

## LEAVE

**Scope:** This policy applies to benefits-eligible employees. Employees may consult with Human Resources & Payroll Services about specific leave coverage.

**Policy** – The College of Southern Maryland (CSM) offers a comprehensive leave program which includes annual, sick, sick flex, bereavement, and other leave in accordance with federal and state law. Employees and supervisors are responsible for monitoring leave usage and adhering to the policy and procedures contained herein.

**Annual Leave** – Annual leave is paid time off from work: vacation. Generally, annual leave is planned and requires the supervisor's approval in advance. (Exception: In an emergency, the employee must contact their supervisor prior to the start of their shift to request leave.

**Sick Leave** – Employee and supervisor must inform Human Resources of any serious illness resulting in more than 3 days absence so the employee rights can be advised of any additional benefits available.

**Sick Flex Leave** – Up to two work weeks of accrued sick leave per fiscal year may be used for family illness, childcare emergencies, urgent personal business, or religious observance. Some examples are medical care for a family member, parent/teacher conference, funeral not covered by bereavement policy (i.e. family member not covered under bereavement leave below, close friend, etc.), court attendance not covered by jury duty leave, personal property emergency. Sick flex leave may not be used for pleasure or to extend your resignation date. . Sick Flex hours are deducted from your existing sick leave balance, they're not extra hours.

**Bereavement Leave** – Supervisors will grant employees up to 4 working days of bereavement leave. This leave applies in the case of the death of a child, grandchild, parent, grandparent, parent-in-law, brother, sister, spouse, or anyone who has lived regularly in the household of the employee. Non-exempt employees should record this leave on their timesheets and there is a Bereavement form located on the PCE-Human Resources Intranet website which should be used to request leave.  
<https://csmd.sharepoint.com/sites/HRO/SitePages/bereavement-leave-request-form.aspx?ga=1>

Additionally, in accordance with federal and state law, the college offers the following types of leave:

### **Family & Medical Leave Act (FMLA)**

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons.

Only eligible employees are entitled to take FMLA leave. An **eligible employee** is one who:

- Works for a *covered employer*;
- Has worked for the employer for at least *12 months*;
- Has at least *1,250 hours* of service for the employer during the 12-month period immediately preceding the leave\*; and
- Works at a location where the employer has at least *50 employees within 75 miles*.

Eligible employees may take up to **12 workweeks** of leave in a 12-month period for one or more of the following reasons:

- The birth of a child or placement of a child with the employee for adoption or foster care;
- To care for a spouse, child, or parent who has a serious health condition;
- For serious health conditions that makes employees unable to perform the essential functions of their job; or
- For any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or call to covered active-duty status.

**If the need for leave is foreseeable, the employee must provide their supervisor and Human Resources with at least thirty (30) days written notice before the leave is to begin. When the need is not foreseeable, employees must provide notice of intent to take leave as soon as practicable. If leave is needed due to a planned medical treatment, employee must make a reasonable effort to schedule the treatment to avoid disruption to the college's operations.**

**Supervisors are required to contact Human Resources any time they become aware of the potential need for leave under the Family and Medical Leave Act for any of their employees.**

**For additional information, please refer to the Department of Labor Family and Medical Leave Act Fact Sheets available at [dol.gov](http://dol.gov). Consult with Human Resources for additional information and guidance.**

#### **Leave Without Pay – Acceptable**

**Exception for new employees** – A supervisor may grant leave without pay for a new employee at time of hire when a vacation had been planned in advance and will occur before the employee has earned enough annual leave to cover the absence. Human Resources must be notified of the arrangement prior to in processing the new employee or as soon as possible.

**Military Leave** – See “Military Leave” for complete information.

**Other** – Leave without pay may be granted with the supervisor's and vice president's approval, on a limited case-by-case basis.

**Leave Without Pay – DISCIPLINARY** – Absences resulting in leave without pay, other than for the circumstances listed under “Leave without pay – Acceptable,” are subject to disciplinary action. If the employee has no leave or time to cover an absence, the employee and supervisor must meet with the human resources AVP immediately and prior to completing the timesheet (non-exempt) or leave slip (exempt). The employee will be charged leave without pay, documentation will be completed, and counseling or disciplinary action may be taken.

#### **Jury Duty Leave**

Supervisors will grant employees paid time off from work to fulfill jury duty obligations.

- Non-Exempt Employees:  
Record jury duty leave under “Additional Time” in Self-Service Time Entry. Select *Jury Duty Leave* and remove the corresponding hours from the *Perm Staff* line item.
- Exempt Employees:  
Record the time off using *Annual Leave* or *Sick Leave* in Self-Service Leave Reporting,

appropriate.

Employees must provide their supervisor with a copy of the jury duty notice. The notice should also be forwarded to the Human Resources Department via email.

**Military Leave** – The college adheres to the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) The Act provides job and benefit protection rights for members of the uniformed services and generally allows employees to take up to five years of leave for military service. USERRA specifically prohibits denying initial employment, retention, reemployment, promotion, or any employment benefit based on military membership or obligation.

For additional information on the above, including your rights to benefits continuation, refer to the **Department of Labor Know Your Rights USERRA page available at [dol.gov](http://dol.gov). Consult with Human Resources for additional information and guidance.**

**Military Leave - Maryland State Retirement System (MSRS) Benefits:** Retirement calculations for reemployed Uniformed Service members who are in the Maryland State Retirement System (MSRS) will not reflect a break in employment for military leave for purposes of calculating pension benefits or for vesting purposes. When activated for military duty, the employee (or Retirement Coordinator in the employee's absence) must complete MSRS Form 46 Application to be Placed on a Qualifying Approved Leave of Absence. After returning from military duty, the member must submit Form 43 Claim of Retirement Credit for Active-duty Military Service in order to receive service credit for the time spent in the military that interrupted the member's service. CSM will contribute to the MSRS or Optional Retirement System as appropriate the amount needed to fund the returning Uniformed Service member's benefit for the period of military leave.

	<b><u>Leave Accrual Chart</u></b>
/ PPH	Indicates "divided by" in the formulas Pay period hours (Total hours worked per year divided by 26 pay periods)
LF	Leave factor:  <u>Annual Leave</u> (staff & 12 mo. Faculty) 0-3 years at CSM = 1.0 LF (10 days per year basis) 4-7 years at CSM = 1.5 LF (15 days per year basis) 7+ years at CSM = 2.0 LF (20 days per year basis) Anniversary date prior to 4/84 = 2.5 LF (25 days per year basis)  <u>Sick Leave</u> Sick leave (staff & 12 mo. Faculty*) = 1.3 (13 days per year basis) Sick leave (10 mo. Faculty**) = 1.0 (12 days per year basis) *full-time staff working 40 hours/week and 12 mo. faculty working 35 hours/week **10 mo. faculty working 35 hours/week (Sick leave is pro-rated for staff and faculty who work less than full-time hours)

LHY        Leave hours earned per year (PPH x LF)  
LHPP       Leave hours earned per pay period (LHY/26 pay periods)

**Formula for Annual Leave Earned Per Pay Period**

$$\text{PPH} \times \text{LF} = \text{LHY} / 26 \text{ pay periods} = \text{LHPP}$$

Example #1: For a full-time staff employee who has been a CSM employee for 8 years and works 40 hours per week (2,080 hours per year):

$$80 \text{ PPH} \times 2.0 \text{ LF} = 160 \text{ LHY} / 26 \text{ pay periods} = 6.15 \text{ LHPP}$$

Example #2: For a part-time staff employee who has been a CSM employee for 2 years and works 20 hours per week (1,040 hours per year):

$$40 \text{ PPH} \times 1.0 \text{ LF} = 40 \text{ LHY} / 26 \text{ pay periods} = 1.54 \text{ LHPP}$$

**Formula for Maximum Annual Leave Accrual**

$$\text{Annual LHY} + (\text{PPH} \times 1.5) = \text{MAX}$$

Each employee has a maximum annual leave accrual. When the maximum is reached, no more leave can be accrued until the balance has been reduced. Maximum annual leave accrual = annual leave earned per year + (pay period hours x 1.5)<sup>1</sup>.

Example #1: For a full-time employee who has been a CSM employee for 8 years and works 40 hours per week:

$$160 \text{ Annual LHY} + (80 \times 1.5) = 280 \text{ hours MAX}$$

Example #2: For a part-time employee who has been a CSM employee for 8 years and works 20 hours per week:

$$40 \text{ Annual LHY} + (40 \times 1.5) = 100 \text{ hours MAX}$$

**Executive Leave:**

Associate Vice Presidents and Vice Presidents will accrue at the rate of 4 weeks of Annual leave upon hire. Executive Directors will accrue at the rate of 3 weeks of Annual leave upon hire. Exceptions to the executive leave policy may be granted, in rare circumstances, at the discretion of the President.

**Leave Usage**

Employees earn annual leave based on length of service and scheduled hours per pay period and sick leave based solely on scheduled hours per pay period. Employees should plan and use all accrued leave responsibly. Employees' leave balances appear on their earnings statement.

### **Procedures**

1. **Requesting Foreseeable Leave** - The employee must request annual or sick leave by contacting their supervisor in advance.

Foreseeable sick leave (i.e. scheduled surgery or the like) requires the supervisor's approval in advance. (Please refer to the **Family & Medical Leave Act (FMLA) section above if leave will extend beyond 3 full consecutive days.**)

2. **Unforeseeable Sick Leave** – Unforeseeable sick leave requires the employee to call in prior to the start of their workday. If the employee is completely incapacitated and unable to communicate, the supervisor will accept notification from the employee's next of kin. Each supervisor or designee of the supervisor may establish call-in procedures appropriate for the department. If an illness results in an absence of more than 3 full consecutive calendar days, the supervisor must report the absence to HR (please refer to Family & Medical Leave Act (FMLA) information above) and will require a doctor's certificate for all time off due to illness prior to allowing the employee to return to work. Request for medical information may still be required in other situations, regardless of number of consecutive days absent. If the employee does not have accrued sick leave, or accrued annual leave must be used.

3. **Reporting Leave Usage** - Leave is used and reported in quarter hour increments. After leave is taken, it should be recorded according to employment category as follows:

**Non-Exempt Employees:** Annual and Sick Leave is recorded via Self-Entry Time Entry.

Employees who are absent in an approved leave status when the college is closed due to weather and emergency closings are not charged leave for the time the college is closed.

4. **Return to Duty after Illness or Injury** – Employees returning to work after a hospitalization or incapacitating illness/injury must provide the supervisor with a medical release to return to work. If an employee is absent for 3 days or more, the supervisor will require a doctor's certificate for all time off due to illness.

2. **Adjustment of Final Pay for Leave** - Employees who have a positive Annual leave balance are paid out their annual leave balance with their final pay. Sick-leave is not paid out.

3. **Unused Sick Leave** – Employees enrolled in the Maryland State Retirement System (MSRS) who retire directly upon terminating employment will receive additional creditable service for accumulated unused sick leave. Creditable service determines the amount of the monthly benefit amount; therefore, unused sick leave can increase the size of the retirement allowance. However, it does not affect when an employee is eligible to retire, nor does it alter any early retirement reduction factor. The employee receives one month of additional creditable service for each 22 days of unused sick leave reported. A maximum of 15 unused sick days for each year of membership may be applied to calculate additional service.

Unused sick leave is not creditable for employees enrolled in the Optional Retirement Program (ORP).

**Reference:** Board of Trustees Policy Manual

For more information contact: Human Resources & Payroll Services, 301-934-7700

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