



Procedure on Annual Leave for Nonexempt Employees

(Approved by the President on August 16, 2005)

I. PURPOSE

This procedure clarifies terms used in BOR VII - 7.00 Policy on Annual Leave for Administrative and Classified Personnel, and outlines the procedure for leave usage. This procedure applies to Regular and Contingent Category II Nonexempt employees.

II. BACKGROUND

BOR VII - 7.00 Policy on Annual Leave for Administrative and Classified Personnel requires that each USM institution develop procedures to implement this policy. BOR VII - 7.01 Policy on Annual Leave for Regular Exempt Employees removes Exempt employees from VII - 7.00, leaving the policy to cover only Nonexempt employees. This UMBI procedure applies to both Regular status and Contingent Category II Nonexempt employees.

III. DEFINITIONS

- A. Administrative Personnel - As used in BOR VII - 7.00, Administrative Personnel refers to employees now called Exempt Employees. The term includes former Associate Staff, Classified-Exempt Staff, and Academic Administrators.
- B. Classified Personnel - As used in BOR VII - 7.00, Classified Personnel refers to employees now called Nonexempt employees.
- C. CEO or Designee - For purposes of this procedure, the CEO's designee shall be a Center Director or a Vice President.
- D. Unit Head - Refers to a Center Director, a Vice President, or the President.

IV. EARNED LEAVE

- A. Regular Status Nonexempt Employees Annual Leave for regular status full-time Nonexempt employees will be earned according to the schedule outlined in BOR VII-7.00. Leave is earned and credited on a biweekly basis.
- B. Contingent Category II Nonexempt Employees Contingent Category II Nonexempt Employees will earn Annual Leave at the rate specified in the Employment Contract. The leave earning rate shall not be greater than what a regular status employee with the same service credit would earn. Leave is earned and credited on a biweekly basis.

V. LEAVE ADVANCEMENT

BOR VII - 7.00 provides for the possibility that the UMBI President may advance up to 5 days of Annual Leave to a Regular status Nonexempt employee.

- A. An employee wishing to request advanced Annual Leave shall make a written request to the Supervisor, explaining the reason for the request and confirming that no other leave, including personal leave, compensatory leave or sick leave (as appropriate) is available

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to the employee.

- B. The Supervisor shall review the request. If the Supervisor supports the request, the Supervisor shall confirm in writing that such an advance would not impair the work of the unit and that the employee has demonstrated a substantial need for such leave.
- C. The Supervisor shall forward the request to the Unit Head. If the Unit Head supports the request, he/she will so indicate on the request and forward it to the Assistant Vice President for Human Resources, who will confirm that no other appropriate leave is available to the employee. The Assistant Vice President for Human Resources shall forward the request to the President.
- D. The President will review the request, provide a written decision on the request, and return the request to the Assistant Vice President for Human Resources.
- E. The Assistant Vice President for Human Resources will return the written decision to the requesting Unit Head or designee, who will arrange for the approved leave to be added to the employee's Annual Leave Balance.

VI. PAYMENT FOR DENIED ANNUAL LEAVE

- A. Supervisors are expected to work with employees to schedule annual leave usage during the calendar year. As an extraordinary exception and only where operational activity requires that the supervisor must deny a request for use of annual leave, a supervisor may recommend payment for a maximum of 5 days of annual leave that otherwise would be lost consistent with the restrictions set forth in Section II of the BOR Policy VII – 7.00 Policy on Annual leave for Administrative and Classified Personnel.
- B. The supervisor's recommendation shall include a written explanation of why the lost annual leave was not taken at another time during the year.

The recommendation shall be submitted to the Unit Head. If approved by the Unit Head, documentation of the request and approval shall be submitted to the Assistant Vice President for Human Resources, who will forward the request to the CEO. If approved by the CEO, the Assistant Vice President for Human Resources will notify the Unit Head to submit the payment through the normal payroll process.

- C. This procedure is not intended to allow employees to regularly accumulate annual leave for payment at the end of the year.
- D. The Employment Contract for Contingent Category II Nonexempt employees shall address whether Annual Leave will be paid out, carried over or forfeited upon expiration of the contract. In unusual circumstances, a supervisor may seek approval to pay a Contingent II employee for unused Annual Leave, despite contractual provisions dictating leave forfeiture, by following the procedure outlined in Section IVA.- D. of this procedure.

APPROVED: Jennie C. Hunter-Cevera, 8/16/05