

CUSF Executive Committee Meeting Minutes

December 3, 2012

In Attendance were: Jay Zimmerman, Virletta Bryant, Robert Kauffman, Nagaraj Neerchal, Bobbi Adams, Joann Boughman (guest) and JoAnn Goedert (guest).

CONVENING THE MEETING

The ExecCom December 3rd meeting was convened by Jay Zimmerman at 12:15 PM in the downstairs conference room at System headquarters in Adelphi, Maryland.

APPROVAL OF MINUTES

A motion was made to approve the October 3rd ExecCom Minutes. The minutes were approved. [Secretary's Note: *Because there was a joint General Body meeting, ExecCom did not meet in November and there were no November ExecCom minutes.*] A second motion was made to approve on an interim basis the October and November General Body Minutes. They were approved.

BUSINESS

Sick Leave Policy: College Park has proposed an amendment to the sick leave policy (II-2 30-Faculty Sick and Accident Leave). Both the UMCP and the staff redlined proposals are provided as attachments. JoAnn Goedert, Assistant Vice Chancellor of Administration and Finance, was invited to the meeting to comment on the proposals. The primary issue was which proposal should be brought to the General Body of CUSF for action. The following is a brief summary of the discussion on the topic.

- The 1989 policy needs to be updated to reflect changes in Federal law and other changes.
- The proposed policy reads more like regulations that may best be delineated elsewhere rather than as a policy.
- The proposed policy needs to be updated to be consistent with the policy available to the staff.

Tuition Remission Proposal: BOR Policy VII-4.20, Paragraph IV.B, Section 2 b states that a spouse or dependent child may attend another USM institution with 50% tuition remission, with the approval of the President or designee, if the academic program is not available at the home institution or if the spouse or dependent child is not accepted for admission at the home institution. The ExecCom has developed the following motion for discussion and approval by the General Body.

Motion #1213: Tuition Remission Proposal – CUSF requests that the following change to the above BOR policy provision be made. The spouse or dependent child may attend any USM institution to which they have been admitted with 50% tuition remission. This is intended to extend the tuition remission benefit of those employees whose date of

employment is on or after January 1, 1990. It will not affect the tuition remission for employees hired before January 1, 1990 and it will not affect the tuition remission for spouses or dependent children admitted to the home institution.

There was a discussion about the motion. The following points are a summary of the major points.

- The discussion included whether the motion should include the pre-1990 package or simply eliminate the limitations on the 50% rule (i.e. faculty would receive 50% tuition remission at any institution). The discussion concluded that the best strategy was to eliminate the limitations on the 50% rule.
- It was noted that this is a sensitive issue because it is perceived by the Legislature as a special perk for faculty that is not available to any other state employee. To demand the pre-1990 package would foster the perception whether perceived or real that faculty consider themselves to be a special group.
- The issue was raised that by not advocating the pre-1990 package, it was not a good negotiating approach. Although the point was well taken, the issue raised was whether this was really an issue of *negotiation* or one of *positioning*. Consensus was that it was one of positioning where the Chancellor is provided a proposal that is feasible in terms of potentially being implemented given the political and economic climate.

Senate Chairs Meeting (1:50 p.m.) – The Senate Chairs Meeting is on Friday, December 14th. With the assistance of those present, Virletta finalized the agenda.

Report on Chancellor's Council – Jay and Joann covered the agenda of the recent Chancellor's Council. He noted that they discussed the *Smoking Policy* and *Academic Transformation*. He updated the group on *performance based funding*. The performance based funding is a **base-plus model**. It would not affect the base funding of the institution but it would affect extra initiatives such as economic development or meeting the achievement gap. In addition, it would most likely be based on a three year rolling average. Next, there was a brief discussion on *competency based education*.

December CUSF Meeting Agenda – There was a discussion regarding adding the Proposal for a USM Employee Assistance Program. A copy of the proposal is attached.

NEW BUSINESS AND ADJOURNMENT

There was no new business nor was there additional business. The meeting was adjourned at 2:19 PM.

Respectfully Submitted,

Robert B. Kauffman

Robert B. Kauffman
Secretary, CUSF

Attachments: II-2 30-Faculty Sick and Accident Leave (redlined)
Proposal for a USM Employee Assistance Program

II – 2.30 - USM POLICY ON ACCIDENT LEAVE AND CREDITABLE AND NON-CREDITABLE SICK LEAVE FOR FACULTY MEMBERS

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

12/3/12 DRAFT

I. OBJECTIVES

- A. To provide an informal system of colleague-substitution for short-term incapacity of instructional faculty. This practice protects the interests of students by ~~insuring the supply of qualified substitutes who are familiar with the disabled teacher's educational objectives, methods, and standards.~~ preventing disruptions to students' instructional programs during periods when the instructor must be on leave for illness or other reasons covered by this policy.
- B. To provide a regularized and equitable basis for determining the eligibility of faculty members to receive salary payments ~~during extended periods of incapacity~~ for reasons of illness, injury, ~~or~~ childbirth, the need to care for a newborn or adopted child or an ill immediate family member, or bereavement.
- C. To ~~provide a regularized and equitable procedure for disability coverage by way of disability retirement, regular retirement, or disability insurance, once the limits of the extended leave period have been reached and the health prognosis is unfavorable~~ address the State law standards for the application of accrued creditable sick leave to a faculty member's service credits for retirement.

II. NON-CREDITABLE SICK LEAVE: COLLEGIALLY SUPPORTED

- A. 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.
- B. 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 incapacitated for brief periods by illness, injury, or childbirth, the "collegial" method of accommodating faculty disability is preferred. ~~This is the practice whereby~~ With "collegial" leave, the general practice is for colleagues of the disabled faculty member—on a voluntary basis—to take over his or her classes and other essential functions, in addition to carrying on their regular work.
- C. This provision may be employed when practicable 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.

- D. Collegially supported sick leave is not credited toward retirement and cannot be carried over to a subsequent fiscal year.
- E. 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.
- F. The maximum collegially supported leave available to a faculty member during the summer is one-seventh of the contract period. This will be included as part of the faculty member's yearly limit.
- G. 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.

III. CREDITABLE SICK LEAVE

A. Accrual

1. 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 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 ~~present appropriate diagnostic or medical evidence to support his or her sick leave~~ **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**, 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 disability retirement, regular retirement, or disability insurance if the health prognosis is unfavorable.
7. If there is a break in an individual's employment with the State of Maryland of less than three 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.

B. Sick Leave Creditable as a Retirement Benefit ***Combination of old and new text:***

~~A maximum of 130 sick leave days could be creditable as a retirement benefit as of January 1, 1975. Since that date, there has been no limit on accumulation of sick leave. For individuals employed in former Board of Regents institutions, there may be additional sick leave in reserve which cannot be credited toward retirement.~~ 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 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 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 retirement service in the case of an early retirement.
 - 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. Faculty members who are members of the Optional Retirement Plan do not accrue sick leave that is 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.
- C. 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.
 - c. 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 days of accrued sick leave, or five 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 years, and shall retain summary records of these reports until the individual leaves employment.

V. ACCIDENT LEAVE *We suggest removing this section and replacing it with a separate faculty accident leave policy that is updated to reflect current state workers compensation law.*

- A. A faculty member who, in the actual performance of his or her duties, sustains an accidental personal injury that is otherwise compensable under the Maryland Worker's Compensation Law, shall be granted accident leave with full pay if, after medical examination, a physician certifies that the injury or accident disables the employee. Accident leave is unavailable only to those who are eligible for sick leave.
- B. Accident leave shall be granted from the date of the job-related injury until a physician certifies that the individual is healed and is physically able to return to work. The period of accident leave must be supported by a valid physician's certificate. In no event may accident leave be extended beyond one year from the date the accidental personal injury occurred.
- C. Accident leave is not sick leave. An employee on accident leave status will continue to earn sick leave and annual leave credits. Holiday leave will be reported for scheduled holidays occurring during the period of accident leave.
- D. After the injured employee has used all available accident leave and does not elect to receive temporary total benefits, he or she may use other leave with pay, including sick leave, annual leave, compensatory leave, and holiday leave. If, after using all leave with pay, the individual does not elect to receive temporary total benefits, he or she may request the President to extend sick leave. After the use of all possible leave with pay, the individual shall be placed on leave of absence without pay.
- E. The injured employee shall not receive temporary total benefits under Worker's Compensation while receiving accident leave with full pay and shall not be paid any other leave benefits while on accident leave.
- F. Each institution shall establish procedures in accord with the System personnel policies and the Worker's Compensation Law with regard to the: employee's notice of injury; physician's certification; responsible administrator's report; employee's claim; required medical examinations; granting of leave; and notification of the State Accident Fund.

Add to Agenda for CUSF Dec. Meeting

PROPOSAL FOR A USM EMPLOYEE ASSISTANCE PROGRAM

It is the recommendation of USM institutional human resource leadership (the Systemwide Human Resources Committee) that a single Employee Assistance Program (EAP) be established for all participating USM campuses and operational locations that elect to participate. The program will offer a valuable service for employees and their families and provide both a talent acquisition and retention advantage for USM institutions. Pricing for such programs depends greatly on number of participants, so a USM contract can offer significant cost benefits to individual institutions.

EAPs provide short-term counseling and/or referral for participants in areas including, but not limited to, alcohol/drug abuse, disability-oriented services, marital/family issues, financial, legal, childcare & eldercare resources and other problems that may reduce the employee's work performance.

Specific, core EAP services include:

- Toll-free Help-Line available to all participants on a twenty-four (24) hours per day, 365 days a year basis.
- Trained counselors who assess a participant's problem or reason for referral and makes an immediate referral to the closest EAP affiliate within two (2) hours of the initial contact, or as agreed upon with the participant.
- Assistance in locating appropriate referrals and resources if further counseling or treatment is recommended.
- Case-management that is comprehensive and ongoing with follow-ups via telephone, monitoring participant status throughout treatment.
- On-site training sessions on cyclical psychosocial issues and trends, the schedule of which being determined by USM participating institutional HR leadership.
- On-site Critical Incident Stress Debriefing (CISD) group meetings, as needed, for employees who have experienced job-related critical incidents.
- On-line services, to include feature articles, publications, library, webcasts, podcasts, CDs, and references on various topics related to health and wellness.
- Quarterly utilization reports.

The next step in the development of a USM EAP program is completion and issuance of an RFP. An inter-institution Human Resources committee is currently preparing such an RFP. A number of national organizations provide EAP programs, and it is expected that a USM RFP will generate a good deal of interest among these vendors.

November 14, 2012