

VII-7.46 – POLICY ON SICK AND SAFE LEAVE FOR CERTAIN ELIGIBLE CONTINGENT CATEGORY I AND OTHER PART-TIME, HOURLY, OR NON-REGULAR STAFF AND STUDENT EMPLOYEES

(Approved by the Board of Regents on June 21, 2019.)

I. PURPOSE

This policy establishes and governs Sick and Safe Leave (“SSL”) for certain eligible Contingent Category I and other part-time, hourly, or non-regular staff and student employees of the University System of Maryland, pursuant to the Maryland Healthy Working Families Act. Employees covered by this Policy are otherwise ineligible to earn paid leave under any other USM or Institutional policy, procedure, or contract.

II. DEFINITIONS

A. Sick and Safe Leave (“SSL”) is paid leave that may be used to the extent it is accrued and available, for the following purposes:

1. To care for or treat the employee’s mental or physical illness, injury, or condition;
2. To obtain preventive medical care for the employee or the employee’s Family Member;
3. To care for a Family Member with a mental or physical illness, injury, or condition;
4. For maternity or paternity leave within six months of the birth or adoption of a baby; or
5. The absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee’s Family Member, and the leave is being used:
 - i. To obtain for the employee or the employee’s Family Member medical or mental health attention related to the domestic violence, sexual assault, or stalking;
 - ii. To obtain for the employee or the employee’s Family Member services from a victim services organization related to the domestic violence, sexual assault, or stalking;
 - iii. To obtain for the employee or the employee’s Family Member legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking; or

- iv. During the time the employee has temporarily relocated due to the domestic violence, sexual assault or stalking.

B. "Family Member" is defined as:

1. The employee's:
 - a) Child, adopted child, foster child, or stepchild; a child for whom the employee has legal or physical custody or guardianship; or a child for whom the employee stands *in loco parentis*, regardless of the child's age;
 - b) Legal guardian;
 - c) Grandparent, adopted grandparent, foster grandparent, or step grandparent;
 - d) Grandchild, adopted grandchild, foster grandchild, or step grandchild;
 - e) Sibling, adopted sibling, foster sibling, or step sibling; or
 - f) Spouse; and
2. The employee's or spouse's:
 - a) Parent, adoptive parent, foster parent, stepparent; or
 - b) An individual who acted as the parent, or who stood *in loco parentis*, when the employee or spouse was a minor.

III. TERMS AND CONDITIONS

A. Eligibility

1. Non-regular, part-time, and hourly staff and student employees who regularly work at least 12 hours per week, or who have at least 30% full-time equivalence in the sum of all positions, and who are otherwise ineligible to earn paid leave under existing USM policies.
2. Employees who regularly work fewer than 12 hours a week are ineligible to earn SSL.

B. Accrual Rate and Limits

1. An employee eligible under this Policy shall earn SSL at a rate of one hour for every 30 hours worked, up to a maximum accrual of 40 hours in a calendar year.

2. SSL shall be accrued in bi-weekly increments. Alternatively, at the institution's discretion, the employee's SSL entitlement may be "front-loaded," i.e., provided at the beginning of an employee's appointment.
 - a) If SSL is accrued in bi-weekly increments, up to 40 hours of accrued but unused SSL may be carried forward into a new calendar year, unless the employee's appointment is funded by a grant or contract that is limited to 1 year and is not subject to renewal.
 - b) If the SSL entitlement is front-loaded, carry forward of unused SSL balance into a new year shall not be permitted.
3. An employee shall not use more than 64 hours SSL in any calendar year, for any reason. An employee's SSL balance shall not exceed 64 hours at any point in time.
4. SSL shall not be used by an employee in the first 106 days of an appointment.
5. An employee shall not earn SSL during a 2-week pay period in which the employee worked fewer than 24 hours.
6. When an employee separates from USM employment, SSL that is accrued but unused shall be forfeited.
 - a) The institution shall keep a record of the employee's accrued but unused SSL balance on the effective date of separation.
 - b) If the employee is re-hired in the USM within 37 weeks into an SSL-eligible position, any accrued but unused SSL that was available immediately prior to separation shall be restored and added to the employee's SSL leave bank. Any such leave may only be used in accordance with USM policy.

C. Notice Requirements

1. An employee is required to provide seven days' notice of a planned SSL absence to their supervisor when the circumstances are foreseeable, i.e., a scheduled medical appointment.
2. In the event an SSL absence is not foreseeable, the employee shall notify the supervisor as soon as practicable.
3. A supervisor may deny an employee's SSL request if:

- a) the employee failed to provide the required notice and the employee's absence will cause disruption;
- b) the stated purpose for requesting SSL is not listed in section II.A..

D. Absence Verification

An employee may be required to provide written documentation that the SSL was used for purposes provided in Section II.A if:

- 1. The employee uses SSL for more than two consecutive shifts or for more than two consecutive work days; or
- 2. The employee uses SSL during the first 120 calendar days of employment.

E. Miscellaneous

- 1. An employee eligible under this Policy shall receive a written appointment letter, contract, or employment agreement that defines key terms and conditions. This shall include how SSL is earned, proper usage, limits, how the employee may check the balance, notice requirements for planned absences, and a statement that the employee must provide written verification that the SSL was used for purposes provided in Section II.A. if used during the first 120 days of employment.
- 2. Improper use of SSL is prohibited. An institution shall not apply absence control measures when an employee uses SSL in accordance with this Policy, if doing so could lead to an adverse action being taken against the employee.
- 3. Employees eligible for SSL under this Policy do not have grievance rights under any USM or Institutional policy or collective bargaining agreement. If an employee disputes the manner in which this Policy has been administered to a particular circumstance of theirs, the employee may request in writing a review by the Institution's Human Resources Office within 30 days of the incident that gave rise to the employee's concern. A written response shall be provided to the employee within a reasonable time period.

IMPLEMENTATION PROCEDURES

Each President shall identify their designee(s) as appropriate to implement and administer this Policy, develop procedures as necessary, and communicate this Policy to affected employees, and on the institution's Policy website.