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VII-0.10-GC – UMGC POLICY ON ESTABLISHMENT AND ASSIGNMENT OF STAFF JOB GROUPS AND EMPLOYMENT STATUS GROUPS

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This policy establishes the job groups of “Nonexempt” and “Exempt” for University of Maryland Global Campus (UMGC) employees based upon the application of the Fair Labor Standards Act, 29 U.S.C. §§ 201, et seq. (“FLSA”) for all UMGC Stateside Staff positions and job classes. This policy establishes employment status groups for Stateside and Overseas Staff employees. This policy does not apply to Faculty employees.

II. UMGC STATESIDE STAFF JOB GROUPS
A. Assignments to job groups shall be made in accordance with the FLSA’s and implementing regulations’ definitions and standards for designating positions as Nonexempt or Exempt.

B. The FLSA does not apply to Overseas Staff employees. Accordingly, the job groups of “Nonexempt” and “Exempt” do not apply to Overseas Staff employees.

C. This policy does not apply to Faculty employees or jobs; however, Faculty employees are considered Exempt under the FLSA.

III. EMPLOYMENT STATUS GROUPS
UMGC Nonexempt, Exempt and Overseas Staff employees may be appointed to a Regular Status or a Contingent Status position.

A. Regular Status - Any position that is established as a line item and appears in the personnel detail of UMGC’s budget. Stateside Staff employees on Regular Status are eligible for all benefits offered by UMGC Stateside, based on percentage of time worked. Overseas Staff employees on Regular Status are eligible for all benefits offered by the Division (Europe or Asia) for which the employee works, based on percentage of time worked.

B. Contingent Status - Any position established through a written agreement between UMGC and a person who shall provide personal services to UMGC for pay and for a specific period of time. Employees on Contingent Status shall not be eligible for the mandatory retirement plans offered through UMGC. Contingent employees are eligible for benefits only as defined in VII-1.40-GC – UMGC Policy on Contingent Status Employment or as otherwise mandated by applicable law, rules or regulations.
1. **Contingent I** - This category is applicable to Stateside and Overseas Staff employees.

2. **Contingent II** – This category is only applicable to Stateside Staff employees.

3. **Contingent III** – This category is only applicable to Overseas Staff employees.

V. **DESIGNATION OF FULL-TIME AND PART-TIME EMPLOYMENT**

Designation of full-time and part-time employment may be used for both Regular Status and Contingent Status Staff positions.

A. **Full-Time Employment** – The employee is scheduled to work a minimum of 40 hours per week (100% full-time equivalent (FTE)).

B. **Part-Time Employment** – The employee is scheduled to work less than 40 hours per week. Employees in this group must work a minimum of 20 hours per week (50% FTE) in order to be eligible for UMGC-subsidized benefits or stipend.

1. Part-time employees in Regular Status positions shall be eligible to participate fully in State of Maryland health benefits as provided by the State.

2. Part-time employees in Contingent II positions shall receive State of Maryland health benefits as required by the Affordable Care Act (ACA).

3. Part-time employees in Contingent III positions shall receive State of Maryland health benefits or comparable benefits.

**IMPLEMENTATION PROCEDURES**

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-9.31 – Policy on Establishment and Assignment of Staff Job Groups and Employment Status Groups
UMGC 0S 2.00 – Policy on Assignment of Staff Employment Groups
I. PURPOSE

The purpose of this policy is to establish the fundamental elements and policies of a comprehensive Human Resources Management Program of the University of Maryland Global Campus (UMGC), as authorized by the University System of Maryland (USM) Board of Regents (BOR) on February 13, 2015 and Sections 12-110(a)(1) and 12-111(c) of the Education Article of the Annotated Code of Maryland and intended to achieve the following goals:

A. The recognition that the employees of UMGC are among UMGC’s most valuable assets;

B. The recruitment, selection and retention of well-qualified employees, consistent with its commitment to Affirmative Action and Equal Employment; and

C. The provision of effective and efficient Human Resources services that support the delivery of high quality education programs for UMGC and the State of Maryland.

II. APPLICABILITY OF UMGC HUMAN RESOURCES POLICIES


B. UMGC HR Policies shall apply to all UMGC Regular Status employees, including Nonexempt, Exempt and Overseas Staff employees. UMGC HR Policies shall not apply to Faculty or Contingent Status employees unless specifically referenced.

C. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) between UMGC and such bargaining unit and applicable UMGC HR Policies. To the extent that there is a conflict between the MOU and applicable UMGC HR Policies, the MOU shall prevail. The MOU may be modified by the terms of a collective
bargaining agreement signed by the President and ratified by the USM BOR under Title III of the State Personnel and Pensions Article of the Annotated Code of Maryland.

D. All UMGC HR Policies shall apply to employees as specified in the particular policy, except to the extent that a policy provision may be superseded by a change in Federal or State law that creates an inconsistency between the policy and current legal requirements.

E. UMGC reserves the right to amend the UMGC HR Policies at any time. Any substantive policy changes are subject to review and approval by the President and USM BOR. Non-substantive policy changes or changes mandated by law are subject to review and approval by the President.

III. SCOPE AND AUTHORITY

A. General Authority

On February 13, 2015, the USM BOR delegated to the President the authority to establish the UMGC Human Resources Management Program (the HR Program), in consultation with UMGC’s Executive Committee.

B. HR Policies and Procedures

The UMGC HR Program shall be governed by UMGC HR Policies approved by the USM BOR.

1. The UMGC HR Policies shall provide for an appropriate balance between institutional mission and UMGC responsibilities, consistent with Federal and State laws.

2. UMGC may develop and adopt procedures to support implementation of the UMGC HR Policies and address human resources management and operational concerns.

3. The UMGC HR Policies and any applicable procedures shall be made available on UMGC’s website.

C. Authority

1. Under the general direction of the President or designee and consistent with UMGC HR Policies, the Chief Human Resources Officer (CHRO) is assigned the authority to:

   a. Administer all elements of UMGC’s human resources function;
b. Develop, revise, interpret and administer policies, procedures, rules, standards and practices to ensure compliance at UMGC, including the authorization of appropriate exceptions where such authority has been delegated by the President or designee;

c. Appoint or serve as the lead negotiator for UMGC collective bargaining;

d. Administer applicable pay and compensation plans;

e. Develop new and revised job class specifications, including job titles and job descriptions, in the Nonexempt, Exempt and Overseas Staff pay programs;

f. Work in conjunction with USM and State agencies for State of Maryland retirement and health benefit programs for UMGC employees.

g. Develop, implement and coordinate employee development and training programs;

h. Carry out other human resources responsibilities and functions as directed by the President or designee;

i. Delegate functions within the scope of the CHRO’s authority to appropriate members of UMGC’s Human Resources staff; and

j. Execute appointment letters for Regular Status employees and contracts with Contingent Status employees.

2. Any exceptions, modifications or waivers of the UMGC HR policies must be reviewed and approved by the President or designee.

IV. ELEMENTS OF THE UMGC HR PROGRAM

The UMGC HR Program, as embodied in UMGC HR policies, shall include, at a minimum, the following elements:

A. Employment

1. UMGC shall recruit, select, and retain a well-qualified, diverse, competent, innovative and creative work force committed to serve UMGC and the public.

2. UMGC shall have written procedures to describe the process by which it recruits, selects and appoints employees.

B. Benefits
1. UMGC shall offer a comprehensive range of benefits to attract and retain high-quality employees and enhance employee morale and productivity.

2. The range of benefits shall include:

   a. Those benefits required under State law for State employees, including employees of UMGC; and

   b. Other benefits authorized by the President, upon recommendation of the CHRO.

C. Compensation

1. Upon recommendation of the CHRO, the President may approve a UMGC Exempt Pay Program to be applicable to Exempt and Overseas Staff employees. The UMGC Nonexempt Pay Program approved by the USM BOR shall apply to UMGC Nonexempt Staff employees, as amended by UMGC HR Policies.

2. UMGC’s Pay Programs shall include consideration of the following:

   a. cost-of-living adjustments (COLA), if permitted by the Maryland General Assembly for State employees;

   b. merit increases;

   c. variable compensation, unless prohibited by law;

   d. salary structures and schedules for various job categories; and

   e. salary adjustments and other compensation-related items.

D. Performance Review

1. UMGC shall provide an equitable and valid performance review process that fosters employee development, excellent performance and consistent personnel administration.

2. Written performance reviews shall be administered at least annually.

E. Employee Relations

1. UMGC recognizes the dignity and rights of its employees as individuals and expects its employees to act with discretion, professionalism and integrity at all times.
2. UMGC shall conduct its HR Program consistent with all relevant legal requirements, including federal and state anti-discrimination laws, Maryland law related to collective bargaining, and other federal and state laws as applicable to its employees.

3. Employee grievances shall be resolved in an orderly and timely manner consistent with the UMGC HR Policies and/or MOU in an environment of impartiality and mutual respect.
   a. Employees and supervisors shall make every effort to resolve differences informally.
   b. Appropriate formal grievance procedures that conform to all legal requirements, and UMGC HR Policies and MOU shall be posted on UMGC’s external or internal website.

F. General Conduct and Working Conditions

1. UMGC shall provide an environment that promotes the safety, health, and general well-being of its employees.

2. Each employee will uphold appropriate standards of conduct, including adherence to all applicable UMGC policies and procedures.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-1.00 – Policy on the USM Human Resources Management Program
I. PURPOSE AND APPLICABILITY
This policy defines the recruitment and selection philosophy for all University of Maryland Global Campus (UMGC) Nonexempt, Exempt, and Overseas Staff positions on Regular and Contingent Statuses. Additionally, this policy establishes the principles under which Nonexempt, Exempt, and Overseas Staff employees on Regular status shall serve a probationary period of work in order to demonstrate their ability to perform the duties and fulfill the responsibilities of their position. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. RECRUITMENT AND SELECTION
Equal Employment Opportunity - In order to ensure that all UMGC Staff employees are individuals of the highest caliber and diverse backgrounds commensurate with the global community UMGC serves, UMGC shall develop appropriate recruitment, screening and selection procedures, consistent with applicable regulations governing Equal Employment Opportunity and Affirmative Action and include consideration of hiring internal applicants who apply to fill a vacant position.

III. PROBATION FOR NONEXEMPT STAFF EMPLOYEES
A. There are two types of probation for Nonexempt Staff employees as follows:

1. Original Probation – The period following original appointment to a Nonexempt job class or to a Nonexempt position at UMGC following a break in service of three (3) or more years.

2. Status Change Probation – The period following Nonexempt Reinstatement or competitive Transfer within UMGC (Promotion, Lateral Transfer, or Demotion).

B. Length of Probation Period

1. The Original Probation and Status Change Probation periods shall be six (6) months.

2. Upon request by the appropriate administrator, the CHRO or designee may extend the period of an Original or Status Change Probation for an
additional six (6) months. The employee shall be given written notice of any decision to extend the probation period.

3. An employee on Contingent Category II Status who is appointed to the same position on a Regular Status without a break in service shall have the time served apply towards completion of Original or Status Change Probation. However, upon request by the appropriate administrator and regardless of the time served in the position, the CHRO or designee may require a probationary period of six (6) months. The probationary period may be extended an additional six (6) months.

C. Salary Adjustments During Probation

1. MERIT - Merit increases may be granted during an Original Probation period.

2. COST OF LIVING ADJUSTMENT (COLA) - A COLA shall be granted when, and in the amount approved by the Maryland General Assembly.

3. ADJUSTMENT FOR PASSING PROBATION - Nonexempt employees who successfully complete an Original Probation or Promotional Status Change Probation (at least one pay range higher than the prior position) shall receive a 2.5% adjustment to their base salary upon completion of the probation, pursuant to VII-9.20-GC – UMGC Policy on Pay Administration for Nonexempt Staff employees.

CI. Employees Not Subject to Probation

1. An employee who has satisfactorily completed Original Probation and who is Reinstated to the same Nonexempt job class in the same department within the Reinstatement Period shall not serve a probationary period. If the employee has not completed an Original Probation period prior to being Reinstated, the remainder of the Original Probation period shall be served.

2. An employee who has satisfactorily completed Original or Status Change Probation, in a position and that position is Reclassified, shall not serve a new probationary period. If the employee has not completed an Original or Status Change Probation in that position before it is Reclassified, the employee shall serve the remainder of the probation in the Reclassified position.

3. An employee who has been placed on a Temporary Assignment/Reassignment shall not be subject to a probationary period.
4. An employee who has been Demoted to a Nonexempt job class in which an Original or Status Change probation period has previously been served shall not serve a probation period, regardless of the Department/Unit where the probation was served.

E. Rejection on Probation

1. Original Probation
   a. An appropriate administrator, as defined in applicable UMGC Procedures, may terminate an employee on Original Probation for any reason at any time. A written notice of the rejection on probation of at least 30 calendar days shall be given to the employee and the CHRO shall be notified of this action. Notification of rejection shall be provided prior to the expiration date of the Nonexempt Staff probation period.
   b. The written notice shall advise the employee of the right to appeal the rejection to the CHRO or designee, pursuant to VII-8.00-GC UMGC Policy on Grievances for Nonexempt and Exempt Staff employees.
   c. At the discretion of the appropriate administrator and in consultation with the CHRO, the employee may be placed on Administrative Time Off with pay following the written notice. The employee shall not earn Vacation, Sick, Personal, or Holiday Time Off during this period.

2. Status Change Probation
   a. An appropriate administrator may terminate an employee serving a Status Change Probation for cause only.
   b. Written notice of the rejection on Status Change Probation shall be given to the employee and CHRO or designee at least 30 calendar days prior to the end of the probationary period.
   c. The written notice shall state the reason(s) for and effective date of the rejection and shall advise the employee of the right to appeal the rejection to the CHRO or designee, pursuant to VII-8.00-GC UMGC Policy On Grievances for Nonexempt and Exempt Staff employees.
   d. At the discretion of the appropriate administrator and in consultation with the CHRO or designee, the employee may be placed on Administrative Time Off with pay following the written notice.
notice. The employee shall not earn Vacation, Sick, Personal, or Holiday Time Off during this period. Any time off that the employee would have accrued on Administrative Time Off shall be restored if the employee is returned to the position as the result of a successful grievance.

e. An employee whose job class has been changed as a result of a competitive promotion and is rejected during a Status Change Probation shall be reinstated to his/her former position if it is vacant or held by a Contingent employee.

3. Exception to Notice Requirement

An employee serving an Original or Status Change Probation may be subject to immediate termination without prior notice in the event that the employee’s gross incompetence or gross misconduct jeopardizes essential services or endangers the health or safety of any UMGC employee, student, visitor, contractor, or affiliate.

IV. PROBATION FOR UMGC EXEMPT AND OVERSEAS STAFF EMPLOYEES ON REGULAR STATUS

A. Probation for this group is defined as the period following a competitive search and appointment to an Exempt or Overseas Staff Regular Status position.

B. Length of Probation and Applicability

The probation period for Exempt and Overseas Staff Regular Status shall be one (1) year for new hires and for the employee who voluntarily competes for and accepts a different Exempt or Overseas Staff Regular Status position at UMGC.

C. MERIT-Merit increases may be granted during an Original Probation period.

D. COST OF LIVING ADJUSTMENT (COLA) - A COLA shall be granted when, and in the amount approved by the Maryland General Assembly.

E. Employees Not Subject to Probation

1. If an employee has completed an Original or Status Change Probation for a Nonexempt position and that position is reclassified to an Exempt or Overseas Staff Regular position in that same Department or Unit, the employee shall be considered to have completed the Exempt or Overseas probation in that position. If an employee is serving an Original or Status Change Probation for a Nonexempt position and that position is changed to Exempt or Overseas Staff position on Regular status in that same
department or unit, the employee shall be required to serve the balance of a probationary period equal to one (1) year.

2. If an employee has completed at least one (1) year in a faculty position and that position is reclassified to an Exempt or Overseas Staff Regular position in that same Department or Unit, the employee shall be considered to have completed Exempt or Overseas Probation in that position. If an employee has completed less than one (1) year in a faculty position and that position is reclassified to Exempt or Overseas Staff in the same Department or Unit, the employee shall be required to serve the balance of a probationary period equal to one (1) year.

F. Rejection On Probation

1. An appropriate administrator, as defined in applicable UMGC Procedures, may terminate an Exempt or Overseas Staff employee on Regular Status on Original Probation for any reason at any time. A written notice of the rejection on probation of at least 30 calendar days shall be given to the employee and the CHRO shall be notified of this action. Notification of rejection shall be provided prior to the expiration date of the Exempt or Overseas Staff probation period.

2. The written notice shall state the effective date of termination and advise the employee of the right to appeal based solely on grounds of procedural deficiency or violation of this policy or law. The notice shall include filing deadlines for appeal of the rejection to the CHRO or designee, pursuant to the applicable grievance procedures.

G. Exception to Notice Requirement

1. An employee may be subject to immediate separation without prior notice in the event of such gross incompetence or gross misconduct as to jeopardize essential services or endanger the health or safety of any UMGC employee, student, visitor, contractor, or affiliate.

2. Overseas Staff Regular Status employees - The 30-day notice requirement set forth above may be shortened by UMGC Asia/Europe, if appropriate, in response to requirements, requests, or the actions of the Department of Defense or its components and/or anticipated impact to UMGC Asia or Europe’s military contract obligations.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this
policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-1.01 – Policy on Recruitment and Selection
USM BOR VII-1.21 – Policy on Probation for Regular Nonexempt and Exempt Staff Employees
UMGC OS 5.00 – Policy on Overseas Recruitment and Selection
UMGC OS 9.00 – Policy on Probation for Overseas Regular Staff Members
I. RECRUITMENT AND SELECTION

Please refer to the UMGC Talent Acquisition Engage page https://engage.umgc.edu/community/office-of-human-resources/talent-acquisition to review the current information on the Talent Acquisition Process.

II. REJECTION ON PROBATION

If an immediate supervisor would like to reject an Employee on probation, the immediate supervisor must contact the appropriate HR Business Partner directly or via HRPartners@umuc.edu at least fifteen (15) days prior to the end of the Employee’s probationary period.
VII-1.02-GC – UMGC POLICY ON TRANSFER OPPORTUNITIES FOR FACULTY AND STAFF EMPLOYEES

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

The purpose of this Policy is to encourage career advancement within the University of Maryland Global Campus (UMGC) and provide a competitive process for all internal and external applicants for a position while maintaining UMGC operational efficiency and effectiveness. This Policy applies to Exempt, Nonexempt, and Overseas Staff employees on Regular and Contingent Status and 12-Month Collegiate, Collegiate Traveling, and Adjunct Faculty. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU shall prevail.

II. ADMINISTRATION

A. An employee wishing to transfer to another UMGC position must submit an application and the application must comply with all requirements in the position posting. In addition, an application for transfer will be considered competitively along with all other candidate applications for the respective position.

B. If a transfer applicant is considered for a position, UMGC shall seek references, which may be in writing, from the applicant's current and past managers within UMGC, in addition to those named by the transfer applicant. Submission of an application is acknowledgement of consent to the aforementioned reference checks.

C. Employees are eligible to transfer to a position outside of his/her current department after completing twelve (12) months of service in his/her current position. Applicants not meeting this eligibility requirement will not be considered for the position, unless the CHRO or designee makes an exception is made on a case-by-case basis.

D. Employees desiring to find transfer opportunities should refer to the Career Worklet in Workday.
E. Supervisors who have open positions are discouraged from encouraging employees in other departments to apply, other than referring them to the posting. Transfer applicants for transfer are discouraged from discussing their application and the position with the manager of that position.

F. When a transfer applicant is selected for a new position, the applicant must provide at least two weeks’ notice to his/her supervisor. The transfer applicant's current and new supervisor may agree to a longer or shorter notice period.

III. TRANSFER BETWEEN UMGC DIVISIONS TO A FACULTY POSITION

A. An employee interested in an instructional Faculty position for another UMGC Division must submit an application and the application must comply with all requirements in the position posting.

B. Adjunct and Collegiate Faculty Employee Applicants

Additional consideration will be given to qualified Adjunct and Collegiate Faculty who have applied for instructional Adjunct or Collegiate Faculty positions posted for another UMGC Division. The Adjunct or Collegiate Faculty employee must meet the following criteria to receive additional consideration:

1. Live or have plans to move to the UMGC Division for which the position is posted and be local to the location of the position if any face-to-face teaching is required;

2. Be approved by UMGC Division to teach the course(s) required for the position; and

3. The Department Head for the UMGC Division from which the employee is transferring has indicated his/her support to the Office of Human Resources.

IV. TRANSFER BETWEEN UMGC DIVISIONS TO STAFF A POSITION

A. When an employee responds to a Staff posting in another UMGC Division, the Office of Human Resources will ensure that Hiring Manager is aware of the applicant's experience in their current Division.
B. When an employee transfers to a position in another UMGC Division, the following conditions apply:

1. The transfer will be viewed as continued or Reinstated employment, as applicable and in accordance with UMGC policies.

2. The terms and conditions of employment will be those applicable to the new UMGC Division and to the position into which the transfer is made, including the compensation range for and salary assigned to the position. Moving expenses incident to UMGC Division transfer will be compensated only if that benefit is otherwise available to the individual as part of his/her separation package or transportation agreement as negotiated by UMGC Europe, UMGC Asia, or UMGC Stateside and in accordance with VII-4.41-GC – UMGC Policy on Payment of Candidate Travel and Moving Expenses for Staff and Faculty Positions.

3. The employee must live or have plans to move to the UMGC Division to which they are transferring prior to starting the new position.

   a. Due to the applicability of local and international law, it may not be possible or practical for UMGC Adelphi to accommodate transfers when the UMGC Overseas employee is located outside of the United States.

   b. UMGC is a State of Maryland entity and operates under the laws of the State of Maryland. In considering an employee transfer to another UMGC Division, UMGC must consider the effect that local law may have on UMGC and its operations, as applicable.

C. Employee transfers will be determined on a case-by-case basis with consideration for the impact of the transfer on UMGC operations. In most cases, transfer to a position with another UMGC Division will require relocation to that Division.

D. UMGC employees will not be retaliated against for seeking transfer opportunities.

V. EXCEPTIONS

A. For Faculty positions, exceptions to this Policy may be made with approval from the Provost or designee.
B. For Staff positions, exceptions to this Policy may be made with the approval of the Chief Business Officer, or designee.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
UMGC 100.10 – Transfer of Overseas Employees
UMGC 100.15 – Policy and Procedure on Staff Transfer Opportunities
UMGC OS 35.00 Policy on Transfer Overseas
VII - 1.10 GC- UMGC POLICY ON A DRUG AND ALCOHOL-FREE WORKPLACE FOR STAFF AND FACULTY EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy is intended to affirm the University of Maryland Global Campus (UMGC) commitment to maintain a safe and healthy drug and alcohol-free workplace for all employees, students and visitors, and to minimize the risk that illegal drugs and controlled substances pose to UMGC. This policy applies to Staff on Regular and Contingent Status, Faculty and Student employees. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

To the extent that federal, state or military law or regulations and/or host nation laws for Overseas employees are more stringent than the requirements of this policy, the applicable federal, state or military law or regulations and/or host nation law shall apply.

II. PROHIBITED ACTIVITIES

A. UMGC is committed to maintaining a drug and alcohol-free workplace that is compliant with applicable federal and state laws. The following are prohibited activities under this policy on all premises owned, operated or controlled by UMGC:

1. The unlawful possession, use, distribution, dispensation, sale or manufacture of illegal controlled substances by employees;

2. The use by employees of any prescription drug in a manner inconsistent with its medically prescribed, intended use, or under circumstances where such use is not permitted;

3. Reporting to work or working under the influence of drugs or alcohol by employees; and

4. Hiring anyone who is known to currently abuse drugs or alcohol who is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program.

B. As a condition of UMGC employment, all employees must abide by the terms of this policy and are subject to drug and/or alcohol testing, upon a reasonable suspicion of violation of this policy, as set forth in the applicable procedures. Employees found to be in violation of this policy are engaged in serious misconduct and may be subject to appropriate disciplinary action according to the
applicable procedures and/or required to participate in appropriate drug and/or alcohol abuse rehabilitation programs.

III. ADMINISTRATION

A. Possible violations of the provisions of this policy shall be referred to the Chief Human Resources Officer (CHRO) or designee for investigation and when warranted, determination of appropriate administrative/disciplinary action, up to and including termination and, if warranted, referral for criminal prosecution.

B. Any disciplinary actions imposed shall be consistent with the nature of the violation, and may include, but are not limited to, counseling, reprimand, suspension, demotions, denial of pay increment, denial of promotion, unsatisfactory performance evaluation, reassignment, termination, and/or employee assistance program (EAP) referral to an appropriate rehabilitation program. UMGC may make successful completion of a rehabilitation program a condition of continued employment for the employee.

C. Employees working on a federal grant or contract must notify their supervisor or Department head of any criminal drug convictions in the workplace no later than five (5) days after such conviction. Within 10 days of the reported conviction, UMGC must provide written notice to any federal sponsor of grants or contracts on which the convicted employee was working.

D. The President or designee may designate certain positions as “sensitive” and shall notify employees of such designation and provisions of this policy.

1. **Sensitive Positions** include:
   a. Positions with significant degrees of responsibility for the safety of one or more persons where impaired performance could result in death or injury to the employee or one or more persons; and
   b. Positions, as determined by the President or designee in writing, for which impairment may result in significant harm to public safety or security, or present a threat to the health or safety of UMGC students, employees or visitors.

2. Violations of this policy by persons employed in Sensitive Positions shall constitute willful misconduct and shall be deemed grounds for immediate removal of the employee from the duties of the position, pending further investigation.

3. Employees occupying Sensitive Positions may be required to participate in pre-employment and/or random drug testing. The CHRO or designee shall maintain a list of those eligible for such testing and develop procedures on pre-employment and random drug testing for Sensitive Positions. The appropriate
Administrator shall notify individually each employee in a Sensitive Position of such designation and provisions of this policy.

E. Overseas Employees

1. Overseas employees working pursuant to Department of Defense (DOD) military contracts must notify the CHRO or designee of any criminal drug convictions in the workplace as soon as possible but no later than five (5) days after such conviction. Upon receiving such notification, the appropriate process shall be followed in accordance with the DOD contract.

2. Violations of this policy by employees receiving Individual Logistical Support (ILS) and/or military base access required by a DOD military contract shall constitute willful misconduct and shall be deemed grounds for immediate removal of the employee from the duties of the position, pending further investigation and in accordance with VII-1.22-GC – UMGC Policy on Separation of UMGC Exempt and Overseas Staff Employees.

3. Violators of federal, state and/or host nation laws will be subject to any legal penalties and/or prosecution by the host nation law enforcement authorities, military authorities on base, and/or prosecution in the courts under federal of state law.

IV. NOTIFICATION AND REVIEW

UMGC shall establish drug abuse awareness programs to promote the maintenance of a workplace free of alcohol and drug abuse and to inform employees about:

A. The UMGC Drug and Alcohol-Free Workplace Policy and Procedures;

B. The dangers of alcohol and drug abuse;

C. Available counseling, rehabilitation, and employee assistance programs; and

D. The consequences that may be imposed upon employees for violations of this policy.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:

VII-1.10-GC-3
USM BOR VII-1.10 – Policy on a Drug and Alcohol-Free Workplace for Employees
UMGC OS 3.00 – Policy on Substance Abuse
P-VII-1.10-GC – PROCEDURES FOR UMGC POLICY ON A DRUG AND ALCOHOL-FREE WORKPLACE FOR STAFF AND FACULTY EMPLOYEES

I. REPORTING PROHIBITED ACTIVITIES FOR STATESIDE EMPLOYEES

A. Employees with reasonable suspicion to believe that another employee engaged in prohibited activities pursuant to VII – 1.10 GC – UMGC Policy on Drug and Alcohol-Free Workplace should immediately notify their immediate supervisor, the supervisor of the other employee, or the Office of Human Resources, Employee Relations at hrer@umuc.edu.

B. Supervisors with reasonable suspicion to believe that an Employee engaged in prohibited activities pursuant to VII - 1.10 GC- UMGC Policy on a Drug and Alcohol-Free Workplace or supervisors who have been informed by their direct report of their reasonable suspicion that another employee has engaged in such prohibited activities, should immediately notify UMGC Office of Human Resources, Employee Relations (HRER), at hrer@umuc.edu. Once notified, the HRER, in consultation with the Office of Legal Affairs, will work with the responsible supervisor to determine whether drug and/or alcohol testing is warranted. The Office of Human Resources, Employee Relations, will advise the supervisor on the appropriate next steps.

II. DRUG AND ALCOHOL TESTING ADMINISTRATION FOR STATESIDE EMPLOYEES

A. If drug and/or alcohol testing is approved by the Office of Human Resources, the steps set forth below shall be followed to the extent practicable. Deviation from a procedure and/or the order in which the procedures are set forth below shall not invalidate drug and alcohol test results nor affect enforcement of UMGC’s Drug and Alcohol-Free Workplace Policy and implementation of these Procedures.

B. Prior to drug and alcohol testing, the Employee must consent to or refuse such testing.

1. The Employee shall be provided the Authorization for Examination or Treatment Form. Execution of the Form indicates the Employee’s consent to drug and alcohol testing.

2. The HRER, will provide the Authorization for Examination or Treatment Form, if executed by the Employee, to the testing center to the supervisor.

3. The Office of Human Resources will provide the location of the testing facility to the supervisor and the employee.
4. The employee's supervisor or the HRER Director designee, shall escort the employee to the testing facility by taxi service.

5. Supervisors are prohibited from transporting an employee in his or her personal vehicle.

6. If at any time prior to the conclusion of testing, an Employee revokes their consent to be tested, it will be treated as a refusal in accordance with the applicable Procedures. The Employee must sign and date an Acknowledgement of Refusal Form as appropriate, indicating his/her refusal. The supervisor shall document the Employee’s action.

C. Employee Refusal to Alcohol and Drug Testing

1. An Employee who refuses to submit to drug and alcohol testing must sign and date the Acknowledgement of Refusal Form as appropriate, indicating such refusal.

2. An Employee who refuses to sign the Form will not be tested.

3. Employees who refuse to be tested may be terminated.

4. If an Employee refuses to be tested, yet UMGC believes the Employee is impaired, UMGC shall assist the Employee with making transportation arrangements to his/her residence, including taxi service as necessary. If the employee refuses the supervisor’s assistance in making transportation arrangements, the supervisor must immediately notify the Office of Human Resources, Employee Relations.

5. Employees are strongly discouraged from operating motor vehicles while impaired. If a supervisor observes an Employee for whom there is reasonable suspicion of having engaged in prohibited activities driving a motor vehicle, the supervisor should gather as much descriptive information as possible (e.g. direction of travel, make and model of vehicle, license plate number, etc.), and contact the local police and HRER immediately.

6. Supervisors shall not physically restrain an Employee from leaving the testing facility or work premises.

Cl. Administration

1. The supervisor or HRER Director, as appropriate, shall provide the testing facility with the Authorization for Examination or Treatment Form.
2. The Employee must sign a consent form provided by the testing facility.

3. The testing facility will collect the specimen from the Employee and initiate the medical review and chain of custody process.

4. At the conclusion of the test, the supervisor should inform the Employee that he or she will be placed on Administrative Time Off with pay pending the results of the test and shall assist with making arrangements for employee’s transportation from the testing location to his/her residence. If the employee refuses the supervisor’s assistance in making transportation arrangements, the supervisor must immediately notify HRER.

5. A supervisor is prohibited from transporting the employee.

6. The employee may return to the workplace with the supervisor by taxi service and wait at the workplace for his/her transportation.

7. Employees are strongly discouraged from operating motor vehicles while impaired. If a supervisor observes an Employee for whom there is reasonable suspicion of having engaged in prohibited activities driving a motor vehicle, the supervisor should gather as much descriptive information as possible (e.g. direction of travel, make and model of vehicle, license plate number, etc.), and contact the local police and HRER immediately.

8. If the employee leaves the testing facility or work premises prior to the arrangement of transportation or arrival of the arranged transportation, the supervisor shall document the employee’s action and notify HRER immediately.

9. The testing facility’s medical review officer is responsible for deciding whether the test results are positive or negative. The HRER Director or designee will notify the Employee and the supervisor of the test results.

10. Employees who have tested positive or otherwise violated UMGC’s Drug and Alcohol-Free Workplace Policy are subject to disciplinary action, up to and including termination.

III. REPORTING PROHIBITED ACTIVITIES AND DRUG AND ALCOHOL TESTING ADMINISTRATION FOR OVERSEAS EMPLOYEES

A. Employees and/or supervisors with reasonable suspicion to believe that an employee engaged in prohibited activities pursuant to UMGC’s Policy on a Drug
and Alcohol-Free Workplace shall immediately notify the Office of Human Resources for the Employee’s respective UMGC Division.

B. Military base authorities may test Employees for suspected drug and/or alcohol violations, in accordance with their respective testing procedures and determine whether an Employee may remain onsite. Military base authorities will notify UMGC of an Employee’s test result and of any determination to restrict an Employee’s presence on, or access to, the military installation.

C. Overseas employees who have tested positive or otherwise violated UMGC’s Drug and Alcohol-Free Workplace Policy are subject to disciplinary action, up to and including termination.
I. PURPOSE AND APPLICABILITY

This policy establishes minimum standards for the appropriate acquisition and use of criminal background records in order to support safe and secure University of Maryland Global Campus (UMGC) campus environment.

This policy applies to all UMGC Staff and Faculty employees and external applicants for employment. For all Overseas Staff and Faculty employees, an applicable Department of Defense (DOD) background investigation may be required. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

A. **Commercial Criminal Background Check** – A criminal background check completed by a commercial entity through a review of publicly available law enforcement, court and other records, including international records as appropriate. A commercial criminal background check typically is based upon identifying information regarding the individual, but does not utilize fingerprints.

B. **Criminal Justice Information System (CJIS) Record History** – A criminal background check completed by the Maryland Department of Public Safety and Correctional Services of all criminal history information regarding an individual maintained by the CJIS Central Repository, consistent with the requirements of the Maryland Annotated Code, Criminal Procedure Article, Sections 10-201 et seq. A CJIS record history is based upon national and state criminal history records and uses an individual’s fingerprints and other identifying information.

C. **Minor** – An individual under the age of 18.

D. **Permissive Criminal Background Check** – A commercial criminal background check or CJIS Record History that is not required by law, but is permitted at UMGC’s discretion.

E. **Programs Involving Minors** – A program or event hosted by or closely associated with UMGC in which:

1. The program’s purpose is to provide benefit, service or activity to or for minors;
2. UMGC personnel have significant roles or regular contact with minors; and

3. Not including spontaneous gatherings, single social events or academic courses open to and attended by both minors and adults.

III. **ACQUISITION OF CRIMINAL BACKGROUND RECORDS**

A. Mandatory Criminal Background Checks. UMGC may be required under Federal or State law and as set forth in the applicable procedures to obtain and review pre-employment CJIS criminal background checks for certain employees.

B. Permissive Criminal Background Checks

1. In addition to the circumstances under which UMGC must obtain and review a criminal background check, UMGC also has the discretion to require background checks of other employees, applicants, and volunteers.

2. UMGC shall have standards and processes for guiding the acquisition and evaluation of permissive criminal background checks set forth in the applicable procedures.

3. UMGC may elect to obtain criminal background checks with respect to any position. Examples include:

   a. Employees in facilities and programs other than those for which such background checks are mandatory, if the employee’s duties involve contact with minors;

   b. UMGC Volunteers who have access to minors in UMGC activities and programs; and

   c. Employees with:

      i. Financial responsibilities, including access to cash and authority to expend UMGC resources; and

      ii. Other sensitive job duties.

4. Prohibited actions - UMGC may not inquire into the criminal background of an applicant for employment until after UMGC provides the applicant an opportunity for an interview. Md. Code Ann., State Personnel and Pensions Article, Section 2-203.

IV. **PROPER USE OF CRIMINAL BACKGROUND CHECKS**
A. Criminal Background Check Considerations - UMGC’s use of background checks in making employment decisions must be tailored to meet legitimate business needs, taking into consideration at least:

1. The nature and extent of the employee’s past criminal activities;
2. The time elapsed since the activities took place; and
3. The nature, duties and functions of the job.

B. Nondiscrimination - The use of criminal background checks in UMGC’s employment decisions must be impartial, with no difference in their acquisition or use based on race, sex, religion, ethnicity, sexual orientation, gender identity, or other factors that might promote or imply discriminatory practice.

1. Even a neutral policy or practice regarding background checks that has the potential to have a disparate impact on a class of individuals must be:
   a. Related to specific job duties, and
   b. Consistent with business necessity.
2. No employee may be excluded from employment based upon generalized UMGC policies or practices regarding the use of criminal background checks without an individual assessment that includes the factors described in this section.

C. Arrest Records - UMGC may not deny employment to an applicant based solely on a record of arrest in the absence of a conviction, other criminal penalty or substantiation of facts underlying the arrest, which relates to the applicant’s fitness to perform the duties of the job.

D. Commercial Background Checks. If UMGC denies employment based upon background check information provided by a commercial vendor that qualifies as a Consumer Reporting Agency (CRA) under the Federal Fair Credit Reporting Act (FCRA), UMGC shall comply with FCRA requirements, including:

1. Notifying the applicant/employee in writing, and
2. Providing the applicant/employee with a copy of the FCRA’s report and a summary of the individuals FCRA rights.

V. CONTRACTS WITH VENDORS THAT OPERATE PROGRAMS FOR MINORS
A. Mandatory Background Checks. UMGC contracts with vendors that operate educational programs, child care centers or other services to minors on campus must require the vendor’s compliance with mandatory background check requirements of this policy and state and federal law.

B. Permissive Background Checks. Such contracts may also require commercial criminal background checks as appropriate to protect the interests of the institution and the individuals served by the institution, consistent with the requirements of his policy.

VI. UMGC RESPONSIBILITIES

UMGC shall:

A. Maintain standards and procedures for the acquisition and use of criminal background checks, consistent with this policy;

B. Maintain procedures for maintaining confidential records of background check results, consistent with applicable federal and state legal requirements;

C. Provide training to employees who interview and hire employees regarding the appropriate methods for acquiring, using and maintaining background check information; and

D. Ensure a process by which an individual denied employment or other opportunity at UMGC due to the results of a criminal background check may contest the accuracy of the records upon which the denial was based.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-1.15 – Policy on Criminal Background Checks for Faculty and Staff Employees
VII-1.17-GC – UMGC POLICY ON LOGISTICAL SUPPORT FOR OVERSEAS STAFF AND FACULTY EMPLOYEES

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This Policy explains logistical support that may be available to Overseas employees. This Policy applies to Overseas Staff employees on Regular and Contingent III status and Collegiate Traveling Faculty.

II. ADMINISTRATION

A. Employees may be eligible for logistical support from the Department of Defense pursuant to UMGC’s contracts with the Department of Defense. The applicable Overseas Division will process an employee’s request for logistical support if his/her position has been identified as one that UMGC will put forward to the Department of Defense, and if he/she satisfies the criteria established for logistical support, which varies from location to location.

B. An employee who has been granted logistical support may not have any other employment in addition to his/her position with UMGC Asia/Europe, without the written permission of the Vice President for the employee’s respective UMGC Division.

C. Employment outside of UMGC Asia/Europe, even with the permission of the Vice President for the employee’s respective UMGC Division, may result in the loss of logistical support.

D. A break in service that exceeds sixty (60) calendar days may result in loss of logistical support.

E. An employee who has applied for/or has been granted logistical support must comply with all practices, rules, regulations, or the like established by the applicable UMGC Division or the Department of Defense concerning the application, granting, or maintenance of logistical support.

F. The applicable UMGC Division may request the Department of Defense to revoke logistical support at any time. The Department of Defense may revoke logistical support at any time at UMGC’s request or on its own initiative.
G. Any logistically supported employee who plans to remain overseas after separation from a UMGC Division must contact the appropriate host government customs and immigration office to arrange a change in her/his visa status.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
OS 25.00 Policy on Logistical Support
I. PURPOSE AND APPLICABILITY
The purpose of this policy is to establish a separation process for Regular UMGC Exempt and Overseas staff employees in the University of Maryland Global Campus (UMGC).

II. GENERAL
A. Exempt and Overseas staff employees on regular status are employed on an at-will basis. Accordingly, subject to applicable laws and policies, the employment relationship may be terminated at any time with or without cause by either the employee or UMGC, consistent with section III of this policy.

B. All actions taken under this policy and applicable procedures shall be reviewed by the Vice President of Human Resources (VPHR) or designee in advance of the action being taken.

C. Notification from employee to UMGC

1. An employee who wishes to end their employment with the UMGC stateside division should give at least 14 calendar days’ written notice.

2. An employee who wishes to end his/her employment with the UMGC overseas divisions should give at least 30 calendar days’ written notice to allow for any required out-processing.

D. Resignation in Lieu of Termination

The VPHR has the discretion to permit, but not require, any employee to resign in lieu of involuntary separation and may determine an appropriate period of notice to be provided that serves the best interest of UMGC. The length of the period of notice provided is not required to conform to the schedule contained in III.A.1. of this policy.

III. TERMINATION BY PERIOD OF NOTICE
A. Determination of Period of Notice

1. Unless an employee is being separated for cause in accordance with section IV of this policy, an employee who is involuntarily separated at or below the director level shall be provided a defined period of notice, based on the number of years of UMGC service as follows:
2. Prior UMGC service shall be included unless there was a break in service longer than three (3) years.

3. At the discretion of the president or designee and in consultation with the VPHR, an employee at or above the assistant vice president or assistant vice provost level who is involuntarily separated, including resignation in lieu of termination, may be provided a period of notice. The length of the period of notice provided is not required to conform to the notice requirement based on years of UMGC service outlined in III.A.1. of this policy.

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<tr>
<th>Years of UMGC Service</th>
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<tr>
<td>Less than one year</td>
<td>One month</td>
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<td>One year but less than four years</td>
<td>Three months</td>
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<td>Four years but less than seven years</td>
<td>Six months</td>
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<tr>
<td>Seven years but less than ten years</td>
<td>Nine months</td>
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<td>Ten years or more</td>
<td>Twelve months</td>
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B. Employee Work Assignments During Period of Notice

1. During the period of notice, the VPHR or designee may:
   a. Assign alternate duties and responsibilities to an employee who has been notified of a period of notice separation for any part or all of the period of notice or at a level of part-time service of at least 25%; or
   b. Continue the employee in his/her regular position during the period of notice separation.

C. Compensation in Lieu of Notice

In lieu of providing a full period of notice to an employee who is being involuntarily separated, including those permitted to resign in lieu of termination under section II.D., UMGC may determine that an employee should be separated prior to the end of the notice period. In such a case, UMGC shall provide appropriate alternative compensation in the form of a lump-sum payment, subject to applicable withholdings, to the employee to compensate for the loss of salary and/or benefits for which the employee would otherwise have received during the notice period. UMGC may develop an appropriate compensation arrangement for the employee to be terminated that meets the goals of this section.
IV. TERMINATION FOR CAUSE

With the approval of the VPHR or designee, the period of notice defined above, is not required if the employee is to be terminated for cause, including any of the following reasons:

A. Moral turpitude;
B. Incompetency;
C. Willful neglect of duty or abandonment of job;
D. Inefficiency in the performance of job duties, including failure to meet established performance expectations as documented in performance evaluations and/or disciplinary action;
E. Illegal actions or violation of any provisions of the state ethics law;
F. Gross misconduct or wantonly offensive behavior towards fellow employees, students, clients, users of UMGC facilities, or the general public;
G. Insubordination or serious breach of discipline;
H. Serious breach of professional behavior that reasonably may be expected to result in lower morale in the organization or loss or injury to the university or public;
I. Professional or scholarly misconduct;
J. Severe safety violations or actions that cause significant damage to public property or waste of public resources;
K. Failure to accept reassignment; or

D. Overseas Staff - At the time notice is received, the overseas staff employee shall contact the VPHR or designee to ensure necessary out-processing, including, computation of unused vacation/holiday time off, return of military vehicle registration, ration and I.D. cards, and other matters as required by UMGC Asia/Europe and the military, if applicable. UMGC Asia/Europe may withhold amounts from an overseas staff employee’s final paycheck to cover the failure to return required items.

E. Failure to provide notice as set forth in this section may be grieved according to VII-8.00-GC – UMGC Grievance Policy for Nonexempt and Exempt Employees or VII-8.01-GC – UMGC Grievance Policy for Overseas Employees, as applicable.
L. Medical condition causing inability to perform the essential functions of the employee’s job with reasonable accommodations required by law.

M. Additionally, overseas staff employees may be terminated for the following additional reasons:

1. Failure to obtain and maintain required individual logistical support throughout the appointment period; to cooperate with the overseas divisions in connection with logistical support; and/or revocation of logistical support;

2. Failure of an overseas staff employee to obtain and maintain required identification documents or other documents necessary for the performance of assignment; failure to cooperate with UMGC Asia/Europe in connection with obtaining or maintaining identification documents; and/or revocation of identification documents;

3. Notification from the Department of Defense or military/base representative that an overseas staff employee may no longer be employed by UMGC Asia/Europe; provide certain services during employment; or have access to one or more locations;

4. Failure of an overseas staff employee to adhere to the host nation laws of the countries to which he or she is assigned to work; or

5. Failure of an overseas staff employee to comply with such Army, Air Force, Marine, Navy, and host nation regulations as may be applicable concerning standards of conduct.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Vice President of Human Resources (VPHR) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-1.22 Policy on Separation for Regular Exempt Staff Employees
UMGC OS 27.00 – Policy on Involuntary Separation of All Staff
VII-1.23-GC – UMGC POLICY ON SEPARATION OF NONEXEMPT STAFF EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This Policy establishes a process for the separation of UMGC Nonexempt Staff employees on Regular Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. RESIGNATION
A Nonexempt Staff employee wishing to resign in good standing shall give his/her Department Head at least 14 calendar days’ written notice.

III. TERMINATION FOR CAUSE
A. A Nonexempt Staff employee who has completed a probationary period may be permanently removed from his/her position only for cause as follows:

1. Upon being provided with written charges; and
2. After an opportunity to be heard in his/her own defense;
3. But in no case on account of his/her religious or political opinions or affiliations or for refusing to contribute to a political fund or render political services.

B. Causes for removal may include, but are not limited to:

1. Incompetence or inefficiency in the performance of his/her duty.
2. Wanton carelessness or negligence in the performance of his/her duty.
3. Use of unwarrantable or excessive force in his/her treatment of public charges, fellow employees, or other persons.
4. A permanent or chronic physical or mental ailment or defect that prevents the employee from performing the essential functions of his/her job with accommodations as required by law.
5. Violation of any lawful official regulation or order or failure to obey any lawful and reasonable direction given by his/her superior officer when
such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in a lower morale in the organization or to result in loss or injury to UMGC or the public.

6. Wantonly offensive behavior in his/her conduct toward fellow employees, users of UMGC facilities or the general public.

7. Violation of any provisions of the state ethics law.

8. Engaging in a private business or in a trade or occupation where the duties of his/her position as prescribed by law or regulation requires his/her entire time for their performance.

9. Dishonest or fraudulent actions and acts of coercion against other employees.

10. Conviction of a criminal offense or of a misdemeanor involving moral turpitude.

11. Through gross negligence or willful conduct, causing significant damage to public property or waste of public supplies.

12. Using, threatening to use, or attempting to use political influence or the influence of any State employee or officer in securing promotion, transfer, leave of absence, or increased pay.

13. Willfully making a false official statement or report.


IV. PROCESS FOR FILING CHARGES FOR REMOVAL

A. Suspension Pending Charges for Removal

1. A Department Head, chairperson or other authorized official may suspend with or without pay any employee, pending the filing of charges for his/her removal with UMGC’s Chief Human Resources Officer (CHRO) or designee.

2. Such notice of suspension must be in writing, stating the reasons for the suspension and advising the employee that the suspension may be appealed.
3. If immediate personal delivery is not possible, such notice shall be delivered to the employee’s last known address via a delivery method that ensures verification of receipt of delivery.

4. In addition, the employee is to be advised that formal charges for removal will be forwarded to the CHRO. Further, a copy of the charges for removal will be forwarded to the employee within a short period, and information regarding his/her rights will accompany the formal charges.

5. In the event an employee is suspended without pay and the charges are not received by the CHRO within 10 working days, the department must place the employee on leave with pay until such charges are received by the CHRO.

6. Rights of appeal to a suspension pending removal are outlined in VII-8.00-GC – UMGC Policy on Grievances for Nonexempt and Exempt Staff Employees.

7. A Nonexempt employee may be suspended for whole or partial days.

B. Filing Charges for Removal

1. A Department Head or Chairperson may file charges for removal of a Nonexempt Staff employee with UMGC’s CHRO. The charges shall state the cause(s) for removal and the specific acts which constitute cause for removal.

2. One copy of the charges for removal shall be presented to the employee against whom the charges are brought. If immediate personal delivery is not possible, such notice shall be delivered to the employee’s last known address via a delivery method that ensures verification of receipt of delivery.

3. Such notice shall advise the employee that s/he may, within five (5) working days of the date of delivery as indicated by the evidence of delivery, request an opportunity to be heard in his/her own defense.

4. Rights of appeal to the filing of charges for removal are outlined in VII-8.00-GC – UMGC Policy on Grievances for Nonexempt and Exempt Staff Employees.

IMPLEMENTATION PROCEDURE

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this
policy and any applicable procedures to the UMGC community; and to post this policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-1.23 – Policy on Separation of a Nonexempt Staff Employee
VII-1.24-GC – UMGC POLICY ON TERMINATION WITH PREJUDICE FOR STAFF AND FACULTY EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY:
Under the State Personnel and Pensions Article of the Annotated Code of Maryland, State agencies are prohibited from hiring an individual who has been terminated with prejudice from State service. This policy establishes a separation reason called Termination with Prejudice for the University of Maryland Global Campus (UMGC) and creates a procedure for complying with the statute. This policy applies to all UMGC employees, including all Nonexempt, Exempt and Overseas Staff on Regular and Contingent Status and Faculty who are not in a temporary employment status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict, the MOU will prevail.

II. DEFINITIONS

A. Temporary Employment Status – For purposes of this policy, those hired for less than a single academic term/semester.

B. Termination with Prejudice – Involuntary separation from UMGC employment for actions that are egregious to the extent that the employee does not merit employment in any capacity with the State.

III. GENERAL

Through regular UMGC procedures, a Department/Unit may determine that an employee must be terminated from employment.

A. In addition to the regular review of an instance of termination, the Chief Human Resources Officer (CHRO) shall determine if the case might fall under the Termination with Prejudice policy. If the case falls under the Termination with Prejudice policy, the CHRO shall refer the case to the President or Designee, who shall consult with appropriate UMGC legal counsel to determine whether the reason for the discharge meets the definition of Termination with Prejudice.

B. UMGC’s notification of termination to the employee shall include any specific provisions of the termination, including whether the action is considered Termination with Prejudice and specifying the appeal process available to the employee.

C. An employee, including a Contingent Staff employee, that has received a notification of Termination with Prejudice, shall be given an opportunity to appeal
UMGC’s designation of Termination with Prejudice through the appropriate UMGC Grievance or Appeal Procedure. For Contingent Staff employees, refer to VII-1.40-GC – UMGC Policy on Contingent Status Employment.

D. If the determination of Termination with Prejudice is not appealed or is upheld through the applicable appeal process, the name of the employee shall be entered into the State of Maryland’s Pre-Offer Check (POC) Database, and the employee may not be hired by any agency of the State of Maryland, including the UMGC.

E. Before an offer of employment is made to a candidate, the designated representative of UMGC is required to determine whether the candidate’s name appears in the State’s POC Database. According to the Annotated Code of Maryland, State Personnel and Pensions, Section 2-801, if the candidate’s name does appear, the candidate may not be employed by UMGC.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

REFERENCE:

Annotated Code of Maryland, State Personnel and Pensions, Section 2-801.

Replacement for:
USM BOR VII-1.24 – Policy on Termination with Prejudice
VII-1.30-GC – UMGC POLICY ON LAYOFF FOR NONEXEMPT STAFF EMPLOYEES

(Approved by USM BOR on April 27, 2017; UMGC President July 1, 2017)

I. PURPOSE AND APPLICABILITY

The following policy and procedures are established for the layoff of UMGC Nonexempt Staff employees who are in positions that are to be abolished, discontinued, or vacated because of a lack of supporting funds, program change, change in departmental organization, or stoppage or lack of work. This policy applies to all full-time and part-time Nonexempt Staff employees in Regular Status including Nonexempt employees who are on approved Leave of Absence With or Without Pay. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

A. A Unit of Layoff – A department or portion of a department identified as designated by the Chief Human Resources Officer (CHRO) in the “UMGC Unit List for Layoff and Reinstatement” (List). This List will be approved by the President or designee and may be revised from time to time. The List shall be published under the applicable procedures.

B. Displace/Displacement – The ability to take the job of another employee to avoid separation because of a layoff.

C. Notification Period – The period between the date when an employee is notified a layoff will occur and the effective date of separation as a result of layoff.

D. Job Series – A group of two (2) or more job classes in the same occupational area which requires the application of the same knowledge, skills, and abilities at varying levels of proficiency or responsibility.

III. NONEXEMPT STAFF LAYOFF PROCEDURES

A. The Department Head shall notify the CHRO or designee in writing of the number of positions to be abolished, discontinued, or vacated, together with the reasons for them, and the list of names of employees to be laid off. The CHRO or Designee shall review the written notice and certify that the order of layoff is appropriate.

B. Sequence of Layoff
1. The Department Head or Chairperson shall lay off employees who are serving an original probationary period, and who are in the classification in which the layoff is to occur, in accordance with the UMGC applicable procedures for this policy.

2. The Department Head next shall lay off Regular Status employees who have completed an original probationary period, and who are in the classification in which the layoff is to occur, in order of seniority, with the employee having the lowest number of seniority points being laid off first.

3. The Department Head shall notify, in writing, employees who are to be laid off at least 90 calendar days before the effective date of the layoff.

C. The CHRO or designee shall maintain and make available a listing of job classifications by job series.

D. Seniority Points

1. Formula for Establishing Seniority Points
   a. One point shall be given for each complete month of credited service for the following:
      i. University System (and/or predecessor organizations) and State service including service as medical system University personnel as defined in the Education Article, Section 13-1B-01(r).
      ii. Service with the department where the layoff is to occur; and
      iii. Service in the job classification and its job series where the layoff is to occur.
   b. For creditable service of less than a complete month, the employee shall be credited with .032 points for each day of creditable service.
   c. For part-time employees, creditable service shall be determined by the funded percentage of the position.

2. The combined totals of all points shall determine the order of layoff. If two (2) or more employees in the same classification have the same number of seniority points, they shall take their standing in the order of layoff based upon the following criteria:
a. The CHRO or designee first shall compute each employee's total length of employment in combined State and University System service.

b. The employee who has the shortest service shall be laid off first.

c. If two or more employees have the same standing after the application of Section D.2.a, the President will determine the employee(s) to be retained based upon a detailed written evaluation of the specific skills, knowledge, or abilities of each employee prepared by the Department Head.

3. The CHRO or designee shall notify the President of those employees who have been laid off.

E. Displacement

An election to exercise displacement rights must be made by the employee by giving written notice to the CHRO within 15 days of having received the notice of layoff.

1. An employee in a position which is to be abolished, discontinued, or vacated shall be allowed to displace another employee with the least seniority in the same job classification, or, if not available either:

   a. Progressively to each lower level classification in the same job series; or

   b. In any other job classification in which the employee held satisfactory regular status.

2. The displacement as applied in (1) above shall be limited to the department in which the employee is currently employed.

3. An employee who elects not to displace another employee in accordance with Sections E and F of this policy shall be laid off.

F. Certification and Rehire

1. UMGC List

Employees who are designated to be laid off shall receive notification of reinstatement procedures and shall be certified to the Department eligible list for the classification from which the layoff occurred and to any classification in the series or comparable occupational area as that from which the employee was laid off. The employee shall be entitled to
priority for appointment to vacancies in the classification in which the
employee was laid off, any lower level classification in that Job Series, or
any classification for which the employee has completed an original
probationary period or for which a probationary period was not required.

2. List for Other USM Institutions

Employees who have been notified that they are to be laid off must notify
the UMGC CHRO of their interest in being considered for positions at
other USM Institutions. The CHRO shall provide the necessary
information to the other USM Institutions in which the employee has
expressed an interest. The other-USM Institutions shall place such
employees on the eligible list for classifications for which they are
qualified, based on seniority points.

G. An employee who is displaced is subject to the general provisions of this policy.
Nothing in this policy shall be interpreted to prevent the layoff of an employee
who voluntarily files with the Department Head a written request to be laid off.

H. Nothing in this policy shall allow a Nonexempt employee the right to displace an
Exempt employee or the right to reinstatement to an Exempt position.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer
this policy; to develop procedures as necessary to implement this policy; to communicate this
policy to the UMGC community; and to post the policy and any applicable procedures on the
UMGC website.

Replacement for:
USM BOR VII-1.30 – Policy on Layoff for Nonexempt Staff Employees
I. PURPOSE AND APPLICABILITY

This policy establishes the conditions that shall apply to former University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular Status who are appointed to Regular Status positions within a specified period following a period of separation from UMGC, the University System of Maryland (USM) and/or another State agency. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

This policy does not apply to reemployment or reinstatement following a break in service due to an employee being activated for military duty.

II. DEFINITIONS

A. Reemployment – Employment of a former employee who returns to employment with UMGC after a break in service of three (3) or more years.

B. Reinstatement – Employment of a former employee who returns to employment with UMGC after a break in service of less than three (3) years.

III. REEMPLOYMENT TO NONEXEMPT, EXEMPT AND OVERSEAS STAFF POSITIONS

A. A former Nonexempt, Exempt or Overseas Staff employee on Regular Status who returns to UMGC service after a break in service of three (3) or more years shall be considered a new employee when Reemployed.

B. When Reemployed, the employee’s prior service, exclusive of the period of separation from service, shall only be used to:

1. Determine the rate of Vacation Time Off earnings for Nonexempt, Exempt and Overseas Staff employees as described in the Policy on Vacation Time Off;

2. Determine seniority points for Nonexempt employees, as provided in VII-1.30-GC – UMGC Policy on Layoff for Nonexempt Staff Employees.
IV. REINSTATEMENT TO NONEXEMPT STAFF POSITIONS

The following is the sequence of priorities of appointment among persons eligible for reinstatement in their Job Class:

A. Reinstatement from Active Military Duty

A Nonexempt Staff employee on Regular Status who leaves his/her position at UMGC to serve in the Armed Forces of the United States, by either selective service or enlistment, shall be Reinstated in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 et. seq. and its accompanying regulations (USERRA) and VII-7.23-GC - UMGC Policy on Military Training and Active Military Duty.

B. Reinstatement Subsequent to Prolonged Illness

1. A Nonexempt Staff employee on Regular Status who has completed an original probation period and who is ready to return to duty within the first six (6) months of a Leave of Absence Without Pay due to illness shall be Reinstated to the Job Class within the Department that the employee held prior to the Leave of Absence.

2. After the first six (6) months of the Leave of Absence Without Pay, and before the expiration of the approved Leave of Absence Without Pay, an employee shall be restored to duty in the first vacancy that occurs in the former Department. Other Departments shall consider this former employee as being among the ranking eligible for hire.

C. Reinstatement After Lay-Off

1. The CHRO or Designee shall certify to the Department the names of employees laid off as follows:

   a. A former employee with the highest number of seniority points shall be Reinstated first to the Job Class in which the Layoff occurred or any lower Job Class in the same Job Series within the Department where the Layoff occurred; and

   b. When there is a job vacancy in a Job Class or any lower or comparable Job Class in the same Job Series in a Department other than where the Layoff occurred, the Department shall select an employee to reinstate from a list of the laid off employees who have the five (5) highest number of seniority points who meet the minimum qualifications for the position.
V.  REINSTATEMENT TO EXEMPT AND OVERSEAS STAFF POSITIONS

A. A Reinstated employee shall receive full credit for prior UMGC, USM and/or State service as it applies to service time, Vacation Time Off earnings rate and Sick Time Off balance, in accordance with the applicable UMGC HR Policies.

B. Employees on Leave of Absence Without Pay


VI. PROBATION AND SERVICE CREDIT FOR REINSTATED NONEXEMPT, EXEMPT AND OVERSEAS STAFF EMPLOYEES

An employee who is reinstated to UMGC service shall serve a new probation period. However, an employee who is reinstated in the same job with the Department in which he/she had previously completed a satisfactory probation period shall not be subject to a new probation period.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-9.61 – Policy on Reemployment and Reinstatement for Regular Status Nonexempt and Exempt Staff Employees
UMGC OS 7.00 – Policy on Rehiring Overseas Regular Staff
P-VII-1.31-GC – PROCEDURES FOR UMGC POLICY ON REEMPLOYMENT AND REINSTATEMENT

I. REINSTATEMENT TO NONEXEMPT STAFF POSITIONS

The following is the sequence of priorities of appointment among persons eligible for reinstatement in their Job Class, pursuant to VII-1.31-GC – UMGC Policy On Reemployment and Reinstatement:

A. Reinstatement from Active Military Duty

B. Reinstatement Subsequent to Prolonged Illness

C. Reinstatement After Layoff

1. When a laid off employee or an employee pending Layoff is Reinstated in a Nonexempt position, the employee’s name shall be removed from all eligible lists for which the employee carried a Layoff or pending Layoff priority, except for the list involving the Job Class from which the employee was laid off and any eligible Job Class list for which the employee has competed under normal procedures or for which the employee has Reinstatement rights, in accordance with VII-1.31-GC – UMGC Policy On Reemployment and Reinstatement.

2. A Department Head may request that the CHRO or designee make an exception in the selection of a laid-off or pending Layoff employee carrying Reinstatement priority from an eligible list for a particular job vacancy. The Department Head shall submit to the CHRO or designee written documentation satisfactorily attesting to the need for the specialized knowledge, skills, or abilities for a particular job vacancy that the employee does not possess.

D. Employees on Leave of Absence Without Pay

1. The following provisions apply to employees on Leave of Absence Without Pay who are certified to the list of eligible employees with a layoff reinstatement priority:

   a. An employee who is ready to return to duty from a Leave of Absence Without Pay and who has seniority points greater than those of laid-off employees shall be restored to duty in the first vacancy that occurs within the employee’s last Department in the Job Class that he/she held when granted the Leave of Absence Without Pay.
b. An employee who is ready to return to duty from a Leave Of Absence Without Pay, and who has sufficient seniority points to be placed among the five employees having the greatest number of seniority points in the Job Class that the employee held when granted the Leave Of Absence Without Pay, shall be considered for appointment within his/her last Department.

2. An employee who is ready to return to duty from a Leave of Absence Without Pay under circumstances other than those enumerated in VII-1.31-GC – UMGC Policy On Reemployment and Reinstatement, Section IV.A- Reinstatement from Active Military Duty or Section IV. B. Reinstatement Subsequent to Prolonged Illness, or Section I.B.1. of these Procedures, shall be restored to the first vacancy that occurs with the employee’s last Department in the Job Class that the person held when granted the Leave of Absence Without Pay.

3. A Department other than the former employee’s last Department shall consider the persons in Section I.B.1. and I.B.2. of these Procedures as eligible for selection.

II. REINSTATEMENT TO EXEMPT AND OVERSEAS STAFF POSITIONS FROM ACTIVE MILITARY DUTY

An Exempt or Overseas Staff employee who leaves his/her position at UMGC to serve in the Armed Forces of the United States, by either selective service or enlistment, shall be Reinstated in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 et. seq. and its accompanying regulations (USERRA) and VII-7.23-GC - UMGC Policy on Military Training and Active Military Duty.
VII-1.32-GC – UMGC POLICY ON LAYOFF AND RECALL OF EXEMPT AND OVERSEAS STAFF EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy establishes the period of notice and recall status for University of Maryland Global Campus (UMGC) Exempt and Overseas Staff employees on Regular Status who are being laid off due to any of the reasons described in this policy.

II. DEFINITIONS

A. Unit of Layoff – A department or portion of a department identified as designated by the Chief Human Resources Officer (CHRO) in the “UMGC List for Layoff and Reinstatement” (List). This List will be approved by the UMGC President or designee and may be revised from time to time.

B. Displace/Displacement – The ability to take the job of another employee to avoid separation because of a layoff.

C. Notification Period – The period between the date an employee is notified a layoff will occur and the effective date of separation as a result of layoff.

III. LAYOFF AND NOTICE

A. A layoff may occur when the Department Head determines that a position(s) should be abolished or discontinued due to reduction or termination of funds, program change, change in departmental organization, stoppage, or lack of work. In addition, the Department Head may consider performance of the affected employees when determining which employee(s) will be laid off.

B. The Department Head shall notify the CHRO or designee in writing of the number of positions to be abolished, discontinued, or vacated, together with the reasons for them, and the list of names of employees to be laid off prior to informing the affected employee(s) of the layoff. The CHRO or designee shall review the written notice and certify that the order of layoff is appropriate.

C. After appropriate certification for the layoff by the CHRO or designee, the appropriate administrator shall provide at least 90 calendar days advance written notice of layoff to the affected employee(s). The notice of layoff shall be delivered to the employee(s) in person or to the employee’s last known address via a delivery method that allows for delivery confirmation.

D. For layoffs that are due to reduction or termination of funds, the period of notice of layoff may be shorter than that stated in Section III.C., above, if the notice by
the funding source of reduction or termination of funds provided to the UMGC is less than the required 90 calendar days notice. In such cases, the affected employee(s) shall be notified by the appropriate administrator as soon as possible, but no later than five (5) work days following UMGC’s notice of fund reduction or termination.

E. At the discretion of UMGC, the employee may be placed on paid Administrative Time Off during part or all of the notification period. In such an event, the employee shall continue to earn Sick, Vacation and Personal Time Off (if applicable). For Holidays during the notice period, the employee shall be carried on earn/use Holiday Time Off.

F. Exempt or Overseas Staff employees shall not have the right to displace another employee in any employment category.

IV. RECALL STATUS

A. An employee who is in good standing shall be recalled for reappointment following a layoff if, within one (1) calendar year from the effective date of layoff, the specific position with the same job responsibilities from which the layoff occurred is reestablished. “Good standing” for purposes of this policy means that the employee is meeting or exceeding performance expectations during the last review cycle prior to the layoff, is not currently on a performance improvement plan, and/or has not received any written discipline in the preceding six (6) months.

B. A person who is appointed to any position in the UMGC within three (3) years of being laid off shall be considered in a reinstatement status as provided for in the VII-1.31-GC – UMGC Policy on Reemployment and Reinstatement for Regular Status Staff Employees.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-1.32 – Policy on Layoff of Regular Exempt Staff Employees
VII-1.40-GC – UMGC POLICY ON CONTINGENT STATUS EMPLOYMENT

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017; Updated on November 18, 2019)

I. PURPOSE

This policy establishes the appointment and compensation for all University of Maryland Global Campus (UMGC) Staff employees, including Nonexempt, Exempt and Overseas Staff employees, who are on Contingent Status including the provision of certain benefits, depending on the job category.

II. DEFINITIONS

A. Contingent Category I – Any UMGC Contingent Status employee, whether working Stateside or Overseas, whose written agreement (contract) is for a term of six (6) months or less regardless of the percentage of time worked and regardless of whether it is seasonal or intermittent in nature (works “if and when needed”).

B. Contingent Category II – Any UMGC Stateside Contingent Status employee whose written agreement (contract) is at least six (6) months, but no more than 12 consecutive months. Contingent II employees may be full-time or part-time as long as the employee works at least 20 hours per week or more. Contingent II employment is not seasonal or intermittent in nature. This category is not applicable to Overseas Staff employees.

C. Contingent Category III – Any Overseas Contingent Status employee whose written agreement (contract) is at least six (6) months, but no more than 12 consecutive months. Contingent III employees may be full-time or part-time as long as the employee works at least 20 hours per week or more Contingent III employment is not seasonal or intermittent in nature. This category is not applicable to Stateside Staff employees.

D. Contingent Status Employment – Any position established through a written agreement between UMGC and its employee that is not a Regular Status position. Contingent Status Employment may apply to Nonexempt, Exempt or Overseas Staff positions at UMGC. Contingent Status Employment does not apply to Faculty employees.

E. Contingent Status Employee – A Staff employee:

1. who pursuant to a written agreement, provides personal services to UMGC for pay;

2. who is not employed as a Regular Status employee in a budgeted position;
whose compensation, terms and conditions of employment are governed by this policy and a written contract and not by the UMGC policies generally applying to Nonexempt, Exempt and Overseas Staff employees on Regular Status, unless such policy specifically includes Contingent Status employees; and

who has an employer-employee relationship with UMGC, such that UMGC furnishes necessary supplies and equipment, and a place to work; has the right to control and direct the details, means and results of the performance of the services; is paid through the UMGC Payroll; and UMGC has the right to discharge the person from employment.

III. CATEGORIES OF CONTINGENT STATUS EMPLOYMENT

Agreements for Contingent Status employment may only be offered terms of employment as specified in one (1) of the categories below:

A. Contingent Category I Employees:

1. Are not be required to be hired through competitive recruitment or selection for Stateside positions; Overseas positions shall be required to be hired through competitive recruitment or selection;

2. Are not be entitled to receive fringe benefits except as required by the Patient Protection and Affordable Care Act (PPACA) and the Maryland Healthy Working Families Act;

3. May have their contract renewed indefinitely by executing new contracts of up to six (6) months at a time for less than 20 hours per week. However, if the employee has a contract to work 20 hours per week or more for a period of six (6) consecutive months, the employee shall be limited to only two (2) contract terms in which the employee works 20 hours or more per week (50% FTE or more). Thereafter, the employee may only be permitted to enter into a contract for employment for less than 20 hours per week; and

4. Shall not be entitled to receive service credit for the time served in this category unless they have worked 20 hours per week or more (50% FTE) on a consecutive basis, immediately preceding appointment to a Regular Status position through a competitive process. The term “service credit” is not applicable to any retirement rights.

B. Contingent Category II Employees:

1. Are required to be hired through competitive recruitment and selection;
2. Are entitled to receive at least the minimum benefits as specified in this policy (Section V.A.);


4. Subject to conditions stated in paragraph III.B.5. below, may have their contract renewed by executing new contracts of up to one (1) year at a time;

5. May be eligible for employment status conversion:
   a. After three (3) consecutive years of service in the Contingent Category II at UMGC, Contingent Category II employees who remain employed by the UMGC and have received satisfactory performance evaluations shall be offered the opportunity to convert to a Regular Status position at the conclusion of the initial three (3) years of employment. After conversion, the employee will be subject to all applicable UMGC policies and procedures governing Regular Status employees.
   b. This provision does not apply to employees on internships, those in positions funded through a research/service grant or contract, and those employees who have chosen not to be converted to Regular Status employment at the end of the initial three (3) years of employment.

6. Shall be entitled to service credit for the time served in this category, if appointed, without a break in service, as a Regular Status employee. The term “service credit” is not applicable to any retirement rights; and

7. Shall have contingent time served in the current position counted toward the probationary period if the employee is converted to Regular Status without a break in service.

C. Contingent Category III Employees:

1. Shall be required to be hired through competitive recruitment and selection;

2. Shall be entitled to receive at least the minimum benefits as specified in this policy (Section V.A.);

4. May have their contract renewed by executing new contracts of up to one (1) year at a time; and

5. Shall be entitled to service credit for the time served in this category, if appointed, without a break in service, as a Regular Status employee. The term “service credit” is not applicable to any retirement rights.

IV. TERMS AND CONDITIONS

A. All Contingent Status employees:

1. Must meet the minimum qualifications for the position;

2. Shall be paid at a rate that at least meets the minimum of the pay range for the position. Other compensation changes must be made in accordance with the UMGC Compensation Guidelines;

3. Shall not have any grievance rights under any State or UMGC policy, unless such policy specifically provides otherwise;

4. Shall not be entitled to participate in the State Pension System or the State-USM Optional Retirement Program (ORP);

5. May participate in employee-only contribution tax deferred investment programs, such as 403(b), 457(b), 401(k), that are approved by USM and the State of Maryland, and as permitted by law and regulation;

6. Shall be covered by applicable Federal and State of Maryland Equal Employment Opportunity and Affirmative Action laws and applicable UMGC policies; and

7. Shall be considered for a Regular Status vacancy through a competitive search in the same or a similar classification, if they should decide to apply.

B. Each written agreement (contract) for a Contingent Status employee shall specify:

1. The appropriate Contingent Category: Category I, Category II or Category III. If it is a Category I appointment, it shall specify whether it is seasonal or intermittent or percentage of time worked;

2. The salary/hourly rate of pay;
3. The duration of the contract, including a provision that both the employee or employer have the right to terminate the agreement for any reason following notice as specified in the agreement;

4. The responsibilities of the position and duties to be performed; and

5. The specific benefits and rates of time off accrual provided.

V. BENEFITS

A. The minimum benefits to be provided to Contingent Status employees, on an annual basis, are listed below. These benefits shall be pro-rated for contracts of less than one (1) year and for less than full-time employment.

1. Basic Time Off Benefits

Contingent Category II and III employees are eligible for paid time off, which includes:

a. Contingent II Exempt employees accrue 22 days of Vacation Time Off. For employee’s working 50% FTE or more, employees will earn time off on a prorated basis. Contingent II Exempt employees working less than 50% FTE are not eligible to earn Vacation Time Off. Contingent II Nonexempt employees accrue Vacation Time Off in accordance with the schedule for Regular Nonexempt employees.

b. Contingent III employees hired on or after January 1, 2006 accrue Vacation Time Off based upon the following schedule:

<table>
<thead>
<tr>
<th>From the date of employment through completion of the 3rd year</th>
<th>15 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning with the 4th year through completion of the 5th year</td>
<td>17 days</td>
</tr>
<tr>
<td>Beginning with the 6th year through completion of the 8th year</td>
<td>20 days</td>
</tr>
<tr>
<td>Beginning with the 9th year through completion of the 20th year</td>
<td>22 days</td>
</tr>
<tr>
<td>Beginning with the 21st year and thereafter</td>
<td>25 days</td>
</tr>
</tbody>
</table>

c. Contingent III employees who were hired before January 1, 2006 and were entitled to accrue Vacation Time Off in excess of Section V.A.1.b. of this policy shall continue to accrue time off consistent with the prior accrual plan until the next stage of accrual is reached.
d. The number of holidays established for each location as set forth in the applicable holiday calendar published and distributed annually.

e. Contingent II and Contingent III employees accrue 15 days of Sick and Safe Time Off. For employees working 50% FTE or more, employees will earn Sick and Safe Time Off on a prorated basis. Employees working less than 50% FTE are not eligible to earn Sick and Safe Time Off. Sick and Safe Time Off may be used in accordance with UMGC policies and applicable procedures that govern use of Sick and Safe Time Off for Regular Status employees;

f. Contingent I employees accrue Sick and Safe Time Off at a rate of 0.0334 hours for every hour worked, which is equivalent to one (1) hour of Sick and Safe Time Off for every thirty (30) hours worked, as required by the Maryland Healthy Working Families Act. Contingent I employees may accrue up to sixty-four (64) cumulative hours of Sick and Safe Time Off.

g. Contingent II and Contingent III employees receive three (3) days of Personal Time Off;

h. Time off for jury duty if called to serve and such time off is approved by the employee’s supervisor; and

i. Other time off as reviewed and approved by the Vice President of Human Resources or designee.

Additionally, individual contracts shall address whether time off that is not used by the end of the contract term can be carried over to another contract; whether UMGC shall pay the employee for Vacation and Holiday Time Off; or whether it is forfeited. UMGC shall not pay the employee for unused Sick and Safe Time Off or Personal Time Off. UMGC shall not accept unused time off for a Contingent II employee upon transfer from another USM Institution to UMGC except Sick and Safe Time Off, in accordance with applicable policies and procedures.

2. Health Insurance Program and Prescription Plan

Contingent Category II and III employees may elect to participate in the available health insurance programs and prescription plans. Participation shall be in accordance with applicable plan rules and regulations of the Maryland State Department of Budget and Management (DBM) and any applicable Federal rules and regulations. Stateside Contingent Category I employees may enroll in these health benefits without UMGC subsidy or stipend.
Overseas Contingent Category I employees are not permitted to enroll in health benefits through UMGC.

3. USM or UMGC-Sponsored Insurance Programs

Contingent Category II and III employees may participate in USM or UMGC insurance programs as defined by policy requirements by paying 100% of the premiums directly to the provider.

4. Tuition Remission

Contingent Category II and III employees may participate in Tuition Remission as defined by VII-4.10- GC – UMGC Policy on Tuition Remission and Tuition Reimbursement for Active Staff and Faculty Employees and Retirees.

5. Tax Deferred Programs

Stateside and Overseas Contingent Category I, II and III employees may participate in Supplemental Retirement plans that are approved by the USM and State of Maryland, such as 403(b), 457(b), 401(k), and as permitted by law and regulations.

6. Payroll Deductions and Employer-Paid Subsidies

Contingent Category I, II and III employees shall have any required mandatory payroll deductions and employer-paid subsidies withheld, as required by applicable law. Contingent Category I, II, and III employees may participate in other programs with voluntary payroll deductions, e.g., Charitable Contributions; State Employees Credit Union (SECU).

VI. USM REPORTING REQUIREMENT

In order to monitor the use of this policy, the President shall require the Vice President of Human Resources to report on an annual basis the usage of Contingent employment at UMGC. The report format shall be provided by the President to the Vice President of Human Resources.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Vice President of Human Resources to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-1.40 – Policy on Contingent Status Employment for Nonexempt and Exempt Staff Employees
I. TERMS AND CONDITIONS

A. Written agreements for Contingent Status employment specify certain terms and conditions of employment within a respective Contingent Category. Each written agreement for a Contingent Status employee is subject to stipulations as set forth by UMGC.

B. Contingent Status employees shall not supervise other employees as follows:

1. Contingent Status employees shall not have direct reports, including, temporary staff employees.

2. Contingent Status employees shall not hold a position with management responsibilities or title.
VII - 2.10-GC – UMGC POLICY ON EMPLOYMENT OF MEMBERS OF THE SAME FAMILY (NEPOTISM)

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy applies to Nonexempt, Exempt and Overseas Staff employees on Regular and Contingent Status and permits members of the same family to be employed by University of Maryland Global Campus (UMGC) while promoting fairness and preventing conflicts of interest. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

A. Family member includes:
   1. The employee’s spouse, children or step-children;
   2. A parent of the employee or the employee’s spouse;
   3. A brother or sister of the employee or the employee’s spouse;
   4. Grandparents or grandchildren of employee or the employee’s spouse;
   5. Aunts and uncles of the employee or the employee’s spouse;
   6. Nephews and nieces of the employee or the employee’s spouse;
   7. Brothers-in-law and sisters-in-law of employee or spouse; and
   8. Sons-in-law and daughters-in-law of the employee or the employee’s spouse.

B. Personal relationship – Includes, but is not limited to, relationships by virtue of blood, marriage, adoption, cohabitation or any such other relationship that would give rise to a substantial appearance of impropriety or lack of reasonable objectiveness if a supervisor-subordinate relationship existed, as determined by the Chief Human Resources Officer (CHRO) or designee.

C. Supervisor-subordinate relationship – A relationship in which one (1) employee reports to another employee or one employee otherwise participates directly in making personnel decisions regarding another employee.
III. GENERAL

A. Members of the same family are eligible for employment in UMGC. However, a supervisor-subordinate relationship shall not exist between family members nor shall one (1) member of a family assume for the other the role of advocate or judge with respect to conditions of employment or promotion.

B. An employee who engages in a personal relationship with another employee with whom the employee has a supervisor-subordinate relationship is encouraged to contact the CHRO or designee as soon as the personal relationship comes into existence. If an employee raises concern that a UMGC employee has a personal relationship with another employee with whom the employee has a supervisor-subordinate relationship, the CHRO or designee will determine whether the relationship gives rise to a substantial appearance of impropriety or lack of reasonable objectiveness and may take action as set forth in Sections IV and V below.

IV. FAMILY MEMBERS RECOMMENDED TO WORK FOR THE SAME SUPERVISOR

When members of the same family are recommended to work for the same supervisor, the arrangement must be approved in advance by the CHRO. No appointment of a family member may be made without such prior approval. Failure of an employee to disclose family relationships may result in disciplinary action.

V. DEVELOPMENT OF A SUPERVISOR-SUBORDINATE RELATIONSHIP AFTER EMPLOYMENT

A. If a supervisor-subordinate relationship between family members develops during employment, the family members must notify the CHRO immediately. UMGC shall take action to ensure that the supervisor-subordinate relationship ends; such action may include transfer, reassignment or removal of one or more family members. Failure of the employees to disclose family relationships may result in disciplinary action.

B. If actions to avoid a supervisor-subordinate relationship between family members are not feasible, the next highest administrative supervisor of the employees may request an exception to the prohibition against such employment. The request shall be made in writing to the CHRO and shall address:

1. The unique circumstances that prevent actions to avoid a supervisor-subordinate relationship among the family member employees;

2. The specialized qualifications of the family member employees or other factors that demonstrate why their continued employment is in the best interest of the UMGC despite the supervisor-subordinate relationship; and
3. Proposed measures to restrict participation of the supervising family member in any personnel actions affecting the subordinate family member, including specific alternative procedures for the ongoing supervision and evaluation of the family member.

C. Family members may not be employed in a supervisor-subordinate relationship without the approval of such a request by the CHRO.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-2.10 – Policy on Employment of Members of the Same Family (Nepotism)
UMGC Policy 410.2 – Appointments-Employment of Members of Same Family
UMGC OS Policy 6.00 – Policy on Employment of Family Members (Nepotism)
VII-2.20-GC – UMGC POLICY ON SOLICITING EMPLOYEES DURING WORKING HOURS

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

The purpose of this policy is to ensure that all University of Maryland Global Campus (UMGC) Staff on Regular and Contingent Status and Faculty employees have an undisturbed opportunity to perform the assigned duties and responsibilities of their positions. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. PROHIBITION ON SOLICITATION OF EMPLOYEES

A. Solicitation of any UMGC employee during work hours for any purpose is prohibited, except where such solicitation:

   1. Is a part of the assigned duties and responsibilities;

   2. Is permitted pursuant to express written approval by the President or designee for UMGC purposes; or

   3. Is authorized by a collective bargaining agreement.

B. Creditors and solicitors wishing to contact employees during work hours shall be referred to the appropriate Divisional Office of Human Resources.

C. UMGC employees may only attend UMGC or USM sponsored or authorized meetings during work hours. Attendance at other meetings for purposes not sponsored by UMGC or USM during work hours requires the approval of the employee’s immediate supervisor and the use of accrued time off.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
- USM BOR VII-2.20 – Policy on Soliciting Personnel during Working Hours
- UMGC 440.20 – Contacting Personnel during Work Hours
- UMGC OS 30.00 – Policy on Soliciting Personnel during Work Hours
VII-2.25-GC – UMGC POLICY ON VISITORS IN THE WORKPLACE FOR STAFF AND FACULTY EMPLOYEES

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

University of Maryland Global Campus (UMGC) seeks to provide a workplace for all employees that is professional and free from distractions. This Policy applies to employees on Regular and Contingent Status, Faculty, and Student employees. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITION

Visitors in the Workplace - Non-employees who do not have official business with the University and are on UMGC premises based upon a relationship with an employee. A Visitor in the Workplace may include, but is not limited to, a child, spouse, relative, and/or friend of an employee.

III. ADMINISTRATION

A. Supervisors may impose restrictions on Visitors in the Workplace that are appropriate for the successful operation of that department or unit.

B. The workplace is not a substitute for child or dependent care. Employees are responsible for arranging alternative child or dependent care or using accrued Time Off or Approved Unpaid Time Off, as appropriate.

C. The employee shall be responsible for the acts of their Visitor in the Workplace.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.
Replacement for:
UMGC 440.21 - Policy on Visitors in the Workplace
VII-2.30-GC – UMGC POLICY ON EMPLOYEE AND APPLICANT DISCLOSURE OF MISCONDUCT

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

The purpose of this policy is to set forth the University of Maryland Global Campus (UMGC) policy on employee and applicant disclosure of misconduct and to protect employees and applicants from retaliation in the form of adverse personnel actions for disclosing what the employee or applicant believes evidences certain unlawful, wasteful or hazardous practices. This policy is applicable to all UMGC Nonexempt, Exempt and Overseas Staff employees on Regular and Contingent Status and to applicants for UMGC jobs in these categories. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

A. Applicant – Any internal or external individual who has applied for a job at UMGC.

B. Adverse Personnel Action – Any disciplinary action taken against a UMGC employee, including termination; suspension; probation; rejection of a promotion; rejection of a salary increase; failure to hire; involuntary demotion; rejection during probation; overall unsatisfactory performance evaluation; involuntary resignation; involuntary retirement; involuntary reassignment to a position with demonstrably less responsibility or status as the position held prior to the reassignment; or unfavorable change in the general terms and conditions of employment.

III. GENERAL

A. Without fear of retaliation, any UMGC employees or Applicants may make known allegations of misconduct against a UMGC employee(s) that the employee or Applicant reasonably believes evidences:

1. An abuse of authority, gross misconduct, or gross waste of money;

2. A substantial and specific danger to public health or safety; or

3. A violation of law.

B. A representative of UMGC shall not take any Adverse Personnel Actions in retaliation against an employee or Applicant who discloses information regarding
misconduct under this policy or who, following such disclosure, seeks a remedy provided under this policy, by law or under other UMGC policy.

C. If disclosure of misconduct is specifically prohibited by law, an employee or Applicant should not disclose the information to UMGC, but rather should make the disclosure to the Assistant Attorney General designated by the Maryland Attorney General to receive such information.

D. This policy does not prohibit a personnel action that would have been taken regardless of a disclosure of allegations or information regarding misconduct under this policy.

E. The CHRO may develop procedures for disclosure of allegations or information regarding misconduct under this policy.

IV. PROCESS FOR DISCLOSURE

A. An employee or Applicant who chooses to disclose information regarding alleged misconduct, shall disclose all relevant information regarding the alleged misconduct, as described in Section III of the Policy, to the President or designee in a signed written document within one (1) year of the day on which he/she knew or reasonably should have known of the alleged misconduct.

B. In consultation with the Maryland Attorney General’s Office, the President or designee shall consider the disclosure and take whatever action he/she determines to be appropriate under the law and circumstances of the disclosure.

C. In the case of disclosure of misconduct involving the President, the disclosure shall be directed to the Chancellor of the University System of Maryland or designee. In consultation with the Maryland Attorney General’s Office and the Board of Regents, the Chancellor or designee shall consider the disclosure and take whatever action he/she determines to be appropriate under the law and circumstances of the disclosure.

V. COMPLAINTS OF RETALIATION AS A RESULT OF DISCLOSURE

If an employee or Applicant believes that he/she has been retaliated against in the form of an Adverse Personnel Action for disclosing allegations or information regarding misconduct under this policy he/she may file a written complaint requesting an appropriate remedy. The employee or Applicant may complain by filing:

A. A grievance with UMGC, pursuant to Title 13 of the Education Article of the Annotated Code of Maryland and VII-8.00-GC – UMGC Policy on Grievances for Nonexempt and Exempt Staff Employees; or
B. A complaint with the Secretary of the Department of Budget and Management, pursuant to Maryland Whistleblower law contained in Title 5, Subtitle 3 of the State Personnel and Pensions Article of the Annotated Code of Maryland.

VI. DISCIPLINARY ACTION FOR RETALIATION

If it is determined that an employee or applicant has been retaliated against as a result of disclosing misconduct or participating in an investigation of alleged misconduct, appropriate disciplinary action shall be initiated against any employees found responsible for retaliation.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-2.30 – Policy on Employee and Applicant Disclosure of Misconduct for Nonexempt and Exempt Staff Employees and Applicants for USM Staff Positions
VII-2.80-GC – UMGC POLICY ON EMPLOYEE ACCIDENT PREVENTION
FOR STAFF AND FACULTY EMPLOYEES

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

The purpose of this policy is to implement and actively support the provisions of the Maryland State Employee Risk Management Program, Federal and State requirements, national and local safety standards in order to provide University of Maryland Global Campus (UMGC) employees with a safe and healthful work environment. This Policy applies to all Staff employee on Regular and Contingent Status, Faculty and Student employees. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. ADMINISTRATION

A. All supervisors shall implement progressive discipline for repeated safety violations.

B. The Office of Human Resources will investigate accidental injuries and preventive measures may be implemented to guard against their reoccurrence.

C. Supervisors shall be held accountable for unsafe conditions and unsafe acts within their area of responsibility of which they are aware.

D. The prevention of occupationally induced injuries and illnesses shall take precedence over operating productivity. To the greatest degree possible, UMGC shall provide the mechanical and physical facilities required for personal safety and health.

E. The Risk Management Coordinator and Chair of the Risk Management Committee shall develop safety policies and act on recommendations of the Health and Safety Committee to insure a safe work environment.

F. Safety and Health Program
1. UMGC shall maintain a Safety and Health Program. The Program requires cooperation in safety and health matters for the best interest of all employees.

2. The Safety and Health Program objective is to prevent injuries and illness. UMGC’s Safety and Health Program shall include:
   a. Safety and health inspections identify and eliminate unsafe working conditions or practices; to control health hazards; and to comply fully with the safety and health standards; Training employees on safety and health best practices;
   b. Providing necessary personal protective equipment and instructions for its use and care;
   c. Developing and enforcing safety and health rules as appropriate and requiring that employees cooperate as a condition of their employment; and
   d. Investigating workplace accidents promptly and thoroughly.

G. Safety and Health Program Roles and Responsibilities

1. UMGC is responsible for leading the Safety and Health Program for its effectiveness and improvement, and for providing the safeguards required to ensure safe working conditions;

2. Supervisors are responsible; for ensuring that all operations are performed in a manner that protects employee health and safety; and

3. Employees are responsible for complying with all health and safety rules and regulations, and to continuously practice safe behaviors in the performance of their duties.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

VII-2.80-GC-2
Replacement for:
UMGC 450.00 - Employee Accident Prevention Policy
VII-3.00-GC – UMGC POLICY ON WELLNESS PROGRAMS FOR STAFF AND FACULTY EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
The purpose of this policy is encourage all University of Maryland Global Campus (UMGC) Staff on Regular and Contingent Status and Faculty employees, to participate in wellness programs offered by UMGC and other State agencies, which may vary by location, in order to improve health and maintain a healthy lifestyle. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS
Release Time – An approved absence from duty during the workday without loss of pay for the purpose of attending an employer-approved wellness program or activity. Release Time does not apply to Contingent I employees.

III. WELLNESS PROGRAMS AND ACTIVITIES
UMGC shall maintain a wellness program for employees. To the extent that such resources are available at UMGC (whether at a UMGC owned facility or at a commercial or military location), UMGC employees shall have access to:

A. Recreation and fitness facilities;
B. Wellness and benefits fairs and activities;
C. Wellness information on UMGC’s websites, employee newsletters and other sources;
D. Retirement and other financial wellness planning workshops and other informational resources; and
E. Employee assistance services, including but not limited to counseling, work-life referral services, and access to mental health counselors. Services may be provided through an Employee Assistance Program (EAP).

IV. RELEASE TIME FOR WELLNESS ACTIVITIES
UMGC shall provide a reasonable amount of Release Time for employees to participate in specified wellness activities and events taking place at UMGC, operations permitting and with the permission of the employee’s supervisor as set forth in the applicable procedures.
IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-3.00 – Policy on Wellness Programs
P-VII-3.00-GC – PROCEDURES FOR UMGC POLICY ON WELLNESS PROGRAMS FOR STAFF AND FACULTY EMPLOYEES

I. WELLNESS PROGRAMS AND ACTIVITIES

A. To the extent that such resources are available, UMGC may provide low- or no-cost wellness activities and benefits to employees, which may include:

1. Smoking cessation, nutrition and weight loss, stress relief, and other classes to promote wellness;
2. Exercise, dance, and other physical fitness classes and programs;
3. Collaborations with private and local government fitness and wellness program providers to provide discounted access to UMGC employees;
4. Health screening programs through State sponsored medical plans;
5. Employee Assistance services, including counseling and work-life referral services, and access to mental health counselors through an Employee Assistance program; and
6. Other wellness activities & benefits that UMGC may establish.

II. RELEASE TIME FOR WELLNESS ACTIVITIES

UMGC shall provide a reasonable amount of release time for employees to participate in specified wellness activities and events taking place at UMGC, operations permitting and with the permission of the supervisor. For the purpose of these procedures, a reasonable amount of time is defined as the amount of time that it will take to attend the event either in its entirety or the requested portion thereof. If an employee must travel to a UMGC location other than the location that is the employee’s regular work location, travel time shall also be considered when determining a reasonable amount of time.

A. Such release time may be used for screenings, preventive health services, seminars, classes and other special events provided as part of UMGC’s wellness program.

B. Release time may be in the form of sick leave, paid administrative leave, or other form of paid time away from duty, as determined by the CHRO or designee.
I. PURPOSE AND APPLICABILITY
This policy establishes a framework for employee development programs at the University of Maryland Global Campus (UMGC). Such programs are designed to support improvements in an employee’s knowledge, skills and abilities to contribute to the employee’s professional growth and UMGC’s welfare, subject to the availability of funds. This policy applies to Nonexempt, Exempt and Overseas Staff employees on Regular status and other Staff employees, if approved by the CHRO or designee in accordance with the applicable procedures. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. TUITION REMISSION AND REIMBURSEMENT
UMGC fosters professional development by providing tuition remission and tuition reimbursement to employees for the purpose of continuing the employee’s education in accordance with VII-4.10-GC – UMGC Policy on Tuition Remission and Tuition Reimbursement for Active Staff and Faculty Employees and Retirees.

III. TIME AWAY FROM WORK FOR PROFESSIONAL DEVELOPMENT
UMGC may approve requests to engage in professional development opportunities without loss of any pay or without charge to the employee’s accrued time off in accordance with the applicable procedures.

IV. PROFESSIONAL DEVELOPMENT PROGRAMS OFFERED AT UMGC
periodically may offer professional development training programs to employees who shall be permitted to be absent from work during the program in accordance with the applicable procedures.

IMPLEMENTATION PROCEDURES:
The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-3.10 – Policy on Employee Development for Nonexempt and Exempt Staff Employees
P-VII-3.10-GC – PROCEDURES FOR UMGC POLICY ON DEVELOPMENT

I. TIME AWAY FROM WORK FOR PROFESSIONAL DEVELOPMENT

Professional development opportunities may be available to eligible employees without loss of any pay or without charge to the employee’s accrued time off as described below:

A. Professional development programs are intended for employees who are expected to continue employment at UMGC for a period of time that will justify the cost to UMGC.

B. Participation in employee professional development programs will not be denied to eligible persons because they are employed in programs supported by funds derived from contracts or grants.

C. Employees must receive written approval from their supervisor to participate in professional development programs that require the employee to spend time away from their normal work assignment.

D. Supervisors should make every effort to support the development and growth of employees, and are encouraged to approve employee participation in professional development programs that will add value to the employee’s position-related skills, unless the requested time away for professional development cannot be supported due to its significant impact on business operations.

E. While actively participating in such a program, employees are entitled to full salary, continued participation in the appropriate retirement system, and receipt of all other employee benefits for which they are eligible. Holidays will be observed consistent with VII-7.30-GC – UMGC Policy on Holiday Leave for Staff Employees.

F. If the appropriate professional development program is available by the USM, the employee shall pursue the USM program.

G. When there is a break in the employee’s professional development program, the employee shall be required to report for duty. The CHRO or designee may make exceptions on a case-by-case basis.

II. LEAVE OF ABSENCE FOR PROFESSIONAL DEVELOPMENT FOR EXEMPT STAFF EMPLOYEES

A. The President or designee may approve any administrative leave of absence for an exempt employee to pursue advanced instruction or other approved plan of development for a period of up to six (6) months.
B. To be eligible for a professional leave of absence, the employee must have been employed at UMGC in a full-time, Regular status position for no less than six years.

C. An employee who requests administrative leave for professional development must sign a written agreement in which the employee agrees to return to UMGC immediately upon completion of the leave and serve as a full-time employee for twelve (12) months thereafter.

III. WORK RELEASE FOR NONEXEMPT STAFF EMPLOYEES

Work release without loss of any pay or without charge to the employee’s accrued time off may be available to Regular status, full-time Nonexempt employees to develop skills and job proficiency in their present positions or acquire minimum qualifications for a higher classification as part of career development as follows:

A. Short Term, Full-Time Work Release

1. Work release programs are for the purpose of assisting employees to acquire skills necessary in the use of new or modified methods and equipment, and/or skills and knowledge required to meet changes in the employee’s present position.

2. Programs cannot exceed a period of thirty (30) working days.

3. Tuition or registration fees and related expenses are authorized allowances that may be paid by the department where the participating employee is employed.

B. Long-Term, Full-Time Work Release

1. Long-term, full-time work release programs must be part of career development designed to assist participants in acquiring minimum qualifications for a higher classification or specified additional levels of responsibility.

   a. Such programs are limited to employees pursuing advanced instruction at the graduate level and certified by UMGC as full-time graduate students in each semester.

   b. Upon request of the department or unit head, the CHRO or designee may waive the graduate education requirement upon a determination that the program is vital to the operation of the department or unit and in the best interests of UMGC.
c. The department or unit head is authorized to withdraw approval for continued participation by an employee in the program upon evidence that the employee is not making satisfactory progress.

2. To be eligible to participate, an employee must be employed for at least one year in a Regular status, full-time position at UMGC immediately preceding the start of the work release.

3. Tuition, travel and all other costs may be paid by the employee.

4. Employees participating in programs of this type will be required to enter into a written agreement with UMGC. The agreement shall contain:

a. The total amount of salary the employee will be paid while on long-term, full-time work release status.

b. Acknowledgement that this amount constitutes a payment by UMGC on behalf of the employee that must be repaid in service time, subject to the following conditions:

i. The amount to be repaid will be reduced at the rate of one month of salary for each three months of service completed after satisfactory completion of the program.

ii. If the employee resigns from his/her position prior to the completion of the obligated service, the unpaid balance of the amount to be repaid will be due and paid to UMGC.

iii. If the employee is involuntarily separated, or if in the judgment of the President or designee the separation of an employee is the result of adverse, unforeseen, or extenuating circumstances that impose undue personal hardship to the employee, the President or designee may release the employee from the unpaid balance due to UMGC.

IV. LEAVE OF ABSENCE FOR PROFESSIONAL DEVELOPMENT FOR OVERSEAS STAFF EMPLOYEES

A. An employee wishing to attend a staff development function related to their specific area of expertise should submit a written request to their supervisor at least 90 days in advance, if practical.

B. Requests are reviewed by the Vice President of the Division or designee, and are evaluated based on the following:
1. The availability of funds;

2. The potential impact of the development function on job performance; and

3. The benefit to the Division/UMGC.

V. UMGC PROFESSIONAL DEVELOPMENT

UMGC periodically may offer professional development training programs to employees. Employees will be permitted to be absent from duties for full or partial workdays, as follows:

A. The Office of Human Resources, when resources permit, will make available appropriate, professional development workshops, courses, seminars and other opportunities of general benefit to employees;

B. With the assistance of the Human Resources Office, each unit or department may also provide professional development programs, the subject matter of which is unique to the needs and operations of the department.

C. During instructional periods of these programs, participating employees will receive full salary, continued participation in the appropriate retirement system, and receipt of all other employee benefits for which they are eligible.
UMGC POLICY ON EXPENSE REIMBURSEMENT RELATED TO PROFESSIONAL DEVELOPMENT

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

The purpose of this Policy is to ensure that University of Maryland Global Campus (UMGC) funds for professional development purposes are administered equitably. This Policy applies to all employees on Regular and Contingent Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU shall prevail.

II. ADMINISTRATION

A. UMGC will provide full or partial reimbursement for staff professional development activities involving travel and/or other costs, as set forth in the applicable procedures.

B. An employee may be approved for expense reimbursement, not to exceed once each fiscal year, in the following instances:

1. The employee is an invited speaker at a national or international conference (i.e. either as the sole or major keynote speaker, or, as one (1) of up to three (3) featured speakers) to which UMGC would not otherwise send a representative;

2. The employee has contributed and received formal acceptance for a paper/proposal and presents the paper/proposal at a conference or similar function; or

3. The employee participates in a panel discussion at a conference.

4. The employee shall request approval to present a paper/proposal or participate in a conference panel discussion from the Department or Unit Head prior to paper/proposal submission or conference panel participation.

C. The Department or Unit Head, with the agreement of the Executive Vice President for the employee’s respective Unit or Department, may authorize exceptions to this Policy if the request for reimbursement meets its spirit and intent.
D. Travel expenses must be approved in advance. Travel expenses will not be reimbursed without prior approval. A trip report must accompany expense statements for non-routine travel, including all conference travel.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
UMGC 170.80 – Guidelines for Expense Reimbursement Related to Professional Development
VII-4.10-GC – UMGC POLICY ON TUITION REMISSION AND TUITION REIMBURSEMENT FOR ACTIVE STAFF AND FACULTY EMPLOYEES AND RETIREES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
   The University of Maryland Global Campus (UMGC) and the University System of Maryland (USM) support the continuing education of certain active and retired employees by providing tuition remission and tuition reimbursement for eligible employees and retirees. This policy applies to all employees on Regular Status; Collegiate Faculty members as defined in UMGC 181.00 – Faculty Appointment, Rank, and Promotion Policy and Collegiate Traveling Faculty members; and Contingent II or III employees, who work in positions that have been approved through the budgetary and pertinent appointment classification processes and who have contracts that are intended to last six months or more regardless of the nature of the source of funds; or former employees who have retired from such positions. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. ADMINISTRATION OF TUITION REMISSION AND TUITION REIMBURSEMENT
   A. UMGC adopts and incorporates USM BOR VII-4.10 – Policy on Tuition Remission and Tuition Reimbursement for Regular and Retired Nonexempt and Exempt Staff and Faculty Employees of the University System of Maryland.
   B. Contingent Category II employees may only participate in tuition remission benefits at UMGC and University of Maryland, College Park.
   C. The President may authorize 1) additional tuition remission benefits for UMGC programs and/or courses; and 2) tuition reimbursement benefits for courses taken at another USM institution.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

REFERENCE:
USM BOR VII-4.10 – Policy on Tuition Remission and Tuition Reimbursement for Regular and Retired Nonexempt and Exempt Staff and Faculty Employees of the University System of Maryland
P-VII-4.10-GC (A) – PROCEDURES FOR UMGC POLICY ON TUITION REMISSION AND TUITION REIMBURSEMENT FOR ACTIVE STAFF AND FACULTY EMPLOYEES AND RETIREES

(Approved by UMGC President on July 1, 2017)

I. EXEMPT PROGRAMS

In addition to the Exempt Programs of Study identified in VII-4.10-GC – UMGC Policy on Tuition Remission and Tuition Reimbursement for Active Staff and Faculty Employees and Retirees, the executive degree programs and non-credit programs.

II. FEES OR SURCHARGES

A. Tuition remission does not include mandatory fees or surcharges (including fees for credits by exam, conference courses, textbooks, or other fees or surcharges that may apply), which remain the responsibility of the employee or spouse/dependent child.

B. The application fee is waived for UMGC employees who have applied to UMGC.

Replacement for:
UMGC Policy 353.20 – Tuition Remission for Stateside and Overseas Employees
P-VII-4.10-GC (B) – PROCEDURES ON TUITION WAIVER FOR ENHANCED LEARNING MODEL PROGRAMS

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

The purpose of this Procedure is to provide a tuition waiver benefit to University of Maryland Global Campus (UMGC) Covered Employees who are enrolled in the Enhanced Learning Model (ELM) programs.

II. UMGC EMPLOYEES ENROLLED IN THE UMGC ENHANCED LEARNING MODEL PROGRAMS

A. Covered Employees

1. UMGC employees who are eligible for tuition remission under VII-4.10-GC – UMGC Policy on Tuition Remission and Tuition Reimbursement for Active Staff and Faculty Employees and Retirees, are enrolled in the Enhanced Learning Model (ELM) programs (including the MBA, Doctorate of Management, and Cybersecurity programs) and are enrolled in courses offered during the winter term; and

2. Part-time UMGC employees who are employed at 50% or more full-time equivalency (FTE) are eligible to receive a tuition waiver proportional to their FTE.

B. A tuition waiver benefit up to a maximum of four (4) academic credits may be provided to a Covered Employee.

C. The tuition waiver may also be applied to the Spring II Session for a Covered Employee.

D. A Covered Employee may request a tuition waiver by completing the UMGC Tuition Waiver Form, also located at the Office of Human Resources webpage on Engage.

E. A tuition waiver shall only be applied to courses taken at UMGC and is not honored for courses taken at other institutions.

II. ADMINISTRATION

If a Covered Employee does not fully complete and timely submit the Tuition Waiver Form, he/she may not be eligible to receive the tuition waiver. Failure to submit the form
and have the tuition waiver applied may also result in disenrollment from the course in accordance with UMGC policies and procedures.

Replacement for:
UMGC 354.00 - Tuition Waiver for the MBA Program in the Graduate School of Management and Technology
VII-4.20-GC – UMGC POLICY ON TUITION REMISSION FOR SPOUSES AND DEPENDENT CHILDREN OF ACTIVE STAFF AND FACULTY EMPLOYEES AND RETIREES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

The University of Maryland Global Campus (UMGC) and the University System of Maryland (USM) support the general policy of tuition remission for the spouses and dependent children of certain active and retired employees, on an inter- and intra-institutional basis. This policy applies to all employees on Regular Status; Collegiate Faculty members as defined in UMGC 181.00 – Faculty Appointment, Rank, and Promotion Policy and Collegiate Traveling Faculty members; and Contingent II and III employees, who work in positions that have been approved through the budgetary and pertinent appointment classification processes and who have contracts that are intended to last six months or more regardless of the nature of the source of funds; or former employees who have retired from such positions. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. ADMINISTRATION OF TUITION REMISSION AND TUITION REIMBURSEMENT

A. UMGC adopts and incorporates USM BOR VII-4.20 – Policy on Tuition Remission for Spouses and Dependent Children of USM Employees and Retirees.

B. Contingent Category II employees’ spouses and dependents may only participate in tuition remission benefits at UMGC.

C. The President may authorize 1) additional tuition remission benefits for UMGC programs and/or courses; and 2) tuition reimbursement benefits for courses taken at another USM institution.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

REFERENCE:

USM BOR VII-4.20 – Policy on Tuition Remission for Spouses and Dependent Children of USM Employees and Retirees
P-VII-4.20-GC – PROCEDURES FOR UMGC POLICY ON TUITION REMISSION FOR SPOUSES AND DEPENDENT CHILDREN OF ACTIVE STAFF AND FACULTY EMPLOYEES AND RETIREE

(Approved by UMGC President on July 1, 2017; Updated on July 24, 2019)

I. SPOUSES AND DEPENDENT CHILDREN

A. Stateside and Overseas Regular and Collegiate and Collegiate Traveling Faculty

Eligible spouses and dependent children of Stateside and Overseas employees on Regular status and Collegiate and Collegiate Traveling Faculty are eligible for one-hundred percent (100%) tuition remission when they enroll at UMGC or fifty percent (50%) at a USM institution in courses toward a first undergraduate degree.

B. Subject to the availability of funds, after completion of the semester in which the spouse or dependent child is enrolled, the employee may request reimbursement of the other fifty percent (50%) of tuition paid. The employee must submit a request for reimbursement to the Office of Human Resources within sixty (60) calendar days of the posting of the student’s grades by the attending institution, and include a copy of the receipt for tuition paid and attest the spouse or dependent child:

1. Received tuition remission in the amount of fifty percent (50%) of tuition,

2. Was not eligible for and did not receive any financial aid, except loans,

3. Earned a grade of C or better in each course included on the tuition remission request and maintained a cumulative grade point average of at least 2.0.; and

4. Statement or receipt showing that employee paid, including financial aid loans, fifty percent (50%) of the tuition balance.

C. The exercise of the benefit of tuition remission shall be subject to the individual's admissibility to the program in which the courses are offered and to the other academic regulations of the home division governing student enrollment.

D. Contingent II and Contingent III

1. Subject to the limitations in this section, eligible spouses and dependent children of employees on Contingent II and Contingent III may receive tuition remission of one hundred percent (100%) on courses toward a first undergraduate degree at the employee’s home division or distance education courses offered by another UMGC division.
2. Tuition remission is available only after the employee on Contingent II or Contingent III status has been in USM service for at least two (2) benefit-eligible years prior to the anticipated last date available for late registration for the semester under consideration.

3. Limitations based on date of employment:

   a. Spouses and dependent children of eligible employees whose period of employment began before January 1, 1990, can earn a first undergraduate degree or a graduate degree from any USM institution, subject to the provisions of the applicable policies at the attending USM institution and subject to the employee's FTE.

   b. Spouses and dependent children of eligible employees whose period of employment began on or after January 1, 1990, and before July 1, 1992, may receive full tuition remission of one hundred percent (100%) percent on courses toward a first undergraduate degree at UMGC.

      i. Spouses and dependent children of eligible employees may attend another USM institution to which the student has been accepted with fifty percent (50%) percent tuition remission: An employee may submit a request for tuition reimbursement for the other fifty (50%) of the tuition paid.

II. EXEMPT PROGRAMS AND FEES

   D. Programs
   In addition to the Exempt Programs of Study identified in VII-4.20-GC – UMGC Policy on Tuition Remission for Spouses and Dependent Children of Active Staff and Faculty Employees and Retirees, the following UMGC programs are excluded from tuition remission: all executive degree programs and non-credit programs.

   E. Fees or Surcharges
   Tuition remission does not include mandatory fees or surcharges (including fees for credits by exam, conference courses, textbooks, or other fees or surcharges that may apply), which remain the responsibility of the employee or spouse/dependent child. The admissions fee is waived for UMGC employees attending UMGC courses.

Replacement for:
UMGC Policy 353.20 – Tuition Remission for Stateside and Overseas Employees
VII-4.30-GC – UMGC POLICY ON SALARY ADVANCES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy establishes the general prohibition on permitting salary advances against earned or unearned income for employees of University of Maryland Global Campus (UMGC), except in the limited circumstances described below.

II. ADMINISTRATION

UMGC does not permit salary advances, unless there is an error in processing an employee’s paycheck and such salary advance is approved by the Chief Human Resources Officer (CHRO).

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-4.30 – Policy on Salary Advances for USM Employees
UMGC 390.50 – Salary Advances
VII-4.40-GC – UMGC POLICY ON PAYMENT OF MOVING EXPENSES FOR EXEMPT AND OVERSEAS STAFF AND FACULTY EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I.  PURPOSE AND APPLICABILITY

This policy is created to establish the terms and conditions in which Exempt and Overseas Staff employees and Collegiate Faculty members as defined in UMGC 181.00 – Faculty Appointment, Rank, and Promotion Policy and Collegiate Traveling Faculty employees would be eligible for the payment of moving expenses by the University of Maryland Global Campus (UMGC).

II.  ADMINISTRATION

A.  The President or designee may authorize the payment of moving expenses for employees when it is deemed to be in the best interest of UMGC.

B.  As set forth in USM policy, the Chancellor may authorize the payment of moving expenses for the UMGC President.

C.  The payment may include moving expenses of reasonable household goods and other expenses directly related to the relocation to the extent supported by this policy, including reasonable packing and unpacking charges. The goods and services purchased must be at reasonable and competitive prices. To support a request for reimbursement of moving expenses, the employee shall provide three (3) bids from reputable moving companies for prior approval by UMGC.

D.  UMGC shall only authorize the payment of moving expenses when the distance between the employee’s former residence and the UMGC location where the individual is required to work is in excess of 50 miles one way. Exceptions to the 50 mile limitation may be made for payment of relocation expenses when the relocation is for the convenience of UMGC.

E.  UMGC is responsible for compliance with IRS regulations concerning reporting and withholding requirements associated with payments for moving expenses, and should exercise due diligence in processing taxable and nontaxable payments.

F.  For purposes of determining an individual’s salary, moving expense payments shall not be considered salary or bonus.

G.  An employee who receives payment of moving expenses is responsible for paying any applicable income taxes on any taxable portion of the moving expenses that the employee incurs and UMGC pays and/or reimburses.
H. Nothing in this policy requires the payment of moving expenses and it is solely at discretion of the President (or the Chancellor when moving expenses are considered for the President).

I. Should the employee voluntarily leave employment with UMGC within one year of the date of hire, the employee shall be responsible for reimbursing UMGC for moving expenses for which UMGC paid and/or reimbursed the employee.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VIII-16.00 – Policy on Payment of Moving Expenses
Hiring Managers should contact the appropriate recruiter to initiate a request for payment of moving expenses with the Office of Human Resources. The request will be reviewed for approval by the CHRO or designee, hiring Department Head, and the President or designee.
VII-4.41-GC – UMGC POLICY ON PAYMENT OF CANDIDATE TRAVEL AND MOVING EXPENSES FOR STAFF AND FACULTY POSITIONS

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

The purpose of this policy is to establish the payment or reimbursement of travel and moving expenses for Candidates of Qualifying Positions. This Policy applies to Candidates for Exempt and Overseas Regular and Contingent III Staff positions and 12-Month Collegiate and Collegiate Traveling Faculty positions.

II. DEFINITIONS

A. Candidate – A job applicant who is internal or external to UMGC.

B. Qualifying Position – A position wherein applicants are in short supply or otherwise difficult to recruit as determined by the CHRO or designee.

III. TRAVEL EXPENSES

A. UMGC may authorize payment for travel expenses of Candidates who are interviewed for Qualifying Positions.

B. Candidates for Qualifying Positions may be reimbursed for automobile expenses at the prevailing rate for mileage or, for air, train or bus travel at tourist rates.

C. UMGC may reimburse for reasonable lodging and meal expense(s).

IV. MOVING EXPENSES

A. The CHRO or designee may authorize partial or full payment or reimbursement of Candidate moving expenses and related relocation expenses, including, but not limited to, packing and unpacking charges, moving and/or storage of household goods and movement of personal vehicles. The goods and services purchased must be at reasonable and competitive prices.

B. To support a request for payment or reimbursement of moving expenses, the Candidate shall provide two (2) bids from reputable moving companies for prior approval by UMGC.
C. UMGC will only authorize the payment or reimbursement of moving expenses when the distance between the former residence and the UMGC assigned place of work if it exceeds fifty (50) miles.

D. UMGC is responsible for compliance with IRS regulations concerning reporting and withholding requirements associated with payments for moving expenses, and should exercise due diligence in processing taxable and nontaxable payments.

E. For purposes of determining an individual’s salary, moving expense payments shall not be considered salary or bonus.

F. Candidates are responsible for paying any applicable income taxes on any taxable portion of the moving expenses that the Candidate incurs and UMGC reimburses.

G. Nothing in this policy requires the reimbursement of moving expenses and it is solely at discretion of the CHRO or designee.

H. If the Candidate is hired and voluntarily leave employment with UMGC within one year of the date of hire, the Candidate shall be responsible for reimbursing UMGC for moving expenses for which UMGC paid and/or reimbursed the employee.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
UMGC 380.50 - Payment of Candidate Travel and Moving Expenses
VII-4.60-GC – UMGC POLICY ON SHIFT DIFFERENTIAL FOR NONEXEMPT STAFF EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy establishes the terms and conditions under which University of Maryland Global Campus (UMGC) shall administer shift differential. Shift differential only applies to Nonexempt Staff employees on Regular Status who render services within a department that operates on two (2) or more regularly scheduled shifts daily. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

A. **Shift Differential** – An increase in the hourly rate of pay, as approved by the President or designee, for work hours scheduled during a Qualifying Shift.

B. **Qualifying Shifts**

1. For Departments operating two (2) shifts daily, Nonexempt Staff employees who work the second shift, that is, a regularly scheduled shift that starts between 2:00 p.m. and 1:00 a.m., as determined by the President or designee, shall be eligible for extra compensation; or

2. For Departments operating three (3) shifts daily, Nonexempt Staff employees who work a third shift, that is, a regularly scheduled shift that starts between 12:00 a.m. and 8:00 a.m., as determined by the President or designee, shall be eligible for extra compensation.

IV. ADMINISTRATION

A. An employee who works on all or part of a scheduled Qualifying Shift, whether or not the employee is assigned to that shift, shall receive Shift Differential.

B. An employee who is permanently assigned to a Qualifying Shift shall receive Shift Differential while on approved paid time off. Shift Differential shall cease after 10 workdays of continuous paid time off.

C. An employee who is on a permanent schedule of rotating shifts shall receive Shift Differential only while on a Qualifying Shift. An employee shall also receive Shift Differential while on approved paid time off if the time off is taken while scheduled for a Qualifying Shift.
D. When working a Qualifying Shift, part-time Nonexempt Staff employees on Regular Status in a position that is at least 20 hours per week (50% FTE) will be eligible for Shift Differential.

V. COMPENSATION

A. There may be different rates of Shift Differential pay for each Qualifying Shift. The UMGC Shift Differential pay rate, as approved by the President or designee, is set forth in the applicable procedures.

B. A separate Shift Differential shall be paid to an eligible employee who is scheduled to work overtime from a Qualifying Shift into another Qualifying Shift. This payment is in addition to any overtime payment or compensatory time to which the eligible employee may be entitled.

C. Shift Differential shall be paid to an eligible employee who is scheduled to work overtime from a non-qualifying shift into a Qualifying Shift, provided that the employee works at least one-half (1.5) of a Qualifying Shift. This payment is in addition to any overtime payment or compensatory time to which the employee may be entitled.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-4.60 – Policy on Shift Differential for Nonexempt Staff Employees
VII-4.62-GC – UMGC POLICY ON ON-CALL AND CALL-BACK FOR NONEXEMPT STAFF EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy establishes the terms and conditions under which University of Maryland Global Campus (UMGC) shall administer On-Call and Call-Back duty. On-Call and Call-Back duty only applies to Nonexempt Staff employees on Regular Status who may be required to report to work outside their normally scheduled hours. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

A. **On-Call** – Nonexempt Staff employees are considered to be On-Call when required to be available to report to work outside the normally scheduled hours for emergencies or other unusual circumstances and shall receive additional compensation during the hours in which the employee is On-Call.

B. **Call-Back** – A Nonexempt Staff employee is considered to be Called-Back when required to return to work after regularly scheduled hours or asked to report to work on an off-duty day for emergencies or other unusual circumstances and shall receive additional compensation during the hours in which the employee is Called-Back.

C. **Essential Employee** – A Nonexempt Staff employee who has been designated as vital to the operation of the facility; whose presence is required regardless of the existence of an emergency condition; and whose absence from duty could endanger the safety and well-being of UMGC’s population (e.g. snow removal employees or food service staff).

III. ADMINISTRATION

A. **On-Call Duty**

1. Employees assigned to On-Call duty are required to be available if it is necessary for them to return to work.

2. An employee assigned to On-Call duty shall follow the applicable procedures if the employee is not available or cannot be reached during the On-Call period.

3. Designated employees shall normally be assigned to be On-Call for a period of not more than seven consecutive calendar days (including holidays). On-
Call status may extend to the maximum of 24 hours for each day, as determined by each department manager.

4. Employees shall be notified in advance of their assignment to On-Call status.

5. Essential employees are not automatically assigned to On-Call status.

6. On-Call status assignments will be allocated by each department manager on a rotating basis among those employees eligible for such assignments.

7. Compensation for On-Call Duty
   
   a. Employees shall receive an increase in the hourly rate of pay according to the rates established by the President or designee (“On-Call Pay”) for each day that the employee is assigned to be On-Call.
   
   b. On-Call rates are published in the applicable procedures for the general information of all employees. If an employee is assigned to On-Call status and is called to work, the employee shall be paid according to the On-Call rate in addition to any pay due for hours worked. On-Call Pay shall be included in the base pay for purposes of computation of overtime pay.
   
   c. An otherwise eligible employee shall not receive On-Call Pay if the performance of the duties is an extension of the employee’s regular workday or workweek.

B. Call-Back Duty

1. Employees who are required to return to work on a regularly scheduled on-duty day after going off-duty or are required to work on a regularly scheduled off-duty day are eligible for Call-Back compensation. This applies to employees who are Called-Back to work whether or not such employees are in On-Call status.

2. Employees Called-Back to work will be compensated in accordance with the applicable procedures.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.
Replacement for:
USM BOR VII-4.62 – Policy on On-Call and Call-Back for Nonexempt Staff Employees
I. UNAVAILABLE ON-CALL EMPLOYEE

In the event that an employee assigned to On-Call duty is not available or cannot be reached during the On-Call period, the following procedures shall be followed:

A. If during the On-Call period unforeseen circumstances arise where the employee cannot be reached or is no longer able to respond, the employee must notify the supervisor immediately. The employee shall be removed from On-Call status for that day for pay purposes unless the individual had previously responded during that same day.

B. An employee typically must confirm receiving an On-Call notification within fifteen (15) minutes of the time notified with the report time within two (2) hours of being notified. An employee who is assigned to On-Call status and cannot be reached or does not respond within fifteen (15) minutes of being contacted shall be removed from On-Call status for that day for pay purposes unless the individual had previously responded during that same day. In addition, such employees may be subject to disciplinary action.

C. In instances where designated On-Call employees cannot be reached or are unable to respond, the supervising authority may obtain a qualified substitute from any available source.

II. COMPENSATION FOR ON-CALL DUTY

Employees shall receive on call pay at the rate of one dollar ($1.00) per hour to a maximum of twenty-four dollars ($24) per day for each day assigned to “On-Call” status.

III. COMPENSATION FOR CALL-BACK DUTY

A. Employees called back shall be credited with a minimum of three (3) hours additional work time even if the time spent on duty is less than three (3) hours. This circumstance does not apply to the employee who may be working overtime as a continuation of the employee's normal hourly schedule.

B. Normally, travel between home and work is not work time. However, where employees have gone home after completing a day's work or are on scheduled off duty days and subsequently are required to return to the normal place of work or any other location in order to perform a necessary task, travel time is included as work time. Additionally, such hours spent in travel shall be considered as hours worked and count toward the accumulation of overtime hours. Travel time counts toward the three (3)-hour minimum Call-Back time.
C. An employee who is called back during a qualifying shift shall receive a pro-rata Shift Differential in accordance with VII-4.60-GC – UMGC Policy on Shift Differential for Nonexempt Staff Employees.
I. PURPOSE AND APPLICABILITY

The purpose of this policy is to establish reimbursement for an employee’s meal(s) when the employee works beyond their established work schedule and such work time impinges on a second mealtime. This policy applies to Nonexempt Staff employees, Associate Staff employees, and Academic Administrators (Collegiate Faculty with a job title of Chair, Associate Chair, Program/Academic Director, or Assistant Program/Academic Director). This Policy does not apply to employees on official travel and away from a University of Maryland Global Campus (UMGC) location. Official travel is governed by UMGC 380.10 – Policy on University Travel. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU shall prevail.

II. ADMINISTRATION

A. Reimbursement Differential

Work in addition to an employee’s established work schedule may impinge on a second mealtime, in which case the UMGC will provide for reimbursement of the differential. The reimbursement differential is the reasonable amount that is the difference between the cost of preparing a meal at home and purchasing a prepared meal as set below:

1. Lunch $2.50
2. Dinner $4.50

B. Reimbursement Differential Criteria

An employee is eligible to receive reimbursement differential for the second meal if the following conditions are met:
1. An employee is entitled to a reimbursement differential for a second meal when he/she has worked through a second mealtime that occurs beyond his/her established work schedule in a single workday and the second mealtime is not part of his/her normal compensation;

2. The time worked beyond the employee’s established work schedule at the prior written request of the employee's supervisor;

3. The employee must work at least two and one-half hours beyond the his/her established work schedule;

4. The employee's established work schedule is continuous, that is, the employee’s supervisor has not approved sufficient time for the employee to go home, eat and return;

5. The employee is not compensated for the time taken for the meal; and

6. Compensation is at prescribed rates if not provided in kind.

C. If the employee is scheduled to return to work after the second meal break, the meal break is to be taken at a time mutually agreeable to the employee and the supervisor.

D. If the employee works on Saturday or Sunday in addition to their established work schedule, the reimbursement differential will be provided for the first mealtime, provided that the additional time worked is at least five hours in duration.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
UMGC 420.70 - Reimbursement to Employees of Differential for Meals During Extra-time Work Periods
I. PURPOSE AND APPLICABILITY
The policy for annual Performance Evaluation of employees of the University of Maryland Global Campus (UMGC) applies to all Nonexempt, Exempt and Overseas Staff employees on Regular, Contingent II and III Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU shall prevail.

II. EVALUATION METHODOLOGY AND INSTRUMENT
A. UMGC requires the use of a Performance Management Program (PMP) designed and maintained by UMGC.
B. The PMP is expected to provide a method and forms to evaluate employee performance in a manner that is individually tailored to the position and consistent within the organizational culture and policy of UMGC.
C. The Performance Management Program involves:
   1. A dialogue focused on establishing expectations between the supervisor and the employee at the beginning of the rating period or upon hire;
   2. Continuous communication and feedback throughout the year, ideally on a quarterly basis, but at a minimum on an annual basis; and
   3. A discussion between the supervisor and the employee at the end of the rating period on achievements, ongoing development needs and methods for improvement.
D. It shall be the responsibility of the CHRO or designee to periodically review and modify as necessary the PMP and to keep employees apprised of any amendments thereto that may be made from time to time.

III. ADMINISTRATION
A. Employees shall receive a performance review at least once every 12 months.
B. Evaluation ratings for the past year and discussions of expectations for the coming year must be completed by the end of the review cycle designated by UMGC each year.
C. Initial discussion of expectations and performance reviews may be conducted more frequently when appropriate.

D. Employees shall be informed at the beginning of the performance review period, or upon hire, of the objectives and factors on which their performance shall be evaluated.

E. In the event that a UMGC supervisor fails to complete an evaluation for an employee by UMGC’s deadline, that employee shall be considered to have met standards for purposes of merit pay.

F. At times when UMGC has the funds to provide a merit increase, employees must receive at least a satisfactory performance rating and/or be in good standing on their performance evaluation in order to be awarded the increase.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-5.20 – Policy on the Performance Management Program
UMGC OS 10.00 – Policy on Performance Appraisal
I. PERFORMANCE MANAGEMENT PROGRAM

A. Employees on Regular, Contingent II, and Contingent III status shall refer to the UMGC Performance Management Engage page https://engage.umgc.edu/community/office-of-human-resources/employee-relations/performance-management to review the most current information pertaining to the UMGC performance Management program.

B. The Performance Management Program is reviewed periodically and is subject to change.

II. PERFORMANCE ASSESSMENT AND DEVELOPMENT PLAN (PAD)

The performance of Exempt and Overseas employees on Regular, Contingent II, and Contingent III status shall be documented by supervisor on the Performance Assessment and Development Plan (PAD) Form.

II. PERFORMANCE DEVELOPMENT PLAN (PDP)

A. The performance of Nonexempt employees on Regular and Contingent II status shall be documented by his/her supervisor on the Performance Development Plan (PDP) Form.

B. The overall performance status serves as the primary indicator for determining the eligibility for merit salary increases.

C. The PDP review cycle is the twelve (12)-month period beginning on January 1 and ending on December 31 of each calendar year.

D. If a supervisor leaves his/her position during the rating period, is the expectation is that the supervisor will complete the review process prior to departure from the position. It is the second-level supervisor’s responsibility to ensure that the PDP review process is completed for the remainder of the rating period.

E. Business objectives may change during the rating period based upon operational needs. The employee’s PDP form is subject to modification due to change in business and operational needs.
III. PDP PROCEDURES

A. New Hire Employees

1. The supervisor shall obtain the PDP form from the Office of Human Resources, Employee Relations Engage page.

2. PHASE I. A supervisor shall initiate the PDP process for each new employee or transfer employee within sixty (60) days of the employee’s hire date.

3. PHASE II. Immediate supervisors are encouraged to discuss the employee’s performance throughout the review period.

4. PHASE III. Supervisors shall complete an employee’s PDP by the date communicated by the Office of Human Resources each year.

5. For employees hired after November 1 of a calendar year, Phase III shall not be completed until the second January after the employee’s hire date.

B. Current Employees

1. The supervisor shall obtain the PDP form from the Office of Human Resources, Employee Relations Engage page on an annual basis.

2. PHASE I. Supervisors shall complete the PDP forms and meet with the employee by April 30 annually.

3. PHASE II. Immediate supervisors are encouraged to discuss the employee’s performance throughout the review period.

4. PHASE III. Supervisors shall complete an employee’s PDP by the date communicated by the Office of Human Resources each year.

5. After Phase III is completed, Supervisors are required to submit a copy of each employee's PDP to the Office of Human Resources by the date communicated by the Office of Human Resources each year.

6. Transferring Employees – If an employee transfers to a new unit or department after November 1, the PDP will be completed by the original supervisor. If the employee transfers to a new unit or department before November 1, the PDP will be completed by the new supervisor.
7. Separation – When a supervisor is aware an employee intends to voluntarily separate from UMGC during the review period, the supervisor is encouraged to complete the PDP process prior to the separation.

Replacement for:
UMGC 400.15 - Performance Development Program (PDP)
VII–6.02-GC – UMGC POLICY ON EMPLOYEE FILES FOR STAFF AND FACULTY EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This policy establishes responsibility for maintenance, access and control of employee files for all University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff on Regular and Contingent Status and Faculty employees. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS
Employee File - A confidential business record and property of the Institution that employs the employee. The file, in electronic or paper format, consists of personal demographics and information relating to the individual’s employment.

III. CONTENTS OF AN EMPLOYEE FILE
A. Employee files include but are not limited to the following:

1. Employment application and/or resume;
2. College transcripts;
3. Job descriptions;
4. Records relating to hiring, promotion, demotion, transfer, reassignment, layoff, compensation, education and training;
5. Letters of recognition;
6. Disciplinary documents;
7. Performance evaluations;
8. Retirement Plan documents; and
9. Documents relating to separation from employment.

B. Medical Records shall be maintained in a separate file and are not part of an employee file as mandated by HIPPA regulations.
C. Investigatory files related to Equal Employment Opportunity, Title IX and other investigatory matters shall be maintained in a separate file and are not part of an employee file. A record of any disciplinary action taken as a result of information learned during an investigation, however, shall be included in the employee file.

IV. GENERAL

A. Confidentiality. All employee files are confidential and are to be secured accordingly. Anyone handling employee files, whether legal or supervisory personnel, shall maintain confidentiality of the material at all times, including during the course of file transmission electronically or via facsimile or mail. Confidentiality of records contained in an employee’s file may be waived by an employee who files a grievance, charge with an administrative agency and/or legal action with a court. UMGC may also be required to disclose employee files in response to a lawfully issued subpoena or request by a governmental agency.

B. Responsibilities of the Office of Human Resources

Employee files are secured in the Divisional Office of Human Resources at UMGC, or location designated by the CHRO.

1. All records to be included in employee files are prepared by or delivered directly to the Office of Human Resources.

2. All filing, removal, re-filing and/or processing of data electronically of employee records is to be accomplished only by the Human Resources Staff.

3. Records may not be removed from the Office of Human Resources except by authorization from the CHRO or designee.

C. Retention of Files

UMGC shall follow the record retention schedule set forth in UMGC policy or as prescribed by law.

V. VERIFICATION OF EMPLOYMENT

All requests for verification of employment for current or former employees are to be directed to the Office of Human Resources. Non-confidential information such as dates of employment, position(s) held, and current salary may be released on request. Confidential information shall not be released unless the Office of Human Resources is in receipt of a written release signed by the employee, court order, or subpoena.

VI. ACCESS TO EMPLOYEE FILES
A. Persons with Authorized Access

The following persons have authorized access to individual employee files:

1. The CHRO or designee;
2. The employee;
3. The employee’s current supervisor or any individual within the organizational unit who is in the chain of authority above the employee or legal counsel to such person in that capacity;
4. Auditors (USM, UMGC, Legislative auditors);
5. Individuals who have requested records pursuant to a lawfully issued subpoena; and
6. An authorized agent for an employee who has written authorization signed by the employee for access to or disclosure of a confidential employee record.

B. Employee Access

Employees shall have access to their own files and medical records during regular business hours and upon such reasonable prior notice as the Office Human Resources may require.

1. All files shall be reviewed in the presence of the CHRO or designee.
2. At the time of such review, the CHRO or designee may require the employee to initial and date all records in his/her file(s).
3. An employee who objects to information in his/her file may place a statement to that effect in the file.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-6.02 – Policy on Employee Files for Nonexempt and Exempt Staff Employees
UMGC OS 31.00 – Policy on Personnel Files
P-VII-6.02-GC (A) – PROCEDURES FOR UMGC POLICY ON EMPLOYEE FILES FOR FACULTY AND STAFF EMPLOYEES

(Approved by UMGC President on July 1, 2017)

I. VERIFICATION OF EMPLOYMENT- PUBLIC INFORMATION

A. Public Information regarding current and former Employees is non-confidential and may be released upon request by the Employee or a third-party.

B. Public Information is as follows:

C. That the individual is or has been employed by the University.

D. The individual's classification, if any, and title.

E. Salary.

F. Home address, campus address, and telephone number, if listed in the campus directory.

G. Dates of employment.

H. Employment status (whether permanent or temporary).

I. Academic degrees received, if listed in the University catalog.

II. TELEPHONE AND WRITTEN INQUIRIES

A. After the requestor identifies himself/herself and the organization he/she represents, Public Information can be verified by the Office of Human Resources for the employee’s respective UMGC Division, or UMGC’s current employment verification provider, as applicable. The requestor must first identify the Public Information he/she would like to be verified before it will be released.

B. Public Information may be verified by the Office of Human Resources for the employee’s respective UMGC Division by written response to a written inquiry.

C. Confidential information shall not be provided, with the exception of permitted disclosures pursuant to the corresponding policy and provisions of these Procedures. Confidential information includes, but is not limited to, information regarding retirement system beneficiaries, previous employment, membership in organizations, disciplinary actions, medical information, and the like.
D. Third-parties, including, but not limited to, government investigators, University Employees, or others representing an Employee in a grievance may receive confidential information and Public Information as defined by law and/or provided in these Procedures.

III. ACCESS TO EMPLOYEE FILES

A. University Officials

When a University official requests information from a personnel file or record, it must be approved by the CHRO or designee. The request must be for a bona fide management reason.

B. Investigative Agencies

1. Investigative agencies or others with a subpoena or other legal justification should be referred to the CHRO or designee who will exercise discretion as to whether or not Office of Legal Affairs should be consulted.

2. Investigators from recognized governmental agencies should be appropriately identified before confidential information is released.

C. Specific State Agencies

The contents of personnel files or records may be made available to investigators representing the following State Agencies for purposes related to the performance of their statutory duties:

1. Legislative Auditor, Division of Audits
2. Division of Fiscal Research
3. State of Maryland Worker’s Compensation Insurer

The State of Maryland Worker’s Compensation Insurer has the right to examine and review personnel files or records to the same extent as the agency may examine its own files or records.

IV. FEDERAL DEPARTMENT OF DEFENSE INVESTIGATIVE SERVICE.
A. The Defense Investigative Service (DIS) conducts Personnel Security Investigations (PSI) to evaluate an individual's eligibility for a position of trust and/or eligibility for access to classified defense information.

B. The Privacy Act of 1974 requires that PSI information obtained by Federal agencies about an individual be released to that individual upon his/her request. The identity of the person or agency providing the information must also be released to the individual, unless specifically exempted by request of the one providing the information. The information provided to DIS from Employees’ personnel files or records is considered to fall within the provisions of the Privacy Act of 1974.

V. EXAMINING AND COPYING PERSONNEL FILES OR RECORDS

The following rules apply to examination of the contents of an Employee's personnel file or record:

A. An Employee may inspect the contents of his/her personnel file or record, with the exception of letters of reference.

B. Personnel files or records may be inspected pursuant to a subpoena or other legal justification. However, these requests should be referred to the CHRO or designee and the Office of Legal Affairs prior to examination.

C. Where the information requested is Public Information as defined by Maryland law and this Procedure, the information will be extracted from the personnel file or record for examination. Public Information may be released without specific approval by the CHRO or designee.

D. Excluding requests for Public Information, requests for employee personnel information, including access to the personnel file or a record, should be referred to the custodian of the personnel files or records, who will consult with the CHRO or designee and/or Office of Legal Affairs.

E. A request for personnel information, including a request to examine personnel files or records, shall be made far enough in advance to allow for adequate review and determination by the Office of Human Resources for the employee’s respective Division concerning the release of the information requested...

F. Request to copy personnel records must be approved by the CHRO or designee.
VI. EMERGENCIES

In the case of emergencies, information may be released with the approval of the CHRO or designee.

Replacement for:
UMGC 400.20 - Inquiries Regarding Employees
I. PURPOSE AND APPLICABILITY
This policy identifies the work schedule requirements at the University of Maryland Global Campus (UMGC) for all Nonexempt, Exempt and Overseas Staff employees on Regular and Contingent Status. Additionally, it provides necessary provisions to record time worked and/or time off taken. Timekeeping is audited on a regular basis by UMGC, USM Internal Audit and Legislative Auditors. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. SCHEDULE REQUIREMENTS
Each Department has an established workweek for employees. All changes to the established workweek must be approved in advance by the Department Head or designee. The hours and days of employment may vary to meet operational demands, provided the changes to the employee’s workweek complies with wage and hour laws and employees are provided with reasonable notice, as described in the applicable procedures.

A. Stateside Nonexempt Employees
1. Workweek - A full-time commitment requires 40 hours per week.

2. Overtime
   a. Nonexempt employees are subject to overtime provisions of Federal and State wage and hour laws. Overtime shall be paid at an overtime premium rate of one-half (1.5) times the employee’s regular pay rate for all hours worked over 40 hours per pay week.
   b. Holidays, unscheduled closings, Vacation, Personal and Sick Time Off count as time worked.
   c. A Department may require Nonexempt employees to work overtime. Overtime work should be limited to unusual, essential, or emergency situations, and, when practical, should be fairly distributed every six (6) months as equally as possible among employees within a specific Department or Unit for which overtime is needed. If a Nonexempt employee will be required to work beyond the normal end of the employee’s shift, the supervisor shall give notice of the required overtime work at least four (4) hours in advance of the end of the employee’s shift.
Nonexempt employee will be required to work an additional day(s), the supervisor shall give notice at least one full workday in advance of the additional day(s) to be worked. If, however, circumstances beyond the control of the supervisor arise that make it impossible to provide notice in advance, Nonexempt employees are not relieved of the requirement to work overtime.

d. Nonexempt employees shall be paid for all hours worked. All overtime hours require advanced approval from the employee’s Department Head. Supervisors shall not permit Nonexempt employees to work voluntarily beyond 40 hours in a week if overtime has not been approved.

3. Compensatory Time Off for Nonexempt Employees

a. Upon prior approval from the CHRO or designee, Department Heads may enter into a voluntary agreement/understanding with a Nonexempt employee that the employee shall receive Compensatory Time Off in lieu of payment for overtime.

b. The employee cannot be required to accept Compensatory Time Off as may be proposed by UMGC, and the Department Head is not required to approve Compensatory Time Off if requested by the employee.

c. Compensatory Time Off shall be earned in the same manner as overtime, i.e., time and one-half (1.5) for hours worked in excess of 40 in a workweek.

d. Nonexempt employees on Contingent I status are not eligible to request or to be asked to accept Compensatory time in lieu of payment for overtime.

e. Compensatory Time Off shall not exceed a maximum accumulation of 240 hours at any time; any overtime worked beyond this amount must be compensated as paid overtime.

f. Compensatory Time Off shall be used in the same calendar year as earned. Any accumulated Compensatory Time Off remaining at the end of the calendar year earned and/or at the time of separation from UMGC employment shall be paid in full.

B. Stateside Exempt and Overseas Staff Employees on Regular Status

Exempt employees are exempt from overtime provisions of Federal and State wage and hour laws and are expected to work when and as needed, including the
hours necessary to complete assignments on a schedule that satisfies the requirements of the job and needs of the Department. A Stateside Exempt employee’s full-time commitment typically requires a minimum of 80 hours per bi-weekly payroll period. An Overseas employee’s full-time commitment typically requires a minimum of 40 hours per week. For downrange locations, employees shall not work more than 48 hours per week.

C. Overseas Employees on Contingent I Status

Overseas employees on Contingent I Status are expected to work as determined by the employee’s supervisor and as defined in the employment contract. UMGC, however, may require additional work hours to meet its business needs and shall compensate the Contingent employee for any additional hours worked.

D. Overseas Employees on Contingent III Status

Overseas employees on Contingent III Status are expected to work as determined by the employee’s supervisor and as defined in the employment contract. UMGC, however, may require additional work hours to meet its business needs.

III. TIMEKEEPING

A. Stateside Nonexempt Employees on Regular and Contingent II Status

Consistent with the Fair Labor Standards Act (FLSA), Nonexempt employees are required to record actual hours worked. All time off hours must also be recorded. Time entry shall be completed and signed by the end of each Pay Period.

B. Stateside Exempt and Overseas Employees on Regular and Contingent II and III Status

Time off hours shall be recorded for these groups via an exception-based timekeeping method that supports the accurate accounting of time off balances. Time off requiring supervisor approval shall be requested in accordance with the applicable policy for the time off type and shall be approved or denied by the supervisor prior to the usage of the time off. Employees are responsible for accurately reporting time off used for each Pay Period.

C. Stateside Nonexempt, Exempt and Overseas Employees on Contingent I Status

Employees on Contingent I Status are required to record actual hours worked. Time entry shall be completed and signed by the end of each Pay Period.

IMPLEMENTATION PROCEDURES:
The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-6.10 – Policy on Work Schedules for Regular Nonexempt and Exempt Staff Employees
UMGC OS 12.00 – Policy on Work Schedules
P-VII-6.10-GC – PROCEDURES FOR UMGC POLICY ON WORK SCHEDULES
(Approved by UMGC President on July 1, 2017)

I. SCHEDULE REQUIREMENTS

Approved changes to an employee’s established workweek or work schedule shall be communicated to the employee at least two weeks in advance of the required schedule change as practicable.

II. OVERSEAS

A. All eligible Overseas employees as defined in the applicable policy shall be at work during “core” office hours, as defined by the Department Head or Unit Head, at the location they are assigned to work.

B. Work Breaks:

   1. Lunch Breaks - Each employee is encouraged to take one hour for lunch during the period between 1130 and 1400 if their shift schedule is equal to eight (8) hours or more. Individual lunch schedules should be arranged so that all offices are staffed throughout the lunch period.

   2. Other Breaks - Breaks are intended to let staff take a rest from their work. Employees, if they choose, are free to take a break. Employees may take one 15-minute break in the morning and one 15-minute break in the afternoon if their shift schedule is equal to eight (8) hours or more. Employees have the obligation not to use break time excessively or inappropriately. The following break rules apply:

      a. Breaks are not to be taken soon after the start of the work day or just before closing time.

      b. Breaks cannot be used to shorten the workday.

      c. Breaks cannot be combined.

      d. Breaks cannot be added to the lunch hour.

      e. Breaks can be taken only at the approved time.

      f. Breaks should be taken when there is another available employee to cover the office. If there is one employee at the assigned location they may take breaks with approval from their Department or Unit Head.
VII-6.11-GC – UMGC POLICY ON TELEWORK FOR EXEMPT AND NONEXEMPT STAFF AND FACULTY EMPLOYEES  
(Approved by UMGC President on July 1, 2017; Updated April 1, 2019)  

I. PURPOSE AND APPLICABILITY  
University of Maryland Global Campus (UMGC) recognizes that teleworking provides opportunities to improve work-life balance, reduce commuting time and costs, and enhance the University’s ability to attract and retain top talent.  
The purpose of this policy is to provide guidance for telework at UMGC. This policy applies to stateside exempt and nonexempt employees on contingent and regular status and collegiate faculty employees. Nonexempt employees who are represented within the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU shall prevail.  
No UMGC employee is entitled to or guaranteed the opportunity to telework and either employee or supervisor may terminate an existing telework arrangement at any time unless telework is otherwise a condition of employment.  

II. DEFINITIONS  

A. Eligible Employee – An employee who holds a position that includes duties determined by the employee's dean or department vice president to be suitable for a telework arrangement.  

B. Telework – Performing work from a telework location on specified days and at specified times pursuant to an approved, regularly scheduled arrangement up to, but not exceeding, two work days per week. Telework in excess of two work days per week is governed by the UMGC Remote Worker Policy.  

C. Telework Location – A work location other than a UMGC workplace from which the eligible employee is expected to perform the duties contained in the eligible employee’s job description.  

D. UMGC Workplace – A work location owned, controlled, or occupied by UMGC, including but not limited to, the Inn & Conference Center (ICC); the Administration Building; the Academic Center at Largo (Largo I); the Student Service Center at Largo (Largo II); assigned military work locations; space leased or licensed by UMGC; or space for which UMGC has a contractual right to use.
III. ADMINISTRATION

A. The Vice President of Human Resources is responsible for the administration, implementation, and interpretation of the telework policy.

B. The Office of Human Resources will maintain records of telework arrangements to ensure compliance with all University policies as well as state of Maryland and federal laws. The Office of Human Resources will provide training and guidance on the application of the telework policy and procedures, and will maintain all forms and documentation on the HR Engage page.

C. Deans or department vice presidents are responsible for assuring approved telework arrangements are within the scope of this policy and for establishing the following terms and conditions:

1. The ability to telework is contingent upon the ability to achieve organizational effectiveness and accomplish the work of the department; therefore, all tasks will be clearly defined with measurable results for the telework position.

2. Telework is not suitable for all roles within UMGC nor is it an organization-wide benefit. Deans or department vice presidents will determine telework frequency and any restrictions based on the department’s operational need.

D. The telework arrangement requires the eligible employee to perform all duties within the scope of the eligible employee’s position and meet all performance expectations and measurements. Essential job duties shall not be altered for the telework arrangement.

E. The eligible employee’s conditions of employment, including but not limited to wages, benefits, and leave accrual, shall be the same as the conditions for equivalent non-telework employees.

F. Teleworking is voluntary and may be terminated by the eligible employee, the supervisor, or the dean or department vice president at any time.

G. University System of Maryland, State of Maryland, and UMGC policies, rules, and practices shall apply to the eligible employee and the telework location, including but not limited to those governing internal communications and communications with the public, employee rights and responsibilities, facilities and equipment management, financial management, and all computing policies.
Failure to follow policy, rules, practices, and/or procedures, including but not limited to UMGC’s drug and alcohol policies, may result in termination of the telework arrangement and/or disciplinary action up to, and including, termination of employment.

IV. ELIGIBLE EMPLOYEE AND SUPERVISOR RESPONSIBILITIES

A. The telework position should require minimal supervision. The eligible employee should demonstrate work habits and consistent performance suited for successful telework.

B. Eligible employees who wish to telework shall submit a request to their direct supervisor. Supervisors will review all requests for telework and make a determination, including the number of designated day(s) and justification on how performance will be measured.

C. All eligible employees will receive approval from their supervisor to telework, and final approval from their dean or department vice president.

D. At a minimum, direct supervisors shall review all telework arrangements on an annual basis to determine whether the arrangement should continue.

E. Eligible employees shall attend job-related meetings, training sessions and/or conferences, as directed by supervisors that may include mandatory face-to-face participation at a UMGC workplace, annual commencement, or other designated location, as applicable, even if it falls on a previously arranged telework day(s).

F. Eligible employees shall obtain prior supervisory approval for overtime or compensatory time.

G. Eligible employees will not act as primary caregivers for dependents during the agreed upon work hours.

H. Work-related meetings are not permitted to be held at the eligible employee’s home.

V. SCHEDULE AND AVAILABILITY

A. Eligible employees and their supervisors shall agree to regularly scheduled work hours for the eligible employee, including specific core working hours that must equal a minimum of 8 hours per work day or be equal to the standard work hours in association with the eligible employee’s full-time equivalency (FTE).
B. Eligible employees shall be available by e-mail, telephone, or other communication methods established by the supervisor during established work hours.

C. Eligible employees and their supervisors shall agree on expected response time, deadlines for work, and the appropriate method(s) of communication.

VI. OFFICE SPACE, SUPPLIES, AND EQUIPMENT

A. If a claim is filed by an eligible employee in case of an injury, theft, loss, or tort liability related to telework arrangement, the eligible employee must allow agents of UMGC to investigate and/or inspect the site as part of the claim processing.

B. Eligible employees shall provide, at their own expense, home office furniture and office equipment, such as printers, faxes, telephones, and other necessary equipment.

C. Eligible employees will not be reimbursed for consumable office supplies ordinarily available in the UMGC workplace and are responsible to determine any income tax implications of maintaining a home office area. The University will not provide tax guidance or assume any additional tax liabilities.

D. UMGC will provide a UMGC-issued laptop computer to eligible employees. UMGC will configure the laptop, and it will have a standardized, UMGC-approved operating system. UMGC equipment provided to an eligible employee shall remain the property of UMGC and shall be returned to UMGC upon the termination of an eligible employee’s participation in the telework program, unless UMGC determines that the employee continues to have a need for the UMGC equipment upon return to the UMGC workplace.

E. The use of equipment, software, data, and supplies, if provided by UMGC, is limited to use by authorized persons and for purposes related to State business only. Software contained on the UMGC-issued laptop shall not be duplicated. Eligible employees are responsible for the following:

1. Reimbursing UMGC for any intentional damage or damage resulting from gross negligence to UMGC laptop or other UMGC equipment by the eligible employee or any member or guest of the eligible employee's household;
2. Reporting any malware discovered on a UMGC-issued laptop or other UMGC equipment as a virus or spyware to UMGC IT Risk at it-risk@umuc.edu; and

3. Providing a secure wireless connection from the Eligible Employee’s home office.

F. In the event that the UMGC-issued laptop or other equipment fails or malfunctions, the eligible employees shall immediately notify the University IT Help Desk in order to initiate immediate repair or replacement.

G. In the event of delay in repair or replacement of the eligible employee’s UMGC-issued laptop, or due to circumstances that make it impractical to telework for a period of time, the eligible employee understands that UMGC, in its sole discretion, may assign the eligible employee to other work, require the eligible employee to report to the eligible employee’s regularly assigned UMGC workplace on the telework day(s), or assign the eligible employee to a UMGC workplace for the duration of the repair/replacement.

H. Upon separation of employment from UMGC, the eligible employee shall return all UMGC-issued equipment to UMGC.

VII. CONFIDENTIALITY AND INSTITUTIONAL DATA

A. Eligible employees shall maintain the security and confidentiality of UMGC information and property at the telework location.

B. Eligible employees shall not take or electronically access restricted or confidential material from the UMGC workplace unless approved in advance by the supervisor.

C. Eligible employees shall agree to protect UMGC records from unauthorized disclosure or damage and will comply with all UMGC policies, requirements, and applicable laws and regulations regarding disclosure of UMGC information, including but not limited to all personnel records, all student records under the Family Educational Rights and Privacy Act (FERPA), and all medical documentation pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and other applicable privacy laws.

VIII. TRAVEL EXPENSES

Eligible employees shall not be paid for time or mileage involved in travel between the telework location and the assigned UMGC workplace.
IX. INCLEMENT WEATHER AND EMERGENCY CONDITIONS

A. Employees authorized to telework with specific job responsibilities are required to continue working during a UMGC closing unless directed otherwise by their immediate supervisor and approved by the dean or department vice president.

B. Eligible employees must notify their supervisors immediately of any situation that interferes with their ability to perform their job duties at the telework location. The remote worker shall utilize the appropriate accrued time off in accordance with the applicable time off policies and procedures.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Vice President of Human Resources to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community through collaboration with Internal Communications; and to post the policy and any applicable procedures on the UMGC website.
UMGC POLICY ON ALTERNATIVE WORK SCHEDULES FOR STAFF AND FACULTY EMPLOYEES

(Approved by UMGC President on July 1, 2017)

I. PURPOSE

The purpose of this Policy is to provide flexibility in the workplace for University of Maryland Global Campus (UMGC) Staff and Faculty employees, while supporting the operational needs of each department. This Policy applies to Exempt, Nonexempt, and Overseas Staff employees on Regular, Contingent II, and Contingent III status and 12-Month Collegiate Faculty with a job title of Chair, Associate Chair, Program/Academic Director, or Assistant Program/Academic Director. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU shall prevail.

II. DEFINITIONS

A. Alternative Work Schedule - A work schedule that differs from an employee's standard work schedule. Alternative Work Schedules include Flextime Schedules and Compressed Work Schedules.

B. Flextime Schedule - A work schedule wherein an employee may have a work schedule with work hours that are different than the department's standard business hours. The employee’s work hours may start earlier or extend later than the department’s standard business hours. Departments may require that employees be present and accessible during certain core times each day, or on certain days of the week. For example, an employee working in a department with standard business hours of 8:30 a.m.-5 p.m. and core business time of 10 a.m.-3 p.m. may be approved to work from work from 7 a.m.-3:30 p.m.

C. Compressed Work Schedule - The work schedule may be truncated such that the employee continues to work the number of hours according to his/her Full-time Equivalency (FTE) and as set forth in VII-6.10-GC – UMGC Policy on Work Schedules as applicable, but may work those hours in fewer work days.

III. ADMINISTRATION
A. An Alternative Work Schedule (AWS) is a voluntary work arrangement that may be established by an employee and his/her supervisor and is not an entitlement.

B. An employee who follows the process as set forth in the applicable procedures may be permitted to work an AWS provided that the schedule does not impede the efficiency of departmental operations, increase overtime liability and is in accordance with the following:

1. AWS that results in an employee working less than their FTE shall not be implemented.

2. An AWS shall not cause or contribute to a need for additional staff or for existing staff to work additional hours.

3. The AWS shall not impede the business needs and operating requirements of the department.

4. Conditions of employment under an AWS, including but not limited to, wages, benefits, and leave accrual, shall not change.

5. Nonexempt employees shall not work more than forty (40) hours per work week under an AWS unless requested to do so by their supervisor.

C. Determination of Eligibility

When determining if an employee is eligible for an AWS, the supervisor shall consider the criteria as set forth in the applicable procedures.

D. Termination or Modification of Alternative Work Schedules

1. By Supervisor

   a. The supervisor may terminate or modify the AWS at any time.

   b. The supervisor will provide at least two weeks’ written notice to the employee that his/her AWS is being terminated or modified when practicable.

2. By Employee
a. The employee may request a modification of his/her AWS by submitting a new AWS Form to his/her direct supervisor.

b. The employee may terminate his/her AWS immediately by providing written notice to his/her direct supervisor.

3. The first month of the AWS is a trial period; both the supervisor and employee can consider whether the AWS should remain, be terminated, or be modified during the trial period.

IV. UTILIZATION OF TIME OFF

A. Time off taken during an AWS shall reflect the actual number of work hours scheduled for the workday(s). For example, if an employee is scheduled to work nine (9) hours and requests leave for that working day, nine (9) hours of Vacation Time Off shall be recorded on the timesheet.

B. If a University holiday falls on a day that an employee is not scheduled to work based on his/her AWS, the employee will adhere to their AWS and observe the holiday on the next working day that he/she is scheduled to work. An employee on a Compressed Work Schedule will need to take Accrued Time Off for any hours in excess of eight (8) hours on the day that the University holiday is observed, when the employee ordinarily works more than eight (8) hours a day in accordance with his/her Compressed Work Schedule.

1. For example, if an employee does not work on Fridays, pursuant to his/her Compressed Work Schedule, and the University observes the Thanksgiving Break holiday on a Friday, the employee will continue with his/her Compressed Work Schedule by not working on that Friday and then observe the Thanksgiving Break holiday on the following Monday. If this employee is working a Compressed Work Schedule for ten (10) hours of work each day for four (4) days of the workweek, the employee will record eight (8) hours of Holiday Time Off and two (2) hours of another type of applicable Accrued Time Off (e.g., Vacation, Personal) on his/her timesheet for the day that the University holiday is observed.

2. With prior supervisor approval, Nonexempt employees may be permitted to have the appropriate number of hours added to his/her compensation time in lieu of the observance of a University holiday on the next
business day in accordance with the criteria established in the applicable procedures.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
UMGC 410.30 - Alternative Work Schedule Policy and Procedures
I. REQUEST FOR AN ALTERNATIVE WORK SCHEDULE
   A. An employee requesting an AWS must complete an AWS Request Form.
   B. The completed AWS Request Form must be submitted to the employee's direct supervisor for review.

II. APPROVAL/DENIAL OF ALTERNATIVE WORK SCHEDULE
   A. The supervisor and employee must agree to the terms of the AWS before the employee may work a schedule that differs from the standard work schedule.
   B. The supervisor must approve or deny the employee's AWS Request Form within ten (10) Working Days of receipt.
   C. After the supervisor has approved or denied the request, the completed AWS Request Form will be submitted to the Office of Human Resources to be filed with the employee's personnel records.

III. COMPENSATORY TIME IN LIEU OF UNIVERSITY HOLIDAY OBSERVANCE FOR NONEXEMPT EMPLOYEES

   A Nonexempt employees may request compensatory time in lieu of the observance of a University holiday on the next Working Day he/she is scheduled to work, as set forth in the applicable policy, by completing the Request for Compensatory Time Form and submitting it to his/her direct supervisor for approval. If the requested compensatory time is approved, the supervisor shall send a copy of the form to Payroll.

IV. FORMS

   Alternative Work Schedule Request Form
I. PURPOSE AND APPLICABILITY

The University of Maryland Global Campus (UMGC) recognizes the value in providing opportunities for work-life balance for employees while supporting the operational needs of each department. UMGC also understands the strategic benefit of having remote workers who can help facilitate the national expansion of the university and support business continuity. The purpose of this policy is to provide guidance for remote work at UMGC.

This policy applies to stateside regular and contingent, exempt and nonexempt staff and collegiate faculty employees. Nonexempt employees who are represented within the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU shall prevail.

II. DEFINITIONS

A. Eligible Employee – An employee who holds, or is being hired for, a position that includes duties determined by the employee’s dean or department vice president to be suitable for the employee to work remotely through a remote worker arrangement or as a condition of employment through appointment or contract.

B. Remote Location – A work location other than a UMGC workplace from which the remote worker is expected to perform the duties contained in the eligible employee’s job description.

C. Remote Worker – An eligible employee who works from a remote location on specified days and at specified times for three (3) or more work days per week. Employees performing work from a remote location for less than three (3) work days per week are governed by VII-6.11-GC – UMGC Policy on Telework for Exempt and Nonexempt Staff and Faculty Employees.

D. Remote Worker Arrangement – A voluntary work arrangement established by an eligible employee hired to work from a UMGC workplace, his/her direct supervisor, and his/her dean or department vice president that grants the eligible employee the ability to work remotely and defines the parameters of the eligible employee’s remote work.
III. ADMINISTRATION

A. The Office of Human Resources will maintain records of eligible employees who work remotely through a remote worker arrangement, appointment, or contract to ensure compliance with all university policies as well as state and federal laws.

B. Deans or department vice presidents are responsible for ensuring approved remote work is within the scope of this policy and for establishing the following terms and conditions:

1. The ability to work remotely is contingent upon the ability to achieve organizational effectiveness and accomplish the work of the department; therefore, all tasks will be clearly defined with measurable results for the remote worker’s position.

2. Remote work is not suitable for all roles within UMGC. Deans or department vice presidents will determine the frequency of working remotely and any restrictions based on the department’s operational needs.

C. Remote work requires the remote worker to perform and sustain all duties within the scope of the remote worker’s position and to meet all performance expectations and measurements. Essential job duties shall not be altered for the eligible employee to work remotely through a remote worker arrangement, appointment, or contract.

D. USM, State of Maryland, and UMGC policies, procedures, rules, and practices shall apply to the remote worker and the remote location. Failure to follow policies, rules, practices, and/or procedures may result in termination of the remote worker arrangement and/or disciplinary action up to, and including, termination of employment.

E. Remote workers shall not act as primary caregivers for dependents during the agreed upon work hours.

F. Work-related meetings are not permitted to be held in-person at the remote worker’s home.

G. Wages, merit increases, benefits, and time off accrual shall be the same for a remote worker as they are for equivalent non-remote employees.

IV. WORKING REMOTELY THROUGH APPOINTMENT OR CONTRACT

A. When an eligible employee is hired as a remote worker, working remotely is a condition of employment.
B. The appointment agreement or contract for an eligible employee hired as a remote worker shall contain information regarding the eligible employee's assigned remote location.

C. Dean or department vice president approval is not required prior to hiring collegiate faculty who do not have significant administrative duties as remote workers. It is not required for these eligible employees to obtain supervisor approval at the time of contract or appointment renewal to maintain a remote worker status.

D. Hiring managers for exempt and nonexempt, regular or contingent positions or collegiate faculty positions with significant administrative duties shall obtain approval of the applicable dean or department vice president prior to hiring an eligible employee as a remote worker. The applicable dean or department vice president must also approve to each contract or appointment renewal, when applicable.

V. WORKING REMOTELY THROUGH REMOTE WORKER ARRANGEMENT

A. When an eligible employee is hired to work from a UMGC workplace and becomes a remote worker through a remote worker arrangement, working remotely is not a condition of employment; therefore, doing so is voluntary and the arrangement may be terminated by the remote worker, the supervisor, or the dean or department vice president at any time.

B. Eligible employees who wish to become remote workers shall submit a request to their direct supervisor. Supervisors will review the details of all requested remote worker arrangements, including the number of requested day(s) and explanation of how performance will be measured, and make a determination whether to approve or deny the request.

C. Eligible employees will receive approval or denial of their requested remote worker arrangement from their supervisor and the dean or department vice president. The remote worker arrangement shall not commence until the eligible employee receives the dean or department vice president’s approval.

D. At a minimum, direct supervisors shall review all remote worker arrangements on an annual basis to determine whether the arrangement should continue.

VI. SCHEDULE AND AVAILABILITY

A. Remote workers and their supervisors shall agree to regularly scheduled work hours for the remote worker in accordance with the remote worker’s full-time equivalency (FTE).
B. Remote workers and their supervisors shall agree on expected response time, deadlines for work, and preferred communication methods.

VII. OFFICE SPACE, SUPPLIES, AND EQUIPMENT

A. If a claim is filed by a remote worker in case of an injury, theft, loss, or tort liability related to a remote work arrangement, appointment, or contract, the remote worker must allow agents of UMGC to investigate and/or inspect the site as part of the claim processing.

B. Remote workers shall not have assigned workspace at a UMGC Workplace for the duration of the remote worker arrangement, appointment, or contract, and shall use shared workspace when reporting to a UMGC Workplace.

C. Remote workers shall provide, at their own expense, home office furniture; home office equipment such as printers, faxes, telephones; and other necessary equipment.

D. Eligible employees who work remotely three (3) to four (4) work days per week will not be reimbursed for consumable office supplies ordinarily available in the UMGC Workplace. Eligible employees who work remotely five (5) work days per week may be reimbursed for such expenses in accordance with the applicable policies and procedures.

E. UMGC equipment shall remain the property of UMGC and shall be returned to UMGC upon the termination of a remote worker’s employment, remote work arrangement, appointment, or contract, unless UMGC determines that the employee continues to have a need for the UMGC equipment upon return to the UMGC workplace when applicable.

F. Remote workers are responsible for the following:

1. Reimbursing UMGC for any intentional damage or damage resulting from gross negligence to UMGC laptop or other UMGC equipment by the remote worker or any member or guest of the remote worker's household;

2. Reporting any malware discovered on a UMGC-issued laptop or other UMGC equipment as a virus or spyware to UMGC IT Risk at it-risk@umuc.edu; and

3. Using a secure wireless connection at the remote worker’s remote location when conducting UMGC business or using UMGC-issued devices.

G. In the event that the UMGC-issued laptop or other equipment fails or malfunctions, the remote worker shall immediately notify the University’s IT Help Desk in order to initiate immediate repair or replacement.
H. In the event of delay in repair or replacement of the remote worker’s UMGC-issued laptop, or due to circumstances that make it impractical to work remotely for a period of time, the remote worker understands that UMGC, in its sole discretion, may assign the remote worker to other work or require the remote worker to report to a UMGC workplace on the regular telework day(s) for the duration of the repair/replacement. Workers may be required to take leave, if other duties cannot be assigned.

VIII. CONFIDENTIALITY AND INSTITUTIONAL DATA

A. Products, documents, and records developed during the course of remote work are property of UMGC in accordance with UMGC Policy 190 Intellectual Property.

B. Remote workers shall not take or electronically access restricted or confidential material from the UMGC workplace unless approved in advance by the supervisor.

IX. TRAVEL EXPENSES

UMGC shall not pay or reimburse the cost of travel between the remote location and the UMGC workplace or the associated travel-related expenses for employees who work remotely three (3) to four (4) work days per week. Such expenses may be paid or reimbursed for eligible employees who work remotely for five (5) work days per week. Any payment or reimbursement shall be in accordance with UMGC Policy 380.10 – University Travel.

X. INCLEMENT WEATHER AND EMERGENCY CONDITIONS

A. Remote workers are required to work remotely with no additional pay when any UMGC workplace is under an adjusted operating status due to inclement weather or emergency conditions, except when circumstances diminish the remote worker’s ability to perform duties remotely.

B. Remote workers who are not able to work when a UMGC workplace is under an adjusted operating status due to diminishing circumstances shall notify their supervisor as soon as possible but no later than the start of the remote worker’s shift. The remote worker shall utilize the appropriate accrued time off in accordance with the applicable time off policies and procedures.

XI. COMMENCEMENT

A. Remote workers may be required to work Commencement if they live within 50 miles of UMGC’s Adelphi or Largo location.
IMPLEMENTATION PROCEDURES

The UMGC President has designated the Vice President of Human Resources to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.
I. PURPOSE AND APPLICABILITY
While it is the expectation of the University of Maryland Global Campus (UMGC) to regularly provide campus operations during standard business hours, UMGC wishes to protect the safety of its students, employees and visitors in periods of inclement weather and emergency conditions. UMGC physical facilities and locations may experience adjusted operating hours as a result of inclement weather or emergency conditions; however, it is expected that the university will continue to operate to the fullest extent possible during these periods. The purpose of this policy is to establish the adjusted operating statuses under which UMGC workplaces may be placed in periods of inclement weather and emergency conditions, and to also establish expectations for business continuity during such statuses.
This policy applies to stateside exempt and nonexempt regular and contingent staff employees, student employees and collegiate faculty members. Nonexempt staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC policies; where there is a conflict between the two, the MOU shall prevail.

II. DEFINITIONS
Adjusted Operating Status – The status in which UMGC will conduct business in the event of inclement weather or emergency conditions.

A. Closed – A UMGC workplace is closed for the entire work day.

B. Delayed Opening – A UMGC workplace will open later than normal.

C. Early Dismissal – A UMGC workplace will close earlier than normal.

D. Open with Unscheduled Leave/Telework – A UMGC workplace is open. However, employees have the option to report to work as scheduled, telework temporarily or take unscheduled leave.

III. ADMINISTRATION

A. The UMGC President or designee will decide to cancel or otherwise modify a UMGC workplace’s operating status. Whenever possible, every attempt will be made to announce the decision before 5:30 a.m.
B. An announcement will be made through the following communication channels:

1. My Alerts (sign up [here](#))
2. UMGC.edu/alert
3. 301-985-SNOW

C. UMGC will only issue announcements when normal operations must be disrupted or suspended. UMGC will not post an announcement that the university is Open.

D. Employees assigned to a UMGC workplace other than those UMGC facilities and locations identified in the official Adjusted Operating Status announcement are expected to report to and work as scheduled.

IV. EXPECTATIONS UNDER ADJUSTED OPERATING STATUSES

A. Open with Unscheduled Leave/Telework

1. Unscheduled Telework
   a. Employees who have the capability to telework, may request to telework for the duration of the adjusted operating status.
   b. Employees requesting to telework on a temporary unscheduled basis during inclement weather or emergency conditions are not entitled to telework on a regularly scheduled basis. Telework on a regularly scheduled basis shall be in accordance with VII-6.11-GC i. UMGC Policy on Telework for Exempt and Nonexempt Staff and Faculty Employees, and approval to do so is subject to the requirements established in the applicable policy.
   c. Nonexempt employees who do not have enough work to sustain a full work day shall notify their supervisor and take appropriate time off for hours not worked.
   d. Employees choosing to observe temporary unscheduled telework are governed by VII-6.11-GC – UMGC Policy on Telework for Exempt and Nonexempt Staff and Faculty Employees; however, if any discrepancies between this policy and the UMGC Policy on VII-6.14-GC-2
Telework exist, this policy takes precedence when telework is performed during inclement weather or emergency conditions.

2. Unscheduled Leave
   a. Employees may use appropriate time off for absence due to inclement weather or an emergency condition with prior notification to their supervisor.
   b. Supervisors shall establish reasonable procedures for an employee to follow for the purpose of using unscheduled time off due to inclement weather or an emergency condition.

B. Delayed Opening

1. Employees are expected to report to work no later than the time specified in the adjusted operating status announcement and work through the end of their scheduled shift.

2. Nonexempt employees will receive administrative time off for the time between their normally scheduled start time and the time they actually report to work, not to exceed the required reporting time as specified in the adjusted operating status announcement.

3. Employees shall follow established notification and approval procedures if they are not able to report by time specified in the adjusted operating status announcement.

C. Early Dismissal

1. Employees are expected to work until the time specified in the adjusted operating status announcement or until the end of their shift, whichever is earliest.

2. Nonexempt employees will receive administrative time off for the time between the early dismissal time as specified in the adjusted operating status announcement and the time that they were scheduled to stop working for the workday.

3. Employees must follow established notification and approval procedures if they need to leave work prior to the time specified in the adjusted operating status announcement and, if applicable, take appropriate time off.
D. Closed

1. Employees who are capable of working from a telework location or remote location are expected to temporarily telework or work remotely while the employee’s assigned UMGC workplace is in a closed adjusted operating status unless directed otherwise by the employee’s supervisor, dean, or department vice president.

2. When the university is in a closed adjusted operating status, employees shall not report to a UMGC workplace without approval of their appropriate dean or department vice president. Supervisors of employees who report to a UMGC workplace have the authority to instruct the employee(s) to leave the building or facility.

E. Employees who are capable of working from a telework location or remote location when the employee’s regularly assigned UMGC workplace is in a delayed opening or early dismissal status may be required to temporarily telework or work remotely based on business need. Employees who are not able to work shall notify their supervisor as soon as possible and shall utilize the appropriate accrued time off in accordance with the applicable time off policies and procedures.

F. Employees who do not have the capability to work from a telework location or remote location or who have been directed not to do so by the employee’s supervisor, dean, or department vice president shall receive administrative time off for:

   i. the normal length of the employee’s shift when the employee’s assigned UMGC workplace is in a closed adjusted operating status, or

   ii. the difference between their time worked and the employee’s full shift in accordance with the employee’s FTE and normal work schedule when the employee’s assigned UMGC workplace is in a delayed opening or early dismissal status.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Vice President of Human Resources to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

VII-6.14-GC-4
VII-7.00-GC - UMGC POLICY ON VACATION TIME OFF

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This policy governs the accrual and usage of Vacation Time Off and applies to all University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITION
Calendar Year - The period of time beginning January 1 through December 31.

III. EARNED TIME OFF
A. Full-time Nonexempt Staff employees on Regular status shall earn Vacation Time Off on a biweekly basis according to the following schedule:

| From the date of Employment through completion of the 1st year | 11 days |
| Beginning with the 2nd year through completion of the 2nd year | 12 days |
| Beginning with the 3rd year through completion of the 3rd year | 13 days |
| Beginning with the 4th year through completion of the 4th year | 14 days |
| Beginning with the 5th year through completion of the 10th year | 15 days |
| Beginning with the 11th year through completion of the 20th year | 20 days |
| Beginning with the 21st year and thereafter | 25 days |

B. Full-time Exempt Staff employees on Regular status earn 22 days of Vacation Time Off per year. Exempt employees accrue time off, on a biweekly basis. Beginning with the 21st year of employment, full-time Exempt employees shall earn 25 days of Vacation Time Off per year.

C. Full-time Overseas Staff employees on Regular status at a pay grade 005 or below shall earn Vacation Time Off on a monthly basis according to the following schedule:

| From the date of Employment through completion of the 3rd year | 15 days |
| Beginning with the 4th year through completion of the 5th year | 17 days |
| Beginning with the 6th year through completion of the 8th year | 20 days |
| Beginning with the 9th year through completion of the 20th year | 22 days |
| Beginning with the 21st year and thereafter | 25 days |
D. Full-time Overseas Staff employees on Regular status at a pay grade 006 or above shall earn Vacation Time Off on a monthly basis according to the following schedule:

| Beginning with the date of employment and less than 21 years of service. | 22 days |
| Beginning with the completion of 21 years of service and thereafter | 25 days |

E. Part-time employees on Regular Status working 20 hours per week (50% FTE) or more shall earn Vacation Time Off on a prorated basis. Employees working less than 20 hours per week (50% FTE) are not eligible to earn time off.

F. Vacation Time Off can be used to the extent that it is accrued and available in the time off bank.

IV. TIME OFF USAGE AND ACCUMULATION

A. Vacation Time Off with pay shall be available for use only to the extent earned, provided that the dates of such time off have been approved in advance by the employee’s supervisor.

B. A maximum of 400 hours (50 work days) of Vacation Time Off may be carried into a new Calendar Year by full-time employees on Regular Status; this maximum shall be prorated for part-time employees working 20 hours per week (50% FTE) or more in accordance with applicable procedures.

C. Employees Vacation Time Off usage is subject to review and approval by the supervisor with first consideration given to the organizational needs of UMGC in accordance with applicable procedures.

D. Due to military contract compliance, Overseas employees should plan and limit their Vacation Time Off usage to no more than two (2) weeks at a time. Exceptions may be made with prior supervisor approval.

E. Overseas employees are not permitted to take time off during the official student registration period, unless prior approval is given by the CHRO or designee. Stateside employees may not be permitted to take time off during certain periods of time as set forth in the applicable procedures.

V. ADVANCED VACATION TIME OFF FOR NONEXEMPT EMPLOYEES

A. With the approval of the CHRO or designee, an employee may be advanced five (5) days of Vacation Time Off provided that no other time off, including Personal Time Off, Compensatory Time Off or Sick Time Off, is available to the employee and is appropriate to the purpose of the time off.
B. The CHRO or designee shall approve the Advanced Vacation Time Off, provided that it shall not significantly impair operations in the employee’s Department or Unit, and that the employee has demonstrated a substantial need for such time off.

VI. PAYMENT FOR DENIED VACATION TIME OFF FOR NONEXEMPT EMPLOYEES

A. If a supervisor denies a Nonexempt employee’s request to take Vacation Time Off for business or administrative reasons, the supervisor shall provide any such denial in writing and shall state the reasons for such denial.

B. If the employee was denied use of Vacation Time Off for UMGC’s business or administrative needs, the employee may request payment of Vacation Time Off or an extended period of up to 60 additional days after the end of the first full pay period that ends in the new Calendar Year to use the denied time off, if the time off will be lost at the end of the calendar year pursuant to Section III.B.

C. Upon request by the employee, the employee’s supervisor shall submit employee’s request along with the supervisor’s recommendation, copies of the written request for time off, and the written denial and explanation of why the request was denied, to the CHRO for consideration and review by the Chief Business Officer (CBO) for approval.

D. If the employee requests payment, the payment is limited to unused Vacation Time Off that is in excess of the maximum accumulation permitted under Section III.B and that would otherwise be lost by the employee at the end of the Calendar Year.

VII. IMPACT OF CHANGES IN EMPLOYMENT

A. Full-Time To Part-Time Employment

1. An employee who experiences an employment change from full-time to part-time shall retain his/her existing accrued Vacation Time Off balance at the time of the change.

2. At the discretion of CHRO or designee, such accrued time off may be either:
   a. Used by the employee during the course of his/her part-time employment; or
   b. Paid to the employee at the time of conversion to part-time employment.

B. Eligible to Ineligible Time Off Accrual Status
1. Upon a change in employment to a position in which the employee is not eligible to accrue time off, such accrued time off shall be paid to the employee at the time of conversion to time off-ineligible status in accordance with applicable procedures.

2. At the discretion of CHRO or designee, such accrued time off may be either:
   a. Used by the employee during the course of his/her employment in a time off-ineligible position; or
   b. Paid to the employee at the time of conversion to a time off-ineligible position.

C. Transfer of Vacation Time Off

1. Employees who transfer from UMGC to another USM Institution or State of Maryland agency shall have their unused Vacation Time Off, accrued as of the date of separation from UMGC, transferred to that Institution or State agency unless there is a break in service of 30 days or more.

2. Employees in a Regular position with another USM Institution or State of Maryland Agency who accept a Regular position at UMGC without a break in service shall have their unused Vacation Time Off, accrued as of the last day of employment at the Institution or State agency, transferred to UMGC.

D. Payment for Vacation Time Off at Time of Separation from Service

Employees who leave UMGC, except under circumstances outlined under VI.C, are entitled to compensation for any unused Vacation Time Off that has been credited and available for use as of the date of separation.

E. Rate of Vacation Time Off Earnings Upon Return to UMGC/USM/State Service

1. Return to UMGC Service Upon Reinstatement
   An employee returning to UMGC service with an authorized Reinstatement within three (3) years of separation shall earn Vacation Time Off at the same rate in effect at the time of separation from active service.

2. Return to UMGC/USM/State Service
   An employee who is entering or returning to UMGC service is entitled to credit towards the rate of Vacation Time Off earning for previous
UMGC/USM and/or State service regardless of the length of the absence, if the service included at least 180 days of continuous and satisfactory performance in an allocated position.

3. Return to UMGC Service After a Leave Of Absence Without Pay

An employee who returns to UMGC service upon the conclusion of a Leave Of Absence Without Pay (LWOP) shall earn Vacation Time Off at the same rate in effect at the time the Leave of Absence Without Pay began.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII - 7.00 – Policy on Annual Leave for Regular Nonexempt and Exempt Staff Employees
UMGC OS 16.00 – Policy on Annual Leave for Overseas Regular Staff Members
VII-7.10-GC – UMGC POLICY ON PERSONAL TIME OFF

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This policy governs the amount and use of Personal Time Off, and applies to all University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS
A. Calendar Year - The period of time beginning January 1 through December 31.
B. Time Off Cycle - The period of time encompassing the beginning and end of established UMGC payroll cycles in which time off is accrued.

III. ALLOTMENT
All full-time Nonexempt, Exempt and Overseas Staff employees on Regular Status shall receive three (3) days (not to exceed 24 hours) of Personal Time Off on January 1 each Calendar Year. Part-time employees working 20 hours (50% FTE) or more shall receive Personal Time Off on a prorated basis.

IV. USAGE
A. Personal Time Off must be used by the end of the first full pay period that ends in the new Calendar Year.

1. Any Personal Time Off that is unused as of that time shall be forfeited by the employee and shall be contributed to the UMGC/USM Leave Reserve Fund, in accordance with VII-7.11-GC – UMGC Policy on Leave Reserve Fund.

2. No employee shall be paid for unused Personal Time Off at any time.

B. The use of Personal Time Off shall require prior notification to the employee’s supervisor.

V. TRANSFER TO ANOTHER USM INSTITUTION OR STATE AGENCY
A. UMGC employees that transfer to another USM Institution shall have any unused Personal Time Off, credited as of the date of separation from UMGC, transferred to the new Institution.

B. Employees that transfer to another State of Maryland agency shall have any unused Personal Time Off as of the date of separation from UMGC, reported to the State for credit and shall be subject to established Personal Time Off allocations for the State of Maryland employees.

C. If Personal Time Off allotted for the Calendar Year at UMGC has been utilized upon transfer to another USM Institution, additional Personal Time Off shall not be granted upon appointment to the new Institution.

D. There shall be no payment for unused Personal Time Off upon separation from UMGC.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-7.10 - Policy on Personal Leave for Regular Nonexempt and Exempt Staff Employees
I. PURPOSE AND APPLICABILITY
The University System of Maryland (USM) maintains a USM Leave Reserve Fund (LRF) composed of unused Personal Time Off that provides paid time off to all Regular Status University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees, working 50% FTE or more, who become temporarily medically disabled or are eligible for Parental Time Off and who meet qualifying criteria. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and the applicable UMGC HR policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS
A. LRF – The University System of Maryland Leave Reserve Fund (LRF) consists of Staff employees' Personal Time Off that is unused, thus lost for the employee, at the end of each calendar year.

B. Temporary Medical Disability – A physical or mental impairment that substantially limits one or more “major life activities” and the employee has a reasonable expectation of returning to work. The employee must have a record of such an impairment, or be regarded as having such an impairment.

C. Creditable Service – Service time worked which is required for computing the amount of benefits.

D. Parental Time Off – The eight (8) week period of assured paid time off available to Staff employees under VII-7.49-GC – UMGC Policy on Parental Time Off and Other Family Supports for Staff Employees.

III. GENERAL
A. The employee, or someone on the employee’s behalf, may submit to the UMGC CHRO a written request to use time off from the LRF, together with documentation that the employee has:

1. Completed at least one (1) year of service with UMGC or USM;

2. Met the requirements of this policy to establish:

   a. A temporary medical disability with reasonable expectation to return to work, which is authenticated by a licensed or certified medical
provider in accordance with established time off authorization procedures or the UMGC appointed or State Medical Director; or


3. Exhausted all applicable and available earned Sick Time Off, Vacation Time Off, Personal Time Off, Compensatory Time Off, accumulated Holiday Time Off, and Advanced Sick Time Off (if eligible) and Extended Sick Time Off (if eligible and applicable); and


B. In addition, each request shall specify the number of days needed and justification for the number of days needed. The maximum number of days that may be requested from the LRF shall not exceed one (1) day for each month of creditable service, as defined by the Maryland State Retirement and Pensions Systems, up to the cap maximum established in the USM policy guidelines.

IV. APPROVAL OF LEAVE RESERVE FUND REQUEST
The UMGC CHRO or designee shall determine whether the requirements of this policy (Section III) have been met, and, if so, shall approve the request for the use of the LRF. Based upon the employee’s justification for the request, the UMGC CHRO or designee may approve the number of days requested or may approve some lesser number of days. The UMGC CHRO shall forward the approved requests to the USM Office (USMO) CHRO.

V. ADMINISTRATION OF THE USM LEAVE RESERVE FUND

A. The USMO CHRO shall administer the LRF. Based on information submitted with the request, the USMO CHRO shall verify the employee's eligibility to use time off from the LRF and may return to the UMGC CHRO or designee any request of an employee whose eligibility the USMO CHRO deems questionable. The USMO CHRO shall accept the final determination of the UMGC CHRO or designee as to the employee's eligibility.

B. Once the employee's eligibility has been established, the USMO CHRO shall determine the amount of time off to be granted to the employee based on guidelines established by the USM Chancellor. Such guidelines shall establish a cap on the number of days granted to any one (1) employee and may include other provisions designed to fairly distribute among eligible employees the days available in the LRF. Within these guidelines, the USMO CHRO shall transfer time off from the LRF to UMGC for the eligible employee.
C. The USMO CHRO shall not transfer time off from the LRF to an employee after the effective date of the employee’s disability retirement, granted by the Board of Trustees of the State Retirement System.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-7.11 – Policy on Leave Reserve Fund for Regular Status Nonexempt and Exempt Staff Employees
I. LEAVE RESERVE FUND REQUESTS AND ADMINISTRATION

A. The employee, or someone on the employee’s behalf, may submit a written request to use leave from the Leave Reserve Fund (LRF) along with documentation that indicates completion of at least one (1) year of service with UMGC or USM and has met the requirements set forth in Policy VII-7.11-GC – UMGC Policy on Leave Reserve Fund to the Chief Human Resources Officer (CHRO).

B. Each request shall specify the number of days the employee seeks to obtain from the LRF and justification for the number of days requested. The maximum number of days that may be requested from the LRF shall not exceed one (1) day for each month of creditable service, as defined by the Maryland State Retirement and Pension System, up to the maximum number of days established in the VII-7.11-GC - UMGC Policy on Leave Reserve Fund and USM BOR VII-7.11 – Policy on Leave Reserve Fund for Regular Status Nonexempt and Exempt Staff Employees.
VII-7.12-GC – UMGC POLICY ON LEAVE OF ABSENCE WITHOUT PAY

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy governs voluntary Leave of Absence Without Pay (LWOP) for University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and the applicable UMGC HR policies; where there is a conflict between the two, the MOU will prevail.

II. LEAVE NOT COVERED BY THIS POLICY

A. Emergency Military Leave, Temporary Military Leave, and indefinite Military Leave shall be granted to eligible employees in accordance with applicable State and Federal law, and shall be governed by VII-7.23-GC – UMGC Policy on Military Leave With Pay for Nonexempt, Exempt and Overseas Staff Employees on Regular Status.

B. Leave for family and medical reasons shall be granted to eligible employees in accordance with applicable State and Federal law, and shall be governed by VII-7.50-GC – UMGC Policy on Family and Medical Leave for Nonexempt, Exempt and Overseas Staff Employees.

III. ELIGIBILITY

A. Granting of requests for a LWOP is a privilege and shall be at the discretion of the CHRO or designee after consideration and determination of the following:

1. Unless LWOP is granted as a request for an accommodation based on an employee’s disability, the employee shall:
   a. hold a Regular Status position working at 50% Full-Time Equivalent (FTE) or more;
   b. have completed a total of at least 12 months of FTE service at UMGC;
   c. have a satisfactory record of work performance; and
   d. not have a record of abuse of accrued leave usage.
2. For recently hired employees who have not completed the 12 month FTE requirement, the CHRO shall consider the reasons for the LWOP request and make a determination in accordance with applicable procedures.

3. Depending upon the reason for the LWOP request, the CHRO or designee may require that accrued Sick Leave, Annual Leave, Personal Leave, Holiday Leave and/or Compensatory Leave (in the case of Nonexempt employees) be used prior to granting a LWOP request.

4. Granting of the request shall not disrupt or interfere with the operations or work schedules of UMGC.

5. The CHRO or designee shall notify the UMGC Payroll Office upon approval of LWOP for the employee.

IV. DURATION OF LWOP

All eligible Nonexempt, Exempt and Overseas Staff employees on Regular Status may request a full or partial LWOP up to a maximum of 30 calendar days in accordance with the provisions of this policy, unless an exception is approved by the CHRO.

V. REASONS FOR LWOP

LWOP may be requested by an eligible employee for reasons such as:

A. loan of an employee to another governmental agency, higher education institution or related organization;

B. professional activities related to, advanced study, career development, or other professional activities that are determined by the CHRO or designee to be of benefit to UMGC; or

C. other activities as determined to be appropriate by the CHRO.

VI. JOB PROTECTION

A. Unless otherwise agreed to by the employee and the CHRO or designee, a LWOP granted within the provisions of this policy assures the employee a right to return to the same position or to another equivalent position within the same department having the same pay, benefits, other terms and conditions of employment, status and responsibilities as the former position upon expiration of the leave. If there is a change in pay, benefits, or other terms and conditions of employment while the employee is on LWOP that would have affected the employee had LWOP not been taken, then when the employee returns to employment the employee’s pay, benefits and other terms and conditions of employment will be adjusted as it would have been had the employee not taken LWOP.
B. If during the leave the CHRO or designee determines that the position cannot be held available, the employee shall be provided written notification of the decision and shall be provided information regarding the equivalent position to which the employee shall be returned upon expiration of the leave. The employee shall have the right to return to work within 15 working days from receipt of such notice in order to keep the position from which the leave was taken.

C. If there are reductions in the work force while the employee is on leave and the employee would have lost the position had leave not been taken, then except as provided under VII-1.30-GC – UMGC Policy on Layoff for Nonexempt Staff Employees, VII-1.31-GC – UMGC Policy on Reemployment and Reinstatement, or VII-1.32-GC – UMGC Policy on Layoff and Recall of Exempt and Overseas Staff Employees, an employee has no rights under this policy to be returned to the former or to an equivalent position.

D. An employee on LOWP shall not return from leave prior to the agreed upon expiration of the leave without written approval of the CHRO or designee.

VII. SERVICE CREDIT

A. Service credit shall not be granted to an employee on LWOP.

B. An employee 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 LWOP, an employee shall follow UMGC procedure to assure that this option may be exercised.

C. When LWOP is approved for employees who are on probation status, the probation period shall be adjusted upon the return of the employee by the length of time used for LWOP.

VIII. STATUS OF BENEFITS WHILE ON LWOP

A. All benefits, including health care and service credit for retirement and other purposes, shall be suspended for the period of the LWOP. However, an employee on LWOP for more than 30 days may elect to continue health care and other benefits, as permitted by law or regulation, by paying the full cost of the benefits, including the share ordinarily paid by UMGC.

B. An employee who elects to discontinue health benefits may not re-enroll in the State of Maryland health benefits program within the same benefit year without certification that the employee has been enrolled in another health plan during the period of leave.
C. Under exceptional circumstances and on a case-by-case basis, the CHRO or designee may approve the continuation of the employer's subsidy for health care benefits if the reason for the leave is determined by the CHRO or designee to be of benefit to UMGC. Employer costs of any payments made to maintain the employee's health benefit coverage while on a LWOP shall be recovered if the employee fails to return from leave.

D. Sick and Annual Leave do not accrue while employees are on LWOP. Employees do not earn leave credit for holidays falling within the LWOP period.

E. While Overseas Staff employees are on LWOP, logistic support may be suspended in accordance with applicable practices and regulations.

IX. REQUIRED INFORMATION REGARDING THE LWOP
The employee shall provide complete, accurate and timely information related to the request for, continuation of, modification(s) to, and return from leave. Upon request of the CHRO or designee, an employee granted LWOP shall provide progress reports and/or verification that the conditions of the leave are being/were met.

X. FAILURE TO RETURN FROM LEAVE
An employee who will not be returning to UMGC at the conclusion of a leave shall notify the CHRO or designee in writing as soon as practicable. In the absence of written notification, failure to return from leave shall be interpreted as a resignation. The CHRO or designee shall notify the UMGC Payroll Office of return or resignation of the employee.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-7.12 – Policy on Leave of Absence Without Pay for Nonexempt and Exempt Staff Employees
UMGC OS 23.00 – Policy on Leave of Absence Without Pay
I. REQUESTING LEAVE OF ABSENCE WITHOUT PAY

An employee must request Leave of Absence Without Pay (LWOP) in writing from his or her supervisor. The written request must include the reason for LWOP and the duration of LWOP.

II. APPROVAL

A. The supervisor must send a copy of the written request along with their approval or denial to the Office Human Resources, Employee Relations at hrer@umuc.edu.

B. Office of Human Resources, Employee Relations will review the request with the Chief Human Resources Officer (CHRO) or designee.

C. When an employee with less than twelve (12) months of service and/or who has not worked for at least one-thousand two hundred fifty (1,250) hours and, therefore, is not eligible for Family and Medical Leave in accordance with VII-7.50-GC – UMGC Policy on Family and Medical Leave for Staff and Faculty Employees, is on an approved leave of absence for an event that would otherwise qualify for Family and Medical Leave and the employee exhausts his or her accrued Time Off, Approved Unpaid Time Off will be entered for the employee for the remainder of the approved leave period. The Office of Human Resources, Employee Relations must notify the CHRO or designee of the approved time off-unpaid.

III. NOTIFICATION AND TIMEKEEPING

A. The Office of Human Resources, Employee Relations will notify the employee and supervisor in writing if the request is approved or denied.

B. The Office of Human Resources, Employee Relations is also responsible for notifying the HR Benefits Leave Administrator, in writing by sending a copy of the notification letter that was sent to the employee and supervisor.

C. The HR Benefits Leave Administrator is responsible for entering the Approved Unpaid Time Off in Workday for tracking and record keeping purposes.

D. A copy of the notification will be placed in the employee’s personnel file.

E. The supervisor is responsible for immediately notifying Office of Human Resources, Employee Relations at hrer@umuc.edu if the employee wishes to
modify the approved leave of absence and when the employee returns to work and/or fails to return to work at the conclusion of the approved leave of absence.

F. The HR Benefits Leave Administrator is responsible for notifying the Office of Human Resources, Employee Relations if the employee remains on unpaid time off beyond the approved leave of absence and fails to return to work.
UMGC POLICY ON ADMINISTRATIVE TIME OFF

(Approved by USM BOR on April 21, 2017; Approved by UMGC President on July 1, 2017; Amended April 1, 2019)

I. PURPOSE AND APPLICABILITY:
This policy establishes a leave category for Administrative Time Off for all University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular and Contingent II and III Status to permit an employee, under certain circumstances, to be absent from duty without loss of any pay or without charge to the employee's accrued leave. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and the applicable UMGC HR policies; where there is a conflict between the two, the MOU will prevail.

II. EMERGENCY CONDITIONS
A. Administrative Time Off may be granted when emergency conditions exist.
B. For Stateside Staff employees, see VII-6.14-GC – UMGC Policy on Inclement Weather and Emergency Conditions for Staff and Faculty Employees.
C. For Overseas Staff employees, in the event of an emergency condition, as defined by the applicable procedures, Overseas Staff employees shall use Administrative Time Off in accordance with the applicable procedures.

III. ATTENDANCE AT EMPLOYEE ORGANIZATION EVENTS
Any employee organization which is permitted to collect dues by payroll deduction may request that its member employees be released from their normal duties for the purpose of participating in approved organization activities.

IV. ADMINISTRATIVE TIME OFF FOR OTHER PURPOSES
The President or designee may approve a request for Administrative Time Off or may require an employee to take Administrative Time Off for any purpose considered to be in the best interests of UMGC in accordance with the applicable procedures.

V. NOTIFICATION
The CHRO or designee shall notify the UMGC Payroll Office upon approval of Administrative Time Off for the employee.
IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-7.20 – Policy on Administrative Leave for Nonexempt and Exempt Staff Employees
UMGC OS 13.00 – Policy on Emergency Conditions
UMGC OS 22.00 – Policy on Administrative Leave
P-VII-7.20-GC – PROCEDURES FOR UMGC POLICY ON ADMINISTRATIVE TIME OFF

I. OVERSEAS PROCEDURES FOR ADMINISTRATIVE TIME OFF FOR EXTREME WEATHER CONDITIONS

A. UMGC Asia

1. Extreme Weather

   a. During extreme weather, the installation commander or UMGC may announce that only mission essential personnel are to report for work. An official “closedown” announcement usually occurs when a typhoon is in Condition of Readiness (COR) #1, or when flooding, ice, and/or snow have created extremely dangerous road conditions. Should employees be unable to report for work or be excused early, Overseas Regular and Overseas Contingent III employees will be placed on Administrative Time Off.

   b. Employees who are on Vacation Time Off, Compensatory Time Off, Sick Time Off, or Leave of Absence Without Pay for the designated closedown period are not eligible for Administrative Time Off.

   c. During extreme weather conditions in which a closedown has been announced all non-essential employees should not report to work until notified that it is safe to resume normal activities.

   d. Employees may report to work when an “all clear” has been announced.

2. Security Risk

   In the event of a delayed opening, early dismissal, or closure due to a security risk in accordance with VII-11.00-GC – UMGC Policy on Noncombatant Emergency Operation (NEO) for Overseas Employees, employees will be placed on Administrative Time Off.

B. UMGC Europe

1. Extreme Weather

   a. During extreme weather, local military installations may announce “green,” “amber,” or “red” road conditions. Should staff members be unable to report for work Overseas Regular and Overseas Contingent III employees will be placed on Administrative Time Off.
when traffic delays are expected during code “amber” or code “red” road conditions.

b. During extreme weather conditions, local military installations or UMGC may announce a delayed opening, early dismissal or location closure. In the event of a location closure, Overseas Regular and Overseas Contingent III employees will be placed on Administrative Time Off.

c. Employees who are on Vacation Time Off, Compensatory Time Off, Sick Time Off, or Leave of Absence Without Pay during “amber” or “red” road conditions or closure of their work location due to extreme weather conditions are not eligible for Administrative Time Off.

d. Employees are reminded that base commanders often make announcements regarding school closings. These announcements do not necessarily apply to UMGC offices. Staff should check with their supervisor to confirm whether they are required to report to work.

2. Security Risk

In the event of a delayed opening, early dismissal, or closure due to a security risk in accordance with VII-11.00-GC – UMGC Policy on Noncombatant Emergency Operation (NEO) for Overseas Employees, employees will be placed on Administrative Time Off.

II. PROCEDURES FOR ADMINISTRATIVE TIME OFF FOR ATTENDANCE AT EMPLOYEE ORGANIZATION EVENTS

A. Any employee organization which is permitted to collect dues by payroll deduction may request that its member employees be released from their normal duties for the purpose of participating in approved organization activities.

B. The total amount of Administrative Time Off granted to employees who are members of any employee organization at UMGC during a fiscal year may not exceed one day for every 20 employees who are members of that employee organization and who have dues collected by payroll deduction as of July 1 of that fiscal year.

C. All requests for Administrative Time Off shall be submitted to the President 30 calendar days in advance of the event and shall include:

1. A general description of the event and its purpose;

2. The date and location of the event;
3. The names of employee members for whom Administrative Time Off is being requested.

D. After verifying the validity of the request and the accuracy of the time being requested, the President may approve Administrative Time Off if the employee’s services can be spared without impairing the services of the department(s) involved.

E. If the employee organization needs to substitute employee members for those previously granted Administrative Time Off, or substitute new dates, such requests shall be submitted to the President for approval. Such substitutions may be approved if the substitution will not impair the services of the unit.

III. ADMINISTRATIVE TIME OFF FOR OTHER PURPOSES IN THE BEST INTEREST OF THE UNIVERSITY

A. The Office of Human Resources must be first notified when it is in the best interest of UMGC to place an employee on Administrative Time Off. For Stateside employees, the employee’s supervisor must contact the designated HR Business Partner (HRBP) at hrpartners@umuc.edu or the Office of Human Resources, Employee Relation (HRER) at hrer@umuc.edu to initiate the process for placing an employee on Administrative Time Off. For Overseas employees, the employee’s supervisor must contact the Office of Human Resources in the division in which the employee is assigned to initiate the process for placing an employee on Administrative Time Off.

B. The designated Office of Human Resources employee is responsible for notifying the Chief HR Officer (CHRO) or designee. The CHRO or designee must approve the request to place an employee on Administrative Time Off.

C. If the CHRO or designee approves the request, the designated Office of Human Resources employee must complete an Administrative Time Off Approval Form and send it to the President or designee for approval to place an employee on Administrative Time Off. A copy of the signed Administrative Time Off Approval Form must be placed in the employee’s personnel file.

D. If the President or designee approves the request, the designated Office of Human Resources employee will notify the employee’s supervisor and will work with the supervisor to draft a notification letter informing the employee of the decision.

E. The designated Office of Human Resources employee must also notify Payroll, IT and Security, if applicable, to temporarily deactivate site and system access.

F. The designated Office of Human Resources employee is also responsible for placing and removing the employee on approved Administrative Time Off in Workday.
G. If the employee returns to work, the designated Office of Human resources employee is responsible for notifying Payroll, IT and Security.

IV. ADMINISTRATIVE LEAVE DURING INVOLUNTARY SEPARATION NOTICE PERIOD

A. Administrative leave pending involuntary separation:

1. Exempt and Overseas Staff employees—An Exempt or Overseas Staff employee who is notified of termination may be placed on Administrative Leave for any or all of the period of notice in accordance with VII-1.22-GC – UMGC Policy on Separation for Regular Exempt and Overseas Staff Employees or the employee’s contract, as applicable. The employee shall not earn other paid Time Off (Vacation, Sick, Holiday and Personal) during the period of Administrative Leave.

2. Nonexempt Staff employees – A Nonexempt Staff employee who is notified of rejection on probation or termination may be placed on Administrative Leave for any or all of the period of notice in accordance with VII-1.23-GC – UMGC Policy on Separation of Nonexempt Staff Employees or the employee’s contract, as applicable. The employee shall earn other paid Time Off (Vacation, Sick, Holiday and Personal) for the duration of the period of Administrative Leave.

B. Administrative Leave Pending Layoff:

An Exempt, Nonexempt, or Overseas Staff employee on Regular status who is notified of a pending layoff may be placed on Administrative Leave for all or part of the period of notice in accordance with VII-1.30-GC – UMGC Policy on Layoff for Nonexempt Employees or VII-1.32-GC – UMGC Policy on Layoff and Recall of Exempt and Overseas Employees, as applicable. The employee shall earn other paid Time Off (Vacation, Sick, Holiday and Personal) for the duration of the period of Administrative Leave.

C. In all instances, the written notice to the employee regarding the personnel action shall also inform the employee of his or her Administrative Leave status.

Replacement for:
UMGC 432.00 - Administrative Leave Usage
VII-7.21-GC – UMGC POLICY ON JURY DUTY TIME OFF

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy establishes a time off category called Jury Duty for all University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular Status to permit an employee, under certain circumstances, to be absent from job duty without loss of any pay or without charge to the employee's accrued time off. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. GENERAL

An employee who is selected for jury duty shall notify the immediate supervisor of this selection without delay. An employee, regardless of shift assignment, who is on jury duty shall be permitted to be absent without loss of pay or charge to any time off for the day(s) of jury duty. Upon request, the employee shall be responsible for providing documentation that 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.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-7.21 - Policy on Jury Service for Regular Nonexempt and Exempt Staff Employees
I. DOCUMENTATION REQUIREMENTS

An Employee who is selected for Jury Duty shall provide documentation verifying attendance to the Employee’s immediate supervisor upon request. A copy of the court documentation is necessary to approve Jury Duty Time Off.

II. RECORD KEEPING

A copy of the documentation should be retained by the Employee’s immediate supervisor for four (4) years from the last date the Employee served on Jury Duty for auditing purposes.

III. RETURN TO WORK

In the event that an Employee is notified that his/her services are not required for Jury Duty as scheduled, the Employee is expected to report to work for his/her regularly scheduled shift. If the Employee is dismissed from Jury Duty prior to the end of his/her regularly scheduled shift, the Employee must contact his/her immediate supervisor to confirm if it is necessary to return to work for the remainder of the shift.

IV. TIME KEEPING

All Employees are required to submit a time off request in Workday. Employees must select Jury Duty as the type of Time Off being request to be paid for the time while they are out of the office for Jury Duty.
VII-7.22-GC – UMGC POLICY ON TIME OFF FOR SUBPOENAED WITNESSES AND EXPERT WITNESSES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017) I.

PURPOSE AND APPLICABILITY

This policy establishes a time off category called Subpoenaed Witness for all University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular Status to permit an employee, under certain circumstances, to be absent from job duty without loss of any pay or without charge to the employee’s accrued time off in connection with the requirement to appear in a legal matter as a witness, unless the employee is being paid as an expert witness. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. GENERAL

A. An employee who is summoned to appear in a court action, before a grand jury, before an administrative agency, or for a deposition, and is neither a party to the action nor a paid expert witness, may be absent from the job without loss of pay or charge to any time off.

B. If an employee is a paid expert witness in such an action, the absence may be charged to appropriate time off, or the employee may be granted a Leave Of Absence Without Pay if the employee does not have sufficient time off to cover such an absence, unless retained as an expert witness on behalf of UMGC.

C. In either case, upon request the employee shall provide documentation to verify attendance.

III. NOTIFICATION

The CHRO or designee shall notify the UMGC Payroll Office upon approval of Leave of Absence Without Pay for the employee.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-7.22 – Policy on Leave for Legal Actions for Nonexempt and Exempt Staff Employees
UMGC OS 19.00 – Policy on Leave for Legal Actions
I. DOCUMENTATION REQUIREMENTS

A. Subpoenaed Witnesses

1. An employee who is summoned to appear as a witness in a court action, not including a party to the action nor a paid expert witness, shall notify his/her immediate supervisor of having been summoned to appear in a court action. Upon request, the employee shall provide the summons to his/her immediate supervisor, unless prohibited by law.

2. The immediate supervisor should obtain and forward a copy of the summons to the Office of Human Resources to be kept in the employee’s personnel file.

II. RETURN TO WORK

In the event that an employee is notified that he/she is no longer required to appear as a witness in court, the employee is expected to report to work for his/her regularly scheduled shift. If the employee finishes testifying or is dismissed from testifying prior to the end of his/her regularly scheduled shift, the employee must contact his/her immediate supervisor to determine if it is necessary for the employee to return to work for the remainder of the shift.

III. TIME KEEPING

A. If an employee, who is not a party to the court action nor a paid expert witness, is subpoenaed to testify as a witness, the employee is required to submit a time off request in Workday as Subpoenaed Witness Paid Time Off. A copy of the court documentation is necessary to approve paid time off as a Subpoenaed Witness.

B. If an employee is testifying as an Expert Witness or is party to the court action, the employee may request to take Vacation Time Off or Personal Time Off, if available, in Workday. If an employee does not have sufficient accrued time off to cover the absence, the employee may submit a request for Approved Time Off - Unpaid in Workday. The Office of Human Resources, Employee Relations will review the request for Approved Time Off-Unpaid, and work with the employee’s immediate supervisor to ensure that the requested time off does not cause an undue hardship based on business needs for the department or unit. The Office of Human Resources, Employee Relations will approve the request for Time Off – Unpaid unless honoring such a request would create an undue hardship based on information gathered from the immediate supervisor.
I. PURPOSE AND APPLICABILITY

This policy establishes time off at full pay for University of Maryland Global Campus (UMGC) employees for certain types of active or inactive duty in the National Guard, as a Reserve in the Armed Forces, or in an organized militia. This policy also establishes Military Administrative Time Off for UMGC employees who are activated for military duty in accordance with the State Personnel and Pension Article of the Annotated Code of Maryland and Federal law.

The policy applies to full-time and part-time Nonexempt, Exempt and Overseas Staff employees on Regular and Contingent II and III Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

A. Military – the Armed Forces, including Army, Navy, Air Force, Marine Corps or Coast Guard or a reserve unit for any branch of the Armed Forces, the Army National Guard, the Air National Guard, the Commissioned Corps of the Public Health Service or an organized militia.

B. Active Duty – full-time service in a unit of the Military.

C. Active Duty Training – authorized training performed by a unit of the Military that is on active duty and performed in connection with the prescribed activities of the Military, including regularly scheduled unit training periods, additional training periods and equivalent training.

D. Inactive Duty Training – authorized training performed by a unit of the Military that is not on active duty and performed in connection with the prescribed activities of the Military, including regularly scheduled unit training periods, additional training periods and equivalent training.

III. EMPLOYEE NOTIFICATION OF MILITARY TRAINING OR ACTIVE DUTY TO UMGC

A. Active Duty, Active Duty Training or Inactive Duty Training

An employee who a member of Military who is required to report for active duty, active duty training or inactive duty training shall submit documentation from the
Military, showing the dates the employee is required to report for active duty, active duty training or inactive duty training.

B. Initial Military Orders

An employee who is activated for military duty shall submit a copy of the Military orders to his/her immediate supervisor. The Military orders must contain the employee’s name, dates for activation, and purpose/type of activation. An employee may verbally notify his/her immediate supervisor or provide no notice if Military necessity prevents the employee from giving notice as required by this Section or the giving of notice is otherwise impossible or unreasonable.

C. Extension of Military Orders

If an employee who has been activated to Military duty has his/her dates of activation extended, the employee shall submit a copy of the updated Military orders, extending the employee’s dates of activation, to his/her immediate supervisor.

D. Termination of Military Orders

1. An employee who was activated for Military duty shall submit written notice to his/her immediate supervisor of the termination date of the employee’s active Military duty.

2. If the employee fails to provide written notice to his/her immediate supervisor of the employee’s discharge or deactivation, the employee may be responsible for reimbursement for the paid time off used while not on active duty status and may be subject to disciplinary action.

IV. MILITARY TRAINING TIME OFF

A. An employee who is a member of the Military shall be entitled to Military Training Time Off for a period of not more than fifteen (15) working days in any fiscal year without loss of pay, accrued time off, or performance or efficiency rating if the employee is required by the Military to report for active duty, active duty training or inactive duty training, including travel time to and from the military duty.

B. Military Training Time Off shall be credits to a full-time employee on the basis of an eight (8) hour workday. The minimum charge to Military Training Time Off is one (1) hour. A full-time employee working a forty (40) hour workweek will accrue 120 hours (15 days x 8 hours) of Military Training Time Off in a fiscal year. Military Training Time Off shall be prorated for part-time employees based proportionally on the number of hours in the employee’s regularly scheduled biweekly pay period.
C. An employee shall only be charged Military Training Time Off for the hours that the employee would otherwise have worked and received pay. Employees shall not be charged Military Training Time Off for weekends and holidays that occur within the period of military service.

D. The employee will continue to earn Vacation, Personal, Holiday and Sick Time Off while on paid Military Training Time Off based on the number of hours being paid to the employee each pay period while on Military Training Time Off.

V. MILITARY ADMINISTRATIVE TIME OFF

A. Payment of the Difference between Military Base Salary and UMGC Salary

1. An employee who is activated for military duty must take a Leave of Absence and may use Military Administrative Time Off for active military duty, not including active duty or inactive duty training. While on Military Administrative Time Off, if the employee’s UMGC base salary exceeds the employee’s military base salary, the employee shall be paid the difference between the employee’s Military base salary paid by the Federal Government and the employee’s UMGC base salary while on active Military duty.

2. The employee shall provide documentation from the Military, showing the employee’s current Military salary, to the Benefits Coordinator. The Benefits Coordinator shall send the employee a notice stating the amount of hours of Military Administrative Time Off that will be paid to the employee each pay period.

B. Accrued Time Off

1. The employee does not have to exhaust his/her accrued Vacation, Personal, Holiday, or Compensatory Time Off (collectively, Accrued Time Off) to receive Military Administrative Time Off. The employee is not required to donate any hours of time off to receive Military Administrative Time Off.

2. The employee may elect to use Military Training Time Off or Accrued Time Off while on active military duty. If the employee elects to take Military Training Time Off or Accrued Time Off instead of Military Administrative Time Off, the employee would be paid the employee’s full pay for the hours of Military Training Time Off or Accrued Time Off that is used. The employee may also receive Military pay from the Federal Government while using the employee’s Military Training Time Off or Accrued Time Off. The employee will not receive Military
Administrative Time Off during any hours that the employee uses Military Training Time Off or Accrued Time Off.

3. The employee may only use Sick Time Off for Military service consistent with statutory and regulatory criteria for use of Sick Time Off and consistent with UMGC HR Policies.

4. The employee will continue to earn Vacation, Personal, Holiday and Sick Time Off while on paid Military Administrative Time Off based on the number of hours being paid to the employee each pay period while on active military duty. The employee will cease earning Vacation, Personal, Holiday and Sick Time Off upon termination or deactivation from active military duty unless the employee returns to work without a break.

C. Benefits While on Military Administrative Time Off

1. An employee on active Military duty may continue his/her medical, dental and prescription benefits at existing coverage levels, including coverage for the employee’s spouse and dependents. UMGC shall pay the employer’s share as well as the employee’s share of the costs for these benefits while the employee is on active military duty. Employees that are on Military Administrative Time Off shall not have payroll deductions for these benefits.

2. An employee may elect to continue other benefits that are paid in full by the employee (i.e., life insurance, accidental death and dismemberment insurance (AD&D Plan), flexible spending accounts, long term disability, etc.) while on Military Administrative Time Off. These are “employee pay all” benefits with no State subsidization.
   a. If the employee elects to continue any of these benefits, the employee shall be billed for the costs of such benefits and payment coupons shall be sent to the employee, except, USM Life Insurance and USM Long Term Disability, which shall be paid directly to the vendor. The premium payments made for these benefits while on Military Administrative Time Off are made post-tax and will not affect the employee’s W-2 status.
   b. Other payroll deductions shall be made in accordance with the applicable procedures.
   c. If an employee elects not to continue and ceases paying the premiums for these plans, coverage is lost during the period of Military Administrative Time Off; however, the employee may re-enroll in these plans within sixty (60) days of the employee’s return to work.
3. Coverages
   
a. While on active Military duty, medical care shall be provided to the employee through the Military. All of the State medical plans have standard blanket exclusions for medical care rendered while the employee is on active Military duty.

b. Dependents of Military personnel on active duty are automatically covered by TRICARE, a Federal Military health program.
   
i. An employee called to active duty may elect to discontinue State health benefits coverage for his/her dependents, relying upon TRICARE for dependent health care coverage or may elect to continue State health benefits coverage for his/her dependents.
   
ii. As the dependents are not on active Military duty, if the employee elects to continue State health benefits coverage, the State health benefits coverage shall be the primary coverage for these dependents.

   c. The AD&D Plan does not provide benefits to anyone injured in Military service. Benefits shall be provided, as appropriate, to a spouse or child if the employee has family coverage.
   
i. An employee on active Military duty may cancel deductions for individual coverage while on Military Administrative Time Off.
   
ii. The employee may continue AD&D family coverage for spouses and/or dependents.

4. To continue benefits while on Military Administrative Leave, the employee shall complete the LAW – MILITARY NOTIFICATION FORM and submit the Form with a copy of the employee’s Military orders to the Benefits Coordinator.

5. If the employee’s Military orders are extended, the employee shall provide the updated Military orders to the Benefits Coordinator. Failure to provide updated Military orders to the Benefits Coordinator could result in a break in coverage under the employee’s benefits’ plans and the employee, spouse or dependents could lose coverage.

VI. LEAVE OF ABSENCE WITHOUT PAY AND RETURNING TO WORK
A. The cumulative length of service that causes an employee to be absent from his/her position at UMGC may not exceed five (5) years, except for the categories of Military service that are exempt from the five-year limitation under the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 et seq. and its accompanying regulations (USERRA).

B. Military Administrative Time Off shall cease upon discharge from active military duty (i.e. on the termination date of the employee’s original or extended military orders or upon deactivation, whichever is earlier).

C. The employee has the right to be re-employed at UMGC after discharge from active Military duty in accordance with USERRA. The position to which an employee will be reinstated after returning from Military duty shall be determined in accordance with USERRA.

D. Upon discharge from active Military duty, the employee may elect to return to work or take a Leave of Absence Without Pay (LWOP) for up to the time limits for returning to work under USERRA. The Employee should provide notice as far in advance as is reasonable under the circumstances.

E. In accordance with USERRA, the time limits for returning to work following Military service are as follows: (a) for service of less than thirty—one (31) days, the employee must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period; (b) for service of more than thirty (30) days but less than 181 days, the service member must submit an application for reemployment within fourteen (14) days of release from service; (c) for service of more than 180 days, an application for reemployment must be submitted within ninety (90) days of release from service.

F. If an employee fails to report to work within the time limits set forth in USERRA and outlined above, the employee will be subject to UMGC HR Policies governed unexcused absences from work.

G. If the employee has been on active Military duty for more than twenty-four (24) months and the employee elects to take LWOP, the employee shall no longer be entitled to health, dental and prescription coverage in accordance with USERRA and other applicable law.

H. When the employee returns to work from active Military duty, he/she shall complete a regular benefits enrollment form and submit it to the Benefits Coordinator along with a copy of the employee’s discharge orders within sixty (60) days of the employee’s return to work at UMGC. Failure to submit the appropriate form may impact the employee’s benefits.

VII-7.23-GC-6
I. An employee returning from active Military duty may not be terminated without cause for the period of time set forth in USERRA.

VII. STATE RETIREMENT/PENSION PLAN

A. If an employee is activated for Military service and is a member in the State Retirement Pension Plan, the employee shall submit a Maryland State Retirement Agency Form 46 – Qualified Leave of Absence Request or Notification of Military Service Entry. If the employee is unable to submit Form 46 before leaving employment for military service, the Office of Human Resource can submit the form on behalf of the employee.

B. UMGC shall submit an MS-310 form when an employee begins Military Administrative Time Off to discontinue the employee’s retirement system contribution. Eligibility and computation of benefits for the state employees’ and teachers’ retirement and pension systems will be determined in accordance with federal and Maryland law.

C. Any questions regarding retirement eligibility, required documentation, and contributions or benefits, including but not limited to disability retirement and death benefits, should be referred to the Maryland State Retirement Agency.

VIII. OPTIONAL RETIREMENT PROGRAM

Contributions to the Optional Retirement Program (ORP) and any associated benefits and/or service credit will be determined in accordance with federal and Maryland law. Any questions regarding ORP contributions, benefits, and required paperwork should be referred to the Chief Human Resources Officer (CHRO) or designee.

IX. UMGC TUITION REMISSION BENEFIT

A. An employee who is currently in a degree-seeking program and using Tuition Remission may continue to use Tuition Remission if activated to Military duty for the duration of the employee’s Military service. See VII-4.10-GC – UMGC Policy on Tuition Remission and Tuition Reimbursement for Active Staff and Faculty Employees and Retirees.

B. An eligible spouse or dependent currently in a degree-seeking program and using Tuition Remission may continue to use Tuition Remission for the duration of the employee’s Military service. See VII-4.20-GC – UMGC Policy on Tuition Remission for Spouses and Dependent Children of Active Staff and Faculty Employees and Retirees.

C. If an employee is killed in the line of duty, the employee’s eligible spouse or dependent may receive Tuition Remission benefits as provided in VII-4.20-GC –
UMGC Policy on Tuition Remission for Spouses and Dependent Children of Active Staff and Faculty Employees and Retirees.

D. If an employee does not return to work at UMGC within the time limits set forth in USERRA, Tuition Remission for the employee, spouse and dependents shall terminate.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

REFERENCE:

Annotated Code of Maryland, State Personnel and Pension Article, Section 9-1107.

Replacement for:
USM BOR VII-7.23 – Policy on Military Leave With Pay for Nonexempt and Exempt Staff Employees
USM BOR VII-7.24 – Policy on Call-Up to Active Military Duty during a National or International Crisis or Conflict for Nonexempt and Exempt Staff Employees
UMGC OS 20.00 – Policy on United States Armed Services Military Leave
I. DETERMINATION OF AMOUNT OF COMPENSATION AND PAYROLL DEDUCTIONS

The employee shall submit, as soon as received, an initial and a final copy of his/her military pay stub or other official military personnel record that includes a current date and his/her military base pay rate.

II. PAYROLL DEDUCTIONS

A. Payroll deductions shall be made in the following order:
   1. Taxes
   2. liens and levies
   3. deferred compensation
   4. other deductions

B. In the event that the payment of the difference between military base salary and UMGC salary is insufficient to cover all selected deductions, the payroll deduction order shall be followed. The employee should make changes to his/her payroll deductions as appropriate for the new UMGC salary amount.
VII-7.25-GC – UMGC POLICY ON TIME OFF FOR SERVICE AS ELECTION JUDGE FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY:

This policy establishes the right to receive Paid Administrative Time Off for service as an Election Judge for all University of Maryland Global Campus (UMGC) Nonexempt and Exempt Staff employees on Regular Status and to be absent from duty without loss of any pay or without charge to the employee’s accrued time off. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. GENERAL

An employee, appointed by the Election Director of a Local Election Board, as specified in the Election Law Article of the Annotated Code of Maryland shall be entitled to use one (1) hour of Paid Administrative Time Off for each hour of service as an Election Judge up to a total of eight (8) hours for each day of service without loss of pay or charge to any time off; and shall be entitled to receive the Election Judge compensation as specified in the Election Law Article of the Annotated Code of Maryland.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-7.25 – Policy on Leave for Service as Election Judge for Regular Status Nonexempt and Exempt Staff Employees
P-VII-7.25-GC – PROCEDURES FOR UMGC POLICY ON TIME OFF FOR SERVICE AS ELECTION JUDGE FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

I. PROCEDURES

A. To receive Administrative Time Off to serve as an Election Judge, the employee must serve as an Election Judge during hours that the employee was otherwise scheduled to work for UMGC.

B. The employee must notify her/his immediate supervisor, no less than thirty (30) calendar days prior to the election date of the employee’s intention to work as an Election Judge to accommodate any scheduling changes.

C. The employee must provide her/his immediate supervisor with documentation from the Election Board, confirming the date and hours in service as an Election Judge, within the pay period in which the employee served or the next business day.

D. Elections under these procedures include all general, primary and special elections.

II. DOCUMENTATION REQUIREMENTS

An employee who is appointed to serve as an Election Judge shall notify his/her immediate supervisor of the appointment without delay. Upon request, the employee shall provide documentation of service as an Election Judge. A copy of the documentation is necessary to approve Administrative Time Off.

III. RECORD KEEPING

The employee’s immediate should retain a copy of the documentation of service for four (4) years from the last date on which the employee served as an Election Judge for auditing purposes.

IV. TIME KEEPING

An employee must record his/her time off to serve as an Election Judge in Workday as Administrative Time Off.
I. PURPOSE AND APPLICABILITY
This policy establishes the amount and use of paid time off for disaster service and applies to all Nonexempt, Exempt and Overseas Staff employees on Regular and Contingent Category II and III Status of the University of Maryland Global Campus (UMGC). Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II GENERAL
A. Requirements for Time Off
   On request, an employee may be entitled to Administrative Time Off for disaster service if:
   
   1. The employee is certified by the American Red Cross as a disaster service volunteer; and
   
   2. One of the following:
      
      a. The American Red Cross requests the services of the employee during a disaster that is designated at Level II or above in the regulations and procedures of the National Office of the American Red Cross; or
      
      b. Subject to any requirements established by UMGC, the President or designee, in his/her discretion may approve Administrative Time Off for disaster service for an employee whose services are requested by another bona fide service organization.

B. Amount of Time Off Allowed
   An employee may use up to 15 days of Administrative Time Off for disaster service in any 12 month period only after obtaining approval from the President or designee. UMGC may deny the time off if the denial is based on the anticipated impact on the operational needs of UMGC. Employees who are appointed to work less than 100% but at least 50% time may use Administrative Time Off for disaster service on a pro rata basis.
C. Employment Status for Purposes of Certain Claims

For purposes of Worker’s Compensation and the Maryland Tort Claims Act, while an employee is on Administrative Time Off for disaster service, the employee is deemed not to be a State employee.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-7.26 - Policy on Leave for Disaster Service for Regular Status Nonexempt and Exempt Staff Employees
VII-7.30-GC – UMGC POLICY ON HOLIDAY TIME OFF

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This policy establishes the amount of Holiday Time Off earned by University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. AMOUNT OF HOLIDAY TIME OFF
As described below in Section III, employees are eligible to earn State Holidays and UMGC Stateside or Overseas Holidays for a minimum of 14 Holidays per year or 15 Holidays during a year of general or congressional elections, and any other special observance as required by the legislature and Governor, or otherwise provided by the Chancellor or President. Part-time employees who are employed on at least a 50% FTE shall earn Holiday Time Off on a pro-rated basis. All employees must be in a paid employment status on the calendar date that the Holiday is earned, in order to be eligible for Holiday pay when the Holiday is observed.

III. OBSERVANCE OF HOLIDAYS

A. UMGC may at times be served most effectively by the observance of a Holiday on other than the calendar date designated by the legislature and Governor. In those instances, the President or designee may schedule the observance of selected Holidays on days other than the dates designated by the State. An employee may be required to perform duties on a Holiday to meet operational needs.

B. State Holidays
Holidays shall be earned according to the following schedule and shall be taken according to the applicable procedures:
Stateside Staff - Eleven (11) Holidays; or Twelve (12) on election year Overseas Staff - Ten (10) Holidays; or Eleven (11) on election year

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<tr>
<th>Holiday</th>
<th>Calendar Date Holiday is Earned</th>
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<tr>
<td>New Year’s Day</td>
<td>January 1</td>
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<tr>
<td>Dr. Martin Luther King’s Birthday</td>
<td>Third Monday in Jan.</td>
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<td>Holiday</td>
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<td>President’s Day</td>
<td>Third Monday in Feb.</td>
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<td>Memorial Day</td>
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<td>Independence Day</td>
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<td>Columbus Day</td>
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<tr>
<td>Election Day</td>
<td>First Tuesday in Nov. (even numbered years only)</td>
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<td>Veteran’s Day</td>
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<td>Thanksgiving Day</td>
<td>Fourth Thursday in Nov.</td>
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<td>Friday after Thanksgiving Day</td>
<td>Fourth Friday in Nov. (Stateside only)</td>
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<tr>
<td>Christmas Day</td>
<td>December 25</td>
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C. **UMGC Holidays**

1. **Stateside Staff** - Three (3) additional University Holiday Time Off days are to be earned each calendar year and observed at the discretion of the UMGC President or designee.

2. **Overseas Staff** - Additional Holidays are observed as follows:
   
a. Four (4) additional UMGC Holidays are to be earned each calendar year. Observance of these additional Holidays is announced at the beginning of each calendar year, and UMGC shall record these Holidays as Holiday Time Off.

   b. Foreign Holidays - The President or designee may designate certain foreign Holidays that are observed by the U.S. military authorities when the President or designee anticipates an adverse impact on UMGC operations in the respective country. When designated, such Holidays shall be taken and recorded by Overseas Staff employees in designated locations as Holiday Time Off, including, but not limited to, foreign Holidays, such as Chusuk, and similar Holidays in other countries.

D. When a Holiday falls on a Saturday, it is observed on the Friday before, and when a Holiday falls on Sunday, it is observed on the following Monday.

IV. **SCHEDULING OF HOLIDAYS FOR CONTINUOUS OPERATIONS**

UMGC has departments that must provide service on a continuous seven (7) day-a-week basis and may schedule an employee’s Holidays accordingly. Affected departments may schedule a specific day or days each month as a day off, and these days shall be treated in the same manner as regular Holidays are treated for other employees. For employees in this category, one day of Holiday Time Off shall be granted for each month, except that for the months of January and July when two days of Holiday Time Off shall be granted. During a
year of general or congressional elections, an additional day shall be granted for the month of November. UMGC has the sole discretion to determine which individual employees in a department shall be placed in this category.

V. CARRY-OVER AND PAYMENT PRIOR TO SEPARATION
The CHRO or designee shall maintain procedures as necessary for the carry-over into the next calendar year and payment of accrued but unused Holidays prior to an employee’s separation.

VI. SEPARATION PAYMENT
Unless employees transfer to another USM Institution or State agency, employees who leave UMGC are entitled to be paid for any unused Holiday Time Off that has been earned and accrued as of the date of separation.

VII. TRANSFER OF HOLIDAYS
A. Upon employee transfer to UMGC from another USM Institution or State agency, or employee transfer from UMGC to another USM Institution or State agency, unused Holiday hours shall be transferred after review of the Holiday schedule at the other USM Institution or the State Agency.

B. Upon transfer to another USM Institution or State agency, the employee shall not be granted additional Holiday Time Off if the Holiday has already been observed at or paid by UMGC or State agency.

C. An employee should not have more than 14 Holidays in a calendar year; 15 Holidays during a year of general or congressional elections, unless otherwise provided by the President or designee, Chancellor or Governor.

IMPLEMENTATION PROCEDURES:
The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures if as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-7.30 - Policy on Holiday Leave for Regular Nonexempt and Exempt Staff Employees
UMGC OS 24.00 – Policy on Holiday Leave
VII-7.40-GC – UMGC POLICY ON ACCIDENT TIME OFF

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy governs Accident Time Off for employees in compliance with the laws related to State workers compensation contained in the State Personnel and Pensions Article in the Annotated Code of Maryland. This policy applies to all University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular Status, who experience a work-related injury that is compensable under the Maryland Workers’ Compensation Act. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; when there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

A. Accidental Injury - A work-related personal injury that would be compensable according to the Maryland Workers’ Compensation Act.

B. Average Weekly Wage - The average of the employee’s weekly wage for the 14 weeks immediately prior to the accident.

C. Temporary Total Benefits - monetary compensation for time lost from work due to work-related accidents or injuries for employees (a) not eligible for Accident Time Off or (b) when eligibility for Accident Time Off has expired. Temporary total benefits are paid by the State of Maryland’s Workers Compensation insurer, not UMGC, and must be requested by the employee.

III. GENERAL

A. Only time off-eligible employees in Regular Status who work 50% FTE or more shall be eligible for Accident Time Off.

B. Accident Time Off shall be provided if:

1. The accident is determined to be compensable according to the Maryland Workers’ Compensation Act; and

2. A physician examines the employee and certifies that the employee is disabled because of the injury.

C. An employee receiving work-related Accident Time Off shall continue to accrue time off and other benefits based on pay status and shall not be denied health care
benefits with the subsidy allowed by the State solely because of the use of Accident Time Off.

IV. ACCIDENT TIME OFF BENEFITS

A. Accident Time Off is Time Off paid at two-thirds (2/3) of the employee’s regular salary, but is exempt from Federal and State taxes.

B. Medical and Hospital Expenses
Medical and hospital expenses shall be paid on behalf of an injured employee according to the Workers’ Compensation Act, if the accident is determined to be compensable by the Workers Compensation Commission or the Workers Compensation Insurer.

V. ADMINISTRATION

The administration of Worker’s Compensation is detailed in the applicable procedures, including the following:

A. Employee’s first report of injury;

B. Supervisor’s report;

C. UMGC reports;

D. Medical evaluation;

E. Accident Time Off;

F. Use of time off other than Accident Time Off;

G. Period of Accident Time Off;

H. Time off for continuing treatment;

I. Additional six (6) months of time off while awaiting decision from Workers’ Compensation Commission;

J. Notice of determination of non-compensability;

K. Reimbursement by employee to UMGC if injury is non-compensable;

L. Temporary total benefits; and

M. Subrogation.
VII. NOTIFICATION

The CHRO or designee shall notify the UMGC Payroll Office upon placement of an employee on Accident Time Off.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and applicable procedures on the UMGC website.

Replacement for:
USM BOR VII - 7.40 – Policy on Accident Leave for Nonexempt and Exempt Staff Employees
UMGC OS 18.00 – Policy on Accident Leave
I. ADMINISTRATION

A. Reporting of Injury

1. Employee’s First Report of Injury

   The injured employee or someone on the employee’s behalf shall provide the following:

   a. oral or written notice that the employee was injured to the employee’s supervisor or the Human Resources Leave Administrator as soon as practicable, but within ten (10) days after the accidental injury occurs; and

   b. within three (3) working days after notice is required to be given, a physician’s written certification that the employee is disabled by the injury should be provided to the Human Resources Leave Administrator.

2. Supervisor’s Report

   Upon having knowledge of an employee injury, the supervisor of the injured employee shall immediately notify the Human Resources Leave Administrator and forward to that office within two (2) days following notice of injury a Supervisor's Report of Employee's Injury.

3. UMGC Reports

   The Human Resources Leave Administrator, upon receipt of the supervisor’s report, shall:

   a. file an Employer’s First Report of Injury with the State of Maryland’s Workers Compensation insurer (WC Insurer);

   b. inform the injured employee or someone on the employee’s behalf of the employee’s right to file a claim with the Workers' Compensation Commission; and

   c. determine if the injury would likely be compensable under the workers compensation statute.

B. Medical Evaluation
The WC Insurer or UMGC, or both, may refer an injured employee to a physician(s) for periodic examination to determine the nature and extent of the injury, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work. When UMGC refers an employee to a physician, UMGC shall file with the WC Insurer a report stating the circumstances of referral and the physician's prognosis.

C. Use of Leave Other Than Accident Leave

Prior to receipt of a determination of compensability from the WC Insurer, an employee must be placed on Accident Leave and UMGC shall not approve use of other leave unless there is a reasonable basis for believing that the injury is non-compensable. Only if the injury is believed to be non-compensable, UMGC may place the employee on Sick, Annual or other available Leave prior to receipt of a determination by the WC Insurer. If an employee exhausts all available Accident Leave and the medical certification specifies that the employee is unable to return to work because of the work-related injury, UMGC may require an employee to seek temporary total disability payments under the Workers’ Compensation Act.

II. DURATION OF LEAVE

A. Period of Accident Leave

Having made the determination that the injury would likely be compensable under the Workers’ Compensation statute, UMGC shall grant Accident Leave to an employee beginning on the first day of absence from work because of the disability. Accident Leave shall be terminated on the earlier of (1) the date that the employee is able to return to his/her official duties, or modified duties designated by UMGC, as certified in writing by a physician; or (2) six (6) months from the original date of disability.

B. Leave for Continuing Treatment

If the employee returns to his/her official duties, or modified duties designated by UMGC, prior to six (6) months following the date of the disability, Accident Leave may be granted for continuing treatment of the original injury, as certified in writing by a physician selected or accepted by the WC Insurer, for a period up to six (6) months from the original date of disability.

C. Additional Six (6) Month Leave

Accident leave may be granted for up to an additional six months if a physician selected or accepted by the institution certifies that the employee continues to be disabled and no decision has been reached by the Workers’ Compensation Commission on the employee’s claim. When an employee continues to use Accident Leave beyond a six month period, the timekeeper shall record the Accident
Leave as Accident Leave on the first day immediately following the end of the initial six month period from the original date of disability. Responsibility for payment of Accident Leave beyond six (6) months is assumed directly by the WC Insurer and it is exempt, by federal law, from Social Security taxes.

III. DETERMINATION OF NON-COMPENSABILITY

A. Notice of Non-Compensability
Notwithstanding the above provisions in Sections II of these Procedures, Accident Leave shall terminate on the effective date UMGC is notified that the injury has been determined to be non-compensable from (1) the Workers’ Compensation Commission; or (2) in the absence of a determination from the Workers’ Compensation Commission, from the WC Insurer.

B. Reimbursement by Employee to UMGC
If UMGC receives notice of non-compensability, UMGC shall correct the employee’s leave record to reflect a conversion of any Accident Leave that was granted in advance of the notice to accrued Time Off or, if the employee does not have accrued Time Off, to Approved Time Off - Unpaid. The employee shall be obligated to reimburse UMGC for any Accident Leave advanced under Policy VII-7.40-GC – UMGC Policy on Accident Leave and these Procedures for an injury that is subsequently determined to be non-compensable.

IV. TEMPORARY TOTAL BENEFITS

A. An injured employee shall only be entitled to temporary total benefits for loss of wages according to the Workers’ Compensation Act (herein referred to as “temporary total benefits”), after all available Accident Leave has been used.

B. Temporary total benefits are paid at the rate of two-thirds (2/3) of the employee's average weekly wage and provide compensation to the temporarily disabled employee until the medical provider states that he/she may return to work. Temporary total benefits are paid by the WC Insurer and are exempt from Federal and State tax, including Social Security Tax.

C. An employee on temporary total benefits is placed on Leave Without Pay because of an On-The-Job Injury. UMGC shall continue to pay the employer subsidy for the plans in which the employee was enrolled at the time of the accident, and the employee will be responsible for his/her regular premiums.

D. UMGC shall approve the employee’s use of other available accrued Time Off, including Sick, Vacation, Personal, Compensatory Time and Holiday, only after the employee has exhausted all available Accident Leave and received all temporary total (or partial) benefits for which he/she is eligible.
E. In the event an employee uses Sick Time Off for the time period for which he/she subsequently is awarded benefits pursuant to the Workers’ Compensation Act, the UMGC authorizes use of the Sick Leave with the understanding and agreement that:

1. it constitutes an advance payment of temporary total or temporary partial disability benefits due under the Maryland Workers’ Compensation Act; and
2. the State’s obligation to pay temporary total (or partial) disability benefits under the Workers’ Compensation Act shall be offset on a dollar for dollar basis by the gross amount of payments received by the employee while on Sick Time Off for the same period of time.

F. After the injured employee has used all available Accident Leave, temporary total benefits and accrued Time Off, the employee shall be placed on a Leave of Absence Without Pay. This leave without pay shall expire once the employee has used a total of two years of leave, both paid and unpaid.

V. SUBROGATION

If someone other than the employee or UMGC causes an injury for which work-related Accident Leave is taken, UMGC, after notice to the injured employee, shall be subrogated to the rights of the employee to the extent of any compensation paid or owed. If (1) within 90 calendar days after the employee receives such notice from UMGC, the employee fails to enforce a claim against the third person, or (2) within a reasonable time after giving UMGC notice of an intent to enforce the claim against such third person the employee fails to take action to enforce the claim, UMGC, in its own name and for its own benefit may bring or join in an action against such third person.
VII-7.41-GC – UMGC POLICY ON MODIFIED DUTY

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy provides Modified Duty provisions for all University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular and Contingent II and III Status, except employees located in Overseas locations under the CENTCOM contract, to facilitate the early return to work of those employees recovering from an illness, injury or a pregnancy-related disability. This policy applies only to those employees who are expected to return to full duty in their previously held positions. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

A. Medical Restrictions - Physical or mental limitations certified by a licensed or certified medical provider or an accredited Christian Science Practitioner.

B. Modified Duty - A temporary assignment of job tasks that is compatible with an employee's medical restriction(s) and supports the prompt return to full duty.

III. GENERAL

A. It is the policy of UMGC to facilitate the prompt return to duty of employees absent due to illness, injury or a pregnancy-related disability. In an effort to ease the transition of recovering employees into a resumption of full duties without restrictions, Modified Duty is designed to provide for a temporary assignment.

B. A Modified Duty assignment may be made to provide accommodations to a pregnant or disabled employee under applicable laws and shall be administered consistent with those laws, notwithstanding the provisions of this policy.

C. Modified Duty assignments shall not become permanent assignments. The total number of days that an employee shall be assigned modified duties should not exceed 180 calendar days in any 12-month period. Exceptions to the 180 calendar day limitation may be approved by the CHRO or designee.

IV. ADMINISTRATION OF MODIFIED DUTY RESULTING FROM ILLNESS, INJURY OR PREGNANCY-RELATED DISABILITY

In an instance where an employee requests Modified Duty due to illness or injury, or requires an accommodation for a pregnancy-related disability, the employee shall follow the applicable procedures. The process for assignment to Modified Duty is detailed in the applicable procedures.
VI. WORKERS COMPENSATION

A. In the case of a work-related injury, Modified Duty may be authorized if determined to be appropriate by the Injured Workers Insurance Fund (IWIF).

B. Any employee who is injured in the line of duty and who refuses Modified Duty shall be reported to the State of Maryland’s Workers Compensation Insurer, and a request shall be made for a suspension of lost time benefits. Time off shall be consistent with VII-7.40-GC - UMGC Policy on Accident Time Off for Staff Employees.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-7.41 - Policy on Modified Duty
P-VII-7.41-GC – PROCEDURES FOR UMGC POLICY ON MODIFIED DUTY

I. ELIGIBILITY FOR MODIFIED DUTY RESULTING FROM ILLNESS, INJURY OR PREGNANCY-RELATED DISABILITY

A. In an instance where an employee requests Modified Duty due to illness or injury, or requires an accommodation for a pregnancy-related disability, the employee shall be required to provide an original certificate from a medical provider which authenticates the period of illness or injury and includes:

1. The date or dates the employee was seen by the medical provider;

2. A diagnosis of the illness or injury;

3. Whether the medical provider recommends that the employee not report to work, the period of time involved, and the reason the illness or injury prevents the employee from working even with reasonable accommodation;

4. A prognosis for recovery and the estimated date when the employee shall be able to return to full duty;

5. The medical restrictions that need to be considered when identifying a Modified Duty assignment; and

6. The authorized signature of the following licensed or certified medical providers: Physician, Physical Therapist; Clinical Psychologist; Dentist; Optometrist; Oral Surgeon, Chiropractor, Podiatrist; Nurse Practitioner; Nurse Midwife; Physician's Assistant or an accredited Christian Science Practitioner.

B. When an employee is required to provide a certificate as described above, the employee shall submit the certificate to the Office of Accessibility Services or a designated UMGC medical officer.

C. The employee may be required to provide additional original certificate(s) at reasonable intervals based upon the nature of the illness, injury or pregnancy disability.

D. In the event that the medical restrictions listed on the original certificate prevent the employee from performing any available Modified Duty assignment, UMGC may arrange for a second medical opinion. This provision does not limit UMGC’s right under any other policy to require a second medical opinion.
II. ASSIGNMENT TO MODIFIED DUTY

A. Upon receipt of the original certificate, in conjunction with the employee's Department or Unit Head, or Chairperson, CHRO or designee shall determine whether an appropriate Modified Duty assignment exists consistent with reasonable accommodation for medical restrictions, the department's staffing needs and relevant fiscal considerations. In the event an appropriate assignment cannot be identified in the employee's department, the CHRO or designee may assign the employee to another department that has an appropriate Modified Duty assignment during this period.

B. An employee on Modified Duty shall not be assigned to perform duties of a level higher than the employee's regular Job classification.

C. Modified Duty employees may experience some temporary changes from their regular assignments in the areas of daily work hours, scheduled shifts, regular days off, and Holiday Leave.

D. Modified Duty assignments shall not alter the employees' bi-weekly salary but may affect Shift Differential pay.

E. The assignment shall be evaluated periodically, and may be adjusted based upon the employee's medical progress.

F. UMGC may, at any time, arrange for a second medical opinion by a UMGC-named physician to verify the recovering employee's need to continue modified duties.

G. If UMGC determines that an appropriate Modified Duty assignment does not exist, the employee may be placed on Paid Leave or Leave of Absence Without Pay as appropriate until such time as UMGC can identify an appropriate placement or the employee's condition improves sufficiently to allow a return to work.

H. If the employee refuses a Modified Duty assignment, Accident or Sick Leave may be terminated. The employee may be allowed to use other forms of Paid Leave, be terminated, or be placed on a Leave of Absence without Pay. Other administrative sanctions may also be applied.
I. PURPOSE AND APPLICABILITY
This policy governs the accrual and use of sick and safe time off, and applies to all UMGC nonexempt, exempt and overseas staff employees on regular status. Nonexempt staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. GENERAL
A. Sick and safe time off is paid time off granted to employees in an effort to provide some protection against the loss of earnings due to absences for health and allied reasons; and when certain absences are necessary due to domestic violence, sexual assault, or stalking, pursuant to the Maryland Healthy Working Families Act and provisions of this policy.

B. A full-time employee shall earn sick and safe time off at the rate of fifteen (15) eight-hour workdays (i.e. 120 hours) per year, accrued on a biweekly basis. Employees who are appointed at least 50% time shall earn sick and safe time off on a pro rata basis. Sick and safe time off is accumulated and carried forward from year to year without limit. Sick and safe time off is not paid out to the employee upon separation of employment.

C. An employee may use, on a continuous basis, earned time off (sick and safe, vacation and personal time off), advanced sick time off, extended sick time off (Stateside only), time off granted through the leave reserve fund, or unpaid family & medical leave, as needed for personal illness or for parental time off, subject to the requirements and criteria of the VII-7.49-GC – UMGC Policy on Parental Time Off and Other Family Supports for Staff Employees (Parental Time Off Policy).

D. An employee may request that his/her mental or physical illness, injury, condition, or disability occurring during a period of vacation or personal time off be charged to sick and safe time off. Verification of such illness, injury, condition, or disability may be required by the Vice President of Human Resources (VPHR) or designee as provided in section III of this policy.

E. Sick and safe time off shall be granted by the VPHR or designee when an employee is absent because of:
   1. Mental or physical illness, injury, condition, 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 III.C. of this policy that cannot be scheduled during non-work hours.

3. Mental or physical illness or injury of the employee's close relative and medical appointments, examinations or treatments for the close relative with an accredited, licensed or certified medical provider listed in section III.C. of this policy that cannot be scheduled during non-work hours. For doctor appointments that cannot be scheduled during non-work hours, the employee shall make every effort to schedule the appointment either at the beginning or the end of the scheduled workday in order to reduce time away from work.

   a. Close relative as used in this policy shall mean a spouse, child, adopted child, foster child, step-child, child for whom the employee stands in loco parentis (or someone for whom the employee took the place of a parent) regardless of the child’s age, grandchild, adopted grandchild, foster grandchild, or step grandchild, mother, father, legal guardian or person who stands in loco parentis of the employee (or someone who took the place of the employee’s parent), mother-in-law, father-in-law, adoptive parent of the employee or spouse, foster parent of the employee or spouse, stepparent of the employee or spouse, sibling, adopted sibling, foster sibling, step sibling, grandparent of the employee or spouse, adopted grandparent, foster grandparent, step grandparent, son-in-law, daughter-in-law, brother-in-law, sister-in-law, or legal dependent of the employee irrespective of residence. Use of sick and safe time off 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. Because same-sex marriage is not legal in all countries outside of the United States in which UMGC operates, a “domestic partner” is also considered a close relative for Overseas employees for the purpose of this policy. A domestic partnership is an interpersonal relationship between two individuals who live together and share a common domestic life but are not married (to each other or to anyone else).

   b. The VPHR or designee may require an employee to provide certification by a medical provider listed in section III.C of this policy to demonstrate this obligation or to authenticate the need for the employee to care for the ill close relative.

4. Death of a close relative.

   a. For the death of a close relative, the VPHR or designee shall grant the following:
b. The VPHR or designee shall grant the use of up to a maximum of one (1) day of sick and safe time off for reasons related to the death of the employee’s or his/her spouse’s aunt, uncle, niece, or nephew.

5. Domestic violence, sexual assault, or stalking committed against the employee or the employee’s close relative.

a. The VPHR or designee shall grant an employee up to eight (8), eight-hour workdays (i.e. 64 hours) per year of sick and safe time off:

i. To obtain medical or mental health attention for the employee or employee’s close relative that is related to the domestic violence, sexual assault, or stalking;

ii. To obtain services for the employee or employee’s close relative member from a victim services organization related to the domestic violence, sexual assault, or stalking;

iii. To attend legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking of the employee or employee’s close relative; or

iv. During the time that the employee has temporarily relocated due to the domestic violence, sexual assault, or stalking.

i. Stateside – the use of up to five (5) days of accrued sick and safe time off. If the death of a close relative requires an employee to travel requiring staying away from home overnight, upon request the VPHR or designee shall grant the use of up to a maximum of seven (7) days of accrued sick and safe time off for this purpose.

ii. Overseas - the use of up to five (5) days of accrued sick and safe time off. If the death of a close relative requires an employee to travel requiring staying away from home overnight, upon request the VPHR or designee shall grant the use of up to a maximum of ten (10) days of accrued sick and safe time off for this purpose due to the employees’ geographic disbursement.
III. VERIFICATION OF ABSENCES CHARGED TO SICK TIME OFF

A. In order to assure medical attention for an employee who may need verification of fitness for duty, to authenticate the need for the employee to care for an ill close relative, or to prevent the abuse of sick and safe time off usage in cases where a pattern or excessive use of sick and safe time off has been observed, the VPHR or designee may require an employee to submit verification of the use of accrued sick and safe time off.

B. Verification may include but may not be limited to:

1. A written statement from the medical provider (as listed in Section III.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;

5. Documentation of the birth or adoption of a child; and

6. Pregnancy-related disabilities, adoption, birth of a child, and immediate recovery from these events.

   a. The VPHR or designee shall grant an employee up to eight (8), eight-hour workdays (i.e. 64 hours) per year of sick and safe time off:

   b. An employee planning to request the use of her Sick Time Off for the purposes listed in this subsection shall be governed by the provisions of this policy.

   c. The employee shall keep the VPHR or designee informed of any changes to their condition which affect the length of time that the employee will need to be away from work.

7. Accrued sick and safe time off may be used to care for a child following the birth of the child or placement of an adopted child with the employee.

F. An employee who returns to regular UMGC service within three (3) years of separation shall have the unused sick and safe time off earned during the prior UMGC service restored, provided the employee returns to a position eligible to earn sick and safe time off in accordance with VII-1.31-GC – UMGC Policy on Reemployment and Reinstatement.

III. VERIFICATION OF ABSENCES CHARGED TO SICK TIME OFF

A. In order to assure medical attention for an employee who may need verification of fitness for duty, to authenticate the need for the employee to care for an ill close relative, or to prevent the abuse of sick and safe time off usage in cases where a pattern or excessive use of sick and safe time off has been observed, the VPHR or designee may require an employee to submit verification of the use of accrued sick and safe time off, advanced or extended sick time off.

B. Verification may include but may not be limited to:

1. A written statement from the medical provider (as listed in Section III.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;

5. Documentation of the birth or adoption of a child; and
6. Any other information necessary to verify that the employee’s use of sick and safe time off is in accordance with this policy and other applicable policies.

C. Medical verification as outlined in this policy may be obtained by any of the following accredited, licensed or certified medical providers:

Sick Time Off may be advanced as follows:

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;
10. Licensed Certified Social Worker-Clinical;
11. Licensed Clinical Professional Counselor;
12. Optometrist;
13. Physician Assistant;
14. Christian Sciences Practitioner; or
15. Any other health care provider from whom UMGC’s Benefits unit will accept certification of the existence of a serious health condition to substantiate a claim for benefits in accordance with VII-7.50-GC – UMGC Policy on Family and Medical Leave for Staff and Faculty Employees.
IV. DIRECTED USE OF SICK AND SAFE TIME OFF OR MEDICAL EXAMINATIONS

A. The VPHR or designee, in accordance with the UMGC’s policy on family and medical leave, may direct an employee to use accrued sick and safe time off if he/she determines that an employee is unable to perform the responsibilities of his/her position due to mental or physical illness, injury, condition, or disability.

B. While in active work status, on any type of employee-related sick and safe time off, or time off pending an investigation, 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 VPHR 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 UMGC, UMGC 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 VPHR or designee in accordance with UMGC HR Policies, including 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 UMGC, the VPHR 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 and safe time off status or continued employment. If subsequent medical examinations and evaluations are required, the expense of such shall be borne by UMGC. The decision of the VPHR or designee is final.

V. ADVANCED SICK TIME OFF

Advanced sick time off is applicable to employees on regular, contingent II, or contingent III status. Advanced sick time off is not an entitlement. The granting of requests for advanced sick time off shall be at the discretion of the VPHR or designee based on operational needs, the employee’s record of work performance, and the employee’s record of sick time off or sick and safe time off abuse. An employee who sustains a temporary, recoverable illness, injury or serious disability, or is eligible for family and medical leave off under VII-7.50-GC – UMGC Policy on Family and Medical Leave for Staff and Faculty Employees may request advance use of sick time off as follows:

VII-7.45-GC-6
A. The employee shall:

1. have completed six (6) months of continuous UMGC service;
2. have exhausted all other types of accrued time off; and
3. have a satisfactory record of sick time off usage and work performance.

B. Advanced sick time off shall not be granted in instances where the mental or physical illness, injury, or disability occurred on the job, and the employee has been granted accident time off or temporary total disability benefits by the Workers' Compensation Commission.

C. Written requests for advanced sick time off shall be submitted to the VPHR or designee and shall be supported by written verification by an accredited, licensed, or certified medical provider or appropriate documentation of the birth or adoption of a child as outlined in sections III.B and III.C of this policy.

D. Sick time off may be advanced as follows:

1. In the first year of service and based on the rate of fifteen (15) working days per year, advanced sick time off shall be prorated based upon the employee's length of service and full-time equivalency (FTE) at the time it is requested.

2. Thereafter, advanced sick time off for stateside employees is advanced at the rate of fifteen (15) working days per year of service to a maximum of sixty (60) working days in any one (1) calendar year. Due to DoD contract and Individual Logistical Support (ILS) constraints, advanced sick time off for overseas employees may be advanced a maximum of fifteen (15) working days in any one (1) calendar year.

E. The use of advanced sick time off 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 time off shall be at one-half the rate that sick and safe time off and vacation time off are earned. An employee may elect to pay back advanced sick time off by applying any earned time off or by reimbursing UMGC with cash.

F. Vacation, sick and safe, and holiday time off earned, and personal time off credited while on advanced sick time off shall be applied as earned/credited.

G. Additional requests for advanced sick time off shall not be granted until all previously granted advanced sick time off has been repaid. The only exception to this provision is in cases where the maximum amount of advanced sick time off had not been requested originally and additional advanced sick time off, consecutive to that already granted, is needed to cover the employee's continued absence arising from the original mental or physical illness, injury or disability.
H. The VPHR or designee may refer an employee who is on advanced sick time off as follows:

1. The employee may be referred to an UMGC-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 UMGC-named physician, the provisions of Section IV.B.3 shall apply.

VI. EXTENDED SICK TIME OFF

A. Extended sick time off is not an entitlement. The granting of requests for Extended sick time off shall be at the discretion of the UMGC President or designee based on operational needs, the employee’s record of work performance, and the employee’s record of sick time off or sick and safe time off abuse.

B. Due to DoD contract and Individual Logistical Support (ILS) constraints, extended sick time off shall not be applied in the UMGC overseas divisions.

C. An employee who sustains a temporary, recoverable mental or physical illness, injury or serious disability may request extended sick time off, subject to the following conditions:

The employee shall:

1. have been in USM and/or State service for at least five (5) years;

2. have exhausted all available types of accrued time off and advanced sick time off; and

3. have a satisfactory record of sick or sick and safe time off usage and work performance.

D. The maximum cumulative total of extended sick time off available to an employee while in UMGC, USM or State service is twelve (12) work months (52 work weeks).

E. Vacation, sick and safe, and holiday time off earned, and personal time off credited while on extended sick time off shall be applied as earned/credited.

F. Written requests for extended sick time off shall be submitted to the VPHR or designee and shall be supported by written verification by an accredited, licensed or certified medical provider as outlined in sections III.B and III.C of this policy.
G. The VPHR or designee may refer an employee who is on extended sick time off as follows:

1. The employee may be referred to an UMGC-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 UMGC-named physician, the provisions of section IV.B.3 shall apply.

VII. OTHER

For other related policies, please see UMGC Global Human Resources Policies, including Parental Time Off Policy, Policy on Leave of Absence Without Pay, Policy on Leave Reserve Fund, Policy on Family and Medical Leave, and Policy on Accident Time Off.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Vice President of Human Resources (VPHR) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and applicable procedures on the UMGC website.

Replacement for:
USM BOR VII – 7.45 – Policy on Sick Leave for Exempt and Nonexempt Staff Employees
UMGC OS 17.00 – Policy on Sick Leave
P-VII-7.45-GC – PROCEDURES FOR UMGC POLICY ON SICK LEAVE

I. SICK LEAVE NOTICE REQUIREMENTS

Requests for use of sick leave must be made to the employee’s designated supervisor or manager.

II. ADVANCED AND EXTENDED SICK LEAVE

Upon exhaustion of all other types of accrued leave, eligible employees may apply for Advanced or Extended Sick leave.

A. To apply, the employee must contact the UMGC Benefits Leave Administrator who will confirm eligibility, review the employee’s leave balance, explain the process, and provide the related request form.

B. The employee completes the appropriate form and submits it to the UMGC Benefits Leave Administrator who obtains final review and signatures from the CHRO or designee, and if approved, notifies Payroll.

C. Confirmation of approval or denial is sent to the employee and his/her supervisor by the UMGC Benefits Leave Administrator.
VII-7.49-GC – UMGC POLICY ON PARENTAL TIME OFF AND OTHER FAMILY SUPPORT

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017; Updated October 1, 2018; Updated February 6, 2020)

I. PURPOSE AND APPLICABILITY
This policy on parental time off supports University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular Status in balancing professional and family demands during and after the birth or adoption, foster care, and legal guardianship of a child through measures to promote a “family-friendly” environment at UMGC. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. PARENTAL TIME OFF

A. Each employee on Regular Status shall be guaranteed a period of up to sixty (60) work days (480 hours) of continuous paid parental time off to care for a newborn, adopted, or foster child as follows:

1. During the parental time off period, the employee shall use earned, granted, observed, or accrued compensatory, personal, holiday, and vacation time off available when the parental time off period begins and as it is granted, observed, or accrued throughout the parental time off period, in accordance with the applicable procedures.

2. If none of the above categories of time off is available to the employee, UMGC shall provide supplemental paid parental time off to the employee to attain the paid parental time off assurance of sixty (60) work days (480 hours).

3. The sixty (60) work day/480 hour paid parental time off period will be available on a continuous basis during a six- (6-) month period following:

   a. The birth of a child;

   b. The adoption of a child under the age of 18; and

   c. At the discretion of the Vice President of Human Resources or designee and subject to any limitations established by UMGC, the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of 18.
B. Eligible employees electing to use a parental time off period are required to notify the Office of Human Resources, Benefits Unit, of their election within fifteen (15) calendar days of the first day of absence from work for a qualifying reason.

III. PARENTAL TIME OFF ELIGIBILITY

A. For supplemental paid parental time off to apply, a regular staff employee must provide a written affirmation that the employee shall be the child’s primary caregiver during the parental time off period.

1. Time off shall be prorated for eligible regular staff employees working 50 percent (50%) or greater Full Time Equivalent (FTE) based on their FTE.

2. If a child’s parents are both employed by UMGC, each employee may be eligible for parental time off up to the twelve (12) workweek (i.e. 480 hour) maximum as follows:

   a. Both parents concurrently may use earned, accrued, or granted compensatory, vacation, holiday, or personal time off concurrently with the birth of a child, adoption, fostering parenting legal guardianship of the child under age 18, in accordance with the applicable policies and procedures.

   b. A parent may use additional UMGC supplemental paid parental time off under this policy only during a period when that parent is the child’s primary caregiver.

   c. The parent who is not the child’s primary caregiver may also use sick time off, advanced sick time off, extended sick time off, and the Leave Reserve Fund in accordance with the applicable policies and procedures for time off for parental support purposes.

3. An employee shall be eligible for paid parental time off after six (6) months of continuous employment with UMGC.

4. An employee who has not yet reached the six- (6-) month eligibility threshold may use other available time off for parental support purposes, pursuant to the applicable policies, including:

   a. Accrued sick time off;

   b. Any advanced sick time off the employee is eligible to receive, prorated to the length of service and FTE; and/or

   c. Leave without pay

5. An employee may be eligible for paid parental time off under this policy
on one (1) occasion in a given twelve- (12-) month period, and on two (2) separate occasions during the duration of the employee’s employment within UMGC.

6. Parental time off must be used on a continuous basis; it is not available on an intermittent basis.

7. The employee must have a satisfactory record of work performance and no record of sick or safe time off abuse.

D. To utilize Parental Time Off, the employee must submit a written request using the Parental Time Off Form. A request for Parental time off will not be approved until the employee’s eligibility has been confirmed through the submission and complete processing of the Parental Time Off Form.

E. All time off taken during the parental time off period shall run concurrently with any available Family & Medical Leave Act (FMLA) time off (“FML”), per VII-7.50-GC – UMGC Policy on Family and Medical Leave for Staff and Faculty Employees, if the employee is also eligible for FML under policy VII-7.50-GC. UMGC shall administer both policies concurrently.

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

III. SUPPORT FOR NURSING MOTHERS

A. UMGC shall provide space at reasonable locations where employees who are nursing mothers may breastfeed or express milk.

1. The area must be shielded from view and free of intrusions from others.

2. A bathroom or restroom may not be designated as a lactation area.

3. 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.

4. The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to a sink.

5. The requirement for lactation facilities on each UMGC location and their availability for the purpose of breastfeeding a child or expressing milk are subject to UMGC procedures. Provisions for lactation facilities do not apply to UMGC locations Overseas. The circumstances under which children may be present at a UMGC location are addressed in the applicable policies.
B. The schedule of the employee who is a nursing mother shall allow for reasonable break time during work hours for the purpose of breastfeeding or expressing milk.

1. Employees shall be permitted to use current paid break and unpaid lunch times to breastfeed or express milk.

2. Supervisors shall work with employees who need additional break time for this purpose to provide for the flexible scheduling of additional unpaid break time.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Vice President of Human Resources to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website. The Vice President of Human Resources may approve exceptions to this policy in extenuating circumstances.

Replacement for:
USM BOR VII-7.49 – Policy on Parental Leave and Other Family Supports for Staff
P-VII-7.49-GC – PROCEDURES FOR UMGC POLICY ON PARENTAL TIME OFF AND OTHER FAMILY SUPPORT

I. PARENTAL TIME OFF

During the parental Time Off period, the employee shall use the following time off in the following order:

A. Earned compensatory time off;

B. Personal time off that is available to the employee when the parental time off period begins and as additional personal time off may be granted during the parental time off period, pursuant to VII-7.10-GC – UMGC Policy on Personal Time Off;

C. Floating holiday time off;

D. Earned holiday time off for observed holidays throughout the parental time off period, pursuant to VII-7.30-GC – UMGC Policy on Holiday Time Off; and

E. Accrued vacation time off that is available to the employee when the parental time off period begins and as it is accrued throughout the parental time off period, pursuant to VII-7.00-GC – UMGC Policy on Vacation Time Off.

II. PARENTAL TIME OFF REQUESTS

The 12-month waiting period of re-eligibility for paid Parental Time Off is determined on a rolling basis from when the employee last used Parental Time Off.

III. SUPPORT FOR NURSING MOTHERS

To request space for breastfeeding or expressing milk, the employee should contact the Human Resources Benefits Leave Administrator or the Office of Accessibility Services.
I. PURPOSE AND APPLICABILITY

The purpose of this Policy is to implement the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2611 et. seq. and subsequent amendments to applicable Federal and State laws. This Policy applies to all eligible University of Maryland Global Campus (UMGC) Nonexempt, Exempt, and Overseas Staff employees on Regular Status or Contingent Status and to all eligible faculty who are covered by the provisions of BOR Policy II-1.00 on Appointment, Rank, and Tenure of Faculty, except staff and faculty employees located in Overseas locations under the CENTCOM contract. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. TERMS AND DEFINITIONS

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

A. **Accrued or Acquired Time Off** - Earned and unused Vacation Time Off, Holiday Time Off, Sick Time Off, Accident Time Off, Compensatory Time Off, Personal Time Off, and time off taken from the Leave Reserve Fund.

B. **Alternative Position** - A position to which an employee may be reassigned temporarily during a period of intermittent or reduced schedule FML. The Alternative Position shall have equivalent benefits and pay to the position from which the employee 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. **Care for a Covered Servicemember** - Care by an employee for a Covered Servicemember who has become ill or injured as a result of service in the military when the employee is the Spouse, Parent, Child (of any age), or if none of the above is available, the Next Of Kin of the Covered Servicemember.

E. **Child (except for military FML requests under Section VI)** - A person who is the son or daughter of an employee 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 at the time FML commences. The son and/or daughter may be the biological, adopted, step or foster child of the employee. The term “child” shall also include someone who is the legal ward of the employee or someone for whom the employee has provided sufficient, notarized affidavit(s) and proof of financial dependence that he/she is standing *In Loco Parentis*.

**F. Covered Active Duty** - In the case of a member of a Regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a Reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

**G. Covered Servicemember**

1. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a Serious Injury or Illness; or

2. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a Serious Injury or Illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable discharge at any time during the five (5) year period prior to the first date the employee takes FMLA leave to Care for the covered veteran.

**H. Employee** - A UMGC employee who is eligible to take FMLA leave by meeting the following criteria:

1. **Staff Employee**

   a. The employee has been employed for a total of at least twelve (12) months as an employee of UMGC, another USM institution or the State of Maryland; and

   b. The employee has worked for at least one thousand two hundred and fifty (1,250) hours during the twelve (12) month period immediately prior to the beginning date of the leave as an employee of UMGC, another USM institution or the State of Maryland.
c. For part-time employees on at least a 50% FTE, the minimum number of hours required for eligibility shall be prorated.

2. Faculty Employee

a. The employee has been employed for a total of at least twelve (12) months as an employee of UMGC, another USM institution or the State of Maryland; and

b. The employee whose employment during the twelve (12) month immediately preceding the beginning date of the FML was at least fifty percent (50%) or more FTE under a nine month or longer contract, or who has worked for at least one thousand two hundred and fifty (1,250) hours during the twelve (12) month period immediately prior to the beginning date of the leave as an employee of UMGC, another USM institution or the State of Maryland.

c. For part-time employees on at least a 50% FTE, the minimum number of hours required for eligibility shall be prorated.

I. Equivalent Position: A position at UMGC within an Employee’s current Division (Stateside, Europe or Asia) to which an Employee may be restored upon the completion of the FML. The equivalent position shall have the same benefits, pay, and other terms and conditions of employment as the position from which the Employee took leave.

J. Exigency: An Exigency includes the following:

1. Issues arising from a Military Member’s short notice deployment (call to Covered Active Duty on seven (7) or fewer days’ notice prior to the date of deployment);

2. Military events and related activities (official ceremonies, programs or events sponsored by the military), or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the Covered Active Duty or call to Covered Active Duty of a Military Member;

3. Childcare and related activities arising from the Covered Active Duty or call to Covered Active Duty status of a Military Member (including but not limited to arranging for alternative childcare, providing childcare on a
non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attendance at certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the Covered Active Duty or call to Covered Active Duty of a Military Member). For purposes of this paragraph, the child must meet the definition of “Child” in Section II.E of this Policy;

4. Financial and legal arrangements (to make or update legal and/or financial arrangements for the Military Member’s absence or act as his/her representative before a government agency);

5. Attending counseling provided by someone other than a Health Care Provider for oneself, for the Military Member, or for a child of the Military Member (who must meet the definition of “Child” in Section II.E of this Policy), the need for which arose from the Covered Active Duty or call to Covered Active Duty of the Military Member;

6. Spending up to fifteen (15) days to spend with a Military Member who is on short-term, temporary, rest and recuperation leave (for each instance of such leave short-term temporary leave rest and recuperation during a deployment);

7. Attending post-deployment activities (including arrival ceremonies, reintegration briefings and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the Military Member’s Covered Active Duty status, and issues arising from the death of a Military Member);

8. Providing Parental Care necessitated by the Covered Active Duty status of a Military Member whose parent is incapable of self-care; or

9. Additional activities (provided that UMGC and Employee agree that such activities shall qualify as an exigency and agree to both the timing and duration of leave).

K. **FML** – Leave taken by an Employee pursuant to FMLA.

L. **Health Care Providers** - 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, clinical social workers and physician assistants who are authorized to practice by the State or country in which the Health Care Provider is practicing, licensed clinical
professional counselors, and Christian Science practitioners listed with the First Church of Christ Scientist in Boston.

M. **Immediate Family Member** - The Employee’s Parent, Spouse, or Child.

N. **Incapacity** – inability to work, attend school or perform other regular daily activities due to the Serious Health Condition, treatment therefore or recovery therefrom.

O. **In Loco Parentis** - In the place of a parent; instead of a parent; charged, factitiously, with a parent's rights, duties and responsibilities. Any Employee claiming an *in loco parentis* relationship with a child, or any Employee claiming to be the child in an *in loco parentis* relationship, may be requested to provide documentation of such relationship.

P. **Key Employee** - A salaried Employee who is among the highest paid ten (10) percent of all the employees employed by UMGC within seventy-five (75) miles of the employee’s workplace at the time the Employee gives notice of the need for leave. A faculty Employee must hold a concurrent administrative appointment under USM BOR Policy II- 1.03 in order to have the status of Key Employee.

Q. **Military Member** - An Employee’s Spouse, Child (of any age), or Parent who is on Covered Active Duty.

R. **Next of Kin** - The nearest blood relative other than the Covered Servicemember’s Spouse, Parent or Child (of any age) in the following order of priority:

1. A blood relative whom the Covered Servicemember has specifically designated in writing as his or her nearest blood relative for purposes of military caregiver leave under the FMLA;

2. Blood relatives who have been granted legal custody of the Covered Servicemember by court decree or statutory provision;

3. Brothers and sisters;

4. Grandparents;

5. Aunts and uncles; and

6. First cousins.
S. **Parent** - The Employee’s biological, adoptive, step or foster mother or father, or someone who stood *In Loco Parentis* to the Employee when the Employee was a child. This term does not include parents “in law.”

T. **Parental Care** - Care provided to the Military Member’s Parent, who is incapable of self-care and is the Military Member’s biological, adoptive, step or foster father or mother, or any other individual who stood *In Loco Parentis* to the Military Member when the member was under eighteen (18) years of age.

U. **Restore(d) or Restoration:** For Employees other than Key Employees, a return to the position held by the Employee when FML commenced or to an Equivalent Position. For Key Employees, a return to the position held when FML commenced, if required under the terms of this Policy.

V. **Serious Health Condition** - An illness, injury, impairment, or physical or mental condition of the Employee or an Immediate Family Member that involves:

1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;

2. A period of incapacity requiring absence of more than three (3) consecutive days from work or other regular daily activities that also involves continuing treatment by (or under the supervision of) a Health Care Provider;

3. Any period of incapacity due to pregnancy or for prenatal care;

4. Any period of incapacity (or treatment therefore) due to a chronic condition that requires periodic visits for treatment, continue over an extended period of time, and may cause episodic incapacity, such as asthma, diabetes, epilepsy, etc.;

5. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective and for which the Employee or Immediate Family Member is under the continuing supervision of a Health Care Provider (e.g., Alzheimer's, stroke, terminal diseases, etc.);

7. Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a Health Care Provider for a condition that likely would result in incapacity of more than three (3) consecutive days if left untreated (e.g., chemotherapy, physical therapy,
dialysis, etc.) or for a restorative surgery after an accident or other injury; or

8. Any absences due to the employee being unable to perform any one of the essential functions of his/her position.

W. Serious Injury or Illness

1. In the case of a current member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

2. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

X. Spouse - A husband or wife as defined or recognized under state law for purposes of marriage in the state where the Employee resides, including common law marriage and same sex marriage.

Y. 12-Month Period:

1. A rolling twelve (12) month period measured backward from the date an Employee uses any FML leave. Each time an Employee takes FML leave, the remaining leave entitlement is the balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months.

2. With regard to Care for a Covered Servicemember, for which an Employee who is the Spouse, Child (of any age), Parent or Next of Kin of a Covered Servicemember may use up to twenty-six (26) workweeks of leave in a single 12-Month Period, the 12-Month Period shall be measured forward, beginning on the first day the Employee takes FML to Care for a Covered Servicemember and ending twelve (12) months after that date.
III. REASONS FOR LEAVE

A. An Employee is entitled to take FML for the following reasons:

1. The birth of the Employee’s Child;
2. The placement of a Child with the Employee for adoption or foster care;
3. The need to take Care of the Employee’s Child within a 12-Month period from birth or placement;
4. The need to take Care of the Employee’s Immediate Family Member who has a Serious Health Condition;
5. The Serious Health Condition of the Employee that makes the Employee unable to perform any one of the essential functions of the Employee’s job;
6. The need to take Care of a Covered Servicemember’s Serious Injury or Illness; and
7. Exigencies arising out of the Covered Active Duty and call-up to Covered Active Duty of a Military Member [the Employee’s Spouse, Child (of any age), or Parent].

B. COMPENSATION DURING LEAVE

The FMLA provides Employees with job-protected leave for the qualifying reasons listed under Section III of this Policy. The FMLA allows for the FML to be unpaid, paid through the concurrent use of Accrued or Acquired Time Off, or a combination of both. UMGC requires Employees to use concurrently with FML paid Accrued or Acquired Time Off in the following order: (1) Accrued or Acquired Time Off; and (2) paid Parental Time Off under VII-7.49-GC – UMGC Policy on Parental Time Off and Other Family Support For Staff Employees. Any remaining FML will be unpaid.

C. FAMILY AND MEDICAL LEAVE ENTITLEMENT

A. An Employee is entitled to a maximum of twelve (12) workweeks (i.e. 480 hours) of FML, based on the Employee’s normal workweek within a 12-Month Period. FML can be taken continuously or, per Section VII of this Policy, intermittently or under a reduced work schedule, over the course of a 12-Month Period. FML entitlement shall not be carried over from a 12-Month Period to the subsequent 12-Month Period.
B. The actual FML entitlement shall be based on the employee’s percentage of full time work for the 12-Month Period immediately prior to the beginning date of the FML and shall be combined with the amount of other FML taken during the 12-Month Period within which the FML is to begin.

C. Whether a period of FML is paid or unpaid will be determined by Section IV of this Policy. An Employee who regularly works full-time is entitled to a maximum of twelve (12) workweeks (i.e. 480 hours) of FML in a 12-Month Period based on the Employee’s normal workweek. An Employee who works part-time (less than 40 hours per week) for at least a 50% FTE is entitled to a pro rata or proportional share of the twelve (12) workweek (i.e. 480 hours) maximum.

VI. MILITARY FML ENTITLEMENT

A. Military Caregiver Leave - An Employee who is the Spouse, Child (of any age), Parent or Next of Kin of a Covered Servicemember may use up to twenty-six (26) workweeks of leave in a single 12-Month Period to Care for a Covered Servicemember with a Serious Injury or Illness. The 12-Month Period described in this paragraph shall begin on the first day the Employee takes FML to Care for a Covered Servicemember and ends twelve (12) months after that date.

B. Exigency Leave - An Employee with a Spouse, Child (of any age), or Parent who is a Military Member on Covered Active Duty or notified of an impending call or order to Covered Active Duty status may use up to twelve (12) workweeks of leave to address any Exigency.

VII. INTERMITTENT LEAVE OR REDUCED SCHEDULE LEAVE

A. Intermittent leave is FML taken in separate blocks of time due to a single qualifying reason. Reduced schedule leave is FML that reduces an Employee’s usual number of working hours per workweek or workday for a period of time.

B. An Employee may take intermittent or reduced schedule leave for purposes of the Employee’s or the Immediate Family Member’s Serious Health Condition, the Serious Injury or Illness of a Covered Servicemember, or for an Exigency. There must be a medical need for leave and it must be that such medical need can be best accommodated through intermittent or reduced schedule leave.

C. The Employee shall make a reasonable effort to schedule intermittent or reduced schedule leave for planned medical treatment so as not to unduly disrupt the operations of the Employee’s applicable unit. If the Employee neglects to consult with UMGC to make a reasonable effort to arrange the schedule of treatments so
as not to unduly disrupt UMGC’s operations, UMGC may initiate discussions
with the Employee and require the Employee to make a reasonable effort to make
such arrangements, subject to the approval of the Health Care Provider.

D. The CHRO or designee may agree to grant intermittent or reduced schedule leave
for reasons of child birth, placement with the Employee of a child for adoption or
foster care, or Care for a newborn Child.

E. The CHRO or designee may temporarily reassign an Employee on intermittent or
a reduced schedule leave to an Alternative Position for which the Employee is
qualified and which better accommodates intermittent or reduced schedule leave
than does the Employee’s regular position. Such reassignment may occur only
where the Employee foreseeably needs intermittent or reduced schedule leave or
where the CHRO or designee agrees to permit such leave under this Section. The
Alternative Position must have equivalent pay and benefits but need not have
equivalent duties and may not constitute a hardship on the Employee or
discourage the Employee from taking leave. When the Employee no longer needs
leave, he or she must be placed in the position they held when FML commenced
or in an Equivalent Position.

VIII. JOB RIGHTS AND PROTECTIONS

A. Except as provided in VIII. B., C., D., and F., an Employee returning to work at
the conclusion of FML shall be Restored to the position they held when FML
commenced or to an Equivalent Position with the pay, benefits, and other terms
and conditions of employment that the Employee enjoyed immediately prior to the
FML.

B. An Employee is not entitled to Restoration if the CHRO or designee determines
that the Employee 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 UMGC
would not otherwise have continued to employ the Employee.

C. If at any point prior to or during the FML the CHRO or designee determines that
the Employee’s position held when FML commenced cannot be held available for
the duration of the leave, the CHRO or designee, at the conclusion of the leave,
shall Restore the Employee to an Equivalent Position.

D. If it is determined that the position held when FML commenced is not available,
the CHRO or designee shall immediately notify the Employee in writing of details
associated with the decision and the details of the Equivalent Position to which the
Employee will be Restored. The Employee shall have the right to return to
work within fifteen (15) working days from receipt of such notice to keep the position held by the Employee when FML commenced.

E. If there is a layoff while the Employee is on FML and he/she would have lost his/her position had he/she not been on leave, then UMGC has no obligation to Restore the Employee to the position held by the Employee when FML commenced or to an Equivalent Position.

F. Employees on FML are subject to generally applicable changes in compensation, benefits, or other terms or conditions of employment.

G. Restoration of Key Employees

1. If it is necessary to prevent substantial and grievous economic injury to UMGC’s operations, the CHRO or designee may deny Restoration to a Key Employee.

2. If the CHRO or designee believes that Restoration may be denied to a Key Employee, then at the time the FML is requested (or commences, if earlier), or as soon as practicable thereafter if notice cannot be given immediately because of the need to determine whether the employee is a Key Employee, the CHRO or designee shall provide the Key Employee with written notification, including at least the following: a) notification of the fact that the Employee qualifies as a Key Employee; and b) potential consequences with respect to Restoration and maintenance of health benefits.

3. As soon as the CHRO or designee makes a good faith determination, based on the facts available, that substantial and grievous economic injury to UMGC’s operations will result if the Key Employee who has requested or who is using FML is Restored, UMGC shall give written notice to the Key Employee either in person or by certified mail of the following: a) that FML cannot be denied; b) that the CHRO or designee intends to deny Restoration upon completion of the FML; c) an explanation of the basis for the CHRO’s or designee’s finding that Restoration will result in substantial and grievous economic injury; and d) if FML has commenced, a reasonable time in which the Employee may return to work taking into account circumstances such as the length of the FML and the urgency of the need for the Employee to return to work.

4. If a Key Employee does not return to work in response to UMGC’s notification of intent to deny Restoration, then the Employee shall continue to be entitled to maintenance of health benefits through the
scheduled leave, and UMGC may not recover its share of premiums unless and until the Employee gives notice that he/she does not wish to return to work or UMGC actually denies Restoration at the conclusion of the FML period.

5. After notice to a Key Employee has been given that substantial and grievous economic injury will result if the Employee is Restored to employment, an Employee is still entitled to request Restoration at the end of the leave period even if the Employee did not return to work in response to the CHRO’s or designee’s notice. Based on the facts at that time, the CHRO or designee must again determine whether there will be substantial and grievous economic injury from Restoration. If it is determined that substantial and grievous economic injury will result, the CHRO or designee shall notify the Employee in writing (in person or by certified mail) of the denial of Restoration.

IX. STATUS OF BENEFITS WHILE ON FML

A. An Employee on FML under this Policy shall continue to be eligible for all employment benefits that he/she enjoyed immediately prior to the FML, including group life insurance, health insurance, disability insurance, Sick Time Off, Vacation Time Off, educational benefits, and retirement benefits, unless otherwise elected by the Employee and subject to any applicable changes in benefit levels that may have taken place during the period of FML.

B. An Employee on FML may elect to continue employer-subsidized health care benefits during the period of leave. The CHRO or designee shall, in accordance with Section XI.B of this Policy, provide advance written notice to the Employee of the terms and conditions under which premium payments are to be made by the Employee, which shall include the following:

1. If paid Accrued or Acquired Time Off or paid Parental Time Off is being used concurrently during the FML period, the Employee’s share of premiums must be paid by the method normally used during any paid leave.

2. If the FML period is unpaid, the Employee shall pay his/her share of premium payments in the manner required by the State of Maryland Department of Budget and Management.

3. If an Employee gives notice that he/she will not return to work, the Employee will not be eligible to continue participating in employer health benefit plans, except to the extent eligible as a retiree or under COBRA.
C. UMGC shall recover its share of health premiums during a period of unpaid FML if the Employee fails to return to work within thirty (30) days after the FML has been exhausted or expires, unless the reason for not returning is due to the continuation, recurrence, or onset of a Serious Health Condition of the Employee or Immediate Family Member, or a Serious Injury or Illness of a Covered Servicemember, or other circumstances beyond the Employee’s control.

D. When an Employee fails to return to work because of the continuation, recurrence, or onset of either a Serious Health Condition of the Employee or Employee’s Immediate Family Member, or a Serious Injury or Illness of a Covered Servicemember, thereby precluding UMGC from recovering its share of health benefit premium payments made on the Employee’s behalf during a period of unpaid FML, UMGC may require medical certification of the Employee’s or the Employee’s Immediate Family Member’s Serious Health Condition or the Covered Servicemember’s Serious Injury or Illness. If UMGC requires such certification, the Employee must provide the certification within thirty (30) days of UMGC’s request. If the Employee does not provide requested certification within thirty (30) days, or the reason for not returning to work does not involve circumstances beyond the Employee’s control, UMGC may recover one hundred percent (100%) of the health benefit premiums it paid during the unpaid FML.

E. Except as noted in Section VIII, Job Rights and Protections, upon return from FML an Employee shall be Restored all the rights, benefits, and privileges enjoyed prior to the leave.

F. While on any unpaid portion of FML, an Employee shall not earn or accrue any additional leave or creditable service for retirement.

G. An Employee may elect to purchase service credit at the time of retirement for prior leave without pay that is qualified by the Maryland State Retirement and Pension Systems. Upon approval of a leave without pay, an Employee shall follow UMGC’s procedure to assure that this option may be exercised. Service credits are not applicable to the Optional Retirement Program.

X. EMPLOYEE NOTICE REQUIREMENTS

A. Timing

An Employee shall give at least thirty (30) days’ written notice (or if not practicable, as soon as practicable, generally within two (2) working days) before FML is to begin for leave based on an expected birth, placement for adoption or foster care, planned medical treatment for a Serious Health Condition of the
Employee or an Immediate Family Member, or planned medical treatment for a Serious Injury or Illness of a Covered Servicemember. For leave due to an Exigency, notice must be provided as soon as practicable. The Employee shall advise UMGC as soon as practicable if dates of scheduled leave change or are extended, regardless of whether FML is to be continuous or is to be taken intermittently or on a reduced schedule basis.

B. Content
The Employee’s notice shall be sufficient to make UMGC aware that the Employee needs FML and shall include the anticipated timing and duration of the leave, if foreseeable.

C. Notice by Spokesperson
Notice may be given by the Employee’s spokesperson (e.g., Spouse, adult family member, or other responsible party) if the Employee is unable to do so personally.

XI. EMPLOYER NOTICE REQUIREMENTS

A. Eligibility Notice
When an Employee requests FML, or when UMGC acquires knowledge that an Employee’s leave may be for an FML-qualifying reason, UMGC shall notify the Employee of the Employee’s eligibility to take FML within five (5) working days, absent extenuating circumstances. UMGC shall provide this eligibility notice in writing using the template form issued by the Department of Labor, Wage and Hour Division or a comparable form adapted therefrom.

B. Rights and Responsibilities Notice
UMGC shall provide written notice detailing the specific expectations and obligations of the Employee and explaining any consequences of a failure to meet these obligations. This notice shall be provided to the Employee each time the eligibility notice is provided and may be contained within the same form. UMGC may use the template form issued by the Department of Labor, Wage and Hour Division or a comparable form adapted therefrom that includes:

1. A statement that the leave may be designated and counted against the Employee’s annual FML entitlement if qualifying and the applicable 12-Month Period as implemented under this Policy;
2. Any requirement for the Employee to furnish certification of a Serious Health Condition, Serious Injury or Illness or an Exigency arising out of Covered Active Duty or call to Covered Active Duty status, and the consequences of failure to do so;

3. A statement that UMGC will require the substitution of paid leave in accordance with this Policy, the conditions related to any substitution, and the Employee’s entitlement to take unpaid FML if the Employee does not meet the conditions for paid leave;

4. Any requirement for the Employee to make any premium payments to maintain health benefits and the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis;

5. If applicable, a statement of the Employee’s status as a Key Employee and the potential consequence that Restoration may be denied following FML, explaining the conditions required for such denial;

6. A statement of the Employee’s rights to maintain his/her benefits during FML and Restoration to the position held when FML commenced or an Equivalent Position upon return from FML; and

7. A statement of the Employee’s potential liability for payment of health insurance premiums paid by UMGC during the Employee’s unpaid FML if the Employee fails to return to work after taking FML.

C. Designation Notice

1. When UMGC has enough information to determine whether the leave is being taken for an FML-qualifying reason (e.g., after receiving a certification, if requested), UMGC shall notify the Employee in writing whether the leave will be designated and will be counted as FML, within five (5) working days absent extenuating circumstances. If UMGC has sufficient information to designate the leave as FML immediately after receiving notice of the Employee’s need for leave, UMGC shall provide the Employee with the designation notice at that time. This notice shall be provided using the template form issued by the Department of Labor, Wage and Hour Division or a comparable form adopted therefrom that meets the requirements set forth in this Policy.
2. UMGC shall inform the Employee in the written notice that UMGC is requiring the Employee to use paid leave concurrently in the order set forth in this Policy.

3. If UMGC will require the Employee to present a fitness-for-duty certification to be Restored to employment, UMGC must provide notice of such requirement with the designation notice. If UMGC will require that the fitness-for-duty certification address the Employee’s ability to perform the essential functions of the Employee’s position for the Employee to be Restored to employment, UMGC shall provide notice of this requirement in the designation notice and include a list of the essential functions of the Employee’s position.

4. If the information provided by UMGC to the Employee in the designation notice changes, UMGC shall provide written notice of the change within five (5) working days of receipt of the Employee’s first notice of need for leave subsequent to any change.

5. If UMGC does not designate leave as FML, UMGC may retroactively designate leave as FML with appropriate notice to the Employee provided that UMGC’s failure to timely designate leave does not cause harm or injury to the Employee.

XII. MEDICAL CERTIFICATION

A. Medical Certification for Serious Health Conditions of Employee or Immediate Family Member

1. For FML related to a Serious Health Condition, the Employee shall provide medical certification(s) from the Employee’s or Immediate Family Member’s Health Care Provider. UMGC may use the Department of Labor’s template forms for certification of the Serious Health Condition of an Employee or Immediate family member or comparable forms that include the same information. The Employee shall have fifteen (15) days to obtain the medical certification unless not practicable to do so despite the Employee’s diligent good faith efforts. UMGC shall require only the following information in the certification:

a. The name, address, telephone number, and fax number of the Health Care Provider and type of medical practice/specialization;

b. A diagnosis of the nature and extent of the condition giving rise to the use of FML;
c. The approximate date the condition commenced and its probable duration;

d. A statement or description of appropriate medical facts regarding the patient’s health condition for which FML is requested, including a regimen of continuing treatment to be prescribed;

e. In the case of an Employee’s Serious Health Condition, certification that the Employee is unable to perform the essential functions of his/her position and prognosis of the Employee’s ability to return to his/her position;

f. In the case of an Immediate Family Member’s Serious Health Condition, information sufficient to establish that the Immediate Family Member is in need of Care and an estimate of the frequency and duration of the leave required to Care for the Immediate Family Member; and

g. In cases of a request for intermittent or reduced schedule leave, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave, and (1) an estimate of the frequency and duration of treatments and periods of recovery if the leave is for foreseeable planned medical treatment; or (2) an estimate of the frequency and duration of episodes of incapacity if the Serious Health Condition may result in unforeseeable episodes of incapacity.

2. If an Employee submits a complete and sufficient certification signed by the Health Care Provider, UMGC may not request additional information from the Health Care Provider. However, UMGC may contact the Health Care Provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after UMGC has given the Employee an opportunity to cure any deficiencies under this Policy. UMGC shall designate a Health Care Provider, a human resources professional, a leave administrator, or a management official to contact the Employee’s Health Care Provider. Under no circumstances, however, may the Employee’s direct supervisor contact the Health Care Provider.

3. The CHRO or designee may require a second medical opinion at UMGC’s expense if UMGC has reason to doubt the validity of a medical certification provided by the Employee’s Health Care Provider. UMGC
may designate the Health Care Provider who is to furnish the second opinion. In the case of conflicting opinions, the opinion of a third Health Care Provider, agreed upon by both Employee and the CHRO or designee and obtained at UMGC’s expense, shall be final and binding. The second and third opinions shall not be provided by individuals who are employed on a regular basis by UMGC.

4. The CHRO or designee may require reasonable recertification as the FML continues. Recertification shall not be requested more often than every thirty (30) days unless the Employee requests an extension of FML, circumstances described by the previous certification have changed significantly, or UMGC receives information that casts doubt upon the continuing validity of the most recent certification. UMGC shall allow at least fifteen (15) days for the Employee to provide the requested recertification.

5. UMGC may ask for the same information on recertification as the original certification. As part of the information allowed to be obtained on recertification for leave taken because of a Serious Health Condition, UMGC may provide the Health Care Provider with a record of the Employee’s absence pattern and ask the Health Care Provider if the Serious Health Condition and need for leave is consistent with such a pattern.

B. Medical Certification for a Covered Servicemember

1. When leave is taken to Care for a Covered Servicemember with a Serious Injury or Illness, UMGC may require the employee to obtain a certification completed by an authorized health care provider of the Covered Servicemember. In addition to Health Care Providers defined in this Policy, Health Care Providers for purposes of this Section include health care providers from the U.S. Department of Defense (DOD), the U.S. Department of Veterans Affairs (VA), DOD TRICARE Network and DOD non-network TRICARE (collectively, Military Health Care Providers). An Employee may use the appropriate template form issued by the Department of Labor’s Wage and Hour Division or a comparable form requiring the same information (including invitational travel order (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at his/her bedside). UMGC may require additional information per 29 C.F.R. § 825.310.

2. If the Health Care Provider is a Military Health Care Provider, UMGC may not seek a second or third opinion. If the Health Care Provider meets
the definition of this Policy but is not a Military Health Care Provider, UMGC may seek a second or third opinion. Recertifications are never permitted for leave to Care for a Covered Servicemember. Should an extension of leave be required, additional certification may be requested.

C. Medical Certification for Leave Taken Because of a Exigency

1. The first time an Employee requests leave because of an Exigency arising out of the Covered Active Duty or call to Covered Active Duty status (or notification of an impending call or order to Covered Active Duty) of a Military Member, UMGC may require the Employee to provide a copy of the Military Member’s active duty orders or other documentation issued by the military which indicates that the Military Member is on Covered Active Duty or call to Covered Active Duty status, and the dates of the Military Member's Covered Active Duty service.

2. UMGC may additionally require that leave under this paragraph be supported by a certification setting forth the information listed in 29 C.F.R. § 825.309. UMGC may use the appropriate template form issued by the Department of Labor’s Wage and Hour Division or a comparable form requiring the same information. UMGC may not require information in addition to the information required by this paragraph.

D. The Employee must provide a complete and sufficient certification to UMGC. UMGC shall advise the Employee if UMGC finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if UMGC receives a certification but one or more of the applicable entries have not been completed. A certification is considered insufficient if UMGC receives a complete certification but the information provided is vague, ambiguous, or nonresponsive. UMGC must provide the employee with seven (7) days, unless not practicable, to cure any such deficiency.

E. Consistent with the FMLA and other applicable laws, all medical-related documentation will be kept confidential and maintained in a file separate from the Employee’s official personnel file.

XIII. DOCUMENTATION OF CERTAIN RELATIONSHIPS

If an Employee takes FML under this Policy, including, but not limited to, for the birth of the Employee’s Child, the placement of a Child with the Employee for adoption or foster care, or the need to take care of the Employee’s Child within a 12-month period after birth or placement, UMGC may require the Employee giving notice of the need for leave
to provide reasonable documentation to confirm the family relationship. This documentation may take the form of, but is not limited to, a simple statement from the Employee, a Child’s birth certificate, an adoption certification, or a court document. UMGC is entitled to examine the documentation, but the Employee is entitled to the return of an official document submitted for this purpose.

XIV. SCHEDULING OF TREATMENT

A. When planning medical treatment, the Employee must consult with UMGC and make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the applicable unit, subject to the approval of the Health Care Provider. Employees are ordinarily expected to consult with UMGC prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both UMGC and the Employee.

B. If an Employee fails to consult with UMGC to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt UMGC’s operations, the CHRO or designee may initiate discussions with the Employee, require the Employee to make a reasonable effort to make such arrangements, and request the Employee 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 operations of the Employee’s unit.

XV. PROVIDING INFORMATION ABOUT FML

Regardless of the reason for FML, an Employee shall provide complete, accurate and timely information related to a request for, continuation of, modification(s) to, and return from FML.

XVI. ABUSE OF FML

The CHRO or designee shall review, investigate and resolve suspected cases of bad faith, fraud or abuse of the FML program. Cases of bad faith, falsification of documents, or fraudulent information related to FML provided to UMGC, or other abuses of FML, may result in actions by UMGC, including, but not limited to, revocation of the leave, denial of a request to restore the Employee to his/her position or an Equivalent Position, recovery of UMGC’s costs for paid time off and insurance benefits premiums, and disciplinary action up to and including termination.

XVII. EARLY RETURN FROM LEAVE

An Employee may discover after beginning FML that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. An Employee may
not be required to take more FML than necessary to resolve the circumstance that precipitated the need for leave. UMGC may require the Employee to provide UMGC reasonable notice (i.e. within two working days) of the changed circumstances where foreseeable.

XVIII. EXTENSIONS OF LEAVE

An Employee may request an extension of the date of return from FML to the extent the Employee has remaining FML available. Regardless of whether the FML is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the Employee shall advise UMGC as soon as practicable if dates of scheduled FML are extended and provide recertification, if requested.

XIX. FAILURE TO RETURN FROM LEAVE

A. An Employee who will not be returning to UMGC at the conclusion of FML shall notify the CHRO or designee in writing as soon as practicable. In the absence of written notification or other extenuating circumstances, failure to return from leave shall be generally interpreted as a resignation. However, UMGC shall make a reasonable effort to communicate with the Employee to confirm the Employee’s intent to not return to work before interpreting a failure to return to work as a resignation.

B. If applicable, any benefit entitlement based upon length of service shall be calculated as of the Employee’s last paid day.

XX. SPOUSES EMPLOYED BY UMGC

A. Where Spouses both work at UMGC, each Spouse shall be entitled to a separate, individual, maximum FML eligibility amount.

B. 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.

C. Spouses shall be entitled to take leave simultaneously or in succession and in any portion of their respective individual maximum FML eligibility amount.

XXI. MISCELLANEOUS

A. The CHRO or designee is under no obligation to immediately restore an Employee whose return from FML does not coincide with the normal operating schedule of UMGC or the normal work schedule of the Employee’s unit, or
Restore an Employee whose return date is inconsistent with the terms and conditions of the Employee’s appointment.

B. Entitlement to begin FML for reasons of childbirth, placement with the Employee of a Child for adoption or foster care, or Care for a newborn Child expires by no later than the 364th day after the date of birth or placement. Any such FML must be concluded within this one-year period.

C. When FML is taken by an Employee on probation status, the probationary period shall be adjusted upon the return of the Employee by the length of time used for FML.

D. Either the Employee or UMGC may initiate a period of FML.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and applicable procedures on the UMGC website.

REFERENCE:


Replacement for:
USM BORVII - 7.50 – Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees
UMGC OS 21.00 – Policy on Family and Medical Leave
P-VII-7.50-GC – PROCEDURES FOR UMGC POLICY ON FAMILY AND MEDICAL LEAVE FOR STAFF AND FACULTY EMPLOYEES

I. FAMILY AND MEDICAL LEAVE CLAIM INITIATION

A. It is the responsibility of the employee to initiate an FML claim; however, under certain circumstances, the Chief Human Resources Office (CHRO) or designee may initiate the claim on behalf of an employee based on information from the employee, or his/her representative (e.g. Spouse, adult family member, or other responsible party) if incapacitated.

B. An employee shall provide the appropriate medical certification within fifteen (15) days after the date that a Serious Health Condition began or the birth of a child occurs, unless not practicable to do so, before taking FML. An employee shall provide the appropriate, legal certification of adoption or foster child placement, as soon as practicable, before taking FML.

C. When the need for leave is unforeseeable, an employee 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 employee or the employee's designee shall give verbal or written notice.

D. The employee is responsible for providing any and all required forms and certifications to the FML administrator meeting all deadlines as indicated under VII-7.50-GC – UMGC Policy on Family and Medical Leave for Staff and Faculty Employees and the Family Medical Leave Act. If the required deadlines are missed and/or required forms are missing or incomplete and deficiencies are not corrected within seven (7) calendar days of notification of the deficiencies, the employee’s claim may be closed.

II. JOB PROTECTION - RESTORATION OF KEY EMPLOYEES

A. If it is necessary to prevent substantial and grievous economic injury to UMGC, the CHRO or designee may deny Restoration to a Key Employee.

B. When practicable, the CHRO or designee shall provide the notice described in Section II.A.2. of this procedure at least one calendar week prior to the employee starting the leave. If such notice is provided after the leave commences, then the President also shall provide the employee a period of at least fifteen (15) working days from receipt of the notice to return to his/her position.
VII-8.00-GC - UMGC POLICY ON GRIEVANCES FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This policy establishes the employee’s right to file a Grievance and applies to University of Maryland Global Campus (UMGC) Nonexempt and Exempt Staff employees on Regular Status. The policy fully incorporates the requirements of the Education Article of the Annotated Code of Maryland. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

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

A. **Grievance** – Any cause of dispute arising between an employee and UMGC on a matter concerning discipline, alleged discrimination, promotion, assignment, suspension, demotion, separation from employment, including charges for removal, notice of termination, rejection on probation; interpretation or application of UMGC Policies, rules or departmental procedures over which UMGC has control.

B. **Working Day** – Monday through Friday, excluding days on which UMGC is closed for business, regardless of any employee’s actual work schedule.

III. ADMINISTRATION

A. Need for a Grievance Process
UMGC recognizes that legitimate disputes and Grievances may exist in the daily relationship between UMGC as an employer and its employees. It is the responsibility of all supervisors, administrators, managers, faculty and employees to establish and maintain a work climate within which an employee dispute or Grievance will be promptly identified, presented, discussed and given fair, timely consideration.

B. General Obligations
UMGC’s management and each employee have an obligation to make every effort to resolve employee relations disputes as they arise.

VII-8.00-GC-1
1. In any case where this effort fails, a Grievance may be submitted to a higher authority for adjudication in accordance with this policy, including neutral advisory arbitration or the Office of Administrative Hearings in Step Three Grievances, where applicable.

2. If a Grievance is submitted, the parties shall make every effort to resolve the Grievance at the lowest possible level of the process.

3. Decisions shall be both prompt and definitive.

4. Department Heads shall provide employees with information regarding the channels of communication and Grievance rights in that Department.

5. The employee shall have the right to representation at any Step of the Grievance process.

C. Retaliation Prohibited

Each employee utilizing the Grievance process shall have the right to make known a problem or dispute without the fear of coercion or reprisal. During any stage of a Grievance or other administrative or legal action that concerns employment, an employee may not be subjected to coercion, discrimination, interference, reprisal, or restraint by or initiated on behalf of UMGC solely as a result of that employee’s pursuit of or participation in a Grievance or other administrative or legal action that concerns UMGC employment. An employee may not intentionally take or assist in taking an act of coercion, discrimination, interference, reprisal, or restraint against another employee solely as a result of that employee’s pursuit of or participation in a Grievance or other administrative or legal action that concerns UMGC employment. An employee who violates the provision of this subsection shall be subject to disciplinary action, up to and including termination of employment.

D. Consistency with Other Laws and Policies

No decision shall be made at any Step of the Grievance process which conflicts with or modifies any policy or procedures approved by the President or the Board of Regents of the University System of Maryland (USM), any applicable statute, or any applicable administrative regulation issued under appropriate statutory authority.

E. Monetary Relief

1. The President or designee, Chancellor or Administrative Law Judge appointed by the Office of Administrative Hearings, as appropriate, shall
have the power to award back pay in any Grievance, and the CHRO or
designee shall enforce such order.

2. In a case where an employee has been misclassified, the President or
designee, Chancellor or Administrative Law Judge may, as appropriate, in
his/her discretion, award back pay to the employee for a period not to
exceed one (1) year prior to the initial filing of the Grievance, as
appropriate.

F. Non-Grievable Matters

1. Employees may not file or continue to pursue a Grievance on any matter
that is the subject of:

   a. A previous complaint filed by the employee under Title 5 of the
      State Personnel and Pensions Article of the Annotated Code of
      Maryland, Subtitle 2 (Equal Opportunity Program) or Subtitle 3
      (Maryland Whistleblower Law) regarding facts and circumstances
      raised in the previous complaint; or

   b. A previous complaint filed under another UMGC or applicable
      USM policy intended to protect the rights of employees regarding
      facts and circumstances raised in the previous complaint.

2. Employees may not file or continue to pursue a Grievance on any issues
that are not grievable by law, including issues pertaining to the general
level of wages, wage patterns, fringe benefits or to other broad areas of
financial management and staffing.

3. If an employee files a Grievance containing non-grievable matters, the
decision-maker may dismiss the Grievance without holding a conference
or addressing the merits of the Grievance.

G. Nothing in the section shall prohibit an employee from filing a complaint in
accordance with the appropriate law or UMGC policy or from filing a Grievance
regarding an issue that was not specifically decided under an earlier complaint
process used by the employee.

H. Final Disposition

Any party who elects to use this Grievance process for the resolution of a problem
shall be presumed to agree to abide by the final disposition arrived at in this
Grievance process, and the final disposition shall not be subject to review under
any other policy or process within UMGC or USM.

IV. GENERAL PROCEDURES
A. Representation of the Employee

An employee may be represented at every Step in the Grievance process as follows:

1. At any point in the Grievance process, the employee may elect to obtain, change, or dismiss a representative by providing written notice of name of the employee’s representative (Representative) to the decision-maker at the current Step of the Grievance process. An employee may not be represented by more than one individual at any given time during the Grievance process.

2. If the employee obtains, changes or dismisses the Representative during the course of the Grievance process, the employee will not be permitted to return to a previous Step in the process or otherwise delay the Grievance.

3. An employee designated as a Representative in any informal or formal stage of the process shall not suffer any loss of pay for investigating, processing or testifying in any Step of the Grievance procedure. If an employee represents him/herself, the employee will not suffer any loss of pay for testifying in any Step of the Grievance procedure but may not use work hours to investigate or process his/her Grievance.

B. Documentation Requirements

1. A Grievance must be filed in writing on UMGC’s Employee Grievance Form.

2. Employee Grievance Forms shall be available in UMGC’s Office of Human Resources and on the UMGC website.

3. The employee must sign the Employee Grievance Form at each Step of the Grievance process. The employee or the Representative shall submit the form to Office of Human Resources or the Department Head with a copy to the Office of Human Resources.

4. The employee who filed the Grievance is responsible for keeping a copy of the Grievance Form submitted by the employee at each Step of the process for possible future reference.

5. At Step One and Step Two, after the conference is held, the decision-maker shall provide the Office of Human Resources with his/her written decision. The Office of Human Resources shall deliver a copy of the decision to the employee who filed the Grievance in person, to the employee’s last known address via a delivery method that allows for
delivery confirmation and/or to the employee’s last known email address with a method that allows for delivery confirmation.

6. The Office of Human Resources shall maintain copies of all Grievance Forms received, any evidence submitted to the decision-maker for consideration during the conference, and decisions rendered at each Step of the Grievance process in accordance with UMGC’s applicable records retention policies and procedures.

C. Rules and Standards for Proceedings

1. Similar Grievances may be consolidated and processed together as a single Grievance. Where a number of individual Grievances have been reduced into a single Grievance, not more than three (3) employees selected by and from the group of employees who filed individual Grievances may be excused from work to attend a Grievance conference called by the Department Head at Step One, and not more than five (5) employees may be excused from work to attend a Grievance conference or hearing at Steps Two and Three, unless prior permission is granted by the CHRO or designee.

2. Each Step of the Grievance procedure shall be processed as quickly as feasible within the specified time limits.

3. Failure to timely request that a Grievance proceed to the next Step of the process at any Step constitutes acceptance of the decision. UMGC’s failure to timely respond to a Grievance constitutes a denial of the Grievance at that Step. By mutual written agreement of the parties, the time limits and/or Steps may be waived.

4. Any question concerning the timeliness of a Grievance or whether a complaint is subject to the Grievance procedure shall be raised by UMGC, the employee or by the decision-maker and resolved promptly, unless the decision-maker for that Step of the Grievance process determines that the decision shall be deferred pending a conference or hearing on the merits.

5. Requests to proceed to the next Step of the Grievance process shall be timed from the employee’s receipt of the written opinion of the decision-maker or from when such opinion is due, whichever comes first.

6. At each Step of the Grievance process, the decision-maker for the Grievance may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence or witnesses.

7. All Grievance hearings shall be open hearings unless either party requests that the hearings be closed.
8. At any Step of the Grievance process either party may require that witnesses be excluded from the hearing room until called to testify.

9. The original Grievance that has been considered on the merits will be considered de novo, in its entirety, at each successive Step of the Grievance process. De novo review means that the decision-maker at each Step in the Grievance process will make an independent determination of the issues, without deference to the conclusions made at an earlier Grievance Step. A Grievance going forward on a procedural issue will be remanded to the lowest appropriate Step of the Grievance process (i.e., where the procedural error is to have occurred) to be heard on the merits if the procedural dispute is found in favor of the employee who filed the Grievance.

10. Unless granted permission from the employee’s designated supervisor, an employee shall not engage in Grievance activities during work hours.

11. UMGC shall grant release time from normal work schedules to the employee who filed the Grievance and all witnesses to attend Grievance conferences and hearings. Expenses incurred, in connection with attendance by employees at Grievance hearings shall be borne by the employee’s Department.

V. GRIEVANCE PROCESS

A. The following procedures apply to all Grievances as follows:

1. If a dispute remains unresolved following informal discussion with the supervisor, the employee and/or Representative may submit a Grievance, using the Employee Grievance Form signed by the employee with the Office of Human Resources.

2. The employee and/or Representative must submit the Grievance within 30 calendar days of the action(s) giving rise to the Grievance, or within thirty 30 days of the employee having reasonable knowledge of the action(s) giving rise to the Grievance.

B. There are three Steps in the UMGC Grievance process:

1. Step One - Department Head

   a. An aggrieved employee and/or Representative may submit an Employee Grievance Form in writing to the Office of Human Resources or the Department Head with a copy to the Office of Human Resources. Within five (5) working days after receipt of
the written Grievance, the Department Head shall hold a conference with the aggrieved employee and/or Representative.

b. If, at Step One, a Department Head and/or the Office of Human Resources believes that the Grievance concerns a Systemwide issue, as defined in Section V.B.2, the Department Head or Office of Human Resources may submit the issue to the President or designee to determine if the Grievance should be submitted to the Chancellor.

c. Within five (5) working days after the conclusion of the conference, the Department Head shall render a written decision.

d. The CHRO or designee shall be available to serve as a resource to answer any questions by either the Department Head or the employee. Consulting with the CHRO or designee shall not relieve the Department Head of the responsibility for issuing a written decision at Step One of this procedure.

e. The Department Head will use judgment in keeping superiors informed of the status of each Grievance and, as necessary, may request guidance, advisory committees or other assistance in reaching a decision.

2. Step Two - The President or Designee
If the dispute is still unresolved or the aggrieved employee is dissatisfied with the decision at Step One, the aggrieved employee and/or Representative may submit an appeal in writing to the President or designee with a copy to the Office of Human Resources within five (5) working days after the employee’s receipt of the Department Head’s written decision at Step One or, if no decision was issued, within five (5) working days from when the decision was due to be issued. The President or designee shall determine the appropriate forum for the conference based upon the nature of the Grievance as indicated below:

a. UMGC issues may include, but are not limited to: application of a Department or UMGC Policy, procedure or practice; administrative actions such as Reprimands,Suspensions, Charges for Removal, Involuntary Demotions and Rejections on Probation.

b. UMGC issues shall be heard by the President or designee. The President or designee shall hold a conference with the aggrieved employee and/or Representative within ten (10) working days of receipt of the written Grievance appeal and shall render a written
decision within fifteen (15) working days after the conclusion of the conference.

c. Systemwide issues are issues, which may affect more than one Institution in the USM. These issues may include, but are not limited to, the general policies of the USM and broad classification issues not limited by law, regulation or policy. Grievances involving Systemwide issues shall be submitted to the Chancellor or designee to be heard, in accordance with USM policy.

3. Step Three - The Office of Administrative Hearings (OAH) or Arbitration

a. If the dispute is still unresolved or the aggrieved employee is dissatisfied with the decision at Step Two, the aggrieved employee, after exhausting all available procedures provided by UMGC, shall have the right to appeal the Grievance to either arbitration or to the Chancellor, who may delegate the Grievance to the OAH to be heard. In either case, the appeal must be submitted to the appropriate body within ten (10) working days after the employee’s receipt of the Step Two decision, or if no decision was issued, within ten (10) working days from when the decision was due to be issued.

b. If the grievance is arbitrated, any arbitration award will be advisory to the Chancellor or Administrative Law Judge, as applicable.

c. In the event of arbitration, the parties shall select an arbitrator by mutual agreement. If the parties are unable to reach mutual agreement, an arbitrator shall be supplied by the American Arbitration Association (AAA) using AAA procedures. Any fees resulting from arbitration shall be assessed by the Arbitrator equally between the two parties. In cases that go before an arbitrator, each party will be responsible for any expense incurred in the preparation and presentation of its own case, and for any record or transcript it may desire.

d. The Chancellor or Administrative Law Judge, as applicable, shall make the final decision which shall be binding upon all parties.

VI. Additional Grievance Procedures for Certain Actions Pertaining to Nonexempt Staff Employees

These procedures apply to disputes regarding major personnel actions involving a Suspension, Demotion or Separation from Employment, including Disciplinary Separations and Rejections on Probation. The employee and/or Representative may submit a Grievance, using the Employee Grievance Form signed by the employee with the Office of Human Resources within five (5) working days of the action taken by
UMGC, or within five (5) working days of the employee having reasonable knowledge of such action.

A. **Unpaid Suspensions Pending Charges for Removal for Nonexempt Staff Employees**

1. If an employee is suspended without pay pending Charges for Removal, the CHRO or designee shall notify the employee in writing of the reasons for the suspension at the time of the notice of suspension. The CHRO or designee shall deliver a copy of the notification to the employee in person or to the employee’s last known address via a delivery method that allows for delivery confirmation.

2. The employee who is suspended pending Charges for Removal may, within five (5) working days from the date on which the employee receives the notification of suspension, request in writing through the CHRO or designee that the President or designee conduct a preliminary hearing to determine whether or not the employee may continue to work with pay during the disposition of the charges. The date the notification of suspension is received shall be evidenced by a return receipt or other proof of delivery of notification to the employee.

3. The President or designee shall conduct a preliminary hearing within five (5) working days after the CHRO or designee receives in writing the request from the suspended employee for the preliminary hearing.

   a. The preliminary hearing shall be limited to the issues of:

      i. Whether suspension without pay is necessary to protect the interests of UMGC or the employee pending final disposition of the charges; and

      ii. Whether other employment and status alternatives should be considered.

   b. At the preliminary hearing, the employee may:

      i. Rebut the reasons given for the suspension;

      ii. Allege mitigating circumstances; and

      iii. Offer alternatives to the suspension including:

         (a) Return to the position with pay;

         (b) Transfer to another position with pay; or
(c) Suspension with pay.

c. Within five (5) working days after the preliminary hearing is completed, the President or designee shall render a written decision that is conclusive as to the issue of whether or not the employee may continue to work with pay pending the disposition of the charges.

B. Charges for Removal from Employment for Nonexempt Staff Employee

1. An employee who is notified of Charges for Removal may request an opportunity to present a defense within five (5) working days from the date on which the employee receives the Charges for Removal, as evidenced by the return receipt or other evidence of delivery of the charges to the employee. A Grievance of Charges for Removal shall be referred by the CHRO or designee to the President.

2. The President or designee shall, within 30 working days, if possible, investigate the charges and give the employee an opportunity to be heard. Testimony shall be taken under oath and both parties shall have the right of representation by counsel and the right to present witnesses and give evidence.

3. Within 15 working days following the conclusion of the hearing, a written decision shall be rendered to the employee.

4. In case no hearing is requested by the employee within the prescribed time, the CHRO or designee shall act upon the charges or order such other actions as may be indicated by the findings in the case.

5. If a hearing is requested within five (5) working days and the removal is upheld, Step Three of the Grievance procedure, as provided above, is available to the removed employee. The Grievance shall be submitted within 10 working days after receipt of the written UMGC decision or the date upon which the decision was due to be issued, whichever comes first.

6. In cases where the employee has appealed both the Suspension Pending Charges for Removal and the subsequent Charges for Removal, both hearings can be combined in a single hearing upon the agreement of the parties.

C. Involuntary Demotions for Nonexempt Staff Employees
1. An employee who is notified of Demotion may, within five (5) working days of written notification, file a written Grievance on the Employee Grievance Form with the CHRO or designee and request an investigation of the Demotion.

2. Within 20 working days, if possible, after receipt of the Grievance, the President or designee shall investigate the Demotion and give the employee the opportunity to be heard. Within fifteen (15) working days following the conclusion of the investigation, the written decision shall be rendered to the employee.

3. If an investigation is requested within five (5) working days and the Demotion is upheld, Step Three of the Grievance process, as provided above, is available to the employee. The request for Step Three shall be submitted within 10 working days after receipt of the written decision or from the date upon which the decision was due to be issued, whichever comes first.

D. Rejection on Probation for Nonexempt Staff Employees

1. Rejection on Original Probation (See VII-1.01-GC – UMGC Policy on Recruitment, Selection and Probation)

   a. A Nonexempt employee who is rejected on Original Probation may, within five (5) working days of the rejection, file a written Grievance on the Employee Grievance Form with the CHRO or designee for a conference at Step Two of the Grievance process, as provided above. Rejection for cause is not required in the case of an employee rejected on original probation.

   b. Within 20 working days, if possible, after receipt of the request, the President or designee shall conduct a hearing. Within 15 working days following the conclusion of the hearing, a written decision shall be rendered to the employee.

   c. If the rejection is upheld, Step Three of the Grievance process is available to the employee. The appeal shall be submitted within 10 working days after receipt of the written decision or from the date upon which the decision was due to be issued, whichever comes first.

2. Rejection on Status Change Probation

   a. The employee’s supervisor after a Status Change bears the responsibility for preparing the justification when there is a Rejection on Probation of an employee who has satisfactorily
completed an Original Probation and is serving a Status Change Probation.

b. An employee who is rejected on Status Change Probation, and for whom no vacancy in the former classification is available may appeal, within 10 working days of receipt of the recommendation of rejection by the employee’s supervisor after a Status Change, to the President or designee and request an investigation of the proposed rejection.

c. Within 20 working days, if possible, after receipt of the appeal, the President or designee shall complete an investigation of the recommended rejection. Within 15 working days following the conclusion of the investigation, the written decision shall be rendered to the employee.

d. If the rejection is upheld, Step Three of the Grievance process, as provided above, is available to the rejected employee. The appeal shall be submitted within 10 working days after receipt of the written decision or from the date upon which the decision was due to be issued, whichever comes first.

E. **Disciplinary Suspension for Nonexempt Employees** (Does not apply to suspension pending Charges for Removal)

1. Any alleged infraction shall be investigated by the appointing authority or designee at the earliest opportunity following knowledge of the alleged infraction, and completed as soon as possible. All suspensions of employees shall be implemented within three (3) working days of the alleged infraction or knowledge of the alleged infraction by the responsible Department Head. All suspension days shall be consecutive according to their work schedule.

2. The employee and/or Representative may submit a written appeal on a disciplinary suspension:

   a. To Step One of the Grievance process within five (5) working days of notification of the suspension. In such event, Department Head or designee must hear the case within three (3) working days from the receipt of the written appeal. Should the appeal be unheard or unanswered within three (3) days as a result of management delay, the employee shall be reinstated with full back pay. A written record of the disciplinary event shall be maintained; or

   b. Directly to Step Two of the Grievance process within five (5) working days of notification of the suspension.
3. Any further appeals must proceed through the Grievance process within the prescribed time limits. If the suspension is upheld by the President or designee, Step Three of the Grievance process is available to the employee.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-8.00 – Policy on Grievances for Nonexempt and Exempt Staff Employees
VII-8.01-GC – UMGC POLICY ON GRIEVANCES FOR OVERSEAS STAFF EMPLOYEES

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This Policy establishes an employee’s right to file a Grievance. This Policy applies to UMGC Overseas Staff employees on Regular and Contingent III Status.

II. DEFINITIONS

A. Working day - Monday through Friday, regardless of an employee’s established work schedule and excluding days on which the applicable UMGC Division is closed.

B. Grievance - Any cause of complaint arising between an employee and UMGC on a matter concerning discipline, alleged discrimination, promotion, assignment, suspension, demotion, separation from employment, notice of termination, rejection on probation, interpretation or application of UMGC Policies, rules or departmental procedures over which UMGC has control.

III. ADMINISTRATION

A. Need for a Grievance Process

UMGC Divisions recognize that legitimate problems, differences of opinion, complaints, and Grievances may develop in the daily relationship between UMGC as an employer and its employees. It is the responsibility of all supervisors, administrators, managers, faculty and employees to establish and maintain a work climate within which an employee dispute or Grievance will be promptly identified, presented, discussed, and given fair and timely consideration.

B. General Obligations

The UMGC Division management and employees have an obligation to make every effort to resolve employee relations problems as they arise.

1. In any case where efforts at resolution fail, a Grievance may be taken to higher authority consistent with this Policy.
2. If a Grievance is submitted, the parties shall make every effort to resolve the Grievance at the lowest possible level of the Grievance process.

3. Decisions shall be both prompt and definitive.

4. Department Heads shall provide employees with information regarding the channels of communication and Grievance rights in that Department.

5. The employee shall have the right to representation at any Step of the Grievance process.

C. Retaliation Prohibited
Each employee shall have the right to make known a problem or complaint without the fear of coercion or reprisal. During any stage of a Grievance or other administrative or legal action that concerns employment by an employee, the employee may not be subjected to coercion, discrimination, interference, reprisal, or restraint by or initiated on behalf of UMGC solely as a result of that employee's pursuit of a Grievance or other administrative or legal action that concerns UMGC employment.

An employee may not intentionally take or assist in taking an act of coercion, discrimination, interference, reprisal, or restraint against another employee solely as a result of that employee’s pursuit of a Grievance or other administrative or legal action that concerns UMGC employment. An employee who violates the provision of this subsection shall be subject to disciplinary action, up to and including termination of employment.

D. Consistency with Other Laws and Policies
No decision shall be made at any Step of the Grievance process, which conflicts with or modifies any applicable UMGC policy or procedures approved by the President or the Board of Regents of the University System of Maryland (USM), any applicable statute, or any applicable administrative regulation issued under appropriate statutory authority.

E. Non-Grievable Matters
Employees may not file or continue to pursue a Grievance on any matter that is the subject of:

1. A previous complaint filed by an employee subject to the Title 5 of the State Personnel and Pensions Article, of the Annotated Code of Maryland, Subtitle 2 (Equal Employment Opportunity Program) or Subtitle 3 (Maryland Whistleblower Law) regarding facts and circumstances raised in the previous complaint;

2. Any issues subject to Title IX of the Education Amendments of 1972 or UMGC’s Sexual Misconduct Policy;

3. Any issues subject to any other UMGC policy intended to protect the rights of employees that provides a specific complaint procedure; or

4. A previous complaint filed under another UMGC or applicable USM policy intended to protect the rights of employees regarding facts and circumstances raised in the previous complaint.

5. Any issues that are not grievable by law, including issues pertaining to the general level of wages, wage patterns, fringe benefits, or other broad areas of financial management and staffing.

F. Nothing in this section shall prohibit an employee from filing a complaint in accordance with the appropriate law or UMGC policy or from filing a Grievance regarding an issue not specifically decided in an earlier complaint process.

G. Final Disposition
Any party who elects to use this Grievance process for the resolution of a problem shall be presumed to agree to abide by the final disposition arrived at in this Grievance process, and the final disposition shall not be subject to review under any other policy or process within UMGC.

IV. GENERAL PROCEDURES

A. Representation of the Employee

An employee may be represented at every Step in the Grievance process as follows:
1. At any point in the Grievance procedure, the employee may elect to obtain, change, or dismiss a representative by providing written notice of name of the employee’s representative (Representative) to the decision-maker at the current Step of the Grievance process. An employee may not be represented by more than one individual at any given time during the Grievance process.

2. If the employee obtains, changes or dismisses the Representative during the course of the Grievance process, the employee will not be permitted to return to a previous Step in the Grievance procedure or otherwise delay the Grievance.

3. An employee designated as a Representative in any informal or formal stage of the process shall not suffer any loss of pay for investigating, processing or testifying in any Step of the Grievance procedure. If an employee represents him/herself, the employee will not suffer any loss of pay for testifying in any Step of the Grievance procedure but may not use work hours to investigate or process his/her Grievance.

B. Documentation Requirements

1. A Grievance must be filed in writing on UMGC’s Employee Grievance Form.

2. Employee Grievance Forms shall be available in Office of Human Resources.

3. The employee must sign the Employee Grievance Form at each Step of the Grievance process. The employee or the Representative shall submit the form to Office of Human Resources or the Department Head with a copy to the Office of Human Resources.

4. The employee who filed the Grievance is responsible for keeping a copy of the Grievance Form submitted by the employee at each Step of the process for possible future reference.

5. At Step One and Step Three, after the conference is held, the decision-maker shall provide the Office of Human Resources with his/her written decision. At each Step of the Grievance process, The Office of Human Resources shall deliver a copy of the decision to the employee who filed the Grievance in person, to the employee’s last known address via a
delivery method that allows for delivery confirmation and/or to the employee’s last known email address with a method that allows for delivery confirmation.

6. The Office of Human Resources shall maintain copies of all Grievance Forms received, any evidence submitted to the decision-maker for consideration during the conference, and decisions rendered at each Step of the Grievance process in accordance with UMGC’s applicable records retention policies and procedures.

C. Rules and Standards for Proceedings

1. Similar Grievances may be consolidated and processed together as a single issue. Where a number of individual Grievances have been reduced into a single Grievance, not more than three employees selected by and from the group may be excused from work to attend a Grievance meeting called by the Department Representative at Step One, and not more than five such employees at Steps Two and Three unless, at any Step, prior permission is granted by the person hearing the Grievance.

2. Each Step of the Grievance procedure shall be processed as quickly as practicable within the specified time limits.

3. Failure to request that a Grievance proceed to the next Step of the process at any Step constitutes acceptance of the decision. UMGC’s failure to timely respond to a Grievance constitutes a denial of the Grievance at that Step. By mutual agreement of the parties, the time limits and/or Steps may be waived.

4. Any question concerning the timeliness of a Grievance or whether a complaint is subject to the Grievance procedure shall be raised and resolved promptly, unless the decision-maker for that Step of the Grievance process determines that the decision shall be deferred pending a conference or hearing on the merits.

5. Requests to proceed to the next Step of the Grievance process shall be timed from the employee’s receipt of the written opinion of the decision-maker or from when such opinion is due, whichever comes first.
6. At each Step of the Grievance process, the decision-maker for the Grievance may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence or witnesses.

7. All Grievance hearings shall be open hearings unless either party requests that the hearings be closed.

8. At any Step of the Grievance procedure, either party may require that witnesses be excluded from the hearing room until called to testify.

9. The original Grievance that has been considered on the merits will be considered de novo, in its entirety, at each successive Step of the Grievance process. De novo review means that the decision-maker at each Step in the Grievance process will make an independent determination of the issues, without deference to the conclusions made at an earlier Grievance Step. A Grievance going forward on a procedural issue will be remanded to the lowest appropriate Step of the Grievance process (i.e., where the procedural error is to have occurred) to be heard on the merits if the procedural dispute is found in favor of the employee who filed the Grievance.

10. Unless granted permission from the employee’s designated supervisor, an employee shall not engage in Grievance activities during work hours.

11. UMGC shall grant release time from normal work schedules to the employee who filed the Grievance and all witnesses to attend Grievance conferences and hearings. Expenses incurred, in connection with attendance by employees at Grievance hearings shall be attributed to the employee’s Department.

V. GRIEVANCE PROCESS FOR OVERSEAS STAFF EMPLOYEES ON REGULAR STATUS

A. Grievances must be initiated within thirty (30) calendar days of the action(s) giving rise to the Grievance, or within 30 calendar days of the employee having reasonable knowledge of the actions giving rise to the Grievance.

B. If, following informal discussion with the supervisor, a dispute remains unresolved, the Grievance process is available.

C. There are three Steps in the Grievance process:
1. **Step One - Department Representative**
   
a. An aggrieved employee and/or the employee's designated representative may present a Grievance in writing to the Department Head or Designated Representative (hereinafter known as the "Department Representative"). Within five (5) Work Days after receipt of the written Grievance, the Department Representative shall hold a conference with the aggrieved employee and/or the employee’s Representative.
   
   b. Within five (5) Work Days after the conclusion of the conference, the Department Representative shall render a written decision.
   
   c. It is the Department Representative’s responsibility to keep superiors informed of the status of each Grievance and, as necessary, to request guidance, advisory committees, or other assistance in reaching a decision.
   
   d. The Department Head of the Office of Human Resources for the respective UMGC Overseas Division or designee shall be available to serve as a resource to answer questions by either the employee or Department Representative. However, this shall not relieve the Department Representative from the responsibility of issuing a written decision at Step One of this process.

2. **Step Two - The Department Head of Human Resources or Designee**
   
a. If the dispute is still unresolved or the aggrieved employee is dissatisfied with the decision at Step One, the aggrieved employee or representative may submit an appeal in writing to the Department Head of Human Resources or designee within five (5) working days after the employee’s receipt of the Department representative’s written decision at Step One or, if no decision was issued, within five (5) working days from when the decision was due to be issued.
   
   b. The Department Head of the Office of Human Resources for the respective UMGC Overseas Division or designee shall hold a conference with the aggrieved employee and/or the employee’s
designated representative within ten (10) Work-Days of receipt of the written appeal and shall render a written decision within fifteen (15) Work Days after the conclusion of the conference.

3. Step Three – The President or Designee

In the case of an unresolved Grievance at the conclusion of Step Two, the aggrieved employee shall have the right to submit an appeal to the President or designee. The appeal must be submitted within ten (10) Work Days after the employee’s receipt of the written decision from the Department Head of the Office of Human Resources for the respective UMGC Overseas Division.

VI. GRIEVANCE PROCESS FOR OVERSEAS CONTINGENT III STAFF

A. Grievances by Contingent III employees must be initiated within thirty (30) calendar days of the action involved, or within thirty (30) calendar days of the employee having had reasonable knowledge of the actions giving rise to the Grievance.

B. The Vice President for the respective UMGC Overseas Division or designee shall hold a conference with the aggrieved employee within ten (10) Working Days of receipt of the written Grievance and shall render a written decision within fifteen (15) Working Days after the conclusion of the conference.

C. The Vice President for the respective UMGC Overseas Division or designee’s decision shall be final and cannot be appealed.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
OS 28.00 Policy on Grievances for Overseas Regular and Contingent III Staff
I. PURPOSE AND APPLICABILITY
This policy establishes expectations for the conduct of all University of Maryland Global Campus (UMGC) Nonexempt, Exempt and Overseas Staff employees on Regular and Contingent Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. GENERAL STANDARDS OF CONDUCT
A. Employees shall exhibit integrity and exemplary conduct and use honest efforts in the performance of their duties. Employees are expected to perform their work efficiently and are also expected to be mindful of their personal conduct in the military community and host nation communities, as applicable.

B. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind UMGC.

C. Employees shall act impartially and not give preferential treatment to any private organization or individual.

D. Employees shall protect and conserve State resources by exercising care in the use of staff, property, and funds entrusted to them. University time, facilities, or property shall not be used for other than officially authorized activities.

E. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, including Federal, State, or local taxes that are imposed by law. Employees shall satisfy in good faith all personal financial obligations between any member of the U.S. military community and host country national, as applicable.

F. Consistent with all applicable laws, all employees shall be treated with dignity and respect and shall not be discriminated against on the basis of race, ethnicity, color, religion, sex, national origin, age, disability, gender identity, or sexual orientation. Employees shall treat fellow staff and faculty employees, members of the military community and host country nationals with courtesy, respect and dignity at all times, as applicable. Employees shall be mindful of UMGC policy on discrimination and harassment against fellow employees and members of the U.S. military and host nation communities, as applicable.
G. Employees shall conduct intra-agency and interagency relations predicated upon civility, collaboration, and cooperation. These same principles shall apply to interactions with officials and employees of the legislative and judicial branches.

H. Employees shall not engage in outside employment or activities during their required hours of work, that may adversely affect their job performance, or which might reasonably be considered to conflict with their obligations to UMGC.

III. CONFLICTS OF INTEREST
UMGC employees are subject to and shall comply with the State Ethics laws contained in the State Government Article in the Annotated Code of Maryland and other Maryland law addressing ethics and compliance, including but not limited to the following:

A. Employees shall not hold financial interests that conflict with the conscientious performance of duty.

B. Employees shall not, except as permitted by applicable law or regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee’s agency, or whose interests may be substantially affected by the performance or nonperformance of the employee’s duties.

C. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

D. Employees shall endeavor to avoid any actions creating the appearance that they are violating applicable law or the ethical standards in applicable regulations.

E. Employees leaving State service shall be bound by the restrictions of the State Government Article of the Annotated Code of Maryland with respect to lobbying and other forms of representation.

IV. POLITICAL ACTIVITY
Consistent with State Personnel and Pensions Article of the Annotated Code of Maryland:

A. Employees have the right to participate freely in any political activity and express any political opinion.

B. Employees may not be required to provide any political service or make a political contribution.
C. Employees may not:

1. Engage in political activity on the job during working hours;
2. Use UMGC resources to advance the employee’s political activities; or
3. Advocate the overthrow of the Government by unconstitutional or violent means.

V. REPORTING REQUIREMENTS

A. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities. To make such reports, employees may access the resources and procedures for confidential disclosure of misconduct set forth in the following UMGC policies and any applicable procedures:

1. VII-2.30-GC – UMGC Policy on Employee and Applicant Disclosure of Misconduct
2. USM BOR VIII-7.10 – Policy on Reporting Suspected or Known Fiscal Irregularities
3. USM BOR VIII-7.11 – Policy on the Communication of Suspected Fraud, Unethical & Illegal Business Activities

B. Employees are required to report to their Department Head as to any arrest of the employee and as to each legal proceeding in which an employee is involved, as a party or otherwise, if the arrest or legal proceeding affects, or reflects on, the employee’s job fitness or performance.

C. The CHRO shall immediately refer to UMGC’s General Counsel, UMGC’s Assistant Attorney General or the State Deputy Attorney General with supervisory responsibility for the Attorney General’s Criminal Investigations Division, any instance of possible criminal or unethical conduct by any employee or contractor of this State, for such actions as the Office of the Attorney General deems appropriate.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

REFERENCE:

VII-8.05-GC-3
Governor’s Executive Order 01.01.2007.01 Standards of Conduct for Executive Branch Employees

Replacement for:
USM BOR VII-8.05 – Policy on Professional Conduct of Nonexempt and Exempt Staff Employees
UMGC OS 4.00 – Policy on Staff Conduct
I. FEDERAL REQUIREMENTS FOR IMPLEMENTING MERIT SYSTEM STANDARDS

A. The development of proper and efficient administration of grant-in-aid programs is a concern of both the Federal and the State agencies cooperating in the programs. Proper and efficient administration requires clear definition of functions, the employment of the most competent available personnel, and the development of staff morale and individual efficiency. The merit system provisions of Federal statues relating to the grant-in-aid program are directed to the achievement of these ends through the application of personnel standards on a merit basis.

B. The University is the recipient of a number of federal grant-in-aid programs. Various federal agencies which make these grants may require the University to enter into a contractual agreement providing for, among other things, the maintenance of acceptable merit system standards, including restrictions on political activities of those employees whose duties are performed substantially in connection with the Federal grant-in-aid program.

C. The Maryland State Agency for Surplus Property, a unit of the University, is the only unit of the University that has been required to date to place restrictions on political activities of its employees.

D. The University System of Maryland Vice Chancellor for General Administration is responsible for informing the President and other appropriate officials of the University of any future contractual requirement that places restrictions on political activities of University employees.

II. USE OF UNIVERSITY MAILING FACILITIES

The UMGC’s mailing facilities shall not be used for the distribution of non-UMGC, partisan, or political literature or information.

III. INDIVIDUAL CASES

Notwithstanding the exemption of University employees from the provisions of the Hatch Act, and notification of employees affected by merit system standards as described in these Procedures, Any employee who is doubtful about his/her own particular situation, or believes that certain considerations or prohibitions might impinge upon his/her planned political activities, may obtain a specific clarification of his/her individual status.
The Office of the General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, DC 20415 is available for specific rulings on individual cases with respect to the Hatch Act, or, the UMGC CHRO may be contacted for assistance, including in connection with the Hatch Act or merit system standards issued by Federal agencies.

Replacement for:
Policy 440.30 - Policy Regarding Political Activities
I. PURPOSE AND APPLICABILITY
This policy governs and establishes guidelines for the revision and adjustment of salary structures and for the assignment of Job Classes to Pay Ranges within salary structures; for the administration of individual salaries; and for the development and maintenance of a job evaluation program. This policy is applicable to all University of Maryland Global Campus (UMGC) Job Classes and positions within the Nonexempt Job Group. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. ADJUSTMENT OF SALARY STRUCTURE AND ASSIGNMENT OF JOB CLASSES TO PAY RANGES
A. The Board of Regents (BOR) for the University System of Maryland (USM) has established a Pay Program for Nonexempt Job Classes and positions that apply to UMGC Nonexempt Staff employees. The BOR maintains its authority to revise and adjust the salary structures within the USM Pay Program upon the recommendation of the Chancellor.

B. The BOR has granted authority to the President to assign Job Classes to Pay Ranges. The President has delegated authority to the CHRO to create Institution Specific Job Classes for UMGC and to assign any Job Class used by UMGC to the appropriate Pay Range according to its job market.

C. It is the goal of UMGC to maintain the midpoint of Pay Ranges within the applicable salary structure equal to the current average salary paid for comparable Job Classes within the appropriate job market.

D. According to USM policy, USM has developed a process to determine the competitive market position of the salary structures by conducting a biennial market salary survey and providing findings and a recommendation report to the BOR. UMGC shall participate in the USM market survey in cooperation with the Systemwide Compensation Classification Committee chaired by the USM Office (USMO). The CHRO may conduct and utilize additional market surveys as appropriate. The President or designee may utilize the market survey results to adjust UMGC salary structures and assign Job Classes to Pay Ranges within the applicable salary structure.

III. IMPACT OF ADJUSTMENTS TO PAY RANGES
A. Increase in Pay Range
When the Pay Range of a Job Class is changed to a new Pay Range that has a higher minimum salary, the salaries of all employees who are below the minimum of the new Pay Range shall be moved to the minimum salary for their respective Job Class.

B. Decrease in Pay Range

1. In the event that the Pay Range of a Job Class is changed to a new Pay Range that has a lower maximum salary, the incumbents of positions within the Job Class shall not experience a reduction in current salary.

2. Unless otherwise provided by UMGC policy, employees whose salary exceeds the maximum of the Pay Range are eligible for increases to base salary for Cost of Living Adjustment (COLA) increases only, until their salary falls within the Pay Range.

3. In years when merit increases are awarded, the value of the employee’s merit increase may be awarded as a one-time payment rather than as an addition to base salary, until the employee’s salary falls within the Pay Range.

IV. UMGC JOB EVALUATION PROGRAMS

A. The BOR has delegated authority to the President to establish, implement, and maintain a job evaluation program for UMGC.

B. The development and maintenance of Systemwide Job Class Specifications and other Systemwide methods of job evaluation shall be coordinated by the USMO.

C. The development and maintenance of UMGC Specific Job Class Specifications shall be the responsibility of the CHRO.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-9.10 - Policy on the Pay Program for Nonexempt Staff Employees
VII-9.11-GC – UMGC POLICY ON THE PAY PROGRAM AND ADMINISTRATION FOR EXEMPT AND OVERSEAS STAFF POSITIONS

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy governs the University of Maryland Global Campus (UMGC) Pay Program and Pay Administration for positions in the Exempt group and applies to all Exempt and Overseas Staff employees of UMGC.

II. PRINCIPLES OF THE PAY PROGRAM

UMGC shall compensate employees according to the following principles:

A. Market Based – Pay Ranges and structures shall be appropriately competitive within UMGC’s employment market.

B. Internal Job Value – Assignment of jobs to Pay Ranges shall reflect the relative value of jobs within UMGC.

C. Individual Pay – The UMGC Pay Program is based on the philosophy of pay for performance. Thus, employees shall be paid according to their performance, job value and their contribution to UMGC’s mission.

III. PAY PROGRAM DESIGN

UMGC is responsible for design and administration of the UMGC Pay Program for Exempt and Overseas positions consistent with the principles delineated in Section II above. Any substantive changes to this program shall be submitted to the Board of Regents for informational purposes and to the Chancellor for approval every two (2) years. Subjects to be addressed in the Pay Program may include, but are not limited to:

A. Pay Program Philosophy
B. Establishment of Positions
C. Determination of Salary for Exempt and Overseas Positions
D. Salary Upon Entrance into UMGC Service
E. Salary Upon Transfer or Reclassification (Promotion, Lateral, or Demotion)
F. Change in Duties/Reclassification
G. Acting Appointments
H. Salary Upon Reinstatement
I. Salary Upon Re-Employment
J. Priority for Processing Simultaneous Pay Transactions
K. Cost of Living Adjustment (COLA)
L. Merit Pay for Performance-Based Salary Increases
M. Variable Compensation as Permitted by Law
N. Non-Cumulative Cash Bonuses
O. Salary Structure Adjustments According to Job Market
P. Salary Structure Adjustments Due to COLA
Q. Within-Range Salary Adjustments
R. Salaries Exceeding the Maximum of the Pay Range

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-9.11 – Policy on Pay Administration for Exempt Positions
I. OVERVIEW

A. UMGC has adopted a market-based pay program for its Exempt positions. The program covers executive, administrative, professional, outside sales and computer employees who are categorized as Exempt under the Federal Fair Labors Standards Act (FLSA). Additionally, the program covers overseas regular and contingent III staff.

B. The Pay Program is market-based and supports UMGC’s competitive position in recruiting and retaining high caliber employees through flexible salary administration policies and procedures.

II. DEFINITIONS

A. Acting Assignments - When, in order to meet urgent business needs, it is necessary to appoint an exempt employee to an acting capacity assignment. When appointing an exempt employee to an acting assignment, the following must be adhered to:

1. Designating an employee to an acting capacity status is justified only when time or circumstances do not permit the immediate selection of a permanent appointment under the established selection and appointment procedures for exempt staff.

2. An employee in an acting capacity shall meet the minimum academic and professional qualifications for the position to which s/he will be assigned.

3. Management may recommend a salary increase if the acting assignment is at a higher level than the current role. The amount of any increase will be determined using the job’s market analysis and internal equity analysis and must bring the employee’s salary to at least the minimum of the appropriate pay grade.

4. Acting assignments should be at least 1 month and not exceed 12 months in duration. At the conclusion of the acting assignment, employee will
return to their previous position and the salary will be returned to the original rate prior to the acting increase.

B. **Lateral Transfers** - When an employee is reassigned to or applies for and receives a position that is in the same pay grade as his/her current position. In this situation, there is rarely a change in salary.

C. **In-Line Adjustments** - Addresses specific cases of salary inequity, incorrect slotting, or other salary equity problems identified by management.

D. **Merit Adjustments** - Changes to an employee's base pay rate based on performance. Merit adjustments are usually determined during the annual salary adjustment process based on overall guidelines established by the USM and/or by the UMGC President.

E. **Promotional Increases** - Changes to an employee's base pay rate to recognize assignment of the employee to a higher level of responsibility and/or a different type of work which results in a change to a higher pay grade. Promotional increases shall be market based and will, at minimum, bring the employee’s salary to the minimum pay of the appropriate pay grade.

F. **Reclassifications** - When significant and substantial changes in a position’s primary duties have either evolved, occurred through a structured change crucial to the mission and/or organizational effectiveness of a department, or are the result of a job and market evaluation. A reclassification may cause the pay grade assignment of a position to be reduced, elevated, or remain at the same level. Individuals should have performed these additional tasks for approximately six (6) months before reclassification is considered. A position may or may not have an incumbent at the time of the reclassification.

Adjustments to an employee’s base pay rate may occur as the result of a position reclassification without competitive recruitment. Reclassification pay changes shall be determined using the market analysis in combination with an internal equity analysis and must bring the employee’s salary to at least the minimum pay of the appropriate pay grade.

G. **Reductions in Pay as the Result of Demotion** - When an employee is assigned to a job which is in a pay grade lower than the one to which the employee's current job is assigned. Demotions may result in a lower rate of pay.
III. ASSIGNMENT OF JOBS INTO THE STAFF PAY STRUCTURE

A. Jobs shall be placed into a pay grade based on a review of each job’s essential duties and responsibilities, required credentials, defined market value and its relative position within the institutions organizational structure.

B. The Pay Structure may be periodically adjusted to reflect market variances, as necessary.

IV. THE ROLE OF THE MANAGER

In making salary decisions, the responsible manager, in consultation with the Office of Human Resources, has a responsibility to determine a fair and competitive salary that recognizes both the forces of the external labor market as well as internal equity, as appropriate. This procedure is subject to applicable legislation.

V. PAY GRADES

Each job is assigned to a specific pay grade in the Pay Structure. The Pay Grade represents a target Pay Range for the job, i.e. where we would expect to see salaries cluster for the job within the range.

A. Compa Ratio

1. The relationship of an employee's salary to the midpoint of the respective pay grade.

2. The compa ratio, expressed as a percentile, is calculated by dividing the employee's salary by the midpoint of the respective pay grade.

B. Pay Grade Minimum

1. The lowest rate UMGC would pay for a particular job.

2. Salaries assigned to individuals who are new to the field in which they are hired and/or who have minimal experience in the field in which they are hired would typically fall between the minimum and the 25% point of the pay grade.
3. Salaries assigned to experienced hires would typically fall between the 25% and 50% point.

C. Pay Grade Midpoint

Also known as the 50th percentile, it generally reflects the typical or average current external market rate for representative jobs in the salary category.

D. Pay Grade Maximum

1. The highest rate UMGC would pay for jobs assigned to the pay grade.

2. Salaries assigned to experienced hires with extensive position-related experience and/or experienced hires with highly specialized skills would typically fall between the midpoint and maximum.

VI. ADMINISTERING PAY

A. Exempt and Overseas Employee Salary Upon Employment

1. Newly hired Exempt and Overseas Employees are assigned a pay rate at least equal to the minimum of the applicable pay grade to which their jobs are assigned. Individual rates paid to new hires are determined by:

   a. work the individual will perform;

   b. pay rates being paid for similarly qualified employees doing similar work throughout UMGC;

   c. applicable external market rates; and

   d. value of the individual's specific credentials to UMGC

2. In making salary decisions, the hiring administrator, in consultation with the Office of Human Resources, has an obligation to offer a fair salary that recognizes both the forces of the external labor market as well as internal equity.

3. The salary offered to a new Exempt or Overseas Employee shall generally be within the minimum and the midpoint of the pay grade to which the position is assigned.

P-VII-9.11-GC-4
4. Procedures for Establishing Salary Upon Employment

a. Prior to posting or advertising a position, the hiring administrator shall consult with the Chief Human Resources Officer (CHRO) or designee for an assignment of an appropriate pay grade.

b. Once a decision to hire is made, and prior to any offer of employment being extended, the hiring administrator shall consult with their Talent Acquisition Specialist to determine the appropriate starting salary for the selected candidate.

c. When a selection decision involves an internal candidate or when the starting salary exceeds the midpoint of the respective pay grade, the Talent Acquisition Specialist shall consult with the CHRO or designee to review the candidate’s specific credentials in relationship to internal equity and external market data to arrive at an appropriate final salary offer.

B. Pay Rate Adjustments for Exempt and Overseas Staff

1. Merit Adjustments

Merit adjustments are changes to an employee's base pay rate based on performance. Merit adjustments are usually determined during the annual salary adjustment process based on overall guidelines established by the President. Factors considered in determining merit-based wage adjustments include:

a. The employee’s performance meets or exceeds expectations based on the most recent annual performance appraisal review;

b. The employee's Compa Ratio (salary as a percentage of midpoint of the pay grade);

c. Other salary increases the employee may have received during the performance cycle; and

d. Overall budget available for merit increases.

2. Annual Merit
Merit-based wage and salary adjustments shall not be based on length of service or general wage inflation. Merit adjustments are usually determined during the annual salary adjustment process based on overall guidelines established by the President.

3. Promotional Increases

Promotional increases are changes to an employee's base pay rate to recognize assignment of the employee to a higher level of responsibility and/or a different type of work which results in a change to a higher pay grade. Promotional increases shall be determined using the market analysis in combination with an internal equity analysis, as applicable, and must bring the employee’s salary to at least the minimum pay of the appropriate pay grade.

4. Reclassification

a. Occurs when significant and substantial changes in a position’s primary duties have either evolved, occurred through a structured change crucial to the mission and/or organizational effectiveness of a department, or are the result of a job and market evaluation. A reclassification may cause the pay grade assignment of a position to be reduced, elevated, or remain at the same level. In general, individuals should have performed these additional tasks for approximately six (6) months before reclassification is considered. A position may or may not have an incumbent at the time of the reclassification.

b. Adjustments to an employee’s base pay rate may occur as the result of a position reclassification without competitive recruitment. Reclassification pay changes shall be determined using the market analysis in combination with an internal equity analysis and must bring the employee’s salary to at least the minimum pay of the appropriate pay grade.

5. Reductions in Pay as the Result of Demotion

A demotion occurs when an employee is assigned to a job which is in a pay grade lower than the one to which the employee's current job is
assigned. Demotions may result in a lower rate of pay. In consultation with the Office of Human Resources, the specific pay rate shall be determined using the market analysis in combination with an internal equity analysis and must bring the employee’s salary to at least the minimum pay of the appropriate pay grade.

6. In-Line Adjustments

An adjustment may be initiated at any time to address specific cases of salary inequity, incorrect slotting, or other salary equity problems identified by management. In-Line adjustments shall be approved by the department administrator, the Vice President and Chief Human Resources Officer (CHRO) or designee.

7. Lateral Transfer

A lateral transfer occurs when an employee is reassigned to or applies for and receives a position that is in the same pay grade as his/her current position. When such a situation occurs, there is rarely a change in salary; however, an analysis will be performed to consider external market pay and internal equity, as applicable, within a department.

C. Acting Appointment

1. In order to meet urgent business needs, it may be necessary to appoint an employee to an acting capacity assignment.

2. Designating an employee to an acting capacity status is justified only when time or circumstances do not permit the immediate selection of a permanent appointment under the established selection and appointment procedures for staff.

3. Additional provisions governing Acting Assignments is located in VII-9.50-GC-UMGC Policy on Temporary Assignments and Acting Appointments.

4. Management may recommend a salary increase if the acting assignment is at a higher level than the current role. The amount of any increase will be determined using the job’s market analysis and internal equity analysis and must bring the employee’s salary to at least the minimum of the appropriate pay grade.
5. At the conclusion of the acting assignment, the salary will return to the original rate prior to the acting increase.

D. Temporary Assignment

Provisions governing Temporary Assignments is located in VII-9.50-GC-UMGC Policy on Temporary Assignments and Acting Appointments.

E. Reassignment

1. Movement by a staff member from a position to another similar or comparable position. This action may not result in a change in compensation. A change in work schedule or location shall require a minimum of two weeks’ notice.

2. Additional provisions governing Reassignment is located in VII-9.51-GC — UMGC Policy on Reassignment of Exempt and Overseas Staff Employees

3. Sequence of Simultaneous Adjustments
When more than one salary adjustment is scheduled to occur with the same effective date, the sequence of adjustments shall be as follows: adjustment to pay grade minimum, cost of living adjustment (COLA), merit increase, promotion increase, and equity adjustment.

4. Procedures for Pay Rate Adjustments

a. The department manager or designee shall submit the employee change request to the Office of Human Resources for the employee’s respective Division. All requests involving pay rates must have a President’s Cabinet Member/VP approval on the submission.

b. The department manager will be responsible for ensuring that there are sufficient funds available in the budget to cover the cost associated with any increase.

c. Salary changes will be reviewed and approved by the CHRO or designee.
d. Increases outside of guidelines or involving use of investment funds will require additional levels of approval.

e. Salary actions will be effective within one to two pay periods after the appropriate approvals.

f. If there is a delay in processing a salary action, the supervisor shall submit a request for retroactive adjustment along with a justification for the delay in action to the CHRO or designee. Retroactive adjustments may only be approved by the CHRO or designee for extenuating circumstances.

F. Overseas Allowances

1. Overseas Regular and Contingent III Employees and Overseas Collegiate Traveling Faculty in the Asia and Europe Divisions, except Downrange employees who are located at locations under the CENTCOM contract, will be provided with a monthly housing allowance on a year-to-year basis. This pay adjustment is intended to assist with housing, utilities, and other costs that are associated with being an ex-patriot living in an overseas environment. Additionally, a monthly currency adjustment benefit (CAX) will be provided to eligible employees to assist with the cost of foreign goods.

2. Downrange employees will be provided a monthly geographic differential on a year-to-year basis, which is intended to assist with being an ex-patriot living in an overseas environment and to assist with the costs of foreign goods.

3. For Asia and Europe divisions, base salary plus housing allowance and CAX are considered as total cash compensation.

4. For Downrange employees, base salary plus geographic differential are considered as total cash compensation.

VII. RECORDS

A. The signed original document initiating any job classification or salary-related action becomes part of the employee's personnel file.

P-VII-9.11-GC-9
B. Written notification of the job classification or salary-related action shall be provided to the employee.

VIII. RESPONSIBILITIES & AUTHORITY

The CHRO or designee is responsible for the content and communication of this policy and associated Guidelines. The CHRO or designee is responsible for ensuring equitable administration of salaries within the requirements of this policy. Managers and supervisors are responsible for administering salaries consistent with applicable direction, policies, procedures, and/or guidelines received from the CHRO or President.

Replacement for:
UMGC Policy 420.10 – Exempt Staff Salary upon Employment
UMGC Policy 420.15 – Pay Rate Adjustments for Exempt Staff,
Administrative Guidelines for the Stateside Exempt and Overseas Regular and Contingent III Staff Pay Program in Support of Policy 420.15 UMGC
VII-9.14-GC – UMGC POLICY ON IMPROPER DEDUCTIONS FOR EXEMPT AND OVERSEAS STAFF EMPLOYEES

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

The purpose of this Policy is to prohibit improper deductions from employees. This Policy applies to Exempt and Overseas Staff employees.

II. IMPROPER DEDUCTIONS

Improper deductions may include, but are not limited to, the following:

A. Deductions for less than full-day absence;

B. Deductions, when the employee is ready and able to work but work is not, available; and

C. Deductions, when the employee appears for jury duty, attends court as a subpoenaed witness or is on temporary Military Leave.

D. Employees who believe that there has been an improper deduction may file a grievance in accordance with the applicable grievance policy. If it is determined that the Exempt or Overseas Staff employee's pay has been improperly deducted, UMGC will reimburse the employee within the during the next earliest possible pay periods after the determination.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
UMGC 430.00 - Policy on Improper Deductions for Exempt Employees
VII-9.14-GC – UMGC POLICY ON IMPROPER DEDUCTIONS FOR EXEMPT AND OVERSEAS STAFF EMPLOYEES

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

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A. Deductions for less than full-day absence;

B. Deductions, when the employee is ready and able to work but work is not, available; and

C. Deductions, when the employee appears for jury duty, attends court as a subpoenaed witness or is on temporary Military Leave.

D. Employees who believe that there has been an improper deduction may file a grievance in accordance with the applicable grievance policy. If it is determined that the Exempt or Overseas Staff employee's pay has been improperly deducted, UMGC will reimburse the employee within the during the next earliest possible pay periods after the determination.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
UMGC 430.00 - Policy on Improper Deductions for Exempt Employees
I. PURPOSE AND APPLICABILITY

University of Maryland Global Campus (UMGC) is committed to the professional and educational development of its faculty and staff members. The purpose of the Salary Increments for Advanced Degrees Policy is to outline when faculty and staff members are eligible for a salary increase based upon completion of an advanced degree. This Policy applies to Exempt, Nonexempt, and Overseas Staff employees on Regular, Contingent II, and Contingent III status and Collegiate and Collegiate Traveling Faculty. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC Human Resources Policies; where there is a conflict between the two, the MOU shall prevail.

II. POLICY

A. Employees shall be awarded an increase of one-thousand dollars ($1000) to their base annual salary upon completion of:

1. The first Bachelor's degree;

2. The first Master's degree; and/or

3. The first Doctorate degree.

B. Employee must be employed at UMGC at the time the qualifying degree was conferred.

C. The salary increase stipulated in this Policy applies to degrees awarded on April 18, 2006 or thereafter.

D. The degree must be awarded by a regionally accredited or equivalent institution.

E. The Employee shall submit the Education Increase Request and official transcript or other institution specific official document which indicates the specific degree and the date the degree was awarded to the Office of Human Resources.
F. The salary increase will become effective the first pay period after the Office of Human Resources receives and approves the required documentation.

IMPLEMENTATION PROCEDURES

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
UMGC 420.60 - Salary Increments for Advanced Degrees and OS 11.10 – Policy on Salary Increases for Additional Education
VII-9.20-GC – UMGC POLICY ON PAY ADMINISTRATION FOR NONEXEMPT STAFF EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

As established in the USM Nonexempt Pay Program, under this policy, University of Maryland Global Campus (UMGC) employees may be eligible to receive salary increases for the following reasons: Cost of Living Adjustments (COLA); salary increases based on performance (Merit Pay); salary structure adjustments; completion of certain probationary periods; promotion, reclassification and other purposes as designated by the Chancellor. This policy also establishes the timing and basis for granting multiple adjustment increases and non-cumulative cash bonuses. This policy applies to Nonexempt Staff employees on Regular Status and Contingent Status employees, when awarded. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

For purposes of this policy the following terms and definitions shall apply.

A. Lateral Transfer - An employee’s move to a position with the same Pay Range. Lateral transfers may occur within or across UMGC organizational Departments/Units and within or across USM Institutions.

B. Promotion - An employee’s move to a position rated at a higher Pay Range than the Range of the current position, or

C. Demotion - An employee’s move to a position with a lower Pay Range than the Range of the current position.

D. Reclassification - The action of changing the Job Class assignment of a position by raising it to a higher Job Class or Pay Range, reducing it to a lower Job Class or Pay Range, or changing it to another Job Class at the same Pay Range. See also VII-9.70-GC – UMGC Policy on Requesting a Position Classification Review for Nonexempt Staff Positions.

E. Reinstatement - The return of a former Regular Status employee to UMGC employment within three (3) years following a period of separation from the UMGC/USM and/or State Employment. See VII-1.31-GC – UMGC Policy on Reemployment and Reinstatement.
F. **Re-employment** - The return of a former Regular Status employee to UMGC employment after a period of separation from the UMGC/USM and/or State employment greater than three (3) years.

### III. **SALARY UPON ENTRY INTO UMGC SERVICE**

**A. Entrance Into Service of a New Employee**

Appointment to any UMGC Nonexempt position shall be made at least at the minimum of the Pay Range for the job class to which the position is assigned. The salary for part-time appointments shall be prorated according to the employee’s FTE percentage.

**B. Appointments Above Minimum**

The Chief Human Resources Officer (CHRO) or designee may authorize a salary above the minimum of the Pay Range but within the maximum of the Pay Range for the job class for any of the following criteria:

1. A demonstrated and documented inability to attract a pool of qualified candidates;
2. Rejection of an offer of employment at the minimum pay rate for the position by the UMGC’s top candidate(s); or
3. Other circumstance that is documented and approved by the CHRO or designee.

### IV. **SALARY UPON REINSTATEMENT**

The CHRO or designee shall have the flexibility to authorize a salary upon Reinstatement of an individual in keeping with the following provisions:

**A. Reinstatement to a Job Class With the Same Pay Range**

Upon Reinstatement to a position in a Job Class with the same Pay Range as the individual’s Job Class at the time of the most recent separation, the individual’s salary shall be no less than the salary held at the time of separation from UMGC/USM service.

**B. Reinstatement to a Job Class with a Higher Pay Range**

Upon Reinstatement to a position in a Job Class with a higher Pay Range than the individual’s Job Class at the time of separation, the individual’s salary shall be no less than the salary held at the time of separation from UMGC/USM service, as well as no less than the minimum of the Pay Range for the Job Class.
C. Reinstatement to a Job Class with a Lower Pay Range

Upon Reinstatement to a position in a Job Class with a lower Pay Range than the individual’s Job Class at the time of separation, the individual’s salary shall be no more than the salary held at the time of separation, unless the salary falls below the minimum of the lower Pay Range. The CHRO or designee shall determine the individual’s salary within the Pay Range.

V. SALARY UPON RE-EMPLOYMENT

Any former employee returning to UMGC service on a Re-employment basis shall re-enter as a new employee, as described in Section III above.

VI. COLA

All Regular Status Nonexempt Staff employees shall receive COLA increases as appropriated by the Maryland General Assembly.

VII. PERFORMANCE BASED SALARY INCREASES - MERIT PAY

A. Provided funds are available, it is the policy of UMGC that employees who consistently meet the standards of performance for their positions shall receive performance-based salary increases (Merit Pay). These increases normally shall be effective on July 1, as appropriated by the Maryland General Assembly.

B. Salary increases shall be administered as follows:

Employees who have completed an original probation period and who on an overall basis meet the standards of performance throughout the evaluation period shall receive a minimum of two and a half percent (2.5%) increase.

VIII. SALARY STRUCTURE ADJUSTMENTS

In the event that the salary structure is adjusted, employees’ salaries shall be adjusted to the minimum of their Pay Range according to VII-9.10-GC – UMGC Policy on the Pay Program for Nonexempt Staff Positions.

IX. COMPLETION OF PROBATIONARY PERIOD

Upon successful completion of an original or a promotional probationary period (not for a probationary period because of a lateral transfer), Nonexempt employees shall receive a two and a half percent (2.5%) salary increase effective at the beginning of the pay period following successful completion of the probationary period.

X. SALARY UPON PROMOTION, TRANSFER OR RECLASSIFICATION
A. Salary Upon Promotion or Reclassification

1. Promotion

Upon promotion, the salary for an employee shall increase at least six percent (6%).

2. Reclassification to a Higher Pay Range

Upon a Reclassification to a higher Pay Range, the salary for an employee shall increase at least six percent (6%).

B. Salary Upon Lateral Transfer

The employee’s salary shall remain the same.

C. Salary Upon Demotion or Reclassification to a Lower Pay Range

Upon Demotion or Reclassification to a position with a lower Pay Range, the employee’s salary shall be within Pay Range of the position to which the employee was Demoted or Reclassified. However, the employee’s salary shall not be changed unless the Pay Range maximum for the position to which the employee was Demoted or Reclassified is lower than the employee’s salary prior to Demotion or Reclassification.

XI. WITHIN PAY RANGE SALARY INCREASE

An employee’s salary may be increased at any time to meet documented critical business needs (e.g., massive turnover, market driven, supply/demand). The appropriate administrator shall submit a written request to the CHRO or designee along with a justification for the adjustment. The CHRO or designee shall review the request, confer with the President, and take action as appropriate.

XII. SALARIES EXCEEDING THE MAXIMUM OF THE PAY RANGE

The CHRO or designee may authorize a salary that exceeds the maximum of the Pay Range in order to accommodate a salary adjustment, as described in Section VII, above. Any such authorization shall be done in consultation with the President.

XIII. REPORTING OF SALARY INCREASES

Consistent with the Chancellor’s Salary Guidelines for each fiscal year, UMGC may be required to make specified periodic reports of designated salary increases.

XIV. PRIORITY FOR PROCESSING SIMULTANEOUS PAY TRANSACTIONS
When two or more pay transactions occur simultaneously, the order of the processing shall be:

A. First, Salary Structure adjustment, if involved;
B. Second, Cost of Living Adjustment (COLA), if involved;
C. Third, Merit adjustment, if involved; and
D. Fourth, any other transaction such as Promotion, Reclassification, etc.

XV. NON-CUMULATIVE CASH BONUSES

A. A bonus is defined as a lump sum non-cumulative cash award that may be granted to a Regular Status Nonexempt Staff employee for an extraordinary contribution that substantially benefits UMGC. Bonus payments shall not be counted as part of base salary and there is no guarantee of a bonus payment.

B. The bonus pool shall be determined within the guidelines established by the USM Chancellor as part of the annual salary review process. The UMGC President or designee shall establish criteria for bonus eligibility, review and approval, and amount of bonus awards.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-9.20 - Policy on Pay Administration for Regular Nonexempt Staff Employees
UMGC POLICY ON TEMPORARY ASSIGNMENTS AND ACTING APPOINTMENTS

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY

This policy establishes the authority of the University of Maryland Global Campus (UMGC) President or designee to temporarily assign duties to existing positions and/or to temporarily reassign Staff employees to those positions. This policy applies to Nonexempt, Exempt and Overseas Staff employees on Regular Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITIONS

A. Temporary Assignment - The action of adding or replacing job duties to an employee’s existing position on a temporary basis.

B. Acting Appointment - The action of appointing an employee to a different position on a temporary basis, where there is a vacancy and/or operational need that is anticipated to exceed 30 consecutive calendar days.

III. TEMPORARY ASSIGNMENTS AND ACTING APPOINTMENTS

A. Based upon operational need or organizational necessity and consistent with the knowledge, skills, and abilities of the employee, the Chief Human Resources Officer (CHRO) or designee may authorize a Temporary Assignment or an Acting Appointment of an employee who meets the position’s minimum qualifications. The CHRO or designee may make exceptions to the position’s minimum qualifications.

1. Temporary Assignments

   a. With the CHRO or designee’s approval, an employee’s supervisor may make Temporary Assignments to an employee’s current position.

   b. Temporary Assignments may not result in a change in title or compensation.

2. Acting Appointments

   a. The CHRO or designee may appoint an employee to an Acting Appointment.
b. An employee in a Nonexempt position may only be given an Acting Appointment in another Nonexempt position.

c. Employees appointed to an Acting Appointment for more than 30 days shall receive a temporary title change and a compensation adjustment consistent with the policy on promotional reclassification.

B. If and when practical, the employee shall be provided with written notice of the Temporary Assignment or Acting Appointment at least five (5) working days prior to the effective date of such change.

IV. DURATION OF TEMPORARY ASSIGNMENTS AND ACTING APPOINTMENTS

A. Temporary Assignments and Acting Appointments should normally not exceed 12 months. Additional extensions may be considered based on operational need of UMGC and exceptions may be granted only by the CHRO or designee.

B. Position Classification Reviews may be conducted for Temporary Assignments and Acting Appointments that last or are expected to last more than 30 consecutive calendar days.

C. At the end of a Temporary Assignment or Acting Appointment, an employee shall be returned to the employee’s former position with the same salary and status as he/she would have had if he/she had not been temporarily reassigned with the addition of any intervening salary adjustments, which may have occurred, including any increase that would have been made to the employee’s regular salary during the Temporary Assignment or Acting Appointment period.

V. DETERMINATION OF SALARY FOR ACTING APPOINTMENTS


VI. BENEFITS DURING A TEMPORARY ASSIGNMENT OR ACTING APPOINTMENT

Benefits shall not be adjusted during Temporary Assignments or Acting Appointments.

VII. LAYOFF DURING A TEMPORARY ASSIGNMENT OR ACTING APPOINTMENT
An employee on a Temporary Assignment or Acting Appointment shall not be subject to layoff based on the employee’s Temporary Assignment or Acting Appointment status.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-9.50 - Policy on Temporary Assignments and Acting/Interim Appointments for Regular Status Nonexempt and Exempt Staff Employees
UMGC OS 33.00 – Policy on Temporary Assignments and Acting Appointments
VII-9.51-GC – UMGC POLICY ON REASSIGNMENT OF EXEMPT AND OVERSEAS STAFF EMPLOYEES

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This policy establishes the authority of the University of Maryland Global Campus (UMGC) Chief Human Resources Officer (CHRO) or designee to reassign or modify the duties, responsibilities and/or reporting relationships of Exempt and Overseas Staff employees on Regular Status at any time.

II. DEFINITION
Reassignment - The movement of an employee from a position to another similar or comparable position. Reassignment shall be made with consideration of the employee’s knowledge, skills, abilities, and salary.

III. GENERAL
A. Based on operational needs and/or organizational necessity, the CHRO or designee may modify the duties, responsibilities, and/or reporting relationships of an employee’s position at any time.

B. The CHRO or designee shall provide an employee with written notice of reassignment prior to the effective date of the action. A change in work schedule or location shall require a minimum of two weeks’ notice.

C. Employees may schedule a meeting with their new supervisor to discuss new assignment duties and responsibilities.

D. Failure to report to the reassigned position shall be considered an immediate voluntary resignation.

IMPLEMENTATION PROCEDURES:
The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-9.51 – Policy on Reassignment of Regular Exempt Staff Employees
UMGC OS 32.00 – Policy on Reassignment
VII-9.70-GC – UMGC POLICY ON REQUESTING A POSITION CLASSIFICATION REVIEW FOR NONEXEMPT STAFF POSITIONS

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This policy establishes the authority of the University of Maryland Global Campus (UMGC) President or designee to define the conditions under which a Position Classification Review will be conducted for Nonexempt Staff employees on Regular Status. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. DEFINITION
Position Classification Review - The review of a position description by the Chief Human Resources Officer (CHRO) or designee to determine whether the position is assigned to the appropriate Job Group and/or Job Class Specification.

III. POSITION CLASSIFICATION REVIEW REQUESTS

A. The President or designee shall be responsible for developing and communicating procedures, forms, and timetables for the acceptance, review, and determination of Position Classification Review requests. The CHRO or designee shall be responsible for reviewing the position and determining whether the position is appropriately allocated to its current Job Group (Nonexempt or Exempt) and/or Job Class or should be changed to another Job Group and/or Job Class.

B. A request for a Position Classification Review may be initiated by the CHRO or designee, the appropriate supervisor or manager to whom the position reports, or by the incumbent with acknowledgement by the employee’s supervisor or manager. Acknowledgment of a Position Classification Review does not constitute a requirement for reclassification.

C. A Position Classification Review of a position may result in:
   1. raising the position to a higher Job Class or Job Group;
   2. reducing the position to a lower Job Class or Job Group; or
   3. changing the position to another Job Class or Job Group in the same Pay Range.

D. Position Classification actions are based on:
1. significant and substantial changes that evolve in the position’s primary duties;

2. structured changes occurring in the position’s duties and responsibilities, unforeseen at the time when the employee accepted the position and are crucial to the mission and/or organizational effectiveness and efficiency of UMGC; or

3. the result of Job Evaluation changes in the UMGC Nonexempt Pay Program.

E. A position may or may not have an incumbent at the time of a job reclassification.

F. The Office of Human Resources shall act upon all Position Classification reviews in a timely manner. The effective date of all decisions made after the reviews shall be the date that the Office of Human Resources makes its final decision.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-9.70 - Policy on Requesting a Position Classification Review for Nonexempt Staff Positions
VII-9.80-GC – UMGC POLICY ON IMPACT OF CHANGES IN THE MINIMUM QUALIFICATIONS OF NONEXEMPT JOB CLASS SPECIFICATIONS

(Approved by USM BOR on April 21, 2017; UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This policy provides authority to the University of Maryland Global Campus (UMGC) President to establish guidelines for Nonexempt Staff employees on Regular and Contingent Status to meet the minimum qualifications of Job Class Specifications. Nonexempt Staff employees who are included in the representation of the collective bargaining unit are subject to the Memorandum of Understanding (MOU) and applicable UMGC HR Policies; where there is a conflict between the two, the MOU will prevail.

II. IMPACT ON NONEXEMPT STAFF EMPLOYEES
The minimum qualifications of a Job Class Specification shall be developed and/or amended by the CHRO or designee to comply with Local, State or Federal Regulations or for other bona fide occupational requisites. Nonexempt Staff employees may be impacted as follows:

A. Governmental Regulations
When the minimum qualifications of Nonexempt Job Class Specifications are changed to meet legal requirements (e.g., State mandated licensure or certification), continued employment in the Job Class shall be dependent upon meeting the new standards unless the law or regulation provides for grandfathering of current employees.

1. UMGC shall pay for all necessary and reasonable costs to comply with the legal requirements and shall allow employees reasonable time off with pay to meet the mandated legal requirements.

2. Employees unable to meet, after reasonable effort, the new legally-mandated standards for the Job Class shall be laid off and their names placed on the applicable Reinstatement List as provided in the applicable UMGC HR Policies.

B. Other Bona Fide Requisites
When minimum qualifications of Job Classes are changed for other bona fide occupational requisites, not involving legal mandates, current Staff employees who do not meet the new requirements shall be encouraged to acquire the new qualifications.

1. Although encouraged, employees shall not be required to obtain the new qualifications in order to remain their current positions.
2. Exception to the new minimum qualifications shall only apply to that specific Job Class at UMGC where the employee is employed and shall not apply to other positions in the Job Series or other Job Classes for which the employee does not meet the minimum qualifications.

IMPLEMENTATION PROCEDURES:

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
USM BOR VII-9.80 - Policy on Impact of Changes in the Minimum Qualifications of Nonexempt Job Class Specifications
I. PURPOSE AND AUTHORITY

It is the expectation of the President that the CHRO shall establish compensation that is competitive to attract the best qualified applicants to UMGC, but is not excessive.

II. APPLICABILITY

A. This policy shall apply to all contracts, including appointment letters and contract amendments, for UMGC Officers, at or above the level of Dean or Director that contain any of the following provisions:

1. A term of more than one year, with a provision providing severance compensation in excess of six (6) months or time off in excess of earned time off pursuant to UMGC policies;

2. An annual total compensation package that exceeds the annual total compensation package of the President or the USM Chancellor. Total compensation shall include:

   a. salary;

   b. other allowances, performance and other contingent bonuses, revenues, or other benefits that must be declared as taxable income according to Internal Revenue Service rules and regulations; and

   c. deferred compensation contributions; or

3. A deferred compensation benefit in excess of the standard State Employees/Teachers Retirement Plan or Optional Retirement Plan (ORP) benefits offered routinely to UMGC employees, such as the 457(f) Plan.

B. Revisions in the terms of employment due solely to Cost of Living Adjustments (COLA) or Merit increases within the range of other UMGC employees, or other changes in the terms and conditions of employment which apply to a broad category of UMGC employees shall not require an additional review under this Policy for matters which have previously been reviewed.

III. REVIEW OF CONTRACTS BY UMGC OFFICE OF LEGAL AFFAIRS

Before a contract is executed that meets one of the criteria set forth above, it must be submitted to the Office of Legal Affairs for review and approval for legal form and
sufficiency, with a copy provided to the USM Chancellor. After consultation with the Maryland Attorney General’s Office, the Office of Legal Affairs shall communicate any significant legal concerns with the draft contract to the CHRO and the President. The CHRO shall communicate any significant concerns, legal or otherwise, to the President. Before the contract is executed, the President shall consult with the USM Chancellor about any legal or other concerns.

IV. REVIEW OF CONTRACTS BY THE CHANCELLOR AND THE BOARD OF REGENTS
Within two (2) business days after executing a contract subject to this policy, the President must submit it to the Chancellor for Board of Regents review for informational purposes. The review will be conducted by the Committee on Organization and Compensation. The President will be informed by the Chancellor of any questions or concerns arising from the Committee’s review of the executed agreement.

V. REPORTING REQUIREMENTS
Not later than September 1 of each year, the President shall certify in writing to the USM Chancellor that UMGC has complied with this Policy for every UMGC contract covered by the Policy which was executed in the previous fiscal year.

IMPLEMENTATION PROCEDURES:

The President shall administer this policy and designates the CHRO to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:

VII-10.0 - Policy on Board of Regents Review of Certain Contracts and Employment Agreements
VII-11.00-GC - UMGC POLICY ON NONCOMBATANT EMERGENCY OPERATION (NEO) FOR OVERSEAS EMPLOYEES

(Approved by UMGC President on July 1, 2017)

I. PURPOSE AND APPLICABILITY
This Policy establishes the University of Maryland Global Campus’s (UMGC) Overseas’ Noncombatant Emergency Operation. This policy applies to all Overseas Employees and dependents who are logistically supported by UMGC.

II. THE NONCOMBATANT EMERGENCY OPERATION
The Noncombatant Emergency Operation (NEO) is a program aimed at United States citizens and their family members living in foreign countries. This is a plan, jointly developed by agencies within the U.S. State Department, U.S. Department of Defense, and local U.S. military installations to assist U.S. citizens and their legal dependents in preparing for and responding to emergencies. Emergencies may range from natural disasters (e.g., earthquakes, floods, typhoons) to armed conflict, which may require evacuation of personnel to safe areas outside of the country to which Employees are assigned.

III. NEO OFFICE
Each U.S. military installation overseas has a NEO office that coordinates NEO activities for military and civilian personnel assigned to that installation. Individual organizations within each installation are responsible for establishing internal NEO units and coordinating with their installation’s NEO office. UMGC Overseas’ NEO units are primarily responsible for all Overseas Employees on logistically supported by UMGC Asia or UMGC Europe. Overseas Employees that are not sponsored by UMGC Asia or UMGC Europe would fall under their sponsor’s NEO unit. Host country citizens and certain individuals of third-country nations would be under the care of the host nation and guided by a domestic host-nation emergency plan.

IV. NEO PACKETS
A. The NEO programs require each Employee who is logistically supported by UMGC Asia or UMGC Europe to prepare and maintain one NEO packet per family.
B. NEO packets consist of the following:

1. Passports;
2. Birth certificates;
3. A marriage certificate; and
4. Specific NEO forms.

C. The Office of Human Resources for the employee’s respective UMGC Division and/or local Area Director Offices will provide the forms and guidelines required for preparing and maintaining NEO packets.

D. Each Employee who is logistically supported by UMGC Asia or UMGC Europe is responsible for maintaining her/his own NEO packet. This will require regular updating of existing information and adding new documents to the NEO packet.

E. The military authorities and/or UMGC Overseas Divisions will conduct periodic inspection of their respective Overseas Employee NEO packets to ensure compliance.

**IMPLEMENTATION PROCEDURES**

The UMGC President has designated the Chief Human Resources Officer (CHRO) to administer this policy; to develop procedures as necessary to implement this policy; to communicate this policy to the UMGC community; and to post the policy and any applicable procedures on the UMGC website.

Replacement for:
OS 14.00 Policy on Noncombatant Emergency Operation (NEO)