

**USM Bylaws, Policies and Procedures of the Board of Regents**

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**USM HR Policy Review Sheet**

**Policy Number: VII – 9.00**

**New Policy Title: Policy on Vesting of Certain Rights Upon Implementation of Phase I – Nonexempt of the USM Pay Program**

Old Policy Title: Policy on Implementation of Phase I – Nonexempt of the UMS Pay Program

1. Policy Application:  Nonexempt Staff  Exempt Staff  Faculty  Contingent Staff  
 All  Other: \_\_\_\_\_

2. Proposed Revisions

Terminology outdated

Re-Formatting

Title Change

Obsolete provisions deleted

Merge with other policy: \_\_\_\_\_

Clarifications: \_\_\_\_\_

Transfer to another policy or chapter: \_\_\_\_\_

Updates to reflect changes in law

Incorporate USM-wide existing practice into policy

Incorporated Pre-USM Policy:

Fills gap in policy:

Added definitions

Other revisions: \_\_\_\_\_

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\_\_\_\_\_

D R A F T 8/29/2014

VII-9.00 - POLICY ON VESTING OF CERTAIN RIGHTS UPON IMPLEMENTATION OF PHASE I-NONEXEMPT OF THE UMS-UMS PAY PROGRAM

(Approved by the Board of Regents, EFFECTIVE July 1, 1996.

(Amendments approved by the BOR February 2, 1996; Amended \_\_\_\_\_, 2015). ~~Please refer to the "replacement for" section of this policy.)~~

I. PURPOSE AND APPLICABILITY

This policy outlines and guarantees the continuation of coverage of certain existing human resources policies and procedures for certain USM/UMS employees. This policy applies only to those employees who were employed by the UMS prior to April 1, 1995, whose job class or job group changed because of the implementation of phase I-Nonexempt of the new USM/UMS Pay Program and related policies.

~~H. IMPLEMENTATION~~

~~A. Salary~~

~~No employee shall experience a reduction in current base salary because of implementation of the UMS Pay Program. Salaries shall be administered pursuant to the Policy on Salary Structure Adjustment and the Impact on Salaries.~~

~~B. Layoff~~

~~No employee shall be laid off or terminated because of implementation of the UMS Pay Program.~~

~~C. Retirement Programs~~

~~Employees holding exempt classified positions or nonexempt classified positions at the time of implementation of the UMS Pay Program and whose positions are changed to the job group of exempt managerial, administrative and professional staff shall have the option of remaining in the Maryland State Retirement and Pension Systems (MSRPS) or of electing to enroll in an Optional Retirement Program at any~~

~~time. However, once an employee has made this election it is permanent, and the employee may not thereafter return to either the MSRPS retirement or pension system.~~

~~Employees whose designation was associate staff, unclassified staff, academic administrative staff, or administrative personnel at the time of implementation and whose positions are changed to the job group of nonexempt — maintenance, office, service, and technical staff shall no longer be eligible, under state law, to participate in an Optional Retirement Program. All contributions to the ORP shall be vested with the employees. Employees shall be eligible to participate in the MSRPS Pension System.~~

~~D. Length of Service Payments~~

~~Length of service payment for employees with 25 years of UMS service shall be discontinued under the new UMS Pay Program.~~

~~Effective with the implementation of the pay program, employees who are currently receiving length of service payments shall have the payment considered as part of the base salary in determining placement in the new salary structure.~~

III. VESTING (Grandfathering)

Vesting, for purposes of this policy, is defined to be the continued application of certain policies to a nonexempt employee. This vesting shall cease when the employee accepts a promotional transfer or reclassification to the exempt group. After that time, the employee shall be governed by all policies and procedures applicable to her/his new job class and new job group.

A. Layoff

Employees whose job class or job group category is changed upon implementation of the USMUMS Pay Program shall not lose coverage under policies governing layoff and reinstatement that were applicable to their job class or job group immediately prior to the change.

B. Termination

Employees whose job class or job group is changed upon the implementation of the USMUMS Pay Program shall not lose coverage under policies governing termination for cause that were applicable to their job class or job group prior to the change.

~~C. Probation~~

~~Employees who have completed a probationary period for the position they held at the time of implementation shall not serve another probationary period if the job class of the position is changed to another job class or job group because of implementation of the UMS Pay Program.~~

~~Employees serving a probationary period at the time of implementation of the UMS Pay Program shall complete the period of probation according to the original schedule. Probationary periods in process at the time of implementation shall not be extended as a result of a job class or job group change.~~

CD. Annual Leave Accrual Rates

Employees whose job class or job group is changed upon implementation of the USMUMS Pay Program shall not lose any current annual leave balance because of a change in annual leave accrual rate.

1. Employees with less than 20 years of service and whose designation was associate staff, unclassified staff, academic administrative staff or administrative personnel at the time of implementation and whose positions are changed to the job group of nonexempt shall continue to earn 22 days of annual leave until they reach 20 years of service. On the 20th year they shall start earning annual leave at the rate of 25 days per year. Employees with 20 or more years of service at the time of implementation shall earn annual leave at the rate of 25 days per year.
2. If there is a change to an employee's position through promotion or transfer to the exempt group the employee shall be governed by annual leave policies and procedures applicable to her/his new job class and new job Group.

DE. Grievance Procedures and Special Action Appeals

Employees whose job class or job group is changed upon implementation of the ~~USMUMS~~-Pay Program shall not lose any grievance and appeal rights or access to the grievance and/or the special action appeals processes that were available to them and in effect for their job class or job group prior to the change.

~~IV. Special Job Class Review Process Upon Implementation of UMS  
Pay Program~~

~~A. A special job class review process has been established for use during implementation of the UMS Pay Program. Within 60 calendar days (filing period) following receipt of notice of job class assignment in the new UMS Job Class Specifications Program, an employee may request a review of the decision of his/her position's job class assignment.~~

~~B. The employee shall submit a request for review, in writing, to the appropriate administrator in the institution's Office of Human Resources/Personnel with a copy to his/her immediate supervisor. The basis for all such reviews shall be that the job class to which the employee's position has been assigned is inconsistent with the position's current primary duties and responsibilities. Using a current position description and information contained in the job specification summary for the job class to which the position has been assigned, the employee shall provide detailed reasons for disagreement with the job class decision.~~

~~C. A designated individual from the Human Resources/Personnel Office shall hold a meeting with any employee(s) requesting review as soon as practicable for the purposes of information gathering. The designated individual shall respond in writing to the employee with a final determination as soon as practicable following the meeting.~~

~~D. Upon receipt of notification of the final determination of the review referred to in IV.C. above, the employee will be eligible to use grievance processes that were available and in effect for the job class or job group prior to the change.~~

~~E. Anticipated completion date for resolution of all reviews under the Job Class Review process is six months from end of the filing period.~~

~~F. Applicable salary increases due to employees as a result of such reviews shall be retroactive to the date of implementation, as well as any other adjustments made as a result of COLA/increments.~~

~~V. Miscellaneous~~

~~Any human resources, salary, or benefits administration issues related to employees whose job class or job group changed because of the implementation of the new UMS Pay Program that are not expressly mentioned and vested by virtue of this policy shall be governed by all policies in effect and applicable to the employee's new job class and/or new job group.~~

**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, if appropriate, for this policy; shall develop procedures as necessary to implement this policy; and shall forward a copy of the procedures to the Chancellor.~~

**Replacement for:**

~~The following policies as they apply to non-exempt employees of the UMS only are replaced effective July 1, 1996. However, Exempt employees will continue to be covered under such applicable existing policies until such time as revised policies governing Exempt employees are approved:~~

~~UM Personnel Policies and Rules for Associate Staff, Employment Standards for Associate Staff, Paragraph P. Change in Employment Category, page 39.~~

~~Bylaws, Policies and Procedures of the BOR UMS, VII 1.00, Interim University System Policy on the Appointment and~~

- ~~— Employment of Administrative and Classified Personnel,~~
- ~~— Section IV. 12-111 Appointments; classified employees, pages~~
- ~~— VII 1.00-4, VII 1.00-5;~~
- ~~— VII 4.61 Policy on Length of Service Payment for Classified~~
- ~~— Employees, page VII 4.61-1.~~
  
- ~~— Laws Relating to and Governing Policies and Procedures of~~
- ~~— the BTSUC, Section VI, Administrative Officers, Paragraphs~~
- ~~— B. Transition of Professional Positions from Classified to~~
- ~~— Unclassified Status, C. Appointment, page VI-1.~~
  
- ~~— Additionally, this policy supersedes, in whole or in part,~~
- ~~— any policy(ies) and/or procedure(s) established by the~~
- ~~— Regents, Trustees, Presidents, or their designees, of the~~
- ~~— former institutions of the University of Maryland, and of~~
- ~~— the former State Universities and Colleges, and of the~~
- ~~— Regents of the University of Maryland System that are in~~
- ~~— conflict with this policy's purpose, applicability, or~~
- ~~— intent, that may have been overlooked and not included as a~~
- ~~— specific citation under "Replacement for."~~