

Sick and Safe Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick and safe leave (SSL). The accrual and terms of the use of SSL for eligible employees is detailed in the department's personnel manual or applicable collective bargaining agreement or memorandum of understanding. In addition, the guidance on SSL is captured in USM Policy VII-7.45 (Policy on Sick and Safe Leave for Nonexempt and Exempt Staff Employees).

This policy is not intended to cover all types of SSL or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) or the Maryland Flexible Leave Act (Md. Code LE § 3-802).

1007.2 POLICY

It is the policy of the University of Maryland, Baltimore Police Department to provide eligible employees with SSL benefits.

1007.3 USE OF SICK LEAVE

SSL is paid leave granted to employees in an effort to provide some protection against the loss of earnings due to absences for health and allied reasons; and when certain absences are necessary due to domestic violence, sexual assault, or stalking, pursuant to the Maryland Healthy Working Families Act and the provisions of USM Policy VII-7.45.

SSL is intended to be used for qualified absences and is not considered vacation. Abuse of SSL may result in discipline, denial of SSL benefits, or both. An employee may request that their mental or physical illness, injury, or condition occurring during a period of annual or personal leave be changed to SSL. Verification may be required as provided by Section 1007.6 of this policy.

Employees on SSL shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy 1021).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1007.3.1 PERMISSIBLE USE OF SICK AND SAFE LEAVE

SSL shall be granted when an employee is absent because of:

1. Mental or physical illness, injury, or condition of the employee.
2. A pre-scheduled and approved, or emergency medical appointment, examination, or treatment for the employee with an accredited, licensed, or certified medical provider listed in Section 1007.6.2.

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3. Mental or physical illness, injury, or condition of the employee's family member, and medical appointments, examinations, or treatments for the family member with an accredited, licensed, or certified medical provider listed in Section 1007.6.2.
4. Death of a relative (see Section 1007.6.2f).
5. Domestic violence, sexual assault, or stalking committed against the employee or the employee's family member, and the SSL is being used: 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 from the domestic violence, sexual assault, or stalking.
 - iii. Legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking.
6. Parental Leave, subject to the provisions of USM Policy VI-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 (6) months following birth or adoption.

1007.3.2 NOTIFICATION

All nonexempt uniformed members (police and security) shall notify Communications as soon as they are aware that they will not be able to report to work and no less than two hours before the start of their scheduled shifts. If, due to an emergency, a nonexempt uniformed member is unable to contact Communications, every effort should be made to contact the on-duty Shift Supervisor or have a representative for the member contact the on-duty Shift Supervisor. Nonexempt civilians (administrative staff) and exempt sworn/civilian members that do not impact the duty schedule shall notify Communications or their supervisor as soon as they are aware that they will not be able to report to work but no less than two hours of their normal start time.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide their supervisor with no less than 14 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken when submitting their timesheet.

1007.4 EXTENDED ABSENCE

Members absent from duty for five or more consecutive days shall be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of fewer than five days. The UMBPD may require a member to submit an original certificate of illness or disability for absences less than five consecutive days when:

- (a) The member has a pattern within a twelve month period of maintaining a zero or near zero balance without documentation of the need for such relatively high utilization.
- (b) The member has an unusual absence pattern such as using Monday/Friday or the day before and/or after a holiday or earned leave (e.g., personal leave, annual leave, etc.) to extend their time off.
- (c) The member has five or more occurrences of undocumented sick leave usage within a twelve month period.
 1. An occurrence consists of undocumented sick leave from day 1, or up to day 4, if sick leave is used in consecutive days.
 2. On the 5th day of consecutive sick leave usage, the member must provide medical documentation for their absence.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of SSL and unscheduled absences are consistent with this policy.
- (b) Attempting to determine whether absences of four or more days may qualify as family medical leave and consulting with Human Resource Services as appropriate.
- (c) Addressing unscheduled absences and SSL use in the member's performance evaluation when excessive or unusual use has:
 1. Negatively affected the member's performance or ability to complete assigned duties.
 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive unexcused absences and/or inappropriate use of SSL.
 1. A letter of notice will be presented to the member that has 3 or 4 occurrences within a twelve-month period.
 2. A letter of counseling will be presented to the member that has 5 occurrences within a twelve month period.
 3. A letter of reprimand will be presented to the member that has 6 occurrences within a twelve-month period.
 4. The member having 7 or more occurrences within a twelve-month period will be suspended.

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- (e) Making members aware of the UMB Employee Assistance Program (EAP) and submitting referrals to EAP when appropriate.

1007.6 PROCEDURES FOR CERTIFICATION REQUIREMENT

- (a) Prior to imposing a requirement on a member for documentation of SSL use, the UMBPD shall counsel the member that future undocumented absences may trigger a requirement for certification of future occurrences of SSL.
- (b) If the member has another undocumented absence after such counseling, the UMBPD and the UMB Human Resource Services, may put the member on written notice that they must certify all SSL usage for the next six (6) months if the undocumented absence is accumulated in accordance with this section.
- (c) At the conclusion of the six (6) months, the certification requirement will be rescinded provided the member has complied with the certification requirement and is in compliance. If the member has not complied with the certification requirement, the requirement shall be extended for six (6) months from the date of the lack of compliance with the requirement. Failure of the member to provide certification as described in this section may subject the member to disciplinary action.

1007.6.1 VERIFICATION/DEFINITION

- (a) Verification may include a written statement from the medical provider indicating the member is required to be absent from work due to illness, the duration of absence from work, prognosis of member's ability to return to work, title and original signature of an accredited, licensed or certified medical provider and any other information necessary to verify that the member's use of SSL is appropriate.
- (b) Such information does not need to include information about the specific illness or health condition of the member. Verification of the reason for the absence does not excuse the unscheduled absence.

1007.6.2 MEDICAL VERIFICATION

- (a) Medical verification as outlined in this Section may be obtained from an accredited Christian Sciences practitioner, or from the following licensed or certified medical providers:
 1. Physician
 2. Physical Therapist
 3. Clinical Psychologist
 4. Dentist
 5. Oral Surgeon
 6. Chiropractor
 7. Podiatrist
 8. Certified Nurse Practitioner

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9. Certified Nurse-Midwife
 10. Licensed Clinical Social Worker
 11. Licensed Clinical Professional Counselor
 12. Physician Assistant
 13. Optometrist
 14. Any other health care provider from whom the UMB's group health plan's benefits manager will accept certification of the existence of a Serious Health Condition to substantiate a claim for benefits pursuant to the provisions of USM "Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees" (USM Policy VII-7.50).
- (b) Member's returning from extended medical leave shall notify the UMBPD forty-eight hours prior to returning to allow for staffing adjustments.
 - (c) Members on FMLA Leave are not subject to provide the above required documentation.
 - (d) The UMBPD may require a doctor's return to duty slip at any time. The UMBPD may also require a physical examination at any time to determine the physical ability of a member to continue employment.
 - (e) Upon retirement, an additional month of service credit is provided for each 22 days of unused SSL.
 - (f) SSL used because of a death in the member's family is subject to the following provisions:
 1. For the death of a close relative, the member shall be granted the use of up to five (5) days of accrued SSL, if the death of a close relative requires a member to travel and stay away from home overnight on out of state travel, the member shall be granted the use up to a maximum of seven(7) days of accrued SSL for this purpose.
 2. Close relative as used in this section of this policy 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.
 3. The member shall be granted the use of accrued SSL not to exceed one (1) workday, or three (3) workdays if overnight, out of state travel is required for the death of the employee's or their spouse's aunt, uncle, niece, or nephew.
 4. If the member requires additional time, reasonable efforts shall be made to arrange the work schedule so that the member may take annual or personal leave for this purpose.