



Procedure on Sick Leave for Nonexempt and Exempt Staff

(Approved by the President on January 7, 2004)

I. PURPOSE & APPLICABILITY

The procedure implements BOR Policy VII – 7.45 Policy on Sick Leave, confirms certain details of that policy, and provides clarifying information of certain details. This procedure applies to all regular status Non-Exempt and Exempt Staff employees of the University of Maryland Biotechnology Institute (UMBI).

II. BACKGROUND

This UMBI policy and procedure provide information about the President’s designee in certain circumstances and clarifies UMBI’s philosophy under certain conditions.

III. DEFINITIONS

- A. “Advanced Sick Leave” is defined in Section V. of BOR Policy VII – 7.45 Policy on Sick Leave.
- B. “Extended Sick Leave” is defined in Section VI. of BOR Policy VII – 7.45 Policy on Sick Leave.
- C. “Sick Leave” means paid leave granted to employees in an effort to provide some protection against the loss of earnings due to absences for health and certain related reasons.
- D. “UMBI Unit Head” means a Center Director, the Vice President of a UMBI administrative unit, or the President

IV. USE OF SICK LEAVE

A. General Provisions

- 1. Sick Leave is designed to provide paid leave in the circumstances specified in Section II.E. of BOR Policy VII-7.45 Policy on Sick Leave.
- 2. UMBI standard forms shall be used for the following occasions: Advanced Sick Leave, Extended Sick Leave, and Family and Medical Leave.
- 3. Each UMBI Unit should establish notification procedures for the employees to report absences/use of sick leave. Failure to follow established notification procedures may result in the absences being designated unauthorized without pay and subject the employee to appropriate administrative/disciplinary action.

B. Link to Family and Medical Leave

- 1. An employee who is on earned sick leave, advanced or extended sick leave for a purpose defined in the Policy on Family and Medical Leave (BOR VII – 7.50) shall have the absence applied toward the maximum Family and Medical Leave entitlement of 12 work weeks per calendar year. These purposes

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include: The birth of the employee's child, the placement of a child with the employee for adoption, the need to take care of the employee's child within a 12-month period from birth or placement, the need to take care of the employee's immediate family member who has a serious health condition, and the serious health condition of the employee. Such integration of paid leave shall be consistent with the provisions of the Policy on Family and Medical Leave.

2. Refer to the Policy on Family and Medical Leave (BOR VII-7.50) for specific definitions, provisions, requirements and details.

C. Use of Sick Leave to Care for Immediate Family Members

1. Advanced and Extended Sick Leave may not be used for this purpose.
2. Up to fifteen (15) days of the employee's accrued sick leave shall be granted by the UMBI Unit Head during any one (1) calendar year for medical care of a family member.
3. Use of sick leave for an illness of an employee's immediate family shall be recorded as such on the employee's time sheet.

D. Death of a Member of the Employee's Immediate Family

1. For the death of a close relative, the UMBI Unit Head shall grant the use of up to three (3) days of accrued sick leave. If the death of a close relative requires an employee to travel requiring staying away from home overnight, upon request the UMBI Unit Head shall grant the use of up to a maximum of five (5) days of accrued sick leave for this purpose.
2. Close relative as used in this section of this policy shall mean spouse, child, step-child, mother, father (or someone who took the place of a parent), mother-in-law, father-in-law, grandparent of the employee or spouse, grandchild, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law, or other relative who permanently resided in the employee's household.
3. The UMBI Unit Head shall grant the use of up to a maximum of one (1) day of sick leave for reasons related to the death of the employee's or his/her spouse's aunt, uncle, niece, nephew, or the spouse's brother-in-law or sister-in-law.
4. If additional time off is required, the UMBI Unit Head or designee should make all reasonable efforts to arrange the work so that the employee may take other earned leave for this purpose.

E. Pregnancy-related Disabilities and Childbirth

1. For the purpose of this procedure, absences due to pregnancy, childbirth and immediate physical recovery from childbirth are considered a temporary disability. A female employee may use sick leave to cover any period of temporary disability that is certified by her medical provider during pregnancy or related to childbirth and immediate physical recovery from childbirth. If the employee does not have enough earned sick leave to cover this period of disability, she may request advanced sick or extended sick leave consistent with the provisions of the BOR Policy on Sick Leave and this procedure. The

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employee may be required to provide a medical certificate to verify the length of the employee's temporary disability.

F. Care of a Child Immediately After Birth or Placement of a Child with the Employee for Adoption

1. An employee may take up to a maximum of 30 days of accrued sick leave immediately following a birth to care for the newborn child. This 30 days of leave will generally coincide with sick leave that the employee takes for recovery immediately following the birth of a child and with the 12-week allowance for Family and Medical Leave.
2. In cases of adoption, only the person who has primary responsibility for the care and nurture of the child is eligible to use sick leave for this purpose. If both parents are USM employees, sick leave is available to only one parent for this purpose.

G. Medical Certification

1. The UMBI Unit Head may require the employee to present a medical certificate to verify the use of sick leave, advanced sick leave and/or extended sick leave, to ensure medical attention and fitness for duty, and/or to prevent the abuse of sick leave.
2. The UMBI Unit Head should not routinely require a medical certificate for all usage of sick leave.
3. When considering whether to require a medical certificate to verify the use of sick leave for circumstances other than advanced and/or extended sick leave or to care for an ill or injured immediate family member, the UMBI Unit Head should evaluate the need for verification based on the indicators listed below. These indicators may assist the Unit Head in determining the need for medical attention for the employee or the existence of potential abuse of sick leave, including excessive use of sick leave. These indicators include, but are not limited to:
 - a. the employee appears unfit for duty (demonstrates some limitation in his/her ability to perform some or all of the job tasks due to illness, injury or other disability);
 - b. the employee complains of a medical condition(s) and indicates that he/she has not sought medical attention;
 - c. the employee indicates that he/she cannot perform a job task(s) due to a medical condition;
 - d. the employee has provided medical certificates for absences in the past, however, the certificates have not provided adequate information as required in item IV.B. of the BOR Policy on Sick Leave;
 - e. the appropriate administrator notes a pattern to the employee's absences (i.e., consistent absences on a particular day of the week or on days when projects/assignments are due);

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- f. the appropriate administrator has reason to believe that the employee is not sick (based on observation or other relevant evidence);
 - g. the employee uses more sick leave than is needed (and verified by the appropriate administrator) for a medical appointment;
 - h. the employee's absences are having a negative impact on the employee's ability to accomplish work tasks (i.e., assignments are not completed).
4. Impact of Abuse of Sick Leave and/or Excessive Absenteeism
- a. Abuse of sick leave may result in progressive disciplinary action.
 - b. Attendance standards should be defined by the supervisor in the Performance Evaluation factors. Excessive use of sick leave can be defined as a consistent pattern of unscheduled absences which have a negative impact on the employee's ability to accomplish work tasks.

H. Requirement for Medical Examination

1. An UMBI Unit Head or designee may require an employee to undergo a medical evaluation/examination, at the expense of the Unit, in order to determine whether the employee is able to perform the responsibilities of his/her position regularly and routinely. A UMBI Unit Head or designee may also require an employee to provide verification of fitness for duty before being allowed to return to work following an absence due to illness, injury or disability.
2. In order to request a medical evaluation/examination as described in the BOR Policy on Sick Leave, the UMBI Unit Head or designee shall make a written request to the Assistant Vice President for Human Resources, describing the reason(s) for the request. Once approved by the Assistant Vice President, he/she will work with the UMBI Unit Head or designee to select an appropriate practitioner to perform the medical evaluation/examination of the employee.
3. If the evaluation/examination determines that the employee is unable to regularly and routinely perform the responsibilities of his/her position, the UMBI Unit Head should consult with the Assistant Vice President for Human Resources for guidance on employment options. These options may include reasonable accommodation (if applicable), modified duty, long-term disability (if available), disability retirement, voluntary separation or termination.

I. Advanced Sick Leave

1. Advanced Sick Leave may be requested for absences of an extended period subject to the provisions outlined in Section V of the BOR Policy on Sick Leave. Advanced sick leave will not be granted for absences of single days of occurrence. However, an employee who is recovering from a temporary illness, injury or serious disability and who needs to be absent intermittently for ongoing treatment/medical care or an employee who initially needs to return to work on a part-time, transitional basis as part of recovery may also request advanced sick leave.

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2. See the BOR Policy on Sick Leave for eligibility requirements and maximum amount of leave that may be extended.
3. The employee or someone on the employee's behalf shall complete the "Request for Advanced Sick Leave" form and submit it to his/her UMBI Unit Head for consideration. The request shall also include a medical certificate as described in Sections VI.B. and C. of the BOR Policy on Sick Leave.
4. The UMBI Unit shall forward the form with its recommendation to the Assistant Vice President for Human Resources for approval prior to the date on which the leave is to commence.
5. An employee who is on advanced sick leave continues to earn sick leave and annual leave, but it is used at the time it is earned. Personal leave is credited while the employee is on advanced sick leave but it is used at the time it is credited. If a holiday occurs during a period of advanced sick leave, the day is considered a holiday and not an advanced sick leave day when observed during the advanced sick leave period. Worksite closures because of weather or emergency conditions do not reduce advanced sick leave usage.
6. The use of advanced sick leave constitutes a debt for which payment shall be enforceable upon the employee's return to work or upon the employee's separation from employment, whichever is earlier. Upon return to work, the minimum rate of payback for advanced sick leave shall be at one-half the rate that sick leave and annual leave are earned. The employee shall designate the desired rate of pay-back on the Application for Advanced Sick Leave. An employee may elect to pay back advanced sick leave by applying any earned leave or by reimbursing the UMBI with cash. Any change to the original arrangement for pay-back of advanced sick leave shall be made in writing.
7. The Assistant Vice President for Human Resources will not approve a request for advanced sick leave if the illness, injury or disability occurred on the job and the employee has been granted temporary total disability benefits by the Workers' Compensation Commission or is on accident leave.
8. The Assistant Vice President for Human Resources will not approve a request to use advanced sick leave for illness or death of an employee's family member.
9. It is the responsibility of the UMBI Unit's leave clerk to establish a ledger to account for advanced sick leave taken and repaid. Advanced sick leave granted and repayment is not recorded in the automated leave system.

J. Extended Sick Leave

1. Extended sick leave may be requested for absences of an extended period subject to the provisions outlined in item VI of the BOR Policy on Sick Leave. Extended sick leave will not be granted for absences of single days of occurrence. However, an employee who is recovering from a temporary illness, injury or serious disability and who needs to be absent intermittently for ongoing treatment/medical care or an employee who initially needs to return to work on a part-time, transitional basis as part of recovery may also request extended sick leave.

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2. See the BOR VII – 7.45 Policy on Sick Leave for eligibility requirements and maximum amount of leave that may be extended.
3. The employee or someone on the employee's behalf shall complete the "Request for Extended Sick Leave" and submit it to his/her UMBI Unit Head for consideration. The request shall also include a medical certificate as described in Sections IV.B. and C. of the BOR Policy on Sick Leave.
4. The UMBI Unit shall forward the request to the Assistant Vice President for Human Resources for approval prior to the date on which the leave is to commence.
5. See the BOR Policy on Sick Leave for eligibility requirements and maximum amount of leave that may be extended.

V. OTHER RELATED POLICIES

For other related policies and their provisions, please see:

BOR VII – 7.11 Policy on Leave Reserve Fund
BOR VII – 7.12 Policy on Leave of Absence Without Pay
BOR VII – 7.40 Policy on Accident Leave
BOR VII – 7.50 Policy on Family and Medical Leave.