

**EXECUTIVE ORDER  
2021-15**

State Employee Leave For Mental and Emotional Health Treatment & Education

**WHEREAS**, mental health issues in the workplace have increased significantly over the past decade;

**WHEREAS**, mental health includes emotional, psychological, and social well-being, which affects how we think, feel, act, handle stress, relate to others, and make choices;

**WHEREAS**, caring for mental health allows us to maintain relationships, take care of ourselves, our families, our physical bodies, and respond and adapt to daily life challenges;

**WHEREAS**, the COVID-19 pandemic has amplified mental health challenges;

**WHEREAS**, work-related concerns left more than 40 percent of employees feeling hopeless, burned out or exhausted as they grappled with challenges due to the effects of the COVID-19 pandemic;

**WHEREAS**, 37% of employees state they haven't done anything to treat or cope with depression-related symptoms;

**WHEREAS**, during the course of the pandemic, there has been a 36% increase in calls to the Utah Crisis Line;

**WHEREAS**, not prioritizing mental health leads to devastating impacts on the well-being of employees with 61% of workers saying their productivity was affected by their mental health;

**WHEREAS**, in the United States roughly 217 million days are lost to absenteeism and presenteeism from mental health conditions every year;

**WHEREAS**, mental health and the well-being of state employees is critical to providing effective and high-quality service to the citizens of Utah;

**NOW, THEREFORE**, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby order the following:

1. Application
  - a. This executive order applies to all agencies that are subject to the rulemaking authority of the Division of Human Resource Management.
2. Definitions
  - a. As used in this order, "agency":
    - i. means a department, division, office, bureau, or other organization within the state executive branch, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole; and
    - ii. does not include:
      1. an institution of higher education;
      2. the Utah Board of Higher Education;
      3. the State Board of Education;
      4. an independent entity as defined in Utah Code § 63E-1-102;
      5. the Attorney General's Office;
      6. the State Auditor's Office;
      7. the State Treasurer's Office; or
      8. the Legislative Branch.
  - b. "Division of Human Resource Management" means the Utah Division of Human Resource Management created in Title 63A, Chapter 17, Section 105.
3. Specific Requirements
  - a. Agencies
    - i. Effective January 1, 2022, all agencies shall allow a benefitted employee up to four (4) hours of Administrative Leave, as defined in Division of Human Resource Management rule, per fiscal year for mental health care and/or mental health care education, including but not limited to:
      1. coordinated visit(s) with a licensed mental health professional;
      2. group educational sessions;
      3. professionally facilitated webinars hosted by mental health professionals;
      4. self-assessment education created or led by mental health professionals; and
      5. financial wellness programs.
    - ii. An employee must receive supervisory approval before using leave for these purposes to minimize disruptions to operations, however a medical note for proof of attendance or participation is not required before or after the leave is used. The mental health treatment and education leave can be broken into hourly segments as long as the leave for this purpose does not exceed four hours.
    - iii. Effective immediately, agency management shall inform all department employees that pursuant to DHRM rule R477-7-4, agency management may approve the use of sick leave for "preventive health care," which includes mental health care.
  - b. The Division of Human Resource Management
    - i. The Division of Human Resource Management shall issue or amend rules to ensure implementation of this order.

This Order is effective immediately and shall remain in effect until otherwise modified, amended, rescinded, or superseded.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 12th of October 2021.

(State Seal)

**Spencer J. Cox**  
Governor, State of Utah

ATTEST:

**Deidre M. Henderson**  
Lieutenant Governor, State of Utah

2021/15/EO