



# BUSINESS RULES AND GUIDELINES NONEXEMPT AND EXEMPT STAFF EMPLOYEES

Time and Attendance, Leave,  
Wage and Salary Administration, and  
Contingent Employment

## University of Maryland, College Park

The business rules and guidelines ("business rules") are supported by Board of Regents policies and/or University of Maryland, College Park policies and procedures. The information contained within this document is applicable to nonexempt and exempt regular staff employees on the College Park campus, unless otherwise noted.

This document is intended to highlight only the major provisions of the policies pertaining to time and attendance, leave, wage and salary administration, and contingent status for staff employees. **This document is not intended to serve as a replacement for the full text of the associated policies.** These rules are subject to amendment or modification at any time by the appropriate authority. Full provisions of each of the policies, as referenced and linked, are located in Section VII of the following website:

<http://www.inform.umd.edu/CampusInfo/Departments/PRES/policies/> (for information pertaining to faculty policies, refer to Section II).

Questions pertaining to the application of policy for non-faculty employees should be directed to University Human Resources, Office of Staff Relations at (301) 405-5651, or the Office of the Director at (301) 405-5648. Additional information may be found on the University Human Resources web site at: <http://www.uhr.umd.edu>.



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# **SECTION I: DEFINITIONS**

## **Nonexempt and Exempt Employees**



## SECTION I: DEFINITIONS

**Administrative Staff:** This term referred to former academic administrators and associate staff employees in the University System of Maryland (USM) and was changed to the category status "exempt," effective with the 1/2/2000 implementation of the USM Exempt Pay Program. "Administrative staff" and/or "associate staff" terminology reflected in policies and procedures promulgated prior to 1/2/2000 shall be replaced by the new category terminology "exempt."<sup>1</sup>

**Board of Regents:** The Board of Regents (BOR) is the body established by statute and charged with responsibility for the governance and management of the University System of Maryland (hereafter "the USM") and its 13 constituent institutions, centers, and institutes thereof ([BOR Bylaws](#) – Bylaws of the Board of Regents of the University System of Maryland, adopted April 5, 1989, amended December 8, 2000.)

**Classified Staff:** This term referred to former classified-nonexempt and classified-exempt employees in the USM. Classified non-exempt employees were changed to the category status "**nonexempt**," effective with the 7/1/1996 implementation of the USM Nonexempt Pay Program. Classified-exempt employees were changed to the category status "exempt" with the implementation of the USM Exempt Pay Program on 1/2/2000. "Classified" staff terminology reflected in policies and procedures promulgated prior to 7/1/1996 shall be replaced by the new category terminology "non-exempt."<sup>2</sup>

**Contingent Employee:** A contingent employee is a non-faculty employee who: (1) pursuant to a written agreement, provides personal services to an institution for pay; (2) is not employed as a regular status employee in a budgeted position; (3) whose compensation, terms and conditions of employment are governed by this policy and a written contract, and not by the USM policies generally applying to regular status nonexempt and exempt staff; and (4) has an employer-employee relationship with the institution in which the institution furnishes necessary supplies and equipment, and a place to work; has the right to control/direct the details, means, and results of the performance of services; and has the right to discharge the person from employment.

**Contingent Employment:** Contingent employment is a non-regular status of employment pertaining to nonexempt and exempt staff positions only.

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<sup>1</sup> [Clarification Notice](#) issued by Chancellor Langenberg, March 25, 1996.

<sup>2</sup> *ibid.*



**Essential Employee** - An employee of a facility who has been designated as vital to the operation of the facility, whose presence is required regardless of the existence of an emergency condition, and whose absence from duty could endanger the safety and/or well-being of the campus population and/or physical plant.

**Exempt** – Non-faculty managerial, administrative, and professional staff positions, formerly categorized as associate staff, academic administrator, and classified-exempt staff. ([BOR Policy VII-P.1.00](#) – Policy on Establishment and Assignment of Job Groups, Effective July 1, 1996.) A full-time commitment typically requires a minimum of 80 hours per bi-weekly pay period; exempt employees are expected to work the hours necessary to complete assignments on a schedule that satisfies the requirements of the job. Exempt employees are ineligible to earn premium overtime, consistent with the Federal Fair Labor Standards Act (FLSA 29 U.S.C.). ([BOR Policy VII-6.10](#) – Policy on Work Schedules for Regular Exempt Employees, Effective July 1, 1996.)

**FTE** – Full-time equivalent represented as a whole number or a percentage (e.g., 1 FTE, or 100% FTE). FTE can never equal a number greater than 1 (or 100%).

**Nonexempt** – Maintenance, office, service, and technical positions that were categorized as classified staff prior to the implementation of the Nonexempt Pay Program on July 1, 1996. ([BOR Policy VII-P.1.00](#) – Policy on Establishment and Assignment of Job Groups, Effective July 1, 1996.) Nonexempt employees earn overtime at a rate of time-and-one-half the regular hourly rate of pay for time that exceeds 40 hours in a paid status (including all paid leave) during the university's standard workweek. The university's workweek begins Sunday at 12:00 a.m. and ends the following Saturday at midnight.

**Officers** – Exempt employees with the official (payroll) title of Vice President, Vice Chancellor, Provost, and (Academic) Dean are defined as officers of the institution. ([BOR Policy VII-P.1.00](#) – Policy on Establishment and Assignment of Job Groups, Effective July 1, 1996.) With the exception of the officers who hold faculty rank, officers "serve at the pleasure of" the institution and are exempted from all provisions of [BOR Policy VII-1.22](#) -- Policy on Separation for Regular Exempt Employees, Effective January 1, 2000.



**Pay Band** – A pay band refers to a level within the University of Maryland, College Park’s “broadbanded” pay structure for exempt employees. Positions are assigned to a pay band based on its essential duties and responsibilities, its defined market value, and its relative position within the institution’s organizational structure. The UMCP Exempt Salary Structure has five pay bands, as follows:

EXEMPT PAY BAND	SALARY	
	Minimum	Maximum
1	\$23,660	\$60,500
2	\$27,000	\$78,100
3	\$36,000	\$106,700
4	\$50,000	\$149,000
5	\$65,000	\$199,500

(Effective 07/01/2004)

**Regular Employee** – An employee paid from authorized (“line”) funds, with an ongoing appointment of six months or greater. This category of employee was formerly referred to as “permanent.” Regular employees are retirement-eligible, as well as eligible for various other benefits defined by their employment category status.

**Regular Hourly Rate of Pay** – The regular hourly rate of pay is a term that pertains to nonexempt employees. The regular hourly rate of pay is used for the computation of premium overtime (time-and-one-half). The regular hourly rate of pay is determined by dividing the total straight time earnings including shift differential, on-call pay, and asbestos removal pay, by the total number of hours worked during the university’s standard workweek.



**Salary Schedule** – A pay range refers to a level within the USM Nonexempt Salary Structure. The USM Nonexempt Salary Structure has 17 pay ranges, as follows:

Pay Range	Minimum	6% Hiring Max	Maximum
1	17,830 8.55	18,899 9.06	24,863 11.92
2	18,268 8.76	19,364 9.28	27,050 12.97
3	19,400 9.30	20,564 9.85	28,711 13.77
4	20,573 9.86	21,807 10.45	30,457 14.60
5	21,471 10.29	22,759 10.91	32,709 15.68
6	22,879 10.97	24,251 11.63	34,850 16.71
7	24,358 11.68	25,819 12.37	37,088 17.78
8	25,663 12.30	27,202 13.04	39,080 18.74
9	27,479 13.17	29,127 13.96	41,863 20.07
10	28,927 13.87	30,662 14.70	45,518 21.82
11	30,743 14.74	32,587 15.62	48,385 23.20
12	32,589 15.62	34,544 16.56	51,285 24.59
13	34,578 16.58	36,652 17.57	54,420 26.09
14	36,689 17.59	38,890 18.64	57,727 27.68
15	38,923 18.66	41,258 19.78	61,247 29.37
16	41,902 20.09	44,415 21.29	65,933 31.61
17	42,065 20.17	44,588 21.37	66,190 31.73

1. The effective date for the nonexempt salary schedule is 2006 through 2007.
2. The "6% hiring maximum" is subject to approval from the appropriate Dean or Vice President. Approval beyond the delegated hiring maximum for new hires must be secured from the director of personnel, consistent with BOR Policy VII-9.20 "Salary Upon Entry into USM Service."





## **SECTION II: TIME & ATTENDANCE AND LEAVE**

### **Nonexempt and Exempt Employees**

## SECTION II TIME & ATTENDANCE AND LEAVE

### Accident Leave

#### Definition:

Accident Leave is a paid leave in which two-thirds (2/3) of an employee's regular pay is granted when the employee sustains an accidental injury on the job and the following conditions are met: (1) it is determined to be compensable according to the Maryland Workers' Compensation Act, and (2) a physician examines the employee and certifies that the employee is disabled because of the injury.

#### Policy:

[BOR Policy VII-7.40](#), (Policy on Accident Leave for Exempt and Nonexempt Employees, Effective 5/1/1992; Amended 11/12/1993 and 12/13/1996)

#### Eligibility:

- Nonexempt and exempt [regular](#) employees at 100% of full-time basis (1 FTE), but not less than 50%. If approved, accident leave shall be granted on a pro-rated basis.

#### Earnings Rate:

- Qualified employees are paid at 66.667% of the employee's regular rate of pay, pro-rated per FTE. Pay during the first six months of a singular occurrence is exempt from federal and state taxes. If the period of accident leave is extended, pay shall be exempt from federal, state, and FICA taxes for a period of up to an additional six months.

#### Additional Rules:

- A maximum of 6 months for each accident leave occurrence, from the date of the first day of accident leave absence, with one 6-month extension possible if the institution-selected physician certifies that the employee continues to be disabled.
- Having made the determination that the injury would likely be compensable under the Workers' Compensation statute, the institution shall grant accident leave beginning on the first day of absence from work because of disability.
- An injured employee may be entitled to temporary total benefits for loss of wages according to the Workers' Compensation Act only after all available accident leave has been used. If the injured employee is not eligible for accident leave or temporary total benefits, the employee may use other available leave with pay, including annual leave, personal leave, compensatory leave, and holiday leave.



- If no leave with pay is available, the employee will be placed on a leave of absence without pay (LWOP). The combination of leave with pay and leave without pay shall not exceed two years.
- If a holiday occurs while on accident leave, the holiday is paid at the full rate of pay.
- An employee receiving accident leave shall continue to accrue leave and seniority.
- Under certain circumstances, family and medical and leave (F&M) may be designated (in advance) and may be integrated with accident sick leave. See [BOR Policy VII-7.50](#) – Policy on Family and Medical Leave.

## Administrative Leave

### Definition:

Administrative Leave is paid leave granted under certain circumstances, to permit an employee to be absent from duty without loss of pay or without charge to the employee's accrued leave. Administrative leave may be granted (1) due to emergency conditions as defined by the institution's chief executive officer or designee (e.g., inclement weather), (2) to permit attendance at some employee organization events (approved in advance by the institution's director of personnel), (3) in the event an exempt regular employee has been notified of a "period of notice separation" or a "rejection on probation" action and the institution CEO or designee determines it is in the best interest of the institution to place the notified employee on paid administrative leave, or (4) other purposes as approved by the institution's chief executive officer or designee.

### Policies:

[BOR Policy VII-7.20](#) (Policy on Administrative Leave for Administrative and Classified Personnel, Effective 2/28/1992)

[BOR Policy VI-12.00](#), (Policy on Emergency Conditions, Effective 5/1/1992)

[BOR Policy VII-1.22](#), (Policy on Separation for Regular Exempt Employees, Effective 1/2/2000)

### Eligibility:

- Nonexempt and exempt [regular](#) employees.
- Contingent category II employees may receive administrative leave (except as stated below), as stipulated in the employment contract.



### **Additional Rules:**

- Administrative leave shall only be granted by the president or designee, (i.e., provost, vice president, or director of personnel), as defined above.
- An exempt regular employee placed on paid administrative leave as part of a period of notice separation or rejection on probation shall not earn other paid leave (annual, sick, holiday, personal) during the period of administrative leave.
- Contingent category II employees are not entitled to any rights pertaining to a period of notice separation.
- Under certain circumstances, family and medical and leave (F&M) may be designated (in advance) and may be integrated with administrative leave. See [BOR Policy VII-7.50](#) – Policy on Family and Medical Leave.

## **Advanced Sick Leave**

### **Definition:**

Advanced sick leave (ASL) is paid leave which may be requested by a regular employee who sustains a temporary, recoverable illness, injury, or serious disability, and when the employee has no other accrued paid leave available. If approved/granted, advanced sick leave used by the employee must be paid back as the advanced sick leave constitutes a debt to the institution. The granting of advanced sick leave is not an employee entitlement.

### **Policies:**

- [BOR Policy VII-7.45](#), (Policy on Sick Leave, Effective 12/5/1997)
- [UMCP Administrative Procedure on Sick Leave](#) (Effective 12/5/1997)
- [BOR Policy VII-7.50](#), (Policy on Family and Medical Leave, Effective 8/27/1993)

### **Eligibility:**

- Nonexempt and exempt [regular](#) employees at 100% of full-time basis (1 FTE), but not less than 50%. If approved, ASL shall be granted on a pro-rated basis, consistent with the employee's FTE.
- The employee must have completed original probation period (if applicable).
- The employee must have completed six months of continuous USM service.
- The employee must have exhausted all other types of accrued paid leave except holiday leave in the following order: sick, personal, annual, and if eligible, compensatory.
- The employee must have a satisfactory record of sick leave usage and work performance.



- If otherwise eligible, ASL shall be granted on a pro-rated basis, consistent with FTE:
  - 15 days for each year of service for a full-time employee
  - Up to a maximum of 60 working days in a calendar year
- ASL shall not be granted to an employee until all previously granted ASL has been repaid, unless the previous maximum amount was not requested/granted, and additional ASL is required to cover the employee's continued absence arising from the original illness, injury, or disability.
- ASL shall not be granted in instances where the illness/injury/disability occurred on the job, and the Workers' Compensation Commission has granted the employee accident leave or total temporary disability benefits.

**Additional Rules:**

- Under certain circumstances, family and medical leave (F&M) may be designated (in advance) and may be integrated with advanced sick leave. See [BOR Policy VII-7.50](#) – Policy on Family and Medical Leave.
- The request for ASL shall be supported by written verification by an accredited/licensed medical provider.
- The granting of ASL constitutes a debt for which payment shall be enforceable upon the employee's return to work or upon separation from the USM (whichever is earlier).
- Upon return to work, the minimum rate of payback shall be one-half the rate that sick leave and annual leave is earned.
- Annual, sick, holiday, and personal leave credited to the employee while on ASL shall accrue and shall be available for use upon return to work.
- Upon return to work, accrued annual, sick, personal, and holiday leave may be used to repay the balance of the ASL.
- The employee may reimburse the institution via cash payment to satisfy the ASL debt.



## Annual Leave

### Definition:

Annual leave is paid leave available for use by a regular employee that may be used for any purpose. Requests for annual leave by an eligible employee must be pre-approved by the employee's supervisor.

### Policies:

[BOR Policy VII-7.00](#), (Policy on Annual Leave for Nonexempt Personnel, Effective 4/25/1991)

[BOR Policy VII-7.01](#) (Policy on Annual Leave for Regular Exempt Employees, Effective 1/2/2000)

[BOR Policy VII-7.50](#), (Policy on Family and Medical Leave, Effective 8/27/1993)

[BOR Policy VII-1.40](#), (Policy on Contingent Employment for Nonexempt and Exempt Employees, Effective 12/13/1996, Amended 2/9/2001)

[UMCP Administrative Procedure on Contingent Employment](#) (Effective 12/13/1996)

### Eligibility:

- Nonexempt and exempt [regular](#) employees at 100% of full-time basis (1 FTE), but not less than 50%. The annual leave accrual rate shall be pro-rated consistent with FTE.
- Contingent II employees are guaranteed the minimum annual leave entitlement stipulated in the Policy on Contingent Employment. Annual leave must be stipulated in the written employment agreement (contract).

### Earnings Rate:

- Regular employees earn annual leave at the following rates, based on category status (nonexempt regular or exempt regular) and length of service:

Length of Continuous Service	Annual Accrual Rate (100% FTE)	Hours:Minutes Accrued Per Pay Period
<b><u>Nonexempt:</u></b>		
starting with the 1 <sup>st</sup> year through completion of the 5 <sup>th</sup> year of service	10	3:05 (185 min.)
starting with the 6 <sup>th</sup> year through completion of the 10 <sup>th</sup> year of service	15	4:37 (277 min.)
starting with the 11 <sup>th</sup> year through completion of the 20 <sup>th</sup> year of service.	20	6:09 (369 min.)
starting with the 21 <sup>st</sup> year and thereafter	25	7:42 (462 min.)
<b><u>Exempt:</u></b>		
starting with the 1 <sup>st</sup> month through completion of the 20 <sup>th</sup> year of service	22	6:46 (406 min.)
starting with the 21 <sup>st</sup> year and thereafter	25	7:42 (462 min.)



### Additional Rules:

- Nonexempt regular employees may not use annual leave during the first six months of service with the USM (i.e., during the period of original employment).
- A full-time employee may carry a maximum of 50 workdays (400 hours) into a new calendar year (at the beginning of the first full pay period in January).
- A supervisor may request in writing that an employee who has lost annual leave exceeding the carryover maximum be paid for days lost in the event that leave could not be taken during the calendar year. Approval of the request shall be at the discretion of the institution's chief executive officer or designee (director of personnel).
- An employee may be advanced 5 days of annual leave, providing that no other leave, including personal leave, compensatory leave, or sick leave (as appropriate, and consistent with the intended use) is available. The maximum allowable negative balance is 40 hours.
- When an employee transfers within the institution, or to another USM institution, or from one employment category to another, or to or from another State of Maryland agency, all unused accumulated annual leave shall be transferred.
- A regular employee who separates from the USM shall be compensated for any unused annual leave at the employee's current rate of pay.
- Contingent II employees shall earn either the minimum annual leave benefit guaranteed in the Policy on Contingent Employment, or the same annual leave benefits consistent with that available to the regular employee in a similarly-situated job class and employment category. Reference the section entitled [Contingent Category II Leave Benefit Accrual Options](#).
- Under certain circumstances, family and medical leave (F&M) may be designated (in advance) and may be integrated with annual leave. See [BOR Policy VII-7.50](#) -- Policy on Family and Medical Leave.

## Compensatory Leave (Earned in Lieu of Overtime)

### Definition:

Compensatory Leave ("comp time") is paid time off from work earned at a premium rate by a nonexempt salaried employee in lieu of paid overtime. An employee does not have to accept compensatory time if it is offered in lieu of cash payment for overtime worked.

### Policies:

[Fair Labor Standards Act \(FLSA\)](#)

[BOR Policy VII-P1.00](#) (Policy on Establishment and Assignment of Job Groups, Effective 7/1/1996)

[Maryland Wage Payment and Collection Law](#)

[Personnel Policies and Rules for Classified Employees of the University of Maryland \(1990\), V-3,4](#)

### Eligibility:

- Nonexempt salaried employees

### Earnings Rate:

- Inasmuch as compensatory time is earned in lieu of cash overtime by nonexempt salaried employees, it shall be earned at the premium rate of time-and-one-half for hours that exceed 40 in a paid status during the standard workweek.
- The maximum allowable comp time accumulation is 30 days (240 hours); for Police and other public safety employees, the maximum allowable accumulation is 480 hours.
- Departments shall be responsible for keeping compensatory records pertaining to the earning of comp time and the usage or payout of such leave.
- Employees cannot be required to choose compensatory time in lieu of cash overtime, unless such an arrangement was negotiated at the time of employment and is clearly articulated in writing.

### Additional Rules:

- Since compensatory time is earned in lieu of cash overtime for nonexempt employees, upon separation from the USM, the employee shall be paid for the entire comp time balance that exists, at the employee's current rate of pay.
- Under unusual or exceptional circumstances that warrant special consideration, limited exceptions for compensatory time may be granted to exempt employees on an individual basis, requested in advance and approved by the director of personnel. If approved, exception compensatory time for exempt employees shall be granted at a straight hourly rate of pay and must be used within one year of earning, in accordance with [BOR Policy VII-6.10](#) -- Policy on Work Schedules for Regular Exempt Employees.]



## Extended Sick Leave

### Definition:

Extended sick leave (ESL) is paid leave that may be requested by an employee who sustains a temporary, recoverable illness, injury, or serious disability, when the employee has no other types of accrued leave available. The employee must have exhausted all available advanced sick leave. It is not required that extended sick leave be paid back by the employee. The granting of extended sick leave is not an employee entitlement.

### Policies:

[BOR Policy VII – 7.45](#) (Policy on Sick Leave, Effective 12/5/1997)

[UMCP Administrative Procedure on Sick Leave](#) (Effective 12/5/1997)

[BOR Policy VII-7.50](#), (Policy on Family and Medical Leave, Effective 8/27/1993)

### Eligibility:

- Nonexempt and exempt [regular](#) employees at 100% of full-time basis (1 FTE), but not less than 50%. If approved, ESL shall be granted on a pro-rated basis, consistent with the employee's FTE.
- The employee must have been in university and/or state service for at least five years.
- The employee must have exhausted all available sick leave, annual, personal leave, holiday leave, advanced sick leave, and if eligible, compensatory leave.
- The employee must have a satisfactory record of sick leave usage and work performance.
- The maximum cumulative total of ESL available to an employee while in USM or state service is 12 months (52 workweeks).

### Additional Rules:

- Under certain circumstances, family and medical leave (F&M) may be designated (in advance) and may be integrated with extended sick leave. See [BOR Policy VII-7.50](#) – Policy on Family and Medical Leave.
- Annual, sick, personal, and holiday leave earned while on ESL shall be applied as earned/credited.
- A request for ESL shall be supported by written verification by an accredited/licensed medical provider.
- Unlike advanced sick leave, ESL shall not be paid back by the employee.

## Family and Medical Leave

### Definition:

Family and medical leave (F&M) is unpaid leave to be used for certain family and serious health condition reasons, consistent with the Family and Medical Leave Act of 1993. 100%-time employees, having met the eligibility requirements, are entitled to a maximum of 12 workweeks (60 days) of F&M leave within a calendar year. The actual F&M entitlement shall be based on the employee's use of other leave during the calendar year within which the F&M leave begins. Based upon either the election of the employee or the requirement of the CEO or designee (i.e., the director of personnel) and in accordance with UMS' and the institution's existing leave procedures, accrued paid leave shall be substituted for all or any part of the unpaid F&M leave if the reason for leave meets the F&M criteria defined in the policy.

### Policies:

[BOR Policy VII-7.50](#), (Policy on Family and Medical Leave, Effective 8/27/1993)

[BOR Policy VII – 7.45](#) (Policy on Sick Leave, Effective 12/5/1997)

[UMCP Administrative Procedure on Sick Leave](#) (Effective 12/5/1997)

[BOR Policy VII-7.40](#), (Policy on Accident Leave for Exempt and Nonexempt Employees, Effective 5/1/1992; Amended 11/12/1993 and 12/13/1996)

[BOR Policy VII-7.12](#), (Policy on Leave of Absence Without Pay, Effective 5/1/1992; Amended 11/12/93)

### Eligibility:

- The regular or contingent employee must have been employed for at least 12 months of USM or state service.
- The employee must have worked at least 1,040 hours for the university or the State of Maryland during the 12-month period immediately prior to beginning the F&M leave.
- [BOR Policy VII-7.50](#) pertains to all non-faculty employees of the USM; for provisions of the faculty F&M policy, refer to [BOR Policy II-2.31](#) – Policy on Family and Medical Leave for Faculty.

### F&M Entitlement:

- Full-time employees who worked at least 1,040 hours in the 12-month period preceding the F&M leave are entitled to a maximum of 12 weeks of F&M leave in a calendar year. This leave shall be integrated with (i.e., reduced by) other leave taken for F&M reasons during the calendar year.
- Employees who work less than full-time are entitled to a pro-rated share of the 12 weeks.



- F&M leave may be taken for the following reasons, with appropriate documentation as defined in the policy:
  - An employee's serious health condition.
  - The birth of the employee's child.
  - The placement of a child with the employee for adoption or foster care.
  - To care for the employee's child within a twelve month period from the birth of the child or placement.
  - To care for an employee's immediate family member who has a serious health condition.
  - Requests to take care of the employee's school-age child under the age of 14 during school vacations may be granted to the extent the leave does not create an operational hardship for the department.

**Additional Rules:**

- The employee's use of certain paid or unpaid leave types, as deemed appropriate, may be deducted from the employee's F&M leave entitlement. The employee must be notified in advance that the F&M leave shall be integrated with a paid or unpaid leave type (e.g., regular accrued sick leave or approved leave without pay [LWOP]).
- While on any unpaid portion of an F&M leave, an employee shall not accrue additional leave.
- Leave already taken and designated as another leave type by the employee typically may not be retroactively applied as F&M leave by the supervisor or the university.
- Under some circumstances, the employee may use F&M leave on an intermittent basis, as defined in the policy.
- An employee who is granted F&M leave shall continue to be eligible for all employment benefits. The employee may elect to continue health care and other benefits by paying the employee portion of the benefit premium. If the F&M leave taken to care for a school-age child, then the employee must pay the full premium (including the portion paid by the employer) in order to continue health care and other benefits.
- Upon return from an approved F&M leave, the employee shall have the right to return to his/her position in the same department, with the same pay, benefits, and other terms and conditions of employment, status, and responsibilities. If the employee's position cannot be held available during the period of F&M leave, upon conclusion of the leave, the employee shall be restored to an equivalent position.



## Holiday Leave

### Definition:

Holiday leave is a paid leave available to regular employees for the observance of certain holidays, in accordance with the university's official holiday calendar.

### Policies:

[BOR Policy VII-7.30](#), (Policy on Holiday Leave [for Regular Nonexempt Employees], Effective 5/1/1992)

[BOR Policy VII-7.31](#), (Policy on Holiday Leave for Regular Exempt Employees, Effective 1/2/2000)

[BOR Policy VII-1.40](#), (Policy on Contingent Employment for Nonexempt and Exempt Employees, Effective 12/13/1996; Amended 2/9/2001)

[UMCP Administrative Procedure on Contingent Employment](#) (Effective 12/13/1996)

[BOR Policy VII-7.50](#), (Policy on Family and Medical Leave, Effective 8/27/1993)

### Eligibility:

- Nonexempt and exempt [regular](#) employees at 100% of full-time basis (1 FTE), but not less than 50%. The holiday leave earnings rate shall be pro-rated consistent with the employee's FTE.
- Contingent II employees shall earn at least the minimum holiday leave guaranteed under the Policy on Contingent Employment, pro-rated consistent with FTE. Refer the section entitled [Contingent Category II Leave Benefit Accrual Options](#).
- Regular employees must be in a paid status on the calendar date of the occurrence in order to earn the holiday (i.e., must have already been hired and not be on approved leave without pay [LWOP] or another unpaid leave type). Employees in an unpaid leave status the day prior to a holiday that is earned and observed on the same day (e.g., July 4<sup>th</sup> when it falls mid-week), shall not earn the paid holiday.

### Earnings Rate:

- 11 holidays per year; 12 holidays during a year of general or congressional elections, or any other special observance as required by the Legislature and/or Governor, plus three university holidays to be observed consistent with the university's official holiday calendar.
- A C2 employee appointed to a full-time position for a term of 12-months is entitled to a minimum of 8 holidays (New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and the day after Thanksgiving, and Christmas Day). At the discretion of the employing unit, a C2 may earn the same holidays as regular full-time employees (11/12 state holidays plus 3 university holidays).



### **Additional Rules:**

- For a full-time employee, one holiday earned/observed equals eight hours. If the employee works an alternate work schedule of four 10-hour days during the workweek, a holiday earned/used may be augmented with two hours of paid leave to "round out" the ten hour day. Otherwise two hours of the observed holiday will be unpaid.
- Employees who leave the USM shall be paid for any unused holiday leave that has been earned but not used as of the date of separation.
- Institutions may schedule the observance of holidays on days other than the dates designated by the Legislature and/or Governor and/or the university.
- Under certain circumstances, family and medical leave (F&M) may be designated (in advance) and may be integrated with holiday leave. See [BOR Policy VII-7.50](#) (Policy on Family and Medical Leave).
- When a holiday falls on a Saturday, it is earned the Friday prior; when a holiday falls on a Sunday, it is earned the following Monday.
- Institutions that have departments which must provide service on a continuous, seven-day-a week basis (i.e., Police), may require an employee to work on a scheduled holiday to meet operational needs. In those instances, the university may schedule the observance of selected holidays on days other than those designated.
- Departments with continuous seven-day-a-week service may schedule a specific day or days each month as the regular holiday. For employees in this category, one day of holiday leave may be granted for each month, except for January and July when two days of holiday leave shall be granted.
- Departments with continuous, 24-hour per day operations may find it necessary to permit holidays earned-but-not-taken to be carried-over into a new calendar year.

## **Jury Service Leave**

### **Definition:**

Jury service leave is paid leave that permits an employee serving jury duty to be absent from duty without loss of pay or without charge to the employee's accrued leave.



**Policy:**

[BOR Policy VII-7.21](#), (Policy on Jury Service for Administrative and Classified Personnel, Effective 2/28/1992; Amended 5/7/1993)

[BOR Policy VII-1.40](#), (Policy on Contingent Employment for Nonexempt and Exempt Employees, Effective 12/13/1996, Amended 2/9/2001)

**Eligibility:**

- Nonexempt and exempt [regular](#) and contingent category II employees.

**Additional Rules:**

- Upon request, the employee shall be responsible for providing documentation to the supervisor that verifies attendance.
- If after reporting for jury duty, it is determined that the employee's services are not required and the individual is dismissed for the day, the individual is required to return to the job (time permitting).

## Leave of Absence Without Pay

**Definition:**

Leave of absence without pay (LWOP) is a voluntary, approved, unpaid leave granted by the institution's chief executive officer or designee (director of personnel) for a variety of reasons including but not limited to: loan of an employee to another governmental agency, higher education institution or related organization; outside employment that would lessen the impact of a potential layoff or layoff; professional activities related to academic research; advanced study, career development, or other professional activities; anticipated low demand for the employee's services during slow periods in the institution's or unit's operations (seasonal leave); when sick leave is not available; or other activities as determined by the institution's CEO or designee.

**Policy:**

[BOR Policy VII-7.12](#), (Policy on Leave of Absence Without Pay, Effective 5/1/1992; Amended 11/12/93)

[BOR Policy VII-7.50](#), (Policy on Family and Medical Leave, Effective 8/27/1993)

**Eligibility and Duration of Leave:**

- Nonexempt and exempt [regular](#) employees may request a full or partial LWOP for up to a maximum of a two-year (24-month) period.
- The employee shall:
  - hold a regular full-time or regular part-time (50% or more) position, and
  - have completed a total of at least 12 months of service at the USM institution from which the employee wishes to take leave, and
  - have a satisfactory record of leave usage and work performance.



### **Additional Rules:**

- All benefits shall be suspended, absent exceptional circumstances, for the LWOP period; an employee on LWOP for greater than 30 days may elect to continue health care coverage and other benefits by paying the full cost of the benefits.
- An employee placed in an approved LWOP status shall not earn other paid leave (annual, sick, holiday, personal) during the period of LWOP.
- Service credit shall not be granted while an employee is on LWOP.
- The granting of LWOP shall not interfere with unit operations.
- The employee shall have the right to former position or another equivalent position within the same department, with the same pay, benefits, and other terms and conditions of employment, status, and responsibilities as the former position, unless notified (provisions defined in policy).
- The employee on LWOP shall not return from leave prior to the agreed-upon expiration date of the leave without written approval of the CEO or designee.
- An employee may be required to use accrued annual, personal, holiday, or compensatory leave prior to being granted LWOP.
- Failure to return from LWOP shall be interpreted as a voluntary resignation by the employee.
- When LWOP is approved for an employee on probation, the probation period shall be adjusted upon return of the employee.
- Under certain circumstances, family and medical leave (F&M) may be designated (in advance) and may be integrated with LWOP. See [BOR Policy VII-7.50](#) – Policy on Family and Medical Leave.

## **Leave Reserve Fund**

### **Definition:**

The USM Leave Reserve Fund (LRF) is comprised of personal leave not used and subsequently forfeited by University System of Maryland employees. The LRF provides paid leave to nonexempt and exempt regular full-time and regular part-time employees working 50% or more who become temporarily medically disabled and who meet certain qualifying criteria. There is no requirement for payback of LRF leave granted to an employee. The granting of leave from the LRF is not an employee entitlement.



**Policy:**

[BOR Policy VII-7.11](#), (Policy on Leave Reserve Fund for Administrative and Classified Employees, Effective 4/25/1991)

[BOR Policy VII-7.50](#), (Policy on Family and Medical Leave, Effective 8/27/1993)

**Eligibility:**

- Nonexempt and exempt [regular](#) employees at 100% of full-time basis (1 FTE), but not less than 50%.
- The employee must:
  - have completed one year of service with the USM;
  - have a temporary medical disability (when the employee has a reasonable expectation of returning to work), which is authenticated by a licensed or certified medical provider in accordance with established leave authorization procedures;
  - have exhausted all available sick leave, annual leave, personal leave, compensatory leave (as appropriate), advanced sick leave, and extended sick leave;
  - have a satisfactory record of sick leave usage and work performance.
- The employee shall be eligible to receive one day for each month of creditable service, as defined by the Maryland State Retirement and Pensions Systems.

**Additional Rules:**

- Leave reserve fund requests shall be reviewed/approved by the institution's director of personnel to determine that policy criteria have been met; approval shall be forwarded to the USM HR office for administration.
- Upon approval, leave shall be transferred from LRF to the eligible employee's sick leave bank.
- Under certain circumstances, family and medical leave (F&M) may be designated (in advance) and may be integrated with leave granted under the leave reserve fund program. See [BOR Policy VII-7.50](#) – Policy on Family and Medical Leave.
- As an administrative practice, the USM limits leave granted under this program to 20 days at a time, with renewals permissible up to the maximum allowable under the policy.





## Legal Actions Leave

### Definition:

Leave for legal actions is a paid leave that allows a regular employee who is not a party to a court action or a paid witness, but is summoned to appear in a court action, before a grand jury, etc., to be absent from duty without loss of pay or charge to the employee's accrued leave.

### Policy:

[BOR Policy VII-7.22](#), (Policy on Leave for Legal Actions for Administrative and Classified Personnel, Effective 2/28/1992)

### Eligibility:

- [Regular employees](#), consistent with FTE.

### Additional Rules:

- If the employee is a paid witness or a party to the action:
  - leave must be used, or
  - if eligible, the employee may take LWOP if the employee does not have sufficient leave to cover such an absence.
- If the employee merely receives a nominal court witness payment, the employee may endorse the check to the institution and not have the period of absence charged against leave.
- Upon request, the employee shall provide documentation to verify attendance.

## Military Leave

### Definition:

Military Leave is a paid leave that allows an employee, under certain circumstances, to be absent from duty without loss of pay or without charge to the employee's accrued leave.

### Policy:

[BOR Policy VII-7.23](#), (Policy on Military Leave with Pay for Administrative and Classified Personnel, Effective 2/28/1992)

### Eligibility:

- Nonexempt and exempt [regular](#) employees.

### Additional Rules:

- The employee must be a member of the organized militia, or of the Army, Navy, Air Force, Marine or Coast Guard Reserve.



- The employee shall be entitled to a leave of absence for military training for a period of not more than 15 workdays in any calendar year; shall be pro-rated for part-time personnel.

## Outside Consultancy Leave

### Definition:

Outside consultancy leave is paid release time from normal university duties that is used for consulting with outside organizations or other state agencies.

### Policy:

[UMCP Procedure: II-3.10 \(B\)](#), (University of Maryland Procedures on Conflict of Interest and Conflict of Commitment, Effective 5/20/03).

### Eligibility:

- Exempt regular staff.

### Additional Rules:

- Outside consultancy leave is at the discretion of the requesting employee's supervisor who, on behalf of the Unit Head and in advance of the work commencing, will determine (a) if the consulting contributes to the mission of the unit/University, (b) that the employee's work responsibilities are being satisfied on an ongoing basis, and (c) there is no conflict of interest or conflict of commitment.
- An exempt staff member engaged in any outside consulting during release time must record consulting time on the exempt time record.
- Paid consultancy performed for another state agency must be approved in advance by the department head and the president. A written explanation of the services to be rendered, the time involved, and the agency shall be provided.

## Personal Leave

### Definition:

Personal Leave is paid leave to be used for any purpose provided that, in the case of a nonexempt employee, prior approval is obtained from the supervisor, and in the case of an exempt employee, prior notification is provided to the supervisor.



### Policies:

[BOR Policy VII-7.10](#), (Policy on Personal Leave for Regular Exempt Employees, Effective 1/2/2000)

[University of Maryland Policies and Procedures for Classified Employees, VI-4](#)

[BOR Policy VII-7.50](#), (Policy on Family and Medical Leave, Effective 8/27/1993)

[BOR Policy VII-1.40](#), (Policy on Contingent Employment for Nonexempt and Exempt Employees, Effective 12/13/1996, Amended 2/9/2001)

[UMCP Administrative Procedure on Contingent Employment](#) (Effective 12/13/1996)

### Eligibility:

- Nonexempt and exempt [regular](#) employees at 100% of full-time basis (1 FTE), but not less than 50%. Personal leave shall be pro-rated consistent with the employee's FTE.

### Earnings Rate:

- All regular, full-time exempt and nonexempt employees are entitled to 3 days of personal leave in each calendar year.
- Though not required, contingent category II employees may earn three days of personal leave within a one-year contract period; see the section entitled to [Contingent Category II Leave Benefit Accrual Options](#).
- Under no circumstances shall an employee earn more than three days of personal leave in a calendar year. For example, a C2 employee who competes for and is appointed to a regular position shall not be granted three days of personal leave upon appointment to the regular position unless the contingent contract did not provide personal leave. Furthermore, an employee who separates from the university and reinstates employment within the same calendar year shall not receive an additional three days of personal leave.

### Additional Rules:

- A request for personal leave cannot be denied if it is leave being used for religious observance purposes.
- Personal leave must be used within the calendar year in which it is granted.
  - For regular employees, personal leave must be used by the beginning of the 1<sup>st</sup> pay period January.
  - For C2 employees, personal leave must be used by expiration date of the one-year contract.
- Unused personal leave will be forfeited at the end of the calendar year. Unused personal leave shall be transferred to the USM leave reserve fund.

- Under certain circumstances, family and medical leave (F&M) may be designated (in advance) and may be integrated with personal leave usage within a calendar year. See [BOR Policy VII-7.50](#) – Policy on Family and Medical Leave.

## Sick Leave

### Definition:

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 related reasons.

### Policies:

- [BOR Policy VII-7.45](#), (Policy on Sick Leave, Effective 12/5/1997)
- [UMCP Administrative Procedure on Sick Leave](#) (Effective 12/5/1997)
- [BOR Policy VII-7.50](#), (Policy on Family and Medical Leave, Effective 8/27/1993)
- [BOR Policy VII-1.40](#), (Policy on Contingent Employment for Nonexempt and Exempt Employees, Effective 12/13/1996, Amended 2/9/2001)
- [UMCP Administrative Procedure on Contingent Employment](#), (Effective 12/13/1996)

### Eligibility:

- Nonexempt and exempt [regular](#) employees at 100% of full-time basis (1 FTE), but not less than 50%. The sick leave earnings rate shall be pro-rated consistent with the employee's FTE.
- Contingent category II employees shall earn a minimum of three days of sick leave per contract year; see the section entitled to [Contingent Category II Leave Benefit Accrual Options](#).

### Earnings Rate:

- A full-time regular employee shall earn sick leave at the rate of 15 days per year (accrued at the rate of 4:37 per pay period).
- Part-time regular employees, appointed at 50% FTE or greater, shall earn sick leave on a pro-rated basis.

### Additional Rules:

- Under certain circumstances, family and medical leave (F&M) may be designated (in advance) and may be integrated with sick leave used within a calendar year. See [BOR Policy VII-7.50](#) – Policy on Family and Medical Leave.
- Sick leave may be used only to the extent earned.
- An employee's sick leave balance shall be carried forward from year to year, with unlimited accrual.
- Sick leave accrual options for C2 employees are referenced in the section entitled [Contingent Category II Leave Benefit Accrual Options](#).



- Sick leave may be used for illness of or injury to an immediate family member, up to a maximum of 15 days for this purpose within a calendar year.
- 3 days of sick leave may be used in the case of the death of a close relative (defined in policy). If overnight travel is involved, up to 5 days (total) of sick leave may be used.
- 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 thereafter.
- Up to a maximum of 30 days of accrued sick leave may be used to care for a child immediately following the birth of a child or the placement of the child with the employee for adoption.
  - If both parents are USM employees, use of sick leave for this purpose is available to only one parent.
  - In the case of an adoption leave request, the employee shall furnish satisfactory documentation of the birth of the employee's child or placement for adoption.
- If a nonexempt employee returns to regular USM service within two years of separation, unused sick leave earned during prior service will be restored, provided the employee returns to a regular position eligible to earn sick leave.
- If an exempt employee returns to regular USM service within three years of separation, unused sick leave earned during prior service will be restored provided the employee returns to a regular position eligible to earn sick leave. See [BOR Policy VII-9.61](#) – Policy on Reinstatement for Regular Exempt Employees.

## Suspension

### Definition:

An employee may be suspended with or without pay by the department head or designee for disciplinary reasons associated with misconduct, negligence, inefficiency, insubordination, or safety rules of major significance, or pending action and/or investigation of an incident/infraction.

### Policy:

Personnel Policies and Rules for Classified Employees of the University of Maryland (1990), VIII-5  
Code of Maryland Regulations (COMAR), 11.02.08.03

### Eligibility:

- Nonexempt and exempt [regular](#) employees.



**Additional Rules:**

- **Nonexempt employees:**
  - Must be notified within 3 days of infraction, or knowledge thereof.
  - Suspensions may be for part of a workday.
  - If the suspension is for multiple days, the suspension shall be consecutive workdays.
- **Exempt employees:**
  - Must be suspended in increments of five workdays.
  - For infractions of safety rules of major significance, an exempt employee may be suspended for other than a 5-workday period, as permitted by the FLSA.

**Unauthorized Absence**

**Definition:**

An unauthorized absence (UA) is unpaid leave used to indicate when an employee is absent on a scheduled workday without prior authorization/notice.

**Policy:**

University of Maryland Policies and Procedures for Classified Employees, VII-4

**Eligibility:**

- All nonexempt employees



## **SECTION III: WAGE & SALARY ADMINISTRATION**

### **Nonexempt and Exempt Employees**

## SECTION III WAGE & SALARY ADMINISTRATION

### Accident Leave Pay

#### Definition:

Accident Leave is a paid leave in which two-thirds (2/3) of an employee's regular pay is granted when the employee sustains an accidental injury on the job and the following conditions are met: (1) it is determined to be compensable according to the Maryland Workers' Compensation Act, and (2) a physician examines the employee and certifies that the employee is disabled because of the injury.

#### Policy:

[BOR Policy VII-7.40](#), (Policy on Accident Leave for Exempt and Nonexempt Employees, Effective 5/1/1992; Amended 11/12/1993 and 12/13/1996)

#### Eligibility:

- Nonexempt and exempt [regular](#) employees at 100% of full-time basis (1 FTE), but not less than 50%. If approved, accident leave shall be granted on a pro-rated basis.

#### Rate of Pay:

- Qualified employees are paid at 66.667% of the employee's regular rate of pay, pro-rated per FTE. Pay during the first six months of a singular occurrence is exempt from federal and state taxes. If the period of accident leave is extended, pay shall be exempt from federal, state, and FICA taxes for a period of up to an additional six months.

#### Additional Rules:

- A maximum of 6 months for each accident leave occurrence, from the date of the first day of accident leave absence, with one 6-month extension possible if the institution-selected physician certifies that the employee continues to be disabled.
- Having made the determination that the injury would likely be compensable under the Workers' Compensation statute, the institution shall grant accident leave beginning on the first day of absence from work because of disability.
- An injured employee may be entitled to temporary total benefits for loss of wages according to the Workers' Compensation Act only after all available accident leave has been used. If the injured employee is not eligible for accident leave or temporary total benefits, the employee may use other available leave with pay, including annual leave, personal leave, compensatory leave, and holiday leave.





- If no leave with pay is available, the employee will be placed on a leave of absence without pay (LWOP). The combination of leave with pay and leave without pay shall not exceed two years.
- If a holiday occurs while on accident leave, the holiday is paid at the full rate of pay.
- An employee receiving accident leave shall continue to accrue leave and seniority.
- Under certain circumstances, family and medical and leave (F&M) may be designated (in advance) and may be integrated with accident sick leave. See [BOR Policy VII-7.50](#) – Policy on Family and Medical Leave.

## Acting Capacity

### Definition:

Acting capacity is a temporary status whereby an employee is placed in a higher-level regular position for a period of up to 6 months, when a vacancy at the higher level exists, and/or when time or circumstances do not permit the immediate selection of a permanent appointment under established selection procedures.

### Policies:

[BOR Policy VII-9.11\(A\)](#), (University of Maryland Policy and Procedures on Salary Administration for Exempt Employees, Effective 2/27/2000)

Personnel Policies and Rules for Classified Employees of the University of Maryland (1990), III-9.

[BOR Policy VII-9.40](#), Policy on Salary Upon Transfer or Reclass for Nonexempt Employees (Effective 7/1/1996)

### Eligibility:

- Nonexempt and exempt [regular](#) employees.
- Contingent category II employees may be appointed to a regular position in an acting capacity if unusual or extenuating circumstances exist.

### Additional Rules:

- For exempt employees, the acting capacity appointment shall carry a temporary increment of up to 12% of the employee's regular base salary.
- For nonexempt employees, the acting capacity appointment shall carry a temporary salary increase equivalent to the amount the employee would be entitled to if promoted/reclassified on a permanent basis. This is typically 6%, but it may be more under certain circumstances.



- The employee must meet the minimum qualifications of the higher-level position.
- Requests for acting capacity for exempt employees shall be supported by the respective dean and/or vice president, and must be approved by the Director of Personnel or designee.
- The period of acting capacity may be extended beyond six months may be granted with the approval of the responsible vice president, in conjunction with the director of personnel.

## **Asbestos Work Differential**

### **Definition:**

The asbestos work differential is a premium pay differential for employees who are engaged in the handling and/or removal of asbestos materials.

### **Policy:**

Executive Order 01.01.1983.09, (Board of Public Works, 7/24/1985)

### **Eligibility:**

- Employee must meet qualifications under the Asbestos Safety and Health Program.

### **Earnings Rate:**

- The eligible employee's compensation shall be:
  - a 50% work differential
  - paid in 1/10 hour increments
- For nonexempt employees, the base hourly overtime rate shall increase to include "asbestos removal" premium for weeks in which it is applied.

### **Additional Rules:**

- The premium rate includes time spent changing into and removing program specified clothing and equipment.

## **Call-Back Pay**

### **Definition:**

Call-back pay is a pay status that shall be applied when a nonexempt regular employee is required (1) to return to work on a regularly scheduled day after going off-duty, or (2) to work on a regularly scheduled off-duty day. Call-back applies to employees who are called back whether or not such employees are in an on-call status.



**Policy:**

[BOR Policy VII-4.62](#), (Policy on On-Call and Call-Back for Classified Employees, Effective 7/1/1990)

**Eligibility:**

- Nonexempt [regular](#) employees.

**Earnings Rate:**

- Employees called back shall receive a minimum of two hours additional work time.
- Travel time from home to return to the normal work location or another work location is included toward the two-hour minimum if the employee has gone home after completing the day's work.

**Additional Rules:**

- An employee called back during a qualifying shift shall receive a pro-rated shift differential, in accordance with the shift differential policy.
- Overtime rules apply if call-back hours applied places the employee into an overtime status.

## On-Call Pay

**Definition:**

On-call pay is a premium pay, afforded nonexempt regular employees who are required to be available to report to work outside the normally scheduled hours for emergencies or other unusual circumstances.

**Policy:**

[BOR Policy VII-4.62](#), (Policy on On-Call and Call-Back for Classified Employees, Effective 6/19/1991)

**Eligibility:**

- Nonexempt [regular](#) employees who are required to be available to report to work outside the normally scheduled hours for emergencies or other unusual circumstances.

**Earnings Rate:**

- On-call rates are established by the chancellor or designee for each day an employee is designated as on-call. The current rate is \$24 per day.
- The nonexempt employee's base overtime rate shall increase to include the effect of on-call pay in each week on-call pay is granted.



### **Additional Rules:**

- Employees shall normally be assigned to on-call status for a period of not more than 7 consecutive days (including holidays).
- Employees shall be notified in advance of their assignment to on-call status.
- Essential employees are not automatically assigned to on-call status.
- Eligible employees will not receive on-call compensation if the performance of the duties is an extension of the employee's regular workday or workweek.

## **Overload**

### **Definition:**

An overload is additional pay earned by the exempt employee for work performed that is substantially different and additional to the essential duties and responsibilities of the employee's regular position.

### **Policy:**

[UMCP Policy III-14.41](#), (Policy on the Delegation of Authority to Approve Requests for Overload Payments to Faculty and Associate Staff, Effective 12/30/1982)

### **Eligibility:**

Faculty and exempt [regular](#) employees at 100% of full-time basis (1 FTE).

### **Additional Rules (Pertaining to Exempt Employees):**

- The project for which the employee receives the overload payment shall not be part of the employee's regular duties.
- The overload agreement shall detail the work to be performed; shall be for a specified period of time; and shall be paid in a lump-sum payment, or as a temporary addition to the employee's base bi-weekly salary.
- The overload arrangement must receive the advance approval of the respective vice president and the director of personnel.
- Under no circumstances shall the overload work conflict with the employee's regular duties.



## Overtime

### Definition:

Overtime compensation is premium pay earned by nonexempt and hourly employees for time in a paid status that exceeds 40 hours during the university's standard workweek. Overtime shall be paid at the premium rate (time-and-one-half the regular hourly rate of pay). The requirement to pay overtime to nonexempt employees is statutorily defined in the federal Fair Labor Standards Act (FLSA), the Maryland Wage Payment and Collection Law, and USM Board of Regents Policy.

### Policies:

[Fair Labor Standards Act](#)

[BOR Policy VII-P1.00](#), (Policy on Establishment and Assignment of Job Groups, Effective 7/1/1996)

[Maryland Wage Payment and Collection Law](#)

[Personnel Policies and Rules for Classified Employees of the University of Maryland \(1990\), V-4](#)

### Eligibility:

- All nonexempt and hourly employees (including undergraduate student employees).
- Contingent category I employees appointed to an exempt title, but paid on an hourly basis, shall receive overtime at the rate of time-and-one-half.

### Earnings Rate:

- All time in a paid status that exceeds 40 hours in the standard workweek shall be paid at time-and-one-half the regular hourly rate of pay.
- Certain pay differentials and premiums shall increase the employee's regular hourly rate of pay (on a weekly basis), e.g., shift differential, on-call, asbestos removal pay.

### Additional Rules:

- The university's standard workweek is Sunday 12:00 a.m. through Saturday at midnight.
- Paid leave taken within the workweek counts toward the accumulation of 40 hours within the standard workweek.
- Nonexempt employees are required to receive pre-approval prior to working the overtime. \*The absence of such approval does not necessarily absolve the department and the university of the responsibility to pay the overtime under the FLSA doctrine of "suffer and permit."



## Overtime: Compensatory Leave

### Definition:

Compensatory Leave ("comp time") is paid time off from work earned by nonexempt salaried employees for time in a paid status that exceeds 40 hours during the university's standard workweek. At the employee's election, comp time may be earned in lieu of cash overtime, and as such, it must be credited to the employee at the premium rate (time-and-one-half). An employee is not required to accept compensatory time if it is offered in lieu of cash payment for overtime worked, nor is a department required to honor the request for comp time in lieu of cash overtime.

### Policies:

[Fair Labor Standards Act \(FLSA\)](#)

[BOR Policy VII-P1.00](#) (Policy on Establishment and Assignment of Job Groups, Effective 7/1/1996)

[Maryland Wage Payment and Collection Law](#)

[Personnel Policies and Rules for Classified Employees of the University of Maryland](#) (1990), V-3,4

### Eligibility:

- Nonexempt salaried employees.

### Earnings Rate:

- Inasmuch as compensatory time is earned in lieu of cash overtime by nonexempt salaried employees, it shall be earned at the premium rate of time-and-one-half for hours that exceed 40 in a paid status during the standard workweek.

### Additional Rules:

- Upon separation from the USM, the employee shall be paid for the entire compensatory time balance that exists, at the employee's current rate of pay.
- The maximum allowable comp time accumulation is 30 days (240 hours); for Police and other public safety employees, the maximum allowable accumulation is 480 hours.
- Departments shall be responsible for keeping compensatory records pertaining to the earning of comp time and the usage or payout of such leave.
- Employees cannot be required to elect compensatory time in lieu of cash overtime, unless such an arrangement was negotiated as a condition of employment and is articulated in writing.



- Under unusual or exceptional circumstances that warrant special consideration, limited exceptions for compensatory time may be granted to exempt employees (on an individual basis), requested in advance and approved by the director of personnel. If approved, exception compensatory time for exempt employees shall be granted at a straight hourly rate of pay and must be used within one year of earning, in accordance with [BOR Policy VII-6.10](#) -- Policy on Work Schedules for Regular Exempt Employees.

## Probation Increment (Nonexempt)

### Definition:

Under certain circumstances, nonexempt employees shall receive a 2.5% salary increase for successfully completing probation.

### Policies:

- [BOR Policy VII-9.20](#), (Policy on Salary Increases and Bonuses, Effective 7/1/1996)
- [BOR Policy VII-9.40](#), (Policy on Salary Upon Transfer or Reclass, Effective 7/1/1996)
- [BOR Policy VII-1.21](#), (Policy on Probation for Nonexempt Employees, Effective 7/12/1996)

### Eligibility:

- Nonexempt [regular](#) employees.

### Additional Rules:

- Applies to the successful completion of an original probation or a promotional probation (status change) by a nonexempt regular employee.
  - The original probation is served during the nonexempt employee's original (i.e., first) appointment at each USM institution; a nonexempt employee will serve only one original probation at College Park.
  - A promotional probation is the result of a reclassification, transfer, or reinstatement to a position that is at least one salary range higher than the employee's former position. A promotional probation is defined as a "status change" probation.

## Salary Upon Entry Into Service (Nonexempt)

### Definition:

Appointment to a nonexempt position shall be made at the minimum of the established salary range, except as defined below.

### Policies:

- [BOR Policy VII-9.30](#), (Policy on Salary Upon Entry Into USM Service, Effective 7/1/1996)



**Eligibility:**

- Nonexempt [regular](#) employees.

**Additional Rules:**

- Delegated hiring authority has been extended to hiring unit administrators to appoint new nonexempt employees within the first six percent of the established range for the position, if:
  - there is a demonstrated inability to attract a pool of qualified candidates;
  - the candidate of choice has rejected the offer of employment at the minimum of the salary range;
  - other extenuating circumstance(s) exist which are documented and approved by the director of personnel;
  - the hiring unit has obtained the approval of the appropriate dean or vice president prior to making the offer of employment. Records pertaining to the approval must be maintained by the hiring unit and will be subject to periodic post-audit reviews to assure compliance with Board of Regents policy.
- Requests for advanced starting salaries (“above base”) that exceed the first six percent of the range shall be forwarded to the director of personnel for consideration. The same criteria, as defined above, must be met.
- For policy detail pertaining to exempt employees see “Target Starting Salary Range.”

## Salary Upon Reclassification

**Definition:**

A reclassification is a position action that occurs when a position is changed to reflect an evolution in the position’s essential duties and responsibilities. A reclassification may be to a higher level, to a lower level, or within the same pay range/band but with a different title.

**Policies:**

[BOR Policy VII-9.40](#), (Policy on Salary Upon Transfer or Reclass, Effective 7/1/1996)  
[UMCP Policy VII-9.11\(A\)](#), (University of Maryland Policy and Procedures on Salary Administration for Regular Exempt Employees, Effective 2/27/2000)

**Eligibility:**

- Nonexempt and exempt [regular](#) employees.





### Additional Rules:

- **Nonexempt**
  - In the case of a promotional reclassification (to a job class in a higher range), the salary for a nonexempt employee shall be set at 106% of the incumbent's current base salary (excluding acting capacity, if appropriate). In the case where a 6% adjustment does not move the incumbent to the minimum of the new (higher) pay range, the employee will be moved to the minimum of the new range.
  - In the case of a demotional reclassification (to a job class in lower range), the employee's salary shall remain the same, but in no case shall the employee's salary exceed the maximum of the salary range.
  - In the case of a lateral reclassification (to a job class in same range), the salary for a nonexempt employee shall remain the same, but in no case shall the employee's salary exceed the maximum of the salary range.
- **Exempt**
  - In the case of an exempt position being moved to a higher pay band, the market mean will be used as a target to set the incumbent's salary. The departmental administrator shall have the authority to establish a salary at not more than 112% of the incumbent's current base pay (excluding acting capacity).

## Salary Upon Transfer

### Definition:

A transfer is defined as a move to a position within the same salary range or pay band, to a range/band at a higher level, or to a range/band at a lower level. Transfers are typically the result of a competitive search process, and may occur within or across organizational units, or in the case of nonexempt employees, within or across USM institutions.

### Policies:

- [BOR Policy VII-9.40](#), (Policy on Salary Upon Transfer or Reclass, Effective 7/1/1996)
- [UMCP Policy VII-9.11\(A\)](#), (University of Maryland Policy and Procedures on Salary Administration for Regular Exempt Employees, Effective 2/27/2000)
- [BOR Policy VII-1.21](#), (Policy on Probation for Nonexempt Employees, Effective 7/12/1996)

### Eligibility:

- Nonexempt and exempt [regular](#) employees.



### Additional Rules:

- **Nonexempt**

- Upon competitive promotional transfer (to a job class in a higher range), the salary for a nonexempt employee will increase by an amount equal to 6% of the employee's current base salary (excluding acting capacity, if appropriate). In the case where a 6% adjustment does not move the employee to the minimum of the new (higher) pay range, the employee will be moved to the minimum of the new nonexempt range, resulting in a salary adjustment that will be greater than 6%.
  - Upon successful completion of the promotional (transfer) probationary period, the nonexempt regular employee shall be granted an additional 2.5% increase.
- In the case of a demotional transfer (to a job class in lower range), the nonexempt employee's salary shall remain the same, but in no case shall the employee's salary exceed the maximum of the new (lower) salary range.
- In the case of a lateral transfer (to a job class in same range), the salary for a nonexempt employee shall remain the same, but in no case shall the employee's salary exceed the maximum of the salary range.

- **Exempt**

- Upon competitive promotional transfer to a position with a higher target starting salary range, or in the case of a "promotion from within," the target starting salary range for the new position will be used to establish the employee's new salary.
- Upon competitive lateral transfer to a position having a similar target starting salary range within the same pay band, there will be no change to the employee's base salary (excluding acting capacity, if appropriate).
- Upon competitive demotional transfer to a position with a lower target range, the position will be considered a voluntary demotion and there will be no increase in salary.

## Shift Differential

### Definition:

Shift differential is an hourly premium paid to nonexempt regular employees who work certain qualifying shifts.

### Policy:

[BOR Policy VII-4.60](#), (Policy on Shift Differential for Classified Employees, Effective 6/19/91; Amended 11/12/93)



**Eligibility:**

- Nonexempt [regular](#) employees.

**Earnings Rate:**

- Qualified nurses working between the hours of 2 p.m. and 10 p.m., weekdays, are paid \$1.25 an hour shift differential; for weekends, qualified nurses are paid \$1.50 an hour shift differential.
- Other eligible employees are paid \$8.00 shift differential per qualifying shift subject to additional rules below.
- The base overtime rate of pay shall increase to include the effect of the shift differential pay on the salary during a week in which it is applied.

**Additional Rules:**

- Departments must operate 2 or more regularly scheduled shifts daily for their employees to be eligible, as follows:
  - Regularly scheduled shifts starting between 2:00 p.m. and 1:00 a.m. shall be eligible.
  - The hours for these shifts shall be determined by the institution.
- Any eligible employee who works all or a part of a scheduled qualifying shift, whether or not the employee is assigned to that shift, is to receive full or pro-rata differential.
- Payment of shift differential is authorized for an employee who is permanently assigned to a qualifying shift while on approved leave with pay; such payment will cease after 10 consecutive days of continuous paid leave for which there has been a shift differential payment.
- An employee who is on a permanent schedule of rotating shifts is eligible to claim shift differential only while on a qualifying shift.
- A separate shift differential shall be paid to an eligible employee who is scheduled to work overtime from a qualifying shift into another qualifying shift.
- A separate shift differential, on a pro-rated basis, shall be paid to an eligible employee who is scheduled to work overtime from a non-qualifying shift into a qualifying shift, provided that the employee works at least one-half of a qualifying shift.



## Target Salary Range for New Hires (Exempt)

### Definition:

The target starting salary range ("target range") is a market-based salary range that departmental administrators must utilize in determining the starting salaries for "new hires" appointed to exempt positions. The maximum of the target range shall be the market mean (average) for the position; the minimum of the target range shall be 20% less than the mean. The market mean shall be determined by institutionally accepted salary survey tools and/or benchmarking against the external market, as necessary.

### Policy:

[UMCP Policy VII-9.11\(A\)](#), (University of Maryland Policy and Procedures on Salary Administration for Regular Exempt Employees, Effective 2/27/2000)

### Applicability:

- The target starting salary range applies to exempt regular vacancies. Once the vacancy is filled, the target range shall no longer apply. If the position becomes vacant again, a new target starting salary range shall be established at the time of the vacancy.

### Additional Rules:

- The target starting salary range is unique to an individual exempt position vacancy and is based on a variety of factors including the position's duties, responsibilities, requirements, and position within the organization's structure.
- A "new hire" is one that is the result of a search and selection process, regardless of whether the individual comes from within or outside the University of Maryland.
- Exempt starting salaries that deviate from the established target range must be reviewed and approved by the appropriate vice president and the director of personnel, prior to making an offer of employment to the candidate.
- Target ranges are established by the Personnel Services Department, Office of Compensation & Classification ([301] 405-5660).

## Within Band Salary Adjustment (Exempt)

### Definition:

A "within band" salary adjustment may be appropriate when there is a significant change in duties to an exempt position, which substantially increases the level of skill, required effort, and responsibility of the incumbent.



**Policies:**

[UMCP Policy VII-9.11\(A\)](#), (University of Maryland Policy and Procedures on Salary Administration for Regular Exempt Employees, Effective 2/27/2000)

**Applicability:**

- Exempt [regular](#) employees

**Additional Rules:**

- The market mean will be used as a target to set the incumbent's salary. The departmental administrator shall have the authority to establish a salary at 112% of the incumbent's current base pay (excluding acting capacity, if appropriate). Inasmuch as a "within band" salary adjustment is a position action indicative of the position's change in essential duties, it must be reviewed and approved by the Personnel Services Department prior to making the salary adjustment.
- Within band salary adjustments that exceed the 12% threshold must be reviewed and approved by the appropriate vice president and the director of personnel prior to making the salary adjustment.



## **SECTION IV: MISCELLANEOUS**

### **Nonexempt and Exempt Employees**

## SECTION IV MISCELLANEOUS

### Contingent Employment

#### Definition:

Contingent employment is a non-regular status of employment pertaining to nonexempt and exempt staff positions only. A contingent employee is a non-faculty employee who: (1) pursuant to a written agreement, provides personal services to an institution for pay; (2) is not employed as a regular status employee in a budgeted position; (3) whose compensation, terms and conditions of employment are governed by this policy and a written contract, and not by the USM policies generally applying to regular status nonexempt and exempt staff; and (4) has an employer-employee relationship with the institution in which the institution furnishes necessary supplies and equipment, and a place to work; has the right to control/direct the details, means, and results of the performance of services; and has the right to discharge the person from employment.

#### Policy:

[BOR Policy VII-1.40](#), (Policy on Contingent Employment for Nonexempt and Exempt Employees, Effective 12/13/1996, Amended 2/9/2001)

[UMCP Administrative Procedure on Contingent Employment](#) (Effective 12/13/1996)

#### Category Definitions:

- **Contingent Category I ("C1") Employee:** A non-regular employee whose written agreement (contract) is for a term of six months or less, regardless of the percentage of time worked, and regardless of whether the position is seasonal or intermittent in nature.
- **Contingent Category II ("C2") Employee:** A non-regular employee whose written agreement (contract) is for a term of greater than six months, but not more than 12 consecutive months; is appointed full-time or on a part-time basis of 50% or more of full-time; and the appointment is not seasonal or intermittent in nature (i.e., "if-and-when-needed").

#### Additional Rules:

- **General**
  - Contingent employees appointed to either a non-exempt or exempt title and paid on an hourly basis must be compensated at time-and-one-half for any hours in a paid status over 40 in the standard workweek. Employees appointed to an exempt title and paid on a bi-weekly salaried basis shall not be entitled to payment for overtime hours worked.



- **Category I (C1) Employees:**

- shall not be entitled to receive fringe benefits;
- shall not receive service credit for time served in the category unless they have worked 50% or more of full-time, on a consecutive basis, immediately preceding appointment to a regular status position through a competitive process. "Service credit" is not applicable to any retirement rights;
- may have their contract renewed indefinitely by executing new contracts of up to six months at a time for 49% or less of full-time employment. However, if the contract is for 50% or more of full-time employment lasting for a period of six consecutive months, the C1 employee shall be eligible for contract renewal to a lifetime maximum of 12 months as a C1 in that position.
- will not be required to have an appointment end date only if the C1 appointment is paid by a Non-Standard (event/assignment basis) payment method.

- **Category II (C2) Employees:**

- shall be entitled to service credit for all time served in this category, if appointed without a break in service as a regular status employee if converting after January 1997. If converted to regular status prior to January 1997, employee shall be entitled to 2 years of service credit. "Service credit" is not applicable to any retirement rights;
- shall be converted to a regular status position after two consecutive years of service in contingent category II at the same institution, unless (1) the institution abolishes the position; or (2) the employee failed to receive a rating of at least a "meets expectations" on the most recent PRD;
  - . this conversion provision does not apply to C2 employees funded through research/contract & grants, or those employees who have chosen not to convert;
  - . departments shall not fail to renew the contract of a C2 employee who received a "meets expectations" or better solely in order to avoid conversion to regular status;
- shall receive at least the minimum benefits specified in the policy, pro-rated for contracts of less than one year and/or for less than full-time employment (see section entitled [Contingent Category II Leave Benefit Accrual Options](#), as follows).
- in lieu of the minimum leave benefits specified in the policy, the C2 employee may receive the same leave benefits as those available to regular employees in a





similarly-situated job class and employment category; see section entitled [Contingent Category II Leave Benefit Accrual Options](#) (below):



### Contingent Category II Leave Benefit Accrual Options

Length of Continuous Service	Annual Leave	Sick Leave	Personal Leave	Holidays
<b>Minimum</b> guarantee under BOR Policy VII-1.40, irrespective of length of service:	5	3	0	8

**OR**

Elect the appropriate negotiable leave benefit, consistent with employment category and length of service, as follows:

<b>Nonexempt:</b>				
Beginning with the 1 <sup>st</sup> year through completion of the 5 <sup>th</sup> year of service	10	15	3	14
Beginning with the 6 <sup>th</sup> year through completion of the 10 <sup>th</sup> year of service	15	15	3	14
Beginning with the 11 <sup>th</sup> year through completion of the 20 <sup>th</sup> year of service	20	15	3	14
Beginning with the 21 <sup>st</sup> year and thereafter	25	15	3	14

<b>Exempt:</b>				
Beginning with the 1 <sup>st</sup> month through completion of the 20 <sup>th</sup> year of service	22	15	3	14
Beginning with the 21 <sup>st</sup> year and thereafter	25	15	3	14

- The written employment agreement shall stipulate whether annual leave not used by the end of the contract term shall be (1) carried forward if the contract is renewed, or (2) forfeited. Further, upon separation, unused annual leave shall be liquidated/paid off or forfeited, as stipulated in the employment agreement.