

SECTION III: Personnel Policies and Procedures

BENEFITS

(a) Introduction

All permanent employees of the University System of Maryland are entitled to, and may participate in, a variety of benefit plans and programs. The substantive nature, depth and general availability of the benefit plans and programs reflect the University System of Maryland's commitment to the welfare of all its employees. In most instances, the costs involved in participating in the University System's benefit offerings are substantially lower than the equivalent plans purchased on an individual basis. This is made possible by the reduced group rates offered to the University.

The purpose of the following information is to give you a brief overview of each benefit plan. Further information including specific costs, forms to be completed and extent of coverage may be obtained from the Office of Human Resources.

(b) Mandatory Retirement Plans

All employees are required to participate in Social Security and in a retirement plan. Those employed on or after January 1, 1980 are required to join either the Maryland State Teacher's Pension System (MSTPS) or the Teachers Insurance and Annuity Association/College Retirement Equities Fund (TIAA-CREF). Faculty members employed earlier than that date joined the Maryland State Teachers Retirement System (MSTRS) or TIAA-CREF. Another option is the *Optional Retirement Program*. This program includes TIAA-CREF, Aetna, Valic and American Century.

MSTPS is a defined benefit to which employees make no contributions on that portion of salary below the Social Security wage base established for the particular year. For base annual earnings above the Social Security wage base, the employee contributes 5% of the excess.

TIAA-CREF is a defined contribution plan to which the State of Maryland contributes (as of 1987) 7.25% of the total salary. Participating faculty members may authorize a personal deduction of 5% of total salary, or of that part above the Social Security wage base, or may elect to make no personal contribution. The State makes its contribution in any event.

Newly employed faculty members are encouraged to discuss the two available retirement plans with the Office of Human Resources before making a decision between MSTPS and TIAA-CREF.

(c) Supplemental Tax Deferred Investment Plans

The first of two supplemental tax deferred investment plans available is the Maryland State Employees Deferred Compensation Plan.

All tenured and non-tenured members of the University of Maryland faculty who are now being paid through the Central Payroll Bureau of the State of Maryland, other than emergency or temporary employees, are eligible for this plan. Contributions may be invested in various ways. Specific, current information about investment plans may be obtained from the Office of Human Resources. Under this plan, administered by the Public Employees Benefit Services Corporation (PEBSCO), any amount up to 25% of contract salary or \$7,500, whichever is less may be invested. Two changes per year are permitted. Funds may be withdrawn only upon retirement, termination from University service, or in cases of extreme financial hardship.

The second supplemental tax deferred investment plan available is the Supplemental Retirement Annuity Plan. This special type of annuity plan is offered by the Teachers Insurance and Annuity Association and the College Retirement Equities Fund (TIAA-CREF), Aetna, Valic, and 20th Century to all full time and part time University employees. Options under this plan include the investment of premiums (payroll deductions) in a broadly diversified group of bonds and mortgages yielding a fixed monthly retirement annuity (except for dividends) or the purchase of accumulated units, like shares of ownership in a broadly diversified stock fund, yielding a variable monthly retirement annuity.

(d) Health Insurance

The University of Maryland offers Maryland Blue Cross, Blue Shield and a variety of Health Maintenance Programs through the State of Maryland to all University personnel employed in at least a 50% time capacity. Graduate Assistants and students on taxable fellowships are also eligible to enroll. An eligible employee has the option to choose the benefits he/she desires from any one of the many Health Insurance Programs offered by the State of Maryland. The University contributes a significant portion of the total cost of the bi-weekly premium although the percentage of the total premium paid by the University will vary based on the extent of coverage desired by an employee.

An eligible employee must enroll within 60 days from the date of employment or during the State of Maryland Health Insurance *Open Enrollment* period generally held once a year. Membership will become effective on the date an eligible employee completes and application to enroll in a State Group Health Insurance Program or date of employment, whichever is later, **provided subscription charges are paid**. Further information and brochures can be obtained from the Office of Human Resources.

(e) Long Term Disability Insurance

This plan, underwritten by the Unum Life Insurance Company, provides for payment of 66.7% of total regular earnings (less any payments received from Social Security, State Retirement Systems, etc.) in the event of total disability. The maximum monthly payment may not exceed \$4,000. Benefit payments begin 121 days from the beginning date of the total disability and can continue until age 65 in the case of a continuing disability. All permanent personnel who are employed in at least a 50% time capacity and who are under age 65 are eligible to participate. The enrollee pays the full cost of coverage.

(f) Group Life Insurance

Term insurance is available to eligible employees for up to five times their annual salary, in increments of \$10,000, with a minimum coverage of \$20,000 and a maximum of \$500,000. Eligible employees who have not reached age 60 may purchase up to \$50,000 on a guaranteed issues (i.e. without evidence of insurability). Employees between 60 and 69 can purchase \$20,000 on a guaranteed issue.

All permanent employees who work 50% time or more and who have not yet reached the age of 70 are eligible to participate. Enrollment must be made within the first 60 days of employment with the University or an evidence of insurability satisfactory to the underwriter (Commercial Life Insurance Company of Piscataway, NJ) will be required.

Application cards, medical cards and further information are available from the Office of Human Resources.

(g) Credit Union

Immediately upon starting employment with the University, all employees are eligible to participate in the State employees Credit Union. The State Employees Credit Union offers all the services of a full-service bank including loan privileges, savings accounts and checking accounts. Savings deductions and loan repayment are automatically made through payroll deductions.

Applicant cards, medical cards and further information are available from the Office of Human Resources.

(h) Blood Bank of the Eastern Shore

Membership in the Blood Bank is available through UMES. The fee is payable by the employee. Information and applications may be obtained from the Office of Human Resources.

(i) U.S. Savings Bonds

U.S. Government Savings Bonds may be purchased on a bi-weekly payroll deduction plan. Information concerning these bonds may be obtained directly from the UMES Payroll Office.

196.0 VII-4.01- INTERIM UNIVERSITY SYSTEM POLICY ON COMPENSATION FOR FACULTY AND ADMINISTRATIVE PERSONNEL: 1990-91 ACADEMIC YEAR

(Approved by the Board of Regents, April 26, 1990)

I. INTRODUCTION

- A. This interim policy describes the general criteria and procedures that will be used to determine the compensation of faculty members and administrative personnel at all constituent institutions of the University of Maryland System for the 1990-91 academic year.
- B. Definitions
1. "Chief executive officer" refers to the Chancellor (with respect to the University of Maryland System Administration), the president of a constituent institution, the director of a principal center (Center for Environmental and Estuarine Studies, and the Maryland Biotechnology Institute), and the Vice Chancellor for Agricultural Affairs for the Agricultural Experiment Station and the Cooperative Extension Service; and a "constituent institution" is used inclusively to refer to any institution or other unit headed by a chief executive officer. For the purpose of this interim policy, the University of Maryland System Administration is deemed to be a constituent institution headed by the Chancellor.
 2. "Administrative personnel" refers to unclassified personnel employees, including administrative officer, librarians, and library technicians, appointed under the policies and procedures of the former Board of Trustees of State Universities and Colleges; associate staff employees appointed under the Personnel Policies and Rules for Associate Staff of the University of Maryland; and academic administrators appointed under the policies and procedures of the former Board of Regents of the University of Maryland.
 3. An individual's "salary" refers to that individual's annual salary (under either a 12-month, 9.5-month, or 10-month contract for the 1990-91 academic year).
 4. A "Board of Regents institution" refers to a constituent institution that, prior to July 1, 1988, was under the jurisdiction of the Board of Trustees of State Universities and Colleges.
 5. A "Board of Regents institution" refers to a constituent institution that is not a Board of Trustees institution.

II. INTERIM POLICY ON COMPENSATION FOR FACULTY AND ADMINISTRATIVE PERSONNEL

A. General Compensation Policy

It is the objective of the University System of Maryland to provide compensation for faculty and administrative staff at levels sufficient to attract and retain (1) nationally and internationally prominent faculty members, and (2) administrative personnel with the qualifications necessary to maintain a high level of excellence in education.

B. Compensation in FY 1991

Procedures and criteria for determining the compensation of faculty members and administrative personnel are contained in current policies adopted by the former Board of Regents of the University of Maryland and the former Board of Trustees of State Universities and Colleges. 1/

1/ These policies are:

- BOR III-14.00 (faculty at Board of Regents institutions);
- BOR III-14.10 (associate staff at Board of Regents institutions);
- BOR III-14.20 (academic administrators at Board of Regents institutions);
- Chapter VII, Part K, of Policies and Procedures of the Board of Trustees of the State Universities and Colleges of Maryland ["Policies and Procedures"] (faculty at Board of Trustees institutions);
- Chapter of VI, Part I of Policies and Procedures (administrative officers at Board of Trustees institutions).

These policies shall govern compensation determinations for the 1990-91 academic year, subject, however, to the modifications contained in this interim policy. To the extent that this interim policy is inconsistent with any of the provisions in the current policies of the former Board of Regents or former Board of Trustees, this interim policy shall be controlling, and inconsistent provisions in current policies shall be deemed superseded by this interim policy.

C. Salaries of Full-time, Instructional-rank Faculty Members

Subject to the exceptions provided in Paragraphs E and F, below, the salary of each full-time, instructional-rank faculty member shall be within the appropriate salary range for that instructional rank as follows.

1. For faculty members at Board of Regents institutions:

Rank	Salary Minimum	Salary Maximum
Professor: 12 month contract Academic year	\$40,483 \$33,990	\$108,328 \$ 90,936
Associate Professor: 12 month contract Academic year	\$32,690 \$27,445	\$ 94,446 \$ 79,299
Assistant Professor: 12 month contract Academic year	\$25,900 \$21,745	\$ 74,835 \$ 62,829
Instructor: 12 month contract Academic year	\$19,612 \$16,467	\$ 56,669 \$ 47,579

Note: For University of Maryland at Baltimore School of Medicine, salary maximum is 170 percent of the figure shown for each instructional rank.

2. For faculty members who hold appointments in the School of Business at the University of Baltimore:

Rank	Salary Minimum	Salary Maximum
Professor	\$32,824	\$84,028
Associate Professor	\$27,974	\$69,087
Assistant Professor	\$23,916	\$59,069
Instructor	\$20,448	\$50,504

3. For all other faculty members at Board of Trustees institutions:

Rank	Salary Minimum	Salary Maximum
Professor	\$32,824	\$64,637
Associate Professor	\$27,974	\$55,264
Assistant Professor	\$23,916	\$47,251
Instructor	\$20,448	\$40,399

Note: Notwithstanding these figures, the salary minimum and salary maximum for all instructional ranks at the University of Baltimore Law School shall be \$33,390 and \$88,365, respectively.

D. Salaries of full-time administrative personnel

Subject to the exceptions provided in Paragraphs E and F, below, the salaries of full-time administrative personnel shall be within the appropriate salary range, as follows:

1. For associate staff employees at Board of Regents institutions:

Professional Pay Level	Salary Minimum	Salary Maximum
8	\$55,538	\$93,380
7	\$47,990	\$85,007
6	\$41,466	\$73,452
5	\$35,830	\$63,468
4	\$30,959	\$54,840
3	\$26,749	\$47,385
2	\$23,113	\$41,296
1	\$19,971	\$35,376

2. For academic administrators at Board of Regents institutions:

Professional Pay Level	Salary Minimum	Salary Maximum
Group IV (Deputy Chancellor, Vice Chancellor, Vice President, Provost, Dean)	\$64,480	\$121,888
Group V (Assistant/Associate Vice/Deputy Chancellor/President)	\$58,240	\$100,257
Group IV (Assistant/Associate Dean)	\$41,813	\$94,346
Group III (Assistant to: Chancellor, President, Vice Chancellor, Vice President, Provost)	\$37,640	\$84,684
Group II (Assistant to Dean)	\$29,120	\$61,382
Group I (Faculty Research Assistant/Research Associate)	\$15,600	\$39,988

Notes:

- (a) Dean of the School of Medicine at UMAB is not included in the above salary range.
- (b) The position titles listed are representative and not complete.

3. For unclassified professional employees at Board of Trustees institutions:

Professional Pay Level	Salary Minimum	Salary Maximum
VIII	\$51,661	\$101,641
VII	\$44,169	\$ 86,873
VI	\$37,766	\$ 74,251
V	\$32,288	\$ 63,463
IV	\$27,607	\$ 54,241
III	\$23,604	\$ 46,359
II	\$20,180	\$ 39,625
I	\$17,255	\$ 33,866

E. Exceptions for critical subject areas at Board of Trustees institutions

For faculty members and deans, assistant deans, and associate deans who work in critical subject areas at Board of Trustees institutions, as defined below, the salary maximum may be increased to 120 percent of the figure specified in the appropriate table above. A "critical subject area" is defined as the department of the business or the department of computer science (or equivalent) at a Board of Trustees institution.

F. Delegation to chief executive officers; exceptions for unusual circumstances

1. Subject to limitations contained in this paragraph, the chief executive officer of each constituent institution is hereby authorized to fix salaries for fiscal year 1991 for all faculty and administrative personnel who are employed at that constituent institution.
2. Individual salary determinations shall be made in accordance with the applicable policies of the former Board of Regents and Board of Trustees and this interim policy, and any general standards, procedures, and timetables that the Chancellor may establish pursuant to Paragraph G, below.
3. Except as provided in subparagraph (5) of this paragraph, below, no individual shall receive a salary for the 1990-91 academic year that is more than 15 percent greater than such individual's salary for the 1989-90 academic year.
4. Except as provide in subparagraph (5) of this paragraph, below an individual's salary shall be within the appropriate salary range as established under this interim policy.
5. If unusual circumstances warrant the payment of a salary that exceeds the maximum allowable salary increase or is outside the appropriate salary range, then the chief executive officer may recommend an exception. The Chancellor shall act upon such recommendations in accordance with such standards, procedures, and timetables as the Chancellor shall establish.

G. Delegation to the Chancellor

Within the parameters established in the applicable policies of the former Board of Regents and Board of Trustees and this interim policy, the Chancellor shall be responsible for establishing general standards, procedures, and time tables for the allocation and determination of compensation for faculty and administrative personnel for the 1991 fiscal year.

H. Maintenance of other existing compensation policies.

Pending the Board's approval of a final policy on compensation for faculty and administrative staff, the compensation policies of the former University of Maryland Board of Regents and a the former Board of Trustees of State Universities and Colleges as such policies existed prior to July 1, 1988, shall continue in effect, except that the Chancellor shall exercise, with regard to compensation criteria and ranges, the authority accorded the former President of the University of Maryland and the former Executive Director of the Board of Trustees of State Universities and Colleges.

I. Compensation of the chief executive officers.

Notwithstanding the foregoing provisions, the Board shall establish separately a policy for compensation of chief executive officers.

III. Effective Date

This interim policy shall become effective upon approval by the Board of Regents.

IV. Statutory References

12-109 Presidents of constituent institutions.

. . . .

(e) Powers and duties – subject to the authority and applicable regulations of the Board of Regents, each president shall:

. . . .

(4) Appoint, promote, fix salaries, grant tenure, assign duties, and terminate personnel. (Emphasis added.)

12-110 Faculty and administrative personnel.

(a) General standards and guidelines generally.

1. Upon the recommendation of the Chancellor who shall consult with the presidents, the Board of Regents shall establish general standards and guidelines governing the appointment, compensation, advancement, tenure, and termination of all faculty and administrative personnel in the University of Maryland System.

2. These standards and guidelines shall recognize the diverse missions of the constituent institutions.

(b) Differentiation among institutions. The Board of Regents may establish different standards of compensation based on the size and missions of the constituent institutions.

(c) Authority of presidents. Subject to such standards and guidelines, a president may:

1. prescribe additional personnel policies; and

2. approve individual personnel actions affecting the terms and conditions of academic and administrative appointments. (Emphasis added.)

201.0 VII-4.30 - POLICY ON SALARY ADVANCES

(Approved by the Board of Regents, June 21, 1990)

1. Salary advances against unearned income generally shall not be made to employees.
2. Exceptions to this Policy shall be authorized by the Chief Executive Officer of the constituent institution or component.
3. Authorized salary advances shall not exceed 90 percent of the expected biweekly salary.
4. Copies of the authorization shall be provided to the Chancellor.
5. The advancing of sick leave as provided by the University of Maryland System is exempt from the provisions of this Policy.

26.0 II-2.00- POLICY ON SABBATICAL LEAVE FOR FACULTY

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

The President of an institution may grant sabbatical leaves to faculty members. The primary purpose of such leaves is to provide an opportunity for a faculty member to conduct scholarly or creative work in order to increase his or her contribution to the mission of the institution, and to enhance his or her standing in the discipline or profession.

1. To be eligible for sabbatical leave, a full-time faculty member shall have been granted tenure and shall have completed at least six years of service at the time of an initial sabbatical leave or since the last previously granted sabbatical leave. A part-time faculty member shall have been granted tenure and shall have completed six or more years of at least half-time service. Ordinarily, a leave of absence without pay shall not be regarded as service to the institution for purposes of determining eligibility for sabbatical leave.
2. Ordinarily, sabbatical leave will be granted for one-half of the recipient's annual contract period at his or her normal compensation or for the full annual contract period at one-half normal compensation for both full and part-time faculty.
3. Ordinarily, as a condition for receiving a sabbatical leave the recipient shall agree to return promptly to the institution at the termination of the leave and to serve on his or her normal basis for at least one academic year.
4. During the period of sabbatical leave, the recipient will be permitted, with the approval of the President or designee, to accept, in addition to the compensation he or she receives from the institution, grants, awards, contracts, fellowships, or other compensation or stipends as may be related to the approved sabbatical leave project.
5. While on sabbatical leave, the recipient may accept compensation for consulting services rendered during the sabbatical leave, provided that such services shall not exceed those allowed by the University System Policy on Professional Commitment of Faculty, and that they do not interfere with his or her approved sabbatical leave project.
6. Each institution shall develop procedures for implementation of this policy, including the requirement of a summary report on sabbatical activities by the faculty member. These procedures shall be filed with the office of the Chancellor.

Replacement for: BOR III-9.00, 9.02, 9.03 and BOT VII-G.1

II-2.00(A) UMES POLICY ON SABBATICAL LEAVE

The President shall grant sabbatical leave to faculty members consistent with USM Bylaws, Policies and Procedures of the Board of Regents II-2.00, and the following UMES guidelines.

A. ELIGIBILITY REQUIREMENTS

1. Full-Time Faculty

- a. Must be tenured at UMES.
- b. Must have a minimum of six (6) years full-time service at UMES since any previously granted sabbatical leave, or at the time of an initial sabbatical leave.
- c. Leave of absence without pay shall not be counted as service to UMES for purposes of sabbatical leave.
- d. Service at other USM institutions may, at the sole discretion of the President, be considered toward eligibility for sabbatical leave in the same manner as service at UMES
- e. Unless specifically stated otherwise, a faculty member engaged in compensated activities on behalf of the University, outside the academic program or unit, shall be permitted to treat the period of such service toward eligibility for sabbatical leave.

2. Part-Time Faculty

- a. Must be tenured at UMES.
- b. Must have a minimum of six (6) years of at least part-time service at UMES since any previously granted sabbatical leave, or at the time of an initial sabbatical leave.
- c. Leave of absence without pay shall not be counted as service to UMES for purposes of sabbatical leave.
- d. Part time service at other USM institutions may, at the sole discretion of the President, be considered toward eligibility for sabbatical leave in the same manner as service at UMES.
- e. Unless otherwise stated, a faculty member engaged in compensated activities on behalf of UMES, outside of academic program shall be permitted to treat such service toward eligibility for sabbatical leave.

B. DURATION OF SABBATICAL LEAVE

1. Full- and part-time faculty members may be granted sabbatical leave either:

- a. One-half the faculty member's annual contract period at full compensation; or
- b. The full annual contract period at one half normal compensation. (Example: Twelve-month contract—twelve month sabbatical at one-half compensation. Ten month contract—ten month sabbatical at one-half compensation, or five month sabbatical at full compensation.)
- c. The President may award sabbatical leave of greater than twelve months duration to a faculty member of long standing with distinguished and meritorious service to UMES. In no case should sabbatical leave exceed 24 months at one-half compensation.

C. CONSIDERATIONS FOR AWARDING SABBATICAL LEAVE

1. Opportunity to conduct scholarly work and to increase the faculty member's value to UMES in carrying out its mission.
2. Opportunity to conduct important research and increase the faculty member's standing in the professional community.
3. Disruption to the academic program or unit.
4. The individual's past service, including creative research contributions, teaching, committee work, and community service.

D. ADDITIONAL COMPENSATION AND BENEFITS

1. A faculty member will normally be permitted to accept only such grants, contracts, awards, fellowships, and other compensation as are given to support the approved sabbatical project. The approval of the President must be obtained prior to accepting any compensation beyond that provided by UMES.
2. A faculty member will normally be permitted to accept compensation for consulting services consistent with UMES policies on outside consulting. The prior approval of the President must be obtained.
3. A faculty member who receives compensation without the approval of the President as required by the policy will be required to return all compensation received from UMES for the support of the sabbatical project.
4. All benefits available to the faculty member under normal service shall be available during sabbatical leave unless otherwise specified.

E. APPLICATION FOR SABBATICAL LEAVE

1. Application should be made at least eight (8) months prior to the commencement of the proposed sabbatical leave.
2. Applications should be addressed to the faculty member's Department Chairperson or equivalent academic administrator.
3. Applications must contain:
 - a. A detailed description of the project including the activities to be undertaken, travel and study plans, and a description of the research to be conducted.
 - b. The expected results of the project.
 - c. A statement concerning the value of the project to the mission of UMES, and to the faculty member's professional development, and how the information will be shared with the UMES community.
 - d. The date the faculty member became tenured at UMES, and a description of the responsibilities and accomplishments.
 - e. The faculty member's assessment of the effect on the academic program, and a plan to minimize the disruption.
 - f. An updated curriculum vita.

F. APPLICATION PROCEDURE

1. The Department Chairperson shall review each application for sabbatical leave and make a recommendation to approve, postpone or reject the application. The recommendation should clearly state:
 - a. The reasons for the decision including an appraisal of the project.
 - b. Why the decision is consistent with this policy.
 - c. An assessment of the effect of the faculty member's absence on the academic program.
2. The application and review are to be forwarded to the Dean for recommendation and comment. The Dean shall determine whether any further recommendations are appropriate prior to forwarding the application to the Vice President for Academic Affairs.
3. The Vice President for Academic Affairs shall chair a committee which shall review each application for sabbatical leave. Applicants whose departments are not represented on the committee shall be represented by their department heads during the review of their application.

4. Taking into consideration the advice of the committee, the Vice President for Academic Affairs shall make a recommendation to the President. The President, or a designee, may approved, postpone, or reject the application for sabbatical leave. The faculty member shall be notified of the decision by the Office of the Vice President for Academic Affairs, with copies of the decision to the Dean and the Department Chairperson. The faculty member shall receive a copy of any recommendations.
5. The notice of approval of sabbatical leave must contain:
 - a. The beginning and ending dates of the sabbatical leave.
 - b. The amount of compensation.
 - c. An agreement by the faculty member to return promptly to UMES at the termination of the sabbatical, and to continue service at UMES for a minimum of one year.
 - d. The specific project for which the sabbatical is granted.

G. REPORT REQUIREMENT

Within three months of returning from sabbatical leave, a faculty member must file a report containing the results of the project, and a detailed accounting of the activities undertaken during the leave. The report is to be addressed to the Department Chairperson, with a copy to the Vice President for Academic Affairs.

28.0 II-2.10- POLICY ON TERMINAL LEAVE FOR FACULTY

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

Terminal leave is defined as a leave of absence with pay extending over a period which terminates on the effective date of a faculty member's separation from employment with the institution. Terminal leaves are beneficial to the institution and its programs since they may provide a means to reallocate positions and other resources from low demand to high demand programs. The President may grant a terminal leave, upon application by the faculty member, in accordance with the following provisions:

- I. Only full-time tenured faculty members at the institution shall be eligible for terminal leave; if awarded, such a leave shall be with full pay for a period not to exceed twelve months or with half pay for a period not to exceed twenty-four months.
- II. A faculty member, while on terminal leave, shall:
 - A. remain an employee of his or her institution, and be subject to all policies of the Board of Regents and the institution;
 - B. receive the salary which would have been accorded had he or she remained at the institution;
 - C. retain eligibility for all benefits normally associated with full-time (or, where applicable, half-time) employment, with the exception of annual leave; and
 - D. not be required to perform duties of any kind during the period of leave unless otherwise stipulated.
- III. The faculty member shall agree, in writing, to the conditions of the leave, waiving all claims arising out of her or his employment, other than those specified in II.C, and also waiving all claims to subsequent employment at the institution.
- IV. Each institution shall develop procedures for implementation of this policy. These procedures shall be filed with the Chancellor.

Replacement for: BOT VII-G.6

II-2.10(A) - UMES PROCEDURES FOR TERMINAL LEAVE FOR FACULTY

(Approved by the President January 1, 1992)

UMES shall follow the guidelines set forth in II-2.10 of the USM Bylaws, Policies and Procedures of the Board of Regents concerning terminal leave, which is defined as “leave of absence with pay extending over a period which terminates on the effective date of a faculty member’s separation from employment with the institution.” The President has sole authority to grant terminal leaves.

The procedures for requesting terminal leave are outlined below.

A. ELIGIBILITY

Only full-time, tenured UMES faculty members are eligible.

B. APPLICATION

1. A faculty member may make application to the Department Chairperson. The application should contain the reason for the request.
2. The Department Chairperson shall forward the request to the Dean with a recommendation to either grant or deny the application.
3. The Dean shall make a written assessment of the effect on the Department, and forward a recommendation with the application to the President through the Office of the Vice President for Academic Affairs.
4. The President shall notify the faculty member in writing of the decision to grant or deny the application.

C. TERM

The duration of terminal leave is at the discretion of the President, within the guidelines of Board of Regent’s Policy II-2.10.

D. COMPENSATION

1. Salary

Salary shall remain at the level attained at the commencement of the terminal leave. Faculty members on terminal leave are not eligible for an increase in salary, with the exception of the annual cost of living increase, if such is given by the State.

SAMPLE TERMINAL LEAVE LETTER

Dear _____:

Your request for terminal leave, as defined in USM Bylaws Policy and Procedures of the Board of Regents, (attached), has been approved by the University of Maryland Eastern Shore subject to the conditions set forth in this Letter of Agreement.

Leave shall commence on _____ and terminate on _____, with compensation being at a rate _____ for the (academic year/12 months), said rate being _____ percent of your current budgeted rate of pay. You shall remain eligible for benefits normally provided (full/part) time employees for the institution to the extent permitted by law and University regulation, with the exception that no annual leave shall be accrued during this period. It is understood and agreed that all claims arising out of your employment, aside from the above-mentioned benefits and any vested retirement rights, are hereby waived, and it is specifically understood and agreed that all claims to subsequent employment at the University of Maryland are waived.

During the period between _____ and _____, you shall remain a (full/part)-time employee at the institution, and as such you are subject to all policies of your department, the institution, and the Board of Regents. Your duties during this period are as follows:

Special Conditions: list if any

If you have any questions concerning this Letter of Agreement, please contact the Office of the Vice President for Academic Affairs. In order to indicate your acceptance of the conditions of your terminal leave, please sign the Letter of Agreement below, and return it to my office. We will not be able to process your request further until my office has received this letter.

Sincerely,

AGREED:

(name typed in)

Date

30.0 II-2.20- POLICY ON LEAVE WITHOUT PAY FOR FACULTY

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

Under certain conditions the President or designee may grant a faculty member leave of absence without pay. A primary consideration in award of leave without pay is that it shall not substantially disrupt the academic program or unit of which the faculty member is part. Leave of absence without pay ordinarily shall be granted if the purpose of the leave is to advance the institution's mission of teaching, research, and service or to enhance the ability of the individual to support that mission. Leave without pay may also be granted for personal or health reasons. In no case shall a leave without pay extend beyond the termination of the individual's term of employment.

The following conditions apply to leave without pay:

1. To be eligible for leave of absence without pay, a faculty member must be employed on a continuing or term contract and must normally have been employed for at least two semesters or twelve months prior to the beginning of the proposed leave. Continuation of employment of the individual upon termination of the leave without pay must be the expectation.
2. A leave without pay is ordinarily granted for no more than one full year.
3. Unless the President or designee stipulates otherwise, the period of leave without pay shall not be counted as service toward the faculty member's eligibility for sabbatical leave.
4. A faculty member on leave without pay may continue to participate in retirement, medical and health programs, and other benefit programs only to the extent and under such conditions as are permitted by each such program. Unless the President or designee stipulates otherwise, any costs of such participation in benefits during a leave without pay shall be borne by the faculty member.

Each institution shall develop procedures and guidelines for the implementation of this policy; such procedures and guidelines shall be filed with the office of the Chancellor.

Replacement for: BOR III-10.00, 10.01, 10.02; and BOT VII-G.2

II-2.20(A) - UMES GUIDELINES AND PROCEDURES FOR FACULTY LEAVE OF ABSENCE WITHOUT PAY

(Approved by the President January 1, 1992)

The President may grant a faculty member leave of absence without pay in accordance with the policy set forth in II-2.20 of the USM Bylaws, Policies and Procedures of the Board of Regents, and the guidelines and procedures set forth below.

A. LEAVE OF ABSENCE DEFINED

A leave of absence without pay is defined as any reduction in service to UMES which results in reduced or no compensation. Leave may be:

1. Partial Leave – reduced service and compensation; or
2. Full Leave – complete suspension of compensable services.

B. ELIGIBILITY

To be eligible for a leave of absence, a faculty member must be:

1. Employed on a full-time term or continuing contract; and
2. Actively employed for at least one year prior to the beginning of the proposed leave.

C. CRITERIA

1. Leave without pay shall not significantly disrupt the program of the faculty member's academic unit.
2. The activities to be undertaken must support UMES' mission of teaching, scholarly and creative activity, and University, professional, or public service; and enhance the faculty member's ability to support these missions.
3. The President may determine that unusual circumstances warrant granting a leave without pay for personal reasons, such as poor health or family obligations.

D. PERIOD OF LEAVE

1. Leave is granted for up to:
 - a. one semester, or
 - b. one year.
2. Leave should not exceed one full year, and any exception requires a showing of exceptional circumstances.
3. Leave is not normally granted contiguous with sabbatical leave if when combined the leave would exceed one year.

E. APPLICATION

1. Application must be:
 - a. in writing to the Department Chairperson; and
 - b. at least six (6) months in advance of the leave unless it is determined there are unusual circumstances.
2. Applications must contain:
 - a. a description of the purpose of the leave;
 - b. how it conforms to the requirements of these guidelines; and
 - c. a plan to minimize disruption of the academic program.

F. APPROVAL PROCEDURES

1. The Departmental Chairperson or designee shall review the application for leave and make a written recommendation to the Dean or designee.
2. The Dean shall make a further recommendation, and forward the application together with the recommendations to the President through the Office of the Vice President for Academic Affairs.
3. The President or a designee shall make the final decision whether leave without pay should be granted or denied and the faculty member shall be notified in writing. THE GRANTING OF LEAVE WITHOUT PAY IS AT THE SOLE DISCRETION OF THE PRESIDENT.
4. A new application with renewed recommendations and approval shall be required for:
 - a. the extension of a leave beyond the original period; and
 - b. the award of a leave contiguous in time to a sabbatical leave or any absence from active duty exceeding twelve calendar months.

G. CONSEQUENCES OF LEAVE WITHOUT PAY

1. Tenure Track
 - a. It shall be specifically stated in the approval whether the period of leave shall be counted as service toward eligibility for tenure.
 - b. If not specifically stated, the period of leave shall not be counted toward eligibility for tenure.
 - c. Leave granted for personal reasons may not be counted toward eligibility for tenure.

2. Sabbatical Leave
 - a. It shall be specifically stated, whether the period of leave shall count toward eligibility for sabbatical leave.
 - b. If not specifically stated, the period of leave shall not be counted toward eligibility for tenure.
 - c. Leave granted for personal reasons may not be counted toward eligibility for sabbatical leave.

3. Other Benefit

A faculty member on leave without pay may continue to participate in retirement, health and medial protection, and other benefit programs only to the extent and under the conditions permitted by each program. Costs for participation shall be the responsibility of the faculty member. Upon being granted leave, it is the responsibility of the faculty member to contact the Human Resources Department to determine which benefits are to be continued.

H. REPORT TO THE CHANCELLOR

The President shall report to the Chancellor by May 1 of each year a summary of all of the leaves of absence without pay granted during the previous year through March 31. The report shall include the period of leave of each faculty member.

POLICY ON ACCIDENT LEAVE AND CREDITABLE AND NON-CREDITABLE SICK
LEAVE FOR FACULTY MEMBERS

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

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.
- 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.
- 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.

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 colleagues of the disabled faculty member-- on a voluntary basis-- 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.
6. When all accrued sick leave has been expended, 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

1. 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.
2. A faculty member who is receiving Maryland State Retirement System benefits does not accrue sick leave creditable as a retirement benefit. Faculty members who are members of the optional retirement plan provided through TIAA do not accrue sick leave creditable as a retirement benefit subsequent to the date of enrollment in the TIAA plan. Faculty members who receive approval for exemption from positive time reporting, as described in section IV.A below, do not accrue sick leave creditable as a retirement benefit.
3. For faculty members enrolled in the Maryland State retirement and pension systems, at the time of retirement unused creditable sick leave is applied toward the individual's retirement service credit. There will be no cash payment for accumulated sick leave at the termination of employment, nor may unused sick leave be used for early retirement. In the case of an individual who resigns after at least five years of employment, and who 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.

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

- 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 available 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.

Replacement for: BOR III-11.00, 11.02 and BOT VII-G.4

II.2.30 (A) POLICY ON ACCIDENT LEAVE AND CREDITABLE AND NON-CREDITABLE SICK LEAVE FOR FACULTY MEMBERS

(Approved by the President January 1, 1992)

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.
- 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.
- 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.

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.

- A. 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 colleagues of the disabled faculty member—on a voluntary basis—take over his or her classes and other essential functions, in addition to carrying on their regular work.
- B. 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.
- C. Collegially supported sick leave is not credited toward retirement and cannot be carried over to a subsequent fiscal year.
- D. 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.
- E. 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.
- F. 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.
6. When all accrued sick leave has been expended, 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

1. 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.
2. A faculty member who is receiving Maryland State Retirement System benefits does not accrue sick leave creditable as a retirement benefit. Faculty members who are members of the optional retirement plan provided through TIAA do not accrue sick leave creditable as a retirement benefit subsequent to the date of enrollment in the TIAA plan. Faculty members who receive approval for exemption from positive time reporting, as described in section IV.A below, do not accrue sick leave creditable as a retirement benefit.
3. For faculty members enrolled in the Maryland State retirement and pension systems, at the time of retirement unused creditable sick leave is applied toward the individual's retirement service credit. There will be no cash payment for accumulated sick leave at the termination of employment, nor may unused sick leave be used for early retirement. In the case of an individual who resigns after at least five years of employment, and who 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.

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

- 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 available 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.

VII-2.30 (B) UMES PROCEDURES FOR SICK LEAVE AND POSITIVE TIME REPORTING BY FACULTY MEMBERS

I. ACCURAL OF CREDITABLE SICK LEAVE

All faculty members at UMES accrue sick leave under the guidelines set forth in Board of Regents Policy II-2.30 Section III.A. and the policies listed below.

- A. Sick leave is accrued by faculty at the rate of 1.25 work days per month at full salary.
- B. Academic year faculty teaching summer school accrue one work day per summer session at full salary.
- C. Part-time faculty members employed at least 50% time earn sick leave proportionate to their employment.
- D. Sick leave benefits are earned while faculty members are on sabbatical leave, but not while on leave without pay.
- E. A retired faculty member cannot earn creditable sick leave.
- F. Upon depletion of accrued sick leave, an individual will be removed from salaried status, except in unusual circumstances recommended by the President.
- G. There will be no compensation for creditable sick leave at the termination of employment. Creditable accumulated sick leave will be applied toward retirement service credits as provided by State law.

II. TIME REPORTING

- A. All faculty members, regardless of the source of funding or retirement system, who are employed 50 percent time or more, must complete monthly reports and sign the file record unless a waiver has been approved by the Chancellor. The form to be completed is FACULTY REPORT – FORM VII.
- B. Reports for May and June and the file record, for faculty members not employed during the summer, must be completed prior to departure from the Campus.
- C. At the end of each monthly reporting period the reports are to be submitted to the faculty member's supervisor for the review and approval. There will be only one record for each faculty member. If a faculty member has more than one supervisor, each must sign the report and record. The offices involved will determine which will keep the record. If a supervisor does not believe a report is accurate, the matter should be discussed with the faculty member. If there continues to be disagreement, the reasons should be noted, and the file forwarded to the person to whom the supervisor reports for discussion and decision.
- D. Corrections on records or files require a written explanation and documentation.
- E. Auditors require payroll documentation to be in Payroll Office. Faculty Time Forms are to be maintained in Department of Human Resources, until disposed of in accordance with the Policy on Record Retention.
- F. The number of days to be worked shall be established each fiscal year by the President. Each faculty member must show the appropriate number of days, as accounted for by work days (Code D on Form VII) or authorized paid leave.

G. Work Day-Code (D) Defined

- A day during which faculty member has spent a substantial part of the day performing required duties.
- Consulting, if within UMES Guidelines, may be recorded as a Code D.
- A Saturday or Sunday may be reported as a workday, to offset by a weekend (Code X) on a weekday.
- A faculty member must meet the contractual requirement by working at least the minimum required work days. Excess work days may be recorded, but faculty members cannot be compensated for excess work days.
- Work day totals will be computed on a contract-year basis.
- A religious holiday observed by a faculty member should be entered as a Code X, and offset by a Code D on another day.

III. TIME-KEEPING RECORDS FOR ACADEMIC ADMINISTRATORS

Faculty Administering Academic Programs shall use the Academic Administrator/Associate Staff Time Keeping Record for maintaining a time keeping record.

A. The following titles are considered to be Academic Administrators:

1. President
2. Vice President
3. Director reporting to the President
4. Division Chairperson
5. Assistant to the President
6. Assistant to the Vice President
7. Assistant Vice President
8. Dean
9. Associate Dean
10. Assistant Dean
11. Academic Department Chairperson or Director

B. Each Academic Administrator who is eligible to earn leave must complete the Academic Administrator/Associate Staff Time Keeping Record on a biweekly basis. The form should be submitted to the person to whom the Academic Administrator reports for approval and transmission to the Payroll Office.

C. The forms are maintained in the Department of Human Resources until disposed of in accordance with the Policy on Record Retention.

IV. EXEMPTION TO POSITIVE TIME-KEEPING RECORDS

A faculty member may request an exemption to positive time-keeping records. The request must be in writing, to the President, and contain the reason for the request. If the request is approved, the faculty member waives all claims, from that day forward, to credit any unused sick leave toward retirement benefits. With the approval of the President, the waiver may be revoked and unused sick leave credited toward retirement from that time forward.

II-2.30 (C) - UMES POLICIES AND PROCEDURES CONCERNING ACCIDENT LEAVE FOR FACULTY

(Approved by the President January 1, 1992)

I. POLICY

UMES follows the Board of Regents Policy II-2.30 and state law concerning compensation for injuries sustained by faculty in performance of their duties. Employees should follow the procedures outlined below to ensure compensation. Accident Leave shall not be available for faculty until Collegial Leave, where applicable, has been exhausted.

II. DEFINITIONS

- A. Worker's Insurance Fund. A State-run insurance agency which covers claims for work related illness and agency which covers claims for work related illness and injury.
- B. Worker's Compensation Commission. A State arbitration board whose function is to ensure that workers are treated fairly in the event of job related injury or illness.
- C. Accident Leave. Leave with pay granted to employees who have been appointed on a permanent basis, who suffer job-related illness or injury while in the actual performance of their duties, and who are otherwise eligible for leave.

III. PROCEDURES

- A. All accidents or injuries sustained on the job should be reported immediately to the individual's supervisor.
- B. The supervisor is responsible for completing the "FIRST REPORT OF INJURY" form which must be forwarded to the Director of Human Resources. This is necessary to receive compensation.
- C. First aid may be sought through the Charles R. Drew Health Center. Follow-up treatment should be sought through a private physician.
- D. The Office of Human Resources, in conjunction with the employees department, makes the initial determination of the applicability of accident leave, and will notify the Worker's Insurance Fund with the filing of the "FIRST REPORT OF INJURY" form. The Worker's Insurance Fund will review the award of accident leave. The Worker's Insurance Fund will review the award of accident leave. The final decision will be made within 30 days of receipt of the "FIRST REPORT OF INJURY."
- E. An employee who is denied accident leave may appeal the decision to the Workers Compensation Commission.
- F. Continued medical documentation of inability to work must be provided to the department by any employee granted accident leave, in the form of an Injury/Illness Certificate, completed by the attending physician. The first Certificate should be presented within three days of the injury. Subsequent certification may be requested by the department every two weeks thereafter, unless waived by the department.
- G. Leave without pay shall be given for any periods for which a certificate is not provided when requested.
- H. The Director of Human Resources may require that the medical certificate include a diagnosis and/or a prognosis of the disability. UMES reserves the right to require a physical examination by a University-named physician.
- I. If the employee refuses the UMES examination, accident leave may be terminated.
- J. If, after all available accident leave has been used, the employee does not choose to receive temporary total benefits, other forms of leave with pay may be used. After all possible leave with pay has been used, the employee shall be placed on leave without pay.

- K. A request for Extension Leave or Advanced Leave may be made in writing to the Director of Human Resources in accordance with the policies governing Extended Leave and Advanced Leave.

II-2.30(D) UMES POLICY AND PROCEDURES CONCERNING ADOPTION LEAVE FOR FACULTY

(Approved by the President January 1, 1992)

I. POLICY

All University of Maryland System employees who are eligible to earn sick leave may use earned sick leave up to a maximum of thirty (30) days as adoption leave subject to the following provisions:

- A. Adoption leave is available only in cases of formal adoption; it is not available in any other case including but not limited to legal guardianship or foster care.
- B. Approved adoption leave shall commence on the actual date of custody of the child without regard to the date of legal adoption.
- C. Adoption leave may be authorized only for employees with primary responsibility for the care of the adoptee. In the event that both adoptive parents are State employees, adoptive leave shall be available to only one parent.
- D. As adoption is a planned event, employees planning to request adoption leave must advise their department heads in advance to minimize the effect of the absence.
- E. An employee shall be permitted one period of adoption leave for each instance of adoption. The adoption of more than one individual at any given time shall be treated as a single instance of adoption.

II. PROCEDURES

A. Request for Leave

- 1. A request for adoption leave must be in writing to the department head and include:
 - anticipated beginning and ending dates;
 - a statement that the employee has primary responsibility for the care of the adoptee; and
 - documentation of the adoption.
- 2. The department head shall recommend approval or disapproval of the request.
- 3. The request is forwarded to the Vice President for Academic Affairs for recommendation to the President. The decision of the President shall be final.

37.0 II-2.31 - POLICY ON FAMILY AND MEDICAL LEAVE FOR FACULTY

(Approved by the Board of Regents, October 6, 1995)

I. PURPOSE AND APPLICABILITY

The purpose of this policy is to implement the Family and Medical Leave Act of 1993 (FMLA), P.L. 103-3. This policy applies to all eligible faculty of the University of Maryland System (UMS) who are covered by the provisions of UMS BOR Policy II - 1.00 on Appointment, Rank, and Tenure of Faculty. Under certain circumstances it is the policy of the UMS to provide a faculty member with up to a maximum of twelve (12) weeks of unpaid leave during a twelve (12) month period for certain family and certain serious health condition reasons.

II. TERMS AND DEFINITIONS:

The following terms and definitions shall apply for purposes of this policy:

- A. Accrued Leave: Earned and unused annual, holiday, sick, and personal leave.
- B. Alternative Position: A position to which a faculty member may be temporarily reassigned during a period of intermittent F&M leave and/or reduced schedule. The alternative position shall have the same benefits and pay as the position from which the faculty member was reassigned.
- C. Care: "to take care of" or "to care for". The term care is intended to be read broadly to include both physical and psychological care. The language applies to the period of inpatient care and home care as well.
- D. Child: A person who is the son or daughter of a faculty member and who is under eighteen (18) years of age; or, eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability during the period of the serious illness. The son(s) and/or daughter(s) may be the biological, adopted, step or foster child(ren) of the faculty member. A child is also someone who is the legal ward of the faculty member or someone for whom the faculty member has provided sufficient, notarized affidavit(s) and proof of financial dependence that he/she is standing in loco parentis.
- E. Faculty Member: An employee who is covered under the provisions of USM BOR Policy II - 1.00 on appointment, rank, and tenure of faculty and (1) whose date of hire is 12 months prior to the date of the requested leave, and (2) whose employment during the twelve months preceding the leave request was at least 50 percent or greater of full-time under a 9.5 month or longer contract, or who has been employed for at least twelve months (which need not be consecutive) and has worked at least 1,040 hours during the twelve months preceding the leave request.
- F. Equivalent Position: A position at the institution to which a faculty member shall be restored upon the completion of the F&M leave. The equivalent position shall have the same benefits, pay, and other terms and conditions of employment as the position from which the faculty member took leave.
- G. Health Care Providers: Are doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), nurse practitioners and nurse midwives, as authorized to practice by the State of Maryland; and Christian Science Practitioners listed with the First Church of Christ Scientist in Boston.
- H. Immediate Family Member: Is the faculty member's parent(s), spouse, or child(ren), or legal wards.
- I. In Loco Parentis: "In the place of a parent; instead of a parent; charged, factitiously, with a parent's rights, duties and responsibilities." Any eligible faculty member claiming an in loco parentis relationship with a child, or any eligible faculty member claiming to be the child of an in loco parentis relationship may be requested to provide documentation of such relationship.
- J. Institution: Is the employing USM institution -- the USM institution from which the faculty member is taking leave.
- K. Parent: Is the faculty member's biological, adoptive, step or foster mother or father, or someone who stood in loco parentis to the faculty member when the faculty member was a child.

- L. Restoration: As used within the FMLA and used within this policy, restoration is an institutional guarantee that at the conclusion of the F&M leave the faculty member will be returned either to the same position from which he/she took leave, or to an equivalent faculty position.
- M. Serious Health Condition: Is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or home care, or continuing treatment by a health care provider. A serious health condition is also intended to cover conditions or illnesses that affect the faculty member's health or the health of the faculty member's immediate family to the extent that the family member is in the hospital or other health care facility or at home and unable to care for his/her own basic hygienic or nutritional needs or safety such that the faculty member must be absent from work on a regular and recurring basis for more than a few days for treatment or recovery. With respect to the faculty member, a serious health condition means that the faculty member must be incapacitated from performing the essential functions of his/her position.

Examples of serious health conditions applicable to the faculty member or the faculty member's immediate family member include, but are not limited to: heart conditions requiring heart bypass or valve operations; most types of cancer; back conditions requiring extensive therapy or surgical procedures; severe respiratory conditions; appendicitis; emphysema; spinal injuries; pneumonia; severe arthritis; severe nervous disorders; injuries caused by serious accidents; ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth, and recovery from childbirth. Additional examples are a faculty member or immediate family member whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, or clinical depression, who is recovering from major surgery, or who is in the final stages of a terminal illness.

- N. Spouse: The person to whom the faculty member is legally married -- a husband or a wife.

III. REASONS FOR LEAVE:

- A. A faculty member is entitled to take F&M leave for the following reasons:
 - the birth of the faculty member's child,
 - the placement of a child with the faculty member for adoption or foster care,
 - the need to take care of the faculty member's child within a twelve (12) month period from birth or placement,
 - the need to take care of the faculty member's immediate family member who has a serious health condition, and
 - the serious health condition of the faculty member.
- B. F&M leave is not intended to cover minor illnesses that last only a few days and short term medical and/or surgical procedures that typically do not involve hospitalization and require only a brief recovery period such as these that are normally handled through non- creditable and earned sick leave (see USM BOR II - 2.30).
- C. Additionally, requests for leave to take care of the employee's school-age child under the age of fourteen (14) during school vacations may be granted to the extent that the leave does not create a hardship with respect to the operational needs and work schedules of the applicable institutional unit.

IV. F&M LEAVE ENTITLEMENT:

- A. A faculty member is entitled to a maximum of twelve (12) workweeks (60 days) of F&M leave within a calendar year. F&M leave can be taken continuously or, under certain circumstances, on a reduced F&M leave schedule, or intermittently over the course of a calendar year. F&M leave entitlement shall not be carried over from calendar year to calendar year.
- B. The actual F&M leave entitlement shall be integrated with the amount of other leave taken for F&M-related reasons during the calendar year within which the F&M leave is to begin.
- C. A faculty member who regularly works full time is entitled to a maximum of twelve (12) workweeks (60 days) of F&M leave per calendar year. A faculty member who works less than full time is entitled to a pro rata share of the twelve (12) week/sixty (60) day maximum.
- D. The spouse of a faculty member employed by the UMS shall be entitled to a separate, individual, maximum family and medical leave eligibility amount. The amount of leave for which one spouse may be eligible, or the amount of leave used by one spouse shall not limit or enhance the leave amount or the leave usage of the other spouse. Spouses shall be entitled to take leave simultaneously or in succession and in any portion of their respective individual maximum for reasons of a serious health condition of the faculty member and for the serious health condition of the faculty member's immediate family members. Requests for simultaneous F&M leave by spouses employed by the same institutional unit may be granted for reasons of childbirth, placement with the faculty member of a child for adoption or foster care, or care for a newborn child, to the extent that simultaneous leaves do not substantially disrupt the academic program or unit of which the faculty members are a part.

V. INTEGRATION OF OTHER LEAVE TAKEN WITH F&M LEAVE ENTITLEMENT:

Actual F&M leave entitlement shall be based on the faculty member's use of other leave during the calendar year within which the F&M leave begins. The faculty member's use of the following types of leave shall be deducted from the actual F&M leave entitlement:

- Any prior F&M leave taken within the applicable year, including accrued paid leave and non-creditable leave substituted for F&M leave
- Accident leave used within the applicable year
- Any type of unpaid leave for reasons related to family and medical circumstances taken within the applicable year.

VI. COMPENSATION DURING LEAVE:

F&M leave is an unpaid leave. However, based upon either the election of the faculty member or the requirement of the Chief Executive Officer or designee and in accordance with USM's and the institution's existing leave procedures, accrued paid leave and non-creditable leave used for purposes that qualify under FMLA shall be substituted for all or any part of the F&M leave.

VII. STATUS OF BENEFITS WHILE ON FAMILY AND MEDICAL LEAVE:

- A. A faculty member who is granted an approved F&M leave under this policy shall continue to be eligible for all employment benefits that he/she enjoyed immediately prior to the F&M leave.
- B. A faculty member on F&M leave for reasons noted in Section III. A. may elect to continue employer-subsidized health care benefits during the period of leave. The Chief Executive Officer or designee shall provide advance written notice to the faculty member of the terms and conditions under which premium payments are to be made by the faculty member. The subsidy shall cease if a faculty member gives notice that he/she no longer wishes to return to work. The institution shall recover its share of health premiums during unpaid F&M leave if the faculty member fails to return to work, or returns to work but fails to stay thirty (30) calendar days, unless the reason for not returning or staying is due to the continuation, recurrence or onset of a serious health condition or other circumstances beyond the faculty member's control.
- C. Except as noted in Section X, Job Protection, upon return from leave a faculty member shall be restored with all the rights, benefits and privileges enjoyed prior to the leave.

- D. While on any unpaid portion of a F&M leave, a faculty member shall not earn or accrue any additional leave.
- E. A faculty member may elect to purchase service credit at the time of retirement for prior leaves without pay that are qualified by the Maryland State Retirement and Pension Systems. Upon approval of a leave without pay, a faculty member shall follow the institution procedure to assure that this option may be exercised.

VIII. NOTICE OF F&M LEAVE:

Regardless of the reason for the F&M leave a faculty member shall give at least thirty (30) calendar days notice and provide the appropriate medical certification or legal certification of adoption or foster child placement, before taking a F&M leave. When the need for leave is not foreseeable, a faculty member shall give notice as soon as practicable but no less than two (2) working days of learning of the need for leave. If this is not possible due to a medical emergency, then the faculty member or the faculty member's designee shall give written notice and provide the appropriate certification as soon as practicable.

IX. JOB PROTECTION:

- A. A tenure-track faculty member whose leave under the sick leave or FMLA leave policies totals at least one semester or six continuous months may request through his or her department chair or appropriate appointing authority that the mandatory tenure review be postponed. The request shall be forwarded through the faculty member's dean, for recommendation, to the chief academic officer of the institution for decision.
- B. Except as provided in IX. C., D., and E., and F., a faculty member returning to work at the conclusion of a F&M leave shall be restored to his/her former position with the pay, benefits and terms and conditions of employment that he/she enjoyed immediately prior to the F&M leave.
- C. A faculty member is not entitled to restoration if the Chief Executive Officer or designee determines that the faculty member had been hired for a specific term or only to perform work on a specific project defined in writing and the term or project is over and the institution would not otherwise have continued to employ the faculty member.
- D. If at any point prior to or during the F&M leave the Chief Executive Officer or designee determines that the faculty member's former position cannot be held available for the duration of the leave, the Chief Executive Officer or designee, at the conclusion of the leave, shall restore the faculty member to an equivalent position.

If the determination of an inability to hold the former position occurs after the F&M leave begins, the Chief Executive Officer or designee shall immediately notify the faculty member in writing of details associated with the decision and the details of the equivalent position to which the employee will be restored. The faculty member shall have the right to return within fifteen (15) working days from receipt of such notice to keep his/her former position.

- E. If there are reductions in the work force while the faculty member is on F&M leave and he/she would have lost his/her position under the institution's retrenchment policy(ies) had he/she not been on leave, there is no obligation to restore the faculty member to his/her former or equivalent position.
- F. A faculty member shall be restored consistent with current, applicable, appropriate pay, benefits and other terms and conditions of employment.

X. MEDICAL CERTIFICATION:

- A. For leaves related to serious health conditions and to childbirth, the faculty member shall provide medical certification(s) from the faculty member's or family member's health care provider.

The faculty member shall have fifteen (15) calendar days to obtain the medical certification unless not practicable to do so despite the faculty member's diligent good faith efforts. Such certification shall include but not be limited to:

- a statement of medical facts meeting the criteria for "serious health condition,"
 - date condition commenced,
 - regimen of treatment to be prescribed,
 - the duration of absence from work,
 - In the case of the faculty member's serious health condition,
 - certification that the faculty member is unable to perform the essential functions of his/her position and prognosis of the faculty member's ability to return to his/her position,
 - In the case of the faculty member's need to care for a seriously ill family member, certification of the necessity for and duration of the faculty member's presence; of the requirements of inpatient care; and of assistance for basic needs, safety and transportation,
 - title and original signature of an accredited, licensed or certified medical provider.
- B. The Chief Executive Officer or designee may require a second medical opinion at the institution's expense. In the case of conflicting opinions, the opinion of a third health care provider, agreed upon by both faculty member and the Chief Executive Officer or designee and obtained at the institution's expense, shall be final. The second and third opinions shall not be provided by individuals who are employed on a regular basis by the institution.
- C. The Chief Executive Officer or designee may require reasonable recertification as the F&M leave continues, and may require a faculty member to provide periodic progress reports as to the serious health condition for which he/she is taking leave and the faculty member's ability to return to work at the end of the leave. Recertification shall not be requested more often than every thirty (30) calendar days unless the faculty member requests an extension of F&M leave, changed circumstances occur during the illness or injury, or the institution receives information that casts doubt upon the continuing validity of the most recent certification.
- D. Consistent with FMLA and other applicable laws, all medical-related documentation will be kept confidential and maintained in a file separate from the faculty member official institutional personnel file.

XI. INTERMITTENT OR REDUCED LEAVE:

- A. In the case of a documented medical necessity, a faculty member shall be entitled to intermittent leave and/or a reduced schedule that reduces regular hours per workday or workweek for purposes of the faculty member's or the immediate family member's serious health condition. The faculty member shall attempt to schedule intermittent leave or leave on a reduced schedule so as not to substantially disrupt the academic program or unit of which the faculty member is a part.
- B. A faculty member may be granted leave that reduces regular hours per workday or workweek for reasons of childbirth, placement with the faculty member of a child for adoption or foster care, or care for a newborn child to the extent that the intermittent or reduced leave does not represent an undue hardship on the academic program or unit of which the faculty member is a part.
- C. The Chief Executive Officer or designee may temporarily reassign a faculty member on intermittent or reduced F&M leave to an alternative position that better accommodates reduced or intermittent periods of leave.

XII. SCHEDULING OF TREATMENT IN INSTANCES OF SERIOUS HEALTH CONDITIONS:

- A. In instances of the serious health condition of a family member or of the faculty member himself or herself, and in keeping with the requirements of the appropriate health care provider, the faculty member shall make reasonable efforts to schedule any medical treatments so as not to substantially disrupt the academic program or unit of which the faculty member is a part.
- B. During the course of the treatment and as the Chief Executive Officer or designee deem appropriate, the faculty member may be requested to provide certification from the appropriate health care provider of the unavailability of treatment during non-work time, or at times that are less disruptive to the academic program or unit of which the faculty member is a part.

XIII. PROVIDING INFORMATION ABOUT F&M LEAVE:

Regardless of the reason for the leave, a faculty member shall provide complete, accurate and timely information related to a request for, continuation of, modification(s) to, and return from a F&M leave.

XIV. EARLY RETURN FROM LEAVE:

A faculty member interested in returning to work from a F&M leave prior to the agreed upon end of the leave date shall provide the Chief Executive Officer or designee with a written request at least seven (7) calendar days prior to the date on which the faculty member is interested in returning. The Chief Executive Officer or designee shall make a good faith effort to restore the faculty member to his/her former or an equivalent position as soon as possible but no later than thirty (30) calendar days after receipt of the request.

XV. EXTENSIONS OF LEAVE:

A faculty member may extend the date of return from a F&M leave to the extent that they have F&M leave entitlement available. A request for an extension of F&M leave shall be considered under this policy as if it was an initial request.

XVI. FAILURE TO RETURN FROM LEAVE:

- A. A faculty member who will not be returning to the institution at the conclusion of a leave shall so notify the Chief Executive Officer or designee in writing as soon as practicable. The Chief Executive Officer or designee may request certification of reasons for the faculty member's failure to return to work. In the absence of written notification, failure to return from leave shall be interpreted as a resignation.
- B. If applicable, any benefit entitlement based upon length of service shall be calculated as of the faculty member's last paid day.
- C. Employer costs of any payments made to maintain the faculty member's benefit coverage when on unpaid F&M leave shall be recovered if a faculty member fails to return to work as described in Section VII.B.

XVII. ABUSE OF F&M LEAVE:

The Chief Executive Officer or designee shall review, investigate and resolve suspected cases of bad faith, fraud or abuse of the F&M leave program. Cases of bad faith, falsification of documents, or fraudulent information related to the F&M leave provided to the institution, or other abuses of the F&M leave program, may result in but are not limited to: revocation of the leave, refusal to restore, recovery of institutional costs for paid-time leave and insurance benefits premiums, and disciplinary action up to and including termination.

XVIII. IMPLEMENTATION PROCEDURES.

Each Chief Executive Officer shall identify his/her designee(s), if appropriate, for this policy; shall develop procedures as necessary, for the posting, record-keeping and implementation of this policy; shall communicate this policy and applicable procedures to faculty members of his/her UMS institution; and shall forward a copy of such designations and implementation procedures to the Chancellor.

II-2.40 POLICY ON ANNUAL LEAVE FOR FACULTY

(Approved by the Board of Regents, January 11, 1990; Amended by the Board of Regents, December 9, 1994; Amended by the Board of Regents, February 9, 2001)

With modifications recommended by the Committee on Education Policy, 1/16/01

I. FACULTY WITH CONTRACTS OF LESS THAN TWELVE MONTHS

- A. A faculty member serving on an academic-year contract of less than ten months is not entitled to paid annual leave.
- B. A full-time faculty member serving on a ten-month academic-year contract is entitled to fifteen calendar days of paid annual leave which shall be the last fifteen days of the ten-month contract period, unless otherwise designated at the time of appointment. Such paid annual leave time may not be carried forward into the next fiscal year.
- C. A part-time faculty member appointed on at least a 50% of full-time basis and serving on a ten-month academic-year contract is entitled to annual leave on a pro-rata basis. Such leave shall be taken as the final days of the ten-month contract period, unless otherwise designated at the time of appointment. Such paid annual leave time may not be carried forward into the next fiscal year.

II. FACULTY WITH TWELVE-MONTH (FISCAL-YEAR) CONTRACTS

- A. A full-time faculty member serving on a fiscal-year contract shall earn twenty-two (22) days of paid annual leave and three (3) days of paid personal leave per calendar year. Beginning with the twenty-first year of employment, a full-time faculty member serving on a fiscal-year contract shall earn twenty-five (25) days of paid annual leave and three (3) days of paid personal leave per calendar year.
- B. A part-time faculty member appointed on at least a 50% of full-time basis and serving on a fiscal-year contract shall earn, use, accrue, and be eligible for payment of annual and personal leave, on a pro-rata basis, on the same terms available to full-time fiscal-year faculty members.
- C. The time taken as paid annual leave shall have the concurrence of the supervisor.
- D. Annual leave may be accumulated, but only a maximum of fifty (50) work days may be carried forward into a new calendar year.
- E. At the end of each calendar year, a supervisor may, through appropriate channels, recommend to the institution's Chief Executive Officer or designee that a fiscal-year faculty member be paid for days of annual leave lost because of the denial of an annual-leave request. The supervisor's recommendation for payment for lost annual leave shall be accompanied by a written explanation of why the lost annual leave was not taken at another time during the calendar year. Payment is at the discretion of the chief executive officer or designee. It is also limited to unused annual leave that is in excess of the maximum accumulation and that is lost by the employee at the end of the calendar year.
- F. A fiscal-year faculty member transferring from one University System of Maryland institution to another shall be entitled to carry into the new position all unused annual leave accumulated at the time of transfer. Fiscal-year faculty members leaving the University System of Maryland to take another State position who are not entitled to transfer accumulated leave and fiscal-year faculty members leaving State service shall be compensated for all unused annual leave accumulated up to the date of resignation.
- G. Unused paid personal leave days may not be carried forward into the next calendar year and are not eligible for compensation upon termination.

III. EXCEPTION FOR FISCAL-YEAR FACULTY FUNDED BY GRANTS AND CONTRACTS

For fiscal-year faculty members who are paid in whole or in part from contracts or grants, constituent institutions may limit the number of days of unused annual leave for which such employees may be paid upon leaving employment in the System. Any such limit shall be made a part of the employee's written employment contract.

IV. IMPLEMENTATION PROCEDURES

- A. Each Chief Executive Officer or his/her designee shall develop procedures as necessary to implement this policy and shall forward a copy to the Chancellor.
- B. Beginning in Spring, 2002, and continuing for three years, the Chancellor shall report annually to the Board of Regents, through its Committee on Education Policy, on the total cost of approved compensation for denied annual leave to faculty and exempt staff in the USM, by institution and employee category.

39.0 II-2.50 - POLICY ON JURY SERVICE FOR FACULTY MEMBERS

(Approved by the Board of Regents, May 7, 1993)

The purpose of this policy is to establish for faculty members at USM institutions a leave category called Jury Service which permits absence from duty without loss of any pay or charge to personal or accrued annual leave.

A faculty member who is selected for jury duty shall notify the appropriate academic administrator of this selection without delay. The faculty member shall be permitted to be absent without loss of pay or charge to any leave for the day(s) of jury service. Upon request, the employee shall be responsible for providing documentation which verifies attendance. If, after reporting for jury duty, it is determined that the individual's services are not required and the individual is dismissed for the day, then the individual, time permitting, is required to return to the job.

226.0 VII-7.45- POLICY ON SICK LEAVE

(Approved by the Board of Regents December 5, 1997)

I. Purpose and Applicability

This policy governs the accrual and use of sick leave, and applies to all regular Nonexempt and Exempt employees of the University System of Maryland.

II. General

- A. Sick leave is paid leave granted to employees in an effort to provide some protection against the loss of earnings due to absences for health and allied reasons.
- B. A full-time employee shall earn sick leave at the rate of 15 workdays per year. Employees who are appointed at least 50% time shall earn sick leave on a pro rata basis. Sick leave is accumulated and carried forward from year to year without limit.
- C. An employee may use on a continuous basis earned leave (sick, annual and personal leave), advanced sick leave, extended sick leave, leave granted through the leave reserve fund, or unpaid family medical leave, as needed for personal illness.
- D. An employee may request that his/her illness, injury, or disability occurring during a period of annual or personal leave be charged to sick leave. Verification of such illness, injury, or disability may be required by the Chief Executive Officer or designee as provided in Section IV. of this Policy.
- E. Sick leave shall be granted by the Chief Executive Officer or designee when an employee is absent because of:
 - 1. Illness, injury, or disability of the employee.
 - 2. A pre-scheduled and approved, or emergency medical appointment, examination, or treatment for the employee with an accredited, licensed or certified medical provider listed in Section IV.C. of this Policy that cannot be scheduled during non-work hours.
 - 3. Illness or injury in the employee's immediate family and medical appointments, examinations or treatments for the immediate family member with an accredited, licensed or certified medical provider listed in Section IV.C. of this Policy that cannot be scheduled during non-work hours.
 - a) Immediate family as used in this section of the policy shall mean 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 employee irrespective of residence. Use of sick leave shall also be granted to care for any other relative who permanently resides in the employee's household for whom the employee has an obligation to provide care. The Chief Executive Officer or designee may require an employee to provide certification by a medical provider listed in Section IV.C. of this policy to demonstrate this obligation or to authenticate the need for the employee to care for the ill family member.
 - b) Up to fifteen (15) days of accrued sick leave shall be granted by the Chief Executive Officer or designee during any one (1) calendar year for medical care of a family member.

4. Death of a relative
 - a) For the death of a close relative, the Chief Executive Officer or designee shall grant the use of up to three (3) days of accrued sick leave. If the death of a close relative requires an employee to travel requiring staying away from home overnight, upon request the Chief Executive Officer or designee shall grant the use of up to a maximum of five (5) days of accrued sick leave for this purpose.
 - b) Close relative as used in this section of this policy shall mean a spouse, child, step-child, mother, father (or someone who took the place of a parent), mother-in-law, father-in-law, grandparent of the employee or spouse, grandchild, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law, or other relative who permanently resided in the employee's household.
 - c) The Chief Executive Officer or designee shall grant the use of up to a maximum of one (1) day of sick leave for reasons related to the death of the employee's or his/her spouse's aunt, uncle, niece, nephew.
 5. Pregnancy-related disabilities, childbirth, and immediate recovery there from
 - a) A female employee may request the use of accrued sick leave for any period of time related to temporary disability during pregnancy or related to childbirth and immediate physical recovery there from.
 - b) A female employee planning to request the use of sick leave for the purposes listed in this subsection shall be governed by the provisions of this policy.
 - c) The employee shall keep the Chief Executive Officer or designee informed of any changes to her condition which affect the length of time that she will need to be away from work.
 6. Birth of a child or placement of a child with the employee for adoption
 - a) Up to a maximum of 30 days of accrued sick leave may be used to care for a child immediately following the birth of a child or placement of the child with the employee for adoption.

In the case of an adopted child, sick leave is only available in connection with a formal adoption and shall be granted only if the employee making the request is the person having primary responsibility for furnishing the care and nurture of the adoptee. In the event that both parents are USM employees, sick leave to care for the child, as provided under this section, is available to only one parent.
 - b) The Chief Executive Officer or designee shall grant the employee's request if the employee has furnished satisfactory documentation of the birth of the employee's child or an agreement of placement for adoption.
- F. An employee who returns to regular USM service within two years of separation shall have the unused sick leave earned during the prior service restored, provided the employee returns to a position eligible to earn sick leave.

III. Directed Use of Sick Leave/Medical Examinations

- A. The Chief Executive Officer or designee, in accordance with the institution's policy on Family and Medical Leave, may direct an employee to use accrued sick leave if he/she determines that an employee is unable to perform the responsibilities of his/her position due to illness, injury or disability.
- B. While in either active work status or on any type of employee-related sick leave, an employee may be required to undergo a medical examination(s) and evaluation(s), and may be required to provide verification of fitness for duty, as directed by the Chief Executive Officer or designee to ascertain whether the employee is able to regularly and routinely perform the responsibilities of his/her position.
 - 1. If the examination is conducted by a physician selected by the USM institution, the institution shall bear the costs of such medical examination. The employee may, however, see his/her own physician at the employee's own cost.
 - 2. If the examination(s) reveal that an employee is unable to regularly and routinely perform the responsibilities of his/her position, action may be taken by the Chief Executive Officer or designee in accordance with policies on voluntary separation, termination, reasonable accommodation, modified duty or disability retirement, if applicable.
 - 3. In cases where there is a conflict between the evaluation, prognosis, diagnosis or recommendation of the employee's personal health care provider and the physician selected by the USM institution, the Chief Executive Officer or designee may choose which health care provider's report to follow; or may require subsequent medical examinations and evaluations in deciding what steps should be taken regarding the employee's sick leave status or continued employment. If subsequent medical examinations and evaluations are required, the expense of such shall be borne by the USM institution. The decision of the CEO or designee is final.

IV. Verification of Absences Charged to Sick Leave

- A. In order to assure medical attention for an employee or to prevent the abuse of sick leave usage, the Chief Executive Officer or designee may require an employee to submit verification of the use of accrued sick leave, advanced or extended sick leave.
- B. Verification may include but may not be limited to:
 - 1. A written statement from the medical provider (as listed in Section IV.C. of this Policy) indicating that the employee is required to be absent from work due to illness;
 - 2. The duration of absence from work;
 - 3. Prognosis of employee's ability to return to work;
 - 4. Title and original signature of an accredited, licensed or certified medical provider; and
 - 5. Any other information necessary to verify that the employee's use of sick leave is in accordance with this Policy;
- C. Medical verification as outlined in this Policy may be obtained by an accredited Christian Sciences practitioner, or by the appropriate of any of the following licensed or certified medical providers:
 - 1. Physician;
 - 2. Physical Therapist;
 - 3. Clinical Psychologist;
 - 4. Dentist;
 - 5. Oral Surgeon;
 - 6. Chiropractor;
 - 7. Podiatrist;
 - 8. Certified Nurse Practitioner;
 - 9. Certified Nurse-Midwife; or
 - 10. Licensed Certified Social Worker-Clinical

VII-7.45-4

V. Advanced Sick Leave

- A. An employee who sustains a temporary, recoverable illness, injury or serious disability may request advance use of sick leave subject to the following four conditions:

The employee shall:

1. have completed six months of continuous USM service;
 2. have completed an original probation period, if applicable;
 3. have exhausted all other types of accrued leave; and
 4. have a satisfactory record of sick leave usage and work performance.
- B. Advanced sick leave is not an entitlement. The granting of requests for advanced sick leave shall be at the discretion of the Chief Executive Officer or designee.
- C. Advanced sick leave shall not be granted in instances where the illness or injury or disability occurred on the job, and the employee has been granted accident leave or temporary total disability benefits by the Workers' Compensation Commission.
- D. Written requests for advanced sick leave shall be submitted to the Chief Executive Officer or designee and shall be supported by written verification by an accredited, licensed, or certified medical provider as outlined in Sections IV.B. and IV.C. of this Policy.
- E. Sick leave may be advanced at the rate of fifteen (15) working days per year of service to a maximum of sixty (60) working days in any one calendar year.
- F. The use of advanced sick leave constitutes a debt for which payment shall be enforceable upon the employee's return to work or upon the employee's separation from employment, whichever is earlier. Upon return to work the minimum rate of payback for advanced sick leave shall be at one-half the rate that sick leave and annual leave is earned. An employee may elect to pay back advanced sick leave by applying any earned leave or by reimbursing the USM with cash.
- G. Annual, sick and holiday leave earned, and personal leave credited while on advanced sick leave shall be applied as earned/credited.
- H. Additional requests for advanced sick leave will not be granted until all previously granted advanced sick leave has been repaid. The only exception to this provision is in cases where the maximum amount of advanced sick leave had not been requested originally and additional advanced sick leave, consecutive to that already granted, is needed to cover the employee's continued absence arising from the original illness, injury or disability.
- I. The CEO or designee may refer an employee who is on advanced sick leave as follows:
1. The employee may be referred to an USM institution-named physician for periodic examinations to determine the nature and extent of the illness, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work.
 2. If there is a conflict between the employee's physician and the USM institution-named physician, the provisions of Section III.B.3. shall apply.
- VI. Extended Sick Leave
- A. An employee who sustains a temporary, recoverable illness, injury or serious disability may request extended sick leave, subject to the three following conditions:

The employee shall:

1. have been in USM and/or State service for at least five years;
 2. have exhausted all types of accrued leave and advanced sick leave; and
 3. have a satisfactory record of sick leave usage and work performance.
- B. Extended sick leave is not an entitlement. The granting of requests for extended sick leave shall be at the discretion of the Chief Executive Officer or designee.
- C. The maximum cumulative total of extended sick leave available to an employee while in USM or State service is 12 work months (52 work weeks).
- D. Annual, sick and holiday leave earned, and personal leave credited while on extended sick leave shall be applied as earned/credited.
- E. Written requests for extended leave shall be submitted to the Chief Executive Officer or designee and shall be supported by written verification by an accredited, licensed or certified medical provider as outlined in Sections IV.B. and IV.C. of this Policy.
- F. The CEO or designee may refer an employee who is on extended sick leave as follows:
1. The employee may be referred to an institution-named physician for periodic examinations to determine the nature and extent of the illness, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work.
 2. If there is a conflict between the employee's physician and the institution-named physician, the provisions of Section III.B.3. shall apply.

VII. Other

For other related policies, please see Policy on Leave without Pay, Policy on Leave Reserve Fund, Policy on Family and Medical Leave, and Policy on Accident Leave.

IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; and shall forward a copy of such designations and procedures to the Chancellor.

Replacement for: UM-BOR III - 11.00, Sick Leave Policy for Full-Time Faculty Members and for Administrators of Academic Programs. (Note: UMS II - 2.30 approved by BOR to cover faculty only.)

UM-BOR III - 11.01, Guidelines for Adoption Leave.

UM Personnel Policies and Rules for Classified Employees, Section VI, Leave with Pay, Sick Leave, page VI-4 - VI-10; Leave for Childbirth and Related Disabilities, pages VI-10 - VI-11; Adoption Leave, page VI-11.

UM Personnel Policies and Rules for Associate Staff, Section I, Leave with Pay, 1. Sick Leave, subsections a.-g., pages 19-22; 4. Leave for Death in Employee's Immediate Family, page 26; and Section K, Leave for Childbirth Related Disabilities, page 30.

(Approved by the Board of Regents, April 26, 1990)

It is the policy of the University of Maryland System that appointment and promotion of faculty be based on the qualifications and performance of the person(s) under consideration.

In keeping with this policy, members of the same family, including husband and wife, are eligible for employment as faculty members. However, a direct supervisory relationship shall not exist between the parties in these instances at the time of employment or thereafter, nor shall one member of the family assume for the other the formal role of advocate or judge with respect to conditions of employment, promotion, or tenure. Where members of the same family are recommended for employment in the same department or unit, the arrangement shall be approved in advance and in writing by the President or the President's designee.

Partial replacement for: BOR III-17.00

VII-2.00(A) - UMES POLICY FOR EMPLOYEE PHYSICAL EXAMINATIONS

(Approved by the President January 1, 1992)

I. POLICY

A physical examination may be required before the start of employment or, at the latest, prior to the end of the applicable probationary period, for any newly hired employee. A pre-placement examination is to measure the medical fitness of individuals to perform their duties without hazard to themselves or others, and to establish a record of the condition of the individual at the time of hiring. The examination shall be at the expense of the employee.

UMES also reserves the right to require a physical examination of any employee at any time during the course of employment to determine the medical fitness of individuals to continue in the performance of their duties without hazard to themselves or others. These examinations shall be at the expense of UMES.

VII-2.00(B) - UMES POLICY FOR MEDICAL CARE FOR STAFF AND FACULTY

(Approved by the President January 1, 1992)

I. POLICY

- A. Employees may be referred for treatment to the Campus Health Center with work-related injuries or illnesses, but are seen only on an emergency basis. It is expected that they will then be referred to their personal physicians.
- B. Employees who are ill but whose symptoms cannot be related to their occupational activities are seen in the Campus Health Center on an emergency basis only. Required follow-up treatment will be with the employee's personal physician.
- C. Job-related injuries which are covered under Worker's Compensation are handled according to the policy set forth in relation to Accident Leave.

VII - 4.10 - POLICY ON TUITION REMISSION FOR REGULAR AND RETIRED FACULTY AND STAFF EMPLOYEES OF THE UNIVERSITY SYSTEM OF MARYLAND

(Approved by the Board of Regents on January 11, 1990, Amended by the Board on May 31, 1990, Amended by the Board on August 28, 1990, Amended by the Board on August 24, 2001; Amended by the Board on December 7, 2001; Amended by the Board on August 23, 2002; Amended by the Board on December 6, 2002, Amended by the Board on June 27, 2003)

I. PURPOSE AND APPLICABILITY

The University System of Maryland (USM) supports the general policy of tuition remission for USM Faculty and Staff employees on Regular or Retired Status, by its constituent institutions, on an intra- and inter-institutional basis. This policy encourages such Faculty and Staff employees on Regular or Retiree Status to enroll in academic courses for the improvement of skills or for personal development purposes, with tuition costs associated with such courses remitted in whole or in part.

II. DEFINITIONS

- A. A "REGULAR" Faculty or Staff employee is one who works in a position that has been approved through the budgetary and pertinent appointment classification processes and that is intended to last six months or more regardless of the nature of the source of funds or who has retired from such a position. This definition applies to both fulltime and part-time Faculty and Staff employees.
- B. "RETIREE" - For purposes of acceptance of tuition remission requests, a "University System of Maryland Retiree" must be receiving State of Maryland retirement checks and/or Optional Retirement Plan (ORP) retirement checks, and have earned at least five years of total service credit at one or more institution(s) of the USM. Verification of Retiree Status may be obtained by contacting the Human Resources Office of the institution from which the employee has retired.

III. ADMINISTRATION

This program shall be administered by the institutions, consistent with the following policies and implementation procedures:

- A. Tuition remission is extended to Regular Faculty and Staff employees as set forth herein.
 - 1. Effective July 1, 1990, all Regular Faculty and Staff employees of any institution of the USM may receive tuition remission at any institution in the USM, in accordance with provisions set below.
 - 2. Inter-institutional transfer of funds within the USM in implementation of this policy shall not be made.
- B. Tuition remission shall be subject to the individual's admissibility to the institution and to the program in which the courses are to be taken and to the other academic regulations of the institution governing student enrollment (for example, course prerequisites and registration deadlines).
- C. Fulltime Regular and Retiree Faculty, and Staff employees shall be permitted to register for courses not to exceed eight (8) credits per semester with remission of tuition. Regular part-time Faculty and Staff employees who are employed at fifty percent (50%) or more time in the USM or Retirees from such positions shall be permitted tuition remission for credits proportional to their percentage of service.
- D. Tuition remission does not include mandatory fees, which remain the responsibility of the Regular or Retiree Faculty or Staff employee.
- E. Courses taken under this policy shall not interfere with the assigned job responsibilities of any Faculty or Staff employee and shall require the approval of the Chief Executive Officer (CEO) or designee.
- F. The Regular Faculty or Staff employee may register for the desired course(s) at any institution in the USM. Regular Faculty and Staff employees employed by any USM institution who otherwise meet admissibility and registration criteria shall be granted tuition remission at any USM institution on the same basis as Faculty and Staff employees who are employed by the host institution.

- G. Programs of study to be exempted from this policy shall include the M.D. and D.D.S. programs at the University of Maryland, Baltimore and such other programs as may be recommended by the CEO of the institution offering the program and approved by the Chancellor. Availability of tuition remission for self-support programs and courses shall be recommended by the CEO of the institution offering the program and approved by the Chancellor. The host institution shall apply the exempted status equally to all applicants who wish to participate in the tuition remission program, whether from the host institution or other institutions.
- H. Policy on tuition remission for Regular Faculty and Staff employees of Morgan State University (MSU), Saint Mary's College of Maryland (SMC) and Baltimore City Community College (BCCC) (effective 8/24/01).

Regular Faculty and Staff employees of MSU, SMC, and BCCC shall receive tuition remission at institutions of the USM at the same level of benefits as provided for USM Regular Faculty and Staff employees. This provision is dependent upon reciprocity being extended by MSU, SMC and BCCC to Regular Faculty and Staff employees at USM institutions.

IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; shall forward a copy of such designations and procedures to the Chancellor; and shall submit to the Chancellor an annual report on the use of the tuition remission program at the institution during the preceding academic year.

Replacement for: BOR V-2.00 and BOT XIII.N

VII-4.10 (A) - UMES POLICY AND PROCEDURES CONCERNING TUITION REMISSION FOR FACULTY AND STAFF

(Approved by the President January 1, 1992)

A. POLICY

UMES encourages and supports University faculty, staff, and retirees, both on the Eastern Shore Campus and within the University of Maryland System, to make use of the opportunity to enroll in academic courses at UMES. Tuition remission is available to those choosing to do so in accordance with the Board of Regent's Policy VII-4.10, University of Maryland System Policy on Tuition Remission for Faculty and Staff, and the following guidelines and procedures.

B. ENTITLEMENT

Permanent faculty and permanent staff from all institutions within the University of Maryland System, including retirees from permanent positions, are entitled to tuition remission benefits at UMES.

C. DEFINITIONS

1. Permanent faculty or staff shall mean a person who occupies a position within the University of Maryland System through approved budgetary and appointment procedures with the intent that such appointment is for a duration of at least six months.
2. University of Maryland Retiree shall mean a person who has previously held a permanent position within the University of Maryland System, and is receiving State of Maryland retirement checks and/or TIAA-CREF retirement checks. Retirees must have earned at least five years of University of Maryland System service credit.

D. GUIDELINES

1. Admissibility to a course at UMES shall be subject to an individual's admissibility to UMES based upon normal admission standards. All course prerequisites must be fulfilled.
2. Audit courses and non-credit courses shall be assigned the equivalent number of hours in determining the number of hours which may be carried, and the number of hours for which fees may be remitted.
3. In order to ensure the operations of UMES, enrollment in daytime credit courses by active University of Maryland System employees is subject to the consent of the appropriate director or department chairperson and approval of the Vice President of the appropriate division.
4. Employees from other University of Maryland System institutions shall be given the same opportunity for enrollment in courses on the Eastern Shore Campus under the tuition remission policy as their counterparts at UMES.
5. Questions concerning an individual's status at another campus for purposes of tuition remission shall be directed to the appropriate campus's Department of Personnel by the UMES Department of Personnel.
6. The maximum number of hours of tuition remission available at UMES shall be determined by the Administration each semester, based on budget constraints.

E. CREDIT HOUR REMISSION ENTITLEMENT

1. Full-time faculty, full-time staff and retirees from full-time positions shall be permitted to register for no more than two courses, not to exceed seven credits per semester with remission of tuition.

2. Permanent part-time faculty and staff employed at least fifty percent of the time in the University of Maryland System or retirees from such positions are permitted remission for credits proportional to their percentage of service.
3. Faculty, staff, and retirees are responsible for the payment of registration fees.
4. Graduate Assistants are permitted to register for not more than ten credits per semester with remission of tuition.
5. Graduate Fellows are permitted to register for not more than fifteen credits per semester with remission of tuition.
6. Graduate Assistants and Graduate Fellows must pay all mandatory fees.
7. Full-time faculty, staff and retirees are permitted to register for three credits per summer session with remission of tuition. Graduate Assistants are permitted to register for four credits per summer session with tuition remission.

F. PROCEDURE FOR REQUESTING TUITION REMISSION

1. An "Authorization of Remission of Tuition" form must be completed and submitted to the UMES Department of Personnel. The form is available in the Department of Personnel at UMES, and through the personnel offices at all University of Maryland System institutions.
2. The "Authorization of Remission of Tuition" form must be submitted to the Department of Personnel in a sealed envelope.
3. The form must be received by the Department of Personnel no later than the published deadline for each semester.

VII-4.10(B) - UMES POLICY CONCERNING THE FUNDING OF MEMBERSHIPS IN PROFESSIONAL AND ACADEMIC ASSOCIATIONS

(Approved by the President January 1, 1992)

I. POLICY

It is the policy of UMES to encourage institutional/departmental memberships in professional and academic organizations where funds are available. Memberships shall be vested in the institution, not in an individual member of the faculty, staff or administration. Memberships shall remain with the University, with the University having the option of changing its designated association representative(s).

Individual memberships, i.e., those vested in the individual and not transferable when the individual leaves the institution, are not generally funded by the University. Exceptions to this policy must be approved by the Vice President for Administrative Affairs, and should be granted under the following circumstances:

1. In cases where the association, by definition of its bylaws does not have institutional or group memberships, and it is deemed to be in the best interest of the University to be represented.
2. In cases where an association offers both institutional and individual memberships and the difference in cost between individual memberships and the difference in cost between individual and institutional membership is large enough to warrant representation of the University through an individual membership, and it is deemed to be in the best interest of the University to be represented.

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

(Approved by the Board of Regents on January 11, 1990; Amended by the Board on May 31, 1990; Amended February 28, 1992, Amended by the Board on August 24, 2001; Amended by the Board on December 7, 2001; Amended by the Board on August 23, 2002; Amended by the Board on December 6, 2002; Amended by the Board on June 27, 2003)

I. PURPOSE AND APPLICABILITY

The University System of Maryland (USM) supports the general policy of tuition remission for the spouses and dependent children of USM Faculty and Exempt and Nonexempt Staff employees on Regular or Retired Status, by its constituent institutions, on an intra- and inter-institutional basis.

II. DEFINITIONS

- A. A "REGULAR" Faculty or Staff employee is one who works in a position that has been approved through the budgetary and pertinent appointment classification processes and that is intended to last six months or more regardless of the nature of the source of funds or who has retired from such a position. This definition applies to both fulltime and part-time Faculty and Staff employees.
- B. "RETIREE" - For purposes of acceptance of tuition remission requests, a "University System of Maryland Retiree" must be receiving State of Maryland retirement checks and/or Optional Retirement Plan (ORP) retirement checks, and have earned at least five years of total service credit at one or more institution(s) of the USM. Verification of Retiree Status may be obtained by contacting the Human Resources Office of the institution from which the employee has retired.
- C. The term "SPOUSE" shall mean a person in a legally contracted marriage as recognized by the State of Maryland, provided that it shall not include an estranged spouse who maintains a separate domicile.
- D. The term "DEPENDENT child" shall mean a son/daughter, stepson/stepdaughter, legally adopted son/daughter; who is "financially dependent," as that term is defined by the Internal Revenue Service.

III. ADMINISTRATION

This program shall be administered by the constituent institutions, consistent with the following policies and implementation procedures:

- A. Tuition remission is extended to the spouses and dependent children of all USM Regular and Retired Faculty, and Staff employees, on an equitable basis, subject to the restrictions in this policy (see section IV. below).
- B. Policy on Tuition Remission for the Dependent Children of Regular Faculty and Staff employees of Morgan State University and Saint Mary's College of Maryland (effective 8/24/01).

Dependent children of Regular Faculty and Staff employees of Morgan State University and Saint Mary's College of Maryland shall receive tuition remission at institutions of the USM at the same level of benefits as provided for dependent children of Regular USM Faculty and Staff employees and subject to the restrictions in this policy. This provision is dependent upon reciprocity being extended by Morgan State University and Saint Mary's College of Maryland to dependent children of Regular Faculty and Staff employees at USM institutions. Tuition remission shall not be available to the spouses of Faculty and Staff of Morgan State University and Saint Mary's College of Maryland.

- C. Policy on Tuition Remission for the Dependent Children of Regular Faculty and Staff employees of Baltimore City Community College (effective 12/07/01).

Dependent children of Regular Faculty and Staff employees of Baltimore City Community College shall receive tuition remission at institutions of the USM at the same level of benefits as provided for dependent children of Regular USM Faculty and Staff employees and subject to the restrictions in this policy. This provision is dependent upon reciprocity being extended by Baltimore City Community College to dependent children of Regular Faculty and Staff employees at USM institutions.

If a parallel lower division instructional program is available at Baltimore City Community College, dependents of Baltimore City Community College employees are eligible to take advantage of the provision of this tuition remission benefit at USM institutions only after they have earned the associate degree or completed 60 hours of transferable credit. For those programs, e.g. Business, where "transfer" is required by the USM institution prior to completion of either the associate's degree or sixty (60) credits, the tuition remission benefit is available upon admission to the program. For programs where there is no parallel lower division instructional program available at BCCC, the tuition remission benefit is available immediately. Tuition remission shall not be available to the spouses of Faculty and Staff employees of Baltimore City Community College.

- D. For spouses and dependent children of all Regular part-time Faculty and Staff employees and Retirees who are employed in, or retired from a position at fifty percent or more time, the percentage of tuition remitted shall be proportional to the percentage of employment service.
- E. Tuition remission does not include mandatory fees or surcharges, which remain the responsibility of the individual student.
- F. The exercise of the benefit of tuition remission shall be subject to the individual's admissibility to the institution and to the program in which the courses are offered and to the other academic regulations of the institution governing student enrollment.
- G. Programs of study to be exempted from this benefit shall include the M.D. and D.D.S. programs at the University of Maryland, Baltimore and such other programs as are recommended by the chief executive officer (CEO) of the institution offering the program and approved by the Chancellor. The availability of tuition remission for self-support programs and courses at each institution shall be recommended by the CEO and approved by the Chancellor. The CEO of the institution offering the program shall apply the exempted status equally to all spouses and dependent children who desire tuition remission, whether from the host institution or other institutions.
- H. Subject to the provisions in paragraphs III. A., and D. through G. above, spouses and dependent children, of fulltime Faculty and Staff employees or Retirees of the USM who die in service or after retirement, shall be permitted to register for courses with tuition remission for a period of time determined by the duration of fulltime employment of the Faculty or Staff employee, or Retiree as follows:

If the length of time of employment of the deceased Faculty or Staff employee or Retiree was less than three years, the spouse or dependent child is eligible for tuition remission for one academic year; if at least three but less than five years, two academic years; if at least five but less than seven years, three academic years; if at least seven but less than nine years, four academic years; and if more than nine years, five academic years. However, eligibility for tuition remission for spouses shall expire at the end of seven years following the death of the full-time faculty or staff, and eligibility for tuition remission for dependent children shall expire on the twenty-second birthday.
- I. For spouses and dependent children of Regular part-time Faculty or Staff employees or Retirees who were employed at fifty percent (50%) time or more and who die in service or after retirement, the percentage of tuition remission shall be proportional to the percentage of employment service averaged for the three years immediately preceding his or her death. The length of time for which tuition remission will be available for such surviving spouses and dependent children shall follow the formula described in paragraph H.

IV. RESTRICTIONS

A. Restrictions Based Upon Date of Employment

- 1. Spouses and Dependent Children of Regular or Retired Faculty and Staff Employees Whose Period of Employment Began Before January 1, 1990.

Effective July 1, 1990, all spouses and dependent children of Regular or Retired Faculty and Staff whose appointment was made or whose contractual arrangements were completed before January 1, 1990, may register for courses at any of the institutions of the USM, with 100% tuition remitted at both the undergraduate and graduate level, subject to the restrictions in this policy.

2. Spouses and Dependent Children of regular Faculty and Staff employees Whose Period of Employment Began on or After January 1, 1990 and Before July 1, 1992.
 - a. Effective July 1, 1990, all spouses and dependent children of Regular Faculty and Staff employees whose initial appointment was made on or after January 1, 1990, and before July 1, 1992, may receive tuition remission of one hundred percent (100 %) on courses toward a first undergraduate degree at the institution where the spouse or parent is employed. If a spouse or dependent child of Regular Faculty or Staff at a degree granting institution wishes to enroll in courses toward a first undergraduate degree in an academic program which is not available at the home institution, the spouse or dependent child may, with the approval of the CEO or designee of the home institution, register for courses at other institutions of the USM with fifty percent (50%) tuition remission; the remaining 50% is the responsibility of the individual student. Spouses and dependent children of Regular Faculty and Staff employees at non-degree granting units may register for courses toward a first undergraduate degree at any institution of the USM with full tuition remission (100%). Full tuition remission at any institution is also extended to spouses and dependent children of Regular Faculty and Staff employees of the University of Baltimore for the freshman and sophomore years only; and to spouses and dependent children of Regular Faculty and Staff of the University of Maryland, Baltimore for undergraduate programs not offered at that institution. A transfer of funds equal to fifty percent (50%) of the tuition will accompany all inter-institutional enrollments. All enrollments of spouses and dependents are subject to the restrictions in this policy.
 - b. Tuition remission shall not apply to courses registered for at the graduate or post-baccalaureate level.
3. Spouses and Dependent Children of Regular Faculty and Staff Whose Period of Employment Began on or After July 1, 1992 Tuition remission benefits for the spouses and dependent children of Regular Faculty and Staff whose period of employment began on or after July 1, 1992 shall, in addition to the restrictions outlined in section IV.A.2.a. and IV.A.2.b.above, be available only after the Regular Faculty or Staff employee has been in the USM service for two years prior to the anticipated last date available for late registration for the semester under consideration.

B Other Restrictions

1. Receiving institutions shall establish caps on this policy as follows:
 - a. Institutions formerly governed by the Board of Trustees of State Universities and Colleges which remitted tuition at 100% in the Fall semester of 1989 shall establish caps on the remission of tuition under this policy of at least 120% of the credit hours for which tuition was remitted at the institution for spouses and dependent children in the Fall semester of 1989; and
 - b. Institutions formerly governed by the University of Maryland Board of Regents which remitted tuition at 1/3 of the full tuition in the Fall semester of 1989 shall establish caps on the remission of tuition under this policy of at least 120% of the total credit hours taken for which tuition was remitted at a 1/3 rate in the Fall semester of 1989.
2. In applying each host institution's cap, admission, registration, and tuition remission decisions shall be made without regard to the place of employment of the student's parent or spouse.

IMPLEMENTATION PROCEDURES:

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; shall forward a copy of such designations and procedures to the Chancellor; and shall submit to the Chancellor an annual report on the use of the tuition remission program at the institution during the preceding academic year.

Replacement for: BOR V-2.10 and BOT XIII-N, January 11, 1990.

VII-4.20(A) - UMES PROCEDURES CONCERNING TUITION REMISSION FOR SPOUSES AND DEPENDENT CHILDREN OF FACULTY AND STAFF

(Approved by the President January 1, 1992)

A. ELIGIBILITY

Tuition remission is available to spouses and dependent children of:

1. Permanent faculty of the University of Maryland Systems;
2. Permanent staff of the University of Maryland System; and,
3. University of Maryland System retirees.

Normal admission standards apply in all cases. Different tuition remission benefits apply to employees based on the date that employment began. These differences, as mandated by the Board of Regents, are as follows:

1. Employment Beginning before January 1, 1990

Spouses and dependent children of employees of any UMS institution may register for courses at UMES with 100% tuition remission at both the undergraduate and graduate levels.

2. Employment Beginning On or After January 1, 1990

Spouses and dependent children of UMES employees only may receive 100% tuition remission on courses towards a first undergraduate degree.

Spouses and dependent children of employees at other UMS institutions may register for courses at UMES with 50% tuition remission with the approval of the chief executive office of the home institution.

Spouses and dependent children of University of Baltimore employees may receive 100% tuition remission for freshman and sophomore years.

Spouses and dependent children of UMAB employees may receive 100% tuition remission for programs not offered at that campus.

Self-support academic programs are available for tuition waiver/remission only if the paying enrollment of the course is sufficient to cover University costs related to the course. These enrollees may not be used to establish the basic number of students required to offer a particular course.

B. DEFINITIONS

1. Permanent faculty or staff shall mean a person who holds a position through an approved appointment process, such position being intended to last at least six months.
2. University of Maryland System Retiree shall mean a person who has earned at least five years of UMS service credit, and is receiving State of Maryland retirement checks and/or TIAA/CREF retirement checks.
3. Spouse shall mean one with whom the employee has entered a legally effective marriage. This does not include an estranged spouse maintaining a separate domicile.
4. Child shall mean a son, daughter, stepson, stepdaughter, legally adopted son, or legally adopted daughter.
5. Dependent child shall mean a child who is financially dependent under the definition adhered to by the Internal Revenue Service.

C. APPLICATION PROCEDURE

1. Students seeking to be enrolled at UMES under the tuition remission program must first apply and be admitted using the admission standards and deadlines for admission which apply to all UMES applicants. Specific program requirements shall be followed where appropriate.
2. Upon acceptance at UMES, a completed "Request for Remission of Tuition" form should be submitted to the Office of Human Resources.
3. Tuition remission and tuition waiver eligibility decisions shall be made in the Office of Human Resources. Tuition remission/waiver shall be granted on a first-come-first-served basis to students meeting the criteria set forth above and in the policy of the Board of Regents (VII-4.20). The place of employment of the student's parent or spouse is not a factor. Tuition remission shall not be granted unless all pertinent information requested on the form is supplied.
4. In those instances where self-support programs have the option of denying acceptance to non-paying students, students shall be notified of the decision to grant or deny tuition remission within thirty days of receipt of the request.

202.0 VII-4.40 - POLICY ON PAYMENT OF MOVING EXPENSES

(Approved by the Board of Regents, June 21, 1990)

1. The Chief Executive Officer of a constituent institution or component may authorize the payment of moving expenses for personnel when it is deemed to be in the interest of the institution or component to do so. The Chancellor may authorize the payment of moving expenses for Chief Executive Officers of constituent institutions and components.
2. The payment may include moving expenses of normal household goods, including reasonable packing and unpacking charges.
3. Moving expenses may be authorized only when the distance between the former residence and the University System location is in excess of 35 miles one way.
4. Exceptions to the 35 mile limitation may be made for payment of relocation expenses when the relocation is for the convenience of the institution or component.
5. Nothing in this Policy requires the payment of moving expenses.
6. Each Chief Executive Officer shall develop procedures implementing this Policy.

Replacement for: BOR V - 2.20

VII-4.40(A) - UMES POLICY ON PAYMENT OF MOVING EXPENSES

(Approved by the President January 1, 1992)

I. POLICY

The President or a designee may approve the payment of moving expenses for personnel consistent with Board of Regent's Policy VII-4.40. A request for payment shall be reviewed on a case-by-case basis to determine if payment is in the best interest of the University. Payment of moving expenses is strictly at the discretion of the President.

II. PROCEDURES

A request for moving expenses should be made in writing as part of the employment negotiations. If the request is approved by the President, it shall be appropriately processed for the reimbursable amount.

(i) Faculty Form VII

Faculty employed on ten month or nine and one-half month contracts are required to fill out “Faculty Form VII” for submission to their department chair each month. Faculty employed on twelve-month contracts submit the appropriate time sheet biweekly. Codes must be inserted to account for each day worked. After the department chair signs the forms, they are forwarded to the dean for signature, and then routed to the Office of Human Resources.