



Leave and Duty Status

Section: 1.448
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1.448 Leave and duty status

- A. The University System of Maryland (USM) and University of Baltimore (UB) Policies, the agencies Procedures Manual and the current Memorandum of Understanding (MOU) delineates the specifics of the leave system for university employees.
- B. Agency directives relating to leave compliment and expand upon USM and UB leave directives. Because agency directives are derived from regulations established outside the agency, they are subject to change or interpretation without notice.
- C. All leave must be approved prior to the absence, or after the fact in certain sick leave situations.

1.448.02 Leave Request and Authorization

- A. The agency is mandated to provide police, and security services to the university on a 24/7 basis. As such, the following procedures shall ensure that consistent planning is established to properly manage departmental staffing levels.
- B. Employees are required to follow established procedures when requesting leave (except Sick Leave) and each shares in the responsibility for ensuring the university remains compliant with the Memorandum of Understanding (MOU) between the Fraternal Order of Police (FOP) and the University of Baltimore.
- C. The actual accrual and specifics of leave are outlined in the above referenced MOU. It is also the policy of the UB Police Department to be compliant with the terms and conditions of the above referenced MOU and USM Policy VII-7.00.
- D. Employees will not be absent from duty, except as provided in university and agency directives. Employees who are absent without approval are considered to be in the status of "unauthorized absence" (UA).
 - 1. Unauthorized absences will be reported by employees' supervisors, through the chain of command, to the Captain .
 - 2. The attendance records of employees who are in UA status should so indicate and should not be confused with legitimate leave of absence with pay.
 - 3. Unauthorized absences will be investigated to determine if officers failed to appear or were AWOL.
 - 4. Employees taking leave without sufficient leave balance may be considered to be in a UA status.

1.448.04 Responsibility

- A. It is incumbent on agency supervisors to arrange work so that employees can receive leave which they are entitled and, when feasible, at times requested by employees.
- B. Employees are primarily responsible for monitoring, managing and planning their leave usage and are to submit leave requests to their supervisors in advance of its anticipated use.
- C. To ensure staffing levels are properly distributed throughout the entire year in order to provide for the safety and security of the campus, and to properly plan and manage staffing levels the following procedures are to be followed.

1.448.06 Approval

- A. Leave requests will be granted on a first-come, first-served basis based on:
 - 1. Agency operational staffing levels and requirements;
 - 2. Prior commitments such as court, training, etc., of requesting officers; and
 - 3. Length of leave periods requested.
- B. The agency is responsible for announcing, in a timely manner, to all personnel dates where it is anticipated operational needs will necessitate either no or fewer leave days being granted.
 - 1. First two weeks of classes, both graduations, Artscape and others as may be deemed necessary.
 - 2. Agency personnel are responsible for being aware of agency announced no-leave or low-leave dates and scheduling their leave requests accordingly.
 - 3. Leave requests may be granted in exception to agency needs where demonstrated hardships are proven
- C. Leave balances are on employees' timekeeping records. Employees are ultimately personally responsible for knowledge of their leave balances, leave management, and accurately documenting leave usage on their time keeping records.

1.448.08 Administrative Leave

The Director of University Human Resources may authorize administrative leave with or without pay as the result of special circumstances and upon recommendation by the Captain.

1.448.10 Emergency Conditions: Cancellation of Classes & Essential Personnel Requirements

- A. Closings of the university and/or release of employees due to emergency conditions, e.g., snow, ice, etc., will be announced through UB homepage, broadcast email, text, or the Emergency Notification Line (410) 837-4201.
- B. The Captain has the agency-wide authority to establish agency operational hours and modify essential/non-essential classifications of employees based on the nature of the emergency conditions.
- C. Agency personnel are designated as essential or non-essential personnel according to their assignments within the agency.
 - 1. Employees assigned to Operations are essential personnel.
 - 2. Employees will be informed of their essential or non-essential status, or changes to their status, on employment, transfer, promotion, or as otherwise appropriate.
- D. Essential personnel, as defined by the University System of Maryland is:

“An employee of a facility who has been designated as vital to the operation of the facility, whose presence is required regardless of the existence of an emergency condition, and whose absence from duty could endanger the safety and well-being of the campus population and/or physical plant...”

- E. The University of Baltimore Police Department (UBPD) is mandated to provide 24/7 uninterrupted service to the university, and employs police officers, and security officers to that end. The agency values the contributions of each employee and realizes that each individual plays an integral part in the effective and efficient operation of the department. Therefore, all operational members of UBPD are classified as “Essential Personnel.”
- F. Essential personnel are expected to report for their normal tours of duty when the university is closed due to emergencies. When an “essential personnel must report” situation is announced, employees are required to report for duty as scheduled and as necessary to maintain full staffing levels to provide police service, and safety and security services as necessary. Emergency situations may arise that necessitate extending the normal work hours of an employee or it may result in a “call back” situation.
- G. In instances when the University is closed, all personnel scheduled to work are required to report unless the employee is on leave, or authorized in advance to be off.
- H. Employees are required to contact the Police Communications Center one hour in advance of their scheduled reporting time to:
 - 1. Receive reporting instructions
 - 2. Advise of their “Estimated Time of Arrival”
 - 3. The Police Communications Officer will document the call and ensure notification is made to the Supervisor/OIC and Lieutenant.

1.448.12 Supervisor/OIC

- A. Supervisors shall keep a roll call sheet of personnel reporting for duty, their time of arrival, and their post assignment.
 - 1. The roll call sheet should also list the personnel who called-in and provided the required information.

1.448. 14 Failure To Report – Essential Employees

- A. Per the University System of Maryland School Policy, ***“only extenuating circumstances of a most serious nature will warrant the exemption of an essential employee from the requirement to report for duty in a timely manner.”***
- B. Essential employees who do not report for duty when the university is closed due to emergencies may have their absence charged against previously earned leave and may be subject to appropriate disciplinary actions.
- C. Personnel calling off sick (even for one day) during an “Essential Personnel” situation will be required to provide their respective supervisor with a valid doctor’s slip indicating:
 - 1. date of treatment
 - 2. date available to return to work.
- D. If a valid doctor’s slip is not produced upon the employee’s return to work the incident shall be handled as a performance issue. It will be noted on the next PMP which may negatively impact any merit pay increase.

1.448.16 Non-Essential employees

- A. Non-essential employees who are not previously scheduled to report for duty when the university is closed due to emergencies will be paid for hours worked at their regular rate of pay and are not entitled to additional compensation.
- B. When the university is closed prior to the start of non-essential employees' normal shifts, they will receive paid administrative leave for their normal shifts.
- C. When the university is closed after the start of non-essential employees' normal shifts, they will be released and will receive paid administrative leave for the remainder of their normal shifts.
- D. Employees who are otherwise non-essential, but who are notified to report for duty because they were called in will be appropriately compensated.
 - 1. Employees who are unable to respond because of exigent circumstances remain non-essential and will receive paid administrative leave in accordance with this directive.
 - 2. Employees who are able to respond become essential personnel and will be compensated in accordance with this directive.
- E. Employees who do not report for duty prior to the university closing will have their hours of absence charged against previously earned leave.
 - 1. Employees in a prior approved leave status, i.e., on leave that has been approved before declared emergency conditions become effective, will have their absences charged to their preapproved leave types.
 - 2. Employees who are on duty, but who request and receive approval to use earned leave prior to the university being closed due to emergencies will have their hours of absence charged against previously earned leave.

1.448.18 Annual Leave

- A. Annual leave is cumulative and based on employment classification and length of service with the state.
- B. Annual leave with pay is available to employees to the extent earned, provided the dates for the leave have been approved.
- C. Non-Exempt staff, from the first through the sixth month of service, no annual leave is earned but is credited for record-keeping.
- D. After completion of the sixth month of service, this annual leave becomes earned and available for use.
- E. Leave may be granted generally only to the extent earned.
- F. Annual leave, up to a maximum of 400 hours, may be carried over into a new calendar year. Annual leave in excess of 400 hours will be lost at the beginning of the first full pay period of the next calendar year.
- G. There is no restriction on the number of hours/amount of time Annual Leave can be taken. It need not be in increments but in actual time
- H. Prior to February 15th of each year, all UBPD personnel who accrue annual leave as outlined in USM Policy VII-7.00 shall submit **AT LEAST** one half (1/2) of their total accrued leave to their respective supervisor for tentative approval using the Absence/Lateness/Leave (ALL) Request Form.

For example, an officer accrues 25 days of vacation annually. The officer will submit at least 12 days of vacation by February 15th. This submission assures officers with seniority the opportunity to select their days off.

- I. **Annual leave submitted after February 15th shall be submitted for approval at least 48 hours prior to the requested leave date. Approval shall be granted in keeping with manpower staffing levels and on a first come first serve basis. In the event two individuals with the same job classification submit leave request on the same day, the senior individual will be approved.**
- J. The ALL Forms will be reviewed by supervisors between January 1st and February 15th.
- K. At the sole discretion of the Supervisor/OIC and with articulable justification, the 48 hour notice requirement can be waived PROVIDED the request (emergency or otherwise) was made within 2 hours of the beginning of the requesting employee's shift.
- L. The Shift Supervisors shall be responsible for maintaining the departmental master schedule (vacation, personal, holiday, sick, etc.) ensuring staffing levels will not adversely impact the safety and security of the university community. The Lieutenant will assist in this effort.
- M. Subject to personal reasons of an officer or unusual departmental/university circumstances, leave submitted and approved prior to February 15th may be changed, provided it does not negatively impact staffing levels, and provided both parties agree.
- N. Moreover, the university will not arbitrarily cancel leave submitted and approved prior to February 15th unless a critical situation exists at the university.
- O. If leave is denied, the employee will report for work as scheduled. Failure to do so will result in administrative/disciplinary action.
- P. ALL personnel will submit their annual leave requests PERSONALLY to **their** respective Supervisor/OIC.
 - 1. This applies to annual leave submitted by February 15th or leave submitted with a 48-hour notice requirement, or an emergency leave request that the Supervisor/OIC could waive the 48-hour notice.
 - 2. When this is not possible due to an unusual circumstance, ALL personnel will PERSONALLY submit their leave requests to the Supervisor/OIC or the Lieutenant.
 - 3. The Supervisor/OIC taking such requests shall make every effort to ascertain if the request can be honored without adversely impacting staffing levels. Additionally, the Supervisor/OIC will contact the appropriate Supervisor/OIC as soon as possible and advise of the leave request.
 - 4. POLICE COMMUNICATIONS OFFICERS DO NOT APPROVE **ANY** TYPE OF LEAVE.

1.448.20 Personal Leave

- A. Personal leave shall be submitted for approval 24 hours prior to the requested leave date.
- B. At the sole discretion of the Supervisor/OIC and with articulable justification, the 24 hour notice requirement can be waived PROVIDED the request (emergency or otherwise) was made within 2 hours of the beginning of the requesting employee's shift.
- C. If leave is denied, the employee will report for work as scheduled. Failure to do so will result in administrative/disciplinary action.
- D. ALL personnel will PERSONALLY submit their personal leave requests to **their** respective Supervisor/OIC. When this is not possible due to an unusual circumstance, ALL personnel will PERSONALLY submit their personal leave requests to the "On Duty" Supervisor/OIC or the

Lieutenant. The "On Duty" Supervisor/OIC taking such requests shall make every effort to ascertain if the request can be honored without adversely impacting staffing levels.

- E. Additionally, the "On Duty" Supervisor/OIC will contact the appropriate Supervisor/OIC as soon as possible and advise of the leave request. POLICE COMMUNICATIONS OFFICERS DO NOT APPROVE **ANY** TYPE OF LEAVE.

REMINDER: Personal Leave is to be used within the calendar year. Failure to use the personal leave within the prescribed time may result in forfeiture of any remaining time.

1.448.22 Holiday Leave

- A. Generally, the university will be closed on specified State/University holidays. However, due to the UBPD's mission, our personnel are required to work on these specified holidays to meet operational needs. UBPD personnel holidays are prescheduled based upon the workweek schedule rotation. Nevertheless, all UBPD personnel covered by the MOU are entitled to 14 holidays/University AHL days (15 during a Presidential election year). As a result, UBPD personnel scheduled to work on a specified, prescheduled holiday and are not able to observe the holiday on the day of observance shall comply with the following protocols.
- B. Non-essential staff will take holiday leave when the holiday is celebrated by the university unless specifically authorized by the Captain.
- C. Essential personnel who work the holiday are paid at their regular straight time rate of pay for all hours worked plus any overtime worked to perform their duties.
Exception - In the event the officer (sworn) is required to work on Thanksgiving Day and/or Christmas Day the employee will receive pay at the rate of one and half (1½) times their regular straight time rate of pay for all hours worked on those days.
- D. UB Police Department personnel who must work a holiday may observe/take-off that holiday with pay on an alternative date 45 days before or 45 days after the date initially prescheduled.
- E. However, due to any unforeseen, critical or exigent circumstance that would require the employee to work on the alternate/agreed to day, the employee may be paid at the applicable rate for all hours worked AND provided with a regular day's pay as holiday pay in lieu of being granted another day off.
- F. Receiving this extra "holiday" pay in lieu of receiving a day off is not a standard option to be selected by the employee or university. Rather, it is a protection for the employee to ensure he/she receives proper compensation for having to work on a holiday and not granted another day off due to exigent circumstances.
- G. Every effort MUST be made to avoid carrying over any holidays more than 30 days into the next calendar year.

1.448.24 Approval Form

- A. All leave (annual, personal, sick, holiday, contingent, etc.) will be submitted on the Absence/Lateness/Leave (ALL) Request Form. No other form is to be used when submitting leave.
- B. If for any reason an employee elects not to take a previously approved leave day, the employee shall submit to their Supervisor/OIC ANOTHER Absence/Lateness/Leave Request form, completing the required information "checking" the box marked "Cancel Request."

- C. The Shift Supervisors will ensure that the ALL Form and is documented on the departmental master schedule. The Shift Supervisors will also ensure that the ALL Form is forwarded through the chain of command to the Captain.

1.448.26 Illness in Employee's Immediate Family Leave

- A. Leave is granted to afford employees the opportunity to care for members of their immediate families. Immediate family members are:
 - 1. spouse,
 - 2. child
 - 3. step-child
 - 4. foster child
 - 4. grandchild
 - 5. mother
 - 6. father
 - 7. mother-in-law
 - 8. father-in-law
 - 9. brother
 - 10. sister
 - 11. grandparent, or
 - 12. legal dependent of the employee irrespective of residence
 - 13. Use of sick leave may also be granted to care for any other relative who permanently resided in the employee's household for whom the employee has an obligation to provide care.
- B. Sick leave for instances of illness in employee's immediate family leave will be accounted for, managed, and documented in a similar manner, but separately, as family sick leave.

1.448.28 Family Leave Without Pay

- A. The agency complies with directives established by the federal Family and Medical Leave Act (FMLA).
- B. Qualified employees may receive up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons. When requested by employees, unpaid leave must be granted:
 - 1. To care for children born into, adopted into, or placed as foster children into employees' families;
 - 2. To care for employees' spouses, sons or daughters, or parents who have serious health conditions; or
 - 3. For serious health conditions that make employees unable to perform their jobs.
- C. Employees are eligible for family leave without pay if they have worked for the agency or university for at least one year and for 1,040 hours during the previous 12 months.
- D. Certain kinds of paid leave may be substituted for unpaid leave at the option of employees or the agency.
- E. Employees may be required to provide advance leave notices and medical certifications in order to be granted family leave without pay.
 - 1. Employees must ordinarily provide 30 days advance notice when leave is foreseeable.
 - 2. The agency may require:

- a. Medical certificates to support requests for leave because of serious health conditions;
 - b. Second or third opinions at the agency's expense; or
 - c. Fitness for duty reports for employees to return to work.
- F. For the duration of FMLA leave, the agency must maintain employees' health coverage under any group health plan. Employees are responsible for continuing the employees' portion of health coverage premiums.
- 1. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
 - 2. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of employees' leave.
- G. The FMLA makes it unlawful to:
- 1. Interfere with, restrain, or deny the exercise of any right provided under the FMLA; or
 - 2. Discharge or discriminate against persons for opposing practices made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
- H. Requests for family leave without pay will be submitted through the chain of command to the Captain who will make recommendations and forward requests to University Human Resources.

1.448.30 Jury Duty

- A. This paid leave is available to all regular employees who are selected for jury duty provided the employee notifies the supervisor immediately upon selection.
- B. Since employees now submit a web timesheet, the jury duty documentation must be provided to the supervisor before submission of the timesheet.
- C. If employee's services are not required and employee is dismissed for the day, return to work is required.
- D. If documentation is not submitted with the timesheet, jury duty leave cannot be used.
- E. Use of jury duty leave provides for an absence from work without loss of pay or charge to any leave for the day(s) of the jury duty service.

1.448.32 Subpoenas

- A. If an employee is summoned to appear in court, grand jury, or for a deposition, and is either not a party to the action nor a paid witness, the employee may be absent from work without loss of pay or charge to any leave.
- B. The employee must provide documentation to the supervisor that verifies attendance and attach to the timesheet when the leave is taken.
- C. If documentation is not provided, the employee may not use Legal Actions Leave.

1.448.34 Military Leave

- A. An employee who is a member of the Army, Navy, Air Force, Marine or Coast Guard reserve is entitled to a leave of absence with pay for military training up to 15 work days in a calendar year.
- B. A copy of military orders must be submitted in advance to the supervisor at least 60 days in advance of the leave.
- C. The employee's leave will not be charged.

1.448.36 Sick Leave

It is the policy of the UBPD to be in compliance with the current MOU between the American Federation of State, County and Municipal Employees (AFSCME), Council 91 and the University of Baltimore (Sworn Police Officer Unit, Non-Exempt Employee Unit). Moreover, this policy is established to verify an employee's use of sick leave to wit: ensure employees seek proper medical attention for illnesses, to prevent the abuse of sick leave usage, and to establish that any requirement for certification is not a disciplinary action, in and of itself. Such a requirement, if necessary, is a performance issue.

- A. Sick leave is designed to provide paid leave when employees or their immediate family members are sick, disabled, injured, or need to attend necessary medical appointments.
- B. Employees will not abuse sick leave.
- C. Employees may be required by the Captain or designee to submit to physical examinations by a university designated physician to determine fitness for duty.
- D. There is no maximum accumulation level for sick leave.
- E. The sick leave rate of accrual equals 120 hours a year.
- F. Upon separation from university service, employees will have unused sick leave converted to count toward service credit with the university at the rate determined by University Human Resources. Unused sick leave is not converted to cash payment.
- G. Employees are allowed to utilize sick leave when they are unable to report for their regular tours of duty as the result of:
 - 1. Their own illnesses or non-duty related injuries;
 - 2. Duty related illnesses or injuries prior to approval of accident leave;
 - 3. Illness in employees' immediate families;
 - 4. Medical appointments;
 - 5. Deaths in employees' immediate family;
 - 6. Childbirth related disabilities; or
- H. If an employee becomes ill, injured or disabled during annual or personal leave usage, the employee may charge such an incident to sick leave. However, such illness, injury or disability will require verification from a certified medical provider as defined in the MOU.
- I. Employees are encouraged to schedule medical appointments so as not to conflict with work schedules.

1.448.38 Verification for Absences for five (5) or more consecutive days

- A. Any UBPD employee who is out sick for five (5) or more consecutive days will:
 - 1. Upon returning to work provide a certificate (doctor's note), signed by a certified medical provider, to their respective supervisor.
 - 2. The certificate will show all dates of absences AND the date available to return to work.
 - 3. Failure to do so will result in administrative/disciplinary action.

1.44840 Categories of Occurrences/Absences requiring a sick slip

- A. When an employee has a consistent pattern, in a "rolling" twelve (12) month period, of maintaining a zero or near zero sick leave balance without documentation of the need for such relatively high utilization. A "rolling" twelve month period is **NOT** a calendar year.

- B. When an employee has unusual absence pattern such as: calling off sick immediately before or after their regular scheduled days off; or calling off sick the day before and/or the day after a holiday or annual leave.
- C. When an employee has five (5) or more occurrences of undocumented sick leave usage within a “rolling” twelve (12) month period.
 - 1. The supervisory oral counseling mentioned in “A” below will take place upon the employee reaching the fourth (4th) undocumented sick leave usage with in a “rolling” twelve (12) month period.
- D. When an employee has three (3) or more occurrences of undocumented sick leave usage of two (2) or more consecutive days within a “rolling” twelve (12) month period.
 - 1. The supervisory oral counseling mentioned in “A” below will take place upon the employee reaching the second (2nd) undocumented sick leave usage within a “rolling” twelve (12) month period.

1.448.42 Supervisory Counseling for Sick Leave Usage for Absences of Less than Five (5) Consecutive Days

- A. Prior to imposing a requirement for an employee to document sick leave usage (one-day sick slip) the supervisor will orally counsel the employee that future undocumented absences will trigger a one-day sick slip requirement.
- B. If the employee has another undocumented absence after such counseling the employee will be provided with a written notice that he/she will be placed on a one-day sick slip requirement for a period of six (6) months.
- C. If the employee has complied with the certification requirement for a period of six (6) months, the one-day sick slip requirement shall be rescinded.
- D. However, if the employee has not been in compliance, the one-day sick slip requirement shall be extended for six (6) months from the date of non-compliance.
- E. Failure to provide the required certification will result in administrative/disciplinary action.

1.448.44 Pre-Scheduled Medical Appointments for Employee and/or Immediate Family

- A. As outlined in current MOU.

1.448.46 Use for Death of a Close Relative and/or Death of Spouse’s Aunt, Uncle, Niece or Nephew

- A. As outlined in current MOU.

1.448.48 Use in Accordance with the FMLA Leave

- A. As outlined in current MOU.

1.448.50 Union Leave

- A. AFSCME may request that bargaining unit employees be released from their normal duties for the purpose of participating in approved union activities.
- B. The total amount of paid Union Leave days granted by the University each fiscal year covered by this MOU shall not exceed three (3) days.

- C. All requests for Union Leave shall be submitted to the institution Associate Vice President (AVP) of Human Resources in writing by Council 92 fifteen (15) working days in advance of the day on which the leave is to begin and shall include:
 - 1. A general description of the activity and its purpose;
 - 2. The date and location of the activity;
 - 3. The name(s) of the employee(s) for whom union leave is being requested.
- D. After verifying the validity of the request with a staff union representative and the accuracy of the time being requested, the institution AVP of Human Resources may approve union leave if the employee's services can be spared without impairing the services of the department and union leave is available. Approval of leave under this section shall not be unreasonably denied.
- E. If the employee organization needs to substitute an employee or employees for those previously granted union leave, or substitute new dates, such requests will be submitted as soon as possible to the institution AVP of Human Resources for approval. Such substitutions may be approved if the substitution will not impair the services of the unit. Approval of substitutions or dates shall not be unreasonably denied.

1.448.52 Communications Responsibility – Sick Leave/Sick Call

- A. Communications personnel receiving any notification (phone call, email, etc.) that ANY department member is calling out sick or can't report for their assigned shift shall:
 - 1. Notify the Shift Supervisor/OIC as soon as possible.
 - 2. Document the call on the ALL Form.
 - 3. If the PCO is unable to contact the affected supervisor, the PCO shall immediately notify the Lieutenant and await further direction.

1.448.54 Accident Leave

- A. As per the current MOU, and USM policy, accident leave is available only to those employees who are appointed on a permanent basis and who are otherwise eligible for leave.
- B. Accident leave is leave with pay that is granted to employees who sustain injuries or occupational diseases that are determined to:
 - 1. Be compensable according to the Maryland Workers' Compensation Law; and
 - 2. Have occurred in the actual performance of job duties.

1.448.56 Bereavement Leave

- A. Per the current MOU, Bereavement Leave is taken from an employee's available sick leave balance, and is used for the death of a close relative.
- B. Up to 5 days may be used for a spouse, child, stepchild, mother, father, or someone who took the place of a parent, mother-in-law, father-in-law, grandparent, grandchild, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law, or other relative permanently residing in the employee's household.
- C. If bereavement leave is used frequently, the employee may have to produce documentation when requesting this leave.
- D. If travel is involved, up to 7 days may be granted. One day of bereavement leave may be used for the death of the employee's aunt, uncle, niece, nephew, or employee's spouse's aunt, uncle, niece, or nephew.

- E. No additional time is granted if travel is involved.
- F. Bereavement leave is part of the sick leave that employees earn, and when it is used, it reduces from the sick leave balance.