

MORGAN STATE UNIVERSITY

Personnel Manual for Executive and Professional Administrative Staff

Effective July 1, 2010

MORGAN STATE UNIVERSITY
EXECUTIVE AND PROFESSIONAL ADMINISTRATIVE STAFF
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INTRODUCTION

This Executive and Professional Administrative Staff Manual (“Manual”) sets forth the general policies and procedures relevant to members of the Executive and Professional Administrative Staffs. The Manual also outlines the responsibilities and performance expectations of persons in that employment category. Nothing in this Manual shall interfere with or abridge the exclusive right and responsibility of Morgan State University to exercise all manner of management functions and prerogatives related to carrying out the mission of the University and to direct the affairs and workforce of the University in all regards.

The University reserves the right to periodically revise or amend these policies and procedures as necessary. The University’s failure to exercise any prerogative or function as outlined in this document shall not be considered a waiver of the University’s right to exercise such prerogative or function. This Manual does not constitute an expressed or implied contract between Morgan State University and any member of the University’s Executive or Professional Administrative Staff; nor are the terms and conditions described in this Manual to be construed as contractually enforceable contract terms.

The University periodically develops new or amends existing policies, regulations and procedures. Readers and persons to whom the provisions of this Manual apply are subject to all current official University policies, procedures and regulations, the official versions of which are maintained in the Office of the President and which take precedent over those published in this document and on any websites. For complete texts of policies and procedures summarized in the Manual, the reader is directed to the official versions maintained in the Office of the President. An unofficial compilation of Board of Regents policies is available at www.morgancounsel.org. Professional Administrative Staff may inspect or obtain (upon request) a copy of this Manual from the Office of Human Resources and may also access it from the Human Resources section of the University’s website: www.morgan.edu.

CHAPTER 1 – ABOUT MORGAN STATE UNIVERSITY

I. **Mission***

The University is designated by legislative statute as Maryland's Public Urban University. As such, it gives priority to addressing the needs of the population of metropolitan Baltimore within the context of its statewide responsibilities for academic instruction, research, and service. Morgan also is one of the Nation's premier historically black institutions of higher education. It is one of a select group of HBCUs offering a comprehensive range of undergraduate programs, awarding masters and doctoral degrees in a significant number of disciplines, and having significant programs of research and public service. These characteristics as well as its tradition of serving an academically and demographically diverse student body place it in a unique position among Maryland institutions to serve the increasingly heterogeneous population of the state and the special needs of Baltimore City. While committed to educating a culturally diverse and multi-racial population, the University also makes an important contribution to increasing the educational attainment of Maryland's rapidly-growing African-American population in fields and at degree levels where it is underrepresented.

Teaching is central to the University's mission. As a comprehensive university, it recognizes the close inter-relationship between quality teaching, research, and public service. It also gives priority to research in fields in which it offers graduate programs that promote the educational process, and that increase the knowledge base necessary to improve the quality of life of residents of the Baltimore Metropolitan area and of the state. The University places particular emphasis on integrating appropriate resources from its graduate, research, and service programs into its undergraduate curriculum in order to enhance student educational experiences and to motivate students to pursue advanced study. The campus is committed to utilizing its resources through programs of service to enrich the educational, economic, social and cultural life of the Baltimore Metropolitan Area and the State of Maryland. Morgan offers a comprehensive range of academic programs at the bachelor's level in the arts and humanities. It places particular emphasis on programs in business, education, engineering, and the sciences. The University meets the Carnegie criteria for Doctoral/Research-Intensive institutions. Morgan is committed to offering graduate programs in fields that undergird and reinforce its undergraduate offerings, that provide for the continuing education of the population of the region, and/or in which minorities are substantially underrepresented.

* Mission Statement Summary, Approved October 11, 2005

II. Nondiscrimination

In general, it is the policy of Morgan State University that all employees and students should be able to enjoy and work in an educational environment free from discrimination. Discrimination against any person or group of persons on the basis of race, color, national origin, religion, sex, sexual orientation, age, marital status or disability is prohibited by this Policy. Any employee, student, student organization, or person privileged to work or study at Morgan State University who violates this policy will be subject to disciplinary action up to and including permanent exclusion from the University.

III. Drug and Alcohol Abuse Policy

In general, Morgan State University (the "University"), is dedicated to providing a campus environment free of the illegal and/or abusive use of alcohol and/or drugs. The illegal and/or abusive use of drugs and/or alcohol by members of the campus community jeopardizes the safety of the individual and the campus community, and is contrary to the academic learning process. Morgan State University is therefore committed to having a campus that is free of the illegal and/or abusive use of drugs and alcohol. In keeping with this commitment, it is the policy of the University that the illegal and/or abusive use of drugs or alcohol is prohibited on University property or as part of University activities. Further, the possession and/or consumption of alcoholic beverages is prohibited on University premises, except as expressly permitted in writing by the President or designee.

IV. Sexual Harassment

In general, sexual harassment by University employees, faculty, staff, and students is illegal conduct and will not be tolerated in the Morgan State University community. Morgan State University is committed to maintaining a working and learning environment in which students, faculty, and staff can develop intellectually, professionally, personally, and socially. Such an environment must be free of intimidation, fear, coercion, and reprisal. The University prohibits sexual harassment. Sexual harassment subverts the mission of the University and threatens the well-being, educational experiences, and careers of students, faculty and staff.

V. Americans with Disabilities Act

In general, the University is committed to compliance with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the American with Disabilities Act of 1990. It is a priority of the University to ensure full participation in Programs, employment and activities for all individuals. Reasonable accommodations will be provided, upon request, to University employees, students, and visitors. All University publications and events announcements shall contain a statement informing persons with disabilities of the procedure for requesting accommodations. New construction projects and renovations shall comply fully with all federal, state, and local

codes, including the Americans with Disabilities Act Accessibility Guidelines and the Uniform Federal Accessibility Standards.

CHAPTER 2 – NATURE OF POSITION AND APPOINTMENTS

Members of the Executive and Professional Administrative staffs perform their duties in a manner responsive to and compatible with the unique environment of higher education. The functions of these positions require direct and significant contributions to the University's instruction, research, services, academic support and student personnel-related programs. These staff members fall into two separate and distinct groups having many rights and privileges in common, at the same time, having certain characteristics peculiar to each group alone. The two groups are: Executive Staff and Professional Administrative Staff.

I. Executive Staff

The Executive Staff is composed of persons appointed to positions requiring the exercise of executive management responsibility and decision-making. Such responsibility envisions participation with the President in the formulation of University policy of the highest complexity, sensitivity and impact. Usually, each of these individuals will be directly responsible to the President for administering a major division or program of the University. The nature of these positions is such that persons occupying them are appointed by, and serve at the pleasure of the President. Typical titles include: Provost, Vice President, Executive Assistant to the President, and Associate and Assistant Vice Presidents. The Executive Staff serve solely at the pleasure of the President.

II. Professional Administrative Staff

The Professional Administrative Staff is composed of persons appointed to positions normally involving the exercise of professional judgment and requiring formal academic preparation or the experience equivalent. Both the Executive Staff and Professional Administrative Staff are exempt positions as defined in the federal Fair Labor Standards Act (FLSA).

III. Academic Administrative Appointments

Persons appointed to academic administrative positions serve at the pleasure of the President. Typical titles include deans, associate deans, assistant deans, and department chairs. Should their administrative appointments end, continued University employment shall depend upon their faculty status, that is, whether they hold a tenured, non-tenured or contractual faculty position. Under most circumstances (except for example, retrenchment, layoffs and/or discontinuation of a department), tenured faculty would be eligible for return to their faculty duties.

A. Deans, Associate and Assistant Deans, Twelve-month Faculty and Department Chairs

Deans, associate and assistant Deans, twelve-month faculty and departmental chairs serving in 12-month positions are subject to the same time-keeping requirements and are eligible for earning leave on the same basis as the Professional Administrative Staff. The terms of employment for these employees are determined by their particular employment status and personnel policies and procedures relevant to that status and any employment agreement that may exist between the University and the employee.

B. Department Chairs

Chairs of academic departments are academic administrative appointments and serve at the pleasure of the President. They are not members of the executive or professional administrative staff and do not serve a probationary period in that employment category. However, their leave is calculated in accordance with the standards used for calculating leave of professional administrative staff. The responsibilities are determined by Board policy, the President, Provost and Vice President for Academic Affairs and the appropriate dean.

C. Twelve-month Faculty

The leave of twelve-month faculty is calculated in accordance with the standards used for calculating leave of professional administrative staff. They are not members of the executive or professional administrative staff.

CHAPTER 3 – EMPLOYMENT

I. Appointment

- A. An individual receiving a regular appointment is one who, after being selected in accordance with applicable University regulations and procedures, occupies a position that is or has been ongoing in nature and/or is expected to have a duration of not less than one full fiscal or academic year. In general, a regular status employee is one who is eligible to receive certain University and State of Maryland benefits such as subsidized health insurance, retirement benefits, and paid leave.

Regular status entitles the employee to certain benefits and privileges. Except where specifically stated elsewhere, (1) a regular employee employed full time is entitled to the full range of University and State benefits and privileges, (2) a regular employee employed 50% or more of full time is entitled to receive benefits and privileges proportional to the percentage of the individual's employment, and (3) employees employed less than 50% of full-time are not entitled to University and State benefits and privileges.

- B. All Professional Administrative Staff are appointed by the President in an appointment letter which sets forth the appointee's: (1) position responsibilities and conditions of employment, (2) starting salary, and (3) effective date.

II. Probation and Rejection on Probation (section not applicable to Executive Staff)

A. Probation

The first year of a regular appointment to a professional administrative staff position is considered a probationary year. Employees shall earn and are able to use sick, annual, personal, holiday and compensatory leave during the probation period.

1. If an incumbent has completed a probationary period for a classified position and the position is converted to one in the Professional Administrative Staff category, the incumbent will have been deemed to have completed the probationary period for the Professional Administrative Staff position if the incumbent has served a

probationary period of one year or more in the converted classified position.

2. If an incumbent has not completed a probationary period of at least one year in a classified position that is converted to one in the Professional Administrative Staff category, the incumbent will be deemed not to have completed the probationary period for the Professional Administrative Staff position and will be required to serve a probationary period of one year. The partial probationary period served in the converted classified position may be credited to the one year probation to be served in the Professional Administrative Staff position.
3. A classified employee who accepts a new appointment to a professional administrative staff position shall serve the entire administrative probationary period of one year.
4. If a faculty member has served at least one year in a faculty position and the employee is appointed to a position in the Professional Administrative Staff category, with no break in University service, the faculty member will be deemed to have fulfilled the one year probationary period for the Professional Administrative Staff position. If an incumbent has completed less than one year in a faculty position and is appointed to a position in the Professional Administrative Staff category, the prior faculty member will be required to serve a probationary period of one year. The period of service in the faculty position may be credited to the one year probation to be served in the Professional Administrative Staff position.
5. A tenured faculty member in good standing who accepts an administrative position shall retain faculty tenure status unless:
 - a. The tenured faculty was retrenched,
 - b. The tenured faculty was dismissed,
 - c. the tenured faculty resigned, retired or otherwise relinquished his/her tenured faculty status.
6. Academic administrative appointments - Chairs of academic departments are academic administrative appointments that serve at the pleasure of the President. They are not members of the executive or professional administrative staff and do not serve a probationary period in that employment category. However, their leave is calculated in accordance with the standards used for calculating leave of professional administrative staff.

B. Rejection on Probation

During the probationary year, the appointing authority may terminate the service of a Professional Staff employee, without recourse of appeal, upon 30 calendar days written notice of rejection on probation. The rejection notice may (but is not required to) include a statement as to the reason(s) for the rejection.

1. In lieu of the notice period, a 30-day administrative leave or severance pay be provided.
2. The notice period is not required if the rejection is the result of a serious breach of discipline, gross incompetence or negligence which jeopardizes essential services and/or is related to employee conduct which endangers the health and welfare of the campus community.
3. The employee rejected on probation has no right to appeal a rejection on probation. However, if the employee believes that the rejection on probation did not occur in accordance with the procedures set for in this Manual, the employee may, within five (5) working days of receipt of the written notice of rejection on probation, may file with the Director of Human Resources, a written statement setting forth in detail the alleged procedural violations of concern to the employee. The Director of Human Resources shall forward the statement to the appointing authority for review. The appointing authority shall provide the employee with a written response to the concern, with a copy provided to the Director of Human Resources.

III. Performance Evaluation and Merit Pay

- A. Supervisors are encouraged to provide annual written performance evaluations per year but may provide them more often, particularly where a performance improvement plan is indicated.
- B. Depending upon funding availability and performance, a Professional Administrative Staff employee may be eligible for a salary increase based on merit and available funds. Consideration of merit increases ordinarily occur annually.

IV. Acting Appointment

- A. In order to meet urgent needs, it may be necessary to appoint a person to a vacant position in an acting capacity. Designating an employee to an acting capacity status is justified only when time or circumstances do not

permit the immediate selection of a regular appointee under the established selection and appointment procedures for the employee classification in which the vacancy occurs.

- B. The appointment to an acting capacity should normally not exceed a period of twelve months with re-evaluations performed every six months. Exceptions may be granted only by the President or designee. The following conditions shall apply to acting capacity appointments:
1. Acting capacity appointments should only be made to persons holding regular positions and is appropriate only in limited situations when the incumbent is absent and the work cannot be distributed temporarily to other employees.
 2. An employee assigned to a position in an acting capacity should meet the minimum academic and/or professional requirements for the particular position.
 3. Within the sole discretion of the President, a person assigned to a position in an acting capacity may be eligible to receive a salary adjustment after serving in an acting capacity for more than thirty (30) working days.

V. Re-employment/Re-appointment/Reinstatement

Any employee covered by these rules who is re-appointed to a regular position within the University is entitled to all accrued benefits and service time previously earned as a State or University employee, provided the reappointment takes place within three (3) years of separation from the employee's previous State or University service.

VI. Conflict of Interest and Conflict of Commitment

With the acceptance of employment with Morgan State University, one makes a commitment requirement to the devotion of a large part of one's energies to the goals and mission of the University. External, cultural, civil and other activities, as well as services to government, industry and other institutions, are important to the mission of the University, to one's personal development and to society at large.

An employee's activities outside of their employment at the University may create conflicts of interest and conflicts of commitment. A conflict of interest situation is one in which an employee influences or is in a position to influence University decisions for personal financial gain or benefit. A conflict of commitment situation is one in which outside activities substantially interfere with the employee's performance responsibilities to the University.

The University recognizes that many situations carry the potential for conflict, while not manifesting an actual conflict because of careful attention to ethics on the part of employees and the University. In situations which have the appearance of a conflict, an employee should inform the immediate supervisor or responsible administrator who should assist the employee in deciding how or whether to proceed. In instances where a conflict or appearance of conflict of interest may arise in the context of the State Ethics Law, the employee may seek an advisory opinion from the State Ethics Commission.

VII. Reassignment

- A. A Professional Administrative Staff employee may be removed from the employee's position and reassigned to another position, subject to the approval of the President or designee.
- B. In the event of reassignment, the University shall endeavor to make the reassignment to a position commensurate with the employee's background and experience. Reassignment shall not be made to a position for which the employee does not possess the minimum qualifications.
- C. Reassignment approved by the President or designee is not subject to the grievance procedure.

VIII. Work Week and Earning Compensatory Leave

- A. The official business hours of the University are 8:00 a.m. to 5:00 p.m., Monday through Friday. In order to provide the highest possible degree of service, employees are expected to be punctual and to maintain good attendance. It is the employee's responsibility to notify the supervisor as soon as possible, to explain the reason and to state the expected report to work time and/or date when there is any absence from or lateness due to illness or emergency.
- B. The standard full-time work week is 40 hours. Specific work schedules are assigned by the supervisors and are subject to change by the supervisor to satisfy departmental needs.

All employees are required to complete and submit web time sheets on a bi-weekly basis to the Office of Human Resources for payroll and administrative purposes. Employees who fail to submit properly completed web time sheets may experience a disruption in pay. Web time sheets require supervisor approval for submission. Medical certificates, compensatory time slips (non-exempt employees), and other supporting documentation must be submitted to the Office of Human Resources on the date web time sheets are due.

- C. All employees covered by these rules and regulations are expected to work as required to discharge the duties and responsibilities of their position, regardless of the length of any defined minimum work week. However, it is recognized that, at times, circumstances may require working beyond the number of hours normally required for a given individual in his/her particular position. In such instances, compensatory leave (paid time off) may be granted with the approval of the individuals's supervisor and under the following conditions:
1. The supervisor is fully knowledgeable of the extraordinary work schedule of the employee and feels compensatory time is deserved.
 2. An employee may be authorized to earn compensatory time only after the employee has worked at least one (1) hour beyond the employee's standard work day. Total compensatory time earned is equal to that first hour plus any time worked after the first hour.
 3. An employee may be authorized to earn compensatory time for time worked outside the employee's standard work week, for example, Saturdays, Sundays, holidays, only after the employee has worked in excess of one (1) hour on the day for which compensatory time is to be earned. Total compensatory time earned is equal to the first hour worked on that day plus any time worked after the first hour on that day.
 4. Compensatory leave used shall not exceed twelve (12) days per calendar year. Compensatory leave is not necessarily granted on an hour-for-hour basis.
 5. Upon separation from University service, the employee will not be compensated for more than two (2) days of compensatory time earned.

IX. Personnel Records

- A. The Office of Human Resources maintains the official personnel records. These records are confidential. A file is maintained for each employee. The employee file includes personal data and information related to the employee's appointment, pay, benefits choices, and institutional employment history. Since these files are the official personnel records, it is important that employees provide the Office of Human Resources with accurate and up-to-date personal data and advise that office of any subsequent changes. Personnel records may also be maintained in other administrative offices and may also constitute official personnel records.

- B. Employees may request the opportunity to inspect their personnel records in accordance with the Maryland Public Information Act.

X. Resignation

- A. Executive and Professional Administrative Staff who desire to resign in good standing shall give the supervisor at least thirty (30) calendar days written notice of resignation.

- B. Clearance Procedures

Employees who are going on an extended leave of absence or separating from employment are required to contact the Office of Human Resources prior to the last work day to complete necessary exit clearance procedures. Prior to leaving, all accounts and obligations to the University must be settled. University property, keys, identification and credit cards must be returned to the appropriate offices and the Office of Human Resources must be informed of the correct forwarding information. Exit interviews and counseling on reinstatement and the continuation of benefits may be provided upon request. University clearance forms must be completed on or prior to the last day of employment. Failure to complete the necessary forms may result in a delay of the employee's final pay check.

- C. Upon separation, unused annual leave and accrued holidays to which the employee may be entitled shall be paid or transferred (if the employee transfers to another Maryland agency) in accordance with University regulations. __

CHAPTER 4 – TERMINATION (section not applicable to Executive Staff)

I. Termination and Period of Notice

A. Employees hired before July 1, 2010

1. Professional Administrative Staff employees who have completed a probationary period of one year and served for less than seven (7) years may be terminated from employment without recourse of appeal upon being provided the following periods of written notice of termination:

- | | | |
|----|---|--------------|
| a. | Less than one (1) year | One month |
| b. | One (1) year, but less than four (4) years | Three months |
| c. | Four (4) years, but less than seven (7) years | Six months |

The President or designee may choose to grant administrative leave for all or part of the period of notice or award severance pay in lieu of the required notice to cover the period of the notice. An employee granted administrative leave or severance pay in lieu of notice may be required to vacate the employee's place of work. Alternatively, the President or designee may assign alternate duties and responsibilities to an employee who has been notified of a period of notice of separation for any part or all of the period of notice.

2. Professional Administrative Staff with seven (7) or more years of service shall not be terminated upon written notice and may only be removed for cause. Separation of such employees from service shall occur upon the establishment of cause in accordance with the removal for cause provisions of this Manual.

B. Employees hired on or after July 1, 2010

All Professional Administrative Staff employees hired on or after July 1, 2010 may be involuntarily separated without recourse or appeal from the University and shall be provided with a defined period of notice based on length of employment with the University as indicated below:

- | | | |
|----|---|--------------|
| 1. | Less than one (1) year | One month |
| 2. | One (1) year, but less than four (4) years | Three months |
| 3. | Four (4) years, but less than seven (7) years | Six months |
| 4. | Seven (7) years, but less than ten (10) years | Nine months |

5. Ten (10) years or more

Twelve months

The President or designee may choose to grant administrative leave for all or part of the period of notice or award severance pay in lieu of the required notice to cover the period of the notice. An employee granted administrative leave or severance pay in lieu of notice may be required to vacate the employee's place of work. Alternatively, the President or designee may assign alternate duties and responsibilities to an employee who has been notified of a period of notice of separation for any part or all of the period of notice.

II. **Removal for Cause - Employees Hired before July 1, 2010**

- A. A Professional Administrative Staff member with seven (7) or more years of service shall only be terminated for cause for incompetence, misconduct or wilful neglect of duty. Prior to removal, the appointing authority shall provide the employee with written notice of the charges and specifications for removal and an opportunity for a hearing.
1. An employee receiving notice of Removal for Cause may appeal such removal by submitting a written appeal to the President or designee within five (5) working days of the employee's receipt of the written notice. Within twenty (20) calendar days after receipt of the written appeal, the President or the designated representative shall inform the employee of the hearing body or officer appointed by the President or designee to conduct the appeal hearing. A hearing shall be held within thirty (30) calendar days of receipt of the written request for appeal.
 2. The hearing shall be conducted in accordance with the following procedures:
 - a. The hearing shall be closed unless the staff member recommended for termination requests an open hearing and the hearing officer approves.
 - b. Reasonable notice of the time and place of the hearing shall be provided both to the staff member and to the President of the University.
 - c. Both the staff member and the President or designee may be represented by legal counsel.
 - d. The parties shall have the opportunity to present evidence, examine and cross-examine witnesses, file objections, exceptions, and motions, provided however that if a party is represented by counsel, the submission of evidence,

examination, cross-examination, and filing objections, exceptions, and motions shall be done and presented solely by such counsel. The staff member has the right to examine and use any part of the staff member's personnel file as may be permitted under the law in the furtherance of the staff member's case. Further, the staff member has the right to call witnesses including members of the University staff in pursuance of the staff member's case.

- e. Only evidence offered and made part of the record in the case shall be considered. No other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be offered in the form of copies, excerpts or by incorporation by reference.
- f. Depositions may be received in evidence when both parties have been given opportunities to appear and cross-examine the deponent.
- g. The hearing body or officer appointed by the President may set time limits for presentation of testimony.
- h. The hearing body or officer appointed by the President cannot assure the presence of witnesses requested by either party. However, the hearing body or officer shall lend weight to the request by either party that witnesses appear.
- i. Upon the request of either party, all persons to be called as witnesses shall be sequestered until their testimony is completed. Notwithstanding this rule, the President or designee and no more than two (2) members of the administration, the staff member and the staff member's counsel may be present at all times.
- j. In case of serious delays caused by non-appearance of witnesses or other evidence, the hearing body or officer will rule on whether to continue without the delayed evidence. Continuances shall not be granted except for extraordinary circumstances.
- k. A record of the proceedings shall be maintained and a copy kept on file by the University and made available to both parties upon request. If the hearings are closed, the files will be confidential subject to release in accordance with applicable laws.

CHAPTER 5 - LEAVE WITH PAY

I. Annual Leave

- A. Full-time, regular employees earn 22 days of annual leave per calendar year that will accumulate on a bi-weekly basis from the beginning of employment. A maximum of 75 workdays or 600 hours of annual leave may be carried into a new leave year, which begins the first full pay period of the new calendar year, for all full-time employees. This maximum will be prorated for employees working 50% or more.

Beginning with the 21st year of Morgan State University and/or State of Maryland employment, annual leave is earned at the rate of 25 days per calendar year. Part-time employees working 50% or more earn annual leave on a prorated basis.

- B. Annual leave shall be available to the employee to the extent earned provided that the dates for such leave are approved by the responsible administrator.
- C. At termination of employment, an employee shall be paid for a maximum of 50 days of annual leave which has been carried over from the preceding calendar year and all earned, but unused annual leave for the year in which employment is terminated. When an employee moves from or to any employment category not covered by these rules, the employee shall be paid for accumulated annual leave as indicated above or given the opportunity to take or use it.
- D. Two days of annual leave may be taken without prior approval, provided that the employee notifies the employee's immediate supervisor not later than 15 minutes after the employee's normal reporting or starting time of the employee's intended use of annual leave.

II. Personal Leave

- A. In each calendar year, a full-time regular employee is entitled to three (3) days of personal leave and a part-time employee is entitled to the percentage of three (3) days of personal leave equal to the percentage the part-time position is funded or the incumbent is employed.
- B. An employee may not accumulate personal leave from one leave year to the next. Any personal leave that is unused at the end of a leave year shall be

contributed to the State Employee's Leave Reserve Fund in accordance with the regulations.

- C. An employee may use personal leave in increments of at least ½ day without obtaining prior approval, provided that the employee notifies the employee's immediate supervisor not later than 15 minutes after the employee's normal reporting or starting time of the employee's intended use of personal leave.
- D. An employee scheduled to work on a State holiday, or who renders a service that is provided continuously on a 7 day a week basis, may not use personal leave without obtaining prior approval from the employee's immediate supervisor. However, approval may be denied only if the immediate supervisor determines that denial is necessary as a result of a critical shortage of staff.

III. Compensatory Leave

- A. All employees covered by these rules and regulations are eligible to earn compensatory leave for hours worked in excess of the normal work week. In cases where employees are required to work beyond the minimum work schedule, compensatory leave (paid time off) may be granted with the approval of the individual's supervisor and under the following conditions:
 - 1. The supervisor is fully knowledgeable of the extraordinary work schedule of the employee and feels compensatory time is deserved.
 - 2. An employee may be authorized to earn compensatory time only after the employee has worked at least one (1) hour beyond the employee's standard work day. Total compensatory time earned is equal to that first hour plus any time worked after the first hour.
 - 3. An employee may be authorized to earn compensatory time for time worked outside the employee's standard work week, for example, Saturdays, Sundays, holidays, only after the employee has worked in excess of 1 hour on the day for which compensatory time is to be earned. Total compensatory time earned is equal to the first hour worked on that day plus any time worked after the first hour on that day.
- B. Compensatory leave used shall not exceed twelve (12) days per calendar year. Compensatory leave is not necessarily granted on an hour for hour basis.
- C. Compensatory leave for exempt employees shall be forfeited if it is not used within one (1) year of the date on which it was earned.

- D. Upon separation from University service, the employee will not be compensated for more than two (2) days of compensatory time earned.

IV. Sick Leave

A. Accrual

1. Sick leave is earned at the rate of fifteen (15) days per year (1 and ½ hours for each 26 hours worked for a maximum of 4.62 hours per pay period) or one hundred twenty (120) hours of sick leave each year, provided the employee has either worked or has been on paid leave. Part-time employees will earn sick leave on a prorated basis. Earned sick leave shall be cumulative from year to year without limit. There will be no compensation for accumulated sick leave at the termination of employment. Creditable accumulated sick leave may be applied toward retirement service credits as provided by State law.
2. The responsible administrator may request the Director of Human Resources to have an investigation made by the State Medical Director for any employee who loses excessive time from work due to illness, or for the purpose of determining whether an employee has any disability that prevents the employee from the proper performance of assigned duties. If the investigation reveals the employee is unable to perform the duties of the position, appropriate action shall be taken by the responsible administrator.

B. Availability

1. Earned sick leave may be used by an employee when an employee is absent due to:
 - a. Illness, injury or disability of the employee.
 - b. A medical appointment for the employee with a health care provider.
 - c. Illness of a member of the employee's immediate family or household member.
 - d. A medical appointment for a member of the employee's immediate family. Immediate family as used in this section shall include a spouse, biological, adopted, step or foster child, grandchild, mother, father, brother, sister, grandparent, or dependent or legal charge of the employee irrespective of residence, or for any relative who permanently resides in the

employee's household for whom the employee has an obligation to provide care. The Employer may require an employee to provide a certificate by a medical provider to authenticate the need for the employee to care for the ill family member.

- e. Care of a child within 30 calendar days after birth or placement of a child with the employee for adoption.
 - i. An employee who is responsible for the care and nurturing of a child may use, without certification of illness or disability, up to 30 days of accrued sick leave to care for the child during the period immediately following:
 - (a) the birth of a employee's child, or
 - (b) the placement of the child with the employee for adoption.
 - ii. If two employees are responsible for the care and nurturing of a child, both employees in aggregate may use, without certification of illness or disability, up to 40 days, not to exceed 30 days for one employee, of accrued sick leave to care for the child.
- f. Death in the employee's immediate family.

C. Proof of Illness or Injury

- 1. For an illness of five (5) or more consecutive work days, an employee shall submit an original document, signed by one of the licensed or certified health care provider listed below, which:
 - a. authenticates the period of illness, and
 - b. provides a statement of the date of which the employee will be competent to return to work.
- 2. Written documentation provided by the employee must be signed by one of the following:
 - a. A medical doctor who is authorized to practice medicine or surgery by the state in which the doctor practices;
 - b. If authorized to practice in a state and performing within the scope of that authority:
 - A physician

- A physical therapist
- A Clinical psychologist
- A Dentist
- An Oral Surgeon
- A Podiatrist
- A Certified nurse practitioner
- A Certified Nurse midwife
- A Licensed certified social worker-clinical
- A Optometrist
- A Chiropractor
- An accredited Christian Science practitioner; or
- A health care provider as defined by the Federal Family Medical Leave Act.

3. If an illness of one (1) day or more occurs during a period of annual leave or personal, the immediate supervisor shall grant sick leave for the period of illness if the employee presents a certificate which authenticates the period of illness and which is signed in accordance with Section C 1 of this section.

D. Attendance Control

1. Each period of sick leave, regardless of duration, shall be considered an occurrence of sick leave if the leave is used for any of the following reasons:
 - a. illness of the employee
 - b. Medical appointment of the employee
 - c. Illness of a member of the employee's immediate family; or
 - d. Medical appointment of a member of the employee's immediate family.
2. When calculating the number of occurrences of sick leave used for any of the reasons listed in Section D 1 of this provision, each occurrence shall be considered as distinct from another occurrence unless periodically updated medical certification establishes a condition is continuing in nature.
3. The number of occurrences of sick leave and the reasons for use of sick leave shall be considered by the President or his designee for implementation of attendance control measures and evaluation of an employee's performance.

4. The immediate supervisor shall record occurrences of sick leave used because of illness or a medical appointment of members of the employee's family and those of the employee collectively.
5. If an employee has exhausted available sick leave and uses other leave with pay or leave without pay because of the employee's illness or medical appointment, that use of leave shall be considered by the President or his designee as an occurrence for implementation of attendance control measures and performance evaluation.
6. Illness or Medical appointment of a member of the employee's immediate family:
 - a. The President or designee may request that the employee submit an original certificate to authenticate the period of illness for a member of the employee's immediate family if the employee is absent for 5 or more consecutive work days due to the illness of the family member.
 - b. The President or designee may request that the State Medical Director conduct an investigation into the medical condition of a member of an employee's immediate family member.
 - c. The President or designee may request the investigation only if the employee's use of sick leave does not appear to be in proportion to the severity of the family member's illness.
 - d. The purpose of the investigation shall be to ascertain whether the employee's absences in relation to the family member's medical condition are justified.
 - e. In order to prevent the abuse of sick leave or to assure medical attention for a member of the employee's immediate family, the President or his designee may require an employee who uses one (1) or more days of sick leave due to the illness of a member of the employee's immediate family, to submit to the President documentation which authenticates the period of illness.
 - f. The President or designee may require the medical documentation specified whenever the:
 - (1) Employee has used sick leave for illness of a member of the employee's immediate family resulting in five or more occurrences within a 12 month period, including sick leave used for medical appointments for a family member; or

- (2) The President or designee has reason to believe the employee has abused sick leave by using it for a purpose that is not authorized.
 - g. The President or designee shall assure that an employee who is required to submit a medical documentation is provided with a written notice that states the beginning and ending date for which the document will be required.
 - h. The President or designee shall assure that the maximum period of imposition of the medical documentation requirement is six (6) months unless the employee's attendance does not improve. If the employee's attendance does not improve, the President or his designee may extend the medical documentation requirements for incremental 6 month periods as the President or his designee deems appropriate. The medical documentation requirement shall be considered invalid for any period of time not covered by a written notice.
 - i. If an illness is caused by a third person, the University, after notice to the employee, shall be subrogated to the rights of the employee to the extent of any compensation paid or owed. If the employee fails to enforce a claim against the third person, the University may bring an action in its own name.
7. Sick Leave Attendance Monitoring Program for an Employee's Illness.
- a. In order to prevent the abuse of sick leave or to assure medical attention for an employee who uses one (1) or more days of sick leave due to the employee's illness, the President or designee may require the employee to submit documentation which authenticates the period of illness. The document shall be signed in accordance with Section C 1.
 - b. The President or designee may require the medical documentation whenever the:
 - (1) Employee has used sick leave for five or more occurrences within a 12-month period, excluding sick leave used for the employee's medical appointments; or
 - (2) The President or designee has reason to believe the employee has abused sick leave by using it for a purpose that is not authorized .

- c. The President or designee shall assure that an employee who is required to submit medical documentation is provided with a written notice that states the beginning and ending date for which a certificate will be required.
- d. The President or designee may authorize an investigation which may include a physical examination of any employee who uses excessive time from employment because of illness or for the purpose of determining whether the employee has a disability which would prevent the employee from the proper performance of the employee's duties.
- e. The President or designee assures that the maximum period of imposition of the required medical documentation is six (6) months, unless the employee's attendance does not improve. If the employee's attendance does not improve, the President or his designee may extend the medical documentation requirements in incremental 6-month periods as the President or his designee deems appropriate. The medical documentation requirement shall be considered invalid for any period of time not covered by a written notice in accordance with 7 c of this section.
- f. If medical documentation is required of an employee in accordance with 7 c of this section, the requirement is applicable only to occurrences of sick leave for the employee's illness.

V. Restoration of Sick Leave

An employee who returns to University service, following a break in service of less than three (3) years, will have the unused sick leave earned during the prior service restored, if the employee returns to a position with status to earn sick leave.

VI. State Employees Leave Bank

- A. Definitions. In this provision, the following terms have the meanings indicated:
 - 1. "Bank" means the State Employees' Leave Bank.
 - 2. "Serious and prolonged medical condition" means a health condition that requires continuing treatment by, or under the supervision of, a licensed health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity and absence from work of more than 2 work weeks. During the period of incapacity, the employee shall be unable to perform the essential functions of the employee's position, and there

may not be reasonable accommodations that could be made that would enable the employee to continue to work.

3. "Unit" means a principal department or other independent unit in the State Personnel Management System or a principal department or other independent unit of State government with an independent personnel system that elects to participate in the Bank.

B. Administration of the Bank

1. The Secretary of Budget and Management (Secretary) shall administer the Bank.
2. Leave donations to the Bank shall be made in accordance with the provisions set by the Secretary.
3. Leave withdrawals shall be made in accordance with the guidelines established for the use of leave donations.

C. Leave Donations

1. An employee may voluntarily donate the employee's unused annual, personal or sick leave to the Bank.
2. An employee may voluntarily donate any amount of unused annual or personal leave to the Bank.
3. An employee may voluntarily donate unused sick leave to the Bank, but only to the extent that the donating employee has a sick leave balance of at least 240 hours after the donation.
4. An employee who wishes to donate leave to the Bank shall complete the appropriate form, which shall be supplied to the University by the Secretary, indicating the type of leave and the number of hours of each type of leave that the employee is donating to the Bank.
5. Within 7 days of receiving the form, the Director of Human Resources or designee shall review the employee's sick leave record and determine whether the conditions required have met the criteria for donating leave. The Office of Human Resources shall submit the form to the Secretary and make the appropriate adjustments to the employee's leave balances.
6. If the conditions for donating have not been met, the Director of Human Resources shall notify the donating employee who shall be given an

opportunity to revise the form if by doing so the conditions for donating may be met.

D. Eligibility for Withdrawal of Leave – The Secretary may transfer leave from the Bank to an employee who:

1. Has exhausted all forms of annual, sick, personal, and compensatory leave up to the maximum permitted because of a serious and prolonged medical condition; and
2. Is a member of the Bank or has been exempted from the membership requirement by the Secretary for good cause.

E. Restrictions

1. An employee may not receive more than a total of 2,080 hours of donated leave from the Bank and from other employees during the employee's State service.
2. An employee may not use leave from the Bank for any continuous period that, when combined with all other forms of paid leave, exceeds 16 months.

F. Denials of Use of Donated Leave. An employee may be denied the use of donated leave if the employee:

1. Fails to provide medical documentation substantiating a serious and prolonged medical condition;
2. Has not exhausted all available annual, personal, sick; and compensatory leave;
3. Otherwise fails to qualify for use of earned paid sick leave under the requirements of the employee's personnel system; or
4. Has, through intimidation, threat, or coercion, interfered with or attempted to interfere with the right of another employee to contribute or not to contribute, receive or use donated leave, promised to confer or conferred an appointment, promotion, compensation, or other benefit, or effected or threatened to effect a reprisal, including the deprivation of an appointment, promotion, compensation, or other benefit, in connection with the right of another employee to contribute, receive, use or donate leave.

VII. Employee to Employee Donation Program

A. Definitions

1. "Program" means the State Employees' Leave Donation Program
2. "Serious and prolonged medical condition" means a health condition that requires continuing treatment by, or under the supervision of, a licensed health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity and absence from work of more than 2 work weeks. During the period of incapacity, the employee shall be unable to perform the essential functions of the employee's position, and there may not be reasonable accommodations that could be made that would enable the employee to continue to work.
3. "Unit" means a principal department or other independent unit in the State Personnel Management System or a principal department or other independent unit of State government with an independent personnel system that elects to participate in the Bank.

B. Leave Donations

1. An employee may voluntarily donate the employee's unused annual, personal, or sick leave to another employee who has exhausted all available annual, personal, sick and compensatory leave because of a serious and prolonged medical condition.
2. An employee may voluntarily donate any amount of unused annual or personal leave to another employee.
3. An employee may voluntarily donate unused sick leave to another employee, but only to the extent that the donating employee has a sick leave balance of at least 240 hours after the donation.
4. An employee who wishes to donate leave to another employee shall complete the appropriate form which shall be supplied to appointing authorities by the Secretary of Budget and Management, and submit the form to the donating employee's appointing authority. At the same time, the donating employee shall forward a copy of the form to the employee to whom the leave is to be donated.
5. Within 7 days of receiving the form, the donating employee's appointing authority shall review the sick leave balance of the donating employee and determine whether the condition specified in B 4 of this provision has been satisfied.

6. If this condition has not been satisfied, the appointing authority shall notify the donating employee who shall be given an opportunity to donate fewer hours of sick leave, if the condition specified in B 4 of this provision can be satisfied.
 7. Within 7 days after conducting any reviews required, the donating employee's appointing authority shall forward a copy of the form to the receiving employee's unit's appointing authority.
 8. Within 14 days of receiving the form from the donating employee, the employee receiving the donation shall complete Part II of the form and submit it to the employee's appointing authority with all documentation required, unless satisfactory documentation already has been provided to the appointing authority.
 9. Within 14 days of receiving the form, the receiving employee's appointing authority shall determine if the receiving employee is eligible for receiving donated leave in accordance with the conditions specified and make appropriate adjustments to the leave balance of the employee receiving the donation if the employee is eligible.
- C. Conditions for Receiving Leave Donations. An employee to whom leave is donated:
1. May not receive more than a total of 2,080 hours of donated leave from the State Employee's Leave Bank and from other employees during the employee's State service;
 2. May only use the donated leave for an illness or disability of the employee due to the medical condition that existed at the time the leave was donated;
 3. May not use the donated leave for any continuous period that, when combined with all forms of paid leave, exceeds 16 months;
 4. Shall comply with all requirements established by the employee's personnel system for the use of earned paid sick leave; and
 5. May not use leave donations from an employee for an illness if the employee in need has been denied use of donated leave through the Leave Bank Program for the same illness.
 6. The use of donated leave must be in increments of 8.0 hours per consecutive day, except for the following:

- (a) The first day of a period for which donated leave is used may be a fraction of 8.0 hours. All days of donated leave that immediately follows the initial day of use, including the last day of use, must be in increments of 8.0 hours.
- (b) A fraction of 8.0 hours of donated leave may be used to maintain an employee's health benefits, in a situation where there is insufficient donated leave to cover the expected period of absence.

D. Denied Use of Donated Leave

- 1. If the receiving employee is determined to be ineligible to receive leave, the appointing authority shall deny the receiving employee the use of the donated leave.
- 2. A determination denying the use of donated leave shall be made within 14 days of the receiving employee's appointing authority's receipt of the completed form from the receiving employee.
- 3. The determination shall:
 - (a) Be in writing;
 - (b) Include the appointing authority's reason for the denial and supporting documentation; and
 - (c) State that the employee may appeal a denial to the Secretary of Budget and Management.
- 4. The appointing authority of an employee who donates leave shall adjust the donating employee's leave balance before forwarding a copy of the form to the receiving employee's appointing authority. If the receiving employee is denied the use of donated leave, the receiving employee's appointing authority shall notify the donating employee's appointing authority within 7 days of the denial, and the donating employee's appointing authority shall restore the leave balance of the donating employee within 14 days of notification from the receiving employee's appointing authority.

E. Appeals

- 1. An employee who appeals a denial of the use of donated leave shall submit a written appeal on the appropriate form, which shall be supplied to appointing authorities by the Secretary, to the Secretary

within 14 days of receiving notice of a denial, and shall provide a copy of the appeal to the appointing authority.

2. An appeal shall contain a statement of the reason the employee believes the denial should be overruled, and may include supporting documentation.
3. An employee's appointing authority shall have 14 days following receipt of a copy of the appeal within which to respond to the appeal.
4. Appeals of denials for the use of donated leave will be determined on a case-by-case basis. In determining an appeal, the Secretary shall consider the employee's medical documentation and the factors specified.
5. The Secretary's determination shall be in writing and shall be made within 30 days of receipt of the appeal and any necessary documentation. Whenever the Secretary finds it necessary to refer an employee's appeal to the State Medical Director, this period may be extended an additional 30 days.

F. Treatment of Employee Medical Documentation

1. Medical documentation submitted in connection with the Program shall be treated as confidential medical information and shall be disclosed only to those individuals who need to know its contents as part of the review, evaluation, and approval process.
2. An employee who fails to maintain the confidentiality of medical information shall be subject to disciplinary action, up to and including termination.

G. Coercion, Intimidation, and Threats Prohibited.

1. Leave donations by an employee shall be strictly and completely voluntary.
2. An employee who, through intimidation, threat, or coercion, interferes with or attempts to interfere with the right of another employee to contribute or not to contribute, receive or use donated leave, promises to confer or confers an appointment, promotion, compensation, or other benefit, or effects or threatens to effect a reprisal, including the deprivation of an appointment, promotion, compensation, or other benefit, in connection with the right of another employee to contribute, receive, use or donate leave, shall be subject to disciplinary action, up to and including termination.

VIII. Bereavement Leave

- A. Upon application of the employee to the supervisor, absence for up to five (5) work days leave may be charged to the employee's sick leave for the death of any member of the employee's immediate family. The immediate family is defined as the spouse, children, step children, parents of employee or spouse, others who took the place of parents, brothers or sisters of employee or spouse, grandparents of employee or spouse, grandchildren of employee or spouse, son in law, daughter in law or other relatives who is or was a permanent resident of the employee's household.
- B. A maximum of three (3) work days, depending on need, may be charged to sick leave in the event of death of the employee or spouse's aunt, uncle, niece or nephew.

IX. Legal Holidays and University Holidays

- A. The University observes all legal holidays or special observances as provided for by the Legislature and Governor of the State. Employees are entitled to 11 holidays per year and 12 during years of general or congressional elections. Morgan State University schedules the observance of selected holidays on days other than the date of occurrence when it is in the best interest of the University. The University retains the right to require an employee to perform duties on a holiday when operational needs indicate that the employee's services are required.

- B. Legal Holidays

New Year's Day - January 1

Dr. Martin Luther King, Jr.'s Birthday - Third Monday in January

President's Day - Third Monday in February

Memorial Day - Last Monday in May

Independence Day - July 4

Labor Day - First Monday in September

Columbus Day - Second Monday in October

Veterans' Day - November 11

Thanksgiving Day - Fourth Thursday in November

American Indian Heritage Day - Fourth Friday in November

Christmas Day - December 25

1. Eligibility for Holiday Leave - An eligible employee is one who has a regular full-time or part-time appointment of at least 50%. Eligible part-time employees shall be entitled to prorated holiday leave based on the percentage of employment.
 2. Holidays Occurring on Weekends - If a legal holiday falls on a Saturday, the preceding Friday shall be deemed and treated as a holiday. If a legal holiday falls on a Sunday, the following Monday shall be deemed and treated as a holiday.
 3. Compensatory leave - An employee who because of the nature of the employee's duties is required to work during any part of a legal holiday shall receive compensatory time for that work.
 4. On Leave with Pay Status. When a holiday date of observance occurs while an employee is on approved leave with pay status, the day of the absence will be charged to the holiday and will not be charged against the employee's sick leave or annual leave.
 5. Shift Bridges - When a shift bridges two calendar days such as the 11 p.m. to 7 a.m. shift, one of which is the University date of observance of a legal holiday, the shift that begins on the date of observance will be recognized as the holiday shift.
- C. University Holidays - The University grants each regular employee three (3) University holidays per year. University holidays for new employees are earned based on date of employment. Persons whose employment begins on or after January 1 and on or before the last day in February would be entitled to three days. Those whose employment begins on or after March 1 and on or before April 30 would earn two days. Those whose employment begins on or after May 1 and on or before June 30 would earn one day. Anyone employed on or after July 1 would not be eligible for any University holidays. Employees who leave the University prior to the observance of any University Holiday forfeits those days.

X. Accident Leave

- A. Accident leave is available only to those employees who are appointed on a regular basis and who are otherwise eligible for leave.

- B. Accident leave is leave with pay provided to an employee who has sustained a work-related disabling personal injury which would be compensable under the Maryland Worker's Compensation Act.
- C. Injury is an accidental personal injury arising out of and in the course of employment.
- D. Employee's Notice of Injury, Physician's Certification and Responsible Administrator's Report of Injury, must be filed as follows:
 - 1. The injured employee or someone on the employee's behalf shall provide oral or written notice of the injury to the employee's responsible administrator immediately after the injury occurs.
 - 2. The injured employee or someone on the employee's behalf, or the supervisor, shall complete a First Report of Injury (FROI), and provide this report and any available health care provider reports to the employee's responsible administrator, within three (3) work days after the accident occurs.
 - 3. The injured employee's responsible administrator shall file an Employer's First Report of Injury (FROI) with the Injured Worker's Insurance Fund.
- E. The employee's claim rights and medical examinations requirements are provided for as follows:
 - 1. The responsible administrator or the Director of Human Resources or designee shall inform an injured employee or someone on the employee's behalf of the employee's right to file a claim with the Worker's Compensation Commission.
 - 2. The Injured Worker's Insurance Fund or the employee's responsible administrator, or both, may refer an injured employee to a physician or physicians for periodic examinations 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. The responsible administrator, through the Office of Human Resources, may refer an employee to the State Medical Director only after the employee has been examined by physicians of the Worker's Compensation Commission or by physicians to whom the Injured Worker's Insurance Fund has referred the employee. The responsible administrator shall provide the State Medical Director with copies of all medical evaluations and determinations made by those physicians. The responsible administrator who refers an employee to a physician shall file with the Injured Worker's Insurance Fund, through the Office

of Human Resources, a report stating the circumstances of the referral and the physician prognosis.

F. Granting of Accident Leave; Notification of Injured Worker's Insurance Fund; Order of Worker's Compensation Commission.

1. The responsible administrator shall grant accident leave to an employee beginning on the first day of the disability because of the accidental personal injury. The accident leave ends when a physician certifies, in writing, that the employee is able to return to work or 6 months from the day of the disability, whichever is earlier. In the event of any dispute, the opinion of the employer's physician shall prevail. The employee's responsible administrator shall ensure that this accident leave does not extend beyond one (1) year from the injury date.
2. The Injured Worker's Insurance Fund shall provide written notification of the non-compensability of the injury to the employee's responsible administrator within thirty (30) calendar days after the Injured Worker's Insurance Fund receives the employer's first report of injury.
3. The responsible administrator shall grant the employee accident leave, not to exceed thirty (30) working days, in advance of receipt of written notification from the Injured Worker's Insurance Fund or a Worker's Compensation Commission Order determining the compensability or non-compensability of the injury. If it is determined that the injury is compensable, the responsible administrator shall continue to grant accident leave.
4. If Worker's Compensation Commission Order determines that the injury is not compensable, or in the absence of a Worker's Compensation Commission Order, if the Injured Worker's Insurance Fund makes a determination of non-compensability, the responsible administrator shall correct the employee's leave record to reflect a conversion of the accident leave that was granted in advance of the notification, to leave with pay, or, if the employee does not have leave with pay, to leave of absence without pay.

XI. Military Leave

An employee who is a member of the militia or the Army, Navy, Air Force or Marine Reserve shall be entitled to a leave of absence for military training for not more than fifteen (15) days annually without loss of pay or charge against any leave.

XII. Leave for Jury Service

An employee who shall serve as a member of any jury shall be permitted to be absent from assigned duties without loss of pay and without charge against any leave. If it is determined that the employee can be dismissed from jury duty on any day, the employee is required to report to work if time permits. Any employee who is selected for jury service shall notify the responsible administrator of such selection immediately. Where the public interest requires that such employee should not be absent from assigned duties, the responsible administrator may request the appropriate judicial authority to excuse the employee.

XIII. Leave for Legal Actions

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 or a paid witness, may be absent from work without loss of pay or charge to any leave.

XIV. Adoption Leave

- A. Adoption leave is leave with pay that is granted to an employee for care of the employee's adopted child immediately following the placement of the child with the employee for adoption.
- B. An employee who is the person primarily responsible for furnishing the care and nurture of a child placed with the employee for adoption may request approval of the appointing authority to use up to thirty (30) days of earned sick leave as adoption leave. The appointing authority may grant the employee's request for adoption leave, provided that the employee has furnished satisfactory documentation concerning an agreement of placement for adoption.
- C. If two employees are responsible for the care and nurturing of a child, both employees in aggregate may use, without certification of illness or disability, up to forty (40) days, not to exceed thirty (30) days for one employee, or accrued sick leave to care for the child during the period immediately following the placement of the child with the employee for adoption.

XV. Family and Medical Leave

- A. Under certain circumstances, employees may be eligible for up to twelve (12) weeks of unpaid leave during a twelve month period for certain family and serious health condition reasons. These reasons include:
 - (1) The birth of a child
 - (2) The adoption or placement of a child for foster care

- (3) The care of a child, spouse, parent, or legal, dependent of the employee, or
 - (4) The care of a school age child younger than 14 years of age during periods of school closings.
- B. A written request for Family and Medical Leave must be submitted on the appropriate form with appropriate documentation, to the supervisor and/or responsible administrator. The request must be submitted to the Director of Human Resources for review and approval, generally, 30 days prior to the leave. Health insurance may be continued while on Family and Medical Leave as long as the employee continues to pay his/her portion of the health insurance premiums. Failure to return to work at the conclusion of the approved leave period will require the employee to reimburse the University for the health care subsidy paid during the leave unless the leave is extended or there are other acceptable circumstances. Provisions of the Family and Medical Leave Policy provide specific conditions for job protection.

XVI. Time Off for Religious Observances

- A. An employee may use the following types of leave for religious observances:
- (1) Annual Leave
 - (2) Personal Leave
 - (3) Compensatory Leave
 - (4) Leave without Pay
- B. A request for time off for observance of a religious holiday may not be denied by a department head if the request is to use accumulated paid leave.

XVII. Administrative Leave

Under certain circumstances, employees may be absent from duty without loss of pay or charge to the employee's accrued leave. Administrative leave may be granted by the President or designee when emergency conditions exist (See Inclement Weather Procedures) or by the Director of Human Resources for attendance at employee organization events. Administrative leave used for attendance for employee organization events, seminars, conferences, etc. must be supported by documentation.

XVIII. Professional Development Leave

- A. General – The President or designee may approve a leave with pay for professional development for a period commensurate with the nature of the professional development being sought. An approved leave will assure the staff member of returning to the position. Professional Administrative staff and Executive Staff employees to whom leave with pay is granted are

expected to return to University service for a period of time that will justify the cost to the University of supporting a program of this nature.

B. Eligibility

1. The employee must have been in University employment on a full-time, permanent/regular basis for no less than six years.
2. Programs of this nature are restricted to employees pursuing advanced instruction, or other approved plan of development.
3. Participants are entitled to full salary while actively participating in the program. They will continue to participate in the appropriate retirement system and will receive all other employee benefits for which they are eligible. Holidays will be observed consistent with University policy.
4. Tuition and all other costs (including travel) will be paid by the participant unless tuition payment is available pursuant to the University tuition waiver policy.
5. During any academic year when mid-term or semester breaks exceed ten (10) work days, the participant may be required to report for duty.
6. An employee who requests leave with pay for professional development shall, as a condition for approval of the request, complete the University obligated service agreement form in which the employee agrees to return to the University immediately upon completion of the leave and to serve as a full-time employee for twelve months after the completion of the professional development leave period.

CHAPTER 6 - LEAVE WITHOUT PAY

- I. Employees may request a Leave of Absence Without Pay for any reason determined to be appropriate by the responsible administrator and the Director of Human Resources. Leave Without Pay may be requested for reasons such as the loan of an employee to another government agency, professional activities related to academic research, advanced study, or career development that benefits the University. If an employee is contemplating a Leave of Absence Without Pay for personal or health reasons, he/she should discuss the matter with the supervisor or the Office of Human Resources.
- II. The President or designee may approve a leave of absence without pay for a specified reason and for a specified duration not to exceed one year. An approved leave will assure that staff member of returning to the position or to an equivalent position.
- III. At the discretion of the University, employees may be placed on Leave of Absence Without Pay unless the employee wishes to resign. These are: 1) employees called to active military duty for at least 16 - 180 calendar days; 2) employees injured in the line of duty who have exhausted all paid leave before being able to return to work; 3) employees temporarily incapacitated because of physical or mental illness who have exhausted paid sick leave; or 4) employees who fail to submit time sheets to document time worked.
- IV. All benefits, including health care and service credit, are suspended for the period of the Leave of Absence. However, the law permits continuation of health care and other benefits if the employees pays the full cost of the benefits, including the share paid by the University. Please be advised that if there is a lapse in health insurance coverage during the Leave of Absence Without Pay, employees must wait until the next open enrollment period to restore coverage.

CHAPTER 7 - GRIEVANCES AND APPEALS

I. Grievances

- A. Morgan State University recognizes that differences of opinion, complaints or grievances may occur in the daily relationship between the University and its employees. It is the responsibility of all employees to establish and maintain a work climate within which an employee problem or complaint may be promptly identified, presented, discussed, and given fair, timely consideration.

Each University employee shall have the right to make known a problem or complaint without fear of coercion or reprisal. If desired, the employee has the right to representation at any stage in the consideration of the grievance or appeal.

- B. A grievance shall be defined as any complaint arising between an employee and Morgan State University on a matter concerning discipline, alleged discrimination, sexual harassment, or interpretation or application of University policies and rules over which the University management has control. Complaints pertaining to the general level of wages, wage patterns, fringe benefits, or to other broad areas of financial management and staffing are not grievable.
- C. No decision can be made at any step of the grievance procedure that conflicts with or modifies: a) a policy approved by the Board of Regents of the University; b) an applicable statute or; c) an administrative regulation issued under appropriate statutory authority; or that otherwise delimits the lawfully delegated authority of University officials unless prior approval has been obtained from the responsible official.

II. Steps of the grievance process

- A. Step One - Designated Supervisor – Informal and Formal Stages

Grievances must be initiated within thirty (30) calendar days of the action involved; or within thirty (30) calendar days of the employee having reasonable knowledge of the act. Appeals shall be timed from receipt of the written opinion of management or from when such opinion is due, whichever comes first.

The aggrieved employee and/or the designated representative may:

1. Present the grievance orally to the designated supervisor for the purpose of informal discussion. If the grievance is unresolved after ten (10) work days, the employee may appeal to Step Two. The appeal to Step Two must be in writing and must be filed within five (5) work days; or
2. Present the grievance in writing to the designated supervisor for formal consideration. If the grievance is presented to the designated supervisor, he or she, shall within ten (10) work days after the receipt of the written grievance, hold a conference with the aggrieved and/or the designated representative and shall, within fifteen (15) work days after the conclusion of the conference, render a decision in writing to the aggrieved and/or the designated representative. In the event the aggrieved employee is not satisfied with the decision rendered at this Step, the employee and/or the designated representative may appeal in writing to Step Two within five (5) working days.
3. It is the responsibility of both employee and designated supervisor to continue to review the matter thoroughly, earnestly, and in detail, either privately or with the help of others in the employee's immediate work unit who are directly involved with the grievance.
4. It is the responsibility of each supervisor to use his/her judgment in keeping superiors informed on the status of each grievance. If, after thorough discussion, either the employee or the supervisor feels the need for aid in arriving at a solution, he or she may request the campus Director of Human Resources to provide resource staff, or any other available resource personnel may be invited to participate in further discussions. The addition of such participants shall not relieve the designated supervisor and the employee from responsibility for resolving the problem. Discussion, if followed in good faith by both parties, can lead to a fair and prompt solution of most daily employee-employer problems.

B. Step Two - Department Chairperson or Program Director Procedures and Decision

1. The grievance appeal shall be presented in writing to the department chairperson, program director or designated representative who shall process the appeal from the next lower level. Within twenty (20) calendar days after receipt of the written grievance, the department chairperson or the designated representative shall hold a conference with the aggrieved and/or the designated representative and shall render a written decision within forty-five (45) calendar days after the conclusion of the conference. In the event the aggrieved is not satisfied with the decision, he or she may appeal in writing to the next

step within five (5) work days. It is the responsibility of the department chairperson, director or designated representative to keep superiors informed of the status of each grievance.

2. The Office of Human Resources shall be available to serve as resource personnel in order to answer any questions by either employee or employer. However, this shall not relieve the department chairperson, director or designated representative from the responsibility of issuing a written decision at Step Two of this procedure.

C. Step Three - The Vice President – Procedures and Decision

The grievance appeal shall be presented in writing to the Vice President, or designee. Within thirty (30) calendar days after receipt of the written grievance, a hearing shall be held by the Vice President or designee. A written decision shall be rendered within thirty (30) calendar days after the conclusion of the hearing.

D. Step Four - The President or Designee

1. The grievance appeal shall be presented in writing to the President or designee. Within thirty (30) calendar days after receipt of the written grievance, a hearing shall be held by the President or designee. The President or designee may select a three member committee to hear the grievance to make a recommendation to him for consideration.
2. A written decision shall be rendered within thirty (30) calendar days after the conclusion of the hearing. The President or designee shall make the final decision which shall be binding on all parties.

III. Other Procedures

- A. Where a number of individual grievances have been combined 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. An employee must obtain the approval of his designated supervisor to engage in grievance handling during assigned work hours. Within this limitation, time spent in handling grievances by an employee or representative, if the representative is a University employee, shall be with full pay at the basic straight time wage or salary rate for scheduled time spent during the regular work day or shift. Paid time will not be allowed for time spent in grievance handling outside of the regular work day.
- B. Employee complaint forms shall be available in the Office of Human Resources. It is not essential that the University form be used, providing the employee follows the format described in these procedures.

- C. It is the responsibility of the head of each organizational unit to assure that each employee understands the channels of communication and appeal, specifically who is the designated supervisor for purposes of the grievance procedure, who is the Department Chairperson, and who acts for each in his/her absence. In the absence of a specific designation, the employee may assume his immediate supervisor to be the appropriate authority at the first step.
- D. A formal grievance may be filed by the aggrieved employee or by a representative, but a grievance or appeal must bear the signature of the employee at each step of the procedure. An attorney representing an employee shall submit a letter of representation prior to the date of the hearing.
- E. A file copy of each grievance should be maintained at the last step at which the grievance was processed, and an additional copy shall be filed with the Office of Human Resources which shall be available to the employee or his representative. A record of each grievance disposition shall be furnished to the employee involved.
- F. At any point in the grievance procedure, the employee may elect to obtain, change, or dismiss a representative by providing a written notice of same to the person hearing the grievance. However, such action in no way allows the grievant to return to a previous step in the procedure or to alter time requirements.
- G. Each step of the grievance procedure shall be processed as quickly as practicable within the specified time limits. The full time limits should not be used if the grievance can be adequately processed in a shorter period. Failure to appeal at any step constitutes acceptance. Failure to answer is a denial to which an appeal can be made. By mutual agreement, the time limits may be waived.
- H. For the purpose of all grievance procedures, only "work days" are counted as days. "Work days" means Monday through Friday, regardless of work schedule, weekend work or midweek days off.
- I. Similar grievances may be consolidated and processed together as a single issue.
- J. An employee may be represented at each step of the grievance procedure by a party of his or her choosing.
- K. Appeals shall be timed from receipt of the written opinion of management or from when such an opinion is due, whichever, comes first.

- L. Every effort shall be made by both parties to resolve the grievance at the lowest possible level.
- M. Any employee who elects to use this grievance and appeal procedure shall not use any other appeal procedure within the University or the State for the same grievance.
- N. The original grievance or appeal that has been considered on the merits will be considered ***de novo*** in its entirety at each successive step of the grievance procedure. A grievance or appeal going forward on a procedural issue will be remanded to the lowest step to be heard on the merits, if the procedural dispute is found in favor of the grievant.

Chapter 8 - BENEFITS

I. Health Benefits

Morgan State University, through the State of Maryland's Department of Budget and Management (DBM), offers a flexible cafeteria benefits menu which allows employees to choose from a number of options including medical (medical plans with a vision component), dental, prescription drug, group term life, personal accidental death and dismemberment, health and dependent spending accounts, and long term care insurance plans. Except for certain coverage levels of group term life insurance, these plans are offered on a pre-tax basis, which means deductions are taken before Federal, State and Social Security taxes have been applied, which reduces the employee's contribution.

II. Retirement Benefit Plans

A. Maryland State Retirement and Pension Plans

- a. This is a defined benefit retirement plan that provides employees with retirement, survivor benefits, and in some instances, health benefits, as well as, lump-sum death benefit payments.
- b. Employees become vested after five (5) years of employment and are required to make a mandatory contribution to their pension account based on their salary.

B. Optional Retirement Plans

- a. Eligible employees may select optional retirement benefit plans which are non-contributory. The University contributes to the employees' pension accounts.
- b. Employees are immediately vested and become eligible for contributions upon their enrollment. The decision to enroll in an Optional Retirement Plan is irreversible during any period of State service.

C. Retirement Savings Programs (Supplemental Retirement Annuities)

- a. Under certain conditions, supplemental retirement annuities are available to University employees.

- b. Contributions are made on pre-tax dollars deducted from the employee's salary. No taxes are paid on the contributions or earnings until the funds are withdrawn.
- c. These plans allow eligible employees to contribute and defer taxes until the money is withdrawn.

III. Tuition Waiver Benefits

Under circumstances specified in the University Tuition Waiver Policy, University employees may be eligible for tuition waiver benefits.