



TOPIC: USM Policy Proposals to Improve Parental Leave and other Family Supports for Faculty and Staff

COMMITTEE: Finance Committee

DATE OF COMMITTEE MEETING: June 19, 2012

SUMMARY: The attached set of new policies and amendments to existing policies is intended to improve upon the availability of parental leave and other family supports for USM employees who are new parents through childbirth or adoption.

The core provision of the policies is an assurance to all eligible faculty and staff employees of up to eight (8) weeks of paid maternity/paternity leave, which will consist of any form of paid leave that the employee has earned, to be supplemented by the institution to achieve a full eight week period. Additional family supports will include opportunities for workload modifications for instructional faculty, minimum standards for institutions to extend the tenure clock for faculty who are new parents, and requirements consistent with federal law for institutions to have nursing facilities available on campus. A memorandum explaining the process by which the proposal was developed, its underlying principles, and a summary of the full range of policy provisions, is attached.

This proposal seeks Board approval with respect to four specific policies:

- *New Policy on Parental Leave and other Family Supports for Faculty, No. II—2.25;*
- *New Policy on Parental Leave and other Family Supports for Staff, No. VII—7.49;*
- *Amendments to USM Policy on Sick Leave for Exempt and Nonexempt Staff Employees, No. VII—7.45; and*
- *Amendments to USM Policy on Leave Reserve Fund for Exempt and Nonexempt Staff Employees on Regular Status, No. VII—7.11.*

ALTERNATIVES: The committee can recommend that the proposed policies and amendments not be approved.

FISCAL IMPACT: It is expected that the proposed improvements in parental leave and the availability of nursing rooms on campus will result in modest increased costs. The attached memorandum discusses cost issues related to the proposal in more detail.

CHANCELLOR'S RECOMMENDATION: That the Finance Committee recommend that the Board of Regents approve the proposed new policies on parental leave and other family supports, and the proposed amendments to the policies on sick leave and leave reserve fund as presented in the attached documents.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE:

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



3300 METZEROTT ROAD
ADELPHI, MD 20783-1690

TO: Members of the Finance Committee
FROM: Joseph F. Vivona
DATE: June 12, 2012
RE: Proposed Policies to Provide Parental Leave and other Supports for USM Employees

GENERAL BACKGROUND AND PRINCIPLES

The attached policy proposals are the result of eighteen (18) months of analysis, deliberation, and discussion among the institutions and the University System of Maryland (USM) shared governance groups. The goal of this effort was to enhance USM policies to better support faculty and staff in balancing their professional and family demands during and after the birth or adoption of a child. The need for improvements to the USM's current policies was first identified and vigorously promoted by institution faculty groups, formally proposed by the Council of University System Faculty, and discussed with the Council of University System Staff. It was recognized as a priority initiative by the Chancellor, the USM Academic Affairs Advisory Council and the Council of University System Presidents. To assess specific policy needs, a detailed survey was conducted regarding maternity leave and related practices at all of the institutions.

The resulting proposed policies now before the Finance Committee would offer faculty and staff a guaranteed period of paid leave to care for a new child, and provide other measures to support new parents at USM institutions. They are based upon the following principles:

- **The USM as a Family Friendly System:** As both a moral principle and a practical recruiting tool, the USM seeks to be recognized as a family-friendly higher education system. Numerous institutions and university systems have already enhanced parental leave in recent years, and the USM has not kept pace with many of its peers in this regard.
- **Inclusion of both Faculty and Staff:** While the issue of family-centered policies arose at the USM in the context of faculty, the needs of staff must be addressed as well. However, because the current leave structures for faculty and staff differ significantly, it was important to tailor the specific enhancements for each group to reflect those differences.
- **Focus on Employees with the Greatest Need:** In light of current economic conditions, it was critical to target new benefits to those employees who lack the ability to accrue large amounts of other leave that could be used in a parental leave period. Most exempt staff and twelve (12) month faculty have opportunities to accrue considerable leave in just a few years under current

USM policies. Those policies, however, do not allow for substantial leave accrual for two groups of employees, especially in their child-bearing years:

- Nine (9) and ten (10) month faculty, who accrue no annual or personal leave; and
- Nonexempt staff with few years of USM service; who only accrue ten (10) days of annual leave in their first five (5) years.

The needs of these two groups form the focus of the parental leave proposals.

- **Assuring Instructional Continuity:** Any plan for enhancing parental leave for faculty must include measures to ensure continuity in the learning experiences and environment for students, thus requiring a combination of paid leave and the ability to adjust teaching workloads for the semester in which parental leave is needed.
- **Supports after Return to Work:** In addition to assuring a reasonable period of paid parental leave, other supports are needed for employees who are new parents upon return to work. For faculty, these include the ability to extend the tenure clock. In addition, supports for nursing mothers mandated in the federal health reform law for non-exempt employees should be made available across the USM.
- **Acknowledgement of other Family Care Needs:** While enhancements to maternity/paternity leave are critical, the USM also recognizes that the needs of employees who care for critically ill immediate family members warrant future consideration. Accordingly, the USM will conduct a similar review of its policies related to care of family members in medical crisis in FY 2013.

Based upon these principles, and with the direction of the Chancellor and the Presidents, a workgroup composed of four Provosts and four Vice Presidents of Administration and Finance reached consensus on the attached package of paid leave enhancements and other supports for new USM parents.

For faculty, this consensus would result in a new USM faculty parental support policy that provides for four (4) elements:

1. Minimum assured paid maternity/paternity leave of eight (8) weeks
2. The adoption of "Family Support Plans" at each institution
3. Minimum requirements for stopping the tenure clock for new parents
4. The availability of nursing rooms on each campus.

For staff, the attached proposes an analogous eight (8) week guarantee of paid parental leave. To accomplish this, current staff sick leave policies must be amended, since they now allow for only thirty (30) days of sick leave to be used for parental leave; the necessary proposed amendments are also attached. In addition, the requirement for nursing rooms is also reflected in staff policy.

FACULTY PARENTAL SUPPORT POLICY

The proposed **faculty** parental support policy contains the following four (4) key elements:

1. Assured Minimum Paid Leave

- Eligible faculty members will be assured up to eight (8) weeks of paid maternity/paternity leave.

- That period will consist of any form of paid leave that the faculty member has accrued, to be supplemented by the institution to achieve a full eight (8) week period.
- The eight (8) week paid leave guarantee will be available to a faculty member parent during the period surrounding the birth of a newborn or recent adoption of a child under the age of six (6), with affirmation that the parent will be the child's primary caregiver during the maternity/paternity leave period.
- At a minimum, the paid leave guarantee will apply to tenured and tenure track faculty, and faculty with multi-year contracts. Institutions may extend this benefit to other groups of faculty as a matter of institution policy.
- Other eligibility requirements are either established in the policy or designated as matters of institution discretion.

2. Faculty Family Support Plans

- Each institution will assure each regular faculty member with primarily instructional responsibilities, access to a "Family Support Plan" in connection with parental leave. These plans are intended to assure that continuity in student instruction is not disrupted during periods of faculty parental leave.
- The plan will be developed jointly by the faculty member and department chair.
 - If the faculty member and department chair are unable to finalize the plan, or if an agreed-upon plan requires additional resources, the appropriate dean or other academic affairs administrator will participate in completing the plan.
 - Each completed plan will be shared with the appropriate dean or other academic affairs administrator to foster even-handed treatment of faculty members across departments.
- The plan will allow the faculty member to modify teaching duties, during the semester in which maternity/paternity leave is taken, though a combination of:
 - Leave, including:
 - All accrued annual, personal and sick leave;
 - Additional paid leave, up to the eight (8) week total;
 - Collegial sick leave; and
 - Unpaid leave, up to the sixty (60) work day Family Medical Leave Act limit; and
 - Workload modifications--to the extent authorized by the institution and feasible within the faculty member's department--which may include:
 - Part-time employment;
 - The spreading of the semester's teaching responsibilities over multiple terms preceding and succeeding the maternity leave semester;
 - Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and/or
 - Other options identified by the institution or department.

3. Tenure Clock Stoppage

- Most institutions, informally or through policy, afford faculty members an opportunity to extend the time to tenure review for family reasons. The proposed faculty family support policy establishes minimum standards for stopping the tenure clock for new parents, including requirements for:
 - Eligibility for tenure-track faculty who become new parents through childbirth or adoption;
 - Length of tenure clock stoppage per birth/adoption; and
 - Number of times that a faculty member can stop the tenure clock.
- While setting minimum requirements for all USM institutions, the proposed policy makes clear that institutions may have more expansive tenure clock stoppage policies, including both more generous standards, and application of the policy to groups other than faculty on parental leave.

4. Nursing Rooms

- Under the federal health reform law, institutions are required to have lactation rooms, other than rest rooms, available for non-exempt employees who are nursing mothers. The proposed faculty policy incorporates the specific federal requirements and extends their applicability to faculty as well as staff.

STAFF PARENTAL SUPPORT POLICY

The proposed **staff** parental support enhancements seek to align with the measures in the faculty policy to the extent feasible. There are differences in the two proposals which chiefly reflect the significant differences in leave benefit packages available to staff and faculty. In addition, because parental leave for staff does not implicate semester-based teaching duties or tenure review, the staff policy proposal does not address instructional workload adjustments or tenure clock stoppage. The staff policy proposal is comprised of:

1. A new parental leave policy providing for:

- Guaranteed paid leave of eight (8) weeks, which will include the use of all earned annual, sick and personal leave and other available sick leave, to be supplemented by the institution to achieve a full eight (8) week period.
 - Eligibility requirements are similar to those for faculty
 - Availability to regular (i.e., non-contingent) staff, with institution discretion to add other staff categories.
- Nursing facilities on all campuses, consistent with federal law requirements.

2. Amendments to current sick leave policy to allow leave usage for parental leave purposes.

The use of staff sick leave is generally limited to illness and injury and includes only limited use for parental leave. The proposed amendments would remove those restrictions as follows:

- **Regular sick leave:** Currently accrued at a rate of fifteen (15) days per year with a thirty (30) day limit on use to care for a newborn or adoptive child; the proposal will eliminate the thirty (30) day limit.

- **Advanced sick leave:** Accrued at a rate of fifteen (15) days per year, up to sixty (60) days, and “paid back” after the employee returns to work, with eligibility now limited to temporary illnesses, disabilities or injuries; the proposal allows use for parental leave as well.
- **Extended sick leave:** Available after five (5) years of USM service at institution discretion for up to fifty-two (52) weeks, with eligibility now limited to leave for temporary illnesses, disabilities or injuries; the proposal allows use for parental leave as well.
- **Leave reserve fund:** Available after one (1) year of USM service at institution discretion for up to one (1) day for each month of service, with eligibility now limited to temporary medical disability; the proposal allows use for parental leave as well.

IMPLEMENTATION

Given the strong interest in making parental leave available at the outset of the Fall 2012 semester, the proposals call for the leave provisions to be implemented by September 1, 2012. All other provisions, including institution tenure review policy changes and nursing facility availability, are to be implemented by the end of the calendar year.

It should be noted that implementation of these policies will have both financial and productivity costs. Efforts to develop definitive cost estimates proved challenging, because information regarding past use of maternity and paternity leave is not available at the institutions, and because we understand that many faculty parental leave arrangements have been created on an ad hoc basis to date. Nonetheless, because the parental leave policies are tailored carefully to provide new, additional leave only to the limited number of employees who do not have the opportunity to accrue sufficient leave for a meaningful post-childbirth or adoption period under existing USM policies, we believe that the costs of implementation will be limited. The USM will track those costs and will return to the Board with appropriate policy amendments if warranted.

cc: J. Doyle
W. Kirwan
J. Goedert
L. McMann

6/4/12 DRAFT

**II—2.25 Policy on Parental Leave and other Family Supports for Faculty
(Approved by the Board of Regents on _____)**

I. Purpose

This policy is intended to support faculty in balancing professional and family demands during and after the birth or adoption of a child through a combination of measures to promote a “family-friendly” environment on each USM campus. These measures include:

- A. A minimum assured period of paid parental leave of eight (8) weeks;
- B. The adoption of Family Support Plans at each institution;
- C. Minimum requirements to extend the time for tenure review for new parents; and
- D. The availability of lactation facilities on each campus.

II. Assured Minimum Parental Leave

Each eligible faculty member shall be assured a period of up to eight (8) weeks (i.e., forty (40) work days) of paid parental leave to care for a new child, as follows:

- A. **Nature of Leave:** The parental leave period will consist of any form of annual, sick or personal leave that the faculty member has accrued, to be supplemented by the institution with additional paid leave days to attain an eight (8) week period of paid parental leave.

- B. **Applicability:** The eight (8) week paid leave assurance will be available during a six (6) month period surrounding:
 - 1. The birth of a newborn;
 - 2. The recent adoption of a child under the age of six (6); and
 - 3. At the discretion of the institution’s chief academic officer and subject to any limitations established by the institution, the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six (6).

- C. **Eligibility:** At a minimum, the paid leave assurance will apply to tenured and tenure-track faculty, and non-tenure-track faculty with multi-year contracts, upon written affirmation that the faculty member will be the child’s primary caregiver during the parental leave period.
 - 1. Institutions may offer assured minimum paid leave to other categories of faculty as a matter of institution policy.
 - 2. Leave shall be pro-rated for eligible part-time faculty.
 - 3. If a child’s parents are employed by the same institution, both may be eligible for paid parental leave up to the eight (8) week maximum as follows:

- a. Both parents may use accrued annual, sick or personal leave concurrently with the birth of a child or adoption of the child under age six (6);
 - b. A parent may use additional guaranteed paid leave under this policy only during a period when that parent is the child's primary caregiver.
- 4. A faculty member shall be eligible for assured minimum paid parental leave after one (1) year of employment with the institution, except to the extent that institution policies permit and the terms of the faculty member's appointment establish a lesser eligibility period.
- 5. A faculty member may be eligible for paid parental leave under this policy on one occasion in a given 12-month period, and on two occasions during the duration of the faculty member's employment within the USM. Any additional periods of paid parental leave require the approval of the President, or the President's designee.

III. Faculty Family Support Plans

Each institution shall assure that each eligible faculty member has the opportunity to establish a "Family Support Plan." These plans are intended to provide support for new parents while assuring that continuity in student instruction and other critical faculty duties are not disrupted during periods of faculty parental leave.

- A. **Plan Development:** The plan will be developed jointly by the faculty member and department chair, or the designee of the chair or the dean, upon request of the faculty member.
 - 1. If the faculty member and department chair are unable to finalize the plan, or if an agreed-upon plan requires additional resources, the appropriate dean or other academic affairs administrator will participate in completing the plan.
 - 2. Each completed plan will be shared with the appropriate dean or other academic affairs administrator.

- B. **Plan Content:** The plan will allow the faculty member to reduce or otherwise modify workload, especially teaching duties, during the semester in which parental leave is taken, though a combination of:
 - 1. Leave, including:
 - a. Exhaustion of all accrued annual, personal, holiday and sick leave;
 - b. Additional paid parental leave, as needed, up to the eight (8) week total
 - c. Collegial sick leave, as available;
 - d. Unpaid leave, up to the twelve (12) week (i.e., sixty (60) work day) limit of the USM Family Medical Leave Act Policy, No. II—2.31; and
 - 2. Workload modifications, to the extent authorized by the institution and feasible within the faculty member's department, which may include:
 - a. Part-time employment;

- b. The spreading of the semester's teaching responsibilities over multiple terms preceding and succeeding the parental leave period;
 - c. Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and/or
 - d. Other options identified by the institution or department.
- C. **Eligibility:** Each tenured or tenure-track faculty member whose responsibilities are primarily instructional is eligible for a family support plan, subject to the eligibility standards of Section II.C.1 through 5 of this policy. Institutions may offer the opportunity to develop a family support plan to other categories of faculty as a matter of institution policy.

IV. Extension of Time for Tenure Review

- A. **Minimum Requirements:** Each USM institution shall establish policies and procedures to permit faculty members who become new parents with the birth or adoption of a child to extend the time for tenure review. At a minimum, institution policies shall provide for:
1. A one (1) year extension of the time for tenure review upon the birth or adoption of a child; and
 2. The ability to obtain such an extension twice during employment with a USM institution.
- B. **Institution Procedures:** Institution procedures may include requirements related to the timing and content of applications for the extension, documentation of eligibility and other aspects of the process for requesting and administering extensions of the time for tenure review.
- C. **Additional Institution Provisions:** An institution's policies to extend the time for tenure review may be broader in scope than the minimum eligibility and duration requirements specified in this policy.

V. Supports for Nursing Mothers

Each institution shall provide space at reasonable locations on campus where employees who are nursing mothers may breastfeed or express milk.

- A. The area must be shielded from view and free of intrusions from others.
- B. A bathroom or restroom may not be designated as a lactation facility.

- C. The space may be a private area in a larger room, or a private room that is reliably made available for nursing mothers whenever needed but may otherwise be used for different functions.
- D. The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to a sink.
- E. The requirement for lactation facilities on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which the children of employees may be present on campus.

VI. Protections for Faculty

No faculty member shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion, tenure or other employment-related process as a result of utilizing the parental leave and other supports provided in this policy.

VII. Implementation

This policy shall be implemented as follows:

- A. **Parental Leave and Family Support Plans:** Eligible faculty members shall have access to parental leave and family support plans under this policy as of the beginning of the Fall 2012 semester.
- B. **Other Provisions:** Institutions shall complete implementation of all other requirements of this policy no later than December 31, 2012.

6/4/12 DRAFT

**VII—7.49 Policy on Parental Leave and other Family Supports for Staff
(Approved by the Board of Regents on _____)**

I. Purpose

This policy is intended to support USM staff in balancing professional and family demands during and after the birth or adoption of a child through measures to promote a “family-friendly” environment on each USM campus. These measures include the establishment of a minimum assured period of paid parental leave of eight (8) weeks and the availability of lactation facilities on each campus.

II. Assured Minimum Parental Leave

Each eligible staff employee shall be assured a period of up to eight (8) weeks (i.e., forty work days) of paid parental leave to care for a new child, as follows:

- A. **Nature of Leave:** The parental leave period will consist of any form of annual, sick, personal, holiday or leave reserve fund leave accrued or otherwise available to the employee under USM policies, to be supplemented as necessary by the institution with additional paid leave days to attain an eight (8) week period of paid parental leave.

- B. **Applicability:** The eight (8) week paid leave assurance will be available during a six (6) month period surrounding:
 - 1. The birth of a newborn;
 - 2. The recent adoption of a child under the age of six (6); and
 - 3. At the discretion of the institution’s President or designee and subject to any limitations established by the institution, the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six (6).

- C. **Eligibility:** At a minimum, the paid leave assurance will apply to regular staff employees, upon written affirmation that the employee will be the child’s primary caregiver during the parental leave period.
 - 1. Institutions may offer assured minimum paid leave to other categories of staff as a matter of institution policy.
 - 2. Leave shall be pro-rated for eligible .50 or greater Full Time Equivalent staff.
 - 3. If a child’s parents are employed by the same institution, both may be eligible for paid parental leave up to the eight (8) week maximum as follows:
 - a. Both parents may use accrued annual, sick or personal leave concurrently with the birth of a child or adoption of the child under age six (6);

- b. A parent may use additional guaranteed paid leave under this policy only during a period when that parent is the child's primary caregiver.
4. A staff employee shall be eligible for assured minimum paid parental leave after one (1) year of employment with the institution, except to the extent that institution policies permit a lesser eligibility period.
5. A staff employee may be eligible for paid parental leave under this policy on one occasion in a given 12-month period, and on two separate occasions during the duration of the staff member's employment within the USM. Any additional periods of paid parental leave require the approval of the President, or the President's designee.
6. The employee must have a satisfactory record of sick leave usage and work performance.

III. **Supports for Nursing Mothers**

- A. **Lactation Facilities:** Each institution shall provide space at reasonable locations on campus where employees who are nursing mothers may breastfeed or express milk.
 1. The area must be shielded from view and free of intrusions from others.
 2. A bathroom or restroom may not be designated as a lactation area.
 3. The space may be a private area in a larger room, or a private room that is reliably made available for nursing mothers whenever needed but may otherwise be used for different functions.
 4. The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to a sink.
 5. The requirement for lactation facilities on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which children may be present on campus.
- B. **Break Time for Nursing Mothers:** The schedule of a staff employee who is a nursing mother shall allow for reasonable break time during work hours for the purpose of breastfeeding or expressing milk.
 1. Employees shall be permitted to use current paid break and unpaid lunch times to breastfeed or express milk.
 2. Supervisors shall work with employees who need additional break time for this purpose to provide for the flexible scheduling of additional unpaid break time.

IV. **Protections to Staff Employees**

No employee shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion, or other employment-related process as a result of utilizing the parental leave and other supports provided in this policy.

V. Implementation

This policy shall be implemented as follows:

- A. **Parental Leave:** Eligible employees shall have access to parental leave under this policy as of September 1, 2012.

- B. **Other Provisions:** Institutions shall complete implementation of all other requirements of this policy no later than December 31, 2012.

DRAFT 5-16-12

VII – 7.45 - USM POLICY ON SICK LEAVE FOR EXEMPT AND NONEXEMPT STAFF EMPLOYEES

(Approved by the Board of Regents December 5, 1997; amended _____)

I. PURPOSE AND APPLICABILITY

This policy governs the accrual and use of sick leave, and applies to all regular status Exempt and Nonexempt employees of the University System of Maryland.

II. GENERAL

- A. Sick leave is paid leave granted to employees in an effort to provide some protection against the loss of earnings due to absences for health and allied reasons.
- B. A full-time employee shall earn sick leave at the rate of 15 workdays per year. Employees who are appointed at least 50% time shall earn sick leave on a pro rata basis. Sick leave is accumulated and carried forward from year to year without limit.
- C. An employee may use on a continuous basis earned leave (sick, annual and personal leave), advanced sick leave, extended sick leave, leave granted through the leave reserve fund, or unpaid family medical leave, as needed for personal illness or for **parental leave, subject to the requirements and criteria of the USM “Policy on Parental Leave and other Family Supports for Staff” (VII—7.49) (“Parental Leave Policy”)**.
- D. An employee may request that his/her illness, injury, or disability occurring during a period of annual or personal leave be charged to sick leave. Verification of such illness, injury, or disability may be required by the Chief Executive Officer or designee as provided in Section IV. of this Policy.
- E. Sick leave shall be granted by the Chief Executive Officer or designee when an employee is absent because of:
 - 1. Illness, injury, or disability of the employee.
 - 2. A pre-scheduled and approved, or emergency medical appointment, examination, or treatment for the employee with an accredited, licensed or certified medical provider listed in Section IV.C. of this Policy that cannot be scheduled during non-work hours.
 - 3. Illness or injury in the employee's immediate family and medical appointments, examinations or treatments for the immediate family member with an accredited, licensed or certified medical provider listed in Section IV.C. of this Policy that cannot be scheduled during non-work hours.

- a) Immediate family as used in this section of the policy shall mean a spouse, child, step-child, grandchild, mother, father, mother-in-law, father-in-law, brother, sister, grandparent, brother-in-law, sister-in-law, or legal dependent of the employee irrespective of residence. Use of sick leave shall also be granted to care for any other relative who permanently resides in the employee's household for whom the employee has an obligation to provide care. The Chief Executive Officer or designee may require an employee to provide certification by a medical provider listed in Section IV.C. of this policy to demonstrate this obligation or to authenticate the need for the employee to care for the ill family member.
 - b) Up to fifteen (15) days of accrued sick leave shall be granted by the Chief Executive Officer or designee during any one (1) calendar year for medical care of a family member.
4. Death of a relative
- a) For the death of a close relative, the Chief Executive Officer or designee shall grant the use of up to three (3) days of accrued sick leave. If the death of a close relative requires an employee to travel requiring staying away from home overnight, upon request the Chief Executive Officer or designee shall grant the use of up to a maximum of five (5) days of accrued sick leave for this purpose.
 - b) Close relative as used in this section of this policy shall mean a spouse, child, step-child, mother, father (or someone who took the place of a parent), mother-in-law, father-in-law, grandparent of the employee or spouse, grandchild, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law, or other relative who permanently resided in the employee's household.
 - c) The Chief Executive Officer or designee shall grant the use of up to a maximum of one (1) day of sick leave for reasons related to the death of the employee's or his/her spouse's aunt, uncle, niece, nephew.
5. Pregnancy-related disabilities, childbirth, and immediate recovery therefrom
- a) A female employee may request the use of accrued sick leave for any period of time related to temporary disability during pregnancy or related to childbirth and immediate physical recovery therefrom.
 - b) A female employee planning to request the use of sick leave for the purposes listed in this subsection shall be governed by the provisions of this policy.
 - c) The employee shall keep the Chief Executive Officer or designee informed of any changes to her condition which affect the length of time that she will need to be away from work.

6. Birth of a child or placement of a child with the employee for adoption.
 - a) ~~Up to a maximum of 30 days of~~ Accrued sick leave may be used to care for a child ~~immediately~~ following the birth of a child or placement of the child with the employee for adoption, **subject to the provisions of the USM Parental Leave Policy.** ~~In the case of an adopted child, sick leave is only available in connection with a formal adoption and shall be granted only if the employee making the request is the person having primary responsibility for furnishing the care and nurture of the adoptee. In the event that both parents are USM employees, sick leave to care for the child, as provided under this section, is available to only one parent.~~
 - b) ~~The Chief Executive Officer or designee shall grant the employee's request if the employee has furnished satisfactory documentation of the birth of the employee's child or an agreement of placement for adoption.~~
- F. An employee who returns to regular USM service within ~~two~~ **three** years of separation shall have the unused sick leave earned during the prior service restored, provided the employee returns to a position eligible to earn sick leave.

III. DIRECTED USE OF SICK LEAVE/MEDICAL EXAMINATIONS

- A. The Chief Executive Officer or designee, in accordance with the institution's policy on Family and Medical Leave, may direct an employee to use accrued sick leave if he/she determines that an employee is unable to perform the responsibilities of his/her position due to illness, injury or disability.
- B. While in either active work status or on any type of employee-related sick leave, an employee may be required to undergo a medical examination(s) and evaluation(s), and may be required to provide verification of fitness for duty, as directed by the Chief Executive Officer or designee to ascertain whether the employee is able to regularly and routinely perform the responsibilities of his/her position.
 1. If the examination is conducted by a physician selected by the USM institution, the institution shall bear the costs of such medical examination. The employee may, however, see his/her own physician at the employee's own cost.
 2. If the examination(s) reveal that an employee is unable to regularly and routinely perform the responsibilities of his/her position, action may be taken by the Chief Executive Officer or designee in accordance with policies on voluntary separation, termination, reasonable accommodation, modified duty or disability retirement, if applicable.
 3. In cases where there is a conflict between the evaluation, prognosis, diagnosis or recommendation of the employee's personal health care provider and the physician selected by the USM institution, the Chief Executive Officer or designee may choose which health care provider's report to follow; or may require subsequent medical

examinations and evaluations in deciding what steps should be taken regarding the employee's sick leave status or continued employment. If subsequent medical examinations and evaluations are required, the expense of such shall be borne by the USM institution. The decision of the CEO or designee is final.

IV. VERIFICATION OF ABSENCES CHARGED TO SICK LEAVE

- A. In order to assure medical attention for an employee or to prevent the abuse of sick leave usage, the Chief Executive Officer or designee may require an employee to submit verification of the use of accrued sick leave, advanced or extended sick leave.
- B. Verification may include but may not be limited to:
 - 1. A written statement from the medical provider (as listed in Section IV.C. of this Policy) indicating that the employee is required to be absent from work due to illness;
 - 2. The duration of absence from work;
 - 3. Prognosis of employee's ability to return to work;
 - 4. Title and original signature of an accredited, licensed or certified medical provider;
 - 5. **Documentation of the birth or adoption of a child, if sick leave is requested under the Parental Leave Policy;** and
 - 6. Any other information necessary to verify that the employee's use of sick leave is in accordance with this Policy;
- C. Medical verification as outlined in this Policy may be obtained by an accredited Christian Sciences practitioner, or by the appropriate of any of the following licensed or certified medical providers:
 - 1. Physician;
 - 2. Physical Therapist;
 - 3. Clinical Psychologist;
 - 4. Dentist;
 - 5. Oral Surgeon;
 - 6. Chiropractor;
 - 7. Podiatrist;
 - 8. Certified Nurse Practitioner;
 - 9. Certified Nurse-Midwife; or
 - 10. Licensed Certified Social Worker-Clinical

V. ADVANCED SICK LEAVE

- A. An employee who sustains a temporary, recoverable illness, injury or serious disability **or is eligible for parental leave under the Parental Leave Policy** may request advance use of sick leave subject to the following four conditions:

The employee shall:

1. Have completed six months of continuous USM service;
 2. Have completed an original probation period, if applicable;
 3. Have exhausted all other types of accrued leave; and
 4. Have a satisfactory record of sick leave usage and work performance.
- B. Advanced sick leave is not an entitlement. The granting of requests for advanced sick leave shall be at the discretion of the Chief Executive Officer or designee.
- C. Advanced sick leave shall not be granted in instances where the illness or injury or disability occurred on the job, and the employee has been granted accident leave or temporary total disability benefits by the Workers' Compensation Commission.
- D. Written requests for advanced sick leave shall be submitted to the Chief Executive Officer or designee and shall be supported by written verification by an accredited, licensed, or certified medical provider **or appropriate documentation of the birth or adoption of a child, if the employee is requesting parental leave**, as outlined in Sections IV.B and IV.C of this Policy.
- E. Sick leave may be advanced at the rate of fifteen (15) working days per year of service to a maximum of sixty (60) working days in any one calendar year.
- F. The use of advanced sick leave constitutes a debt for which payment shall be enforceable upon the employee's return to work or upon the employee's separation from employment, whichever is earlier. Upon return to work the minimum rate of payback for advanced sick leave shall be at one-half the rate that sick leave and annual leave is earned. An employee may elect to pay back advanced sick leave by applying any earned leave or by reimbursing the USM with cash.
- G. Annual, sick and holiday leave earned, and personal leave credited while on advanced sick leave shall be applied as earned/credited.
- H. Additional requests for advanced sick leave will not be granted until all previously granted advanced sick leave has been repaid. The only exception to this provision is in cases where the maximum amount of advanced sick leave had not been requested originally and additional advanced sick leave, consecutive to that already granted, is needed to cover the employee's continued absence arising from the original illness, injury or disability.
- I. The CEO or designee may refer an employee who is on advanced sick leave as follows:

1. The employee may be referred to an USM institution-named physician for periodic examinations to determine the nature and extent of the illness, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work.
2. If there is a conflict between the employee's physician and the USM institution-named physician, the provisions of Section III.B.3 shall apply.

VI. EXTENDED SICK LEAVE

- A. An employee who sustains a temporary, recoverable illness, injury or serious disability **or is eligible for parental leave under the Parental Leave Policy** may request extended sick leave, subject to the three following conditions:

The employee shall:

1. Have been in USM and/or State service for at least five years;
 2. Have exhausted all types of accrued leave and advanced sick leave; and
 3. Have a satisfactory record of sick leave usage and work performance.
- B. Extended sick leave is not an entitlement. The granting of requests for extended sick leave shall be at the discretion of the Chief Executive Officer or designee.
- C. The maximum cumulative total of extended sick leave available to an employee while in USM or State service is 12 work months (52 work weeks).
- D. Annual, sick and holiday leave earned, and personal leave credited while on extended sick leave shall be applied as earned/credited.
- E. Written requests for extended leave shall be submitted to the Chief Executive Officer or designee and shall be supported by written verification by an accredited, licensed or certified medical provider as outlined in Sections IV.B. and IV.C. of this Policy.
- F. The CEO or designee may refer an employee who is on extended sick leave as follows:
1. The employee may be referred to an institution-named physician for periodic examinations to determine the nature and extent of the illness, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work.
 2. If there is a conflict between the employee's physician and the institution-named physician, the provisions of Section III.B.3. shall apply.

VII. OTHER

For other related policies, please see **Parental Leave Policy**, Policy on Leave without Pay, Policy on Leave Reserve Fund, Policy on Family and Medical Leave, and Policy on Accident Leave.

IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; and shall forward a copy of such designations and procedures to the Chancellor.

Replacement for:

UM-BOR III – 11.00, Sick Leave Policy for Full-Time Faculty Members and for Administrators of Academic Programs. (Note: UMS II - 2.30 approved by BOR to cover faculty only.)

UM-BOR III - 11.01, Guidelines for Adoption Leave.

UM Personnel Policies and Rules for Classified Employees, Section VI, Leave with Pay, Sick Leave, page VI-4 - VI-10; Leave for Childbirth and Related Disabilities, pages VI-10 - VI-11; Adoption Leave, page VI-11.

UM Personnel Policies and Rules for Associate Staff, Section I, Leave with Pay, 1. Sick Leave, subsections a.-g., pages 19-22; 4. Leave for Death in Employee's Immediate Family, page 26; and Section K, Leave for Childbirth Related Disabilities, page 30.

5/23/12 DRAFT

**VII - 7.11 – USM POLICY ON LEAVE RESERVE FUND FOR EXEMPT
AND NONEXEMPT STAFF EMPLOYEES ON REGULAR STATUS**

(Approved by the Board of Regents, April 25, 1991; Amended December 6, 2002; Amended January 1, 2003; Amended _____)

I. PURPOSE AND APPLICABILITY

There shall be a USM Leave Reserve Fund (LRF) composed of unused personal leave that provides paid leave to all Exempt and Nonexempt Staff employees on Regular Status, working 50% or more, who become temporarily medically disabled or are eligible for Parental Leave and who meet qualifying criteria.

II. DEFINITIONS

"**LRF**" means the University System of Maryland Leave Reserve Fund, which consists of employees' personal leave that is unused at the end of each calendar year.

"**TEMPORARY MEDICAL DISABILITY**" means that the employee has a reasonable expectation of returning to work.

"**CREDITABLE SERVICE**" means service required for computing the amount of any benefits.

"**PARENTAL LEAVE**" means the eight (8) week period of assured paid leave available to staff employees under the USM "*Policy on Parental Leave and other Family Supports for Staff*" (VII—7.49).

III. GENERAL

The employee, or someone on the employee's behalf, may submit to the Director of Human Resources/Personnel of the USM institution at which the employee is employed, a written request to use leave from the LRF, together with documentation that the employee has:

- A. Completed at least one year of service with the University System of Maryland;
- B. Met the requirements of this policy to establish:
 - 1. A temporary medical disability which is authenticated by a licensed or certified medical provider in accordance with established leave authorization procedures, and by the institutional or State Medical Director; and when the employee has a reasonable expectation of return to work; or
 - 2. **Eligibility for Parental Leave under USM Policy VII-7.49;**
 - 3. Exhaustion of all available sick leave, advanced sick leave, extended sick leave, personal leave, and compensatory leave; and

4. A satisfactory record of sick leave use and work performance.

In addition, each request must specify the number of days requested and must provide a justification for the number of days requested. The maximum number of days which may be requested from the LRF shall not exceed one (1) day for each month of creditable service, as defined by the Maryland State Retirement and Pensions Systems.

IV. INSTITUTION APPROVAL

The President or designee of the institution shall determine whether the requirements of this policy (Section III) have been met, and, if so, shall approve the request for the use of the LRF. Based upon the employee's justification for the request, the President or designee may approve the number of days requested or may approve some lesser number of days. The institution Director of Human Resources/Personnel shall forward the approved requests to the USM Director of Human Resources.

V. ADMINISTRATION OF THE USM LEAVE RESERVE FUND

- A. The USM Director of Human Resources shall administer the LRF. Based on information submitted with the request, the USM Director of Human Resources shall verify the employee's eligibility to use leave from the LRF and may return to the President or designee any request of an employee whose eligibility the USM Director of Human Resources deems questionable. The USM Director of Human Resources shall accept the final determination of the President or designee as to the employee's eligibility.
- B. Once the employee's eligibility has been established, the USM Director of Human Resources shall determine the amount of leave to be granted to the employee based on guidelines established by the Chancellor. Such guidelines may establish a cap on the number of days granted to any one employee and may include other provisions designed to fairly distribute among eligible employees the days available in the LRF. Within these guidelines, the USM Director of Human Resources shall transfer leave from the LRF to the eligible employee.
- C. The USM Director of Human Resources may not transfer leave from the LRF to an employee after the date on which the employee's disability retirement, granted by the Board of Trustees of the State Retirement Systems, is effective.

VI. IMPLEMENTATION PROCEDURES

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; shall forward a copy of such designations and procedures to the Chancellor.