



Spencer J. Cox

Governor

**EXECUTIVE ORDER
2022-02**

Providing optional substitute leave for state employees to support Utah schools

WHEREAS, recent staffing shortages in our schools are making it difficult for public and private schools to remain open;

WHEREAS, in-person instruction has been shown to be the most effective learning environment for children and keeping children in schools is a high priority for this administration;

WHEREAS, children are our greatest legacy and should have access to a high-quality education at all times, including during the COVID-19 pandemic;

WHEREAS, throughout the pandemic, teachers, administrators and education support staff have worked tirelessly to keep Utah students in school and learning during a very challenging time;

WHEREAS, Utah is the number one state in the nation for volunteerism and is a place where we come together for the common good and serve those in need;

WHEREAS, Utah's 22,000 public employees are unified in their devotion to bettering their communities;

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

1. As used in this order, "agency" means a state executive branch agency, including:
 - a. the Utah State Tax Commission;
 - b. the Utah National Guard; and
 - c. the Board of Pardons and Parole.
2. Each state agency shall:
 - a. grant all benefitted agency employees up to thirty (30) hours of administrative leave, as defined in Utah Administrative Code R477-1-1 and hereafter referred to as 'substitute leave,' from their normal state employment responsibilities to serve in their local K-12 school district as a substitute teacher, bus driver, secretary, cafeteria worker, or other support service positions;
 - b. set appropriate limitations and ensure the agency's critical work is not unduly interrupted;

- c. postpone or deny the use of substitute leave if an employee's use of this leave significantly harms the agency, including the agency incurring incremental costs;
 - d. shall not count substitute leave toward the 18-week maximum of unprotected leave set forth in DHRM rule R477-7-1(11); and
 - e. shall inform all agency employees of this Order.
3. Each Employee wanting to use substitute leave shall:
 - a. request and receive individual permission from their agency leadership;
 - b. understand that serving with the school districts is voluntary and that performing school district work and travel to and from the schoolwork site is completely separate and segregated from their employment with the state; and
 - c. comply with agency conflict of interest policies, complete any required conflict of interest declarations, and comply with the Utah Public Employees Ethics Act.
4. Employees may:
 - a. accept pay from the school districts for work performed in addition to using substitute leave;
 - b. use a portion of approved substitute leave to apply for a position and to complete any necessary background checks or training as required by the school districts; and
 - c. break up the substitute leave into hourly segments as long as the leave used for this purpose does not exceed thirty (30) hours.
5. Both full-time and part-time benefited employees are eligible for participation in the program and may receive a prorated amount of administrative leave time.
6. The Division of Human Resource Management (DHRM) shall issue guidance and policies to ensure implementation of this order.
7. The Finance Division of the Department of Government Operations shall work with the DHRM to support the implementation of this Order.

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 31st day of January, 2022.



Spencer J. Cox
Governor, State of Utah

Deidre M. Henderson
Lieutenant Governor, State of Utah

ATTEST: