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**MEMORANDUM**

**TO:** Presidents  
**FROM:** William E. Kirwan  
Chancellor  
**DATE:** April 22, 2010  
**RE:** Application of Certain USM Policies to Former UMBI Employees

At the meeting of June 19, 2009, the Board of Regents (BOR) of the University System of Maryland voted to dissolve the University of Maryland Biotechnology Institute (UMBI) and reassign its programs, resources and research employees to various other institutions of the University System of Maryland (USM). The Board's decision will be fully implemented as of June 30, 2010. In recent months, faculty and most research staff employees have been notified that they will transfer to other institutions with no loss of the benefits that they enjoyed while employed at UMBI. Since UMBI's central administrative functions will be eliminated and other administrative functions have been changed as part of this reorganization, many administrative employees were notified that they would need to find other employment by June 30, 2010.

We are pleased that some of these employees have been hired by other USM institutions and hope that others may be as well in the coming months. As a general matter, UMBI employees who accept positions at other USM institutions will then be covered by the policies and procedures of that institution. However, because of the unique circumstances of UMBI's restructuring, certain USM policies will continue to apply to UMBI employees who work for USM institutions after June 30, 2010, in the same manner as they had at UMBI. The application of these policies depends upon the nature of the employee's post-June 30 employment. Specifically, those employees will be in one of two categories: (1) employees who directly transfer to another USM institution because their UMBI position is transferred to that institution or (2) employees who have been hired by another USM institution in a position unrelated to the reorganization of UMBI's programs. This memorandum sets out those unique circumstances for each of the two groups.

**I. UMBI Employees Whose Positions Transfer to Another USM Institution**

UMBI employees whose positions transfer to another USM institution as part of the reorganization mandated by the Board of Regents will continue to receive the following benefits:

USM Presidents  
Application of Certain USM Policies to Former UMBI Employees  
April 22, 2010

A. Tuition Remission for Spouse and Dependents of Faculty and Staff – USM-BOR Policy VII-4.20

The eligibility of spouses and dependents of UMBI faculty and staff for tuition remission under USM-BOR VII-4.20, "USM Policy on Tuition Remission for Spouses and Dependent Children of Regular and Retired Faculty and Staff Employees of the University System of Maryland," will not change, regardless of the new institution to which the employee may transfer. In particular, Section IV.A of the policy, which provides that the spouse or dependent of employees of non-degree granting USM institutions whose period of employment began after January 1, 1990, may attend any USM institution with full tuition remission for a first undergraduate degree, will continue to apply. Therefore, all UMBI employees whose positions transfer to other USM institutions as part of the re-structuring of UMBI shall retain this benefit, in accordance with the other eligibility requirements of the tuition remission policy and the conditions stated above.

B. Probation for Exempt and Nonexempt Staff Employees – Exempt Staff USM-BOR Policy VII-1.22, Section IV; Nonexempt Staff USM-BOR Policy VII-1.21

A UMBI exempt or nonexempt staff employee who is serving an original probation period at the time the position is transferred to another USM institution as a result of the re-structuring of UMBI shall complete the probation at the receiving institution, and time employed at UMBI will count toward the probation period required. All other UMBI exempt or nonexempt staff employees whose positions are transferred to other USM institutions as a result of the re-structuring of UMBI shall not be required to complete a new probation period.

C. Service Credit Under the Separation Policy for Exempt Staff – USM-BOR Policy VII-1.22

USM-BOR VII-1.22 Policy on Separation for Regular Exempt Employees, Section III, states that, "An Exempt employee at one USM institution who is offered an Exempt position at another USM institution may, at the discretion of the offering institution, be credited with prior USM service for purposes of calculating the required period of notice upon separation." It is UMBI's policy to always credit such employees with prior USM service. Therefore, all UMBI exempt employees whose positions transfer to other USM institutions as a result of the restructuring of UMBI shall be credited by the new institution with prior USM service under this policy.

D. Vested Policies Under Implementation of Phase II-Exempt of the USM Pay Program – USM-BOR Policy VII-9.01

Under USM-BOR VII-9.01 Policy on Implementation of Phase II-Exempt of the USM Pay Program, certain employees who were Associate Staff employees at the time of implementation of the Exempt Pay Program were vested with certain rights. UMBI employees who are still vested under BOR VII- 9.01 shall continue to be vested as if they were still employees of UMBI when they transfer directly to another USM institution as a result of the re-structuring of UMBI.

USM Presidents

Application of Certain USM Policies to Former UMBI Employees  
April 22, 2010

Finally, we note that tenured and tenure-track faculty who are appointed to USM institutions have additional rights with respect to their tenure and tenure-track status and appointments under the Chancellor's October 2, 2009 "Tenure Home Selection Process for UMBI Faculty."

## II. UMBI Employees Otherwise Hired By a USM Institution

UMBI employees whose positions will not continue as part of the restructuring of UMBI's programs have been given priority of interview for other open positions arising at USM institutions. Former UMBI employees hired by a USM institution in a position unrelated to the UMBI restructuring within one week of the end of employment at UMBI will be eligible for special tuition remission benefits. Specifically, these employees and their dependents will continue to be eligible for tuition remission benefits as provided by UMBI and described in Section I.A, above, for a period of five years after the dissolution of UMBI (i.e., through the Spring 2015 semester). After that time, they will be eligible for the tuition remission benefits provided by the institution where they are employed. In all other respects, these employees will be covered by the personnel policies and procedures of the institution where they were hired.

The application of the special rights and benefits outlined in this memorandum will cease: (1) if the employee is later hired by any other USM institution, at which time all policies and procedures of the new institution will apply to the former UMBI employee; (2) when the employee otherwise leaves employment by the USM institution; or (3) when any BOR policy is amended or superseded in a manner that results in a change to the above benefits or rights, at which time the employee will be subject to the amended policy.

We recognize that the restructuring of UMBI has been difficult for its employees and hope that the measures outlined above will help to ease the concerns of those employees who will continue to work for USM institutions after June 30. We appreciate the efforts that you have made to assist UMBI employees who are transferring to or seeking employment at USM institutions, and ask that you share this memorandum with members of your staff who will be responsible for their implementation.

cc: Vice Presidents for Administration and Finance  
Irwin Goldstein  
Joseph F. Vivona  
JoAnn Goedert