

WORK SCHEDULES FOR REGULAR EXEMPT EMPLOYEES

I. PURPOSE.

The purpose of this policy is to specify the details relevant to work schedule and timekeeping requirements for regular exempt employees of UMBC. This policy is written in compliance with the University System of Maryland Policy VII-6.10: Policy on Work Schedules for Regular Exempt Employees (approved by the Board of Regents, effective January 2 and January 12, 2000).

II. WORK SCHEDULE REQUIREMENTS.

Employees in exempt positions are expected to work the hours necessary to complete assignments. For full-time exempt employees, the work schedule is 80 hours per bi-weekly payroll period. If the number of hours necessary to complete an assignment exceeds 80 hours within a payroll period, the employee is expected to work a reasonable number of additional hours as part of the employee's job requirements. UMBC's official hours of business will continue to be 8:30 a.m. to 4:30 p.m. During business hours, each office is expected to be fully operational.

III. COMPENSATORY LEAVE.

- A.** In instances when a specific project has been identified and received prior approval, an exempt employee's division head may recommend to the Director of Human Resources/Relations that the employee be granted compensatory leave for hours worked beyond the 80-hour bi-weekly schedule. Upon written approval of Department of Human Resources/Relations, the employee will be granted the compensatory leave requested.
- B.** Compensatory leave must be used within 1 year from the date on which it was earned. At no time may the compensatory leave exceed 10 days.
- C.** When an exempt employee leaves UMBC service, the employee will not be paid for unused compensatory leave. The unused compensatory leave is forfeited at that time and will not be restored upon reinstatement of the employee.
- D.** The Department of Human Resources/Relations will provide an annual statistical report to the President of compensatory time requested and approved/denied.

IV. TIMEKEEPING.

Consistent with the Fair Labor Standards Act (FLSA), positive leave documentation will be prepared by exempt employees of UMBC. Time sheets are due to the Department of Human Resources/Relations on the Friday after the pay period has ended (every pay day) by 12:00 noon.

ANNUAL LEAVE FOR REGULAR EXEMPT EMPLOYEES

I. PURPOSE.

The purpose of this policy is to specify the details relevant to the earning, accumulation, and use of annual leave by regular exempt employees of UMBC. This policy is written in compliance with the University System of Maryland Policy VII-7.01: Policy on Annual Leave for Regular Exempt Employees (approved by the Board of Regents, effective January 2 and January 12, 2000).

II. RATE OF EARNINGS OF ANNUAL LEAVE.

Full-time exempt employees earn 22 days of annual leave per calendar year. This leave is accumulated on a bi-weekly basis. Beginning with the 21st year of USM and/or State of Maryland employment, full-time exempt employees earn annual leave at the rate of 25 days per calendar year. Part-time exempt employees who work at least 50 percent of a full-time work schedule earn annual leave on a pro-rated basis.

III. ACCUMULATION OF ANNUAL LEAVE.

Annual leave is available to the extent earned, provided that the dates of the leave have been approved in advance by the employee's supervisor. Full-time exempt employees may carry over a maximum of 50 workdays into a new calendar year. The maximum number of workdays that may be carried over by part-time exempt employees who work at least 50 percent of a full-time work schedule will be pro-rated. Unused annual leave is forfeited at the beginning of the first full pay period of the next calendar year.

IV. PAYMENT FOR DENIED ANNUAL LEAVE.

At the end of a calendar year, a division head may recommend to the Department of Human Resources/Relations that an exempt employee be paid for annual leave that would otherwise be forfeited according to Section III of this policy (appropriate documentation explaining why leave could not be granted during the regular calendar year must accompany request). Upon review and consideration, the Director of the Department of Human Resources/Relations will submit a written recommendation for/against payment of unused annual leave to the President/designee for final approval/denial. Payment is limited to unused annual leave that is in excess of the maximum accumulation of 50 workdays. It is the responsibility of the employee and the supervisor to make every attempt to utilize accrued leave during the regular calendar year.

V. TRANSFER OF ANNUAL LEAVE.

When an exempt employee transfers from UMBC to another institution in the University System of Maryland or transfers from one department to another department at UMBC and/or moves from one employment category to another, or from the State of Maryland to UMBC, all unused annual leave will be transferred.

VI. TERMINATION PAYMENT FOR ANNUAL LEAVE.

Exempt employees who leave UMBC are entitled to compensation for any unused annual leave that has been credited and available for use as of the date of separation.

HOLIDAY LEAVE FOR REGULAR EXEMPT EMPLOYEES

I. PURPOSE.

The purpose of this policy is to specify the details relevant to the earning of holiday leave by regular exempt employees of UMBC and to the observance and scheduling of holidays. This policy is written in compliance with the University System of Maryland Policy VII- 7.30 : Policy on Holiday Leave for Regular Exempt Employees (approved by the Board of Regents, effective January 2 and January 12, 2000).

II. EARNING OF HOLIDAY LEAVE.

Full-time exempt employees earn 11 holidays per year, or 12 holidays during years of general or congressional elections, and any other special observance as required by the Legislature and Governor. Part-time exempt employees who work at least 50 percent of a full-time work schedule earn holiday leave on a pro-rated basis. Exempt employees must be in a paid employment status on the calendar date of the holiday in order to be eligible for holiday pay when the holiday is observed by UMBC.

III. OBSERVANCE OF HOLIDAYS.

A. The holidays observed by the State and their calendar dates are as follows:

| Holiday | Calendar Date or Day |
|--|-----------------------------|
| New Year's Day | January 1 |
| Dr. Martin Luther King, Jr.'s Birthday | Third Monday in January |
| Presidents' Day | Third Monday in February |
| Memorial Day | Last Monday in May |
| Independence Day | July 4 |
| Labor Day | First Monday in September |
| Columbus Day | Second Monday in October |
| Veterans' Day | November 11 |
| Thanksgiving Day | Fourth Thursday in November |
| Friday after Thanksgiving Day | Fourth Friday in November |
| Christmas Day | December 25 |

- B.** The President of UMBC or designee may schedule the observance of certain holidays on days other than the calendar dates of occurrence. Each year, a schedule which lists the holidays and the UMBC dates of observance is issued. An exempt employee may be required to perform duties on a holiday to meet operational needs. If an exempt employee is required to work on a date that UMBC observes a holiday, the employee will be granted leave for the holiday on a different day.
- C.** Three additional holiday leave days each calendar year will be observed at the discretion of the President of UMBC or designee.
- D.** When a holiday falls on a Saturday, it is earned the Friday immediately before. When a holiday falls on a Sunday, it is earned on the following Monday.

IV. SCHEDULING OF HOLIDAYS FOR CONTINUOUS OPERATIONS.

UMBC departments that must provide service on a continuous seven-day-a-week basis may schedule an exempt employee's holidays. Those departments may schedule a specific day or days each month as a day or days off. Those days will be treated in the same manner as regular holidays are treated for other exempt employees. For employees in this category, 1 day of holiday leave will be granted for each month, except for the months of January and July, when 2 days of holiday leave will be granted. During years of general or congressional elections, an additional day will be granted for the month of November. UMBC division heads have sole discretion to determine which exempt employees in their departments will be placed in this category.

V. CARRYOVER.

With the approval of a division head, an employee's unused holiday leave may be carried over into the next calendar year. Holiday leave carried over must be used prior to the recurrence of the holiday.

VI. TERMINATION PAYMENT.

Upon separation from UMBC, all earned unused holiday leave will be paid to exempt employees.

REASSIGNMENT OF REGULAR EXEMPT EMPLOYEES

I. PURPOSE.

The purpose of this policy is to specify the details relevant to reassignment and the modification of duties, responsibilities, and/or reporting relationships of regular exempt employees of UMBC. This policy is written in compliance with the University System of Maryland Policy VII-9.51: Policy on Reassignment for Regular Exempt Employees (approved by the Board of Regents, January 2 and January 12, 2000).

II. MODIFICATION OF DUTIES AND RESPONSIBILITIES.

Based upon operational needs and/or organizational necessity, a division head may modify the duties, responsibilities and/or reporting relationship(s) of a regular exempt employee's position. This modification may result in the movement of the employee from the employee's position to another similar or comparable position, an action known as reassignment. The division head must consider the employee's knowledge, skills, abilities, and salary in making a determination to reassign the employee.

III. NOTICE OF REASSIGNMENT.

- A.** If an exempt employee is being reassigned within the department in which the employee is currently working, the employee's division head must give written notice of the reassignment to the employee at least 2 weeks prior to the action.
- B.** If an exempt employee is being reassigned from the department in which the employee is currently working to another department, the written agreement of both division heads is required. The employee must be given written notice of the reassignment at least 2 weeks prior to the action.

IV. FAILURE TO REPORT TO REASSIGNED POSITION.

Failure of an exempt employee to report to a position to which the employee has been reassigned will be considered an immediate voluntary resignation.

LAYOFF AND RECALL OF REGULAR EXEMPT EMPLOYEES

I. PURPOSE.

The purpose of this policy is to specify the details relevant to reasons and justification for layoff of regular exempt employees of UMBC and the required periods of notice of layoff and recall following layoff. This policy is written in compliance with the University System of Maryland Policy VII-1.31: Policy on Layoff and Recall of Regular Exempt Employees, (approved by the Board of Regents, January 2 and January 12, 2000).

II. LAYOFF AND NOTICE.

- A.** A layoff of a regular exempt employee may occur when a division head or designee determines that it is necessary to abolish a position because of a reduction or termination of funds, a program change, a change in departmental organization, or a stoppage or lack of work.
- B.** The division head or designee must submit to the President of UMBC or designee a written request and justification for the layoff.
- C.** After authorization by the President of UMBC or designee for the layoff, the Department of Human Resources/Relations will provide the exempt employee written notice of the layoff at least 90 calendar days before the layoff is to become effective.
- D.** If UMBC is provided less than 90 days notice of a reduction or termination of funds by the funding source, an exempt employee may be laid off with less than 90 calendar days notice. The employee must be notified as soon as possible, but no later than 5 workdays following notice to UMBC by the funding source of the reduction or termination of funds.
- E.** Notice of layoff will be delivered to the exempt employee in person or by certified mail to the employee's last known address.

III. RECALL STATUS.

- A.** An employee who is laid off from an exempt position will be recalled for reappointment following a layoff if, within 1 calendar year from the effective date of the layoff, the specific position from which the layoff occurred is reestablished.
- B.** A person who is appointed to any position at UMBC within 3 years of being laid off will be considered in a reinstatement status as provided for in the University System of Maryland Policy on Reinstatement, Policy VII- .
- C.** The layoff of an employee as an exempt position will not affect any faculty tenure rights which the employee may hold in an academic department of UMBC.

SEPARATION OF REGULAR EXEMPT EMPLOYEES

I. PURPOSE AND APPLICABILITY.

- A.** The purpose of this policy is to specify the details relevant to separation procedures for regular exempt employees of UMBC, who are employed on an at-will basis. Employment on an at-will basis means that, subject to applicable laws and policies, the employment relationship may be terminated at any time by either the employee or UMBC. This policy is written in compliance with the University System of Maryland Policy VII-1.22: Policy on Separation for Regular Exempt Employees (approved by the Board of Regents, January 2 and January 12, 2000).
- B.** Exceptions.
1. Excluded from this policy are regular UMBC employees in the following exempt positions:
 - a. Officers: vice presidents, provosts, and academic deans.
 - b. Associate and assistant vice presidents, associate and assistant provosts, and associate and assistant academic deans.
 2. Subject to the approval of the Chancellor, the President of UMBC or designee may designate key positions in addition to those listed under section I.B.1., above, to be exceptions to this policy. Appointees to those positions will be notified of this designation at the time of appointment. (For treatment of incumbents, refer to University System of Maryland Policy on Implementation of Phase II - Exempt of the USM Pay Program.)

II. PERIOD OF NOTICE.

- A.** Notice by employee to UMBC.

An employee who wishes to end employment with UMBC should provide at least 30 calendar days written notice to the employee's supervisor and should provide a copy of the notice to the Department of Human Resources/Relations.

B. Notice by UMBC to employee.

An employee may be involuntarily separated from UMBC and will be provided with written notice. Service for determining the length of the notice period is based upon institutional service, rather than USM service and shall include prior institutional service, provided that there were no breaks in service longer than 3 years.

An Exempt employee from another USM institution who is offered an Exempt position at UMBC may be credited with prior USM service for purposes of calculating the required period of notice upon separation. Any such decision to credit prior service at another USM institution shall be noted in the employee's personnel file at the time of appointment and become effective after satisfactory completion of the probation period. The periods of notice are as follows:

| Years of University System of Maryland Service | Period of Notice |
|---|-------------------------|
| Less than 1 year | 1 month |
| 1 year, but less than 4 years | 3 months |
| 4 years, but less than 7 years | 6 months |
| 7 years, but less than 10 years | 9 months |
| 10 years or more | 12 months |

- C.** With prior approval from the Director of Human Resources/Relations, an employee who has been notified of a period of notice separation may be placed in an administrative leave with pay status for any part or all of the period of notice. During the period of administrative leave, the employee will not earn annual leave, sick leave, holiday leave, or personal leave.
- D.** After receiving notice of separation, the employee may be assigned alternate duties and responsibilities for any part or all of the period of notice.
- E.** The required notification periods do not apply if the employee is to be separated from UMBC for moral turpitude, incompetency, willful neglect of duty, illegal actions, gross misconduct, severe safety violations, failure to accept reassignment, or a medical condition causing the employee's inability to perform essential job duties with reasonable accommodations required by law.
- F.** An employee may file a grievance if UMBC fails to provide required written notice of separation.

III. PROBATION AND REJECTION ON PROBATION.

- A.** A UMBC employee who voluntarily applies for and accepts an exempt position is in a probationary status during the first year of appointment to the exempt position. A new hire into an exempt position must serve a 1- year probation period. During the probation period, exempt employees earn and have available for use sick leave, annual leave, personal leave, and holiday leave.
- B.** If an incumbent has completed a probation period for a non-exempt position and the position is changed to an exempt position, the incumbent will be considered to have completed the probation period for the exempt position.
- C.** If an incumbent is serving a probation period for a non-exempt position and the position is changed to an exempt position, the incumbent will be required to serve the balance of a probation period to equal 1 year.
- D.** If an incumbent has completed at least 1 year in a faculty position and the position is changed to an exempt position, the incumbent will be considered to have completed the probation period for the exempt position.
- E.** If an incumbent has completed less than 1 year in a faculty position and the position is changed to an exempt position, the incumbent will be required to serve the balance of a probation period to equal 1 year.
- F.** A supervisor may reject an employee during the employee's probation period. The employee must be given written notice of the rejection at least 30 calendar days before the expiration of the probation period. Having received prior approval from the Director of Human Resources/Relations, the rejected employee may be placed on administrative leave as described in Section II.C. This notification period requirement does not apply if the rejection is the result of a breach of discipline or of such gross incompetence as to jeopardize essential services. The employee may file a grievance for the purpose of showing that the rejection is procedurally deficient or in violation of law.