. The timeframe for an employee to request or report back to work depends on the duration of the military service as outlined below. Employees returning from military leave who fail to report within the time frames outlined below will be subject to discipline under UTA's Absent Without Authorized Leave SOP.

Service Less than 31 Days. The employee must report back to work on his or her first regularly scheduled work shift, provided the shift begins at least eight hours after the employee returns home.

Service Between 31 and 180 Days. The employee must request or report back to work within 14 days after completion of the employee's military service. If the 14th day falls on a day when the Authority's offices are closed, or there is otherwise no one available to speak with, the time will extend to the next business day.

Service of 181 Days or More. The employee must request or report back to work within 90 days after completion of the employee's military service. If the 90th day falls on a day when the Authority's offices are closed, or there is otherwise no one available to speak with, the time will extend to the next business day.

Hospitalization or Convalescence. An Employee who is hospitalized or convalescing from a service-related injury or illness may extend the timeframe for requesting to report back to work or reporting back to work for up to two years.

Reemployment Rights.

Upon satisfactory (honorable) completion of military service, submission of appropriate documentation, and timely application, employees receive certain reemployment rights based on length of military service.

Service of 90 Days or Less. An employee who served up to 90 days is entitled to reemployment in the job he or she would have held (as long as he or she is qualified) with all rights, as if employment had not been interrupted.

Service of 91 Days or More. Employees with 91 days or more of service may be returned to the positions they would have held if continuously employed (if qualified) or given positions of like seniority, status and pay.

Training or Retraining. Reasonable efforts will be made to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. Alternative reemployment positions will be provided as required.

Accommodations For Disability. If an employee, on return from military service, is disabled and unable to perform the essential duties of the job to which he or she is entitled upon return, the Authority will make reasonable efforts as required by law to accommodate and place the employee.

No Re-Employment if the Authority's Circumstances Changed. In very limited situations employees on military leave may not be reemployed if the Authority's circumstances have changed such that reemployment is impossible or unreasonable or would cause an undue hardship on the Authority. It is not a sufficient excuse that another person has been hired to fill the position or that no opening exists.

No Termination Without Just Cause. Veterans are protected from termination without just cause for a certain time period after returning to work.

Service of 30 Days or Less. There is no protection against discharge without just cause.

Service From 31 to 180 Days. A returning veteran may not be terminated without just cause for 180 days after reemployment.

Service Over 180 Days. A returning veteran may not be terminated without just cause for one year after reemployment.

