

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

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## USM HR Policy Review Sheet

**Policy Number: VII – 9.61**

**New Policy Title: Policy on Reemployment and Reinstatement for Regular Status Nonexempt and Exempt Staff Employees**

Old Policy Title: Policy on Reinstatement for Regular Exempt Employees

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Terminology outdated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: VII – 1.31 Policy on Reemployment

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

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

Updates to reflect changes in law

Incorporate USM-wide existing practice into policy: Added Reinstatement language from pre-1999 Policies and Procedures for Classified Employees.

Incorporated Pre-USM Policy:

Fills gap in policy:

Added definitions

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**D R A F T 05/07/2015**

**VII-9.61 – POLICY ON REEMPLOYMENT AND REINSTATEMENT FOR REGULAR STATUS NONEXEMPT AND EXEMPT STAFF EMPLOYEES**

(Approved by the Board of Regents December 3, 1999, EFFECTIVE January 2, and January 12, 2000; Amended , 2014)

**I. PURPOSE AND APPLICABILITY**

This policy establishes the conditions that shall apply to former ~~regular~~ University System of Maryland (USM) Regular status employees who are ~~re~~appointed to ~~R~~regular ~~status~~ Exempt positions within a specified period ~~of time~~ following a period of separation from the USM and/or State.

**II. DEFINITIONS**

Reemployment – Return to USM employment after a break in service of three (3) or more years.

Reinstatement – Return to USM employment after a break in service of less than three (3) years.

**III. REEMPLOYMENT TO NONEXEMPT OR EXEMPT STAFF POSITIONS**

- A. A former ~~R~~regular ~~status~~ Nonexempt or Exempt Staff ~~administrative or classified~~ employee who returns to USM University System of Maryland service after a break in service of ~~two-three~~ or more years shall be considered a new employee. ~~Former employees who return within two years of separation shall be governed by the Policy on Reinstatement.~~
- B. For individuals who are reemployed as new employees, prior service, exclusive of the period of separation from service, shall only be used to:
1. Determine the rate of annual leave earnings for Nonexempt classified employees as described in the Policy on Annual leave;  
~~±~~
  2. Determine seniority points for Nonexempt classified employees, as provided in BOR VII-1.30 Policy on Layoff for Nonexempt Staff Employees. ~~Unclassified and Classified Personnel.~~

**IV. REINSTATEMENT TO EXEMPT STAFF POSITIONS**

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### ~~H. DURATION OF REINSTATEMENT STATUS~~

~~—Former employees are eligible for reinstatement status for  
—three (3) years from the date of separation from regular USM  
—and/or State service.~~

### ~~III. CREDIT FOR PRIOR SERVICE~~

~~A. A reinstated employee shall receive full credit for prior USM and/or State service as it applies to service time, Annual Leave earnings rate and sick leave balance. Refer to the following policies for specific leave provisions: Policy on Sick Leave, VII-7.45; Policy on Annual Leave, VII-7.00.~~

### ~~B. Reinstatement from Military Duty~~

~~Any Exempt staff employee other than a temporary employee who, by reason of entry into the Armed Forces of the United States by either Selective service or Enlistment, has left or shall leaves his/her position with the USM shall be reinstated to the classification within the department that the employee held prior to entry into the Armed Forces, or within the USM to a position of equal responsibility, qualifications, and pay provided:~~

- ~~1. The employee makes application within ninety (90) days from the date of separation from the armed Forces when the employee has involuntarily entered, or within ninety (90) days after termination of the first period of enlistment when the employee has voluntarily entered, for reinstatement as a USM employee; or~~
- ~~2. The employee makes application for reinstatement within ninety (90) days after discharge from a hospital, provided such hospitalization is directly connected with, related to, and immediately follows separation from the Armed Forces and the period of hospitalization does not extend beyond a year from the date of such separation.~~
- ~~3. Any veteran qualifying for reinstatement shall be entitled to start at the salary and rate of earnings for leave that the employee would have received if the employee had remained continuously in USM service.~~

### ~~1-C. Persons on Leave of Absence Without Pay~~

~~Employee job protection rights are covered by BOR VII – 7.12 Policy on Leave of Absence Without Pay for Exempt and Nonexempt Staff Employees.~~

### ~~D. Other Reinstatement Circumstances~~

- ~~1. A person who is reinstated to USM service shall serve a new probation period. However, an employee who is reinstated in the same classification with the~~

department in which the employee had previously completed a satisfactory probation period will not be subject to a new probation period.

2. A reinstated employee shall receive full credit for prior USM and State service. However, the employee is not entitled to salary or service credits for the period of separation from the service, with the exception of employees reinstated in accordance with Section IV.B. of this policy.

## V. REINSTATEMENT TO NONEXEMPT STAFF POSITIONS

### A. Priorities for Appointment.

The following is the sequence of priorities for appointment among persons eligible for reinstatement in their classifications.

#### 1. Reinstatement from Military Duty

Any Nonexempt staff employee other than a temporary employee who, by reason of entry into the Armed Forces of the United States by either Selective service or Enlistment, has left or shall leaves his/her position with the USM shall be reinstated to the classification within the department that the employee held prior to entry into the Armed Forces, or within the USM to a position of equal responsibility, qualifications, and pay provided:

- a. The employee makes application within ninety (90) days from the date of separation from the armed Forces when the employee has involuntarily entered, or within ninety (90) days after termination of the first period of enlistment when the employee has voluntarily entered, for reinstatement as a USM employee; or
- b. The employee makes application for reinstatement within ninety (90) days after discharge from a hospital, provided such hospitalization is directly connected with, related to, and immediately follows separation from the Armed Forces and the period of hospitalization does not extend beyond a year from the date of such separation.

c. Any veteran qualifying for reinstatement shall be entitled to start at the salary and rate of earnings for leave that the employee would have received if the employee had remained continuously in USM service.

#### 2. Reinstatement Subsequent to Prolonged Illness

- a. Any Regular status employee who has completed an original probation period and who is ready to return to duty within the first six months of a leave of absence without pay due to illness shall be reinstated to the classification the employee held in the former department.
- b. After the first six months of the leave of absence without pay, and before the expiration of the approved leave of absence without pay, an employee shall be restored to duty in the first vacancy that occurs in the former department. Other departments shall consider this person as being among the ranking eligibles.

3. Reinstatement After Lay-Off

- a. The institution Chief Human Resources Officer (CHRO) or Designee shall assure that the name of a person laid off or a person notified of an impending layoff to occur within three months will be certified to the appropriate eligible lists at every USM institution. Certification will be for the following classification or classifications, provided that the person meets the minimum qualifications:
  - i. The classification from which the person was laid off;
  - ii. Any classification in the same or a comparable occupational area as that from which the person was laid off, provided that the rate of compensation is the same as or lower than that of the classification from which the person was laid off.
- b. The institution CHRO or Designee shall certify to the department the names of persons laid off as follows:
  - i. An employee with the highest number of seniority points shall be reinstated first to the classification in which the layoff occurred or any lower classification in the same job series within the department where the layoff occurred; and
  - ii. For the classification in which the layoff occurred or any lower classification in the same job series in a department other than where the layoff occurred, or any other comparable job classification, reinstatement shall be made from the top five senior certified laid off employees.
- c. When a laid off or pending layoff employee is placed in a classified position, the employee's name shall be removed from all eligible lists for which the employee carried a layoff or pending layoff priority, except for

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the list involving the classification from which the employee was laid off and any eligible lists for classifications for which the employee had competed under normal procedures or for which the employee has reinstatement rights under this policy.

d. A Department Head or Chairperson may request the institution CHRO to make exceptions in the selection of laid-off or pending layoff persons in those comparable classes to which those persons were certified. The Department head or Chairperson shall submit to the Institution CHRO written documentation satisfactorily attesting to the need for the specialized knowledge, skills, or abilities the persons do not possess.

### 4. Persons on Leave of Absence Without Pay

a.If a person is certified to the eligible list with a layoff reinstatement priority, the following provisions apply:

i. A person who is ready to return to duty from a leave of absence without pay and who has seniority points greater than those of laid-off employees shall be restored to the first vacancy that occurs with the person's last department in the classification that the person held when granted the leave of absence without pay.

ii.A person who is ready to return to duty from a leave of absence without pay, and who has sufficient seniority points to place that person among the five persons having the greatest number of seniority points in the classification that the person held when granted the leave of absence without pay, shall be considered for appointment with the last department.

b.A person who is ready to return to duty from a leave of absence without pay under circumstances other than those enumerated in Sections B.1, B.2, and B.4.a. of this policy shall be restored to the first vacancy that occurs with the person's last department in the classification that the person held when granted the leave of absence without pay.

c. A department other than the person's last department shall consider the persons in Section B.4.a and B.4.b of this policy as eligible for selection.

### 5. Other Reinstatement Circumstances

a. A person who is reinstated to USM service shall serve a new probation period. However, an employee who is reinstated in the same classification

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with the department in which the employee had previously completed a satisfactory probation period will not be subject to a new probation period.

- b. A reinstated employee shall receive full credit for prior USM and State service. However, the employee is not entitled to salary or service credits for the period of separation from the service, with the exception of employees reinstated in accordance with Section V.B.1. of this policy.

### **IV. OTHER RELATED POLICIES**

Refer to the following policies for coordination of other leave benefits with this policy: VII – 7.50 Policy on Family and Medical Leave; VII – 7.12 Policy on Leave of Absence Without Pay.

#### 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 PRESIDENT or designee shall develop~~
- ~~—procedures as necessary to implement this policy, and shall~~
- ~~—forward a copy of such procedures to the Chancellor.~~

#### REPLACEMENT FOR:

Policies and Procedures for Classified Employees, Reinstatement, page II-7 through page II-10, July 1, 1990.

#### BOR VII – 1.31 Policy on Reemployment

- ~~—Policies and Procedures for Associate Staff, Reappointment,~~
- ~~—item F, page 4, June 1989.~~
- ~~—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 System of Maryland 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.~~