

## II – 2.30 - USM POLICY ON SICK LEAVE FOR FACULTY MEMBERS

(Approved by the Board of Regents November 30, 1989; amended June 21, 2013; amended February 14, 2014)

### I. PURPOSE AND APPLICABILITY

A. The purpose of this policy is to:

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

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

### II. COLLEGIAL SICK LEAVE

A. **Underlying Principle.** It is the responsibility of the institution to have an agreed-upon procedure for continuing instruction when faculty members are absent for any reason, including illness, injury, or childbirth. Once instruction is underway, it is important to have it continued with minimal interruption to protect the interests of students. Thus, when a faculty member is absent for brief periods because of illness, injury, or childbirth, the "collegial" method of accommodating faculty absence is preferred.

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

C. **Non-Creditable Leave.** Collegially sick leave is not credited toward retirement and cannot be carried over to a subsequent fiscal year.

D. **Availability.** Collegial leave is available to a faculty member as follows:

1. When practicable, it is available up to a maximum of twenty-five (25) work days for each faculty member in one fiscal year. After that time, creditable sick leave shall be charged.
  2. The maximum collegially supported leave available to a faculty member during the summer is one-seventh (1/7) of the contract period. This will be included as part of the faculty member's yearly limit.
  3. An eligible faculty member, appointed for at least a semester but less than an academic year, may receive no more than half of the collegial protection awarded persons who are appointed for an academic year. Faculty appointed for periods of less than one semester may not receive collegial benefits.
  4. Collegially supported leaves for an individual faculty member in two fiscal years must be separated by active service of at least twenty-five (25) work days.
- E. **Relationship to Regular Sick Leave.** After that time, creditable sick leave shall be charged. If the absence continues after the faculty member has utilized all available collegial leave, regular sick leave or other accrued leave will be charged.

### III. CREDITABLE SICK LEAVE

- A. **Definition.** Creditable sick leave is leave that is accrued during the course of the faculty member's service and, subject to the conditions described in Section III.C of this policy, may be credited toward the faculty member's service for retirement benefit purposes.
- B. **Accrual.**
1. Creditable 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 (15) 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 provide medical verification to support the use of accrued sick leave.
6. When all accrued sick leave has been expended, and as authorized by the Family Medical Leave Act and related USM policies and consistent with the requirements of the Americans with Disabilities Act, the individual will be removed from salaried status, except in unusual circumstances as approved by the President. The institution will assist the faculty member in evaluating the options of modified duty, disability retirement, regular retirement, or disability insurance as appropriate.
7. If there is a break in an individual's employment with the State of Maryland of less than three (3) 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.

C. **Sick Leave Creditable as a Retirement Benefit.** Unused creditable sick leave may be credited toward a faculty member's service for retirement benefit calculation purposes under conditions specified in Ann. Code MD, State Personnel and Pensions Article Section 20-206 and related statutes as follows:

1. **Members of the Maryland Employees' or Teachers' pension or retirement systems.** For faculty members enrolled in the Maryland State retirement and pension systems, who retire within thirty (30) days after leaving employment with the USM or another participating governmental unit, unused creditable sick leave is applied toward the individual's retirement service credit, as follows:
  - a. In the case of an individual who was hired prior to July 1, 2011, and resigns after at least five (5) years of employment, and leaves contributions with the Maryland State retirement system, any unused creditable sick leave will be "vested" ,that is, it will be credited toward retirement benefits when the employee begins to draw benefits.
  - b. In the case of an individual who was hired on or after July 1, 2011, and resigns after at least ten (10) years of employment, and who leaves contributions with the Maryland State retirement system, any unused creditable sick leave will be "vested."
  - c. Unused sick leave may not be credited toward eligibility service in the case of an early retirement, nor does it alter an early retirement reduction factor.
  - d. A faculty member who returns to employment after retirement and is receiving Maryland State Retirement System benefits may not receive creditable service toward retirement for any sick leave accrued after the return to employment.
2. **Members of the Optional Retirement Plan.** Sick leave accrued by faculty members who are members of the Optional Retirement Plan is not creditable toward retirement.

3. There is no cash payment for accrued, unused sick leave at the termination of employment, regardless of whether the accrued sick leave may be creditable toward retirement.

D. **Use of Accrued Creditable Sick Leave.** In addition to using non-creditable “collegial” sick leave, a faculty member may accrue and use creditable sick leave as provided in this section.

1. **Employee’s Personal Health.** Creditable sick leave is available when a faculty member is absent because of:
  - a. Illness, injury or disability; or
  - b. A medical appointment that cannot be scheduled during non-work hours.
2. **Care of Ill Family Members.** Creditable sick leave is available for a faculty member in cases of illness or injury in the faculty member’s immediate family and medical appointments for an immediate family member that cannot be scheduled during non-work hours.
  - a. “Immediate family” as used in this policy means:
    - i. A spouse, child, step-child, grandchild, mother, father, mother-in-law, father-in-law, brother, sister, grandparent, brother-in-law, sister-in-law, or legal dependent of the faculty member; or
    - ii. Any other relative who permanently resides with and is cared for by the faculty member.
  - b. The faculty member may be required to provide medical verification and other documentation to support the need to use sick leave care for a family member.
3. **Bereavement.** For the death of a close relative, a faculty member may use up to three (3) days of accrued sick leave, or five (5) days if the death of a close relative requires a faculty member to travel and stay away from home overnight.
  - a. “Close relative” as used in this policy means: a spouse, child, step-child, parent (or someone who took the place of a parent), mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, or other relative who permanently resided in the faculty member’s household.
  - b. A faculty member may use one day of sick leave for reasons related to the death of an aunt, uncle, niece or nephew of the faculty member or his or her spouse.
4. **Childbirth and Parental Leave.**
  - a. A female faculty member may use accrued sick leave for medical conditions related to pregnancy or childbirth and its immediate physical recovery.
  - b. Accrued sick leave also may be used to care for a child following the birth of a child or placement of the child with the faculty member for adoption, subject to the provisions of the USM Faculty Parental Leave Policy.

#### IV. REPORTING

- A. Each faculty member, regardless of the source of funding or retirement system in which he or she is enrolled, who is employed at least 50 percent time, must complete monthly positive time reports and sign the fiscal year summary record unless an exemption has been requested by the individual and approved by the President. When an exemption is approved, the faculty member thereby waives all claims from that date forward to credit any unused sick leave toward retirement benefits. With the approval of the President, the faculty member may revoke his or her exemption, and unused sick leave earned from the time of revocation forward will be credited toward retirement.
  
- B. Each institution shall establish procedures for positive time reporting by faculty. The institution shall retain monthly time reports for each individual for five (5) years, and shall retain summary records of these reports until the individual leaves employment.