



REVISED 1/29/14

SUMMARY OF ITEM FOR ACTION,
INFORMATION OR DISCUSSION

TOPIC: Proposed Amendments to USM Sick and Annual Leave Policies

COMMITTEE: Finance

DATE OF COMMITTEE MEETING: January 30, 2014

SUMMARY: The attached set of proposed amendments to existing policies is intended to enhance the availability of “family friendly” leave options for USM employees in a way that particularly supports employees with dependent children and ill family members. The core provisions of the policies will extend relevant sick and annual leave enhancements negotiated as part of the 2013 USM Nonexempt Employee’s Collective Bargaining Coalition to USM regular faculty and staff, as appropriate, beyond the scope of the Coalition agreement. The amendments include:

- Elimination of a 15-day per year limitation on the use of accrued sick leave by staff and faculty to care for ill family members;
- Elimination of a 180-day waiting period for new staff employees to access accrued advanced sick leave;
- Elimination of a 180-day waiting period for nonexempt staff employees to use accrued annual leave; and
- The addition of one day of annual leave per year in the first five years of a nonexempt staff employee’s service with the USM.

The above substantive leave enhancements are indicated in red type in the attached proposed policies. Other proposed technical amendments that will update the policies to reflect current law and practice are noted in black type. The three policies for which approval of amendments is sought are:

- *USM Policy on Sick Leave for Faculty Members, No. II—2.30;*
- *USM Policy on Sick Leave for Exempt and Nonexempt Staff Employees, No. VII—7.45; and*
- *USM Policy on Annual Leave for Administrative and Classified Personnel, No. VII—7.00.*

ALTERNATIVE(S): The Committee can recommend that the proposed amendments not be approved.

FISCAL IMPACT: It is expected that the proposed improvements will result in modest increase in leave usage, which could indirectly increase costs to a small degree.

CHANCELLOR’S RECOMMENDATION: That the Finance Committee recommend that the Board of Regents approve the amendments to the policies as submitted.

COMMITTEE RECOMMENDATION: _____ DATE: _____

BOARD ACTION: _____ DATE: _____

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

II – 2.30 - USM POLICY ON SICK LEAVE FOR FACULTY MEMBERS

(Approved by the Board of Regents November 30, 1989, amended _____)

5-6-12 DRAFT

I. PURPOSE AND APPLICABILITY

A. The purpose of this policy is to:

1. Provide an informal system of colleague substitution for short-term incapacity of instructional faculty. This practice protects the interests of students by preventing disruptions to students' instructional programs during periods when the instructor must be on leave for illness or other reasons covered by this policy.
2. Provide a regularized and equitable basis for determining the eligibility of faculty members to be compensated when unable to work for reasons of illness, injury, childbirth, the need to care for a newborn or adopted child or an ill immediate family member, or bereavement.
3. Address the State law standards for the application of accrued sick leave to a faculty member's service credits for retirement.

B. This policy applies to tenured and tenure track full-time faculty, non-tenure track instructional faculty, as defined by USM Policies 1.05 and 1.06, and other faculty whose letters of appointment expressly provide that the faculty member is eligible for sick leave.

II. COLLEGIAL SICK LEAVE

A. **Underlying Principle.** It is the responsibility of the institution to have an agreed-upon procedure for continuing instruction when faculty members are absent for any reason, including illness, injury, or childbirth. Once instruction is underway, it is important to have it continued with minimal interruption to protect the interests of students. Thus, when a faculty member is absent for brief periods because of illness, injury, or childbirth, the "collegial" method of accommodating faculty absence is preferred.

B. **Definition.** "Collegial" leave is a form of collegially supported leave in which the colleagues of the faculty member, on a voluntary basis, assume responsibilities for an absent member's classes and other essential functions, in addition to carrying on their regular work.

C. **Non-Creditable Leave.** Collegially sick leave is not credited toward retirement and cannot be carried over to a subsequent fiscal year.

D. **Availability.** Collegial leave is available to a faculty member as follows:

1. When practicable, it is available up to a maximum of twenty-five (25) work days for each faculty member in one fiscal year. After that time, creditable sick leave shall be charged.
2. The maximum collegially supported leave available to a faculty member during the summer is one-seventh (1/7) of the contract period. This will be included as part of the faculty member's yearly limit.
3. An eligible faculty member, appointed for at least a semester but less than an academic year, may receive no more than half of the collegial protection awarded persons who are appointed for an academic year. Faculty appointed for periods of less than one semester may not receive collegial benefits.
4. Collegially supported leaves for an individual faculty member in two fiscal years must be separated by active service of at least twenty-five (25) work days.

E. **Relationship to Regular Sick Leave.** After that time, creditable sick leave shall be charged. If the absence continues after the faculty member has utilized all available collegial leave, regular sick leave or other accrued leave will be charged.

III. CREDITABLE SICK LEAVE

A. **Definition.** Creditable sick leave is leave that is accrued during the course of the faculty member's service and, subject to the conditions described in Section III.C of this policy, may be credited toward the faculty member's service for retirement benefit purposes.

B. **Accrual.**

1. Creditable sick leave for faculty is accrued at the rate of 1.25 work days per month at full salary. Accrual of sick leave for summer employment by academic-year faculty is determined by the institution. In no case may an individual accrue more than fifteen (15) days of sick leave during any fiscal year.
2. Part-time faculty members who are employed at least 50 percent time are eligible for sick leave benefits proportionate to the percentage of their employment.
3. Individuals eligible to earn sick leave credits will accrue such credit for each calendar month in which they are on paid status for fifteen (15) or more days within that month. No sick leave credit will be accrued for any month during which the individual is on paid status for less than fifteen (15) days.

4. Sick leave is accrued while the individual is on sabbatical leave, but not while on leave without pay.
5. A faculty member may be required to provide medical verification to support the use of accrued sick leave.
6. When all accrued sick leave has been expended, and as authorized by the Family Medical Leave Act and related USM policies and consistent with the requirements of the Americans with Disabilities Act, the individual will be removed from salaried status, except in unusual circumstances as approved by the President. The institution will assist the faculty member in evaluating the options of modified duty, disability retirement, regular retirement, or disability insurance as appropriate.
7. If there is a break in an individual's employment with the State of Maryland of less than three (3) years, a sick leave balance will be restored. A leave of absence without pay is considered a break in employment. Sick leave balances may be brought to the University System from another State agency.

C. **Sick Leave Creditable as a Retirement Benefit.** Unused creditable sick leave may be credited toward a faculty member's service for retirement benefit calculation purposes under conditions specified in Ann. Code MD, State Personnel and Pensions Article Section 20-206 and related statutes as follows:

1. **Members of the Maryland Employees' or Teachers' pension or retirement systems.** For faculty members enrolled in the Maryland State retirement and pension systems, who retire within thirty (30) days after leaving employment with the USM or another participating governmental unit, unused creditable sick leave is applied toward the individual's retirement service credit, as follows:
 - a. In the case of an individual who was hired prior to July 1, 2011, and resigns after at least five (5) years of employment, and leaves contributions with the Maryland State retirement system, any unused creditable sick leave will be "vested" ,that is, it will be credited toward retirement benefits when the employee begins to draw benefits.
 - b. In the case of an individual who was hired on or after July 1, 2011, and resigns after at least ten (10) years of employment, and who leaves contributions with the Maryland State retirement system, any unused creditable sick leave will be "vested."
 - c. Unused sick leave may not be credited toward eligibility service in the case of an early retirement, nor does it alter an early retirement reduction factor.
 - d. A faculty member who returns to employment after retirement and is receiving Maryland State Retirement System benefits may not receive creditable service toward retirement for any sick leave accrued after the return to employment.

2. **Members of the Optional Retirement Plan.** Sick leave accrued by faculty members who are members of the Optional Retirement Plan is not creditable toward retirement.
 3. There is no cash payment for accrued, unused sick leave at the termination of employment, regardless of whether the accrued sick leave may be creditable toward retirement.
- D. **Use of Accrued Creditable Sick Leave.** In addition to using non-creditable “collegial” sick leave, a faculty member may accrue and use creditable sick leave as provided in this section.
1. **Employee’s Personal Health.** Creditable sick leave is available when a faculty member is absent because of:
 - a. Illness, injury or disability; or
 - b. A medical appointment that cannot be scheduled during non-work hours.
 2. **Care of Ill Family Members.** Creditable sick leave is available for a faculty member in cases of illness or injury in the faculty member’s immediate family and medical appointments for an immediate family member that cannot be scheduled during non-work hours.
 - a. “Immediate family” as used in this policy means:
 - i. 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 faculty member; or
 - ii. Any other relative who permanently resides with and is cared for by the faculty member.
 - b. The faculty member may be required to provide medical verification and other documentation to support the need to use sick leave care for a family member.
 - e. ~~Up to fifteen (15) days of accrued sick leave shall be granted during a calendar year for the medical care of a family member.~~
 3. **Bereavement.** For the death of a close relative, a faculty member may use up to three (3) days of accrued sick leave, or five (5) days if the death of a close relative requires a faculty member to travel and stay away from home overnight.
 - a. “Close relative” as used in this policy means: a spouse, child, step-child, parent (or someone who took the place of a parent), mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, or other relative who permanently resided in the faculty member’s household.
 - b. A faculty member may use one day of sick leave for reasons related to the death of an aunt, uncle, niece or nephew of the faculty member or his or her spouse.

4. **Childbirth and Parental Leave.**

- a. A female faculty member may use accrued sick leave for medical conditions related to pregnancy or childbirth and its immediate physical recovery.
- b. Accrued sick leave also may be used to care for a child following the birth of a child or placement of the child with the faculty member for adoption, subject to the provisions of the USM Faculty Parental Leave Policy.

IV. REPORTING

- A. Each faculty member, regardless of the source of funding or retirement system in which he or she is enrolled, who is employed at least 50 percent time, must complete monthly positive time reports and sign the fiscal year summary record unless an exemption has been requested by the individual and approved by the President. When an exemption is approved, the faculty member thereby waives all claims from that date forward to credit any unused sick leave toward retirement benefits. With the approval of the President, the faculty member may revoke his or her exemption, and unused sick leave earned from the time of revocation forward will be credited toward retirement.
- B. Each institution shall establish procedures for positive time reporting by faculty. The institution shall retain monthly time reports for each individual for five (5) years, and shall retain summary records of these reports until the individual leaves employment.

D R A F T 10/3/13

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

(Approved by the Board of Regents December 5, 1997; amended June 22, 2012; AMENDED 2014)

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, EXCEPT TO THE EXTENT THAT THE PROVISIONS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN AN INSTITUTION AND ONE OF ITS BARGAINING UNITS PROVIDES OTHERWISE.

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 fifteen (15) workdays per year, ACCRUED ON A BIWEEKLY BASIS. 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*” (VI—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~~ PRESIDENT or designee as provided in Section IV of this Policy.
- E. Sick leave shall be granted by the ~~Chief Executive Officer~~ PRESIDENT 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.
 - b) The ~~Chief Executive Officer~~ **PRESIDENT** 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.
 - e) ~~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~~ **PRESIDENT** 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~~ **PRESIDENT** 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~~ **PRESIDENT** 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 there from.
 - 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 there from.

- 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~~ **PRESIDENT** 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. Accrued sick leave may be used to care for a child 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.
- F. An employee who returns to regular USM service within three (3) 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~~ **PRESIDENT** 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~~ **PRESIDENT** 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~~ **PRESIDENT** 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~~ **PRESIDENT** 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~~ **PRESIDENT** 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;~~
1. Have exhausted all other types of accrued leave; and

2. 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~~ **PRESIDENT** 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~~ **PRESIDENT** 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 **AS FOLLOWS:**
 1. **IN THE FIRST YEAR OF SERVICE, ADVANCED SICK LEAVE WILL BE PRORATED BASED UPON THE EMPLOYEE'S LENGTH OF SERVICE AT THE TIME IT IS REQUESTED.**
 2. **THEREAFTER, ADVANCED SICK LEAVE IS 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 (5) 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~~ **PRESIDENT** or designee.
 - C. The maximum cumulative total of extended sick leave available to an employee while in USM or State service is twelve (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~~ **PRESIDENT** 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.

VIII. IMPLEMENTATION PROCEDURES:

EACH PRESIDENT SHALL IDENTIFY HIS/HER DESIGNEE(S) AS APPROPRIATE FOR THIS POLICY, DEVELOP PROCEDURES AS NECESSARY TO IMPLEMENT THIS POLICY, COMMUNICATE THIS POLICY AND APPLICABLE PROCEDURES TO HIS/HER INSTITUTIONAL COMMUNITY, AND POST IT ON ITS INSTITUTIONAL WEBSITE.

~~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.~~

SHRC 4/4/13

VII - 7.00 - POLICY ON ANNUAL LEAVE FOR ADMINISTRATIVE AND CLASSIFIED PERSONNEL REGULAR NONEXEMPT AND EXEMPT STAFF EMPLOYEES
(Approved by the Board of Regents, April 25, 1991; AMENDED , 2014)

I. PURPOSE AND APPLICABILITY

THIS POLICY GOVERNS THE ACCRUAL AND USE OF ANNUAL LEAVE AND APPLIES TO ALL REGULAR STATUS ~~EXEMPT AND~~ NONEXEMPT STAFF EMPLOYEES OF THE UNIVERSITY SYSTEM OF MARYLAND, EXCEPT TO THE EXTENT THAT THE PROVISIONS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN AN INSTITUTION AND ONE OF ITS BARGAINING UNITS PROVIDES OTHERWISE.

II. Earned Leave:

A. NONEXEMPT STAFF EMPLOYEES -- REGULAR FULL-TIME NONEXEMPT STAFF EMPLOYEES WILL EARN ANNUAL LEAVE ON A BIWEEKLY BASIS according to the following schedule.

1. BEGINNING WITH THE DATE OF EMPLOYMENT THROUGH COMPLETION OF THE 1ST YEAR: 11 DAYS
2. BEGINNING WITH THE 2ND YEAR THROUGH COMPLETION OF THE 2ND YEAR: 12 DAYS
3. BEGINNING WITH THE 3RD YEAR THROUGH COMPLETION OF THE 3RD YEAR: 13 DAYS
4. BEGINNING WITH THE 4TH YEAR THROUGH COMPLETION OF THE 4TH YEAR: 14 DAYS
5. BEGINNING WITH THE 5TH YEAR THROUGH COMPLETION OF THE 10TH YEAR: 15 DAYS
6. BEGINNING WITH THE 11TH YEAR THROUGH COMPLETION OF THE 20TH YEAR: 20 DAYS
8. BEGINNING WITH THE 21ST YEAR AND THEREAFTER: 25 DAYS

B. Administrative Personnel ~~EXEMPT STAFF EMPLOYEES~~ Regular full-time administrative personnel ~~EXEMPT STAFF EMPLOYEES~~ can earn 20 days of annual leave per year. Annual leave shall ~~WILL~~ accumulate ON A BIWEEKLY BASIS at the rate of 1.83 work days per month beginning with the first full month of employment. BEGINNING WITH THE 21ST YEAR OF EMPLOYMENT, ANNUAL LEAVE SHALL BE EARNED AT THE RATE OF 25 DAYS PER CALENDAR YEAR. Regular part-time administrative personnel working 50% or more will earn annual leave on a pro-rated basis.

- C. ~~Classified Personnel~~—Annual leave for regular full time classified employees will be earned according to the following schedule. (Regular part time classified employees working 50% or more will earn annual leave on a pro-rated basis.).
REGULAR STATUS PART-TIME EXEMPT AND NONEXEMPT STAFF EMPLOYEES WORKING 50% OR MORE WILL EARN ANNUAL LEAVE ON A PRO-RATED BASIS. EMPLOYEES WORKING LESS THAN 50% OF FULL TIME ARE NOT ELIGIBLE TO EARN LEAVE.

D. LEAVE CAN BE USED TO THE EXTENT IT IS ACCRUED AND AVAILABLE.

- ~~1. From the first through the 6th month of service, no leave is earned but is credited for record keeping purposes. After completion of the 6th month of service, such annual leave becomes earned and available for use~~
- ~~2. Starting with the 7th month of credited service through the completion of the 5th year of service, employees will earn annual leave at the rate of 10 working days for each full year.~~
- ~~3. Starting with the 6th year of service through the completion of the 10th year of service, employees will earn annual leave at the rate of 15 working days for each full year.~~
- ~~4. Starting with the 11th year of service through the completion of the 20th year of service, employees will earn annual leave at the rate of 20 working days for each full year.~~
- ~~5. Starting with the 21st year of service and thereafter, employees will earn annual leave at the rate of 25 working days for each full year.~~

III. Leave Accumulation:

- A. Annual leave with pay shall be available only to the extent earned, provided that the dates of such leave have been approved in advance by the employee's department head **SUPERVISOR.**

45 WORK DAYS

- B. A maximum of ~~45 work 400 HOURS (50 days)~~ of annual leave may be carried into a new calendar year by all regular full-time employees; this maximum will be pro-rated for part-time employees working 50% or more.

IIIIV. Leave Advancement:

WITH THE

- A. ~~With the~~ ~~AT THE RECOMMENDATION OF THE EMPLOYEE'S SUPERVISOR AND WITH~~ approval of the institution's ~~CHIEF HUMAN RESOURCES OFFICER (CHRO) OR DESIGNEE~~, an employee may be advanced 5 days of annual leave provided that no other leave, including personal leave, compensatory leave or sick leave is available to the employee and is appropriate to the purpose of the leave.

PRESIDENT

- B. The ~~chief executive officer~~ ~~CHRO OR DESIGNEE~~ shall make a determination to advance annual leave, based on:
 - Ⓐ. the supervisor's demonstration that such an advance would not impair the work of the unit and
 - Ⓑ. that the employee has demonstrated a substantial need for such leave.

IV. Payment For Denied Annual Leave:

- Ⓐ. At the end of each calendar year, a supervisor may, through appropriate channels, recommend to the institution's ~~chief executive officer~~ ~~PRESIDENT OR DESIGNEE~~ that an employee be paid for days of annual leave lost pursuant to Section III of this policy.
- Ⓑ. Such payment may be made only when the employee has submitted one or more timely written requests to use annual leave during the calendar year and such requests have been denied in writing for administrative reasons. The supervisor shall provide any such denial in writing and shall state the administrative reasons for such denial.
- Ⓒ. The supervisor's recommendation for payment for lost annual leave shall be accompanied by copies of the written requests and denials and the explanation (in writing) of why the lost annual leave was not taken at another time during the calendar year.
- Ⓓ. Payment is limited to unused annual leave that is in excess of the maximum accumulation and that is lost by the employee at the end of the calendar year. The amount of annual leave for which payment may be made shall be decreased hour for hour by the amount of compensatory leave used during the calendar year.

~~VII. IMPACT OF CHANGES IN EMPLOYMENT STATUS:~~

~~AX FULL-TIME TO PART-TIME STATUS:~~

- ~~Ⓐ. EMPLOYEES THAT EXPERIENCE A STATUS CHANGE FROM FULL-TIME TO PART-TIME STATUS SHALL RETAIN EXISTING ACCRUED ANNUAL LEAVE BALANCES AT THE TIME OF THE STATUS CHANGE.~~

~~2~~X SUBSEQUENT LEAVE ACCRUALS AND MAXIMUM ACCUMULATIONS ARE BASED ON PROPORTION OF FULL-TIME STATUS AND WILL BE SUBJECT TO THE MAXIMUM ACCUMULATION PROVISIONS OUTLINED IN SECTION III OF THIS POLICY.

~~3~~X IT IS AT THE DISCRETION OF THE INSTITUTION TO PROVIDE CONSIDERATION UNDER SECTION V OF THIS POLICY FOR USE OR PAYMENT OF ACCRUED LEAVE DUE TO THE CHANGE IN STATUS OF EMPLOYMENT FROM FULL-TIME TO PART-TIME.

~~B~~X ELIGIBLE TO INELIGIBLE LEAVE ACCRUAL STATUS:

EMPLOYEES WHO CHANGE FROM AN ELIGIBLE TO AN INELIGIBLE EMPLOYMENT STATUS SHALL BE COMPENSATED BY USE OR PAYMENT OF ACCRUED LEAVE, AS PROVIDED UNDER SECTION III OF THIS POLICY, AT THE DISCRETION OF THE INSTITUTION AND ONLY UPON TERMINATION OF EMPLOYMENT.

~~C~~X Leave Transfer

~~1~~XX EMPLOYEES WHO TRANSFER TO ANOTHER USM INSTITUTION OR STATE OF MARYLAND AGENCY WILL HAVE THEIR UNUSED ANNUAL LEAVE ~~EARNED~~ ACCRUED AS OF THE DATE OF SEPARATION FROM THE UNIVERSITY TRANSFERRED TO THAT INSITUTION/STATE AGENCY UNLESS THERE IS A BREAK IN SERVICE OF 30 DAYS OR MORE.

~~2~~XX EMPLOYEES IN A REGULAR POSITION WITH A STATE OF MARYLAND AGENCY, WHO ACCEPT A REGULAR POSITION AT A USM INSTITUTION WITHOUT A BREAK IN SERVICE, SHALL HAVE THEIR UNUSED ANNUAL LEAVE ~~EARNED~~ ACCRUED AS OF THE LAST DAY OF EMPLOYMENT AT THE STATE OF MARYLAND AGENCY TRANSFERRED TO THE USM INSTITUTION.

~~When an employee transfers to another institution in the University of Maryland System or transfers to another department in the same institution and/or moves from one employment category to another, all unused accumulated annual leave shall be transferred.~~

~~IX~~VI ~~Termination Payment~~ SEPARATION FROM SERVICE

Employees who leave the University SYSTEM of Maryland, EXCEPT UNDER CIRCUMSTANCES OUTLINED UNDER VII.C., ~~System~~ are entitled to compensation for any unused annual leave that has been credited and available for use as of the date of separation.

~~IX~~ RATE OF ANNUAL LEAVE EARNINGS UPON RETURN TO USM/STATE SERVICE: VII. ~~Leave of Absence Without Pay:~~

~~XXX~~ RETURN TO USM/STATE SERVICE:

~~AN EMPLOYEE WHO RETURNS TO USM SERVICE ON OTHER THAN A RETURN FROM LWOP OR REINSTATEMENT WILL EARN ANNUAL LEAVE AT THE RATE OF A NEW EMPLOYEE.~~

AN EMPLOYEE WHO IS ENTERING OR RETURNING TO USM SERVICE IS ENTITLED TO CREDIT TOWARDS THE RATE OF ANNUAL LEAVE EARNING FOR PREVIOUS USM AND/OR STATE SERVICE REGARDLESS OF THE LENGTH OF THE ABSENCE, IF THE SERVICE INCLUDED AT LEAST 180 DAYS OF CONTINUOUS AND SATISFACTORY PERFORMANCE IN AN ALLOCATED POSITION.

~~XX~~ RETURN TO USM SERVICE AFTER A LEAVE OF ABSENCE WITHOUT PAY

An employee ~~on~~ WHO RETURNS TO SERVICE UPON THE CONCLUSION OF A leave of absence WITHOUT PAY (LWOP) WILL EARN ANNUAL LEAVE AT THE SAME RATE IN EFFECT AT THE TIME THE LEAVE OF ABSENCE WITHOUT PAY BEGAN. ~~without pay due to temporary disability resulting from mental or physical disability may elect to receive payment for all accumulated unused annual leave or retain all accumulated unused annual leave for a period not to exceed the first six months of the approved leave of absence without pay. Retention of the accumulated unused annual leave must be requested in writing by the employee or the employee's designated representative. Upon completion of the first six months leave of absence without pay, payment of all such accumulated unused annual leave shall be made to the employee if the employee does not return to work.~~

~~VIII. Rate of Annual Leave Earnings Upon Return to State Service:~~

~~A classified employee who is entering or returning to UMS service is entitled to credit towards the rate of annual leave earning for previous UMS and/or State~~

service. This previous service must have included at least 180 days of continuous and satisfactory performance in an allocated position.

~~§ IX. Reinstatement~~ **RETURN TO UMS SERVICE UPON REINSTATEMENT** ~~XXXX~~

AN classified employee who returns ing to UMS USM service with an authorized status of reinstatement within two THREE years of separation is entitled to WILL earn annual leave at the same rate in effect at the time of separation from active service.

IMPLEMENTATION PROCEDURES:

1. **EFFECTIVE DATE:**
EACH INSTITUTION SHALL ENSURE THAT THE TERMS OF THIS POLICY ARE IMPLEMENTED NO LATER THAN APRIL 15, 2014.

2. **EACH PRESIDENT SHALL IDENTIFY HIS/HER DESIGNEE(S) AS APPROPRIATE FOR THIS POLICY, DEVELOP PROCEDURES AS NECESSARY TO IMPLEMENT THIS POLICY, COMMUNICATE THIS POLICY AND APPLICABLE PROCEDURES TO HIS/HER INSTITUTIONAL COMMUNITY, AND POST IT ON ITS INSTITUTIONAL WEBSITE.**

~~It is the responsibility of each institution to develop procedures as necessary to implement this policy.~~

REFERENCES:

- ~~_____ Section 37, Article 64A~~
- ~~_____ COMAR 06.01.01.42~~

- Replacement for:
- ~~_____ Policies and Procedures of the Board of Trustees of the State Universities and Colleges of Maryland; Sections VI - 1, B - 1~~
 - ~~_____ UM Personnel Policies and Rules for Classified Employees, Section VI, Annual Leave~~
 - ~~_____ UM Personnel Policies and Rules for Associate Staff, Section I, Annual Leave~~

BOR VII – 7.01 Policy on Annual Leave for Regular Exempt Employees

**** INSERT THIS LANGUAGE****

VI. Leave Transfer:

When an employee transfers to another institution in the University SYSTEM of Maryland ~~System~~ or transfers to another department in the same institution and/or moves from one employment category to another, all unused accumulated annual leave shall be transferred.

VII. Termination Payment:

Employees who leave the University SYSTEM of Maryland ~~System~~ are entitled to compensation for any unused annual leave that has been credited and available for use as of the date of separation.

VIII. Leave of Absence Without Pay:

An employee on leave of absence without pay due to temporary disability resulting from mental or physical disability may elect to receive payment for all accumulated unused annual leave or retain all accumulated unused annual leave for a period not to exceed the first six months of the approved leave of absence without pay. Retention of the accumulated unused annual leave must be requested in writing by the employee or the employee's designated representative. Upon completion of the first six months leave of absence without pay, payment of all such accumulated unused annual leave shall be made to the employee if the employee does not return to work.

~~IX~~VIII. Rate of Annual Leave Earnings Upon Return to State Service:

A NONEXEMPT STAFF ~~classified~~ employee who is entering or returning to UMS-UMS service is entitled to credit towards the rate of annual leave earning for previous UMS-UMS and/or State service. This previous service must have included at least 180 days of continuous and satisfactory performance in an allocated position.

IX. Reinstatement:

A ~~classified~~ NONEXEMPT STAFF employee returning to USM ~~UMS~~ service with an authorized status of reinstatement within two years of separation is entitled to earn annual leave at the same rate in effect at the time of separation from active service.

IMPLEMENTATION PROCEDURES:

1. EFFECTIVE DATE:

EACH INSTITUTION SHALL ENSURE THAT THE TERMS OF THIS POLICY ARE IMPLEMENTED NO LATER THAN APRIL 15, 2014.

2. EACH PRESIDENT SHALL IDENTIFY HIS/HER DESIGNEE(S) AS APPROPRIATE FOR THIS POLICY, DEVELOP PROCEDURES AS NECESSARY TO IMPLEMENT THIS POLICY, COMMUNICATE THIS POLICY AND APPLICABLE PROCEDURES TO HIS/HER INSTITUTIONAL COMMUNITY, AND POST IT ON ITS INSTITUTIONAL WEBSITE.

_____ It is the responsibility of each institution to develop procedures as necessary to implement this policy.

REFERENCES:

_____ Section 37, Article 64A
_____ COMAR 06.01.01.42

Replacement for: _____ ~~Policies and Procedures of the Board of Trustees of the State Universities and Colleges of Maryland; Sections VI-1, B-1~~
_____ ~~UM Personnel Policies and Rules for Classified Employees, Section VI, Annual Leave~~
_____ ~~UM Personnel Policies and Rules for Associate Staff, Section I, Annual Leave~~