

**VII – 7.45 - POLICY ON SICK LEAVE FOR EXEMPT AND NONEXEMPT STAFF EMPLOYEES**

(Approved by the Board of Regents December 5, 1997; amended June 22, 2012; Amended by the BOR February 14, 2014)

**I. PURPOSE AND APPLICABILITY**

This policy governs the accrual and use of sick leave, and applies to all Regular Status Exempt and Nonexempt employees of the University System of Maryland, except to the extent that the provisions of a collective bargaining agreement between an institution and one of its bargaining units provides otherwise.

**II. GENERAL**

- A. Sick leave is paid leave granted to employees in an effort to provide some protection against the loss of earnings due to absences for health and allied reasons.
- B. A full-time employee shall earn sick leave at the rate of fifteen (15) workdays per year, accrued on a biweekly basis. Employees who are appointed at least 50% time shall earn sick leave on a pro rata basis. Sick leave is accumulated and carried forward from year to year without limit.
- C. An employee may use on a continuous basis earned leave (sick, annual and personal leave), advanced sick leave, extended sick leave, leave granted through the leave reserve fund, or unpaid family medical leave, as needed for personal illness or for parental leave, subject to the requirements and criteria of the USM *“Policy on Parental Leave and other Family Supports for Staff” (VI—7.49) (“Parental Leave Policy”)*.
- D. An employee may request that his/her illness, injury, or disability occurring during a period of annual or personal leave be charged to sick leave. Verification of such illness, injury, or disability may be required by the President or designee as provided in Section IV of this Policy.
- E. Sick leave shall be granted by the President or designee when an employee is absent because of:
  - 1. Illness, injury, 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 IV.C. of this Policy that cannot be scheduled during non-work hours.
  - 3. Illness or injury in the employee's immediate family and medical appointments, examinations or treatments for the immediate family member with an accredited,

licensed or certified medical provider listed in Section IV.C. of this Policy that cannot be scheduled during non-work hours.

- a) Immediate family as used in this section of the policy shall mean a spouse, child, step-child, grandchild, mother, father, mother-in-law, father-in-law, brother, sister, grandparent, brother-in-law, sister-in-law, or legal dependent of the employee irrespective of residence. Use of sick leave 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.
  - b) The President or designee may require an employee to provide certification by a medical provider listed in Section IV.C of this policy to demonstrate this obligation or to authenticate the need for the employee to care for the ill family member.
4. Death of a relative.
- a) For the death of a close relative, the President or designee shall grant the use of up to three (3) days of accrued sick leave. If the death of a close relative requires an employee to travel requiring staying away from home overnight, upon request the President or designee shall grant the use of up to a maximum of five (5) days of accrued sick leave for this purpose.
  - b) Close relative as used in this section of this policy shall mean a spouse, child, step-child, mother, father (or someone who took the place of a parent), mother-in-law, father-in-law, grandparent of the employee or spouse, grandchild, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law, or other relative who permanently resided in the employee's household.
  - c) The President or designee shall grant the use of up to a maximum of one (1) day of sick leave for reasons related to the death of the employee's or his/her spouse's aunt, uncle, niece, nephew.
5. Pregnancy-related disabilities, childbirth, and immediate recovery there from.
- a) A female employee may request the use of accrued sick leave for any period of time related to temporary disability during pregnancy or related to childbirth and immediate physical recovery there from.
  - b) A female employee planning to request the use of sick leave for the purposes listed in this subsection shall be governed by the provisions of this policy.
  - c) The employee shall keep the President or designee informed of any changes to her condition which affect the length of time that she will need to be away from work.

6. Birth of a child or placement of a child with the employee for adoption. Accrued sick leave may be used to care for a child following the birth of a child or placement of the child with the employee for adoption, subject to the provisions of the USM Parental Leave Policy.
- F. An employee who returns to regular USM service within three (3) years of separation shall have the unused sick leave earned during the prior service restored, provided the employee returns to a position eligible to earn sick leave.

### **III. DIRECTED USE OF SICK LEAVE/MEDICAL EXAMINATIONS**

- A. The President or designee, in accordance with the institution's policy on Family and Medical Leave, may direct an employee to use accrued sick leave if he/she determines that an employee is unable to perform the responsibilities of his/her position due to illness, injury or disability.
- B. While in either active work status or on any type of employee-related sick leave, 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 President 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 the USM institution, the institution 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 President or designee in accordance with policies on 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 the USM institution, the President 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 leave status or continued employment. If subsequent medical examinations and evaluations are required, the expense of such shall be borne by the USM institution. The decision of the President or designee is final.

#### **IV. VERIFICATION OF ABSENCES CHARGED TO SICK LEAVE**

- A. In order to assure medical attention for an employee or to prevent the abuse of sick leave usage, the President or designee may require an employee to submit verification of the use of accrued sick leave, advanced or extended sick leave.
- B. Verification may include but may not be limited to:
  - 1. A written statement from the medical provider (as listed in Section IV.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, if sick leave is requested under the Parental Leave Policy; and
  - 6. Any other information necessary to verify that the employee's use of sick leave is in accordance with this Policy;
- C. Medical verification as outlined in this Policy may be obtained by an accredited Christian Sciences practitioner, or by the appropriate of any of the following licensed or certified medical providers:
  - 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; or
  - 10. Licensed Certified Social Worker-Clinical

#### **V. ADVANCED SICK LEAVE**

- A. An employee who sustains a temporary, recoverable illness, injury or serious disability or is eligible for parental leave under the Parental Leave Policy may request advance use of sick leave subject to the following four conditions:

The employee shall:

1. Have exhausted all other types of accrued leave; and
  2. Have a satisfactory record of sick leave usage and work performance.
- B. Advanced sick leave is not an entitlement. The granting of requests for advanced sick leave shall be at the discretion of the President or designee.
- C. Advanced sick leave shall not be granted in instances where the illness or injury or disability occurred on the job, and the employee has been granted accident leave or temporary total disability benefits by the Workers' Compensation Commission.
- D. Written requests for advanced sick leave shall be submitted to the President 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, if the employee is requesting parental leave, as outlined in Sections IV.B and IV.C of this Policy.
- E. Sick leave may be advanced as follows:
1. In the first year of service, advanced sick leave will be prorated based upon the employee's length of service at the time it is requested.
  2. Thereafter, advanced sick leave 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 calendar year;
- F. The use of advanced sick leave 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 leave shall be at one-half the rate that sick leave and annual leave is earned. An employee may elect to pay back advanced sick leave by applying any earned leave or by reimbursing the USM with cash.
- G. Annual, sick and holiday leave earned, and personal leave credited while on advanced sick leave shall be applied as earned/credited.
- H. Additional requests for advanced sick leave will not be granted until all previously granted advanced sick leave has been repaid. The only exception to this provision is in cases where the maximum amount of advanced sick leave had not been requested originally and additional advanced sick leave, consecutive to that already granted, is needed to cover the employee's continued absence arising from the original illness, injury or disability.
- I. The President or designee may refer an employee who is on advanced sick leave as follows:

1. The employee may be referred to an USM institution-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 USM institution-named physician, the provisions of Section III.B.3 shall apply.

## **VI. EXTENDED SICK LEAVE**

- A. An employee who sustains a temporary, recoverable illness, injury or serious disability or is eligible for parental leave under the Parental Leave Policy may request extended sick leave, subject to the three following conditions:

The employee shall:

1. Have been in USM and/or State service for at least five (5) years;
  2. Have exhausted all types of accrued leave and advanced sick leave; and
  3. Have a satisfactory record of sick leave usage and work performance.
- B. Extended sick leave is not an entitlement. The granting of requests for extended sick leave shall be at the discretion of the President or designee.
- C. The maximum cumulative total of extended sick leave available to an employee while in USM or State service is twelve (12) work months (52 work weeks).
- D. Annual, sick and holiday leave earned, and personal leave credited while on extended sick leave shall be applied as earned/credited.
- E. Written requests for extended leave shall be submitted to the President or designee and shall be supported by written verification by an accredited, licensed or certified medical provider as outlined in Sections IV.B. and IV.C. of this Policy.
- F. The President or designee may refer an employee who is on extended sick leave as follows:
1. The employee may be referred to an institution-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 institution-named physician, the provisions of Section III.B.3. shall apply.

**VII. OTHER**

For other related policies, please see Parental Leave Policy, Policy on Leave without Pay, Policy on Leave Reserve Fund, Policy on Family and Medical Leave, and Policy on Accident Leave.

**IMPLEMENTATION PROCEDURES:**

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