



TOPIC: Collective Bargaining Memorandum of Understanding – University of Maryland College Park (UMCP) and the American Federation of State, County, and Municipal Employees (AFSCME) Representing the Nonexempt Employees

COMMITTEE: Organization and Compensation (Executive Session)

DATE OF COMMITTEE MEETING: September 9, 2010

SUMMARY: UMCP and AFSCME have concluded negotiations for a third three-year MOU that will be effective from July 1, 2010 through June 30, 2013. There are 1,604 Nonexempt Employees in the bargaining unit, and the MOU was ratified by the employees on June 29, 2010. A transmittal letter from Vice President for Administrative Affairs Ann Wylie and an Executive Summary of the MOU are attached.

The terms of this MOU largely continue or clarify the provisions of the prior MOUs approved by the Board of Regents in 2004 and 2008. However, UMCP and AFSCME have negotiated a number of changes, of varying significance. Changes negotiated in this MOU are noted in red *italicized print* in the Executive Summary, and variations from the prior 2008 MOU are noted in green **bold** print.

The MOU contains three revisions which vary from USM policy, as follows:

- The addition of “current spouse of a parent” to the list of family members for whom an employee may access sick leave or bereavement leave.
- The establishment of “critical care leave” as a sub-category of sick leave, which would allow employees to utilize an additional 15 days of accrued sick leave annually to care for a critically ill parent, child or spouse who resides with the employee. This 15-day increment is in addition to 15 days of sick leave authorized in USM leave policy to care for ill family members generally.
- Authorization to remove an employee who is on leave due to a work-related injury upon medical determination that the employee permanently cannot perform essential job functions; USM policy provides that such employees may remain employed, on either paid or unpaid leave, for up to two years.

Other negotiated changes involve matters that are within institution discretion. It is noteworthy that many of these new provisions strengthen management prerogatives, for example:

- Specification that employees may be required to work at any location and at any task within their skill and compensation level, with prior notice only when a new job site is five miles more from the current location.
- A series of provisions to reduce absenteeism, including a limitation on employees’ ability to use other kinds of leave when calling in sick, requiring medical documentation despite the type of leave used, and requiring the employee to remain in regular contact with supervisors during extended absences.
- Extension of time for management to act from 10 to 15 days in cases of removal or suspension prior to removal.
- Authorization for management to remove an employee upon evidence that the employee will not be returning to work in an extended absence.

Finally, the MOU updates leave provisions to comply with new federal provisions of the Family and Medical Leave Act, and caps annual parking fee increases at 7.5%.

ALTERNATIVES(S): The Committee could elect not to approve the MOU as presented.

FISCAL IMPACT: UMCP estimates that implementation of the terms of this MOU will be cost-neutral. Potential shifts in the use of accrued leave types may occur, but increases in total leave usage are not anticipated.

CHANCELLOR'S RECOMMENDATION: That the Committee discuss the various components of the Memorandum of Understanding and make an appropriate recommendation to the Board of Regents.

COMMITTEE RECOMMENDATION: Approved

DATE: 09/17/10

BOARD ACTION:

DATE:

SUBMITTED BY: Joseph F. Vivona (301) 445-1923
