

II-2.30 – POLICY ON SICK AND SAFE LEAVE FOR FACULTY MEMBERS

(Approved by the Board of Regents November 30, 1989; Amended on June 21, 2013; Amended on February 14, 2014; Amended June 21, 2019; Amended September 16, 2022)

I. PURPOSE AND APPLICABILITY

A. The purpose of this policy is to:

1. Provide an informal system of colleague substitution for short-term incapacity of instructional faculty. This practice protects the interests of students by preventing disruptions to students' instructional programs during periods when the instructor must be on leave for illness or other reasons covered by this policy.
2. Provide a regularized and equitable basis for determining the eligibility of faculty members to be compensated when unable to work for reasons of mental or physical illness, injury, or condition, childbirth, the need to care for a newborn or adopted child or an ill family member, or bereavement; or when an absence is due to domestic violence, sexual assault, or stalking, pursuant to the Maryland Healthy Working Families Act.
3. Address the State law standards for the application of accrued sick leave to a faculty member's service credits for retirement.

B. Except as otherwise provided in III.B., this policy applies to full-time tenured and tenure-track faculty, non-tenure track instructional faculty as defined by USM BOR Policies II-1.05 and II-1.06, and other faculty whose letters of appointment expressly provide that the faculty member is eligible for sick leave.

II. COLLEGIAL SICK LEAVE

A. Underlying Principle

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. 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 absent for brief periods because of illness, injury, or childbirth, the "collegial" method of accommodating faculty absence is preferred.

B. Definition

"Collegial" leave is a form of collegially supported leave in which the colleagues of the faculty member, on a voluntary basis, assume responsibilities for an absent member's classes and other essential functions, in addition to carrying on their regular work.

C. Non-Creditable Leave

Collegial leave is not credited toward retirement and cannot be carried over to a subsequent fiscal year.

D. Availability

Collegial leave is available to a faculty member as follows:

1. When practicable, it is available up to a maximum of twenty-five (25) work days for each faculty member in one fiscal year. After that time, creditable Sick and Safe Leave (“SSL”) shall be charged.
2. The maximum collegially supported leave available to a faculty member during the summer is one-seventh (1/7) of the contract period. This will be included as part of the faculty member’s yearly limit.
3. 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.
4. 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.

E. Relationship to SSL

If an absence occurs after a faculty member has utilized all available collegial leave, the faculty member’s SSL or other accrued leave shall be charged.

III. SICK AND SAFE LEAVE (“SSL”)

A. Definition

SSL is leave that is accrued during the faculty member’s service and, subject to Maryland law, may be credited toward the faculty member’s service for retirement benefit purposes. SSL does not include Collegial leave.

B. Accrual

1. SSL is accrued at the rate of 1.25 work days per month at full salary. Accrual of SSL 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 SSL during any fiscal year.
2. Part-time faculty members who are employed at least 50-percent-time are eligible for SSL proportionate to the percentage of their employment.

3. Individuals eligible to earn SSL will accrue such leave each calendar month in which they are on paid status for fifteen (15) or more days within that month. No SSL will be accrued for any month during which the individual is on paid status for less than fifteen (15) days.
4. SSL is accrued while the individual is on sabbatical leave, but not while on leave without pay.
5. When all accrued SSL has been expended, and as authorized by the Family Medical Leave Act and related USM policies and consistent with the requirements of the Americans with Disabilities Act, 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 modified duty, disability retirement, regular retirement, or disability insurance as appropriate.
6. If there is a break in an individual's employment with the State of Maryland of less than three (3) years, any unused SSL balance will be restored.¹ A leave of absence without pay is considered a break in employment. SSL balances may be brought to the University System from another State agency.

C. SSL Creditable as a Retirement Benefit

Unused SSL may be credited toward a faculty member's service for retirement benefit calculation purposes under conditions specified in Maryland law at Md. Code Ann., State Personnel and Pensions Article § 20-206 and related statutes. Unused SSL may not be credited toward retirement for those faculty members who participate in the Optional Retirement Plan. There is no cash payment for accrued, unused SSL at the termination of employment, regardless of whether the SSL may be creditable toward retirement.

D. Use of SSL

Subject to the use limitation in Section III.D.5, in addition to using "collegial" leave, a faculty member may use accrued SSL as provided in this section.

1. Employee's Health

SSL may be used:

- a) To care for or treat the faculty member's mental or physical illness, injury, or condition; or

¹ Any SSL that was used to provide creditable service for any employee pursuant to Maryland Annotated Code (Md. Code Ann.), State Personnel and Pensions Article, Section 20-206 shall be treated as leave that has been used and is not eligible for restoration.

- b) To obtain preventative medical care for the faculty member that cannot be scheduled during non-work hours.

2. Care of Ill Family Members

SSL may be used to care for a family member with a mental or physical illness, injury, or condition, or to obtain preventive medical care for a family member that cannot be scheduled during non-work hours.

“Family member” as used in this policy means:

- a) The faculty member’s:
 - i. Child, adopted child, foster child, or stepchild; a child for whom the employee has legal or physical custody or guardianship; or a child for whom the employee stands *in loco parentis*, regardless of the child’s age;
 - ii. Legal guardian;
 - iii. Grandparent, adopted grandparent, foster grandparent, or step grandparent;
 - iv. Grandchild, adopted grandchild, foster grandchild, or step grandchild;
 - v. Sibling, adopted sibling, foster sibling, or step sibling; or
 - vi. Spouse; and
- b) The faculty member’s or spouse’s:
 - i. Parent, adoptive parent, foster parent, stepparent; or
 - ii. An individual who acted as the parent, or who stood *in loco parentis*, when the faculty member or spouse was a minor.

3. Bereavement

For the death of a close relative, a faculty member may use up to three (3) days of accrued SSL, or five (5) 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 section of the policy means: a spouse, child, stepchild, 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 (1) day of SSL 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) Accrued SSL may be used for medical conditions related to pregnancy or childbirth and its immediate physical recovery.
- b) Accrued SSL may be used to care for a child within six months following the birth of a child or placement of a child with the faculty member for adoption.
- c) Accrued SSL may be used for Parental Leave, subject to the provisions of USM BOR II-2.25, Policy on Parental Leave and Other Family Supports for Faculty.

5. Safe Leave

Up to eight work days per year of SSL may be used for the following purposes: domestic violence, sexual assault, or stalking committed against the faculty member or the faculty member's family member, if the leave is being used:

- a) To obtain for the faculty member or the faculty member's family member:
 - i. Medical or mental health attention that is related to the domestic violence, sexual assault, or stalking;
 - ii. Services from a victim services organization related to the domestic violence, sexual assault, or stalking; or
 - iii. Legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking; or
- b) During the time that the faculty member has temporarily relocated due to the domestic violence, sexual assault, or stalking.

6. Verification

A faculty member may be required to provide verification that the SSL was used for purposes provided in Section III.D (except for bereavement) if:

- a) The faculty member uses SSL for more than two consecutive work days; or
- b) The faculty member uses SSL during the period between the first 120 calendar days of employment and the employment agreement, contract, or appointment letter stipulates that such verification shall be required.

IV. REPORTING

- A. Work days and leave hours used shall be recorded by all faculty members who are employed on at least a 50%-time basis, via their institution's positive or exception-based reporting method that supports the accurate accounting of leave balances,

regardless of the faculty member's source of funding or retirement system in which they are enrolled. Institution policy may require faculty members who are employed on less than a 50%-time basis to record work days and leave hours.

1. Faculty members subject to this section shall complete monthly leave reports and sign the fiscal year summary record unless an exemption has been requested by the individual faculty member and approved by the institution's 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. , The faculty member may revoke his or her exemption with the approval of the President, and unused sick leave earned from the time of revocation forward may be credited toward retirement.

V. IMPLEMENTATION PROCEDURES

- A. Each institution shall implement procedures approved by their President or designee on the positive or exception-based reporting method that faculty members shall use to report their monthly sick leave usage, and to review and attest to the accuracy of a year-end sick leave usage summary prepared by the institution.
- B. The institution shall retain the sick leave usage reports for each individual while they are employed by the USM, and for a period of time following their separation, as required by the USM's Records Retention policy and applicable laws and regulations.