



Procedure on Leave for Legal Actions for Exempt and Nonexempt Employees

(Approved by the President on January 18, 2005)

I. PURPOSE & APPLICABILITY

This procedure details the process an employee should follow in order to be absent from duty for certain legal actions, without loss of any pay or use of accrued leave. This procedure applies to regular status Exempt and Nonexempt employees as well as Contingent Category II Exempt and Nonexempt employees.

II. BACKGROUND

BOR VII - 7.22 Policy on Leave for Legal Actions for Administrative and Classified Personnel requires that each University System of Maryland (USM) institution prepare procedures, as necessary, to implement this policy. BOR VII - 7.22 applies only to regular status employees, but UMBI chooses to include Contingent Category II employees in this procedure.

III. DEFINITIONS

- A. Administrative Personnel - As used in BOR VII 7.22, Administrative Personnel are now called Exempt Employees. The term includes former Associate Staff, Classified-Exempt Staff, and Academic Administrators.
- B. Classified Personnel - As used in BOR VII - 7.22, Classified Personnel are now called Nonexempt Employees.

IV. PROCEDURE

A. Unpaid Court Appearance

An employee who receives a summons to appear in a court action, before a grand jury, before an administrative agency, or for a deposition, and who is neither a party to the action nor a paid witness, must provide his/her supervisor with a copy of the summons when requesting leave for this purpose. The employee shall code the absence on the electronic time record as paid Legal Action leave. A copy of the summons will be placed in the employee's file as documentation of leave usage.

B. Paid Court Appearance

1. An employee who is summoned as a paid witness in such an action shall note the absence on the electronic time sheet as an appropriate paid leave category (Annual, Personal, Holiday or Compensatory Leave, if applicable).
2. If the employee does not have sufficient paid leave to cover such an absence, the employee may be granted Approved Leave Without Pay (see BOR VII - 7.12). The employee shall code the absence on the electronic time record as Unpaid Leave Without Pay.
3. If the employee merely receives the nominal court witness payment, the employee may endorse the check to UMBI and not have the period charged

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against leave.

4. A copy of the summons will be placed in the employee's file as documentation of leave usage

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