

**VII-9.00 - POLICY ON VESTING OF CERTAIN RIGHTS UPON IMPLEMENTATION OF PHASE I-NONEXEMPT OF THE USM PAY PROGRAM**

(Approved by the Board of Regents, EFFECTIVE July 1, 1996. Amendments approved by the BOR February 2, 1996; Amended October 9, 2015).

I. PURPOSE AND APPLICABILITY

This policy outlines and guarantees the continuation of coverage of certain existing human resources policies and procedures for certain USM employees. This policy applies only to those employees who were employed by the UMS prior to April 1, 1995, whose job class or job group changed because of the implementation of phase I-Nonexempt of the new USM Pay Program and related policies.

II. VESTING (Grandfathering)

Vesting, for purposes of this policy, is defined to be the continued application of certain policies to a nonexempt employee. This vesting shall cease when the employee accepts a promotional transfer or reclassification to the exempt group. After that time, the employee shall be governed by all policies and procedures applicable to her/his new job class and new job group.

A. Layoff

Employees whose job class or job group category is changed upon implementation of the USM Pay Program shall not lose coverage under policies governing layoff and reinstatement that were applicable to their job class or job group immediately prior to the change.

B. Termination

Employees whose job class or job group is changed upon the implementation of the USM Pay Program shall not lose coverage under policies governing termination for cause that were applicable to their job class or job group prior to the change.

C. Annual Leave Accrual Rates

Employees whose job class or job group is changed upon implementation of the USM Pay Program shall not lose any current annual leave balance because of a change in annual leave accrual rate.

1. Employees with less than 20 years of service and whose designation was associate staff, unclassified staff, academic administrative staff or administrative personnel at the time of implementation and whose positions are

changed to the job group of nonexempt shall continue to earn 22 days of annual leave until they reach 20 years of service. On the 20th year they shall start earning annual leave at the rate of 25 days per year. Employees with 20 or more years of service at the time of implementation shall earn annual leave at the rate of 25 days per year.

2. If there is a change to an employee's position through promotion or transfer to the exempt group the employee shall be governed by annual leave policies and procedures applicable to her/his new job class and new job Group.

**D. Grievance Procedures and Special Action Appeals**

Employees whose job class or job group is changed upon implementation of the USM Pay Program shall not lose any grievance and appeal rights or access to the grievance and/or the special action appeals processes that were available to them and in effect for their job class or job group prior to the change.

**IMPLEMENTATION PROCEDURES:**

Each President shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its institutional website.