




UNIVERSITY OF MARYLAND

UNIVERSITY SENATE

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SENATE LEGISLATION APPROVAL

Date:	May 5, 2011
To:	Wallace D. Loh
From:	Eric Kasischke Chair, University Senate 
Subject:	Revisions to the Policy and Procedures for Non-Creditable Sick Leave
Senate Document #:	10-11-37


I am pleased to forward for your consideration the attached legislation entitled, "Revisions to the Policy and Procedures for Non-Creditable Sick Leave." Robert Schwab, Chair of the Faculty Affairs Committee, presented the proposal. The University Senate approved the proposal at its May 4, 2011 meeting.

We request that you inform the Senate Office of your decision as well as any subsequent action related to your conclusion.

Enclosure: Revisions to the Policy and Procedures for Non-Creditable Sick Leave
Senate Document # 10-11-37

EK/rm

Cc: Ann Wylie, Senior Vice President for Academic Affairs & Provost
Reka Montfort, Executive Secretary and Director, University Senate
Juan Uriagereka, Associate Provost for Faculty Affairs
Terry Roach, Executive Assistant to the President
Janet Turnbull, President's Legal Office
Elizabeth Beise, Associate Provost for Academic Planning & Programs

Approved:  Date: 5/10/11
Wallace D. Loh
President



University Senate TRANSMITTAL FORM

Senate Document #:	10-11-37
PCC ID #:	NA
Title:	Non-Creditable Sick Leave Policy
Presenter:	Robert Schwab, Chair, Faculty Affairs Committee
Date of SEC Review:	April 8, 2011
Date of Senate Review:	April 21, 2011
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	The University of Maryland Legal Office has requested revisions to the University of Maryland College Park Policy and Procedure for Non-Creditable Sick Leave for Faculty Members (II-2.30(A)). Because these changes are substantive, they require Senate approval.
Relevant Policy # & URL:	II-2.30(A) University of Maryland College Park Policy and Procedure for Non-Creditable Sick Leave for Faculty Members http://www.president.umd.edu/policies/ii230a.html
Recommendation:	The Faculty Affairs Committee recommends that the Senate approve the revisions to University of Maryland College Park Policy and Procedure for Non-Creditable Sick Leave for Faculty Members (II-2.30(A)).
Committee Work:	<p>The Faculty Affairs Committee (FAC) discussed and reviewed the suggested revisions to the policy at their March 10, 2011 meeting. Following extensive discussion it was concluded that the revisions to the policy were appropriate and offered protection to faculty members needing to use non-creditable sick leave. The Committee agreed to consult with the Legal Office to ensure a comprehensive understanding of the rationale behind the revisions.</p> <p>On March 28, 2011 Robert Schwab, Chair and Juan Uriagereka, committee member met with Diane Krejsa, University Counsel, Legal Office to discuss the revisions to the policy. Schwab and Uriagereka learned that the proposed changes were largely technical, and will essentially have no effect on a faculty</p>

	<p>member’s rights and responsibilities regarding non-creditable sick leave.</p> <p>Chair Schwab reported these findings to the FAC and explained that the proposed revisions to the policy will help establish a more clearly defined campus-wide policy on non-creditable sick leave.</p> <p>The committee voted and approved the revised policy on March 30, 2011.</p>
Alternatives:	The policy could remain unchanged.
Risks:	If the policy is left unchanged, the University could be vulnerable in a legislative audit.
Financial Implications:	There are no financial implications.
Further Approvals Required: <i>(*Important for PCC Items)</i>	Senate and Presidential approval are required.

Senate Faculty Affairs Committee Report on
Non-Creditable Sick Leave Policy
March 2011

Background

The University of Maryland Legal Office has requested that revisions be made to University of Maryland College Park Policy and Procedure for Non-Creditable Sick Leave for Faculty Members (II-2.30(A)). Because of the substantive nature of the changes, Senate approval was required.

On February 16, 2011 the Senate Executive Committee (SEC) requested that the Faculty Affairs Committee (FAC) review the requested policy revisions and comment on whether they are appropriate, prior to Senate approval.

Committee Work

The FAC discussed and reviewed the suggested revisions to the policy at its March 10, 2011 meeting. Following extensive discussion, the FAC concluded that the revisions to the policy were not only appropriate but also offered protection to faculty members choosing to use non-creditable sick leave. The Committee agreed to consult with the Legal Office to ensure a comprehensive understanding of the rationale behind the revisions. Robert Schwab, Chair and Juan Uriagereka, committee member volunteered to meet with Diane Krejsa, University Counsel, Legal Office on behalf of the FAC.

The meeting with Ms. Krejsa to discuss the rationale of the requested revisions to the non-creditable sick leave policy was held on March 28, 2011. Schwab and Uriagereka learned that the proposed changes were largely technical, and will essentially have no effect on a faculty member's rights and responsibilities regarding non-creditable sick leave. In paragraph II of the current policy it states, "Each department chairperson shall develop a written procedure concerning non-creditable sick leave to cover illness, injury, or childbirth." Very few departments have developed the required policy and as a consequence face a potentially serious problem from a legislative audit.

Chair Schwab reported these findings to the FAC and explained that the proposed revisions to the policy will help to establish a more clearly defined campus-wide policy on non-creditable sick leave.

The FAC voted to approve the revised policy on March 30, 2011.

Recommendation

The Faculty Affairs Committee recommends that the Senate approve the attached revisions to the University of Maryland College Park Policy and Procedure for Non-Creditable Sick Leave for Faculty Members (II-2.30(A)).

Appendices

Appendix 1- Revised Policy

Appendix 2- Current Policy

Appendix 3- Charge

II-2.30(A) UMCP POLICY AND PROCEDURES FOR NON-CREDITABLE SICK LEAVE FOR FACULTY MEMBERS

APPROVED BY THE PRESIDENT 1 AUGUST 1991

I. Policy

In order to minimize the disruption of instruction to students, it is the policy of UMCP to provide a system of colleague substitution for instructional faculty who are absent due to incapacitation for brief periods as a result of short-term illness, ~~or injury or childbirth~~. The "collegial" method of accommodating faculty absence due to incapacitation is preferred. This is the practice whereby colleagues of the disabled faculty member assume responsibility for his/her classes and other essential functions, ~~system is~~ on a voluntary basis, in addition to carrying on their own work. ~~and must follow equitable procedures developed by each department using the guidelines set forth below.~~

~~II. Guidelines~~

~~A. Each department chairperson shall develop a written procedure concerning non-creditable sick leave to cover illness, injury, or childbirth. The procedure should include:~~

- ~~1. a statement concerning eligibility (faculty members appointed for less than one year are not eligible);~~
- ~~2. a method of record keeping,~~
- ~~3. a system of obtaining coverage on short notice,~~
- ~~4. a requirement of reporting to the department chair all absences requiring coverage as they occur, and~~
- ~~5. a system for covering long term absences beyond the non-creditable sick leave period.~~

~~B. Each department chairperson shall submit the procedure for approval to the Vice President for Academic Affairs, and a report of all colleague supported absences shall be made to the Vice President for Academic Affairs at the close of each fiscal year.~~

~~C. The written procedure shall be distributed to all faculty members within the department.~~

~~D. Non-creditable sick leave shall not exceed 25 work days per fiscal year for an individual faculty member.~~

~~E. Collegial leave in two fiscal years must be separated by at least 25 days of active service.~~

- ~~F. The maximum limit to collegiality used during the summer session is one seventh of the contract period. This will be included as part of the yearly limit.~~
- ~~G. The faculty member filling in for a colleague must have some familiarity with the course material.~~

II. Eligibility

- A. Faculty member must be an instructional faculty member.
- B. Faculty member must hold a tenured, tenure-track or non-tenured appointment of at least one semester and be eligible for benefits.
- C. Non-creditable “collegial” sick leave is available beginning the first day of an appointment.

III. Guidelines

- A. Non-creditable “collegial” sick leave shall not exceed 25 work days per year for an individual faculty member on a 12-month appointment, and shall be prorated according to the faculty member’s academic year appointment, e.g., 9-month, 9.5- month or 10-month appointment. Once a faculty member has exhausted his/her annual limit of non-creditable “collegial” sick leave, his/her creditable sick leave shall be charged.
- B. Use of non-creditable “collegial” sick leave spanning two fiscal years must be separated by at least 25 days of active service.
- C. Part-time faculty can use non-creditable “collegial” sick leave prorated to the percentage of their part-time appointment.
- D. Use of non-creditable “collegial” sick leave during the summer session is limited to a maximum of one-seventh of the summer contract period. Use of non-creditable “collegial” sick leave during the summer counts toward the faculty member’s annual limit.
- E. The faculty member filling in for a colleague must have some familiarity with the course material.
- F. Non-creditable “collegial” sick leave is not credited toward retirement and does not carry over to the next year.

IV. Procedures

- A. Faculty will track use of non-creditable “collegial” sick leave in the UMCP electronic Time Entry/Faculty Leave Reporting System.
- B. The faculty member’s supervisor will approve the non-creditable “collegial” sick leave posted in the System and monitor that the number of days taken does not exceed the faculty member’s yearly limit.

V. Accountability

- A. Departments will have access to a report and are responsible for monitoring non-creditable “collegial” sick leave usage.
- B. The Office of the Provost will conduct post-audit reviews of non-creditable “collegial” sick leave usage. If supervisors are not approving the leave records or the maximum leave limits are exceeded, written notification will be sent to the Chairs and the faculty member with a copy to the Dean.



Appendix 2
Current Policy

Consolidated USMH & UMCP Policies and Procedures Manual

II-2.30(A) UMCP POLICY AND PROCEDURES FOR NON-CREDITABLE SICK LEAVE FOR FACULTY MEMBERS

APPROVED BY THE PRESIDENT 1 AUGUST 1991

I. Policy

In order to minimize the disruption of instruction to students, it is the policy of UMCP to provide a system of colleague substitution for instructional faculty who are absent due to short-term illness or injury. This system is on a voluntary basis, and must follow equitable procedures developed by each department using the guidelines set forth below.

II. Guidelines

- A. Each department chairperson shall develop a written procedure concerning non-creditable sick leave to cover illness, injury, or childbirth. The procedure should include:
 1. a statement concerning eligibility (faculty members appointed for less than one year are not eligible),
 2. a method of record keeping,
 3. a system of obtaining coverage on short notice,
 4. a requirement of reporting to the department chair all absences requiring coverage as they occur, and
 5. a system for covering long term absences beyond the non-creditable sick leave period.
- B. Each department chairperson shall submit the procedure for approval to the Vice President for Academic Affairs, and a report of all colleague supported absences shall be made to the Vice President for Academic Affairs at the close of each fiscal year.
- C. The written procedure shall be distributed to all faculty members within the department.
- D. Non-creditable sick leave shall not exceed 25 work days per fiscal year for an individual faculty member.
- E. Collegial leave in two fiscal years must be separated by at least 25 days of active service.
- F. The maximum limit to collegiality used during the summer session is one seventh of the contract period. This will be included as part of the yearly limit.
- G. The faculty member filling in for a colleague must have some familiarity with the course material.

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Appendix 3
Charge



**University Senate
CHARGE**

Date:	February 16, 2011
To:	Robert Schwab Chair, Faculty Affairs Committee
From:	Linda Mabbs Chair, University Senate 
Subject:	Non-Creditable Sick Leave Policy
Senate Document #:	10-11-37
Deadline:	March 31, 2011

The Senate Executive Committee (SEC) requests that the Faculty Affairs Committee review the attached revisions to the UMCP Policy and Procedure for Non-Creditable Sick Leave for Faculty Members (II-2.30(A)). The Legal Office has asked that the attached revisions be made to the policy. Because these changes are substantive, the Senate must approve them.

The SEC feels that the Faculty Affairs Committee should review these revisions prior to Senate approval. We ask that you consult with Diane Krejsa in the Legal Office to understand the rationale behind the requested changes. In addition, the Faculty Affairs Committee should comment on whether the revisions are appropriate.

We ask that you submit your report and recommendations to the Senate Office by March 31, 2011 if at all possible. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Proposed Revisions to Policy

II-2.30(A) UMCP POLICY AND PROCEDURES FOR NON-CREDITABLE SICK LEAVE FOR FACULTY MEMBERS

Unknown
Field Code Changed

APPROVED BY THE PRESIDENT 1 AUGUST 1991

I. Policy

In order to minimize the disruption of instruction to students, it is the policy of UMCP to provide a system of colleague substitution for instructional faculty who are absent due to incapacitation for brief periods as a result of short-term illness, injury or childbirth. The “collegial” method of accommodating faculty absence due to incapacitation is preferred. This is the practice whereby colleagues of the disabled faculty member assume responsibility for his/her classes and other essential functions, on a voluntary basis, in addition to carrying on their own work.

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II. Eligibility

A. Faculty member must be an instructional faculty member.

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B. Faculty member must hold a tenured, tenure-track or non-tenured appointment of at least one semester and be eligible for benefits.

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C. Non-creditable “collegial” sick leave is available beginning the first day of an appointment.

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III. Guidelines

A. Non-creditable “collegial” sick leave shall not exceed 25 work days per year for an individual faculty member on a 12-month appointment, and shall be prorated according to the faculty member’s academic year appointment, e.g., 9-month, 9.5-month or 10-month appointment. Once a faculty member has exhausted his/her annual limit of non-creditable “collegial” sick leave, his/her creditable sick leave shall be charged.

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B. Use of non-creditable “collegial” sick leave spanning two fiscal years must be separated by at least 25 days of active service.

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C. Part-time faculty can use non-creditable “collegial” sick leave prorated to the percentage of their part-time appointment.

D. Use of non-creditable “collegial” sick leave during the summer session is limited to a maximum of one-seventh of the summer contract period. Use of non-creditable “collegial” sick leave during the summer counts toward the faculty member’s annual limit.

E. The faculty member filling in for a colleague must have some familiarity with the course material.

F. Non-creditable “collegial” sick leave is not credited toward retirement and does not carry

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V. Accountability

- A. Departments will have access to a report and are responsible for monitoring non-creditable “collegial” sick leave usage.
- B. The Office of the Provost will conduct post-audit reviews of non-creditable “collegial” sick leave usage. If supervisors are not approving the leave records or the maximum leave limits are exceeded, written notification will be sent to the Chair and the faculty member with a copy to the Dean.

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