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**LEAVE POLICIES**

11.1	UMBC POLICY ON FELLOWSHIP LEAVE .....	2
11.1.1	Purpose .....	2
11.1.2	Duration and Eligibility .....	2
11.1.3	Procedures .....	2
11.1.4	Salary .....	2
11.1.5	Benefits .....	3
11.1.6	Responsibilities .....	3
11.2	POLICY ON SABBATICAL LEAVE FOR FACULTY .....	3
11.2.1	UMBC POLICY ON SABBATICAL LEAVE FOR FACULTY .....	4
11.3	POLICY ON PROFESSIONAL AND/OR RESEARCH LEAVE FOR FACULTY MEMBERS ENGAGED EXCLUSIVELY OR PRIMARILY IN LIBRARY SERVICES .....	5
11.3.1	UMBC Policy on Professional and/or Research Leave for Faculty Members Engaged Exclusively or Primarily in Library Services .....	6
11.4	UMBC TRANSITIONAL TERMINAL LEAVE POLICY .....	7
11.5	POLICY ON LEAVE WITHOUT PAY FOR FACULTY .....	9
11.6	POLICY ON ACCIDENT LEAVE AND CREDITABLE AND NON-CREDITABLE SICK LEAVE FOR FACULTY MEMBERS .....	10
11.7	POLICY ON ANNUAL LEAVE FOR FACULTY .....	14
11.8	UMBC IMPLEMENTATION PROCEDURES FOR THE POLICY ENABLING TWELVE- MONTH FACULTY TO ACCUMULATE ANNUAL LEAVE .....	15
11.9	POLICY ON FAMILY AND MEDICAL LEAVE FOR FACULTY .....	16
11.9.1	Policy on Parental Leave and other Family Supports for Faculty .....	24
11.10	POLICY ON JURY SERVICE FOR FACULTY MEMBERS .....	28
11.11	MILITARY LEAVE .....	29
11.12	HOLIDAYS .....	29
	INDEX .....	30

## 11 LEAVE POLICIES

### 11.1 UMBC POLICY ON FELLOWSHIP LEAVE

(Revised June 12, 1991; Amended, December 14, 1999. Section headings and paragraph style adapted to the format of this *Handbook*.)

#### 11.1.1 Purpose

To implement the UMBC campus policy that faculty salary levels and benefits should be maintained during the period of a prestigious fellowship award.

#### 11.1.2 Duration and Eligibility

Twenty-four-month maximum; eligibility ordinarily limited to one time only between regular sabbaticals.

#### 11.1.3 Procedures

In order for a faculty member to qualify for Fellowship Leave, the fellowship or grant proposal must have been submitted through the Office of Sponsored Programs Administration even if the proposal does not require an institutional signature. This will allow the office to record the fact that such a proposal has been submitted and to record also if and when an award is made.

After receiving notification of an award, a request for Fellowship Leave will be sent by the faculty member to the Department Chair. The Chair will forward this request to the appropriate Dean asking that the leave be approved. The Chair's request for Dean's approval should include an evaluation of the potential loss of instruction resulting from the proposed leave and analysis of the need for additional part-time support to cover this loss. The Dean will forward the request to the Provost with his/her recommendation. Provost's approval of Fellowship Leave will be required prior to the initiation of the leave.

#### 11.1.4 Salary

If the award stipulates an amount less than the academic year salary, the candidate may request a supplement to make up the difference up to a limit of the faculty member's academic year salary and benefits (if not covered by the fellowship).

If the award is for an amount greater than the academic year salary, the faculty member will receive the entire amount of the award, but benefits will be computed on the individual's academic year salary.

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### 11.1.5 Benefits

Health and retirement benefits will be continued during the period of the fellowship to the extent permitted by law. Faculty members with approved fellowship leave can arrange through Human Resources to continue their health benefits under COBRA.<sup>1</sup>

The University will make a contribution to the faculty member's retirement plan equal to the amount the State would have contributed during the period of fellowship leave. Some plans currently require or permit employee contributions and these contributions will continue to be the responsibility of the faculty member during the leave period.

It is imperative that the Human Resources Department be consulted prior to the start of the fellowship leave to prevent the loss or reduction of retirement benefits.

Departments should be aware that implementation of this policy will impact on their resources for hiring temporary replacement faculty: Fringe benefits will not be available to pay replacement faculty when these benefits are being provided to a faculty member on leave. Therefore, except in rare cases, departments should plan on hiring part-time appointees to replace the faculty member(s) on leave.

### 11.1.6 Responsibilities

During the period of the award, the faculty member will be assigned to carry out the activities for which the award was made. No teaching or service will be required except as agreed upon in advance through consultation with the faculty member, his/her department chair and the Dean.

A final summary report, including a record of productive output will be required by the Dean within 6 months of the end of the award period.

## 11.2 POLICY ON SABBATICAL LEAVE FOR FACULTY

([Board of Regents Policies and Procedures II-2.00](#); 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.

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<sup>1</sup>COBRA is the Consolidated Omnibus Budget Reconciliation Act, a federal law which, among other things, provides for the continuation of participation in a group health plan offered by any State agency after the individual has left State/University service. Under COBRA, the individual is responsible for the entire premium cost.

- 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.

#### 11.2.1 UMBC POLICY ON SABBATICAL LEAVE FOR FACULTY

The primary purpose of a sabbatical leave is to afford opportunity to the faculty member to increase his or her professional standing and value to the institution. To be eligible for the sabbatical, the faculty member must have attained tenure in professorial rank and must have been on active, full-time service with the University for a period of at least six years, subsequent to any previously granted sabbatical leave; provided, moreover, that:

1. The faculty member will, at least six months prior to the beginning of the proposed leave period, submit a formal written request, setting forth clearly the nature of the proposed sabbatical project, and his or her reasons for believing that the project will be professionally beneficial both to the applicant and the University. The written request, together with an endorsement from the department and Dean to the effect that the faculty member's service can be spared during the sabbatical leave period, will be forwarded to the Provost and President for final action.
2. The faculty member applying for sabbatical leave will, as a condition for being granted leave, agree to return promptly to the University at the termination of the sabbatical period, to remain in service for at least one academic year, except in circumstances in which the President of UMBC, the Chancellor of the University System, and the Board of Regents may decide otherwise.
3. Sabbatical leave usually will be granted for one 5-month or one 6-month period on full pay, or for one 10-month or one 12-month period on one-half pay for ten- and twelve-month appointees respectively. In certain exceptional and meritorious

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circumstances, and where long and distinguished service to the University may strongly justify, approval may be granted for a sabbatical period of more than twelve months, but in no case for more than twenty-four months on one-half pay.

4. The faculty member on sabbatical leave will be permitted to accept, in addition to the pay he/she receives from the University, only such awards, grants, contracts, fellowships, et cetera, as may also be given in aid of the approved sabbatical project, the primary purpose of the sabbatical leave being to afford opportunity to the faculty member to increase his scholarly attainment. Compensation for occasional consulting services rendered during the period of sabbatical leave, such service not to exceed that which would conform with the University's policy on consulting services, shall not be considered payments of salaries or wages.
5. Within three months of their return from sabbatical leave, faculty members will send to their Chair, Dean, and the Provost a summary report of their sabbatical activities, including a review of their work while on leave, a statement of publications prepared or anticipated, and their own assessment of the success of their leave.

### 11.3 POLICY ON PROFESSIONAL AND/OR RESEARCH LEAVE FOR FACULTY MEMBERS ENGAGED EXCLUSIVELY OR PRIMARILY IN LIBRARY SERVICES

([Board of Regents Policies and Procedures II-2.00](#); Approved by the Board of Regents, April 7, 2000)

The President of an institution may grant professional and/or research leaves to faculty members engaged exclusively or primarily in library services. The primary purpose of such leaves is to provide an opportunity for a librarian to conduct scholarly work or to engage in applied research which will increase the librarian's value to the institution or enhance the reputation of the institution.

1. To be eligible for professional and/or research leave, a full-time librarian shall have been granted permanent status and must have been in active service with the institution as a librarian for a period of at least six years prior to an initial leave being granted. A full-time librarian must remain on active service with the institution for an additional period of at least six years to become eligible for a subsequent professional leave and/or research. A part-time librarian shall have been granted permanent status 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 professional and/or research leave.
2. Ordinarily, professional and/or research 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 librarians.
3. Ordinarily, as a condition for receiving professional and/or research 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 full annual contract period.

4. During the period of professional and/or research 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, such grants, awards, contracts, fellowships, or other compensation or stipends as may be related to the approved professional and/or research leave project.
5. While on professional and/or research leave, the recipient may accept compensation for consulting services rendered during the professional and/or research 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 professional and/or research leave project.
6. All benefits and privileges of a librarian on professional and/or research leave shall continue in the same manner as if he or she were not on such leave, i.e., accrual of sick leave, opportunity for promotion, merit raises, and other benefits. Such a leave period shall not be regarded as service to the institution for purposes of determining eligibility for a subsequent professional and/or research leave.
7. Each institution shall develop procedures and criteria for approval of and funding for professional and/or research leave, including the requirement of a summary report on professional and/or research activities by the librarian. These procedures and criteria shall be filed with the Office of the Chancellor.

#### 11.3.1 UMBC POLICY ON PROFESSIONAL AND/OR RESEARCH LEAVE FOR FACULTY MEMBERS ENGAGED EXCLUSIVELY OR PRIMARILY IN LIBRARY SERVICES

The primary purpose of a professional and/or research leave is to afford opportunity to the library faculty member to increase his or her professional standing and value to the institution. To be eligible for the professional and/or research leave, the library faculty member must have attained permanent status in professorial rank and must have been on active, full-time service with the University for a period of at least six years, subsequent to any previously granted professional and/or research leave; provided, moreover, that:

1. The library faculty member will, at least six months prior to the beginning of the proposed leave period, submit a formal written [request](#), setting forth clearly the nature of the proposed professional and/or research project, and his or her reasons for believing that the project will be professionally beneficial both to the applicant and the University. The written request, together with an endorsement from the Library and Provost to the effect that the faculty member's service can be spared during the professional and/or research leave period, will be forwarded to the President for final action.
2. The library faculty member applying for professional and/or research leave will, as a condition for being granted leave, agree to return promptly to the University at the termination of the professional and/or research leave period, to remain in service for at least one full annual contract period, except in circumstances in which the President of UMBC, the Chancellor of the University System, and the Board of Regents may decide otherwise.

4. Professional and/or research leave usually will be granted for one 5-month or one 6-month period on full pay, or for one 10-month or one 12-month period on one-half pay for ten- and twelve-month appointees respectively. In certain exceptional and meritorious circumstances, and where long and distinguished service to the University may strongly justify, approval may be granted for a professional and/or research period of more than twelve months, but in no case for more than twenty-four months on one-half pay.
5. The library faculty member on professional and/or research leave will be permitted to accept, in addition to the pay he/she receives from the University, only such awards, grants, contracts, fellowships, et cetera, as may also be given in aid of the approved professional and/or research project, the primary purpose of the professional and/or research leave being to afford opportunity to the library faculty member to increase his or her scholarly attainment. Compensation for occasional consulting services rendered during the period of professional and/or research leave, such service not to exceed that which would conform with the University's policy on consulting services, shall not be considered payments of salaries or wages.
6. Within three months of their return from professional and/or research leave, library faculty members will send to their supervisor, the Library Director, and the Provost a summary report of their professional and/or research leave activities, including a review of their work while on leave, a statement of publications prepared or anticipated, and their own assessment of the success of their leave.

#### 11.4 UMBC TRANSITIONAL TERMINAL LEAVE POLICY

(Implementation of USM [Policy II-2.10](#), approved by the Board of Regents, November 30, 1989; Amended, June 27, 2014, adopted by UMBC Faculty Senate, May 14, 1991). Section headings and paragraph style adapted to the format of this *Handbook*.)

##### I. PURPOSE

This policy is intended to establish and define the terms of a transitional terminal leave period which terminates on the effective date of a faculty member's separation from employment at UMBC. Transitional terminal leaves are appropriate when beneficial to UMBC and its programs.

##### II. TERMS

- A. The President may grant a transitional terminal leave, upon application by the faculty member, at the discretion of UMBC and with the consent of a faculty member.
- B. Only tenured faculty members at UMBC shall be eligible for transitional terminal leave. For the purposes of this policy, the term "tenured faculty" or "faculty member" shall include permanent status librarians.
- C. Unless otherwise provided in Section III.B., a faculty member, while on transitional terminal leave, shall:
  1. Remain an employee of UMBC, and be subject to all policies of the Board of Regents and UMBC;
  2. Receive a salary of up to that which would have been accorded had he or she remained at UMBC, consistent with Section III.A. 1. or 2; and

3. Retain eligibility for all benefits normally associated with full-time (or, where applicable, half-time) employment, with the exception of annual leave.
- D. As a condition to the granting of transitional terminal leave, the faculty member shall agree in writing, to the conditions of the leave, waiving all claims arising out of his or her employment, other than those specified in this policy, and also waiving all claims to employment at UMBC subsequent to the period of transitional terminal leave.

### III. DUTIES AND DURATION

Depending upon the duties to be performed during transitional terminal leave, the transitional terminal leave period shall be of the following duration:

- A. Continued Performance of Duties During Transitional Terminal Leave: If the faculty member performs duties, as agreed upon and documented between UMBC and the faculty member, at a level of at least 25% of the faculty member's full-time commitment over the prior 36 months (or as otherwise deemed by the Internal Revenue Service to constitute full-time employment) evenly throughout the entire terminal leave period, then transitional terminal leave may be granted:
1. For twelve month faculty, with up to full pay for a period not to exceed twelve months, or with up to half pay for a period not to exceed twenty four months; or
  2. For nine- and ten-month faculty, with up to full pay for a full academic year, or with up to half pay for two full academic years.
  3. For faculty members employed on a part-time basis during the academic year preceding the transitional terminal leave, "full pay" means the full rate of pay earned for such part-time service, and half pay means half of the rate of pay earned for such service.
- B. Duties Not Performed During Transitional Terminal Leave: Consistent with applicable IRS requirements, if a faculty member does not meet the service requirement of Section III.A.:
1. The duration of the faculty member's fully-paid transitional terminal leave will be limited to a period of time within 2.5 months of the end of the calendar year in which the faculty member and UMBC entered into the transitional terminal leave agreement, using normal applicable payroll schedules.
  2. The level of compensation shall be set as set forth in Section III.A.
  3. The faculty member's active employment will cease effective on the beginning date of the transitional terminal leave period, as will eligibility for all benefits normally associated with employment.

### IV. PROCEDURE

- A. A faculty member must voluntarily request terminal leave. The faculty member shall submit his or her request to the Chairperson of his or her department or equivalent unit head. After review by the Chairperson, the request shall be forwarded with the Chairperson's recommendation through the usual administrative channels to the President. The President shall have the authority and discretion to approve or disapprove the request based on the needs of the department, the unit, UMBC and the University System of Maryland. Upon approval of the President, the President and the faculty member shall sign a letter of agreement specifying the conditions of the leave. This letter shall be in compliance with this UMBC Transitional Terminal Leave Policy, shall contain all special conditions, if any, to which the faculty member and UMBC have agreed with respect to the leave, and shall recite the voluntary nature of

the Agreement. The transitional terminal leave agreement is not effective until executed by the President of UMBC. Faculty are urged to seek legal advice as they pursue transitional terminal leave. The faculty member shall have twenty-one (21) calendar days to review the letter of agreement before signing it.

- B. If terminal leave is used in conjunction with retirement from UMBC, the faculty member shall agree, in writing, to a knowing and voluntary waiver under the Older Workers Benefit Protection Act (OWBPA) as amended under the Age Discrimination in Employment Act (ADEA). The waiver will not apply to rights or claims that may arise after the date upon which the letter of agreement was signed. The faculty member shall have the right to revoke the waiver within seven (7) calendar days after signing the letter of agreement.

## 11.5 POLICY ON LEAVE WITHOUT PAY FOR FACULTY

([Board of Regents Policies and Procedures II-2.20](#); 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:

4. 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.

5. A leave without pay is ordinarily granted for no more than one full year.
6. 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.
7. 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.

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

([Board of Regents Policies and Procedures II-2.30](#); 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.<sup>2</sup>
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.<sup>3</sup>

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<sup>2</sup>Effective with the implementation of PeopleSoft Time Entry, full-time faculty on 9-, 9.5-, and 10-month appointments earn 12.5 days of sick leave during the academic year.

<sup>3</sup>Fellowship leave falls under the category of leave without pay. Therefore sick leave cannot be accrued while a faculty member is on fellowship leave, even when supplemental salary is awarded to that faculty member.

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<sup>4</sup> 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.

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<sup>4</sup>Correspondence from the Department of Human Resources indicates that this provision of the USM policy is in error; faculty members on accident leave earn only 2/3 pay.

## 11.7 POLICY ON ANNUAL LEAVE FOR FACULTY

([Board of Regents Policies and Procedures II-2.40](#); 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.

### 11.8 UMBC IMPLEMENTATION PROCEDURES FOR THE POLICY ENABLING TWELVE-MONTH FACULTY TO ACCUMULATE ANNUAL LEAVE

(Adopted by UMBC Faculty Senate, February 11, 1992. Section headings and paragraph style adapted to the format of this *Handbook*.)

- 4. Faculty members, who for the purpose of this policy include those holding faculty rank, plus Faculty Research Assistants and Associates serving on twelve-month contracts in line positions, are entitled to earn annual leave days, regardless of the salary fund source within this class. Full-time faculty are entitled to 22<sup>5</sup> annual leave days during the calendar year, which accrue at a rate of 1.83 days per month. For faculty members whose permanent appointments are between 50% and full-time, the accrual rate is proportionate to their percent of full-time service. Unless otherwise designated at the time of appointment, faculty members are expected to use their

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<sup>5</sup>Beginning with the 21<sup>st</sup> year of service, 25 annual leave days are earned during the calendar year. See [Section 11.6](#) above.

annual leave during the calendar year in which it is earned, and within their appointment during the appointment period. The days of annual leave can be forward funded within the calendar year, permitting, for example, twelve-month faculty who have teaching duties to take up to 22 days of annual leave in the summer.

5. Faculty with administrative responsibilities must insure these responsibilities will be met during all periods of annual leave usage. Twelve-month faculty members in this situation will notify the dean or other appropriate supervisory officer in writing of the time they wish to take annual leave and the manner in which the duties of their position will be covered during their absence. Such notification will suffice for the concurrence required in the Regents Policy.
6. A request to carry over unused annual leave from one calendar year to another must be made in writing through the department chair if appropriate, and to the respective dean, not less than three (3) months prior to the end of the calendar year in which the leave was earned. Such a request must be accompanied by adequate justification and an indication of when the carry-over leave will be taken, and it must specify the number of unused days to be carried forward. Permission to carry over unused annual leave will be granted on a case by case basis only in extraordinary circumstances. Time records must be available to verify leave earnings and usage. Documentation must also be available to verify circumstances which may have caused annual leave to be unused. The maximum leave that may be carried forward into a new calendar year is 45 days.<sup>6</sup>
7. Faculty members who have unused accumulated annual leave at the time of permanent separation from the University System may be paid the pro rata salary equal to the unused leave days. The payment would be for the leave earned but not used during the current calendar year (unless an exception had been approved under the procedure outlined in ¶ 3. above, in which case payment would also be made for approved carry-over accumulated leave). Duty records documenting unused leave, and written approval in accordance with ¶ 3. above, if applicable, must be available for audit in the faculty member's academic department at the time of separation in order to qualify for payment.

#### 11.9 POLICY ON FAMILY AND MEDICAL LEAVE FOR FACULTY

([Board of Regents Policies and Procedures II-2.31](#); 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 System of Maryland (USM) who are covered by the provisions of USM [BOR Policy II-1.00](#) on Appointment, Rank, and Tenure of Faculty. Under certain circumstances it is the policy of

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<sup>6</sup>The number of days of annual leave that can be carried over has been increased to 50. See [Section 11.6](#) above.

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the USM 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:

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- 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) work weeks (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) work weeks (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 USM 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 noncreditable 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 noncreditable 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. An 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 IX, 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.

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### 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 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-working 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 USM institution; and shall forward a copy of such designations and implementation procedures to the Chancellor.

11.9.1 Policy on Parental Leave and other Family Supports for Faculty  
(Approved by the Board of Regents, June 22, 2012)

I. Purpose

This policy is intended to support faculty in balancing professional and family demands during and after the birth or adoption of a child through a combination of measures to promote a “family-friendly” environment on each USM campus. These measures include:

- a. A minimum assured period of paid parental leave of eight (8) weeks;
- b. The adoption of Family Support Plans at each institution;
- c. Minimum requirements to extend the time for tenure review for new parents; and
- d. The availability of lactation facilities on each campus.

## II. Assured Minimum Parental Leave

Each eligible faculty member shall be assured a period of up to eight (8) weeks (i.e., forty (40) work days) of paid parental leave to care for a new child, as follows:

- A. Nature of Leave: The parental leave period will consist of any form of annual, sick or personal leave that the faculty member has accrued, to be supplemented by the institution with additional paid leave days to attain an eight (8) week period of paid parental leave.
- B. Applicability: The eight (8) week paid leave assurance will be available during a six (6) month period surrounding:
  - 1. The birth of a newborn;
  - 2. The recent adoption of a child under the age of six (6); and
  - 3. At the discretion of the institution's chief academic officer and subject to any limitations established by the institution, the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six (6).
- C. Eligibility: At a minimum, the paid leave assurance will apply to tenured and tenure-track faculty, and non-tenure-track faculty with multi-year contracts, upon written affirmation that the faculty member will be the child's primary caregiver during the parental leave period.
  - 1. Institutions may offer assured minimum paid leave to other categories of faculty as a matter of institution policy.
  - 2. Leave shall be pro-rated for eligible part-time faculty.
  - 3. If a child's parents are employed by the same institution, both may be eligible for paid parental leave up to the eight (8) week maximum as follows:
    - a. Both parents may use accrued annual, sick or personal leave concurrently with the birth of a child or adoption of the child under age six (6);
    - b. A parent may use additional guaranteed paid leave under this policy only during a period when that parent is the child's primary caregiver.
  - 4. A faculty member shall be eligible for assured minimum paid parental leave after one (1) year of employment with the institution, except to the extent that institution policies permit and the terms of the faculty member's appointment establish a lesser eligibility period.

5. A faculty member may be eligible for paid parental leave under this policy on one occasion in a given 12-month period, and on two occasions during the duration of the faculty member's employment within the USM. Any additional periods of paid parental leave require the approval of the President, or the President's designee.

### III. Faculty Family Support Plans

Each institution shall assure that each eligible faculty member has the opportunity to establish a "Family Support Plan". These plans are intended to provide support for new parents while assuring that continuity in student instruction and other critical faculty duties are not disrupted during periods of faculty parental leave.

- A. Plan Development: The plan will be developed jointly by the faculty member and department chair, or the designee of the chair or the dean, upon request of the faculty member.
  1. If the faculty member and department chair are unable to finalize the plan, or if an agreed-upon plan requires additional resources, the appropriate dean or other academic affairs administrator will participate in completing the plan.
  2. Each completed plan will be shared with the appropriate dean or other academic affairs administrator.
- B. Plan Content: The plan will allow the faculty member to reduce or otherwise modify workload, especially teaching duties, during the semester in which parental leave is taken, through a combination of:
  1. Leave, including:
    - a. Exhaustion of all accrued annual, personal, holiday and sick leave;
    - b. Additional paid parental leave, as needed, up to eight (8) week total
    - c. Collegial sick leave, as available;
    - d. Unpaid leave, up to twelve (12) week (i.e., sixty (60) work day) limit of the USM Family Medical Leave Act Policy, No. II-2.31; and
  2. Workload modifications, to extent authorized by the institution and feasible within the faculty member's department, which may include:
    - a. Part-time employment;
    - b. The spreading of the semester's teaching responsibilities over multiple terms preceding and succeeding the parental leave period;
    - c. Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and/or
    - d. Other options identified by the institution or department.
- C. Eligibility: Each tenured or tenure-track faculty member whose responsibilities are primarily instructional is eligible for a family support plan, subject to the eligibility

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standards of Section II.C.1 through 5 of this policy. Institutions may offer the opportunity to develop a family support plan to other categories of faculty as a matter of institution policy.

#### IV. Extension of Time for Tenure Review

- A. **Minimum Requirements:** Each USM institution shall establish policies and procedures to permit faculty members who become new parents with the birth or adoption of a child to extend the time for tenure review. At a minimum, institution policies shall provide for:
  - 1. A one (1) year extension of the time for tenure review upon the birth or adoption of a child; and
  - 2. The ability to obtain such an extension twice during employment with a USM Institution.
- B. **Institution Procedures:** Institution procedures may include requirements related to the timing and content of applications for the extension, documentation of eligibility and other aspects of the process for requesting and administering extensions of the time for tenure review.
- C. **Additional Institution Provisions:** An institution's policies to extend the time for tenure review may be broader in scope than the minimum eligibility and duration requirements specified in this policy.

#### V. Supports for Nursing Mothers

Each institution shall provide space at reasonable locations on campus where employees who are nursing mothers may breastfeed or express milk.

- A. The area must be shielded from view and free of intrusions from others.
- B. A bathroom or restroom may not be designated as a lactation facility.
- C. The space may be a private area in a larger room, or a private room that is reliably made available for nursing mothers whenever needed but may otherwise be used for different functions.
- D. The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to a sink.
- E. The requirement for lactation facilities on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which the children of employees may be present on campus.

#### VI. Protections for Faculty

No faculty member shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion, tenure or other employment-related process as a result of utilizing the parental leave and other supports provided in this policy.

VII. Implementation

This policy shall be implemented as follows:

- A. Parental Leave and Family Support Plans: Eligible faculty members shall have access to parental leave and family support plans under this policy as of the beginning of the Fall 2012 semester.
- B. Other Provisions: Institutions shall complete implementation of all other requirements of this policy no later than December 31, 2012.

## 11.10 POLICY ON JURY SERVICE FOR FACULTY MEMBERS

([Board of Regents Policies and Procedures II-2.50](#); Approved by the Board of Regents, May 7, 1993)

The purpose of this policy is to establish for faculty members at UMS 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.

## 11.11 MILITARY LEAVE

A faculty member who is a member of the National Guard or a federal armed forces service unit shall be entitled to leave of absence for military training for a period of not more than fifteen (working) days annually without loss of pay or charge against any leave. Rights of faculty to military leave are governed by Article 65 of the Annotated Code of Maryland.

## 11.12 HOLIDAYS

Legal holidays are established by the Governor and the Legislature. Each year the Chancellor of the University schedules the observance of selected holidays on days other than the date of occurrence when, in his or her judgement, such reordering of the observance of holidays is in the best interest of the University. Thus, classes are often held and vital non-academic work functions continue on some of these holidays, which are then observed on other dates.

## INDEX

Administration .....	2
Provost .....	2, 4, 5-7, 25
Annotated Code of Maryland .....	29
Appointment .....	14-17, 26, 27
Board of Regents .....	3-7, 9, 10, 12, 14-16, 24-28
Chancellor .....	4, 6, 10, 15, 24, 29
COBRA .....	3
Compensation .....	4-8, 13, 15, 120
Consulting .....	4-7
Correspondence .....	13
Dean .....	2-5, 16, 21, 27
Discrimination .....	9, 25
Examinations .....	13
Faculty	
Part-Time .....	3-5, 8, 11, 14
Tenured .....	7, 27
Faculty Senate .....	7, 15, 24
Holidays .....	13, 27
Human Resources .....	3, 13
Jury Duty .....	28, 29
Leave .....	2-29
Accident .....	10, 13, 20, 25
Annual .....	8, 13-16, 27-28
Family and Medical .....	16-20, 22-27
Fellowship .....	2-7, 11
Military .....	29
Professional .....	5-7
Research .....	5-7
Sabbatical .....	3-5, 9, 11
Sick .....	10-13, 19, 21, 25-27
Transitional Terminal .....	7-9
Without pay .....	5, 9-11, 13, 20
Office of Sponsored Programs .....	2
Professional Commitment .....	4, 6
Records .....	13, 16, 26
Service .....	3-9, 11-12, 15, 20, 24, 28, 29
Teaching .....	3, 9, 16, 27
Tenure .....	3, 4, 16, 17, 21, 25-27
University of Maryland, Baltimore County .....	2, 4, 6-9, 15, 24-26
University System of Maryland .....	7, 8, 13, 15-19, 20, 24-27
Workload .....	26