

VII-7.45 – POLICY ON SICK AND SAFE LEAVE FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

(Approved by the Board of Regents December 5, 1997; Amended on June 22, 2012; Amended on February 14, 2014; Amended on TJ()Tj-0.004 Tc 0.004 Tw {w)-2 (h)-4 (o)-4 (ar)-11 (e)TJ0 Tc 0 Tw 0 -1.3

USM Bylaws, Policies and Procedures of the Board of Regents

an employee to travel, requiring staying away from home overnight, upon request the President or designee shall grant the use of up to a maximum of five (5) days of accrued SSL for this purpose.

- b) “Close relative” as used in Section III.A.4 shall mean a spouse, child, stepchild, 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, or sister-in-law.
 - c) The President or designee shall grant the use of up to a maximum of one (1) day of SSL for reasons related to the death of the employee’s or their spouse’s aunt, uncle, niece, nephew.
5. Subject to the use limits set forth in Section II.F above, domestic violence, sexual assault, or stalking committed against the employee or the employee’s family member, and the SSL is being used:
- a) To obtain for the employee or the employee’s family member:
 - i. Medical or mental health attention that is related to the domestic violence, sexual assault, or stalking;
 - ii. Services from a victim services organization related to the domestic violence, sexual assault, or stalking; or
 - iii. Legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking; or
 - b) During the time that the employee has temporarily relocated due to the domestic violence, sexual assault, or stalking.
6. Parental Leave, subject to the provisions of the USM BOR policy VII-7.49 – Policy on Parental Leave and Other Family Supports for Staff.
7. Pregnancy-related disabilities, childbirth, and immediate recovery therefrom.
8. Birth of a child or placement of a child with the employee for adoption within six months following birth or adoption.

IV. DIRECTED USE OF SSL/MEDICAL EXAMINATIONS

- A. The President or designee, in accordance with the Institution’s policy on Family and Medical Leave, may direct an employee to use accrued SSL if they determine that an employee is unable to perform the responsibilities of their position due to mental or physical illness, injury, or condition.

- B. While in either active work status or on any type of employee-related SSL, an employee may be required to undergo a medical examination(s) and evaluation(s), and may be required to provide verification of fitness for duty, as directed by the President or designee to ascertain whether the employee is able to regularly and routinely perform the responsibilities of their position.
1. If the examination is conducted by a physician selected by the USM Institution, the Institution shall bear the costs of such medical examination. The employee may, however, see their own physician at the employee's own cost.
 2. If the examination(s) reveal that an employee is unable to regularly and routinely perform the responsibilities of their position, action may be taken by the President or designee in accordance with policies on voluntary separation, termination, reasonable accommodation, modified duty, or disability retirement, if applicable.
 3. In cases where there is a conflict between the evaluation, prognosis, diagnosis or recommendation of the employee's personal health care provider and the physician selected by the USM Institution, the President or designee may choose which health care provider's report to follow; or may require subsequent medical examinations and evaluations in deciding what steps should be taken regarding the employee's sick leave status or continued employment. If subsequent medical examinations and evaluations are required, the expense of such shall be borne by the USM Institution. The decision of the President or designee is final.

V. VERIFICATION OF ABSENCES CHARGED TO SSL

- A. In order to assure medical attention for an employee or to prevent the abuse of SSL, the President or designee may require an employee to submit verification of the need to use accrued SSL, advanced or extended sick leave, including to authenticate the need for the employee to care for an ill family member.
- B. Verification may include, but may not be limited to:
1. A written statement from the medical provider (as listed in Section V.C of this Policy) indicating that the employee is required to be absent from work due to mental or physical illness, injury, or condition;
 2. The duration of absence from work;
 3. Prognosis of employee's ability to return to work;
 4. Title and original signature of an accredited, licensed or certified medical provider;

- I. The President or designee may refer an employee who is on advanced sick leave as follows:
 1. The employee may be referred to an USM Institution-named physician for periodic examinations to determine the nature and extent of the illness, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work.
 2. If there is a conflict between the employee's physician and the USM Institution-named physician, the provisions of Section IV.B.3 shall apply.

VII. EXTENDED SICK LEAVE

- A. An employee who is appointed at least 50% time and who sustains a temporary, recoverable mental or physical illness, injury, or condition, or serious disability may request Extended Sick Leave (“ESL”), subject to the following conditions:

The employee shall:

1. Have been in USM and/or State service for at least five (5) years;
 2. Have exhausted all types of accrued leave and Advanced Sick Leave; and
 3. Have a satisfactory record of work performance and no record of sick leave or SSL abuse.
- B. Extended Sick Leave is not an entitlement. The granting of requests for ESL shall be at the discretion of the President or designee based on operational needs and the employee’s record of work performance and record of sick leave or SSL abuse.
 - C. The maximum cumulative total of ESL available to an employee while in USM or State service is twelve (12) work months (52 work weeks).
 - D. Annual, sick and holiday leave earned, and personal leave credited while on ESL shall be applied as earned/credited.
 - E. Written requests for extended leave shall be submitted to the President or designee and shall be supported by written verification by an accredited, licensed or certified medical provider as outlined in Section V of this Policy.
 - F. The President or designee may refer an employee who is on ESL as follows:
 1. The employee may be referred to an Institution-named physician for periodic examinations to determine the nature and extent of the illness, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work.

IMPLEMENTATION PROCEDURES:

Each President shall identify their designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to their Institutional community, and post it on the Institutional website.