

USM HR Policy Review Sheet

Policy Number: VII – 9.01

New Policy Title: Policy on Vesting of Certain Rights Upon Implementation of Phase II – Exempt of the USM Pay Program

Old Policy Title: Policy on Implementation of Phase II – Exempt of the USM 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Terminology outdated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: _____

D R A F T 08/26/2014

VII -9.01 - POLICY ON VESTING OF CERTAIN RIGHTS UPON IMPLEMENTATION OF PHASE II-EXEMPT OF THE USM PAY PROGRAM

(Approved by the Board of Regents on December 3, 1999, **EFFECTIVE January 2, and January 12, 2000; Amended _____, 2015**)

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I. PURPOSE AND APPLICABILITY

This policy provides for the continuation of coverage of certain existing Human Resources policies and procedures for certain USM employees.

It applies only to Exempt employees in the employment categories of Academic Administrators, Associate Staff, Unclassified, and Classified-Exempt who ~~were are~~ employed as regular employees, including probationary employees, of the USM at the time of implementation of Phase II-Exempt of the USM Pay Program.

II. DEFINITIONS

"Original Probation" means a probation period required of any employee entering the University System by appointment to a regular position, a current employee appointed to a position at an institution other than the one at which employed, or a

former employee returning to University service in a classification other than the one held at the time of separation or to a department other than the one where employed at separation.

"Status Change Probation" means a probation period required of an employee who is appointed to another position at the same institution as the result of a promotion, demotion, horizontal change, transfer or reinstatement, except that a reinstated employee appointed to a classification or department other than the one held at separation must serve an original probation and would be subject to the appeal process for original probation outlined in D.1. above.

"Working Days" are Monday through Friday regardless of work schedule, weekend work or mid-week days off.

~~II. IMPLEMENTATION~~

~~A. Salary~~

~~No employee shall experience a reduction in current base salary because of implementation of Phase II Exempt of the USM Pay Program. Salaries shall be administered by USM institutions pursuant to the BOR Policy on Pay Administration for Exempt Positions.~~

~~B. Layoff~~

~~No employee shall be laid off or terminated because of implementation of Phase II Exempt of the USM Pay Program.~~

~~C. Retirement Programs~~

~~Employees holding Classified Exempt positions whose positions are assigned to the Exempt Job Group 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 (ORP) at any time, subject to applicable law. Eligibility to participate in the MSRPS and ORP is governed by Maryland state law and regulations.~~

~~d. Length of Service Payment~~

~~Length of service payment for all USM employees with 25 years of USM service shall be discontinued upon implementation of Phase II Exempt of the USM Pay Program. Classified Exempt employees who are currently receiving length of service payments shall have this payment incorporated into their salary in the new salary structure.~~

~~E.—Annual Leave Earnings~~

~~Employees who earn 25 days leave, shall continue to earn leave at the same rate as specified in the Policy on Annual Leave for Regular Exempt Employees.~~

~~F.—Grievances~~

~~Implementation of Phase II—Exempt of the USM pay program shall have no effect on employee grievance rights.~~

~~g.—Compensatory Leave~~

~~Compensatory leave balances, existing at the time of implementation of Phase II—Exempt of the USM pay program, must be used within one year of implementation, in accordance with institutional procedures.~~

III. Vesting (Grandparenting)

Vesting, for purposes of this policy, is defined to be the continued application of certain policies to employees in certain Exempt categories at the time of implementation. The vested policies are those set forth in Section IV. Vesting shall cease when the employee accepts a position at another USM institution, at which time all policies and procedures generally applicable to Exempt employees, shall govern the employee.

A. Separation

1. Associate Staff, Classified-Exempt Staff and employees with a Librarian job title employed at the time of implementation of Phase II-Exempt of the USM Pay Program shall continue to be covered by policies governing termination for cause that were applicable to their job class or job group prior to implementation.
2. Employees in positions designated pursuant to Section I.B.3. of USM BOR VII-1.22 - Policy on Separation for Regular Exempt Employees, at the time of implementation of phase II-Exempt of the USM pay program, ~~shall beware~~ notified of such designation at the time of implementation but no later than March 31, 2000.

B. Probation

Associate Staff, Classified-Exempt Staff and employees with a Librarian job title employed as of the time of implementation of Phase II-Exempt of the USM Pay Program shall continue to be covered by policies governing probation that were applicable to their job class or job group prior to implementation.

C. Special Action Appeals

Classified-Exempt employees at the time of implementation of Phase II-Exempt of the USM Pay Program shall continue to be covered by the USM BOR VII-
8.00 Policy on Grievances and Appeals for Nonexempt and Exempt Staff Employees. ~~8.10—Policy on Special Action Appeals.~~

IV. VESTED POLICIES

THIS SECTION CONTAINS PERTINENT POLICIES THAT HAVE BEEN TRANSFERRED FROM OTHER SOURCES FOR REFERENCE PURPOSES. THE PRINT TYPE AND SIZE HAVE BEEN CHANGED TO PROVIDE A DISTINCTION.

A. Separation

1. Associate Staff

UM Personnel Policies and Rules for Associate Staff, Section G, pages 13-15, June 1989

3. Requirements of Notice

Employees who have completed the probation period may be removed from University employment by action for just cause, or notice as described below.

a. Removal by Notice

Employees may be removed from University employment by written notice without the right of appeal. The period of notice required will be dependent upon length of service. To determine the period of notice required for termination, other than rejection on probation or layoff, the length of service will be equivalent to creditable University service as a faculty, Associate Staff and/or classified employee.

The entire period of notice must be provided. Failure to provide timely notice before the end of year seven will result only in an extension of employment through the required period of notice.

However, this does not preclude rejecting Associate Staff on probation under section G.1.b. above, even though the employee may have completed seven years of University service.

Period of Notice Table*

<u>Length of Service</u>	<u>Period of Notice</u>
Less Than One Year	One Month
One Year But Less Than Four Years	Three Months
Four Years But Less Than Seven Years	Six Months
Seven Years or More	Cause Only

b. Removal for Cause

(1) Cause

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An Associate Staff member can be removed for cause including, but not limited to, immorality, misconduct in office, incompetency, failure to perform assigned duties, willful neglect of duty, or permanent or chronic disability that seriously jeopardizes or prevents performance of the employee's assigned duties.

*Individuals appointed to the Associate Staff employment category on or after the effective date of this revised manual will be subject to the period of notice described herein. Individuals appointed to the Associate Staff employment category prior to the effective date of this revised manual will be subject to the period of notice described in the Personnel Policies and Rules for Associate Staff Employees of the University of Maryland, January, 1974, reprinted in September, 1984.

(2) Filing Charges for Removal

Charges for the removal of an employee for just cause shall be filed in triplicate with the campus Director of Personnel who shall forthwith mail one copy by certified mail to the last known address of the employee. Such charges shall state specifically the acts that constitute cause for removal. Such notice shall also advise that the employee may, within 5 work days from the date of delivery as indicated by the return receipt or other evidence of delivery, request of the campus Director of Personnel an opportunity to be heard.

The responsible administrator may suspend, with or without pay, any employee, pending the filing of charges for dismissal with the campus Director of Personnel. In the event an employee is suspended without pay and the charges are not received by the Director of Personnel within 10 work days from the date of suspension, the department must then place the employee on leave with pay until such charges are received.

(3) Appeal

When an appeal is timely filed, the campus Director of Personnel or designee shall, as soon as practicable, and in any case within 30 work days, investigate the charges and provide the employee an opportunity to be heard. Testimony may be taken and both the responsible administrator and the employee shall have the right to representation by counsel and the right to present witnesses and submit evidence. After completion of the hearing, or in case no hearing is timely requested, the campus Director of Personnel shall act upon the charges or order such other actions as may be indicated by the findings in the case. If a hearing is timely requested and the removal is upheld, Step 4 of the grievance procedure is available to the appellant.

2. Classified-Exempt

UM Policies and Procedures for Classified Employees, Conduct and Discipline, Section VIII, pages VIII-5 – VIII-7, March 1988

Causes for Removal

1. Any employee in the classified service who has completed a probationary period may be permanently removed from his position only for cause, upon written charges, and after an opportunity to be heard in his own defense, but in no case on account of his religious or political opinions or affiliations or for refusing to contribute to a political fund or render political services. The following shall be sufficient cause for removal, though removal may be for causes other than those enumerated:
 - a. That the employee is incompetent or inefficient in the performance of his duty.

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- b. That the employee has been wantonly careless or negligent in the performance of his duty or has used unwarrantable or excessive force in his treatment of public charges, fellow employees, or other persons.
 - c. That the employee has some permanent or chronic physical or mental ailment or defect that incapacitates him for the proper performance of his duties.
 - d. That the employee has violated any lawful official regulation or order or failed to obey any lawful and reasonable direction given by his superior officer when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in a lower morale in the organization or to result in loss or injury to the University or the public.
 - e. That the employee has been wantonly offensive in his conduct toward fellow employees, users of University facilities or the general public.
 - f. That the employee has taken for personal use a fee, gift, or other valuable thing in the course of his work or in connection with it when such fee, gift, or other valuable thing is given him by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons.
 - g. That the employee is engaged in a private business or in a trade or occupation where the duties of his position as prescribed by law or regulation require his entire time for their performance.
 - h. That the employee has been guilty of a violation or violations of Section 40 of the Merit System Law, referring to dishonest or fraudulent actions regarding examinations and acts of coercion against other employees.
 - i. That the employee has been convicted of a criminal offense or of a misdemeanor involving moral turpitude.
 - j. That the employee, through negligence or willful conduct, has caused damage to public property or waste of public supplies.
 - k. That the employee has been guilty of a violation or violations of the provisions of Chapter 122 of the Acts of 1908, commonly known as the Corrupt Practices Act, or using, threatening to use, or attempting to use political influence or the influence of any State employee or officer in securing promotion, transfer, leave of absence, or increased pay.
 - l. That the employee has willfully made a false official statement or report.
 - m. That the employee has been guilty of conduct such as to bring the classified service into public disrepute.
2. Unless otherwise determined by the campus Director of Personnel, no employee who has been discharged from the University shall be eligible for future employment at the University.

Filing Charges for Removal

A Department Head or Chairman may suspend with or without pay any employee, pending the filing of charges for his removal with the campus Director of Personnel. Such charges shall state the cause(s) for removal and the specific acts which constitute cause for removal. Charges for removal of an employee shall be filed in triplicate with the campus Director of Personnel who shall forthwith mail one copy by Registered or Certified Mail to the last known address of the employee against whom the charges are brought. Such notice shall advise the employee that he may, within five working days of the date of delivery as indicated by the return receipt or other evidence of delivery, request an opportunity to be heard in his own defense. In the event an employee is suspended without pay and the charges are not received by the campus Director of Personnel within ten (10) working days, the department must place the employee on leave with pay until such charges are received by the campus Department of Personnel. Rights of appeal to a suspension pending removal are outlined in Section IX.

When an employee is to be informed of his suspension pending charges for removal, the notification to him must be in writing, stating the reasons for the suspension and advising the suspension may be appealed. If immediate personal delivery is not possible, such notice should be immediately mailed to the employee's last known address advising of the nature of the suspension and the effective date. In addition, the employee is to be advised that formal charges for removal will be forwarded to the campus Director of Personnel and then to the employee within a short period of time and, further, that information regarding his rights will accompany the formal charges.

3. Librarians

USM BOR VII - 2.15 - POLICY ON LIBRARIANS (Approved by the Board of Regents, October 6, 1995)

PERMANENT STATUS

Permanent status is here defined as continuing employment such that a decision to remove an employee must be made by the President of the campus and must be justified by cause as defined by campus policy.

Each institution shall develop criteria and procedures for the review process leading to the granting of permanent status for librarians. Following review for form and legal sufficiency by the Office of the Attorney General, these procedures must be submitted to the Chancellor for review and approval.

One who has completed seven consecutive years of service, beginning on or after July 1, 1991, as a full-time librarian at a system institution shall be granted permanent status.

A person appointed to the position of Director shall serve in that capacity at the pleasure of the President or designee, regardless of whether the appointee has at the time of the appointment, or obtains during the appointment, permanent status as a librarian.

B. PROBATION

1. Associate Staff

UM Personnel Policies and Rules for Associate Staff, Section G, June 1989

G. Probation, Reassignment, Requirements of Notice, and Lay Off

A. Probation and Rejection on Probation

- a. Each Associate Staff employee is in a probationary status during the first year of appointment to the Associate Staff position. The employee shall earn and be able to use sick, annual, and holiday leave during the probation period.

- (1) If an incumbent has completed a probationary period for a classified position and the position is changed to the Associate Staff category, the incumbent will be considered to have completed the probationary period for the Associate Staff position.

- (2) If an incumbent is serving a probationary period for a classified position and the position is changed to the Associate Staff category, the incumbent will be required to serve the balance of a probationary period to equal one year.

- (3) If an incumbent has completed at least one year in a faculty position and the position is changed to the Associate Staff category, the incumbent will be considered to have completed the probationary period for the Associate Staff position. If an incumbent has completed less than one year in a faculty position and the position is changed to the Associate Staff category, the incumbent will be required to serve the balance of a probationary period to equal one year.

- (4) If a current faculty, Associate Staff or classified employee is offered and accepts an Associate Staff appointment, other than described in items (2), and (3) above, the employee will serve a probationary period of one year.

- B. During the probationary period, the responsible administrator may, at his discretion, reject an employee and shall notify the campus Director of Personnel. The employee to be rejected shall be given at least 30 calendar days' written notice of the rejection. The notice is to be provided to the employee no later than 30 calendar days prior to the expiration of the probation period. The notification period requirement does not apply if the rejection is the result of a breach of discipline or of such gross incompetence as to jeopardize essential services. The notice of rejection shall also advise that the employee may, within five working days of the date of notification, file a written request with the campus Director of Personnel for a hearing at Step 3 of the grievance procedure only for the purpose of showing that the rejection is procedurally deficient or in violation of law.

2. Classified-Exempt

UM Policies and Procedures for Classified Employees, Probation, p. II-15 through II-19, July 1, 1990.

Probation

1. Persons Subject to Probation

- a. An Original Probation will be served by

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- (1) Any person entering University System service by appointment to a regular position in the classified service,
 - (2) A current employee appointed to a position at an institution other than the one at which employed,
 - (3) A former employee returning to University System service
 - (a) in a classification other than the one held at separation, and/or;
 - (b) to a department other than the one where employed at separation.
 - (4) Any person reinstated to University System service, unless subsection 2(a) below applies.
- b. A Status Change Probation period will be served by an employee who has Satisfactorily completed an original probation period and who is appointed to another position at the same institution as a result of promotion, demotion, horizontal change, transfer or reinstatement from Reinstatement Group B, except that a reinstatement Group B employee appointed to a classification or department other than the one held at separation must serve an original probation as provided in subsection 1 (a)(3) above.
2. Persons Not Subject to Probation
- a. A former employee reinstated to University System service in the same classification with the department in which the employee previously completed a satisfactory probation.
 - b. Any employee whose position is reclassified and who has served an original probation, is not subject to a new probation period. If the employee has not completed an original probation and is reclassified, the employee will serve the remainder of the probation in the new class.
 - c. Change of assignment.
 - d. Any employee demoted to a class in which a probation period has been completed.
 - e. Temporary and Extra Help employees are not eligible for a probation period except as provided in these rules.
3. Length of Original and Status Change Probation Period
- a. Any person appointed to a position with regular status in the classified service that has a salary grade of 1 through 6 shall serve a probation period of three months.
 - b. Any person appointed to a position with regular status in the classified service that has a salary grade of 7 or above shall serve a probation period of six months.
 - c. For the purposes of determining length of probation period only, those classifications compensated at a flat rate of pay at or below the minimum of salary grade 6 shall be considered the same as classes in salary grades 1 through 6; those classifications compensated at a flat rate of pay above the minimum of salary grade 6 shall be considered the same as classes in salary grades 7 or above.
 - d. Probation Period of Temporary Employees Appointed to a Regular Position.

Time spent in Temporary Status will apply towards completion of a probation period if and when the employee is appointed to a regular position without a break in service provided the regular position is in the same department with the same classified title as was held by the individual during temporary appointment. All other persons moving from a temporary appointment to a regular appointment shall serve a probation period according to these rules.

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4. Termination of Probation

For exceptional reasons the probation period may be shortened to a period of not less than one month upon request by the Department Head or Chairperson to the institution Director of Personnel.

5. Extension of Probation

a. For good and sufficient reasons, the Department Head or Chairperson may request the institution Director of Personnel to approve an extension of the period of probation, and in conjunction with this extension request, may recommend a denial of the employee's next salary increment. A request for extension of probation must be received in the institution Personnel Department prior to the probation completion date in order to be considered.

(1) Any employee on probation whose classification has a salary grade of 1 through 6 may have his/her probation extended for an additional period not to exceed three months. The maximum period of probation including extension shall not exceed six months.

(2) Any employee on probation whose classification has a salary grade of 7 or above may have his/her probation extended for an additional period not to exceed six months. The maximum period of probation including extension shall not exceed one year.

c. Denial of Salary Increment

An employee who has had a probation period extended may be denied the next scheduled salary increment during the period of extended probation.

6. Rejection on Probation

a. Rejection on Original Probation

During the original probation period the Department Head or Chairperson may, at his/her discretion, reject an employee at any time before the expiration of the probation period, and shall submit a report in writing to the institution Director of Personnel and supply a copy to the employee stating the reason. The employee to be rejected shall be given at least two weeks notice of the rejection unless termination results from a breach of discipline or from such gross incompetence as to jeopardize essential services. The two weeks notice period must be included within the probation period. The notice of rejection on original probation shall also advise the employee that he/she may, within five days of the date of notification of the rejection, file a written request with the institution Director of Personnel for a hearing at Step 2 of the grievance procedure for the purpose of showing that the rejection was procedurally deficient or in violation of law.

b. Rejection on Status Change Probation

An employee who completed an original probation period and is appointed to another position at the same institution by virtue of promotion, transfer or horizontal change and who is rejected on probation with the consent of the institution Director of Personnel shall resume his/her former position if it is vacant or if it is held by a temporary employee. In the event this former position is not vacant or is not held by a temporary employee, the institution Director of Personnel shall not consent to the rejection until the employee has been given an opportunity to request an investigation. A Department Head or Chairperson proposing the rejection of an employee in such cases shall make a recommendation to the institution Director of Personnel not less than thirty days prior to the expiration date of the probation, and shall supply the employee with a copy, giving the proposed effective date of the rejection, the specific reasons for such rejection, and such other information as the institution Director of Personnel may require. The recommendation shall also advise the employee that he/she may, within five days from the date of notification of the rejection, file an answer in writing with the institution Director of Personnel and request

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an investigation of the proposed rejection. If the employee does not request an investigation or, if after an investigation to be completed within twenty days, the Director upholds the rejection and there still remains no vacancy in the employee's former position, the institution Director of Personnel's alternative actions include but are not limited to the following:

- (1) place the employee in another vacancy in the former class,
- (2) place the employee in a class equivalent to the former class if agreeable to the employee,
- (3) cause the vacant position to be reclassified to the former class for a reasonable period; when the next vacancy in the former class occurs at the institution, the employee shall then be placed in the vacancy of the former class,
- (4) cause the employee's name to be placed on the Reinstatement List for the former class, and his/her position on that List shall be determined by the computation as if he/she had been laid-off,
- (5) if the rejection is for the reason of poor attendance or for disciplinary reasons as opposed to an inability to perform the work at the higher level, the institution Director of Personnel may cause the employee's name to be placed in Group B on the reinstatement list for the former class. An individual rejected on probation following demotion or reinstatement from Reinstatement Group B will not resume the former position, but will be afforded the opportunity to request an investigation as described above.

3. Librarians

USM BOR VII - 2.15 - POLICY ON LIBRARIANS (Approved by the Board of Regents, October 6, 1995)

PERMANENT STATUS

Permanent status is here defined as continuing employment such that a decision to remove an employee must be made by the President of the campus and must be justified by cause as defined by campus policy.

Each institution shall develop criteria and procedures for the review process leading to the granting of permanent status for librarians. Following review for form and legal sufficiency by the Office of the Attorney General, these procedures must be submitted to the Chancellor for review and approval.

One who has completed seven consecutive years of service, beginning on or after July 1, 1991, as a full-time librarian at a system institution shall be granted permanent status.

A person appointed to the position of Director shall serve in that capacity at the pleasure of the President or designee, regardless of whether the appointee has at the time of the appointment, or obtains during the appointment, permanent status as a librarian.

C. SPECIAL ACTION APPEALS – CLASSIFIED-EXEMPT

USM BOR VII - 8.10 - POLICY ON SPECIAL ACTION APPEALS FOR CLASSIFIED EMPLOYEES (Approved by the Board of Regents, February 28, 1992)

I. Filing of Appeals

A special appeal process shall be available to any classified employee against whom certain personnel actions have been taken which include charges for removal, disciplinary suspensions, involuntary demotions and rejection on probation. All special action appeals shall be filed with the Institution Director of Human

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Resources/Personnel or designee. The Institution Director of Human Resources/Personnel or designee shall review the appeal and determine its proper disposition.

II. Types of Appeals

A. Charges for Removal

1. An employee who is notified of charges for removal may request an opportunity to present a defense within 5 working days from the date on which the employee receives the charges for removal, as evidenced by the return receipt or other evidence of delivery of the charges to the employee. An appeal of charges for removal shall be referred by the Institution Director of Human Resources/Personnel or designee to the Institution Chief Executive Officer or designee (hereinafter referred to as CEO or designee). The Institution CEO or designee shall, within 30 working days, if possible, investigate the charges and give the employee an opportunity to be heard. Testimony shall be taken under oath and both parties shall have the right of representation by counsel and the right to present witnesses and give evidence.
2. Within 15 working days following the conclusion of the hearing, a written decision shall be rendered to the employee.
3. In case no hearing is requested by the employee within the prescribed time, the Institution Director of Human Resources/Personnel or designee shall act upon the charges or order such other actions as may be indicated by the findings in the case.
4. If a hearing is requested within 5 working days and the removal is upheld, Step 3 of the grievance procedure, as provided in the Policy on Grievances for Classified Employees and Associate Staff, is available to the removed employee. The appeal shall be submitted within 10 working days after receipt of the written institution decision.

B. Preliminary Hearing on Suspensions Pending Removal

1. If an employee is suspended without pay pending charges for removal, the Institution Director of Human Resources/Personnel or designee shall notify the employee in writing of the reasons for the suspension at the time of the notice of the suspension.
2. An employee who is suspended pending charges for removal may, within 5 working days from the date on which the employee receives the notification of suspension, request in writing through the Institution Director of Human Resources/Personnel or designee that the Institution CEO or designee conduct a preliminary hearing to determine whether or not the employee may continue to work with pay during the disposition of the charges. The date the notification of suspension is received shall be evidenced by a return receipt or other proof of delivery of notification to the employee.
3. The Institution CEO or designee shall conduct a preliminary hearing within 5 working days after the Institution Director of Human Resources/Personnel or designee receives in writing the request from the suspended employee for the preliminary hearing.
4. The preliminary hearing shall be limited to the issues of:
 - a. Whether suspension without pay is necessary to protect the interests of the institution, the University of Maryland System or the employee pending final disposition of the charges; and
 - b. Whether other employment and status alternatives should be considered.
5. At the preliminary hearing, the employee may:
 - a. Rebut the reasons given for the suspension;

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- b. Allege mitigating circumstances; and
 - c. Offer alternatives to the suspension including
 1. return to the position with pay;
 2. transfer to another position with pay; or
 3. suspension with pay.
6. Within 5 working days after the preliminary hearing is completed, the Institution CEO or designee shall render a written decision that is conclusive as to the issue of whether or not the employee may continue to work with pay pending the disposition of the charges.
- C. Involuntary Demotions
1. An employee who is notified of demotion may, within 5 working days of written notification, file a written answer with the Institution Director of Human Resources/Personnel or designee and request an investigation of the demotion.
 2. Within 20 working days, if possible, after receipt of the request, the Institution CEO or designee shall investigate the demotion and give the employee the opportunity to be heard. Within 15 working days following the conclusion of the investigation, the written decision shall be rendered to the employee.
 3. If an investigation is requested within 5 working days and the demotion is upheld, Step 3 of the grievance procedure, as provided in the Policy on Grievances for Classified Employees and Associate Staff, is available to the employee. The appeal shall be submitted within 10 working days after receipt of the written Institution decision.
- D. Rejection on Probation
1. Rejection on Original Probation
 - a. An employee who is rejected on original probation may within 5 working days of the rejection, file a written request with the Institution Director of Human Resources/Personnel or designee for a hearing at Step 2 of the grievance procedure, as provided in the Policy on Grievances for Classified Employees and Associate Staff. The appeal is limited to the procedural and legal basis for the rejection. Rejection for cause is not required in the case of an employee rejected on original probation.
 - b. Within 20 working days, if possible, after receipt of the request, the Institution CEO or designee shall conduct a hearing. Within 15 working days following the conclusion of the hearing, a written decision shall be rendered to the employee.
 - c. If the rejection is upheld, Step 3 of the grievance procedure is available. The appeal shall be submitted within 10 working days after receipt of the written institution decision.
 2. Rejection on Status Change Probation
 - a. An employee who is rejected on status change probation as defined in this policy and for whom no vacancy in the former classification is available may, within 5 working days of receipt of the recommendation of the appointing authority to reject, appeal to the Institution Director of Human Resources/Personnel or designee and request an investigation of the proposed rejection.
 - b. Within 20 working days, if possible, after receipt, the Institution CEO or designee shall complete an investigation of the recommended rejection. Within 15 working days following the conclusion of the investigation, the written decision shall be rendered to the employee.

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- c. If the rejection is upheld, Step 3 of the grievance procedure, as provided in the Policy on Grievances for Classified Employees and Associate Staff, is available to the rejected employee. The appeal shall be submitted within 10 working days after the receipt of the written institution decision.
 - d. The appointing authority bears the responsibility for preparing the justification when there is a rejection on probation of an employee who has satisfactorily completed an original probation and is serving a status change probation, except as defined in this policy.
- E. Disciplinary Suspension (Does not apply to suspension pending charges for removal)
1. Any alleged infraction shall be investigated by the appointing authority or designee at the earliest opportunity following knowledge of the alleged infraction, and the investigation shall be completed as soon as possible. All suspensions of employees shall be implemented within 3 working days of the alleged infraction or knowledge of the alleged infraction by the responsible supervisor or administrator. All suspension days shall be consecutive.
 2. The employee and/or the employee's designated representative may submit a written appeal on a disciplinary suspension:
 - a. Directly to Step 2 of the grievance procedure (see Policy on Grievances for Classified Employees and Associate Staff) within 5 working days of notification of the suspension, or
 - b. To Step 1 of the grievance procedure within 3 working days of notification of the suspension. In such event, the Dean, department head, chairperson or designee must hear the case within 3 working days from the receipt of the written appeal. Should the appeal be unheard or unanswered as a result of management delay, the employee shall be reinstated with full back pay.
 3. Any further appeals must proceed through the grievance procedure within the prescribed time limits. If the suspension is upheld by the Institution CEO or designee, Step 3 of the grievance procedure is available to the employee.

IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall develop procedures as necessary and submit a copy to the Chancellor.

DEFINITIONS:

"Original Probation" means a probation period required of any employee entering the University System by appointment to a regular position, a current employee appointed to a position at an institution other than the one at which employed, or a former employee returning to University service in a classification other than the one held at the time of separation or to a department other than the one where employed at separation.

"Status Change Probation" means a probation period required of an employee who is appointed to another position at the same institution as the result of a promotion, demotion, horizontal change, transfer or reinstatement, except that a reinstated employee appointed to a classification or department other than the one held at separation must serve an original probation and would be subject to the appeal process for original probation outlined in D.1. above.

"Working Days" are Monday through Friday regardless of work schedule, weekend work or mid-week days off.

REFERENCES:

13-1A-01 through 06 of the Education Article, Annotated Code of Maryland, 1989 Replacement Volume.

Replacement for:

USM Bylaws, Policies and Procedures of the Board of Regents

Personnel Policies and Rules for Classified Employees, Section IX, Grievances and Appeals, Appeals-Special Actions, Page IX-3, March 1988.

V. MISCELLANEOUS

Any human resources, salary, or benefits administration issues related to employees whose job title or job group changed because of the implementation of the USM 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 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 or 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:

~~UM Personnel Policies and Rules for Associate Staff, Employment Standards for Associate Staff, Paragraph P. Change in Employment Category, page 39, June 1989.~~

~~UM Personnel Policies and Rules for Associate Staff, Section G.1.b, page 12, June 1989.~~

~~UM Policies and Procedures for Classified Employees, Probation, page II-15 through page II-19, July 1, 1990.~~

~~USM BOR VII-1.00, Interim University System Policy on the Appointment and Employment of Administrative and Classified Personnel, approved by the Board of Regents, April 5, 1989, 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, July 1985.~~

~~Additionally, t~~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.”